

Title 6. Education

Chapter I. Division of Elementary and Secondary Education, Department of Education

Subchapter D. Student Instruction and Learning

Part 91. Rules Governing Dyslexia Screenings and Interventions

Subpart 1. Generally

6 CAR § 91-101. Purpose.

(a) This part shall be known as the Division of Elementary and Secondary Education's "Rules Governing Dyslexia Screenings and Interventions".

(b) The purpose of this part is to establish guidelines for early screening, intervention, and services to meet the educational needs of students with dyslexia or characteristics of dyslexia.

(c) Further clarification, guidance, and instruction regarding the applicable law and this part is provided in the Arkansas Dyslexia Resource Guide, which can be accessed through the Division of Elementary and Secondary Education's website.

6 CAR § 91-102. Note.

(a) This part sets forth the procedures outlined in Arkansas Code §§ 6-41-601 – 6-41-611 regarding screening, evaluation, and services for students with dyslexia or characteristics of dyslexia who may or may not otherwise qualify for special education services under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.

(b) Students may:

- (1) Display additional factors that complicate their dyslexia; and
- (2) Require more support than what may be provided for in this part.

(c) At any time during the administration of the procedures set forth in this part, students may be referred for evaluation for special education services in accordance with the Individuals with Disabilities Education Act.

(d) While this part may use similar terms as set forth in the Individuals with Disabilities Education Act, no provision of this part is intended to supplant or in any way conflict with the Individuals with Disabilities Education Act.

(e) If a student exhibiting characteristics of dyslexia is referred for special education services, public schools shall follow the requirements of the Individuals with Disabilities Education Act.

(f) Also, school districts must continue to follow all requirements and meet all obligations to their students under Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794.

6 CAR § 91-103. Definitions.

As used in this part:

(1) "Alphabet knowledge" means the ability to automatically recognize and name the twenty-six (26) lowercase and twenty-six (26) uppercase letters with ease and accuracy;

(2) "Decoding" means to translate words, word parts, or nonwords into their corresponding pronunciation;

(3) "Dyslexia" means a specific learning disability that is:

(A) Neurological in origin;

(B) Characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language; and

(C) Often unexpected in relation to other cognitive abilities;

(4) "Dyslexia interventionist" means a school district or public school employee trained in a dyslexia program, such as a:

(A) Dyslexia therapist;

(B) Dyslexia specialist;

(C) Reading interventionist;

(D) Certified teacher; or

(E) Tutor or paraprofessional working under the supervision of a certified teacher;

(5) "Dyslexia program" means explicit, direct instruction that is:

(A) Systematic, sequential, and cumulative and follows a logical plan of presenting the alphabetic principle that targets the specific needs of the student without presuming prior skills or knowledge of the student;

(B) Systematic, multisensory, and research-based;

(C) Offered in a small group setting to teach students the components of reading instruction, including without limitation:

(i) Phonemic awareness to enable a student to detect, segment, blend, and manipulate sounds in spoken language;

(ii) Graphophonemic knowledge for teaching the letter-sound plan of English;

(iii) The structure of the English language that includes:

(a) Morphology;

(b) Semantics;

(c) Syntax; and

(d) Pragmatics;

(iv) Linguistic instruction directed toward proficiency and fluency with the patterns of language so that words and sentences are carriers of meaning; and

(v) Strategies that students use for:

(a) Decoding;

(b) Encoding;

(c) Word recognition;

(d) Fluency; and

(e) Comprehension; and

(D)(i) Delivered with fidelity.

(ii) "Fidelity" means the intervention is done as the author of the program intended;

(6)(A) "Dyslexia specialist" means a professional at each education service cooperative or school district who has expertise and is working towards an endorsement or certification in dyslexia.

(B) A dyslexia specialist shall:

(i) Be fluent in the Response to Intervention (RTI) process; and
(ii) Provide training in administering screenings, analyzing and interpreting screening data, and determining appropriate interventions that are:

(a) Systematic;

(b) Multisensory; and

(c) Evidence-based;

(7) "Dyslexia therapist" means a professional who has completed training and obtained certification in dyslexia therapy from a dyslexia therapy training program defined by the Department of Education;

(8) "Dyslexia therapy" means an appropriate specialized reading instructional program specifically designed for use in a dyslexia program that is delivered by a dyslexia interventionist;

(9) "Early signs consistent with characteristics of dyslexia" means the clearest early indicators of dyslexia observed as early as kindergarten including difficulties:

(A) Acquiring phonemic awareness;

(B) Learning letter/sound correspondences; and

(C) Learning to decode print using phonemic decoding strategies;

(10) "Encoding" means to translate spoken language into print;

(11) "Language comprehension" means the ability to understand both spoken and written language, including vocabulary and listening knowledge;

