



FAQ Information Related to Learning Disabilities, Including Dyslexia

LEGISLATIVE BILL 298

Approved by the Governor June 1, 2023

Introduced by Linehan, 39; DeBoer, 10; Conrad, 46.

A BILL FOR AN ACT relating to education; to amend section 79-101, Revised Statutes Cumulative Supplement, 2022; to require each school district to collect and provide information regarding learning disabilities and the school board of each school district to adopt a written dress code and grooming policy as prescribed; to require the State Department of Education to provide a report and to develop a model dress code and grooming policy for schools as prescribed; to adopt the Interstate Teacher Mobility Compact; to provide a duty for the State Board of Education; to define and redefine terms; to harmonize provisions; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. (1) On or before July 1 of each year, each school district shall provide to the State Department of Education, on forms prescribed by the department, information relating to dyslexia. Such information shall include, but not be limited to, the number of students in each public school in such district:

(a) Tested for a specific learning disability in the area of reading, including tests that identify characteristics of dyslexia and the results of such tests;

(b) Identified as having a reading issue, including dyslexia, pursuant to the assessment administered under the Nebraska Reading Improvement Act; and

(c) Identified as described in subdivision (b) of this subsection that have shown growth on the measure used to identify the reading issue.

(2) The State Department of Education shall annually compile the information received pursuant to subsection (1) of this section and provide a report on such information electronically to the Legislature on or before September 1 of each year.

The law requires school districts to collect and provide to the Nebraska Department of Education information related to learning disabilities, including dyslexia.

The data collecting and reporting set forth in this law is required of all Nebraska public school districts.

Beginning with school year 2023-2024, and each year after, each public school district shall provide to the State Department of Education:

- the number of students in each public school evaluated (tested) for a specific learning disability (SLD) **in the area of reading** ages 3 to 21;
 - » this should include students assessed with instruments that identify the characteristics of dyslexia;
- the results of the evaluation (testing) to determine eligibility under the category of specific learning disability (SLD) **in the area of reading**;
- the number of students identified as having a reading deficiency according to assessments administered under the requirements of the Nebraska Reading Improvement Act, revised statute (79-2601 to 79-2607), and;
- the number of students who have shown growth on the approved screeners (assessments) used to identify a reading deficiency during the screening cycle will be reported to the NDE.

DEFINITIONS

DYSLEXIA

The National Institutes of Health (NIH), the International Dyslexia Association (IDA), the Nebraska Dyslexia Association (NDA), and others have adopted and support the following definition:

Dyslexia is a specific learning disability that is neurological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede the growth of vocabulary and background knowledge. View additional information in the NDE [Dyslexia Guide](#).

UNIVERSAL SCREENING (“TESTING”)

A universal screener for reading functions within the NeMTSS framework to support students' reading success as a service provided through the Nebraska Reading Improvement Act (Section 79-2601- 79-2607). Following the NeMTSS best-practice model, school districts implement universal screening of reading for all students (K-3) at various points in the beginning, middle, and end of the school year, regardless of the student's performance in the classroom. Universal screening focuses on specific skills that are highly correlated with broader measures of reading achievement resulting in the identification of those students potentially “at-risk” for future reading failure, including those with developmental reading disabilities. This information can also provide districts with information regarding the effectiveness of their core instructional program. The Nebraska Department of Education has created an [IRIP Guidance](#) document for more information surrounding Universal Screening.

DYSLEXIA SCREENER

In Nebraska ([79.1118.01](#)), dyslexia is defined as a specific learning disability. Beginning with the 2018-2019 school year, students that show characteristics of dyslexia are required to receive “evidence-based structure literacy instruction implemented with fidelity using multisensory approach” ([79-11,156](#)). Under the Nebraska Reading Improvement Act, approved tier one screeners have been selected to help identify students at risk for reading difficulties such as dyslexia. Schools may choose to add an additional Dyslexia-specific screener, but it is not required under this law.

READING DEFICIENCY

The Nebraska Reading Improvement Act states that a reading deficiency is determined when any student in kindergarten, grade one, grade two, or grade three shall be identified as having a reading deficiency if such student performs below the threshold level determined pursuant to section 79-2603 on an approved reading assessment. A student who is identified as having a reading deficiency pursuant to this subsection shall remain identified as having a reading deficiency until the student performs at or above the threshold level on an approved reading assessment.

SPECIFIC LEARNING DISABILITY (SLD)

For students with dyslexia to be eligible under the eligibility category of [Specific Learning Disability](#) (SLD), data must be used to demonstrate that the disability has a significant educational impact. Under IDEA (2006), to qualify for special education services in the category of specific learning disability, the child must have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The category includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

The evaluation process analyzes data for the purpose of determining whether a student meets the criteria for different services. As a result of screening and subsequent evaluation, a student who is found to have dyslexia may receive an individualized reading improvement plan (K-3), be eligible for a 504 plan (to provide appropriate accommodations) or be found eligible for an Individualized Education Program (IEP) and receive specialized instruction and related services. The culmination of the evaluation process is a written report that includes evidence of whether or not specific criteria are met for eligibility and clearly states recommendations for specially designed instruction, as mandated by federal law. The written report also lists accommodations such as providing additional time for assessments or having tests read to the student.

