

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers
FROM: Chairman Phil Mendelson
Committee of the Whole
DATE: October 20, 2020
SUBJECT: Report on Bill 23-150, “Addressing Dyslexia and Other Reading Difficulties Amendment Act of 2020”

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I. COMMITTEE RECOMMENDATION

The Committee of the Whole reports favorably on Bill 23-150, the “Addressing Dyslexia and Other Reading Difficulties Amendment Act of 2020,” adopts the Committee Print as approved by the Committee on Education with amendments, and recommends approval by the Council.

II. COMMITTEE REASONING & STEP-BY-STEP ANALYSIS

The purpose of Bill 23-150 is to improve the educational outcomes for students with reading difficulties,¹ including dyslexia, through increased educator training, universal screening of all K-2 public school students, greater intervention for students who demonstrate that they may have one or more reading difficulty, and adoption by local education agencies (LEA) of a science-based reading curriculum. Specifically, the bill does the following:

- Requires the Office of the State Superintendent of Education (OSSE) to provide an array of supports, which are to be informed by best practices, such as the knowledge and practice standards of an international association of dyslexia;
- Mandates that each District of Columbia Public School (DCPS) or District public charter school provide in-depth training for the number of educators equal to the number of K-2 teachers that work at the public school;
- Commands all educators to take annual awareness training;
- States that all LEAs are to screen all K-2 students for reading difficulties;
- Directs LEAs to provide remediation and intervention to all students who are at risk of having a reading difficulty, to notify parents of the screening results and the

¹ Bill 23-150 defines reading difficulty as any neurological or physical impediment to reaching grade-level developmental reading milestones, including dyslexia, dyscalculia, or dysgraphia, or other reading disabilities. Thus, when the Committee uses the term “reading difficulty(ies)” in this report, it means all reading issues, dyslexia, and other reading disabilities.

- intervention that will be provided, and to request a meeting to discuss individualized student support.
- Directs DCPS to transmit a letter to OSSE by October 30th of each year verifying that DCPS has complied with Bill 23-717, and if there is a deficiency, DCPS shall state the deficiency and the timeline for curing it. Public charter schools will send confirmation letters to the PCSB by October 30th of each year, and the PCSB shall transmit copies of each letter to the OSSE by November 15th of each year. OSSE shall make copies of the letters publicly available within 10 business days of receiving the compliance letters.
 - Instructs each LEA to adopt a science-based reading program.

By requiring these measures, the Committee seeks to improve the educational outcomes for students with a reading difficulty. Currently, our education system is based on the premise that a child learns to read up until the third grade, but during the third grade, students begin to read to learn. Thus, if students are struggling readers and have not mastered it by the beginning of third grade, they will begin to have issues in multiple subjects, as reading is fundamental. This makes it critically important that kindergarten, first, and second grade teachers not only know how to recognize if a student has a reading difficulty but how to intervene and provide meaningful instruction that will enable a child to overcome his or her reading difficulty. For this reason, the Committee believes that Bill 23-150 is a critical piece of legislation that should be approved by the Council.

While the Committee of the Whole's committee print is similar to that of the Committee on Education's, it does make several changes. Notably, many of these changes are driven by the need to keep the fiscal impact of this bill down to a manageable level. Training and intervention carry a cost with them, and in order to minimize that cost, the Committee had to trim down portions of the bill. Thus, the discussion below will highlight which changes were made due to fiscal considerations, as well as the Committee's rationale for the changes made in our committee print.

Section 101:

Section 101 contains the definitions for the bill. In this section, we have added two important definitions – dyslexia and educator. The Committee has chosen to include a definition for dyslexia, as individuals at the October 21, 2019 hearing on Bill 23-150 asked that a definition for dyslexia be included and noted that they have experienced issues with LEAs even calling it by its name.² Thus, the Committee is including a definition, which is derived from the definition used by the International Association of Dyslexia.³

With regard to the definition of educator, the Committee has chosen to include a definition, as there was ambiguity around the term and exactly which individuals it encompassed. Does it mean teacher? Or does it include school administrators, social workers, special education coordinators, etc.? Thus, the Committee has clarified in its committee print that for this bill, the

² See *Bill 23-150, Dyslexia and Other Reading Disabilities Screening and Prevention Pilot Program Act of 2019: Jt. Hearing before the Council of the District of Columbia Comm. of the Whole and Comm. on Ed.*, at 1 (written testimony of Jennifer Hausfield, Decoding Dyslexia)(attached to the Committee on Education's committee report on Bill 23-150).

³ See <https://dyslexiada.org/definition-of-dyslexia/>.

term educator encompasses a teacher, a school administrator, a guidance counselor, a social worker, or any individual who works with students with special needs in an academic capacity (e.g. a special education coordinator/supervisor, a special education teacher, or a special education aide).

In addition to adding these definitions, the Committee also added the definition of OSSE and public school at the recommendation of the Council's Office of the General Counsel. Further, the Committee has clarified that the definition of reading difficulty also includes dyslexia and other reading disabilities, dysgraphia, and dyscalculia and noted that the definition of science-based reading program encompasses a reading curriculum based on the science of reading.

Section 102:

This section requires OSSE to provide an array of supports, which are informed by best practices such as the knowledge and practice standards of an international association of dyslexia, to order to aid LEAs in meeting the requirements set forth in this bill. Specifically, OSSE must:

- Conduct regular, high-quality professional development for educators that will enable them to understand and recognize reading difficulties; screen for reading difficulties; and implement instruction in both general education classrooms and during reading interventions that is systemic, cumulative, explicit, diagnostic, multi-sensory, and evidence-based.
- Provide annual awareness training for educators
- Comprise a list of recommended screening instruments, which screen for phonological awareness, rapid naming skills, correspondence between sounds and letters, and decoding, that a LEA may use to identify which students are at risk of having a reading difficulty;
- Develop guidance on a number of topics, including how to identify if a student has one or more reading difficulties; how to determine if an English language learner's reading issue is due to a reading difficulty versus issues associated with learning English as a second language; proper protocols and procedures for screening students for potential reading difficulties; and specialized, multi-tiered remediation and intervention instruction, which is grounded in science-based reading instruction, intended for a general education setting, and designed to support students who are identified as being at risk of having a reading difficulty; and
- Hire at least one full-time individual, who has an expertise in reading and reading difficulties, to order to implement OSSE's portions of this bill.

While the Committee on Education's committee print also required OSSE to provide professional development, awareness training, a list of screening instruments that LEAs were required to use, and guidance on specialized and multi-tiered remediation and intervention, it also went further by requiring OSSE to create a list of approved science-based reading programs and guidelines for annual data reporting. However, the Executive⁴ and the Public Charter School Board (PCSB) expressed concerns with the two latter provisions. Specifically, both entities

⁴ This term encompasses OSSE, DCPS, the Deputy Mayor for Education, and the Mayor's Office of Policy and Legislative Affairs.

pointed out that curricular decisions are left up to each LEA and that while OSSE, in conjunction with the State Board of Education, sets standards, it does not tell LEAs how they have to teach those standards. Thus, both entities requested that LEAs be required to use a science-based reading curriculum without requiring OSSE to approve it. The Committee accepted this suggestion and hence struck the requirement for OSSE to create a list of approved reading curricula. With regard to OSSE setting forth data collection guidance, because the Committee has opted to amend the way that LEAs will report compliance with this law (see the discussion of Section 106 later in this report) it seemed unnecessary for OSSE to produce data reporting guidelines. Thus, this requirement has been removed from the Committee's committee print.

In addition to these changes, at the suggestion of the Executive and in consultation with Decoding Dyslexia, the Committee modeled OSSE's responsibilities after D.C. Code § 38-236.06, which sets forth OSSE's responsibilities pursuant to D.C. Law 22-157, the "Student Fair Access to School Act of 2017" (also known as the "Discipline Bill").⁵ Thus, the Committee's committee print articulates that OSSE must provide an array of supports to LEAs so that they can comply with this bill with fidelity and improve the educational outcomes for those students in the District who have one or more reading difficulties. OSSE may accomplish the requirements set forth in this bill through multiple different routes.⁶ Moreover, the bill indicates that these supports are to be informed by best practices, such as the knowledge and practice standards of an international association of dyslexia. Notably, the bill does not require OSSE to adopt or comply with any particular association's or group's standards but rather sets an expectation that OSSE will be guided by best practices in the area of reading difficulties when it is fulfilling its obligations.

One of the supports that OSSE is required to provide is regular, high-quality professional development that is more specific and in-depth. After this training, educators will be able to understand and recognize reading difficulties, screen for reading difficulties, and implement meaningful instruction in both general education and reading intervention settings. According to the Office of the Chief Financial Officer (OCFO) and OSSE, this training will be a total of eight days, spread over two years – four eight-hour days in year one and four eight-hour days in year two. While the Committee does flesh out more what is to be covered in the professional development, it is the Committee's understanding that doing so does not raise the cost of the training, as the length of training did not change between the Committee on Education's committee print and this Committee's committee print. Instead, the costs associated with the training are dependent on how many individuals have to be trained and thus why the Committee proposes narrowing who receives this more in-depth training (for a fuller discussion of this issue see the discussion on Section 103 below).

Another support that OSSE is obligated to provide is awareness training for all educators. At the October 21st hearing on this bill, witnesses testified over and over again that one major issue in serving children with reading difficulties is that educators need more awareness training so that they can properly advocate for their students and provide the correct type of instruction and intervention.⁷ Moreover, it is imperative that not just K-2 teachers be made aware of reading difficulties but also teachers of all grade levels, reading interventionists, school administrators,

⁵ See D.C. Law 22-157, the "Student Fair Access to School Act of 2017," effective August 25, 2018 (D.C. Code §38-236.06).

⁶ See Section 102(b) of Bill 23-150.

⁷ **ADD CITE.**

guidance counselors, social workers, and any individual who works with students with special needs in an academic capacity⁸ need to be able aware of the signs of reading difficulties and what they can do to aid students. In doing so, it broadens the pool of individuals who are on the lookout for whether a student has a reading difficulty and thus increases the probability that a student will be screened and receive intervention instead of falling through the cracks.

Although the Committee's committee print expands upon who must receive annual awareness training, the costs associated with it do not. The Committee does not elaborate on what must be included in this awareness training but intends for this training to be online and similar to that offered by Virginia's Department of Education.⁹ Because of this, the only costs associated with this training are the initial funds needed to create the training video in fiscal year 2022 and annual maintenance and hosting fees in fiscal year 2023 and beyond.¹⁰ Once OSSE has developed the training video, it can place it on OSSE's website, making it free for any educator in the District to take, thereby keeping the costs low and level despite broadening the pool of individuals who have to complete it.

