



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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LEGAL UPDATE

October 20, 2015

To: Superintendents, Member School Districts (K-12)
From: Carl D. Corbin, General Counsel *CDC*
**Subject: New Law Requires Special Education Dyslexia Program Guidelines
Memo No. 28-2015**

On October 8, 2015, the California Governor approved Assembly Bill (“AB”) 1369, which provides two new Education Code sections (56334 and 56335) regarding special education “dyslexia” (a reading disability).

Phonological Processing

Effective January 1, 2016, Education Code section 56334 provides:

The state board shall include “phonological processing” in the description of basic psychological processes in Section 3030 of Title 5 of the California Code of Regulations.

This will add “phonological processing” to the list of already existing basic psychological processes: attention; visual processing; auditory processing; sensory-motor skills; and cognitive abilities including association, conceptualization and expression.¹ However, the existing definition for Specific Learning Disability (“SLD”), pursuant to the Individuals with Disabilities Act (“IDEA”), will not change.

Dyslexia Program Guidelines

No later than the start of the 2017-2018 school year the Superintendent of Public Instruction (“SPI”) shall:

...develop program guidelines for dyslexia to be used to assist regular education teachers, special education teachers, and

¹ See 5 C.C.R. section 3030(b)(10).



parents to identify and assess pupils with dyslexia, and to plan, provide, evaluate, and improve educational services to pupils with dyslexia. For purposes of this section, “educational services” means an evidence-based, multisensory, direct, explicit, structured, and sequential approach to instructing pupils who have dyslexia.²

The SPI shall disseminate the program guidelines on the California Department of Education (“CDE”) website and provide technical assistance to parents, teachers, school administrators, and faculty of teacher training programs. However, there is no mandatory requirement for Local Educational Agencies (“LEAs”) to implement the guidelines rather the guidelines simply provide a model that LEAs may choose to implement.

For your convenience, a copy of AB 1369 is included at the end of this Legal Update.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

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² Education Code section 56335.

Assembly Bill No. 1369

CHAPTER 647

An act to add Sections 56334 and 56335 to the Education Code, relating to special education.

[Approved by Governor October 8, 2015. Filed with
Secretary of State October 8, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1369, Frazier. Special education: dyslexia.

(1) Existing law requires all children with disabilities residing in the state, regardless of the severity of their disabilities, and who are in need of special education and related services, to be identified, located, and assessed. Existing law provides that a pupil who is assessed as being dyslexic and meets certain eligibility criteria for the federal Individuals with Disabilities Education Act category of specific learning disabilities is entitled to special education and related services. Existing law defines a "specific learning disability" as a disorder in one or more of the basic psychological processes involved in understanding or in using language, and includes in that definition dyslexia and other specified conditions.

This bill would require the Superintendent of Public Instruction to develop, and to complete in time for use no later than the beginning of the 2017–18 academic year, program guidelines for dyslexia to be used to assist regular education teachers, special education teachers, and parents to identify and assess pupils with dyslexia, and to plan, provide, evaluate, and improve educational services, as defined, to pupils with dyslexia. The bill would require the Superintendent to disseminate the program guidelines through the State Department of Education's Internet Web site and to provide technical assistance regarding their use and implementation to specified persons.

(2) Existing regulations adopted by the State Board of Education include specific basic psychological processes in the definition of "specific learning disability."

This bill would require the state board to include "phonological processing" in that description of basic psychological processes.

The people of the State of California do enact as follows:

SECTION 1. Section 56334 is added to the Education Code, to read:

56334. The state board shall include "phonological processing" in the description of basic psychological processes in Section 3030 of Title 5 of the California Code of Regulations.

SEC. 2. Section 56335 is added to the Education Code, to read:

56335. (a) The Superintendent shall develop program guidelines for dyslexia to be used to assist regular education teachers, special education teachers, and parents to identify and assess pupils with dyslexia, and to plan, provide, evaluate, and improve educational services to pupils with dyslexia. For purposes of this section, “educational services” means an evidence-based, multisensory, direct, explicit, structured, and sequential approach to instructing pupils who have dyslexia.

(b) The program guidelines shall include, but shall not be limited to, characteristics typical of pupils with dyslexia and strategies for their remediation, as well as information to assist educators in distinguishing between characteristics of dyslexia and characteristics of normal growth and development.

(c) In developing program guidelines pursuant to subdivision (a), the Superintendent shall consult with teachers, school administrators, other educational professionals, medical professionals, parents, and other professionals involved in the identification and education of pupils with dyslexia.

(d) The Superintendent shall complete the program guidelines in time for use no later than the beginning of the 2017–18 academic year.

(e) The Superintendent shall disseminate the program guidelines through the department’s Internet Web site and provide technical assistance regarding their use and implementation to parents, teachers, school administrators, and faculty members in teacher training programs of institutions of higher education.