

Alerts & Articles

California Mandates Dyslexia Screening in Schools

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On July 10, 2023, Governor Newsom signed Senate Bill 114 into law. The new law takes effect January 1, 2024. The bill specifically adds Education Code Section 53008, entitled "Screening for Risk of Reading Difficulties," which outlines new requirements for the State Board of Education (State Board) as well as local educational agencies (LEAs). Section 53008 requires LEAs to screen students in kindergarten through 2nd grade for reading delays, including dyslexia. This legislation builds on prior and more narrowly focused legislation in the area of dyslexia and specific learning disability assessment. This new law is broader in its application and can assist LEAs early in their efforts to promote reading and learning.

State Board Requirements

Section 53008, subdivision (b), states in pertinent part:

On or before January 31, 2024, the state board shall appoint an independent panel of experts for the purpose of creating an approved list of evidence-based, culturally, linguistically, and developmentally appropriate screening instruments for pupils in kindergarten and grades 1 and 2 to assess pupils for risk of reading difficulties, including possible neurological disorders such as dyslexia, pursuant to this section.

The section further outlines the responsibility of the State Board to create a review process to establish how screening instruments will be evaluated and to adopt screening instruments that seek to minimize the risk of over-identifying or under-identifying students.

Notably, the work of the panel of experts appointed by the State Board will be subject to the Bagley-Keene Open Meeting Act, a California law that mandates open meetings for California state agencies, boards,

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and commissions. This will provide an opportunity for LEAs and other public education stakeholders to provide input throughout the process.

The bill further mandates that on or before December 31, 2024, the panel must vote to approve a list of screening instruments pursuant to the review process and evaluation criteria. The screening instruments included on the list must be developed for both English-speaking students and for non-English-speaking students. The panel of experts shall also identify information about the appropriate administration of each screening instrument, including which grade level(s) of students may be appropriately administered each screening instrument.

What does this mean for LEAs?

1. On or before June 30, 2025, LEAs must adopt, at a public meeting, one or more screening instruments from the list approved by the State Board appointed panel to assess students for risk of reading difficulties.
2. Commencing no later than the 2025–26 school year, and annually thereafter, LEAs must assess each student in kindergarten through 2nd grade for risk of reading difficulties using the screening instrument(s) adopted by that LEA.
3. LEAs need to develop the requisite notice indicating that students are eligible for screening and the option of parents or guardians to opt out of the screening, in writing, at least 15 days before the screenings will be administered.
4. If a student enrolls in a school after the screening has already been administered to other students in that grade, the LEA has 45 days after the student's enrollment to complete the screening unless parents opt out.
5. Parents must be notified of the results of the screening, along with information as to how to interpret the results, no more than 45 calendar days after the screening is administered. These results must also include any next steps, such as the availability of services available to students if they are identified as being at risk for reading difficulties.
6. According to the new law, if students are determined to be "at risk" they shall be provided with services and supports to address their needs, which may include:



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RELATED PRACTICE AREAS

Charter Schools
IDEA/Education Code, Section 504
and ADA
Student Services and Disabilities

RELATED INDUSTRIES

Educational Agencies

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- Evidence-based literacy instruction focused on the pupil's specific needs
- Progress monitoring
- Early intervention in the regular general education program
- One-on-one or small group tutoring
- Further evaluation or diagnostic assessment.

Key Highlights for Section 504 and Special Education Departments

1. Assessment does not replace eligibility evaluation. The dyslexia screening that takes place within a school setting is not intended to make a diagnosis. Nevertheless, while the assessments administered pursuant to this section shall not be considered an evaluation to establish eligibility for special education and related services pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) ("IDEA"), or an evaluation to determine eligibility for a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) ("Section 504"), LEAs should pay close attention to the results because assessments may reveal areas of suspected disability triggering LEAs to evaluate for eligibility. Special Education and Student Services departments should ensure appropriate tracking of results, including the outcome of any interventions provided, given the responsibility of LEAs to provide services to students who are identified as being at risk for reading difficulties.
2. Child Find. As part of its existing child find efforts, LEAs should consider "at-risk" results on the screenings as one of many factors that may trigger a student's referral for multi-tiered systems of support (MTSS), response to intervention (RTI), consideration by an SST team and, where needed, consideration for evaluation and identification for a Section 504 plan or an individualized education program (IEP) as supported by or otherwise required by law.

LEAs with questions regarding the new law, including how to implement it, should contact the authors of this Alert or their usual counsel at AALRR.

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