A third support that OSSE is expected to provide is a list of recommended screening instruments that any LEA may use to screen their K-2 students annually. Although the Committee on Education's committee print also mandated that OSSE compile a list of screening instruments, it did not provide any flexibility to LEAs, as it indicated that each LEA had to use one of the screening instruments on OSSE's list. Taking such an approach means that if an LEA identifies a better screening instrument, it would be unable to use it since it would not be on OSSE's list. While a school may approach OSSE and ask them to add the screening instrument to OSSE's list, OSSE's review and approval process can take months – time an LEA may not have, especially since it is preferable that LEAs screen their K-2 students during the first grading period of each school year. Thus, the Committee proposes that OSSE create a list of recommended screening instruments instead of insisting that OSSE approve any screening instrument before an LEA can use it.

Additionally, to ensure that the screening instruments recommended by OSSE are driven by best practices and will truly demonstrate if a student is at risk of having one or more reading difficulties, the Committee is including four factors that each screening instrument must screen for: 1) phonological awareness; 2) rapid naming skills; 3) correspondence between sounds and letters; and 4) decoding. It is the Committee's understanding that the current screening instrument, DIBELS, used by DCPS and many public charter school LEAs meets these criteria. As such, requiring that each OSSE recommended screening instrument screen for these factors does not increase the cost of the bill.

Finally, OSSE must also issue guidance on three different topics: 1) how to identify if a student has one or more reading difficulties, including how to determine if an English language learner's (ELL) reading issue is due to a reading difficulty versus issues associated with learning

⁸ Because special education coordinators or supervisors, as well as special education assistants are not necessarily teachers, the Committee has chosen to define educator to include any individual who works with a student with special needs in an academic capacity. The Committee does not intend for that definition to include school nurses, janitors, or other individuals who are not providing academic assistance to a student with special needs.

⁹ See <http://www.doe.virginia.gov/teaching/licensure/dyslexia-training/index.shtml>.

¹⁰ See FIS for Bill 23-150.

English as a second language; 2) the proper protocols and procedures for screening students; and 3) specialized multi-tiered remediation and intervention instruction. Although the Committee on Education's committee print also instructed OSSE to provide guidance in these areas, the Committee has added in the requirement that OSSE issue guidance related to reading difficulties and English language learners at the request of PCSB and the DC Charter School Alliance. According to these two entities, ELL students are more likely to fail a reading screener not because they have a reading difficulty but because English is not their native language. Thus, they requested that OSSE be tasked with providing specific guidance related to this issue.

In order to implement this bill with fidelity, the Committee is directing OSSE to hire at least one individual who has an expertise in reading and reading difficulties. The Committee on Education's committee print is silent on this topic. Because the individual will be tasked with overseeing the implementation of this bill and be in charge of fulfilling OSSE's obligations, the Committee believes it is important that the individual be a subject matter expert in reading and reading difficulties. This decree does not increase the bill's fiscal impact, as the OCFO has indicated that OSSE needs one full-time individual in order to implement the bill.

The last difference in this section between the Committee on Education's and this Committee's committee prints is OSSE's implementation timeline. The Committee on Education's committee print is silent on when OSSE is expected to fulfill its obligations. Since the Committee is requiring that educators begin to receive professional development in School Year 2022-2023, the Committee feels that it is prudent to direct OSSE to have all of its guidance issued and professional development in place by the beginning of School Year 2022-2023.

Section 103:

This section focuses on the professional development and awareness training needed to educate the District's educators on how to not only recognize that a student may have a reading difficulty but how to intervene. Beginning with School Year 2022-2023, each public school who serves K-2 grades will be expected to provide professional development to the number of educators equal to the number of K-2 general education teachers at the public school. For example, if the public school has two kindergarten teachers, one first grade teacher, and two second grade teachers – for a total of five K-2 teachers – the public school will be expected to train five educators who work at the public school.

This model differs from the Committee on Education's committee print, as their committee print required each LEA to ensure that all general education teachers working with students in K-2 grades, all reading interventionists of all grade levels, and all special education teachers of all grade levels have completed the in-depth professional development. Thus, pursuant to their model, if a LEA has three reading interventionists at their middle school and seven special education teachers in their high school, the LEA would be expected to provide professional development to those ten teachers.

Such an approach is costly. According to the OCFO, the professional development costs approximately \$1,400 per teacher over the two-year period, or \$700 per teacher annually. The OCFO assumed that this model would mean that 1620 DCPS teachers and 1200 public charter school teachers would need to be trained. Additionally, because DCPS's teachers are unionized

and their collective bargaining agreement with the Washington Teachers Union stipulates that each teacher will be paid \$40 an hour for any additional professional development done outside of the school day, there is an additional cost of \$1,280 train each DCPS teacher. Thus, the administrative premium that would have to be paid to DCPS teachers each year would be approximately \$2.07 million, and the professional development for both DCPS and public charter school teachers would cost approximately \$1.98 million. This results in approximately \$4 million in professional development costs alone.

While the Committee believes that reading specialists and all special education teachers in each grade should receive professional development on how to instruct and intervene when a student has a reading difficulty, it recognizes that the funding for this bill has to be reasonable. If not, the bill risks not receiving any funding, resulting in no professional development for anyone. Thus, the Committee looked at various scenarios with regard to the professional development and found that training only K-2 general education teachers made the most sense economically. Yet, the Committee recognizes that each public school may find that they would prefer to train individuals other than just their K-2 teachers and that the principal at each public school would have a better sense as to who they believe should receive the professional development. Moreover, a larger public school may need more individuals trained than a smaller public school. Hence, the Committee has chosen to provide this flexibility by indicating that a public school who has K-2 general education teachers in its building must train the number of educators equal to the number of K-2 teachers. This allows each school leader to decide who will receive the professional development within their school while also reducing the cost. Under the Committee's model, 650 DCPS and 500 public charter school educators will receive training, bringing the professional development costs down by over a million dollars and reducing the DCPS administrative premium down approximately \$1.2 million.

In addition to altering who must receive professional development, the Committee is also providing flexibility with regard to who is providing the training. While OSSE is required to provide the professional development, the bill also allows for an LEA or a third-party to provide the professional development. If the public school chooses to take this route, it still must comply with OSSE's standards, providing professional development on the same topics that OSSE would provide. Additionally, if a third-party is delivering the professional development, the third-party must have an expertise in reading and reading difficulties. The Committee set this threshold to ensure that each public school is providing the best professional development to their educators.

The Committee is amending the timeline for the professional development. The Committee on Education's committee print states that the professional development shall occur no later than one year after the bill becomes law but this timeline would result in the professional development being done before OSSE has a chance to issue its guidance or structure its professional development. Therefore, the Committee has chosen to move the applicability date for the professional development to be in line with when OSSE is required to fulfill its requirements under the bill.

Finally, this section also requires each educator employed by a LEA in the District to complete awareness training. As noted above, the goal of this requirement is to aid all educators in understanding and recognizing the signs of a potential reading difficulty. Notably, the Committee on Education's committee print also states that all educators, not just teachers, must

complete awareness training. However, their committee print does not define the term educator. Thus, this Committee's committee print, upon the advice of the Council's Office of the General Counsel defines the term. While this may seem to expand upon what the Committee on Education intended, and individuals may assume that expanding who has to complete the awareness training is costly, as discussed above, once OSSE completes its awareness training video, it will be available to all educators in the District, so expanding who has to complete the training does not have a fiscal impact.

Section 104:

Section 104 of the bill speaks to the annual universal screening that each LEA must undertake beginning with School Year 2023-2024. Specifically, each year an LEA must screen all of its kindergarten, first, and second grade students to determine if they are at risk of having a reading difficulty. Because students are learning how to read up until the third grade, it is imperative that schools screen students during these grades. Additionally, while the Committee has eliminated from the committee print the suggestion that LEAs screen students during their first advisory period,¹¹ the Committee still expects that LEAs will screen their students during the first grading period of the school year. The goal with the universal screening is to identify which students may be at risk of having a reading difficulty so that a public school may intervene earlier, and potentially prevent the reading difficulty from coming to full fruition. Given that many LEAs already screen their students and that LEAs, like DCPS, will be able to continue to use their screening instrument, the cost for the screening itself is less than \$50,000 annually.¹²

As discussed above, the Committee does not require an LEA to use a screening instrument that has been approved by OSSE. Rather, the Committee proposes that OSSE compile a list of recommending screening instruments, and if an LEA chooses not to use one of the OSSE recommending screening instruments, the LEA shall make available, upon request, its reasoning for why it chose to use that particular screening tool. In addition, the Committee eliminates the need for LEAs to screen new students who have no record of being previously screened. While the Committee understands the reasoning for including this requirement, the decision to strike it from the bill is financial. According to the PCSB, the inclusion of that requirement translates to the need for each public charter LEA to have one full-time equivalent (FTE) who would be responsible for, among other duties, tracking each student's screening, as well as coordinating with other LEAs if a new student has no record of being screened. Thus, this means that funding for 36 FTEs – almost \$4 million – would have to be found in order to fund the bill. This is simply too cost prohibitive.

Section 105:

Section 105 addresses how LEAs must intervene if the screening results indicate that a student is at risk of having a reading difficulty. The committee print only has two differences than the Committee on Education's committee print – the applicability date and amending the requirement of a notification letter to written notification. The Committee on Education's

¹¹ This suggestion is included in the Committee on Education's committee print.

¹² See FIS for Bill 23-150. Only a few public charter LEAs will need to acquire a new screening instrument, so it will only cost \$47,000 in FY23 and \$17,000 in FY24.

committee print is silent with regard to when intervention is expected to begin, although it does indicate that if the screening results demonstrate that a student is at risk of having a reading difficulty than a LEA has to intervene. Yet, since many LEAs already screen their students, one could read the Committee on Education's committee print to mean that intervention is to begin as soon as the bill becomes law and not one year afterwards, which is the case for screening in their committee print. To avoid any confusion, the Committee clarifies that intervention is to begin the same school year – School Year 2023-2024 – as universal screening.

