

2023 HOUSE EDUCATION

HB 1306

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

HB 1306
1/23/2023

Relating to establishing a dyslexia voucher program and to provide a report to the legislative management

2:32 PM

Chairman Heinert opened the hearing.

Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Hager, Hauck, Heilman, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Absent: Representative Dyk and Hoverson

Discussion Topics:

- Dyslexia
- Learning disabilities
- Vouchers

Representative Strinden, Dist. 41, introduced the bill and proposed amendment 23.0363.02001 (testimony #16657), Testimony #15028

Kaylah Effertz Cleveland, testimony #15473

Brenda Ehrmantraut, Assistant Director of Academic Support, DPI, Testimony #15549

Additional written testimony:

Joan Trygg, Testimony 15426

3:03 PM Chairman Heinert closed the hearing.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1306
2/14/2023

Relating to establishing a dyslexia voucher program and to provide a report to the legislative management

4:06 PM Chairman Heinert opened the meeting. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Committee action

Lea Kugel, Special Education Regional Coordinator with the Department of Public Instruction, was called forward to answer questions.

Rep Schreiber Beck moved to adopt the proposed amendment 23.0363.02002, seconded by Rep Heilman. Voice vote, motion carried.

Rep Schreiber Beck moved a Do Pass as Amended, seconded by Rep Conmy.
Roll Call Vote:

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	Y
Representative LaurieBeth Hager	Y
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	Y
Representative Eric James Murphy	AB
Representative Anna S. Novak	Y
Representative Kelby Timmons	Y

13-0-1 Motion carried. Rep Schreiber Beck is carrier.

Additional written testimony:

Rep Strinden, proposed amendment 23.0363.02002, Testimony 20519, 20520

4:16 PM meeting adjourned.

Kathleen Davis, Committee Clerk

24
2-14-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1306

Page 1, line 2, remove "and"

Page 1, line 3, after "management" insert "; and to provide an appropriation"

Page 1, line 14, after "interventions" insert ". A school district shall permit private tutors to provide tutoring services on school premises"

Page 1, line 15, after "to" insert "administer the program."

Page 1, line 16, after "program" insert an underscored comma

Page 1, line 16, remove "to"

Page 1, after line 20, insert:

"SECTION 2. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - DYSLEXIA VOUCHER PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of funding the dyslexia voucher program, for the biennium beginning July 1, 2023, and ending June 30, 2025. The department of public instruction may use up to five percent for administrative costs for the program."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1306: Education Committee (Rep. Heinert, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1306 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 3, after "management" insert "; and to provide an appropriation"

Page 1, line 14, after "interventions" insert ". A school district shall permit private tutors to provide tutoring services on school premises"

Page 1, line 15, after "to" insert "administer the program."

Page 1, line 16, after "program" insert an underscored comma

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"SECTION 2. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - DYSLEXIA VOUCHER PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of funding the dyslexia voucher program, for the biennium beginning July 1, 2023, and ending June 30, 2025. The department of public instruction may use up to five percent for administrative costs for the program."

Renumber accordingly

2023 HOUSE APPROPRIATIONS

HB 1306

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Brynhild Haugland Room, State Capitol

HB 1306
2/16/2023

Relating to establishing a dyslexia voucher program and to provide a report.

3:55 PM Chairman Vigesaa called the meeting to order, roll was taken-

Members present; Chairman Vigesaa, Representative B. Anderson, Representative Bellew, Representative Brandenburg, Representative Hanson, Representative Kreidt, Representative Martinson, Representative Mitskog, Representative Meier, Representative Mock, Representative Monson, Representative J. Nelson, Representative Pyle, Representative Richter, Representative Sanford, Representative Schatz, Representative Schobinger, Representative Strinden, Representative G. Stemen and Representative Swiontek.

Members not Present- Representative Kempenich, Representative Nathe and Representative O'Brien

Discussion Topics:

- Money from General Funds
- Teacher Training for Dyslexia Characteristics

Representative Heinert-, District 32- Introduces the bill.

Representative J. Nelson- Offers some language for an amendment. Move to amend with the voucher being the last payer resort.

Representative Hanson Seconds the motion.

Committee discussion- Roll call vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	A
Representative Bert Anderson	Y
Representative Larry Bellew	Y
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	A
Representative Jon O. Nelson	Y

Representative Emily O'Brien	A
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	Y
Representative Randy A. Schobinger	Y
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	Y

Motion Carries- 20-0-3

Representative Strinden- Move for a Do Pass as Amended

Representative J. Stemen- Seconds the motion.

Committee discussion- Roll call vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	A
Representative Bert Anderson	Y
Representative Larry Bellew	Y
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	A
Representative Jon O. Nelson	Y
Representative Emily O'Brien	A
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	Y
Representative Randy A. Schobinger	Y
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	Y

Motion Carries 20-0-3 Representative Schreiber-Beck

4:15 PM Chairman Vigesaa Closes the meeting for HB 1306

Risa Berube, Committee Clerk

23.0363.03002
Title.04000

Prepared by the Legislative Council staff for
the House Appropriations Committee
February 16, 2023

DR
141
2-17-23

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1306

Page 1, line 14, after the underscored period insert "The program must be the payor of last resort after other third-party payors."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1306, as engrossed: Appropriations Committee (Rep. Vigesaa, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1306 was placed on the Sixth order on the calendar.