(12) "Oral reading fluency" means the ability to read grade level text with an appropriate rate to support comprehension, self-correcting as necessary;

(13) "Phonemic awareness" means the ability to recognize and manipulate the individual sounds in spoken language;

(14) "Phonological awareness" means the ability to hear and manipulate the spoken parts of words including:

- (A) Syllables;
 - (B) Onset-rime; and
 - (C) Phonemes;
- (15) "Response to Intervention (RTI)" is the practice of:
- (A) Screening students to identify those needing extra support;
 - (B) Providing high-quality instruction and appropriate interventions matched to student needs;
 - (C) Closely monitoring progress to assess both the learning rate and the level of performance of individual students; and
 - (D) Basing instructional decisions about the intensity and duration of interventions on assessment data and individual student response to intervention;
- (16) "Sound symbol recognition" means to automatically produce sounds or grapheme names, that is grade level letters or letter clusters, during recognition, production, or writing tasks; and
- (17) "Substantial reading deficit" means:
- (A) A score at the lowest achievement level or benchmark on the screening or progress monitoring when using a high quality, evidence-based screener approved by the Division of Elementary and Secondary Education; or
 - (B) Evidence of minimum skill levels for reading competency in one (1) or more of the areas of phonological awareness, phonics, vocabulary, oral language skills, reading fluency, and reading comprehension documented on consecutive formative assessments or documented in teacher observation data.

6 CAR § 91-104. Required screening for K – 3.

(a) A school district shall screen all students in kindergarten, grade one, grade two, and grade three (K – 3) using a high quality, evidence-based screener approved by the Division of Elementary and Secondary Education and that is integrated into the statewide student assessment system.

(b) The screening of students shall be performed with fidelity and include without limitation:

- (1) Phonological and phonemic awareness;
- (2) Sound symbol recognition;
- (3) Alphabet knowledge;
- (4) Decoding skills;
- (5) Rapid naming skills;
- (6) Encoding skills; and
- (7) Language comprehension.

(c) The school district shall use the statewide student assessment system to be administered in kindergarten, grade one, grade two, and grade three (K – 3) to administer the screener required under subsection (a) of this section.

(d) The school district shall administer the assessment required under subsection (a) of this section:

- (1) During the first thirty (30) days after the first day of the school year;
- (2) Repeated if indicated, midyear; and
- (3) At the end of the school year.

(e)(1) If a student is identified by the assessment required under subsection (a) of this section as indicating early signs consistent with the characteristics of dyslexia or a substantial reading deficit, and that student is not already receiving dyslexia intervention, that student shall be administered additional diagnostic literacy assessments.

(2) Students in kindergarten, grade one, and grade two (K – 2) shall be administered a Level I dyslexia screening using the:

- (A) Testlets within the state assessment system; or
- (B) Equivalent assessment approved by the division.

(3) Students in grade three (3) shall be administered a Level II dyslexia screening.

(4) Students shall be identified as at risk for a substantial reading deficit based on cut-points and indicators approved by the division.

(5) School personnel shall use the assessment results, along with other relevant information, such as work sampling, language acquisition, disabilities, or

impairment to determine if there is a need for dyslexia therapy or early reading interventions.

(f)(1) If a student is found to require dyslexia intervention based on the dyslexia screening required in subsection (e) of this section, the student shall receive dyslexia intervention by a trained interventionist pursuant to 6 CAR § 91-106.

(2) Except as provided in subdivision (f)(3) of this section, the dyslexia intervention shall begin no later than thirty (30) days from the date the student was identified as requiring screening under subsection (a) of this section.

(3) If a parent or legal guardian chooses to have an independent comprehensive dyslexia evaluation for the student under 6 CAR § 91-107, any required dyslexia intervention determined to be appropriate by the district under 6 CAR § 91-107(c) shall begin no more than thirty (30) days from the day the district receives the results of the independent comprehensive dyslexia evaluation.

6 CAR § 91-105. Required screening for 3 – 12.

(a)(1) A school district shall screen any student in grades three through twelve (3 – 12) experiencing difficulty in fluency or spelling as documented by:

(A) A classroom teacher;

(B) A parent or legal guardian of the student; or

(C) Another individual with knowledge of the student's academic performance.

(2) Students may be identified for screening by the results of the statewide student assessment in addition to other considerations.

(b) A screening required under subsection (a) of this section shall be performed with fidelity using screening measures of:

(1) Oral reading fluency; and

(2) Encoding.

(c) If a student is identified to receive a screener under subsection (a) of this section, the school district shall utilize a screener approved by the Division of Elementary and Secondary Education.

(d) If the results of a screener required under subsection (a) of this section identify that a student exhibits deficits in fluency or spelling, the school district shall administer a Level II dyslexia screening.

