

AMENDED IN ASSEMBLY MAY 4, 2015

AMENDED IN ASSEMBLY APRIL 14, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1369**

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**Introduced by Assembly Member Frazier**  
**(Coauthors: Assembly Members ~~Mullin~~ Gonzalez, Mullin, and**  
**Williams)**

February 27, 2015

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An act to add Sections ~~56025.5, 56031.5, 56049, 56337.6, and 56337.7~~ to, and to repeal and add Sections ~~44227.7 and 56245~~ of, ~~56334 and 56335~~ to the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1369, as amended, Frazier. Special education: dyslexia.

(1) Existing law requires all children with disabilities residing in the state, regardless of the severity of their disabilities, and who are in need of special education and related services, to be identified, located, and assessed. Existing law provides that a pupil who is assessed as being dyslexic and meets certain eligibility criteria for the federal Individuals with Disabilities Education Act category of specific learning disabilities is entitled to special education and related services. Existing law defines a “specific learning disability” as a disorder in one or more of the basic psychological processes involved in understanding or in using language, and includes in that definition dyslexia and other specified conditions.

~~This bill would require local educational agencies to screen all pupils enrolled in kindergarten and grades 1 to 3, inclusive, as provided, to identify dyslexia or other reading and writing dysfunctions, and to notify a pupil's parent or legal guardian of any identified dyslexia or other~~

~~reading and writing dysfunction, as specified. The bill would define “dyslexia” and “specific learning disability,” as specified. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.~~

~~(2) Existing law encourages local in-service training programs for regular education teachers and special education teachers to include a component on, and institutions of higher education that provide teacher training programs to emphasize, the recognition of, and teaching strategies for, specific learning disabilities, including dyslexia and related disorders.~~

~~This bill would instead require local in-service training programs for school psychologists, regular education teachers, and special education teachers in local educational agencies to include a component on, and, commencing with the 2016–17 academic year, the Commission on Teacher Credentialing to require institutions of higher education that provide teacher training programs to include instruction in, the recognition of, and appropriate evidence-based teaching methodologies for, dyslexia or other reading and writing dysfunctions. By requiring local educational agencies to expand their local in-service training programs, the bill would impose a state-mandated local program.~~

~~(3) This~~

~~*This bill would require the Superintendent of Public Instruction to develop, on or before January 1, 2017, and to complete in time for use no later than the beginning of the 2017–18 academic year, program guidelines for dyslexia or other reading and writing dysfunctions to be used to assist regular education teachers, special education teachers, and parents to identify, assess, identify and assess pupils with dyslexia, and to plan, provide, evaluate, and improve educational services, as defined, to pupils, as specified. The bill would require the Superintendent to adopt, on or before January 1, 2017, an evidence-based screening instrument to identify pupils, and an evidence-based, multisensory, direct, explicit, structured, and sequential approach to instructing pupils, who have dyslexia or other reading and writing dysfunctions. pupils with dyslexia. The bill would require the Superintendent to disseminate the program guidelines through the State Department of Education’s Internet Web site and to provide technical assistance regarding their use and implementation to specified persons.*~~

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions:

(2) Existing regulations adopted by the State Board of Education include specific basic psychological processes in the definition of “specific learning disability.”

This bill would require the state board to include “phonological processing” in that description of basic psychological processes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes-no.

*The people of the State of California do enact as follows:*

1 SECTION 1. ~~Section 44227.7 of the Education Code is~~  
2 ~~repealed.~~

3 SEC. 2. ~~Section 44227.7 is added to the Education Code, to~~  
4 ~~read:~~

5 ~~44227.7. Commencing with the 2016-17 academic year, the~~  
6 ~~commission shall require institutions of higher education that~~  
7 ~~provide teacher training programs to include in those programs~~  
8 ~~instruction in the recognition of, and appropriate evidence-based~~  
9 ~~teaching methodologies for, dyslexia, as defined in Section~~  
10 ~~56025.5, or other reading and writing dysfunctions, including~~  
11 ~~dyscalculia, dysgraphia, auditory and visual processing disabilities,~~  
12 ~~and related disorders.~~

13 SEC. 3. ~~Section 56025.5 is added to the Education Code, to~~  
14 ~~read:~~

15 ~~56025.5. “Dyslexia” means a specific learning disability that~~  
16 ~~is neurological in origin and characterized by difficulties with~~  
17 ~~accurate or fluent word recognition and by poor spelling and~~  
18 ~~decoding abilities. These difficulties typically result from a deficit~~  
19 ~~in the phonological component of language that is often unexpected~~  
20 ~~in relation to other cognitive abilities and the provision of effective~~  
21 ~~classroom instruction. Secondary consequences may include~~  
22 ~~problems in reading comprehension and reduced reading experience~~  
23 ~~that can impede the growth of vocabulary and background~~  
24 ~~knowledge. Other characteristics include, but are not limited to,~~  
25 ~~difficulty in acquiring language skills; inability to comprehend~~  
26 ~~oral or written language; difficulty in rhyming words; difficulty~~

1 in naming letters, recognizing letters, matching letters to sounds,  
 2 and blending sounds when speaking and reading words; difficulty  
 3 recognizing and remembering sight words; consistent transposition  
 4 of number sequences, and letter reversals, inversions, and  
 5 substitutions; and difficulty in replication of content.

6 ~~SEC. 4.~~ Section 56031.5 is added to the Education Code, to  
 7 read:

8 56031.5. “Specific learning disability” includes dyslexia,  
 9 dyscalculia, dysgraphia, auditory and visual processing disabilities,  
 10 and related disorders.