For more information on criteria for eligibility of a specific learning disability refer to [Determining Special Education Eligibility for Specific Learning Disabilities](#).

FREQUENTLY ASKED QUESTIONS

1. When will this law go into effect?

School districts will begin collecting data during the 2023-2024 school year and make a submission to the NDE on or before July 1, 2024. An NDE Portal data collection is currently in development. Once the new collection opens (Summer 2024), school districts will enter their information (see Table 1) for the current school year (July 1, 2023, through June 30, 2024). For subsequent school years, all data will be collected via the NDE Portal system.

2. Who is responsible for collecting and reporting data to the NDE?

According to the law, reported information includes "...the number of students in each public school in such district." Nebraska public districts must report the required data (see Table 1) to the district level. The school district will then compile the data to share with NDE.

3. For which grade levels do the reporting requirements apply?

The Nebraska Reading Improvement Act requires districts to screen students in grades K-3 three times per year. Data must also be collected and reported on students ages three to 21 who have been evaluated (tested) for a specific learning disability in reading.

4. How is a "reading issue" determined for individual students?

Per the requirements of the Nebraska Reading Improvement Act, kindergarten through 3rd grade students are identified as having a reading issue if they perform below the threshold level determined pursuant to section 79-2603 on an approved reading assessment.

5. How should student growth towards proficiency be measured and reported?

Student growth toward proficiency should be measured according to appropriate progress monitoring tools utilized as part of a student's Individualized Reading Improvement Plan (IRIP). The number of students who have shown growth on the approved screeners (assessments) used to identify a reading deficiency during the screening cycle will be reported to the NDE.

6. Which universal screeners can be used to measure growth in reading proficiency?

For the selection of a universal screener, please refer to the Approved Reading Assessment page as covered under the Nebraska Reading Improvement Act.

7. What types of screeners measure the characteristics of dyslexia?

The primary characteristics of dyslexia in a school setting are weaker decoding, difficulty accurately reading (or sounding out) unknown words, poor fluency, and low, inaccurate, or labored oral reading (slow reading rate). Because students with dyslexia may exhibit a wide range of characteristics and screening tools do not provide a medical diagnosis, further testing will be needed.

It is not necessary to create a separate screening process to identify students with characteristics of dyslexia. The goal is to embed dyslexia screening within a Multi-tiered System of Support (MTSS). Integrating data from screening, progress monitoring, and response to evidence-based instruction and intervention provides the greatest accuracy for identifying struggling readers as well as students with characteristics of dyslexia. For specific information, refer to your universal screener's administration guidelines.

8. Should a student who is already on an IEP also be on an Individual Reading Improvement Plan (IRIP)?

If a student is determined to be eligible for special education, regardless of the eligibility category, he or she may have goals within the IEP related to progress in the area of reading. If the student has goals related to reading, the student would not be placed on an IRIP; rather the team would work to support the student through the IEP. If the student is on an IEP and the IEP does not contain goals related to supporting reading progress, the student could also be placed on an Individual Reading Improvement Plan as required.

9. How does a district account for students who have moved during the school year?

Each district will collect the number of students for each category listed above from the July 1 to June 30 time period prior to the July 1 reporting date.

For students who are being evaluated (tested) for Specific Learning Disability in the area of reading - The school district that completes evaluation (testing) and holds the eligibility meeting should report that student in its annual data for this collection.

For students identified as needing Individualized Reading Improvement Plans, districts will count the student when placed on the IRIP during that time period. The progress of that student will be measured by the district who has the student in membership on the June 30th date of the reporting time period.

TABLE 1.

Individual school data will be collected, compiled, and shared at the district level.

SPECIFIC LEARNING DISABILITY EVALUATION	ELIGIBILITY		IDENTIFICATION OF READING DEFICIENCIES	STUDENT GROWTH
The number of students in each public school (building) evaluated (tested) for a specific learning disability (SLD) in the area of reading, including tests that identify characteristics of dyslexia (ages 3 to 21)	The results of the evaluation (testing) to determine eligibility under the category of specific learning disability (SLD) in the area of reading, including tests that identify characteristics of dyslexia		The number of students identified as having a reading deficiency and placed on an IRIP (K-3)	The number of students (K-3) who have shown growth on the approved screeners (assessments) used to identify a reading deficiency during the screening cycle
Total Number of Students:	The number of students determined eligible:	The number of students determined not eligible:	Total Number of Students:	Total Number of Students: