

As Reported by the Senate Education Committee

129th General Assembly

Regular Session

2011-2012

Sub. 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, Adams, R., Balderson, Barnes, Beck, Blair, Blessing, Buchy, Budish, Butler, Carney, DeGeeter, Derickson, Driehaus, Gentile, Gerberry, Goyal, Hackett, Hagan, C., Hall, Heard, Henne, Hottinger, Johnson, Landis, Luckie, Mallory, McClain, McKenney, Mecklenborg, Newbold, Okey, Peterson, Schuring, Slaby, Slesnick, Sykes, Szollosi, Young Speaker Batchelder

Senators Hite, Obhof

—

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 risk	5
factors for dyslexia.	6

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

Section 1. That section 3323.01 be amended and section	7
3323.25 of the Revised Code be enacted to read as follows:	8

Sec. 3323.01. As used in this chapter:	9
---	---

(A) "Child with a disability" means a child who is at least 10
three years of age and less than twenty-two years of age; who has 11
mental retardation, a hearing impairment (including deafness), a 12
speech or language impairment, a visual impairment (including 13
blindness), a serious emotional disturbance, an orthopedic 14
impairment, autism, traumatic brain injury, an other health 15
impairment, a specific learning disability (including dyslexia), 16
deaf-blindness, or multiple disabilities; and who, by reason 17
thereof, needs special education and related services. 18

A "child with a disability" may include a child who is at 19
least three years of age and less than six years of age; who is 20
experiencing developmental delays, as defined by standards adopted 21
by the state board of education and as measured by appropriate 22
diagnostic instruments and procedures in one or more of the 23
following areas: physical development, cognitive development, 24
communication development, social or emotional development, or 25
adaptive development; and who, by reason thereof, needs special 26
education and related services. 27

(B) "County DD board" means a county board of developmental 28
disabilities. 29

(C) "Free appropriate public education" means special 30
education and related services that meet all of the following: 31

(1) Are provided at public expense, under public supervision 32
and direction, and without charge; 33

(2) Meet the standards of the state board of education; 34

(3) Include an appropriate preschool, elementary, or 35
secondary education as otherwise provided by the law of this 36
state; 37

(4) Are provided for each child with a disability in 38
conformity with the child's individualized education program. 39

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

(E) "Individualized education program" or "IEP" means the 43
written statement described in section 3323.011 of the Revised 44
Code. 45

(F) "Individualized education program team" or "IEP team" 46
means a group of individuals composed of: 47

(1) The parents of a child with a disability; 48

(2) At least one regular education teacher of the child, if 49
the child is or may be participating in the regular education 50
environment; 51

(3) At least one special education teacher, or where 52
appropriate, at least one special education provider of the child; 53

(4) A representative of the school district who meets all of 54
the following: 55

(a) Is qualified to provide, or supervise the provision of, 56
specially designed instruction to meet the unique needs of 57
children with disabilities; 58

(b) Is knowledgeable about the general education curriculum; 59

(c) Is knowledgeable about the availability of resources of 60
the school district. 61

(5) An individual who can interpret the instructional 62
implications of evaluation results, who may be a member of the 63
team as described in divisions (F)(2) to (4) of this section; 64

(6) At the discretion of the parent or the school district, 65
other individuals who have knowledge or special expertise 66
regarding the child, including related services personnel as 67
appropriate; 68

(7) Whenever appropriate, the child with a disability. 69

(G) "Instruction in braille reading and writing" means the 70
teaching of the system of reading and writing through touch 71
commonly known as standard English braille. 72

(H) "Other educational agency" means a department, division, 73
bureau, office, institution, board, commission, committee, 74
authority, or other state or local agency, which is not a city, 75
local, or exempted village school district or an agency 76
administered by the department of developmental disabilities, that 77
provides or seeks to provide special education or related services 78
to children with disabilities. The term "other educational agency" 79
includes a joint vocational school district. 80

(I) "Parent" of a child with a disability, except as used in 81
sections 3323.09 and 3323.141 of the Revised Code, means: 82

(1) A natural or adoptive parent of a child but not a foster 83
parent of a child; 84