The second change is allowing LEAs to use written notification to inform parents of the results of their child's screening instead of stating that the LEAs have to use a notification letter. This change came at the request of Decoding Dyslexia, as they interpreted the notification letter to mean a letter that the LEA would mail to a child's parent or guardian. Instead, they wanted to allow an LEA to be able to have multiple options for notifying parents, such as email, sending a written form home with the student, mailing the explanation, or some other means. Thus, the Committee has indicated that a LEA must simply provide written notification.

One should also note that the Committee has made intervention its own section in the bill. This is because after professional development, intervention is the next costliest portion of the bill. The larger charter LEAs will need FTEs to implement this section of the bill, which translates to approximately 12 FTEs and \$1.14 million. Because of this, the Committee acknowledges that the intervention portion of this bill may be funded at a different point than the rest of the bill, and hence why the Committee created a separate section in the bill for it.

Section 106:

Section 106 encompasses the data reporting requirements. In order to lower the costs of the bill, the Committee has chosen to reduce the reporting down to a compliance letter that OSSE will still receive. In each compliance letter, the LEAs will indicate that all the public schools within their LEA have complied with the requirements in this bill, and if a public school has not complied with a particular section of the bill, the LEA will note which school, what it has failed to do, and the timeline for curing the deficiency. According to the DC Charter School Alliance, public charter schools complete similar compliance letters annually with regard to the American with Disabilities Act and other laws. The Committee envisions the compliance letters to be similar to those.

According to the bill, DCPS will transmit their compliance letter to OSSE, and the public charter schools will send theirs to PCSB, since PCSB also has oversight over the public charter schools in the District. PCSB will then send a copy of the compliance letters to OSSE as well. Within 10 business days of receiving the compliance letters, OSSE shall make them publicly available. The Committee believes that this type of reporting will be much less burdensome on the LEAs and because of this, the charter LEAs will not need FTEs to accomplish this section of the bill. This in turn, reduces the overall cost of the bill.

Section 107:

This section simply requires LEAs to adopt a science-based reading program by School Year 2024-2025. As discussed above, the Committee has removed the requirement that OSSE has

to approve the program before an LEA uses it. Additionally, the Committee has chosen to require the adoption of the reading program last, as it sees this step as the last one to be completed after educators have been trained and universal screening and intervention have begun. While the Committee on Education indicated that the science-based reading program was to be adopted within two years of this bill becoming law, functionally, they also had this requirement last in the bill's implementation timeline, just as this Committee recommends.

Conclusion:

Although the District's performance on the PARCC assessment has continually improved over the past few years, the District is still not where it needs to be. Only 37% of our students overall are proficient in English/Language Arts.¹³ Worse, only 7.9% of our students with special needs are proficient in this area.¹⁴ That's simply unacceptable. The District must improve, and in order to do so, LEAs need to take greater steps to aid students who have reading difficulties or are at-risk of developing them. This starts with providing educators with in-depth professional development and awareness training. Next, the District needs to screen universally all K-2 students so that LEAs know who is at risk of developing a reading difficulty or who has one, and then can intervene earlier than is done now. Finally, they must adopt a science-based reading program. Bill 23-150 requires all of these steps. This legislation is long overdue, and for students who struggle to read and for their families, this bill is a beacon of hope. Thus, the Committee believes it is imperative that the Council approve Bill 23-150.

III. COMMITTEE ACTION

On September 22, 2020, . . .

IV. ATTACHMENTS

1. Bill 23-150 as introduced.
2. Committee on Education's report on Bill 23-150 without attachments.
3. Fiscal Impact Statement for Bill 23-150.
4. Legal Sufficiency Determination for PR 23-150.
5. Comparative Print for Bill 23-150.
6. Committee Print for Bill 23-150.

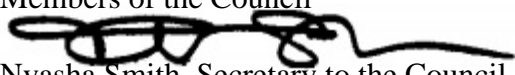
¹³See https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2019%20Statewide%20ELA%20and%20Math%20Public%20Results.pdf.

¹⁴*Id.*

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : February 19, 2019

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Committee of the Whole on Tuesday, February 19, 2019. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Dyslexia and Other Reading Disabilities Screening and Prevention Pilot Program Act of 2019", B23-0150

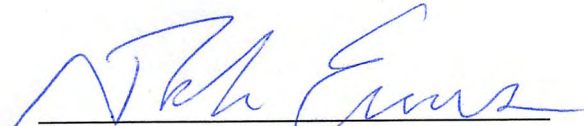
INTRODUCED BY: Councilmembers Todd, Allen, Evans, Nadeau, and Bonds

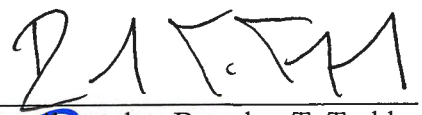
CO-SPONSORED BY: Councilmembers Cheh and T. White


The Chairman is referring this legislation sequentially to the Committee on Education and the Committee of the Whole.

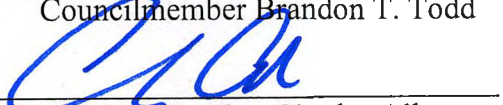
Attachment


cc: General Counsel
Budget Director
Legislative Services

1 
2 Councilmember Jack Evans


Councilmember Brandon T. Todd

3
4 
5 Councilmember Brianne K. Nadeau


Councilmember Charles Allen

6
7 
8 Councilmember Anita Bonds

10
11 A BILL

12
13
14 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

15
16
17
18 To establish a dyslexia screening and intervention pilot program for early elementary grades, to
19 require the State Superintendent of Education to develop, adopt, and provide for the
20 implementation of the pilot program, to require universal screening of students in
21 prekindergarten through third grade for characteristics of dyslexia, reading disabilities
22 and related disorders.

23
24 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
25 act may be cited as the “Dyslexia and Other Reading Disabilities Screening and Prevention Pilot
26 Program Act of 2019”.

27
28 Sec. 2. The State Education Office Establishment Act of 2000, effective October 21,
29 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601 *et seq.*), is amended by adding a new
30 section 7g to read as follows:

31 “Sec. 7g. Dyslexia screening, treatment, and prevention pilot program.

32 “(a)(1) Subject to paragraph (2) of this subsection, beginning in the 2020-2021 school
33 year, OSSE shall establish a dyslexia screening, treatment, and prevention pilot program (“pilot
34 program”), which shall be implemented and administered by OSSE

35 “(2)(A) If funding is not available for the 2020-2021 school year, OSSE, in
36 consultation with the State Board of Education, shall establish, implement, and administer the
37 pilot program in the first fiscal year that funds are appropriated for this purpose.

1 “(B) In addition to appropriated funds, participating schools may seek and accept
2 gifts, grants, and donations from any available source.

3 “(b) The pilot program shall include:

4 “(1) An annual universal screening for students in prekindergarten through third
5 grade for characteristics of dyslexia, reading disabilities and related disorders; provided, that no
6 child shall be screened if the child’s parent or guardian objects to the screening.

7 “(2) Periodic progress monitoring of every student identified with characteristics
8 of dyslexia or a related disorder to assess progress toward established educational goals.

9 “(3) Implementation of appropriate remediation or intervention strategies, which
10 to the maximum extent possible, shall utilize a multi-tiered model structured to provide research-
11 based instruction in a general education setting to address any academic need or deficiency
12 identified through the screening process or periodic progress monitoring.

13 “(4) Training and professional development to provide teachers with the
14 knowledge and skills necessary to implement specialized, multi-tiered remediation and
15 intervention strategies.

16 “(c) OSSE shall invite every DCPS elementary school to submit a proposal to participate
17 in the pilot program. OSSE shall evaluate each proposal and make recommendations to the State
18 Board of Education for its approval of the maximum number of schools that can participate in
19 the pilot program based on the available funding.

20 “(d) Each elementary school in the pilot program shall arrange for an external
21 performance evaluation to be conducted at the conclusion of the first full academic year of its
22 participation in the pilot program to assess the effectiveness of the pilot program in the early
23 identification of students with characteristics of dyslexia and related disorders and in meeting the
24 educational and developmental needs of these students.

1 “(e) Based upon an analysis of the periodic progress monitoring reports and the final
2 external performance evaluation conducted in each participating school, OSSE, after review and
3 approval by the State Board of Education, shall submit the following reports to the Mayor, the
4 Chancellor, and the District of Columbia Council Committee on Education:

5 “(1) Not later than August 1, 2020, or, if funds are not available to implement the
6 pilot program for the 2020-2021 school year, August 1 following the first school year in which
7 the pilot program was implemented, an interim report on the progress made by each
8 participating school in implementing the pilot program.

9 “(2) Not later than March 1, 2022, or, if funds are not available to implement the
10 pilot program for the 2020-2021 school year, March 1 following the first school year in which
11 the pilot program was implemented, a comprehensive final report, which shall include a
12 determination of whether the program should be implemented on a Districtwide basis.

13 “(f) Upon funding, OSSE shall issue regulations to implement this section.”.

14 Sec. 3. Section 403(a) of the State Board of Education Establishment Act of 2007,
15 effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code 38-2652(a)), is amended by adding
16 a new paragraph (4A) to read as follows:

17 “(4A) Approve participants to the dyslexia screening, treatment, and prevention pilot
18 program in accordance with the Dyslexia Screening and Prevention Pilot Program Act of 2019,
19 as introduced on January 3, 2019 (Bill 23-___).”.

20 Sec. 4. Fiscal impact statement.

21 The Council adopts the fiscal impact statement in the committee report as the fiscal
22 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
23 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

24 Sec. 5. Effective date.

1 This act shall take effect following approval by the Mayor (or in the event of veto by the
2 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
3 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
4 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
5 Columbia Register.


COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON EDUCATION
COMMITTEE REPORT

OFFICE OF THE SECRETARY

1350 Pennsylvania Avenue, NW, Washington, DC 20004

2020 FEB 18 PM 12: 21

TO: All Councilmembers

FROM: Councilmember David Grosso
Committee on Education 

DATE: February 11, 2020

SUBJECT: Report on B23-0150, the “Access to Reading For All: Addressing Dyslexia and Other Reading Difficulties Amendment Act of 2019”

The Committee on Education, to which B23-0150, “Access to Reading For All: Addressing Dyslexia and Other Reading Difficulties Amendment Act of 2019”¹ was referred, reports favorably thereon, and recommends approval by the Council.