Page 1, line 14, after the underscored period insert "The program must be the payor of last resort after other third-party payors."

Renumber accordingly

2023 SENATE EDUCATION

HB 1306

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

HB 1306
3/15/2023

Relating to establishing a dyslexia voucher program; provide a report to the legislative management; provide an appropriation.
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3:31 PM Chair Elkin opened the hearing. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Proper identification
- Private appropriate tutors
- Virtual therapy
- Quality access

Rep Strinden, Dist 41, bill sponsor, testified in support #25189.

Ann Ellefson, Dept Public Instruction, answered Chair Elkin question. No written testimony.

Kayla Effertz Kleven, parent, testified in support #25272.

Brenda Ehrmantraut, Dept Public Instruction, testified neutral #25179.

Additional written testimony:

Elizabeth Mackowick, Title 1, W Fargo, ND opposd #25241.

Aimee Volk, Curriculum Coordinator, W Fargo, ND opposed #25240

4:05 PM Chair Elkin closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

HB 1306
3/20/2023

Relating to establishing a dyslexia voucher program, provide a report to legislative management.
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11:00 Chair Elkin opened committee work. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Bill review
- Committee action

Sen Conley Moved a DO NOT PASS.

Sen Wobbema seconded the motion.

Senators	Vote
Senator Jay Elkin	Y
Senator Todd Beard	Y
Senator Michelle Axtman	N
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	Y

VOTE: YES – 5 NO – 1 Absent – 0

Motion PASSED

Sen Conley will carry the bill.

Additional Written Testimony: #27239

11:30 AM Chair Elkin adjourned the meeting.

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1306, as engrossed: Education Committee (Sen. Elkin, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1306 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY

HB 1306

HB 1306 Dyslexia Voucher**Rep Michelle Strinden****Monday, January 23rd 2023**

For the record my name is Michelle Strinden, and I represent the people of South Fargo's District 41. I have the pleasure to introduce to you HB 1306 on behalf of thousands of students and parents who are affected by Dyslexia across our state.

The teaching of reading should not be left to chance. Unfortunately, statistics show that the majority of school districts across the United States are taking a mixed bag approach to the way they teach and assess reading. This is also the reality for most school districts across North Dakota. Our North Dakota Department of Public Instruction dashboard at [Insights.nd.gov](https://insights.nd.gov) shows that only 44% of our students are reading proficiently.

Dyslexia affects 20% of the population and is characterized by difficulties with accurate or fluent recognition of words, poor spelling and decoding abilities independent of an individual's general level of intelligence. In 2021-2022, there were 4,728 North Dakota students with a Specified Learning Disability (SLD). The International Dyslexia association has determined that approximately 85 % of those with a SLD have a reading or language processing disorder. However, these students are invariably being treated for another disability and rarely for dyslexia. Most students with dyslexia aren't properly identified or even eligible for IEP's. In addition, students that have characteristics of dyslexia have limited access to trained specialists who can properly identify and remediate with structured literacy instruction based in the Science of Reading (SoR).

Our family has been personally touched as one of our children has dyslexia. We, like so many parents across our state and country, have had to go to private tutors and specialists outside of our brick and mortar school buildings to access Orton-Gillingham structured literacy programs. It is difficult to adequately describe how frustrating, heartbreaking and financially challenging it is for parents with dyslexic children to have to leave school to find qualified help for their children to learn to read. Our family spent well over \$30,000 on private therapy over the course of many years, in addition to the added costs of homeschooling materials. Homeschooling became unavoidable because our 7 year old child would have had to miss at least 2 hours of school a day for intensive reading therapy at a location 20 minutes away from his school. As challenging as this was....we felt we had no choice but to help our son overcome this potentially devastating situation. My husband and I were incredibly thankful that we had the financial means to pay for private tutoring and for me to stay at home to homeschool. Soon after that difficult decision was made, a once terrifying situation became a true blessing and wonderful experience to see our son flourish and love to learn once again.

There are a number of excellent private dyslexia therapy centers in North Dakota, but remediation is expensive for families and cost prohibitive for many. The current therapy rates range from \$60 to \$72 an hour. Students are seen for varying amounts of time each week depending on the severity of their dyslexia. Haley's Hope in Fargo screenings and assessments cost between \$175 to \$275 with a full evaluation priced between \$525 to \$775. Inspiring Minds Center for Dyslexia and Literacy in Bismarck provides many families with virtual therapy all throughout North Dakota at the same cost as in person therapy. Virtual therapy is critical for students who live in rural areas and have no real access to dyslexia tutoring.