(e)(1) If a student is found to require intervention based on the Level II dyslexia screening the student shall receive dyslexia intervention by a trained interventionist pursuant to 6 CAR § 91-106.

(2) Except as provided in subdivision (e)(3) of this section, dyslexia intervention shall begin no later than thirty (30) days from the date the student was identified for screening pursuant to subsection (a) of this section.

(3) If a parent or legal guardian chooses to have an independent comprehensive dyslexia evaluation for the student under 6 CAR § 91-107, any required dyslexia intervention determined to be appropriate by the district under 6 CAR § 91-107(c) shall begin no more than thirty (30) days from the day the district receives the results of the independent comprehensive dyslexia evaluation.

6 CAR § 91-106. Requirements for intervention.

(a)(1) If a student is identified as requiring a dyslexia intervention under this part, the student shall receive dyslexia intervention by a trained interventionist using a dyslexia program that complies with the requirements of 6 CAR § 91-108(a).

(2) Except as required pursuant to subsection (d) of this section, prior consent of a parent or legal guardian is not required to begin dyslexia intervention.

(b) Dyslexia intervention provided pursuant to this part shall continue until:

(1) The student is performing at expected level; or

(2) The dyslexia interventionist, in consultation with a parent or legal guardian, determines:

(A) The student has improved his or her word recognition, spelling, and decoding abilities to a degree that the student is able to successfully continue the prescribed course of study for that student; and

(B) Continued dyslexia intervention is unlikely to provide meaningful improvements in the student's ability to read.

(c)(1) The progress of a student receiving dyslexia intervention shall be documented within the individual reading plan and a report of this student's progress shall be provided to the parents not less than once per quarter.

(2) The progress report shall include:

(A) The student's progress toward completing the dyslexia program;

(B) Data points for measuring mastery of individual skills addressed in completed lessons of the dyslexia program; and

(C) Data points for assessing progress toward grade level including but not limited to:

(i) Decoding;

(ii) Word recognition;

(iii) Spelling;

(iv) Fluency; and

(v) Reading comprehension.

(d)(1) Students who qualify as students with disabilities under the Individuals with Disabilities Education Act ,20 U.S.C. § 1400 et seq., and have an individualized education program (IEP) who demonstrate characteristics of dyslexia may receive dyslexia intervention as a related service as determined by the IEP team.

(2) Dyslexia intervention provided as a related service pursuant to an IEP shall be provided by a dyslexia interventionist.

6 CAR § 91-107. Independent, comprehensive dyslexia evaluation.

(a) If a student's performance on an initial screener, level I screening, or level II dyslexia screening under 6 CAR § 91-104 or 6 CAR § 91-105 indicates a need for dyslexia intervention services, the student's parent or legal guardian shall be:

(1) Notified of the results of the dyslexia evaluation; and

(2) Provided with information and resource materials, including without limitation:

(A) The characteristics of dyslexia;

(B) Appropriate classroom interventions and accommodations for students with dyslexia; and

(C) The right of the parent or legal guardian to have the student receive an independent, comprehensive dyslexia evaluation by a:

- (i) Licensed psychological examiner;
- (ii) School psychology specialist;
- (iii) Licensed speech-language pathologist;
- (iv) Certified dyslexia testing specialist; or
- (v) Dyslexia therapist.

(b) If a parent or legal guardian chooses to have an independent comprehensive dyslexia evaluation for the student, the parent or legal guardian shall:

(1) Select an individual qualified under subdivision (a)(2)(C) of this section to perform the comprehensive dyslexia evaluation; and

(2) Cover the cost of the comprehensive dyslexia evaluation.

(c)(1) A school district shall:

(A) Consider the diagnosis from the independent comprehensive dyslexia evaluation; and

(B) Provide the student with interventions determined to be appropriate by the school district from a district dyslexia interventionist.

(2) If the school district does not provide intervention based upon the diagnosis, it must notify the student's parent or guardian of its reasoning.

(3) **Note.** Whether an individual is qualified to conduct an evaluation or provide a diagnosis is dependent upon their licensure.

6 CAR § 91-108. Instructional approaches.

(a) Dyslexia intervention for a student whose dyslexia Level I or Level II screening under 6 CAR §§ 91-104 and 91-105 indicates the need for dyslexia intervention services shall comply with the requirements of 6 CAR § 91-106(b) and may include the following instructional approaches, but shall include all services deemed appropriate by the district:

(1) Explicit, direct instruction that is systematic, sequential, and cumulative and follows a logical plan of presenting the alphabetic principle that targets the specific needs of the student without presuming prior skills or knowledge of the student;

(2) Individualized instruction to meet the specific needs of the student in a small-group setting that uses intensive, highly concentrated instruction methods and materials that maximize student engagement;

(3) Meaning-based instruction directed at purposeful reading and writing with an emphasis on comprehension and composition; and

(4) Multisensory instruction that incorporates the simultaneous use of two (2) or more sensory pathways during teacher presentations and student practice.