CONTENTS

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I. BACKGROUND AND NEED

Background and Need

On February 19, 2019, Councilmember Brandon Todd (Ward 4), along with Councilmembers Allen, Evans, Nadeau, and Bonds introduced B23-0150, “Dyslexia and Other Reading Disabilities Screening and Prevention Pilot Program Act of 2019.” As introduced, “Dyslexia and Other Reading Disabilities Screening and Prevention Pilot 26 Program Act of 2019” would amend the State Education Office Establishment Act of 2000 and the State Board of Education Establishment Act of 2007 to establish a dyslexia screening and intervention pilot program for early elementary grades under the oversight of the State Superintendent of Education. Under the

¹ The Committee has changed the short title of this measure from “Dyslexia and Other Reading Disabilities Screening and Prevention Pilot Program Act of 2019” to better reflect the changes and focus of the Committee Print away from a pilot program towards universal screening and training.

bill, DCPS elementary schools would be invited to submit proposals to participate in a pilot program consisting of:

- annual screening for students in prekindergarten through third grade,
- progress monitoring of students identified as at risk of dyslexia and other reading disabilities,
- research-based and multi-tiered remediation and intervention for students identified as at risk of dyslexia and other reading disabilities, and
- professional development for teachers which would support them in implementing such remediation and intervention strategies.

At the end of the first full academic year of the pilot, participating schools would need to arrange for external performance evaluation to assess their effectiveness in identifying early students with characteristics of dyslexia and other reading disabilities and subsequently meeting their educational and developmental needs. After review and approval by SBOE, OSSE would submit to the Mayor, Chancellor, and Committee on Education an interim report in individual school progress and, subsequently, a comprehensive final report which would include a determination as to whether the program should be implemented districtwide.

Need

The current education system is based on all students being successful readers by the end of second grade. If students are not able to be fluent readers by third grade, they cannot access grade level curriculum and thus a gap in learning content materials opens, which grows wider the longer the issue exists. Despite their critical role, many K-2 teachers are not equipped to recognize struggling readers, much less provide effective and appropriate instruction. Current reading data shows that only 37% of DC Students are proficient in reading according to PARCC.²

During the hearing, the Committee heard from a number of witnesses about their struggles with gaining access to credible interventions to address their student's dyslexia. Most compelling was the testimony of witnesses who struggled to have their student assessed for dyslexia by their schools. Furthermore, the Committee heard from teachers who acknowledged the lack of training for addressing reaching all students with reading difficulties, particularly those with dyslexia.

While there were a number of witnesses who testified to the specific need for dyslexia awareness and support, the Committee remains concerned that students facing any reading difficulty are unable to have targeted interventions that address their needs. This, combined with the identified lack of training and the significant amount of reading programs currently in use that have little to no research to substantiate their effectiveness, forced the Committee to examine large scale how to support literacy instruction and intervention in a way that supports the largest number of students possible.

The Committee Print

The Committee Print for B23-0150 contains several significant changes from the introduced bill. A description of the committee print, with explanations for substantive changes, follows.

² 2019 DC Statewide Assessment Results, OSSE
https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2019%20Statewide%20ELA%20and%20Math%20Public%20Results.pdf

Based on public testimony during the hearing, follow-up conversations with advocates, and research on nationwide dyslexia legislation, the “Dyslexia and Other Reading Disabilities Screening and Prevention Pilot Program Act of 2019” was renamed as the “Access to Reading For All: Addressing Dyslexia and Other Reading Difficulties Amendment Act of 2019” and rewritten to provide for the identification, remediation, intervention, and prevention of reading difficulties in both DCPS and public charter schools.

Under the Committee Print, the State Education Office Establishment Act of 2000 is amended to require that OSSE:

- make available annual intensive professional development in the identification, remediation, and prevention of reading difficulties to all reading interventionists, K-2 general education teachers, and PK-12 special education teachers;
- set professional development guidelines for and a list of approved professional development programming on the characteristics of and instructional strategies for reading difficulties for other PK-12 school-based personnel;
- curate a list of approved screening instruments and protocols for the identification of students at risk of reading difficulties;
- provide guidance on specialized, multi-tiered remediation and intervention instruction to be offered to students at risk of reading difficulties in a general education setting; and
- publish a list of approved science-based reading programs that include explicit and systematic instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension strategies that should be used in all LEAs.

Based on the above guidance and protocols, the Committee Print amends the District of Columbia School Reform Act of 1995 to require that all LEAs:

- ensure that school-based personnel participate in annual OSSE-approved or -provided professional development programming on reading difficulties;
- annually screen K-2 students for reading difficulties using OSSE-approved screening tools and protocols during the first semester of the academic year, as well as any K-6 students without a record of screening within 90 days of enrollment in a new school;
- provide remediation and intervention instruction to students identified as at risk of reading difficulties;
- send notification to families of students identified as at risk of reading difficulties that includes their screening results and a description of the remediation and intervention instruction they will receive;
- report annually to OSSE on all screening, remediation, and intervention activities; and
- adopt an OSSE-approved science-based reading program within two years.

II. LEGISLATIVE CHRONOLOGY

February 19, 2019 B23-0150 "Dyslexia and Other Reading Disabilities Screening and Prevention Pilot Program Act of 2019" Introduced by Councilmembers Todd, Allen, Evans, Nadeau, and Bonds.

- February 19, 2019 B23-0150 is sequentially referred to the Committee on Education and Committee of the Whole.
- February 22, 2019 Notice of Intent to Act on B23-0150 is published in the *District of Columbia Register*.
- July 12, 2019 Notice of roundtable hearing on B23-0150 is published in the *District of Columbia Register*.
- October 4, 2019 Notice of roundtable hearing on B23-0150 is published in the *District of Columbia Register*.
- October 21, 2019 The Committee on Education holds a public roundtable on B23-0150
- February 11, 2020 The Committee on Education considers and marks up B23-0150.

III. POSITION OF THE EXECUTIVE

The following witnesses testified on behalf of the Executive.

Karri Larkin, Senior Deputy Chief of Specialized Instruction at the District of Columbia Public Schools, presented testimony opposing the legislation, stating that any efforts put towards this pilot program would be duplicative to what DCPS is already doing in all schools. Larkin stated that DCPS had concerns with some of the criteria, such as annual screenings and potential conflicts with Individuals with Disabilities Education Act (IDEA) and the role the bill outlines for the State Board of Education.

Shana Young, Chief of Staff at the Office of the State Superintendent of Education, testified that the bill is duplicative to the services afforded to students through the Individuals with Disabilities Education Act (IDEA) Young stated that OSSE is concerned that students would be receiving services outside of their IEP, which entitles them to due process and protections. Young also stated that the pilot program could steer students away from obtaining an IEP, which would prevent funding to schools through the Uniform Per Student Funding Formula (UPSFF) to address the challenges the bill aims to resolve. OSSE is also opposed to amending the State Board of Education's authority to approve pilot participants, and the provisions that requires OSSE to invite all DCPS elementary schools to submit proposals to participate in the pilot because OSSE is not only reserved for DCPS schools; the bill does not mention Public Charter Schools.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from the Advisory Neighborhood Commissions.

V. SUMMARY OF TESTIMONY AND STATEMENTS

The Committee on Education held a public hearing on B23-0150 on Monday, October 21, 2019. The testimony summarized below is from that hearing. A copy of all written testimony received is attached to this report and the video recording of the hearing is available online at https://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=5190. The Hearing Record is on file with the Office of the Secretary of the Council.

The following witnesses testified at the hearing:

Lucas Campbell, Student at Eliot-Hine Middle School, testified on his struggles with dyslexia in school. Campbell said that even at the best school in the City, kids with dyslexia can fall through the cracks. Campbell talked about stereotypes of dyslexia, such as writing letters backwards, and rebutted them with personal experience. Campbell asked the Council to give teachers the tools they need to teach kids with dyslexia.

Maya Campbell, Student at Maury Elementary School, testified on her experience with dyslexia and trying to read. Campbell spoke on their issues with sounding words out and asked that teachers receive the training needed to help students.

Saylor Silicki, Student at Deal Middle School, testified on their experience learning about their diagnoses and how they felt afterwards. Silicki expressed being confused because the school did not actually call dyslexia what it was. Silicki spoke about the things they loved despite having those difficulties dyslexia causes. Silicki also spoke on the bullying that took place after students found out. Silicki is now surrounded by friends who support them and said that dyslexia does not define them.

Jennifer Hausfeld, Decoding Dyslexia DC, presented testimony asking the Council to fund a permanent city-wide commitment to dyslexia to include a definition of dyslexia, teacher training, more comprehensive screening, access to early instruction, and a dyslexia handbook. She stated that 43 other states have permanent laws specific to dyslexia.

Ayo Heinegg, Decoding Dyslexia DC, testified on the need for early intervention in the life of a child who is dyslexic. Heinegg stated that Dyslexic students who receive early intervention go on to be successful with minimum support later on, but those who do not cannot access the curriculum without substantial Special Educational Support. These students have higher rates of behavior problems, absenteeism, early pregnancy, be involved in the criminal justice system, as well as many other setbacks. Heinegg stated that students who have parents with higher incomes and education can afford to sue DCPS or pay for private interventions, but those with less privilege cannot afford to do so. Heinegg testified that DC teachers are not equipped with the tools and training needed to address Dyslexia, and many do not have accurate understanding of what it is. Heinegg spoke about a former student who wasn't found to have Dyslexia until the 4th grade when her mother requested testing. She developed a disruptive behavior in class, but Heinegg worked with her and she later went on to win a prize for best

senior thesis of the year. Heinegg urged the Committee to legislate the funding of a district-wide mandatory screening, teacher training, and explicit and evidence-based reading intervention.

Robert Campbell testified on his experiences with two children with Dyslexia. He stated that dyslexia need to be called by its name. He said that there needs to be an investment in training for evidence-based curriculum. He also testified that parents should not be left a lone to navigate the system for support with Dyslexia, and that parents should be aware of all screening test results.

Katherine Schantz, the Head of The Lab School of Washington, testified on the pilot program outline in Bill 23-150. Schantz testified that teachers need training to dispel the myths of Dyslexia. Schantz said that Elementary classroom instruction must include ways other than only print literacy for children with Dyslexia. Schantz said that in order to help children with Dyslexia, teachers need to understand how literacy is acquired. Schantz stated that in-depth training for teachers is needed in order for them to better serve students with dyslexia.

Amy Vanden Boogart, Director of Curriculum, Really Great Reading, at the DC Capital Area Branch of the International Dyslexia Association, testified supporting the bill. She discussed the importance of the teacher training, screening, and instruction. She spoke about two of her students who had to go outside of the school system to be diagnosed with dyslexia. She noted that not all families can afford to pay for an outside diagnosis, and that it should be left to the school to do. She said that student with dyslexia need specific structured literacy approaches that many teachers and educators are unprepared or unable to deliver due to lack of training, support, and funding.

Elizabeth Oquendo, Policy Attorney at Children's Law Center, presented testimony in support of the bill, with a few recommendations. First, Children's Law Center recommended including a parent questionnaire in the universal screening for dyslexia and other reading disabilities to ensure a complete evaluation. Second, they recommended that all public elementary schools be invited to submit proposals to participate in the pilot program. Finally, they recommended that the proposed bill require OSSE to create a Task Force to provide recommendations on the structure of the pilot program.

Elizabeth Campbell testified on her experience with two dyslexic children. She said that Dyslexia needs to be called by its name, early screening for dyslexia and training is needed, and families who do not have the time needed to navigate the system need to be supported.

Rohit Mahajan testified on their children's experience with Dyslexia. Mahajan spoke on their daughter's issues with reading. Mahajan said that there needs to be an investment in teaching training and give teachers resources they need to deliver the most up to date evidence-based interventions. Mahajan also stated that there should be early screening and proper intervening, along with frequent communication with parents, to close the reading gaps between white and black students.

Minna Morse testified in support of the bill. Morse testified about their son's experience with Dyslexia and their fight for an IEP that was not fully implemented die to the staff's ;ack of

training on providing services to children with Dyslexia. Morse stated that this bill is a great first step to tackling Dyslexia.

Elmer E. Rones Jr. presented testimony on their experience with having dyslexia. Rones Jr. talked about being failed by Dc Public schools and does not want the same to continue to happen to other students. Rones Jr. stated that you can't prevent dyslexia, but you can improve efforts to teach students who have it.

Linda McGhee, Clinical Psychologist at McGhee & Associates, LLC, testified in support of the bill, stating that early identification and intervention works. She spoke on her experience in testing children with various learning disabilities and emotional disorders, including dyslexia. She spoke on the importance of early screening because 75% of children who need reading help receive it as late as age 9 and will continue to struggle through their school career.

Carla Askew Stanley, Speech Language Pathologist at The Reading and Language Learning Center, testified stating that early intervention is needed because late detection impacts a child's vocabulary, experiences, self-confidence and social emotional well-being.

Anthony Dixon presented testimony on the pace of the legislation and suggested amending the bill to say "any enrolled student in prekindergarten through fifth grade is entitled to an annual universal screening..." in section 7 of the proposed bill.

Kathy Hosty, Director of the Metropolitan Speech Pathology Group, testified that appropriate treatment can change dyslexic students' lives and any approach that teaches dyslexic students will also benefit all children. Attached to this testimony is cartoon illustration of someone clearing the path for children with special needs and the benefit it has on all children, and a illustration of the parole approach to school inclusion.

Michele Young testified in support of the bill. She spoke of her and her husband's concerns and experiences within public charter schools. Liam, Young's son, attended a charter school up until 4th grade and now attends McLean School in Potomac, MD. His reading level was below the PreK level – yet no one explained the results or next steps, nor did they mention dyslexia. An IEP was developed for Liam to start the following school year, yet no one mentioned the possibility of dyslexia. Young stated that her family spent \$40,000 on to help her son reach a mid-3rd grade reading level. Young feels that the DC educational system failed her son and all children in the DCPS system deserve better.

Molly Whalen, Executive Director of DC Association for Special Education, testified that that OSSE is not properly fulfilling IDEA. Whalen stated that DC is failing in special education and in teaching students with disabilities. Whalen listed the current PARCC scores and success rates for students with disabilities, with 7.9% proficiency in English Language Arts, 9% proficiency in Math and 47% of students with disabilities graduating within 4 years. DCASE supports aspects of the bill but suggested that the bill cover all DC public schools, not exclusively DCPS; be a fully funded, district mandate with a tightly targeted taskforce; require that the taskforce "provide recommendations on the design of the program" in all capacities;

require that the taskforce be held accountable for discrete goals within a given timeline; and require that the taskforce to include parents, advocates, students, LEAs, and local experts.

Laura Segal testified in support of the bill. She spoke about her son's challenges with dyslexia, and how finding out that he had dyslexia helped them become better informed about his needs.

Scott Goldstein Executive Director of EmpowerEd, testified in support of the bill. Goldstein spoke about a workshop he had as a former teacher on how to differentiate signs of struggling readers, those with disabilities and what strategies to use to help students. Scott Goldstein remembered one specifically salient and impactful moment that he added to his teacher toolbox. Goldstein stated that he could not remember a single training on dyslexia in his 10-year teaching career and emphasizes the importance of not allowing young people with dyslexia to continue being undiagnosed until as early as middle school.

Cathy Reilly, Ward 4 Education Alliance, testified that the bill provides a framework that needs to be revised based on information presented in the hearing. Cathy Reilly provided a list of seven question to be answered or considered when moving forward to pass this bill:

1. What is not working? There are learning opportunities from previous and current efforts in response to these challenges – what can we do to learn from them and improve?
2. Can we provide a better definition of “other reading disabilities” and establish a universal basis for measuring and tracking?
3. Can UDC initiate a Reading Specialists Certificate program using the latest research to ensure the person is well trained?
4. What role will program design play in the prevention and treatment?
5. Do we have enough e=information or stronger basis to do more that “pilot” the program?
6. Should this bill mirror special education in regard to diagnosis and requirements?
7. Will the final bill ensure that schools have adequate funding to fulfill the requirements while being simple enough to implement and evaluate?

Dana Lourie, Managing Director of Student Support at KIPP DC, testified that of the 6,000 plus students who attend KIPP DC, almost 1 in 5 of those students have an identified disability and are receiving special education services. KIPP DC students are the highest performing or pre-K through 12 in DC, as they provide a full continuum of services in the least restrictive environment and rigorous interventions. KIPP DC supports the creation of the pilot program to broaden the effectiveness and implementation of universal screenings. Early intervention is pivotal and a vital component to determine severity of impact of the disability. Though in support of the act, Dana Lourie mentions additional trainings and supports that will be necessary, such as resources devoted to supporting teachers working with students displaying signs of dyslexia, resources devoted to ensuring that schools have the proper number of psychologists on staff, and training, ongoing coaching and support of experienced colleagues

Desiree Tedeschi, Special Education Teacher at Whittier Education Campus, testified in support of the bill stated that it was not a topic that was prevalent or often brought up in her schooling. Desiree testified that the district may be misdiagnosing students due to the lack of screenings. Though in support of the bill, Desiree is concerned with next steps due to language in the bill in reference to funding. The lack of proper and adequate funding is frustrating and saddening. Desiree is also concerned with training but still supports the bill and emphasizes the importance of proper training and adequate funding.

Melisa Wood, Director of Speech, Language, and Literacy at The Lab School of Washington, testified in support of bill B23-0150 and emphasized the importance of phonological awareness in teaching. Melisa suggests that we stress the importance of teaching phonological awareness and acknowledge its predictive power on skills related to reading and spelling in students from preschool to grade 1. Melisa supports universal screenings, treatments and prevention pilots to target pre-requisite skills. To achieve this, Melisa proposes a guaranteed funding for the pilot immediately.

Nia West-Bey testified in support of B23-0150. As a parent of a student with dyslexia, Nia understands the difficulties faced in obtaining an accurate diagnosis. Nia emphasizes that students receiving evidence-based instruction should not be based on fortune and luck but should be universal. Nia believes that the bill is the first step in universal and early screening.

Eddie Ellis testified that he was able to get his GED in prison, in spite of the stigma and statistics of dyslexic prisoners. Ellis testifies in favor of the bill, stating that there should be mandates and funding for the treatment of dyslexia while children are in school, as opposed to prison.

Karla Reid-Witt, testified in support of bill B23-0329 and stated that all components of the bill must remain intact. Due to experience with her child being denied for services, Karla believes that this bill is necessary. From her experience, Karla stated that eligibility requirements were unclear and when she reached out to all stakeholders, she did not receive a response. Karla asserted that DCPS Home and Hospital were refusing to provide information to prevent a paper trail of information. Karla insists her support for Home and Hospital Services for students in DC as the current system in place is not responsive.

VI. IMPACT ON EXISTING LAW

The Committee Print of B23-150 amends the State Education Office Establishment Act of 2000 to require the Office of the State Superintendent of Education to develop guidance, regulations, and reporting requirements for public schools on the identification, remediation, and prevention of reading difficulties, including dyslexia and other reading disabilities. Title 2 of the Committee Print amends the District of Columbia School Reform Act of 1995 to establish professional development requirements for public school educators on the topic of reading difficulties, to require universal screening for reading difficulties in public school students, to require academic intervention and caregiver notification for students identified as at risk of reading difficulties, and to require the use of science-based reading programs in public schools.

VII. FISCAL IMPACT

B23-0150 was sequentially referred to the Committee on Education and to the Committee of the Whole. As such, the Committee of the Whole shall provide a fiscal impact at their markup.

VIII. SECTION-BY-SECTION ANALYSIS

Title 1

- Section 101: Amends the State Education Office Establishment Act of 2000 to provide terms used in this legislation and require OSSE to develop guidance, regulations, and reporting requirements for public schools on the identification, remediation, and prevention of reading difficulties, including dyslexia and other reading disabilities
- Section 102: Amends the District of Columbia School Reform Act of 1995 to provide that a public charter school shall comply with requirements of the law.

Title 2

- Section 201: Amends the District of Columbia School Reform Act of 1995 to provide terms used in this legislation.
- Section 202: Provides that LEAs shall establish professional development requirements for public school educators on the topic of reading difficulties.
- Section 203: Provides that LEAs shall use science-based reading programs in public schools.
- Section 204: Provides that LEAs shall perform universal screening for reading difficulties in public school students and academic intervention and caregiver notification for students identified as at risk of reading difficulties.

Title 3

- Section 301: Provides for the applicability.
- Section 302: Provides the fiscal impact statement.
- Section 303: Provides the effective date.

IX. COMMITTEE ACTION

On February 11, 2020, the Committee on Education held a meeting to consider B23-0150, "Access to Reading For All: Addressing Dyslexia and Other Reading Difficulties Amendment Act of 2020." The meeting was called to order at 3 pm and B23-0150 was the first item on the agenda. After ascertaining a quorum (consisting of Chairperson Grosso, Councilmember Allen, Councilmember Bonds, and Councilmember R. White), Councilmember Grosso discussed the background for B23-0150.