HB 1306 would require the ND DPI to develop a voucher program to help provide dyslexic students and their parents with the costs of instructional support. The Dyslexia Voucher could be modeled after the current ND Autism Voucher program. It would provide general education support for assistive technology, computer and reading generating devices, training and educational materials for parents, and tutors trained in structured literacy interventions. All North Dakota parents and students with struggling readers deserve access to quality structured literacy curriculum and tutoring for the teaching of reading. I respectfully ask for passage of HB 1306. Thank you, Chair Heinert and Education committee members and I stand for any questions you may have.

Chairman Heinert and members of the House Education Committee,

Thank you for taking the time to review my written testimony in regards to House Bill 1306.

After several years of going through the unknowns of what our son was facing with every single day at school, he was finally diagnosed with Dyslexia in the summer of 2021. And while this diagnosis provided an ounce of relief to know what we were finally dealing with; a whole series of complications arose.

Upon completion of extensive testing at Inspiring Minds in Bismarck, North Dakota, the list of options for methods to help him was not a list. It was a simple statement indicating that the school system was not equipped with the proper training of staff and was not sure which accommodations they had to help with dyslexic students, let alone how they should be applied towards the curriculum.

If we as his parents wanted to provide the proper methods for dyslexic students to learn, we would need to take him to a private provider for the Orton-Gillingham training at our own expense. The cost was going to be \$48.75 per 45-minute session and he would need to attend two sessions a week.

We were then informed "The number of sessions available each day is limited, so he most likely will need to receive the tutoring during the school day."

This news only brought more of the unknown... Whether it was from, how are we going to arrange his courses so he can attend tutoring and not miss core curriculum to finding time twice a week to be able for one of us to leave our workplace to pick him up from school take him to tutoring and then return him back to the school.

The initial thought that an outside private entity could come in to the facility to provide the tutoring (at our expense) was quickly demolished because it is against school policy. This opened up only more concerns. Logistics seemed like the easy part...

Fast forward through several meetings to try and establish a plan, the bigger picture was that the school did not have the proper materials, training and support to not only be able to intervene and begin helping students at a young age, there were no dyslexia supports in place.

As we continued to blindly navigate this process of desperately trying to help our son, we were hit with many other obstacles such as tying in what he is learning at private tutoring with what he does each day in the classroom, what kind of accommodations should he have so he can properly utilize the tools he needs and still retain the information and the list goes on.

We as a family are fortunate that we are in a financial situation where we can provide this type of tutoring for our son and find time in our work days to provide transportation, however I can assure you that there are many families who cannot. This bill a pertinent step in the right direction to helping everyone from administration, teachers, parents and most importantly students with dyslexia to learn and be successful in pursuing their education.

Continuing to not provide assistance with intervention and proper education keeps the ripple effect going throughout their school years, but also as they complete their K-12 journey and move forward to live, work and raise families of their own in North Dakota.

Please consider this bill as an investment in the future of our state and vote Yes to House Bill 1306.

Thank you for your time, consideration and service to the state of North Dakota.

Respectfully,

Joan Trygg

LEVELING THE PLAYING FIELD FOR KIDS WITH DYSLEXIA
HB 1306 - SUPPORT Testimony

Kayla Effertz Kleven

kayla@olsoneffertz.com

1/23/2022, House Education Committee

Mr. Chairman, members of the committee, for the record, my name is Kayla Effertz Kleven and I am here in support of HB 1306. Vouchers -- just the word makes many in the room uncomfortable. It even makes the hairs on the back of my neck go up. I'm a public school supporter, but at this juncture of the road, I can tell you first hand that 100% of our public schools are not equipped to provide support and assistance to students with dyslexia. Progress has been made and I applaud that hard work, however even if we could implement professional development, universal screeners or even add more teachers to the system, we won't be ready this fall to fully address the needs. We are in need of partnerships of qualified and vetted individuals to get kids and families the assistance they need to simply learn.

And as the word voucher makes me queasy, even more uncomfortable is the idea that only the kids who have families with means are the ones who are getting assistance. Let's crosswalk this idea to schools who don't have enough funding for transportation in a specific area--we allow for "transportation grants" where families are reimbursed for the mileage they drive to get their child to school. In essence, that program is a transportation voucher. This makes economical sense--when there is not the economy of students to put a bus route in place, a reimbursement happens for the family. Why wouldn't we do the same for kids with a learning disability? Furthermore, I would ask what is the point of funding transportation if when the student arrives, they aren't able to learn?

Our family takes my stepson to private tutoring 2 times per week. I'm the first one to say, kids are adaptable, but it's clear the additional anxiety and stress that it causes my 8th grader when we leave and come back to the building. Nevermind the embarrassment when there's a substitute teacher and he needs to argue in front of the class why he is excused to leave. I would ask the committee to consider amending this bill to allow for tutors, who have passed a local vetting process (background checks, etc) to have access in the school. I would normally advocate that this is a local decision, however after the past year it's been proven to our family that there is resistance for allowing outside educational entities in the public school. The reasons I'm given, in writing, "we don't have precedence", "we don't have time to establish a protocols." I even was given the initial solution of having to pay for space, but when I said how much, the conversation ended. It's exceptionally clear that in my circumstance, enabling language is required to remove the disruptions for the kids.