(b) Until there are a sufficient number of graduates from a dyslexia therapy program established at the university level in Arkansas or from a dyslexia therapy program established at the university level in another state that is approved by the Department of Education, the department shall allow dyslexia therapy to be provided by individuals who have received training and certification from a program approved by the department.

6 CAR § 91-109. Reporting by school districts.

(a)(1) The superintendent of a school district shall annually report the results of the school district screening required under 6 CAR §§ 91-104 and 91-105.

(2) Additional information concerning the manner of submission of the report may be found in the Arkansas Dyslexia Resource Guide.

(b) Before July 15, a school district shall report on the website of the school district or in writing to the parents of each student in the school district the following information:

(1) The dyslexia intervention programs used during the previous school year that were specifically responsive to assisting students with dyslexia;

(2) The number of students during the previous school year who received dyslexia intervention under Arkansas Code § 6-41-602 et seq. and this part; and

(3)(A) The total number of students identified with dyslexia during the previous school year.

(B) For purposes of subdivision (b)(3) of this section, "identified with dyslexia" means students:

- (i) With a formal dyslexia diagnosis; and
- (ii) Exhibiting the characteristics of dyslexia through a school-based or outside evaluation.

6 CAR § 91-110. Dyslexia specialist.

(a)(1) The Department of Education shall employ at least one (1) dyslexia specialist with a minimum of three (3) years of field experience in screening, identifying, and treating dyslexia and related disorders to provide technical assistance for dyslexia and related disorders to school districts across the state.

(2) The dyslexia specialist shall:

(A) Be highly trained in dyslexia and related disorders, including best-practice interventions and treatment models for dyslexia;

(B) Be responsible for the accountability of screening results and the implementation of professional awareness required by 6 CAR § 91-112; and

(C) Serve as the primary source of information and support for school districts in addressing the needs of students with dyslexia and related disorders.

(b) The department shall ensure at least one (1) staff member at each education service cooperative is trained as a dyslexia specialist to provide necessary information and support to school districts.

6 CAR § 91-111. Dyslexia interventionists.

A school district shall have at least one (1) individual to serve as a dyslexia interventionist.

6 CAR § 91-112. Professional awareness.

(a) The Department of Education shall ensure that each teacher receives professional awareness on the following:

- (1) The characteristics of dyslexia; and
- (2) The evidence-based interventions and accommodations for dyslexia.

(b) Professional awareness may be provided:

- (1) Online through ArkansasIDEAS;
- (2) At an education service cooperative; or
- (3) By a professional development provider approved by the Division of Elementary and Secondary Education.

6 CAR § 91-113. Education in teacher preparation programs.

The Division of Elementary and Secondary Education shall collaborate with the Division of Higher Education to ensure that all teacher education programs offered at state-supported institutions of higher education provide dyslexia professional awareness of the:

- (1) Characteristics of dyslexia; and
- (2) Evidence-based interventions and accommodations for dyslexia.

6 CAR § 91-114. Arkansas Dyslexia Resource Guide.

(a) The Division of Elementary and Secondary Education shall maintain a committee for the purpose of developing and updating the Arkansas Dyslexia Resource Guide.

(b) The committee shall:

- (1) Be appointed by the Commissioner of Elementary and Secondary Education; and
- (2) Include one (1) representative who has experience working in the field of dyslexia intervention from each of the following organizations:
 - (A) The Arkansas Association of Educational Administrators;
 - (B) The Division of Elementary and Secondary Education's Division of Learning Services;

- (C) The Division of Higher Education;
- (D) The Arkansas Education Association;
- (E) The Arkansas School Boards Association;
- (F) An education service cooperative administrator; and
- (G)(i) The Arkansas School Psychology Association.

(ii) The committee member from the Arkansas School Psychology Association must have at least three (3) years of experience in testing for dyslexia.

(c) The committee also shall include three (3) professionals who:

- (1) Have worked in public schools; and
- (2) Are knowledgeable in and have expertise in dyslexia screening and interventions.

6 CAR § 91-115. Enforcement by the Department of Education.

(a) A school district that fails to comply with Arkansas Code § 6-41-602 et seq. and this part:

- (1) Shall be in violation of the Rules Governing the Standards for Accreditation of Arkansas Public Schools and School Districts, 6 CAR pt. 61; and
- (2) May be placed on probationary status.

(b) A school district placed on probationary status under subsection (a) of this section shall report the reason for being placed on probationary status:

- (1) On the website of the school district; and
- (2) By written notification to the parents of each student in the school district.