
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: AB 1369
Author: Frazier
Version: May 4, 2015
Urgency: No
Consultant: Lynn Lorber
Hearing Date: July 8, 2015
Fiscal: Yes

Subject: Special education: dyslexia

SUMMARY

This bill expands the description of psychological processes to include “phonological processing,” and requires the Superintendent of Public Instruction to develop program guidelines for dyslexia to assist teachers and parents to identify and assess students with dyslexia, and to plan, provide, evaluate and improve educational services for students with dyslexia.

BACKGROUND

Existing law:

- 1) Defines a specific learning disability as a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or perform mathematical calculations.
(United States Code, Title 20, § 1401, and Education Code § 56337)
- 2) Includes in the definition of a specific learning disability conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Existing regulations specify that the basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, cognitive abilities (including association), conceptualization and expression.
(California Code of Regulations, Title 5, § 3030)
- 3) Provides that a student who is assessed as being dyslexic and meets eligibility criteria for the category of specific learning disabilities is entitled to special education and related services. (EC § 56337.5)
- 4) Provides that if a student who exhibits the characteristics of dyslexia or another related reading dysfunction is not found to be eligible for special education and related services, the student’s instructional program is to be provided in the regular education program. (EC § 56337.5)
- 5) Encourages institutions of higher education to provide, in teacher training programs, increased emphasis on the recognition of, and teaching strategies for, specific learning disabilities, including dyslexia and related disorders. (EC § 44227.7)
- 6) Encourages the inclusion of a component on the recognition of, and teaching strategies for, specific learning disabilities, including dyslexia and related disorders,

in local in-service training programs for regular education teachers and special education teachers in local educational agencies. (EC § 56245)

- 7) Requires, in an uncodified section, the Superintendent of Public Instruction to develop program guidelines for specific learning disabilities, including dyslexia and related disorders, for use by regular and special educators and parents to assist them in identifying, assessing, planning, providing, evaluating, and improving educational services to students. (AB 3040, Speier, Ch. 1501, 1990)
- 8) States Legislative intent that the program guidelines for specific learning disabilities, including dyslexia and other related disorders, be available for use by teachers and parents in order for them to have knowledge of the strategies that can be utilized with pupils for the remediation of the various types of specific learning disabilities. (EC § 56337.5)

ANALYSIS

This bill expands the description of psychological processes to include “phonological processing,” and requires the Superintendent of Public Instruction (SPI) to develop program guidelines for dyslexia to assist teachers and parents to identify and assess students with dyslexia, and to plan, provide, evaluate and improve educational services for students with dyslexia. Specifically, this bill:

- 1) Requires the State Board of Education to include "phonological processing" in the description of basic psychological processes in regulations.
- 2) Requires the SPI to develop program guidelines for dyslexia to be used to assist regular education teachers, special education teachers, and parents to identify and assess students with dyslexia, and to plan, provide, evaluate, and improve educational services to students with dyslexia.
- 3) Defines "educational services" as an evidence-based, multisensory, direct, explicit, structured, and sequential approach to instructing students who have dyslexia.
- 4) Requires the program guidelines to:
 - a) Include characteristics typical of students with dyslexia and strategies for their remediation, as well as information to assist educators in distinguishing between characteristics of dyslexia and characteristics of normal growth and development.
 - b) Be developed in consultation with teachers, school administrators, other educational professionals, medical professionals, parents, and other professionals involved in the identification and education of students with dyslexia.
 - c) Be completed in time for use by the beginning of the 2017-18 academic year.
- 5) Requires the SPI to disseminate the program guidelines through the California Department of Education’s website and provide technical assistance regarding their use and implementation to parents, teachers, school administrators, and faculty members in teacher training programs of institutions of higher education.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Currently the law states that a child qualifies for special education services if they have an auditory or visual processing disorder. However, many students are missed and not qualified for services because dyslexia is a phonological processing disorder. California code ‘encourages’ districts to use an appropriate program for a student with dyslexia or suspected of having dyslexia. However, districts have failed to put the encouragement into action. For children with dyslexia to be successful students and citizens that they are capable of becoming, schools have the responsibility to use the intervention that science has showed time and time again is effective.”
- 2) ***Phonological processing.*** Existing regulations specify that the basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, cognitive abilities (including association), conceptualization and expression. This bill requires the State Board of Education to include “phonological processing” in the description of basic psychological processes in regulations. Phonological processing is related to the ability to recognize and understand (process) units of words, and is distinct from visual or auditory processing. It appears expanding regulations to include phonological processing could result in the use of additional measures and areas of consideration when assessing a student who is suspected of having dyslexia or other specific learning disabilities. This bill may result in the provision of support for students who are not currently identified as being eligible for special education, thereby expanding eligibility for special education and related services.
- 3) ***Program guidelines.*** Legislation passed in 1990 required the Superintendent of Public Instruction (SPI) to develop program guidelines for specific learning disabilities, including dyslexia and related disorders, for use by regular and special educators and parents to assist them in identifying, assessing, planning, providing, evaluating, and improving educational services to students. Those program guidelines were developed but are no longer readily available and are certainly outdated. This bill requires the SPI to once again develop program guidelines, which are not mandatory for local educational agencies (LEA) to follow.
- 4) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose:
 - a) One-time General Fund (GF) administrative costs to the California Department of Education of approximately \$170,000 and ongoing GF costs of approximately \$110,000. This includes staff support to the State Board of Education for regulatory reform, and the development and dissemination of guidelines.
 - b) Potential Proposition 98/GF reimbursable state mandated costs to LEA to the extent expanded services are provided as a result of the revised definition of psychological processes. This bill requires the California Code of Regulations to be updated to include "phonological processing" in the description of basic psychological processes. This definition appears to exceed federal law and

could trigger state mandated costs if services are expanded beyond that which is authorized under the federal Individuals with Disabilities Education Act.

SUPPORT

California Lieutenant Governor, Gavin Newsom
California State PTA
Charles Armstrong School
Children's Health Council
Children's Health Council, Sand Hill School
Children's Health Council, The Center, Evaluation, Therapy, Learning
Decoding Dyslexia California
Dyslexia Training Institute
Headstrong Nation
International Dyslexia Association, So CA Tri-Counties Branch
Learn 2 Read, Orange County
Literate Nation California Coalition
Parental Advocacy for Children in Exceptional Situations
State Council on Developmental Disabilities
The International Dyslexia Association, Northern California Branch
University of California San Francisco
Numerous individuals

OPPOSITION

Special Education Local Plan Area (SELPA) Administrators of California

-- END --