Thank you for your time, and I will take any questions you may have.

**TESTIMONY ON HB 1306
HOUSE EDUCATION COMMITTEE**

January 23, 2023

**By: Brenda Ehrmantraut, Assistant Director of Academic Support
701-328-1809
North Dakota Department of Public Instruction**

Mr. Chairman and Members of the Committee:

My name is Brenda Ehrmantraut, and I am the Assistant Director of Academic Support with the Department of Public Instruction (DPI). I represent the Office of Academic Support in the co-administration of the ND Dyslexia Pilot program along with Lea Kugel representing the Office of Specially Designed Services. I am here to provide information on House Bill 1306 regarding a dyslexia voucher program.

The International Dyslexia Association states that 15–20% of the student population may exhibit some symptoms of dyslexia, including slow or inaccurate reading, poor spelling, poor writing, or mixing up similar words. Dyslexia is a spectrum disorder. The unique manifestation of reading challenges could mean that a learner struggles to decode words on the page, struggles to understand the meaning of the text read, or experiences both decoding and comprehension difficulties. Early identification and intervention provide the best support for all students with reading challenges, but longer-term, more intensive support may be required for students with profound dyslexia. Many students with dyslexia

characteristics are not eligible for IEP's and a large portion aren't even identified. This is far beyond a special education issue. This is a general ed issue.

Schools in North Dakota currently have two processes in place which support students with dyslexic characteristics within the general education classroom. First, schools are required to have reading screening processes available and provided if requested by any teacher or parent (NDCC 15.1-32-25). Second, all K-3 educators are required to be trained in systematic, direct instruction and intervention of literacy, an approach known to benefit students with dyslexia as well as students struggling with other literacy challenges (NDCC 15.1-21-12.1). The ND Dyslexia Pilot Program districts have provided information that demonstrates supporting students with dyslexia is a complex process managed through a systemic approach that allows for addressing individual needs with aligned, evidence-based approaches. Educator awareness of dyslexia, high-quality core instructional materials and approaches, school screening processes, and specialists trained in intervention approaches are all part of this complex system. Even though local school systems provide intervention and instruction aligned with best practices known to support students with dyslexia, not all school systems are equipped to the same degree to provide extensive supports and some families and students may prefer alternate approaches, resources, or supports to address the

unique needs stemming from the complexity of their learner's dyslexia traits or diagnosis.

Chairman Heinert and Members of the Committee, that concludes my prepared testimony, and I will stand for any questions that you may have.

23.0363.02001
Title.

Prepared by the Legislative Council staff for
Representative Strinden
January 20, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1306

Page 1, line 2, remove "and"

Page 1, line 3, after "management" insert "; and to provide an appropriation"

Page 1, line 15, after "to" insert "administer the program."

Page 1, line 16, after "program" insert an underscored comma

Page 1, line 16, remove "to"

Page 1, after line 20, insert:

"SECTION 2. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - DYSLEXIA VOUCHER PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of funding the dyslexia voucher program, for the biennium beginning July 1, 2023, and ending June 30, 2025. The department of public instruction may use up to 5 percent for administrative costs for the program."

Renumber accordingly

23.0363.02002

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1306

Introduced by

Representatives Strinden, Nelson, Schreiber-Beck

Senators Davison, Myrdal, Weston

1 A BILL for an Act to create and enact a new section to chapter 15.1-32 of the North Dakota
2 Century Code, relating to establishing a dyslexia voucher program; ~~and~~ to provide a report to
3 the legislative management; and to provide an appropriation.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 15.1-32 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Dyslexia voucher program - Report to legislative management.**

- 8 1. The superintendent of public instruction shall establish a dyslexia voucher program to
9 assist in funding general educational needs related to dyslexia for individuals from age
10 five to under age eighteen who have been identified as having dyslexia. The program
11 may include funding for assistive technology, audio books or computer support for
12 reading, language-generating devices, training and educational materials for parents,
13 parenting education, language comprehension equipment, and tutors, including private
14 tutors training in dyslexia interventions. A school district shall permit private tutors to
15 provide tutoring services on school premises.
- 16 2. The superintendent of public instruction shall adopt rules to administer the program,
17 address the management of the program, and ~~to~~ establish the eligibility requirements
18 and exclusions for the program.
- 19 3. The superintendent of public instruction shall report biennially, by September first of
20 each even-numbered year, to the legislative management regarding the dyslexia
21 voucher program.

22 **SECTION 2. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - DYSLEXIA**
23 **VOUCHER PROGRAM.** There is appropriated out of any moneys in the general fund in the
24 state treasury, not otherwise appropriated, the sum of \$300,000, or so much of the sum as may

Sixty-eighth
Legislative Assembly

1 be necessary, to the department of public instruction for the purpose of funding the dyslexia
2 voucher program, for the biennium beginning July 1, 2023, and ending June 30, 2025. The
3 department of public instruction may use up to 5 percent for administrative costs for the
4 program.

23.0363.02002
Title.

Prepared by the Legislative Council staff for
Representative Strinden
February 10, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1306

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Renumber accordingly

**TESTIMONY ON HB 1306
SENATE EDUCATION COMMITTEE**

March 15, 2023

**By: Brenda Ehrmantraut, Assistant Director Academic Support
701-328-1809
North Dakota Department of Public Instruction**

Mr. Chairman and Members of the Committee:

My name is Brenda Ehrmantraut, and I am the Assistant Director of Academic Support with the Department of Public Instruction (DPI). I represent the Office of Academic Support in the co-administration of the ND Dyslexia Pilot program along with Lea Kugel representing the Office of Specially Designed Services. I am here to provide information on House Bill 1306 regarding a dyslexia voucher program.

The International Dyslexia Association states that 15–20% of the student population may exhibit some characteristics of dyslexia, including slow or inaccurate reading, poor spelling, poor writing, or mixing up similar words. Dyslexia is a spectrum disorder. Early identification and intervention provide the best support for all students with reading challenges, but longer-term, more intensive support may be required for students with profound dyslexia. Not all students with symptoms of dyslexia will qualify for special education, but they will likely struggle with many aspects of academic learning. Systematic, explicit

instruction in reading, writing, and language benefit many students who are challenged by dyslexia.

Schools in North Dakota currently have two processes in place which support students with dyslexic characteristics within the general education classroom. First, schools are required to have reading screening processes which include phonetic awareness, decoding and spelling (NDCC 15.1-32). Second, all K-3 educators are required to be trained in systematic, direct instruction of literacy, an approach known to benefit students with dyslexia as well as students struggling with other literacy challenges. This is often referred to as science of reading training. The ND Dyslexia Pilot Program districts have provided information in periodic reports to DPI that demonstrates supporting students with dyslexia is a complex process. This literacy instruction process is managed through a systemic approach that allows for matching individual learner needs with aligned evidence-based approaches. Educator awareness of dyslexia, high-quality core instructional materials and approaches, school screening processes, and specialists trained in intervention approaches are all part of this complex system. Much can be done within a well-designed, well-informed local school system to meet the needs of students with dyslexia traits. Local school systems can provide intervention and instruction aligned with best practices known to support students with dyslexia, yet some families and students may require or prefer alternate approaches, resources,

or supports to address the unique needs stemming from the complexity of their learner's dyslexia traits or diagnosis.

Chairman Elkin and Members of the Committee, that concludes my prepared testimony, and I will stand for any questions that you may have.

HB 1306 Dyslexia Voucher**Rep Michelle Strinden****March 15th, 2023**

For the record my name is Michelle Strinden, and I represent the people of South Fargo's District 41. I have the pleasure to introduce to you HB 1306 on behalf of thousands of students and parents who are affected by Dyslexia across our state.

The teaching of reading should not be left to chance. Unfortunately, statistics show that the majority of school districts across the United States are taking a mixed bag approach to the way they teach and assess reading. This is also the reality for most school districts across North Dakota. Our North Dakota Department of Public Instruction dashboard at [Insights.nd.gov](https://insights.nd.gov) shows that only 44% of our students are reading proficiently.

Dyslexia affects 20% of the population and is characterized by difficulties with accurate or fluent recognition of words, poor spelling and decoding abilities independent of an individual's general level of intelligence. In 2021-2022, there were 4,728 North Dakota students with a Specified Learning Disability (SLD). The International Dyslexia association has determined that approximately 85 % of those with a SLD have a reading or language

processing disorder. However, these students are invariably being treated for another disability and rarely for dyslexia. Most students with dyslexia aren't properly identified or even eligible for IEP's. In addition, students that have characteristics of dyslexia have limited access to trained specialists who can properly identify and remediate with structured literacy instruction based in the Science of Reading (SoR).

Our family has been personally touched as one of our children has dyslexia. We, like so many parents across our state and country, have had to go to private tutors and specialists outside of our brick and mortar school buildings to access Orton-Gillingham structured literacy programs. It is difficult to adequately describe how frustrating, heartbreaking and financially challenging it is for parents with dyslexic children to have to leave school to find qualified help for their children to learn to read. Our family spent well over \$30,000 on private therapy over the course of many years, in addition to the added costs of homeschooling materials. Homeschooling became unavoidable because our 7 year old child would have had to miss at least 2 hours of school a day for intensive reading therapy at a location 20 minutes away from his school. As challenging as this was....we felt we had no choice but to help our son overcome this potentially devastating situation. My husband and I were incredibly thankful that we had the financial means to

pay for private tutoring and for me to stay at home to homeschool. Soon after that difficult decision was made, a once terrifying situation became a true blessing and wonderful experience to see our son flourish and love to learn once again.