Next, Chairperson Grosso opened the floor for discussion. Councilmember Bonds spoke in support of the committee print, saying it will help our educators identify learning patterns at an early age, as well as help both our parents and teachers to fully understand the scope of symptoms associated with dyslexia. Councilmember Bonds stated that while the bill won't provide for direct diagnosis of dyslexia and other reading disabilities, it will provide vital information that will help parents and educators determine whether formal testing is appropriate for individual students while also creating an opportunity for the city to study reading in our schools. Councilmember Bonds voiced one concern – that a lack of funding might delay implementation – but agreed all will benefit from implementation of the bill.

Councilmember Allen spoke next of having met with a number of parents and advocates about the need for this bill, many of whom shared heartbreaking stories of frustration and shame on the part of students struggling to read and access appropriate reading supports. Calling reading an essential building block for success, Councilmember Allen stated that the earlier the intervention, the more successful a student will be, citing research that students who begin receiving reading intervention in kindergarten require only 30 minutes per day compared with two hours per day for students receiving interventions for the first time in fourth grade. Councilmember Allen lauded the committee print for expanding the scope of programming to students in all schools, noting that students in early childhood settings also need interventions which are often just not available under the current system.

Councilmember White spoke last, thanking Chairperson Grosso for moving from a pilot to full programming in the committee print. Councilmember White stated that establishing screening and intervention programming will help the many students who struggle early on and then – in the absence of appropriate supports – are unable to catch up, citing an obligation of Council to act in place of school systems in instances such as this.

After discussion, Chairperson Grosso moved *en bloc* the committee print and committee report for B23-0302 with leave for staff to make technical and conforming changes. The vote was unanimous with Chairperson Grosso, Councilmember Allen, Councilmember Bonds, and Councilmember R. White all voting in favor. The meeting adjourned at 3:18 p.m.

X. ATTACHMENTS

1. Secretary's Referral Memo
2. B23-0150 As Introduced
3. Written Testimony and Comments
4. Legal Sufficiency Determination
5. Committee Print for B23-0150
6. Comparative Print


Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: October 16, 2020

SUBJECT: Fiscal Impact Statement – Addressing Dyslexia and Other Reading Difficulties Amendment Act of 2020

REFERENCE: Bill 23-150, Draft Committee Print as provided to the Office of Revenue Analysis on October 13, 2020

Conclusion

Funds are not sufficient in the fiscal year 2021 budget through fiscal year 2024 budget and financial plan to implement the proposed bill. The bill costs \$272,000 in fiscal year 2022 and \$9.28 million over the financial plan.

Background

The bill establishes several programs to help educators better identify and support students with reading disabilities. The bill requires the Office of the State Superintendent of Education (OSSE) to do the following beginning in school year 2022-2023:

- Provide kindergarten, first grade, and second grade educators with professional development on recognizing reading difficulties, screening for reading difficulties, and implementing instruction that meet the needs of students with reading difficulties;
- Provide reading difficulty awareness training to all educators in the District of Columbia;
- Compile a list of recommended screening instruments and protocols that a local education agency (LEA) or school may use to identify students who are at risk of reading difficulties; and

The Honorable Phil Mendelson

FIS: Bill 23-150, "Addressing Dyslexia and Other Reading Difficulties Amendment Act of 2020," Draft Committee Print as shared with the Office of Revenue Analysis on October 13, 2020

- Provide guidance on specialized, multi-tiered remediation and intervention instruction which is aligned to a science-based reading program.¹

The bill requires each public school and public charter school to do the following beginning in school year 2022-2023:

- Ensure that educators equal to the number of general education teachers working with students in kindergarten through second grade complete OSSE's professional development on reading difficulties; and
- Ensure all educators complete OSSE awareness training on reading difficulties.

The bill requires each LEA to do the following beginning in school year 2023-2024:

- Ensure that all students in kindergarten through second grade are screened for reading difficulties;
- Provide remediation and intervention instruction to students that explicitly address areas of need based on screening results;
- Provide written notification to parents or guardians that includes screening results, describes supplemental reading instruction that will be provided to a student, and requests a meeting to discuss student support; and
- Adopt a science-based reading program.

The District of Columbia Public School (DCPS) and DC Public Charter School Board (DC PCSB) must submit a letter to the Council certifying that each school is compliant with the requirements in the bill on an annual basis beginning on October 30, 2023.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2021 budget through fiscal year 2024 budget and financial plan to implement the proposed bill. The bill costs \$272,000 in fiscal year 2022 and \$9.28 million over the financial plan

Bill 23-150 –Addressing Dyslexia and Other Reading Difficulties Amendment Act of 2020					
Total Cost					
	FY 2021	FY 2022	FY 2023	FY 2024	Total
OSSE	\$0	\$272,000	\$1,002,000	\$1,003,000	\$2,277,000
DCPS	\$0	\$0	\$1,250,000	\$2,710,000	\$3,960,000
Charter Sector	\$0	\$0	\$926,000	\$2,120,000	\$3,046,000
Total	\$0	\$272,000	\$3,178,000	\$5,833,000	\$9,283,000

¹ Science-based reading curriculum includes explicit and systematic instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension strategies.

Office of the State Superintendent of Education

OSSE requires additional funding to hire one full time employee in fiscal year 2022. The employee will be responsible for managing the rollout of the awareness training, overseeing the professional development contract, and reviewing screening and intervention tools.

A total of 7,720 teachers across both the public and charter school sectors will need to complete an online awareness training on reading difficulties beginning in fiscal year 2023. Awareness training will be completed annually through a one-hour online training module developed by a vendor. The cost of the awareness training module is \$150,000 in fiscal year 2022 and \$20,000 for ongoing maintenance starting in fiscal year 2023.

OSSE will also need funding in fiscal year 2023 to offer professional development to approximately 1,150 educators. Each educator will need to complete eight days of professional development on reading difficulties. A vendor will offer these trainings over a period of two-years. Each educator will need to complete four days of training in fiscal year 2023 and 2024. A vendor will also train 36 charter LEA employees and nine DCPS employees to serve as facilitators. Facilitators will provide professional development training to newly hired teachers after the conclusion of the vendor contract.

Bill 23-150 - Office of the State Superintendent of Education Total Costs					
	FY 2021	FY 2022	FY 2023	FY 2024	Total
Professional Development ^(a)	\$0	\$0	\$810,000	\$810,000	\$1,620,000
Facilitator Training ^(b)	\$0	\$0	\$50,000	\$50,000	\$100,000
Awareness Training Platform ^(c)	\$0	\$150,000	\$20,000	\$20,000	\$190,000
Salary and Fringe ^(d)	\$0	\$122,000	\$122,000	\$123,000	\$367,000
Total	\$0	\$272,000	\$1,002,000	\$1,003,000	\$2,277,000

Table Notes:

- (a) Assumes two, four-day, professional development sessions for 650 DCPS educators and 500 public charter school educators.
- (b) Assumes two, four-day, professional development sessions for nine DCPS educators and 36 public charter school educators.
- (c) Assumes one-time cost in fiscal year 2021 to develop online training platform and ongoing maintenance and hosting costs.
- (d) One Grade-13, Step-5 full time employee. Assumes a fringe rate of 22.9 percent and fringe cost growth of 1.5 percent.

District of Columbia Public Schools

DCPS requires additional funding for administrative premium payments to teachers for time spent completing mandatory professional development training and awareness training. The current administrative premium rate is \$40 per hour per teacher. DCPS also requires additional funding to pay for the salary and fringe costs associated with hiring two full time employees. These employees

The Honorable Phil Mendelson

FIS: Bill 23-150, "Addressing Dyslexia and Other Reading Difficulties Amendment Act of 2020," Draft Committee Print as shared with the Office of Revenue Analysis on October 13, 2020

will track and promote trainings, will coordinate the implementation of universal screenings in kindergarten through second grade, and will establish procedures for the implementation of interventions in fiscal year 2024. DCPS will also need one-time funding of \$30,000 in fiscal year 2024 to purchase a science-based reading curriculum. DCPS will also receive additional funding in fiscal year 2024 based on adjustments made to the weighting factors for kindergarten, first grade, and second grade in the Uniform Per Student Funding Formula (UPSFF).² The weighting adjustments are necessary to cover public charter school costs (see below). In total, DCPS requires \$1.25 million in fiscal year 2023 and \$3.96 million over the financial plan to implement the bill.

Bill 23-150 – District of Columbia Public Schools Total Costs					
	FY 2021	FY 2022	FY 2023	FY 2024	Total
Professional Development Administrative Premium ^(a)	\$0	\$0	\$832,000	\$832,000	\$1,664,000
Awareness Training Administrative Premium ^(b)	\$0	\$0	\$168,000	\$168,000	\$336,000
Science-based Curriculum	\$0	\$0	\$0	\$30,000	\$30,000
Salary and Fringe ^(c)	\$0	\$0	\$250,000	\$251,000	\$501,000
Additional funding based on UPSFF ^(d)	\$0	\$0	\$0	\$1,429,000	\$1,429,000
Total	\$0	\$0	\$1,250,000	\$2,710,000	\$3,960,000

Table Notes:

- (a) Assumes all educators trained at DCPS are teachers. Assumes 32 hours (64 total) of professional development on reading difficulties for 650 teachers in fiscal years 2023 and 2024 at a cost of \$40 per hour.
- (b) Assumes one hour of awareness training on an annual basis for 4,200 teachers at a cost of \$40 per hour.
- (c) One Grade-14, Step 5 employee and one Grade-16, Step 5 employee. Assumes a fringe rate of 16.1 percent and fringe cost growth of 1.5 percent.
- (d) Per the UPSFF ratio used to calculate the fiscal year 2021 budget.

Public Charter School Sector

Each charter LEA with kindergarten, first grade, or second grade requires additional resources to implement the bill. Charter LEAs will have an increase in administrative workload depending on the number of students that are found to need interventions for reading disabilities as a result of the universal screening process. LEAs will need to establish procedures for interventions, request and schedule meetings with parents or guardians, provide notice to parents or guardians, and ensure each intervention is completed beginning in fiscal year 2024. Smaller LEAs may be able to absorb this administrative work while larger LEAs will need to hire additional staff.

To approximate how many staff members will need to be hired across the charter school sector, the Office of Revenue Analysis (ORA) assumed that LEAs would need to hire on administrative employee

² The fiscal year 2021 budget sets the base level funding for the UPSFF at \$11,310. Base level funding is multiplied by the weighting for each grade level or add-on services to determine the per student funding at that level or for those services.

