

Summary of Final 2023-2024 Budget Proposal for K-2 Screening for Reading Difficulties

Creates new Education Code section 53008 – Panel for Reading Difficulties Screeners

The 2023-24 budget includes \$1 million for the State Board of Education (SBE) to form an independent panel of experts that would compile a list of screening tools used to assess students' risk for reading difficulties. Districts will be required to screen pupils in kindergarten through 2nd grade for risk of reading difficulties starting in the 2025-26 school year, using one of the tools approved by an independent panel of experts.

Following is the timeline for implementation of the new reading screening requirements:

- **By January 31, 2024** – the State Board of Education is required to 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 through 2nd grade to assess pupils for risk of reading difficulties, including possible neurological disorders such as dyslexia. The SBE shall establish a review process.ⁱ
- **By December 31, 2024** – the panel of experts will approve a list of screening instruments. "Screening instrument" is defined as a brief tool administered by an appropriately trained school employee, including, but not limited to, a certificated teacher of record, measuring discrete areas to determine pupils at risk of reading difficulties, including dyslexia. The list shall include screening instruments that are developed both for English-speaking pupils and for non-English speaking pupils, in languages reflecting the primary languages of pupils in the state, to the extent assessments in those languages are available. The panel of experts shall also identify information about the appropriate administration of each screening instrument, including the appropriate grade or grades for administration of each screening instrument.
- **By June 30, 2025** – governing board or body of a local educational agency (LEA) serving pupils in any grades K-2 shall adopt at a public meeting, one or more screening instruments from the list adopted by the SBE.
- **Commencing in 2025-26 school year** – LEAs serving pupils in grades K-2 are required to assess each pupil in kindergarten to grade 2 for risk of reading difficulties using the instrument or instruments adopted by the governing board.
 - If a pupil in grades K-2 enrolls in the school after the screening has been administered, the LEA is required to assess the pupil within 45 days of enrollment.
 - For pupils who do not speak sufficient English, requires pupils to be screened with an English-language instrument in their primary language if a screening instrument in their primary language is available.

Parent/Guardian Requirements

Local education agencies are required to provide parents/guardians of pupils eligible for screening with information about the screening, including the date or dates of the screening and instructions for how parents or guardians can opt-out of the screening on behalf of their child, no later than 15 calendar days before the administration of the screening instrument or instruments.

Screening results shall be made available to parents in a timely manner (but no more than 45 calendar days from the date of assessment).

A parent/guardian may elect not to have their child participate in the reading screening. This opt-out provision must be submitted in writing.

A pupil may be exempt from screenings with the prior written consent of the parent or guardian if any of the following criteria are satisfied:

- The pupil has a current identification or diagnosis of a reading difficulty, reading disorder, or other disability.
- The pupil is eligible for special education and related services pursuant to the federal IDEA or a 504-plan pursuant to the federal Rehabilitation Act of 1973.
- The pupil is in the process of being assessed for eligibility for special education and related services pursuant to IDEA or Section 504 of the federal Rehabilitation Act of 1973 and the pupil is being evaluated with diagnostic assessments that make screening pursuant to this section redundant.

Screening Results & Student Support/Services

Screening results shall be used as a flag for potential risk of reading difficulties, not as a diagnosis of a disability. Results from a screening instrument shall be used as part of a broader process that further evaluates pupil needs and progress, identifies supports for classroom instruction, enables targeted individual intervention as needed, and allows for further diagnosis if concerns do not resolve. Accordingly, if a pupil is identified as being at risk of having reading difficulties after being screened, the LEA shall provide the pupil with supports and services, appropriate to the specific challenges identified by the screening instrument and other pertinent information about the pupil, which may include, among other supports and services, any of the following:

- 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.

The results of an assessment administered shall not be used for any high-stakes purpose, including, but not limited to, teacher or other school staff evaluation, accountability, pupil grade promotion or retention, identification for gifted or talented education, reclassification of English learners, or identification as an individual with exceptional needs.

Assessments administered shall not be considered an evaluation or diagnostic tool to establish eligibility for special education and related services pursuant to the federal IDEA or an evaluation to determine eligibility for a 504-plan pursuant to the federal Rehabilitation Act, nor shall the assessment be used to delay the child find process required under the federal Individuals with Disabilities Education Act.

ⁱ Criteria to support the adoption of high-quality screening instruments that minimize the overidentification or underidentification of pupils' risk of reading difficulties

The SBE shall use the following criteria to support the adoption of high-quality screening instruments that minimize the overidentification or underidentification of pupils' risk of reading difficulties, and offer meaningful information for follow-up, the state board shall consider the extent to which a screening instrument addresses the following factors when adopting evaluation criteria:

- Use of direct measurement, supplemented by other pupil data, to determine if a pupil is at risk of a reading difficulty, including dyslexia.
- Measurement of domains that may predict dyslexia and other reading disorders, including, but not limited to, measures of oral language, phonological and phonemic awareness, decoding skills, letter-sound knowledge, knowledge of letter names, rapid automatized naming, visual attention, reading fluency, vocabulary, and language comprehension.
- Evidence that the tool is normed and validated using a contemporary multicultural and multilanguage sample of pupils, with outcome data for pupils whose home language is a language other than English as well as those who are native English speakers.
- Integration of relevant pupil demographic information, such as home language, English language fluency, and access to prekindergarten education, to more fully understand a pupil's performance.
- Guidance and resources for educators regarding how to administer screening instruments, interpret results, explain results to families, including in pupils' primary languages, and determine further educational strategies, assessments, diagnostics, and interventions that should be considered and that are specific to each type of pupil result. Guidance and resources provided pursuant to this subparagraph shall be informed by the English Language Arts/English Language Development Framework for California Public Schools developed pursuant to Section 60207 and the California Dyslexia Guidelines developed pursuant to Section 56335, as well as knowledge of effective interventions for the specific needs of individual pupils, and shall reflect a tiered interventions model aligned with the Multi-Tiered Systems of Support.