There are a number of excellent private dyslexia therapy centers in North Dakota, but remediation is expensive for families and cost prohibitive for many. The current therapy rates range from \$60 to \$72 an hour. Students are seen for varying amounts of time each week depending on the severity of their dyslexia. Haley's Hope in Fargo screenings and assessments cost between \$175 to \$275 with a full evaluation priced between \$525 to \$775.

Inspiring Minds Center for Dyslexia and Literacy in Bismarck provides many families with virtual therapy all throughout North Dakota at the same cost as in person therapy. Virtual therapy is critical for students who live in rural areas and have no real access to dyslexia tutoring.

HB 1306 would require the ND DPI to develop a voucher program to help provide dyslexic students and their parents with the costs of instructional support. The Dyslexia Voucher could be modeled after the current ND Autism Voucher program. It would provide general education support for assistive technology, computer and reading generating devices, training and educational materials for parents, and tutors trained in structured literacy

interventions. Additionally, the amendment approved by the House allows for private tutors to enter public school buildings to provide Orton-Gillingham based therapy. This is effective reading intervention that is proven and is urgently needed for children in grades K-3.

All North Dakota parents and students with struggling readers deserve access to quality structured literacy curriculum and tutoring for the teaching of reading. I respectfully ask for passage of HB 1306. Thank you, Chair Elkin and Education committee members and I stand for any questions you may have.

Chairman Elkin and Members of the Senate Education Committee:

My name is Aimee Volk, and I currently serve West Fargo Public Schools as a Curriculum Coordinator and high school Dean of Students. I am an educator with a Master's degree in reading and a Doctoral degree in teaching and learning. I am also a parent of two children diagnosed with dyslexia. I am here to provide information on House Bill 1306 regarding a dyslexia voucher program.

According to the International Dyslexia Association and the National Institute of Child Health and Human Development, there is not a universally accepted definition of dyslexia. However, experts agree that dyslexia is a specific neurobiological learning disability that makes it difficult to learn reading and writing skills. Interestingly, dyslexia is not a reading and writing disorder. It is a language-based disorder. Therefore, dyslexia impacts a learner's phonological and/or orthographic processing, which may lead to poor decoding, inaccurate and/or slow printed word recognition, and poor spelling abilities- all deficits that impact reading fluency, comprehension, and written expression.

Dyslexia can be difficult to identify because it occurs on a continuum, and it impacts each individual differently. In addition, dyslexia often coexists with other invisible disabilities, such as attention deficit disorder, sound speech disorder, specific language impairment, and dyspraxia.

A neuropsychologist diagnosed my son with dyslexia at the end of third grade; however, I had a strong inkling that he was dyslexic when he was in first grade. I chose not to have him formally tested for dyslexia because our schools already provided direct instruction in phonics and phonemic awareness, and they embed these skills throughout the school day within the context of other grade-level content standards. Each learner has specific learning needs, yet all learners still need to learn grade-level content alongside their peers.

Dyslexic learners do not need different reading or writing instruction, but they may need more time and more repetition to learn specific skills, just as any struggling reader might. Many dyslexic learners need support from qualified reading specialists, but since dyslexia is a language disability, multiple educational professionals, such as classroom teachers and speech pathologists, also play a critical role in each learner's learning journey.

Schools do not implement educational supports because of a specific diagnosis. Schools implement supports when a learner shows an educational need for a specific skill deficit. In other words, a diagnosis does not equal a specific learning need or regimented plan. Learning plans are created in response to each learner's strengths and struggles. Our schools are equipped to support learners showing various educational needs through a variety of Multi-tiered systems of support and specialist teachers.

I believe that our schools' amazing educators provided my son with what he needed every day. However, since he was a struggling reader, he did need more time to learn specific skills. Therefore, I used my educational training to tutor him at home. If I were not able to provide that tutoring, as many families are not, I would have considered the additional tutoring from a community agency in addition to the school day, but not during or in place of the school day.

When my youngest daughter began first grade, I again noticed multiple dyslexic tendencies, and I still chose not to have her tested until the end of third grade. I waited to have both my children tested for dyslexia at the end of third grade because this is when learners are able to begin advocating for themselves. The specific testing my children went through with their neuropsychologic helped them discover their strengths and struggles and understand how their brain worked as it learned and processed information. It also helped them understand that they will always have dyslexia, but they will be successful because of all of the work that they have done to learn the specific strategies, within a variety of contexts, from their teachers.

At this time, I oppose NB 1306. I am concerned about:

- The universal list of supports in this bill. Supports should not be universally applied for all learners with a specific diagnosis. Each dyslexic learner exhibits a different learning profile and their supports should be created to meet those individual needs.
- The bill does not specify who can diagnose dyslexia. Since dyslexia is a neurobiological disability, the clinical diagnosis should come from a clinical expert such as a neuropsychologist.
- Permitting private tutors to provide tutoring services on school premises during the school day would be detrimental to student learning. If a learner were to receive tutoring during the school day, they would miss out on opportunities that are not able to be replicated and, therefore, miss out on important learning experiences.