(2) A guardian, but not the state if the child is a ward of 85
the state; 86

(3) An individual acting in the place of a natural or 87
adoptive parent, including a grandparent, stepparent, or other 88
relative, with whom the child lives, or an individual who is 89
legally responsible for the child's welfare; 90

(4) An individual assigned to be a surrogate parent, provided 91
the individual is not prohibited by this chapter from serving as a 92
surrogate parent for a child. 93

(J) "Preschool child with a disability" means a child with a 94
disability who is at least three years of age but is not of 95
compulsory school age, as defined under section 3321.01 of the 96
Revised Code, and who is not currently enrolled in kindergarten. 97

(K) "Related services" means transportation, and such 98

developmental, corrective, and other supportive services 99
(including speech-language pathology and audiology services, 100
interpreting services, psychological services, physical and 101
occupational therapy, recreation, including therapeutic 102
recreation, school nurse services designed to enable a child with 103
a disability to receive a free appropriate public education as 104
described in the individualized education program of the child, 105
counseling services, including rehabilitation counseling, 106
orientation and mobility services, school health services, social 107
work services in schools, and parent counseling and training, and 108
medical services, except that such medical services shall be for 109
diagnostic and evaluation purposes only) as may be required to 110
assist a child with a disability to benefit from special 111
education, and includes the early identification and assessment of 112
disabling conditions in children. "Related services" does not 113
include a medical device that is surgically implanted, or the 114
replacement of such device. 115

(L) "School district" means a city, local, or exempted 116
village school district. 117

(M) "School district of residence," as used in sections 118
3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, 119
means: 120

(1) The school district in which the child's natural or 121
adoptive parents reside; 122

(2) If the school district specified in division (M)(1) of 123
this section cannot be determined, the last school district in 124
which the child's natural or adoptive parents are known to have 125
resided if the parents' whereabouts are unknown; 126

(3) If the school district specified in division (M)(2) of 127
this section cannot be determined, the school district determined 128
under section 2151.362 of the Revised Code, or if no district has 129

been so determined, the school district as determined by the 130
probate court of the county in which the child resides. 131

(4) Notwithstanding divisions (M)(1) to (3) of this section, 132
if a school district is required by section 3313.65 of the Revised 133
Code to pay tuition for a child, that district shall be the 134
child's school district of residence. 135

(N) "Special education" means specially designed instruction, 136
at no cost to parents, to meet the unique needs of a child with a 137
disability. "Special education" includes instruction conducted in 138
the classroom, in the home, in hospitals and institutions, and in 139
other settings, including an early childhood education setting, 140
and instruction in physical education. 141

(O) "Student with a visual impairment" means any person who 142
is less than twenty-two years of age and who has a visual 143
impairment as that term is defined in this section. 144

(P) "Transition services" means a coordinated set of 145
activities for a child with a disability that meet all of the 146
following: 147

(1) Is designed to be within a results-oriented process, that 148
is focused on improving the academic and functional achievement of 149
the child with a disability to facilitate the child's movement 150
from school to post-school activities, including post-secondary 151
education; vocational education; integrated employment (including 152
supported employment); continuing and adult education; adult 153
services; independent living; or community participation; 154

(2) Is based on the individual child's needs, taking into 155
account the child's strengths, preferences, and interests; 156

(3) Includes instruction, related services, community 157
experiences, the development of employment and other post-school 158
adult living objectives, and, when appropriate, acquisition of 159
daily living skills and functional vocational evaluation. 160

"Transition services" for children with disabilities may be 161
special education, if provided as specially designed instruction, 162
or may be a related service, if required to assist a child with a 163
disability to benefit from special education. 164

(Q) "Visual impairment" for any individual means that one of 165
the following applies to the individual: 166

(1) The individual has a visual acuity of 20/200 or less in 167
the better eye with correcting lenses or has a limited field of 168
vision in the better eye such that the widest diameter subtends an 169
angular distance of no greater than twenty degrees. 170

(2) The individual has a medically indicated expectation of 171
meeting the requirements of division (Q)(1) of this section over a 172
period of time. 173

