

As Reported by the House Education Committee

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Am. H. B. No. 96

Representatives Celeste, Brenner

**Cosponsors: Representatives Stebelton, Amstutz, Garland, Foley, Letson,
Weddington, Pillich, Dovilla, Patmon, Ramos, Hollington, Phillips, Lundy,
Thompson, O'Brien, Yuko, Murray, Williams, Stinziano, Stautberg, Antonio,
Reece, Hagan, Fende, Snitchler, Fedor, Milkovich, Clyde, Winburn**

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A B I L L

To amend section 3323.01 and to enact section 3323.25	1
of the Revised Code to specify dyslexia as a	2
specific learning disability and to require a	3
pilot project to provide early screening and	4
intervention services for children with dyslexia.	5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3323.01 be amended and section	6
3323.25 of the Revised Code be enacted to read as follows:	7

Sec. 3323.01. As used in this chapter:	8
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(A) "Child with a disability" means a child who is at least	9
three years of age and less than twenty-two years of age; who has	10
mental retardation, a hearing impairment (including deafness), a	11
speech or language impairment, a visual impairment (including	12
blindness), a serious emotional disturbance, an orthopedic	13
impairment, autism, traumatic brain injury, an other health	14
impairment, a specific learning disability (<u>including dyslexia</u>),	15
deaf-blindness, or multiple disabilities; and who, by reason	16

thereof, needs special education and related services. 17

A "child with a disability" may include a child who is at 18
least three years of age and less than six years of age; who is 19
experiencing developmental delays, as defined by standards adopted 20
by the state board of education and as measured by appropriate 21
diagnostic instruments and procedures in one or more of the 22
following areas: physical development, cognitive development, 23
communication development, social or emotional development, or 24
adaptive development; and who, by reason thereof, needs special 25
education and related services. 26

(B) "County DD board" means a county board of developmental 27
disabilities. 28

(C) "Free appropriate public education" means special 29
education and related services that meet all of the following: 30

(1) Are provided at public expense, under public supervision 31
and direction, and without charge; 32

(2) Meet the standards of the state board of education; 33

(3) Include an appropriate preschool, elementary, or 34
secondary education as otherwise provided by the law of this 35
state; 36

(4) Are provided for each child with a disability in 37
conformity with the child's individualized education program. 38

(D) "Homeless children" means "homeless children and youths" 39
as defined in section 725 of the "McKinney-Vento Homeless 40
Assistance Act," 42 U.S.C. 11434a. 41

(E) "Individualized education program" or "IEP" means the 42
written statement described in section 3323.011 of the Revised 43
Code. 44

(F) "Individualized education program team" or "IEP team" 45
means a group of individuals composed of: 46

(1) The parents of a child with a disability;	47
(2) At least one regular education teacher of the child, if	48
the child is or may be participating in the regular education	49
environment;	50
(3) At least one special education teacher, or where	51
appropriate, at least one special education provider of the child;	52
(4) A representative of the school district who meets all of	53
the following:	54
(a) Is qualified to provide, or supervise the provision of,	55
specially designed instruction to meet the unique needs of	56
children with disabilities;	57
(b) Is knowledgeable about the general education curriculum;	58
(c) Is knowledgeable about the availability of resources of	59
the school district.	60
(5) An individual who can interpret the instructional	61
implications of evaluation results, who may be a member of the	62
team as described in divisions (F)(2) to (4) of this section;	63
(6) At the discretion of the parent or the school district,	64
other individuals who have knowledge or special expertise	65
regarding the child, including related services personnel as	66
appropriate;	67
(7) Whenever appropriate, the child with a disability.	68
(G) "Instruction in braille reading and writing" means the	69
teaching of the system of reading and writing through touch	70
commonly known as standard English braille.	71
(H) "Other educational agency" means a department, division,	72
bureau, office, institution, board, commission, committee,	73
authority, or other state or local agency, which is not a city,	74
local, or exempted village school district or an agency	75
administered by the department of developmental disabilities, that	76

provides or seeks to provide special education or related services 77
to children with disabilities. The term "other educational agency" 78
includes a joint vocational school district. 79

(I) "Parent" of a child with a disability, except as used in 80
sections 3323.09 and 3323.141 of the Revised Code, means: 81

(1) A natural or adoptive parent of a child but not a foster 82
parent of a child; 83

(2) A guardian, but not the state if the child is a ward of 84
the state; 85

(3) An individual acting in the place of a natural or 86
adoptive parent, including a grandparent, stepparent, or other 87
relative, with whom the child lives, or an individual who is 88
legally responsible for the child's welfare; 89

(4) An individual assigned to be a surrogate parent, provided 90
the individual is not prohibited by this chapter from serving as a 91
surrogate parent for a child. 92

(J) "Preschool child with a disability" means a child with a 93
disability who is at least three years of age but is not of 94
compulsory school age, as defined under section 3321.01 of the 95
Revised Code, and who is not currently enrolled in kindergarten. 96

(K) "Related services" means transportation, and such 97
developmental, corrective, and other supportive services 98
(including speech-language pathology and audiology services, 99
interpreting services, psychological services, physical and 100
occupational therapy, recreation, including therapeutic 101
recreation, school nurse services designed to enable a child with 102
a disability to receive a free appropriate public education as 103
described in the individualized education program of the child, 104
counseling services, including rehabilitation counseling, 105
orientation and mobility services, school health services, social 106
work services in schools, and parent counseling and training, and 107

medical services, except that such medical services shall be for 108
diagnostic and evaluation purposes only) as may be required to 109
assist a child with a disability to benefit from special 110
education, and includes the early identification and assessment of 111
disabling conditions in children. "Related services" does not 112
include a medical device that is surgically implanted, or the 113
replacement of such device. 114