11 *SECTION 1.* Section 56334 is added to the Education Code,  
 12 to read:

13 56334. The state board shall include “phonological  
 14 processing” in the description of basic psychological processes  
 15 in Section 3030 of Title 5 of the California Code of Regulations.

16 ~~SEC. 5.~~

17 ~~SEC. 2.~~ Section ~~56049~~ 56335 is added to the Education Code,  
 18 to read:

19 ~~56049.~~

20 56335. (a) ~~On or before January 1, 2017, the~~ *The*  
 21 Superintendent shall develop program guidelines for dyslexia ~~or~~  
 22 ~~other reading and writing dysfunctions~~ to be used to assist regular  
 23 education teachers, special education teachers, and parents to  
 24 ~~identify, assess, identify and assess pupils with dyslexia, and to~~  
 25 plan, provide, evaluate, and improve educational services to ~~pupils.~~  
 26 *pupils with dyslexia. For purposes of this section, “educational*  
 27 *services” means an evidence-based, multisensory, direct, explicit,*  
 28 *structured, and sequential approach to instructing pupils who have*  
 29 *dyslexia.*

30 (b) The program guidelines shall ~~include~~ *include, but shall not*  
 31 *be limited to,* characteristics typical of pupils with dyslexia ~~or other~~  
 32 ~~reading and writing dysfunctions,~~ and evidence-based strategies  
 33 for their ~~remediation.~~ *remediation, as well as information to assist*  
 34 *educators in distinguishing between characteristics of dyslexia*  
 35 *and characteristics of normal growth and development.*

36 (c) ~~The~~ *In developing program guidelines pursuant to*  
 37 *subdivision (a), the Superintendent shall consult with teachers,*  
 38 *school administrators, school psychologists, other educational*  
 39 *professionals, medical professionals, parents, and other educational*  
 40 *professionals involved in the identification and treatment education*

1 of dyslexia or other reading and writing dysfunctions: *pupils with*  
2 *dyslexia.*

3 (d) *The Superintendent shall complete the program guidelines*  
4 *in time for use no later than the beginning of the 2017–18 academic*  
5 *year.*

6 ~~(d)~~

7 (e) *The Superintendent shall disseminate the program guidelines*  
8 *through the department’s Internet Web site and provide technical*  
9 *assistance regarding their use and implementation to parents,*  
10 *teachers, school administrators, other education professionals, and*  
11 *faculty members in teacher training programs of institutions of*  
12 *higher education.*

13 ~~SEC. 6.— Section 56245 of the Education Code is repealed.~~

14 ~~SEC. 7.— Section 56245 is added to the Education Code, to read:~~

15 ~~56245.— Local in-service training programs for school~~  
16 ~~psychologists, regular education teachers, and special education~~  
17 ~~teachers in local educational agencies shall include a component~~  
18 ~~on the recognition of, and appropriate evidence-based teaching~~  
19 ~~methodologies for, dyslexia, as defined in Section 56025.5, or~~  
20 ~~other reading and writing dysfunctions, including dyscalculia,~~  
21 ~~dysgraphia, auditory and visual processing disabilities, and related~~  
22 ~~disorders.~~

23 ~~SEC. 8.— Section 56337.6 is added to the Education Code, to~~  
24 ~~read:~~

25 ~~56337.6.— (a) On or before January 1, 2017, the Superintendent~~  
26 ~~shall adopt both of the following:~~

27 ~~(1) An evidence-based screening instrument to identify pupils~~  
28 ~~who have dyslexia or other reading and writing dysfunctions.~~

29 ~~(2) An evidence-based, multisensory, direct, explicit, structured,~~  
30 ~~and sequential approach to instructing pupils who have dyslexia~~  
31 ~~or other reading and writing dysfunctions.~~

32 ~~(b) Commencing with the 2017–18 academic year, a local~~  
33 ~~educational agency shall use the screening instrument specified in~~  
34 ~~paragraph (1) of subdivision (a) to identify pupils who have~~  
35 ~~dyslexia or other reading and writing dysfunctions, and shall~~  
36 ~~implement the evidence-based multisensory approach to instructing~~  
37 ~~pupils who have dyslexia or other reading and writing dysfunctions~~  
38 ~~specified in paragraph (2) of subdivision (a). A local educational~~  
39 ~~agency shall ensure that teachers receive appropriate training on~~  
40 ~~the screening instrument and the instruction approach.~~

1     ~~SEC. 9.~~ Section 56337.7 is added to the Education Code, to  
2 read:  
3     ~~56337.7.~~ A local educational agency shall screen all pupils  
4 enrolled in kindergarten and grades 1 to 3, inclusive, at least once  
5 per academic year in which a pupil is enrolled in those grade levels,  
6 to identify dyslexia, as defined in Section 56025.5, or other reading  
7 and writing dysfunctions. If the screening identifies dyslexia, as  
8 defined in Section 56025.5, or other reading and writing  
9 dysfunctions in a pupil, the local educational agency that  
10 administered the screening shall notify the pupil's parent or legal  
11 guardian of the finding in writing within 30 calendar days.  
12     ~~SEC. 10.~~ If the Commission on State Mandates determines  
13 that this act contains costs mandated by the state, reimbursement  
14 to local agencies and school districts for those costs shall be made  
15 pursuant to Part 7 (commencing with Section 17500) of Division  
16 4 of Title 2 of the Government Code.

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