The Honorable Phil Mendelson

FIS: Bill 23-150, "Addressing Dyslexia and Other Reading Difficulties Amendment Act of 2020," Draft Committee Print as shared with the Office of Revenue Analysis on October 13, 2020

for every 165 students requiring a reading intervention. Using this ratio, ORA estimates that 12 full time employees will need to be hired across the charter sector. Funding for these positions will be dispersed to LEAs proportionally based on the number of students enrolled in kindergarten, first grade, and second grade via the UPSFF. The UPSFF weighting factors for kindergarten, first grade, and second grade may need to be adjusted to fund these additional positions.

In total, the 12 administrative positions will cost \$1.14 million in fiscal year 2024. Charter schools will also need to hire substitute teachers to cover classes while teachers conduct parent or guardian meetings. The cost of hiring these substitutes will be \$30,000 on an annual basis beginning in fiscal year 2024. Additionally, charter LEAs must purchase screening tools to comply with the requirements in the bill. This screening tool will cost \$47,000 in fiscal year 2023 and have ongoing licensing costs of \$17,000 starting in fiscal year 2024. Lastly, the DC PCSB will need to hire one full time employee to monitor compliance with training and screening requirements. Charter schools will absorb the bill's new professional development requirements within the expectations of their teachers' work, without additional compensation.

Public charter schools will also receive additional funding in fiscal year 2023 based on adjustment made to the UPSFF weighting factors for kindergarten, first grade, and second grade to support increased costs at DCPS. In total, the bill will cost the charter sector \$926,000 in fiscal year 2023 and \$3.05 million over the financial plan to implement.

Bill 23-150 – Public Charter School Sector Total Costs					
	FY 2021	FY 2022	FY 2023	FY 2024	Total
Charter School LEA Salary and Fringe ^(a)	\$0	\$0	\$0	\$1,140,000	\$1,140,000
Substitute Teachers During Intervention Meetings ^(b)	\$0	\$0	\$0	\$30,000	\$30,000
Universal Screening Tool License and Training ^(c)	\$0	\$0	\$47,000	\$17,000	\$64,000
Science-based Curriculum ^(d)		\$0	\$0	\$810,000	\$810,000
PCSB Salary and Fringe ^(e)	\$0	\$0	\$0	\$123,000	\$123,000
Additional funding based on UPSFF ^(f)	\$0	\$0	\$878,000	\$0	\$878,000
Total	\$0	\$0	\$926,000	\$2,120,000	\$3,046,000

Table Notes:

- (a) Assumes salary and fringe cost of \$95,000 for 12 administrative positions.
- (b) Assumes substitute teacher pay of \$120 per full day.
- (c) Assumes \$75 per K-2 teacher license and \$1 per test administered. Assumes 20 percent teacher turnover starting in fiscal year 2024 requiring new license.
- (d) Assumes \$30,000 for 27 LEAs. Assumes nine already have satisfactory curriculum.
- (e) Assumes salary equivalent to a Grade-13, Step 5 employee. Assumes a fringe rate of 22.9 percent and fringe cost growth of 1.5 percent.
- (f) Per the UPSFF ratio used to calculate the fiscal year 2021 budget.



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 4
Washington, DC 20004
(202) 724-8026

MEMORANDUM

TO: Chairman Phil Mendelson

FROM: Nicole L. Streeter, General Counsel *NLS*

DATE: October 19, 2020

**RE: Addressing Dyslexia and Other Reading Difficulties
Amendment Act of 2020, Bill 23-150**

The measure is legally and technically sufficient for Council consideration.

Beginning in school year 2022-2023, this measure would require the Office of the State Superintendent of Education (“OSSE”) to provide District public schools, including charter schools, and local education agencies (“LEAs”) with resources, tools, and professional development training related to identifying reading difficulties in students¹ and providing students with reading difficulties specialized interventions and educational supports. It would require OSSE to hire at least one individual to implement OSSE’s obligations under the bill.

Beginning in school year 2022-2023, it would require public and public charter school teachers, school administrators, guidance counselors, social workers, and other individuals who work with students with special needs in an academic capacity to receive awareness training and professional development training on reading difficulties. Beginning in school year 2023-2024 it would require District LEAs to adopt a science-based reading program;² screen every student in kindergarten through second grade for reading difficulties; and provide students identified through the screening with reading supports and interventions.

¹ The bill defines “reading difficulty” to mean “any neurological or physical impediment to reaching grade-level developmental reading milestones, including dyslexia, dyscalculia, or dysgraphia, or other reading disabilities.”

² The bill defines “science-based reading program” to mean “a reading curriculum, based on the science of reading, that includes explicit and systematic instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension strategies.”

Legal Sufficiency Determination

Bill 23-150 Error! Reference source not found.

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Beginning in October 2023 and annually thereafter, it would require the District of Columbia Public Schools to report to OSSE on its schools' compliance with the requirements of the bill, and it would require public charter schools to report compliance to the Public Charter School Board ("PCSB") and PCSB to transmit the reports to OSSE.

Finally, the measure would amend the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1801 *et seq.*) ("School Reform Act"), to conform the School Reform Act to the requirements of the bill.

I am available if you have any questions.

TITLE I. ACCESS TO READING FOR ALL

Sec. 101. Definitions.

(1) “Dyslexia” means a specific learning disability that:

(A) Is neurobiological in origin;

(B) Is characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities, which typically result from a deficiency in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction; and

(C) May have secondary consequences, such as problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

(2) “Educator” means a teacher, school administrator, guidance counselor, social worker, or an individual who works with students with special needs in an academic capacity.

(3) “Local education agency” or “LEA” means the District of Columbia Public Schools system, any individual public charter school, or any group of public charter schools operating under a single charter.

(4) “OSSE” means Office of the State Superintendent of Education.

(5) “Public school” means District of Columbia Public Schools and public charter schools in the District of Columbia.

(6) “Reading difficulty” means any neurological or physical impediment to reaching grade-level developmental reading milestones, including dyslexia, dyscalculia, or dysgraphia, or other reading disabilities.

(5) “Science-based reading program” means a reading curriculum, based on the science of reading, that includes explicit and systematic instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension strategies.

Sec. 102. Office of the State Superintendent of Education responsibilities.

(a) Beginning with School Year 2022-2023, the Office of the State Superintendent of Education shall provide an array of supports, informed by best practices such as the knowledge and practice standards of an international association of dyslexia, to assist LEAs and public schools to achieve the requirements and goals set forth in this act and to adopt teaching and learning practices that support students with reading difficulties, including:

(1) Regular, high-quality professional development opportunities for an LEA’s

educators that will enable educators to:

(A) Understand and recognize reading difficulties;

(B) Screen for reading difficulties; and

(C) Implement instruction in the general education classroom, or

during reading intervention, that is systemic, cumulative, explicit, diagnostic, multi-sensory, and evidence-based to meet the educational needs of students with reading difficulties.

(2) Awareness training on reading difficulties for all LEA educators, including those covered by section 103(a).

(3) A list of recommended screening instruments that an LEA may use to identify students who are at risk of reading difficulties, which screen for the following factors:

(A) Phonological awareness;

(B) Rapid naming skills;

(C) Correspondence between sounds and letters; and

(D) Decoding; and

(4) Guidance on:

(A) How to identify if a student has one or more reading difficulties, including how to determine if an English language learner's reading issue is due to a reading difficulty or issues associated with learning English as a second language;

(B) Proper protocols and procedures for screening students for potential reading difficulties; and

(C) Specialized, multi-tiered remediation and intervention instruction, which is grounded in science-based reading instruction, intended for a general education setting, and designed to support students who are identified as being at risk of reading difficulties.

(b) For the purpose of providing local education agencies and schools the services set forth in subsection (a) of this section, the OSSE may:

(1) Award a contract or grant to one or more for-profit or nonprofit organizations;

(2) Award contracts or competitive or formula grants to LEAs, schools, or partnerships developed among schools or with nonprofit organizations;

(3) Establish a memorandum of understanding with a District agency; or

(4) Any combination of paragraphs (1) through (3) of this subsection.

(c) OSSE shall hire at least one individual, who has an expertise in reading and reading difficulties, to implement the requirements of this section and section 106.

Sec. 103. Professional development on reading difficulties.

(a)(1) Beginning with School Year 2022-2023 and annually thereafter, each public school shall ensure that the number of educators equal to the number of general education teachers working with students in kindergarten through second grade at that school have completed professional development on reading difficulties.

(2) The training required in paragraph (1) of this subsection shall be provided by OSSE, an LEA, or a third-party with an expertise in reading and reading difficulties, and shall comply with the standards set forth in section 102(a)(1).

(b) Beginning with School Year 2022-2023 and annually thereafter, each educator employed by an LEA, including those who received training pursuant to subsection (a) of this section, shall complete awareness training on reading difficulties as provided by OSSE pursuant to section 102(a)(2).

Sec. 104. Universal screening and intervention for reading difficulties.

(a) Beginning with School Year 2023-2024, using the guidance provided by OSSE pursuant to section 102(a)(3), an LEA shall ensure that all students in kindergarten through second grade are screened for reading difficulties.

(b) If an LEA chooses to use a screening instrument that is not recommended by OSSE pursuant to section 102(a)(3), the LEA shall make available, upon request, its reasoning for why it chose to use that particular screening tool.

Section 105. Reading intervention.

(a) Beginning with School Year 2023-2024, if the screening results from the universal screening performed pursuant to section 104 indicate that a student is at risk of having a reading difficulty, a LEA shall:

(1) Provide remediation and intervention instruction that will explicitly address the area of need identified in the screening; and

(2) Provide written notification to the parent or guardian of the student that includes the screening results, describes the supplemental reading instruction that will be provided to the student, and requests a meeting to discuss individualized student support.

(b) This section does not alleviate a local education agency from its obligations under the Individuals with Disabilities Act, 20 U.S.C. 1400, et. seq.

Section 106. Compliance reporting.

(a) Beginning October 30, 2023, and by October 30 of each year thereafter, District of Columbia Public Schools (DCPS) shall send a letter to OSSE reporting whether each DCPS school has complied with the requirements set forth in this title in the previous

school year. If a DCPS school has failed to comply with one of more sections of this title, DCPS shall state the name of the school, the deficiency, and the timeline for curing said deficiency.