I do support the idea of vouchers available for interested families. However, these additional services must be offered outside of the school day.

Chairman Elkin and Members of the Committee that concludes my prepared testimony, and I would gladly respond to any questions at volk@west-fargo.k12.nd.us

Thank you for your consideration.

Chairman Elkin and Members of the Senate Education Committee:

My name is Elizabeth Mackowick, and I am the Title I and Reading Coordinator in West Fargo Public Schools. I am grateful to work alongside reading teachers in West Fargo Public Schools and I am sharing a message supported by these professionals that work diligently with learners exhibiting dyslexic characteristics every day. I am here to provide information on House Bill 1306 regarding a dyslexia voucher program.

The word dyslexia is derived from the Greek “dys” (meaning poor or inadequate) and “lexis” (words or language). Dyslexia is a learning disability characterized by problems in expressive or receptive, oral or written language.

The [International Dyslexia Association](#) describes Dyslexia as

- a specific learning disability that is neurobiological in origin.
- characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities.
- typically result from a deficit in the phonological component of language that is often unexpected in relations 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 growth of vocabulary and background knowledge.

As a school district, we work alongside families to support all learners in our shared goal of literacy achievement. For that reason, we ensure that all learners in the general education setting receive instruction on the North Dakota English Language Arts (ELA) standards. In the elementary grades, there is high focus on the phonemic and phonological awareness, phonics, fluency, comprehension, and vocabulary for all learners in addition to written expression and spelling. Instruction is explicit, systematic, cumulative, and differentiated to ensure learners have the best opportunity to succeed. However, some learners still need additional supports.

All schools are required to have universal screening processes in place. We can speak to West Fargo Public Schools, among others, that screen these youngest learners three times a year to gather the information necessary to determine which learners need more instructional support than the general education setting can provide.

Schools have reading strategists in place to support those learners demonstrating an educational need. They utilize not only the above-mentioned universal screening, but also additional diagnostic literacy (reading, writing, listening, and speaking) assessments to determine learners needs and prescribe instruction to meet those needs. They utilize evidence-based practices and resources to support all learners that show a reading deficit, including learners presenting dyslexia characteristics.

When I say all learners, we are talking about our learners across the literacy spectrum, which includes learners exhibiting dyslexic characteristics. As you can see, we have a lot of tools in place to support learners and their families on their unique literacy journey.

The professionals I work with every day see these learners and communicate with their families on a regular basis. They are incredibly passionate about their work and supporting learner success, which is why they have taken the time and energy to become highly qualified reading strategists and invest their time and efforts into their learners.

I had many conversations with these teachers before preparing this testimony today. If there were specific changes to the bill, I feel we could support it, but in its current state, I do oppose. The following is where I find concerns.

- The list of supports in this bill should not be universally applied for all learners with the diagnosis. Each dyslexic learner exhibits a different profile of need. Professional teachers in our schools are equipped to support learners that are showing educational need through the various Multi-Tiered Systems of Support ([MTSS](#)), reading strategists interventions, in addition to the instruction they receive from their general education teacher. These supports are in place already, and are applied when necessary, as part of the school day to support learner growth.
- The bill is not specific about who is diagnosing dyslexia, and since it is a neurobiological disability, the clinical diagnosing responsibility is in a neuropsychologist.
 - Schools will continue to provide educational testing to verify the presence of a Specific Learning Disability (SLD) or dyslexia and can provide the needed diagnostic documentation required for specially designed instruction and accommodations. These services are already required and in place for learners as they show need.
- Permitting private tutors to provide tutoring services on school premises can be done well or it can become a complex hurdle to overcome. Schools are responsible to teach the learner in all content areas along with their peers, as well as offering access to rich opportunities and experiences throughout their academic day. If a child were to receive tutoring during the school day, they would miss out on opportunities that are not able to be replicated, and therefore, schools would not be able to meet their responsibilities in educating the learner.

I do support that vouchers available for interested families is a positive project to consider. When a team of educators, families, and the learner come together, with a positive, growth mindset to diagnostically identify areas of need, problem solve, plan great instruction, and assess progress, great things happen. At times, the families and learner choose to capitalize on additional time outside of a typical school day to access more instruction and practice, and I understand the need and the interest of the voucher to support those interests. It is critical, however, that if these outside agencies are supporting learners, that they are in addition to what each learner accesses at school and not in place of the learning happening at school.

Mr. Chairman and Members of the Committee, that concludes my prepared testimony, and I would gladly answer any questions. I can most easily be reached at emackowick@west-fargo.k12.nd.us

Thank you for your consideration.

ENABLING **PARTNERSHIPS** IN DYSLEXIA INSTRUCTION
HB 1306 - SUPPORT Testimony

Kayla Effertz Kleven
kayla@olsoneffertz.com
3/15/2022, Senate Education Committee

Mr. Chairman, members of the committee, for the record, my name is Kayla Effertz Kleven and I am here in support of HB 1306.

