

**ADMINISTRATIVE RULES SUBCOMMITTEE
OF THE
ARKANSAS LEGISLATIVE COUNCIL**

Thursday, June 19, 2025

10:00 a.m.

Room A, MAC

Little Rock, Arkansas

A. Rules Filed Pursuant to Ark. Code Ann. § 10-3-309 to Be Considered Pending Suspension of the Subcommittee Rules Due to Second Public Comment Period Expiring After the Deadline of May 15, 2025

1. DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION (Courtney Salas-Ford)

a. Rules Governing Dyslexia Screenings and Interventions

DESCRIPTION: The Department of Education, Division of Elementary and Secondary Education seeks to amend its Rules Governing Dyslexia Screenings and Interventions. The division provided the following summary of the rule changes:

Purpose

The proposed amendment is necessary to update the existing rule in order to implement the relevant provisions of LEARNS. The key policy change implemented by this amendment is that a mandatory dyslexia screening is extended to third grade students. In addition, LEARNS created a process by which students identified by teachers or parents in grades 3-12 may also be administered a dyslexia screening. If flagged by the initial screener, students are required to receive a second more in-depth dyslexia screening. If indicated by the second screening, the student is required to receive dyslexia intervention. The amendment also implements added notice and reporting requirements to the students' parents required under the LEARNS Act. Additional to the legally required updates, the amendment defines technical terms that were added by LEARNS or that were used but undefined in the current rule. The amendment also establishes timeframes for the actions required under the law.

Background

Prior to the changes made in Act 237 of 2023, the dyslexia screenings were only required for all students in kindergarten, first grade, and second grade. In addition, past practice has been that dyslexia screening was conducted separately from any other process or testing battery.

Key Points

- Updates Dyslexia Rule to extend universal dyslexia screening to third grade as required in LEARNS.
- Establishes requirements and deadlines to ensure students receive effective early intervention by trained personnel.
- Implements requirements ensuring regular detailed updates to parents regarding dyslexia screening and intervention.

Discussion

In addition to the changes described above, this amendment reflects new department policy that dyslexia screening is now integrated with the required student assessments, i.e. testing, and the required literacy screening for K-3 students established in LEARNS. This will ensure universal compliance with the initial screening requirements and ensure efficient and timely dyslexia screening is provided to all students.

Summary of Public Comment Changes***First Public Comment Period***

The rule generated a large volume of public comments which led to a revision to core provisions of the rule. One of the primary goals of the rule is to ensure any student needing an intervention is identified and to ensure that intervention is provided as rapidly as possible. However, the original bifurcated timelines required full evaluation to be completed within 15 days of a student being identified for evaluation and intervention services being required to be provided within 7 days of the student being determined to require services. The revision provides an overall 30-day timeline which provides additional time and added flexibility. Clarity was also added that while the school must notify parents, an absence of parental consent will not delay the assessment or intervention.

Changes were made clarifying that for students in kindergarten through second grade, the requirements of the rule would be satisfied using the state assessment system (ATLAS). This addressed comments that the original language was unclear regarding this point.

Changes were also made to clarify that school personnel could consider information in addition to the assessment results, including work sampling, language acquisition, disabilities, or impairments. This addressed comments that students who speak English as a second language, are visually impaired, or other similar extenuating circumstances may indicate as having reading and comprehension problems that are not rooted in dyslexia.

Clarity was also provided regarding the impact of an independent review on the deadlines to begin intervention requiring that the school begin

intervention, if necessary, within 30 days of receiving the independent review.

Revisions were also made to provide a clearer and more workable process to exit dyslexia intervention. This allows the student to exit the intervention when performing at the expected level or when both the parent and the school officials agree that the student's improvements are sufficient not to interfere with their education and that continued intervention is unlikely to yield additional improvements.

Changes were made based on comments to the section addressing IEP students to ensure that the dyslexia interventionist is qualified to provide the necessary training.

Additional changes were technical or grammatical in nature.

Second Public Comment Period

The wording of 4.04.1 was slightly changed to be an exact copy of the statutory language to address comments regarding ambiguity. All other changes are technical or grammatical in nature.

PUBLIC COMMENT: A public hearing was held on May 31, 2024. The public comment period closed on June 10, 2024. A second public comment hearing was held on May 7, 2025. The second public comment period closed on May 20, 2025. The agency provided a summary of public comments it received and its responses. Due to its length, that summary is attached separately.

Jason Kearney, an attorney with the Bureau of Legislative Research, asked the following questions and received the following responses:

1) Sections 4.05, 5.03 and 5.04 – What prompted the agency to adopt the fifteen (15) day timelines set out in these respective sections of the amended rules, which concern required dyslexia screenings?

RESPONSE: This was a policy choice designed to ensure prompt identification of students who require dyslexia interventions and the timely delivery of the needed intervention. However, these timelines are being evaluated in light of the public comments received and may be altered in the final rule. A final decision regarding these timelines has not been made at this time.

2) Section 6.01.1 – What prompted the agency to adopt the seven (7) day timeline set out in this section of the proposed rules, which concerns dyslexia interventions? **RESPONSE:** This was a policy choice designed to ensure prompt identification of students who require dyslexia interventions and the timely delivery of the needed intervention.

However, these timelines are being evaluated in light of the public comments received and may be altered in the final rule. A final decision regarding these timelines has not been made at this time.

Based upon changes made to the rule after the close of the second public comment period, the following question was asked of the agency:

3) Is there a reason why the definition of “Dyslexia specialist” in the amended rule no longer mirrors the definition that appears in Arkansas Code Annotated § 6-41-602(4)(A)? **RESPONSE:** The itemized components were removed in the rule amendment process as a streamlining measure given that the listed components appear in the substantive rule. There is no intent to deviate from the statutory law which will continue to control.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency indicated that the amended rule has no financial impact.

LEGAL AUTHORIZATION: Pursuant to Arkansas Code Annotated § 6-41-610(a), the Division of Elementary and Secondary Education shall adopt rules to implement Arkansas Code Annotated §§ 6-41-601 through 6-41-612, which concern Dyslexia and related disorders. *See also* Ark. Code Ann. § 6-41-611(b) (authorizing the division to promulgate rules to enforce and implement Ark. Code Ann. §§ 6-41-601 through 6-41-612). Further, pursuant to Ark. Code Ann. § 6-41-603(a)(3), the State Board of Education shall adopt rules to ensure that: 1) all students in kindergarten through grade three (K-3) are screened using a division-approved screener; 2) consistent interpretation of screening data is used to identify students either exhibiting a substantial reading deficit or indicating early signs consistent with characteristics of dyslexia; 3) students receive early intervention by a trained interventionist; and 4) student progress is monitored and reported to the parent or legal guardian of a student at least two (2) times each school year.

The state board shall further adopt rules under Ark. Code Ann. § 6-41-603(b)(4) to ensure: 1) all students in grades three through twelve (3-12) experiencing difficulty in fluency or spelling are screened using a division-approved screener; 2) consistent interpretation of screening data is used to identify students exhibiting deficits indicating early signs consistent with characteristics of dyslexia; 3) students receive early intervention by a trained interventionist; and 4) student progress is monitored and reported to the parent or legal guardian of a student at least two (2) times each school year.

The amended rule implements Act 237 of 2023, § 51, which created the LEARNS Act, and amended various provisions of the Arkansas Code as they relate to early childhood through grade twelve (12) education in the state of Arkansas.

B. Adjournment.