(b)(1) Beginning October 30, 2023, and by October 30 of each year thereafter, each public charter LEA shall send a letter to the PCSB reporting whether each public charter school within the LEA has complied with the requirements set forth in this title in the previous school year. If a public charter school has failed to comply with one of more sections of this title, the public charter school LEA shall state the name of the school, the deficiency, and the timeline for curing said deficiency.

(2) By November 15, 2023, and by November 15 of each year thereafter, the PCSB shall transmit a copy of each letter to the OSSE.

(c) The OSSE shall make publicly available the compliance letters within 10 business days after receiving the letters from DCPS and the PCSB.

Sec. 107. Science-based reading program.

Beginning with School Year 2024-2025, each LEA shall adopt a science-based reading program.

§38-1802.04. Duties, powers, and other requirements, of public charter schools.

c) Prohibitions and other requirements. —

(14) Program of education. — A public charter school shall provide a program of education which shall include one or more of the following:

(A) Preschool;

- (B) Prekindergarten;
- (C) Any grade or grades from kindergarten through grade 12;
- (D) Residential education; or
- (E) Adult, community, continuing, and vocational education programs.

“(14A) A public charter school’s program of education shall incorporate and comply with the requirements of title I of the Addressing Dyslexia and Other Reading Difficulties Amendment Act of 2020, as approved by the Committee of the Whole on October 20, 2020 (Committee Print of Bill 23-150).”

(15) Nonsectarian nature of schools. — A public charter school shall be nonsectarian and shall not be affiliated with a sectarian school or religious institution.

8

9

10 A BILL

11 23-150

12

13 IN THE COUNCIL FOR THE DISTRICT OF COLUMBIA

14

15 To require the Office of the State Superintendent of Education to develop guidance, regulations,
16 and reporting requirements for public schools on the identification, remediation, and
17 prevention of reading difficulties, including, dyslexia and other reading disabilities,
18 dysgraphia, and dyscalculia; and to amend the District of Columbia School Reform Act
19 of 1995 to establish professional development requirements for public school educators
20 on the topic of reading difficulties, to require universal screening for reading difficulties
21 in public school students, to require academic intervention and caregiver notification for
22 students identified as at risk of reading difficulties, and to require the use of science-
23 based reading programs in public schools.

24
25 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
26 act may be cited as the “Addressing Dyslexia and Other Reading Difficulties Amendment Act of
27 2020”.

28 TITLE I. ACCESS TO READING FOR ALL

29 Sec. 101. Definitions.

30 (1) “Dyslexia” means a specific learning disability that:

31 (A) Is neurobiological in origin;

32 (B) Is characterized by difficulties with accurate or fluent word recognition and
33 by poor spelling and decoding abilities, which typically result from a deficiency in the
34 phonological component of language that is often unexpected in relation to other cognitive
35 abilities and the provision of effective classroom instruction; and

36 (C) May have secondary consequences, such as problems in reading
37 comprehension and reduced reading experience that can impede growth of vocabulary and
38 background knowledge.

39 (2) “Educator” means a teacher, school administrator, guidance counselor, social worker,
40 or an individual who works with students with special needs in an academic capacity.

41 (3) “Local education agency” or “LEA” means the District of Columbia Public Schools
42 system, any individual public charter school, or any group of public charter schools operating
43 under a single charter.

44 (4) “OSSE” means Office of the State Superintendent of Education.

45 (5) “Public school” means District of Columbia Public Schools and public charter schools
46 in the District of Columbia.

47 (6) “Reading difficulty” means any neurological or physical impediment to reaching
48 grade-level developmental reading milestones, including dyslexia, dyscalculia, or dysgraphia, or
49 other reading disabilities.

50 (5) “Science-based reading program” means a reading curriculum, based on the science
51 of reading, that includes explicit and systematic instruction in phonemic awareness, phonics,
52 fluency, vocabulary, and comprehension strategies.

53 Sec. 102. Office of the State Superintendent of Education responsibilities.

54 (a) Beginning with School Year 2022-2023, the Office of the State Superintendent of

55 Education shall provide an array of supports, informed by best practices such as the knowledge
56 and practice standards of an international association of dyslexia, to assist LEAs and public
57 schools to achieve the requirements and goals set forth in this act and to adopt teaching and
58 learning practices that support students with reading difficulties, including:

59 (1) Regular, high-quality professional development opportunities for an LEA's
60 educators that will enable educators to:

61 (A) Understand and recognize reading difficulties;

62 (B) Screen for reading difficulties; and

63 (C) Implement instruction in the general education classroom, or during
64 reading intervention, that is systemic, cumulative, explicit, diagnostic, multi-sensory, and
65 evidence-based to meet the educational needs of students with reading difficulties.

66 (2) Awareness training on reading difficulties for all LEA educators, including
67 those covered by section 103(a).

68 (3) A list of recommended screening instruments that an LEA may use to identify
69 students who are at risk of reading difficulties, which screen for the following factors:

70 (A) Phonological awareness;

71 (B) Rapid naming skills;

72 (C) Correspondence between sounds and letters; and

73 (D) Decoding; and

74 (4) Guidance on:

75 (A) How to identify if a student has one or more reading difficulties,

76 including how to determine if an English language learner's reading issue is due to a reading
77 difficulty or issues associated with learning English as a second language;

78 (B) Proper protocols and procedures for screening students for potential
79 reading difficulties; and

80 (C) Specialized, multi-tiered remediation and intervention instruction,
81 which is grounded in science-based reading instruction, intended for a general education setting,
82 and designed to support students who are identified as being at risk of reading difficulties.

83 (b) For the purpose of providing local education agencies and schools the services set
84 forth in subsection (a) of this section, the OSSE may:

85 (1) Award a contract or grant to one or more for-profit or nonprofit organizations;

86 (2) Award contracts or competitive or formula grants to LEAs, schools, or
87 partnerships developed among schools or with nonprofit organizations;

88 (3) Establish a memorandum of understanding with a District agency; or

89 (4) Any combination of paragraphs (1) through (3) of this subsection.

90 (c) OSSE shall hire at least one individual, who has an expertise in reading and reading
91 difficulties, to implement the requirements of this section and section 106.

92 Sec. 103. Professional development on reading difficulties.

93 (a)(1) Beginning with School Year 2022-2023 and annually thereafter, each public school
94 shall ensure that the number of educators equal to the number of general education teachers
95 working with students in kindergarten through second grade at that school have completed
96 professional development on reading difficulties.

97 (2) The training required in paragraph (1) of this subsection shall be provided
98 by OSSE, an LEA, or a third-party with an expertise in reading and reading difficulties, and shall
99 comply with the standards set forth in section 102(a)(1).

100 (b) Beginning with School Year 2022-2023 and annually thereafter, each educator
101 employed by an LEA, including those who received training pursuant to subsection (a) of this
102 section, shall complete awareness training on reading difficulties as provided by OSSE pursuant
103 to section 102(a)(2).

104 Sec. 104. Universal screening and intervention for reading difficulties.

105 (a) Beginning with School Year 2023-2024, using the guidance provided by OSSE
106 pursuant to section 102(a)(3), an LEA shall ensure that all students in kindergarten through
107 second grade are screened for reading difficulties.

108 (b) If an LEA chooses to use a screening instrument that is not recommended by OSSE
109 pursuant to section 102(a)(3), the LEA shall make available, upon request, its reasoning for why
110 it chose to use that particular screening tool.

111 Section 105. Reading intervention.

112 (a) Beginning with School Year 2023-2024, if the screening results from the universal
113 screening performed pursuant to section 104 indicate that a student is at risk of having a reading
114 difficulty, a LEA shall:

115 (1) Provide remediation and intervention instruction that will explicitly address
116 the area of need identified in the screening; and

117 (2) Provide written notification to the parent or guardian of the student that
118 includes the screening results, describes the supplemental reading instruction that will be
119 provided to the student, and requests a meeting to discuss individualized student support.

120 (b) This section does not alleviate a local education agency from its obligations under the
121 Individuals with Disabilities Act, 20 U.S.C. 1400, *et. seq.*

122 Section 106. Compliance reporting.

123 (a) Beginning October 30, 2023, and by October 30 of each year thereafter, District of
124 Columbia Public Schools (DCPS) shall send a letter to OSSE reporting whether each DCPS
125 school has complied with the requirements set forth in this title in the previous school year. If a
126 DCPS school has failed to comply with one of more sections of this title, DCPS shall state the
127 name of the school, the deficiency, and the timeline for curing said deficiency.

128 (b)(1) Beginning October 30, 2023, and by October 30 of each year thereafter, each
129 public charter LEA shall send a letter to the PCSB reporting whether each public charter school
130 within the LEA has complied with the requirements set forth in this title in the previous school
131 year. If a public charter school has failed to comply with one of more sections of this title, the
132 public charter school LEA shall state the name of the school, the deficiency, and the timeline for
133 curing said deficiency.

134 (2) By November 15, 2023, and by November 15 of each year thereafter, the
135 PCSB shall transmit a copy of each letter to the OSSE.

136 (c) The OSSE shall make publicly available the compliance letters within 10 business
137 days after receiving the letters from DCPS and the PCSB.

138 Sec. 107. Science-based reading program.

139 Beginning with School Year 2024-2025, each LEA shall adopt a science-based reading
140 program.

141 TITLE II. CONFORMING AMENDMENTS

142 Sec. 201. Section 2002(c) of the District of Columbia School Reform Act of 1995,
143 approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.04(c)), is amended by
144 adding a new paragraph (14A) to read as follows:

145 “(14A) A public charter school’s program of education shall incorporate and comply with
146 the requirements of title I of the Addressing Dyslexia and Other Reading Difficulties
147 Amendment Act of 2020, as approved by the Committee of the Whole on October 20, 2020
148 (Committee Print of Bill 23-150).”.

149 TITLE III. GENERAL PROVISIONS

150 Sec. 301. Applicability.

151 (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved
152 budget and financial plan.

153 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
154 an approved budget and financial plan, and provide notice to the Budget Director of the Council
155 of the certification.

156 (c)(1) The Budget Director shall cause notice of the certification to be published in the
157 District of Columbia Register.

158 (2) The date of publication of the notice of the certification shall not affect the
159 applicability of this act.

160 Sec. 302. Fiscal impact statement.

161 The Council adopts the fiscal impact statement in the committee report as the fiscal
162 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
163 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

164 Sec. 303. Effective date.

165 This act shall take effect following approval by the Mayor (or in the event of veto by the
166 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
167 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

168 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
169 Columbia Register.