Vouchers -- just the word makes many in the room uncomfortable. It even makes the hairs on the back of my neck go up. I'm a public school supporter, but at this juncture of the road, I can tell you first hand that 100% of our public schools are not equipped to provide support and assistance to students with dyslexia. Let's crosswalk this idea to schools who don't have enough kids in an area to justify a bus for transportation in a specific area--we allow for "transportation grants" where families are reimbursed for the mileage they drive to get their child to school. In essence, that program is a transportation voucher. This makes economical sense--when there is not the economy of students to put a bus route in place, a reimbursement happens for the family. Why wouldn't we do the same for kids with a learning disability? Furthermore, I would ask what is the point of funding transportation if when the student arrives, they aren't able to learn?

Progress has been made and I applaud that hard work, however even if we could implement professional development, universal screeners or even add more teachers to the system, we won't be ready this fall to fully address the needs. We are in need of **partnerships** of qualified and vetted individuals to get kids and families the assistance they need to simply learn.

And as the word voucher makes me queasy, even more uncomfortable is the idea that **only the kids who have families with means are the ones who are getting assistance**. Assistance can mean tutoring, but it also means finding tools to help learn differently, because people with dyslexia learn differently. Supports for each child is different throughout the evolution of the child's learning. For our example, a 3D printed keyboard guide was created for my stepson that he no longer needs. It was helpful. However, not every school has a 3D printer or a tech coordinator as aggressive as we had to just find solutions any way possible. It took her roughly 2-3 tries to figure out how to get it to fit on the laptop--is that the best use of her time? Having resources available to purchase these tools gets us focused back on the mission--educating.

I am strongly in support of lines 15 and 16 of the current bill. *"A school district shall permit private tutors to provide tutoring services on school premises."*

Our family takes my stepson to private tutoring 2 times per week. We were able to successfully work with the school to take him out during the same time as when his reading support time was scheduled, being very clear to not confuse instruction but simply replace with a different type of

instruction that the school was not able to offer at the time we started. And believe me, I'm the first one to say, kids are adaptable, but it's clear to me the **additional anxiety and stress that it causes my 8th grader when we leave and come back to the building**. Nevermind the embarrassment when there's a substitute teacher and he needs to argue in front of the class why he is excused to leave. When he misses the first 5 minutes of a class, he has missed the oral instructions for the day and plays catch up the entire class period.

I would normally advocate that this is a local decision, however after the past year it's been proven to our family that there is resistance for allowing outside educational entities in the public school--even with the suggestion of proper background and an RFP process for approved providers. The reasons I'm given, in writing, "**we don't have precedence**", "**we don't have time to establish protocols.**" I was even given the initial solution of having to pay for space, but when I asked "How much", the conversation ended abruptly. It's exceptionally clear that in my circumstance, enabling language is required to remove the disruptions for the kids.

Thank you for your time, and I will take any questions you may have.

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SECOND ENGROSSMENT

Sixty-eighth
Legislative Assembly
of North Dakota

REENGROSSED HOUSE BILL NO. 1306

Introduced by

Representatives Strinden, Nelson, Schreiber-Beck

Senators Davison, Myrdal, Weston

1 A BILL for an Act to create and enact a new section to chapter 15.1-32 of the North Dakota
2 Century Code, relating to establishing a dyslexia voucher program; to provide a report to the
3 legislative management; and to provide an appropriation.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 15.1-32 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Dyslexia voucher program - Report to legislative management.**

- 8 1. The superintendent of public instruction shall establish a dyslexia voucher program to
9 assist in funding general educational needs related to dyslexia for individuals from age
10 five to under age eighteen who have been identified as having dyslexia. The program
11 may include funding for assistive technology, audio books or computer support for
12 reading, language-generating devices, training and educational materials for parents,
13 parenting education, language comprehension equipment, and tutors, including private
14 tutors training in dyslexia interventions. The program must be the payor of last resort
15 after other third-party payors. A school district shall permit private tutors to provide
16 tutoring services on school premises.
- 17 2. The superintendent of public instruction shall adopt rules to administer the program,
18 address the management of the program, and establish the eligibility requirements
19 and exclusions for the program.
- 20 3. The superintendent of public instruction shall report biennially, by September first of
21 each even-numbered year, to the legislative management regarding the dyslexia
22 voucher program.

23 **SECTION 2. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - DYSLEXIA**
24 **VOUCHER PROGRAM.** There is appropriated out of any moneys in the general fund in the

Sixty-eighth
Legislative Assembly

1 state treasury, not otherwise appropriated, the sum of \$300,000, or so much of the sum as may
2 be necessary, to the department of public instruction for the purpose of funding the dyslexia
3 voucher program, for the biennium beginning July 1, 2023, and ending June 30, 2025. The
4 department of public instruction may use up to five percent for administrative costs for the
5 program.