(3) The individual has a medically diagnosed and medically 174
uncorrectable limitation in visual functioning that adversely 175
affects the individual's ability to read and write standard print 176
at levels expected of the individual's peers of comparable ability 177
and grade level. 178

(R) "Ward of the state" has the same meaning as in section 179
602(36) of the "Individuals with Disabilities Education 180
Improvement Act of 2004," 20 U.S.C. 1401(36). 181

Sec. 3323.25. (A) The superintendent of public instruction 182
shall establish a pilot project to provide early screening and 183
intervention services for children with risk factors for dyslexia, 184
including low phonemic awareness. The state superintendent shall 185
select three school districts to participate in the pilot project, 186
one of which shall be located in an urban setting, one of which 187
shall be located in a suburban setting, and one of which shall be 188
located in a rural setting. Any school district selected to 189
participate in the pilot project may establish a partnership with 190

a regional library or library system for purposes of the pilot 191
project. To be considered for the pilot project, a school district 192
shall submit a proposal to the state superintendent that 193
identifies a method of screening children for low phonemic 194
awareness and other risk factors for dyslexia, provides for the 195
enrollment of children identified as having risk factors for 196
dyslexia in a reading program staffed by teachers trained in 197
multisensory structured language programs, and includes a 198
methodology for evaluating the effects of the reading program on 199
the children's identified risk factors. The pilot project shall 200
operate for three full school years, beginning with the school 201
year that begins at least three months after the effective date of 202
this section. 203

The goal of the pilot project shall be to demonstrate and 204
evaluate the effectiveness of early reading assistance programs 205
for children with risk factors for dyslexia and to evaluate 206
whether those programs can reduce future special education costs. 207

The state superintendent shall apply for private and other 208
nonstate funds, and shall use available state funds appropriated 209
to the department of education for the pilot project. 210

The state superintendent shall establish guidelines and 211
procedures for the pilot project. 212

The state superintendent shall consult with the international 213
dyslexia association or any other nationally recognized 214
organization that specializes in multisensory structured language 215
programs for the treatment of dyslexia in establishing and 216
operating the pilot project. 217

(B) Under the pilot project, each participating school 218
district, through early childhood reading instruction and reading 219
assistance programs, shall screen children six years of age or 220
younger for indications of dyslexia, provide appropriate reading 221

intervention services for those children suspected of having 222
dyslexia, and administer assessments, approved by the state 223
superintendent, to ascertain whether the intervention services 224
improve those students' reading and learning. When a child is 225
suspected of having dyslexia, the district shall notify the 226
child's parent or guardian of that fact and that the child, as 227
part of the pilot project, is eligible to receive reading 228
intervention services to measure the effectiveness of early 229
reading assistance programs. The district shall require the parent 230
or guardian to indicate in writing that the parent or guardian 231
voluntarily and knowingly consents to the child's participation in 232
the pilot project for the provision of reading intervention 233
services. Each district shall provide to the parents of children 234
suspected of having dyslexia information about the learning 235
disability, recommended multisensory treatments, and possible 236
services under this chapter. 237

Each participating school district also shall report annually 238
to the state superintendent data about the operation and results 239
of the pilot project, as required by the superintendent in the 240
manner prescribed by the superintendent. 241

(C) Not later than the thirty-first day of December of the 242
third school year in which the pilot project is operating, the 243
state superintendent shall submit a report to the general 244
assembly, in accordance with section 101.68 of the Revised Code, 245
containing the superintendent's evaluation of the results of the 246
pilot project and legislative recommendations whether to continue, 247
expand, or make changes to the pilot project. 248

(D) As used in this section, "dyslexia" means a specific 249
learning disorder that is neurological in origin and that is 250
characterized by unexpected difficulties with accurate or fluent 251
word recognition and by poor spelling and decoding abilities not 252
consistent with the person's intelligence, motivation, and sensory 253

<u>capabilities, which difficulties typically result from a deficit</u>	254
<u>in the phonological component of language.</u>	255
Section 2. That existing section 3323.01 of the Revised Code	256
is hereby repealed.	257