(L) "School district" means a city, local, or exempted 115
village school district. 116

(M) "School district of residence," as used in sections 117
3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, 118
means: 119

(1) The school district in which the child's natural or 120
adoptive parents reside; 121

(2) If the school district specified in division (M)(1) of 122
this section cannot be determined, the last school district in 123
which the child's natural or adoptive parents are known to have 124
resided if the parents' whereabouts are unknown; 125

(3) If the school district specified in division (M)(2) of 126
this section cannot be determined, the school district determined 127
under section 2151.362 of the Revised Code, or if no district has 128
been so determined, the school district as determined by the 129
probate court of the county in which the child resides. 130

(4) Notwithstanding divisions (M)(1) to (3) of this section, 131
if a school district is required by section 3313.65 of the Revised 132
Code to pay tuition for a child, that district shall be the 133
child's school district of residence. 134

(N) "Special education" means specially designed instruction, 135
at no cost to parents, to meet the unique needs of a child with a 136
disability. "Special education" includes instruction conducted in 137
the classroom, in the home, in hospitals and institutions, and in 138

other settings, including an early childhood education setting, 139
and instruction in physical education. 140

(O) "Student with a visual impairment" means any person who 141
is less than twenty-two years of age and who has a visual 142
impairment as that term is defined in this section. 143

(P) "Transition services" means a coordinated set of 144
activities for a child with a disability that meet all of the 145
following: 146

(1) Is designed to be within a results-oriented process, that 147
is focused on improving the academic and functional achievement of 148
the child with a disability to facilitate the child's movement 149
from school to post-school activities, including post-secondary 150
education; vocational education; integrated employment (including 151
supported employment); continuing and adult education; adult 152
services; independent living; or community participation; 153

(2) Is based on the individual child's needs, taking into 154
account the child's strengths, preferences, and interests; 155

(3) Includes instruction, related services, community 156
experiences, the development of employment and other post-school 157
adult living objectives, and, when appropriate, acquisition of 158
daily living skills and functional vocational evaluation. 159

"Transition services" for children with disabilities may be 160
special education, if provided as specially designed instruction, 161
or may be a related service, if required to assist a child with a 162
disability to benefit from special education. 163

(Q) "Visual impairment" for any individual means that one of 164
the following applies to the individual: 165

(1) The individual has a visual acuity of 20/200 or less in 166
the better eye with correcting lenses or has a limited field of 167
vision in the better eye such that the widest diameter subtends an 168

angular distance of no greater than twenty degrees. 169

(2) The individual has a medically indicated expectation of 170
meeting the requirements of division (Q)(1) of this section over a 171
period of time. 172

(3) The individual has a medically diagnosed and medically 173
uncorrectable limitation in visual functioning that adversely 174
affects the individual's ability to read and write standard print 175
at levels expected of the individual's peers of comparable ability 176
and grade level. 177

(R) "Ward of the state" has the same meaning as in section 178
602(36) of the "Individuals with Disabilities Education 179
Improvement Act of 2004," 20 U.S.C. 1401(36). 180

Sec. 3323.25. (A) The superintendent of public instruction 181
shall establish a pilot project to provide early screening and 182
intervention services for children with dyslexia through three 183
separate partnerships, each between a school district and a 184
regional library or library system. One of the school 185
district-library partnerships shall be established in an urban 186
setting, one in a suburban setting, and one in a rural setting. 187
The superintendent shall solicit and select three school districts 188
and three corresponding regional libraries or library systems to 189
participate in the pilot project. The pilot project shall operate 190
for three full school years, beginning with the school year that 191
begins at least three months after the effective date of this 192
section. 193

The goal of the pilot project shall be to demonstrate and 194
evaluate the effectiveness of early reading assistance programs 195
for children with dyslexia and to evaluate whether those programs 196
can reduce future special education costs. 197

The superintendent shall apply for private and other nonstate 198

funds, and shall use available state funds appropriated to the 199
department of education for the pilot project. 200

The superintendent shall establish guidelines and procedures 201
for the pilot project. 202

The superintendent shall consult with the international 203
dyslexia association or any other nationally recognized 204
organization that specializes in issues surrounding dyslexia in 205
establishing and operating the pilot project. 206

(B) Under the pilot project, each participating school 207
district-library partnership, through early childhood reading 208
instruction and reading assistance programs, shall screen children 209
six years of age or younger for indications of dyslexia, provide 210
appropriate reading intervention services for those children 211
suspected of having dyslexia, and administer assessments, approved 212
by the state superintendent, to ascertain whether the intervention 213
services improve those students' reading and learning. Each 214
partnership shall provide to the parents of children suspected of 215
having dyslexia information about the learning disability, 216
recommended multisensory treatment, and possible services under 217
this chapter. 218

Each participating school district-library partnership shall 219
report to the state superintendent data about the operation and 220
results of the pilot project, as required by the superintendent in 221
the manner prescribed by the superintendent. 222

(C) Not later than the thirty-first day of December of the 223
third school year in which the pilot project is operating, the 224
state superintendent shall submit a report to the general 225
assembly, in accordance with section 101.68 of the Revised Code, 226
containing the superintendent's evaluation of the results of the 227
pilot project and legislative recommendations whether to continue, 228
expand, or make changes to the pilot project. 229

(D) As used in this section, "dyslexia" means a specific 230
learning disorder that is neurological in origin and that is 231
characterized by unexpected difficulties with accurate or fluent 232
word recognition and by poor spelling and decoding abilities not 233
consistent with the person's intelligence, motivation, and sensory 234
capabilities, which difficulties typically result from a deficit 235
in the phonological component of language. 236

Section 2. That existing section 3323.01 of the Revised Code 237
is hereby repealed. 238