

Children's Legal Rights Journal

Volume 45, Issue 2



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Children's Legal Rights Journal

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CHILDREN'S LEGAL RIGHTS JOURNAL

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**Screenings for Dyslexia, Learning Disorders, and Literacy Issues:
A U.S. State Legislative Comparative Framework**

*Andrea Lollini, Maryna Tsapok, and Sara Hundt**

ABSTRACT

This article provides a comparative analysis of state legislation on screening and interventions for dyslexia, language learning disorders, and early literacy issues in the United States. The analysis emphasizes how different approaches to tackling learning deficiencies across states in the U.S. may trigger unequal distribution of services and interventions across the country. Furthermore, the lack of uniform definitions and terminology employed by state lawmakers makes it difficult to evaluate the efficiency of implemented policies. Evidence-based federal guidelines would help set uniform standards for low literacy and LLD screening and interventions in schools nationwide, leading to a more robust and equitable response to the needs of students.

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I. INTRODUCTION

There has been growing national recognition over the past thirty years, especially in the last decade, that the ability to read and write correlates with positive life outcomes. In line with this trend, states across the U.S. have passed an increasing number of laws on improving literacy, diagnosing learning issues, and addressing reading difficulties, with a recent emphasis on dyslexia.¹ Although the motives behind such legislative changes are the same—to improve both literacy and health outcomes for young people—the details of each law differ significantly nationwide. Some state legislation only addresses low literacy, while others deal with interventions for reading issues, dyslexia, or other learning disorders. Among the vast range of factors that can contribute to low literacy, language-based learning disorders (LLDs) present unique challenges to learners and policymakers alike.

In the United States, roughly eight percent of children ages three to seventeen have LLDs,² with developmental dyslexia being the most common.³ The term “LLD” covers diverse neurological differences that may affect learning, reading, and math calculation,⁴ often hindering one’s educational progress.⁵ Common difficulties include recognition of words, reading comprehension, and vocabulary development.⁶ Congenital, neurodevelopmental, and/or socio-

¹ See Appendix B, *infra*, for a timeline of legislation on low literacy and language-based learning disorders across the states.

² See QIAN LI ET AL., PREVALENCE AND TRENDS OF DEVELOPMENTAL DISABILITIES AMONG US CHILDREN AND ADOLESCENTS AGED 3 TO 17 YEARS, 2018–2021 6 (2023) finding “that LD is a common chronic condition among US children, affecting about 8 in 100 overall”); See also Benjamin Zablotsky et al., *Prevalence and Trends of Developmental Disabilities among Children in the United States: 2009–2017*, in 144.4 PEDIATRICS 1, 1 (Oct. 2019); Courtenay Frazier Norbury et al., *The Impact of Nonverbal Ability on Prevalence and Clinical Presentation of Language Disorder: Evidence from a Population Study*, 57 J. CHILD PSYCH. & PSYCHIATRY 1247, 1253 (2016); Wendy C. Georgan et al., *Speech/Language Impairment or Specific Learning Disability? Examining the Usage of Educational Categories*, 66 J. SPEECH, LANGUAGE, & HEARING RSCH. 656, 656 (2023).

³ See Sheryl M. Handler & Walter M. Fierson, *Learning Disabilities, Dyslexia, and Vision*, 127 PEDIATRICS e818, e819 (2011). See also COMM. TO EVALUATE SUPPLEMENTAL SEC. INCOME DISABILITY PROGRAM FOR CHILD. WITH MENTAL DISORDERS ET AL., MENTAL DISORDERS AND DISABILITIES AMONG LOW-INCOME CHILDREN 180 (Thomas F. Boat & Joel Wu eds., 2016).

⁴ See, e.g., B.P. VINSON, LANGUAGE DISORDERS ACROSS THE LIFESPAN (3d ed. 2011). See also Jack M. Fletcher et al., *Classification and Definition of Learning Disabilities: A Hybrid Model*, in HANDBOOK OF LEARNING DISABILITIES 33-47 (H. Lee Swanson et al. eds., 2014) (discussing various ways to categorize and define LD and examining different criteria used in categorization); Margaret J. Snowling et al., *Defining and Understanding Dyslexia: Past, Present, and Future*, 46 OXFORD REV. EDUC. 501, 505-06 (2020) (defining multiple learning disorders, including dyscalculia and speech sound disorder).

⁵ See Handler & Fierson, *supra* note 3 at e819-e820

⁶ *Id.* at e820-e821

environmental factors, such as adverse childhood experiences (ACEs),⁷ all may contribute to the development of LLDs.

Young people with LLDs are more likely to experience mental health issues⁸ and social isolation.⁹ Students with LLDs experience higher drop-out rates in school, which can lead to challenges in finding stable employment and other forms of economic insecurity.¹⁰ Low-income students are both more likely to be underdiagnosed with LLDs—possibly due to the costs and privilege generally associated with LLD diagnostics and testing—and at times, paradoxically, over-enrolled in special education.¹¹ In addition, individuals with LLDs are more likely to be involved in the justice system.¹² Although comprehensive studies on this topic are lacking in the U.S., a substantial body of research shows a higher prevalence of LLDs among individuals in the justice system, including both adults and juveniles.¹³

⁷ See *About Adverse Childhood Experiences*, CTRS. FOR DISEASE CONTROL & PREVENTION (Oct. 8, 2024), <https://www.cdc.gov/aces/about/index.html>. According to the Center for Disease Control and Prevention (CDC), ACEs are traumatic events that occur in childhood (ages 0-17 years old), such as being the victim of violence, abuse, neglect, witnessing violence in the home or community, having a family member attempt or die by suicide, substance use problems, mental health problems, instability due to parental separation or household members being in jail or prison. *Id.* The CDC points out that about 64% of U.S. adults report they have experienced at least one type of ACE before age eighteen, and nearly 17.3% report having experienced four or more ACEs. *Id.* Inequities in such experiences are linked to the historical, social, and economic environments in which some families live. *Id.* The CDC has affirmed that ACEs can have lasting negative effects on health and life opportunities, such as educational attainment and jobs. *Id.* ACEs and associated social determinants of health, such as living in under-resourced or racially segregated neighborhoods, can cause toxic stress. *Id.*

⁸ CANDACE CORTIELLA & SHELDON H. HOROWITZ, NAT'L CTR. FOR LEARNING DISABILITIES, *THE STATE OF LEARNING DISABILITIES: FACTS, TRENDS AND EMERGING ISSUES* 23 (3d ed. 2014).

⁹ See Jing Chen et al., *Social Networks of Children with Developmental Language Disorder in Inclusive Preschool Programs*, 91 *CHILD DEV.* 471, 472 (2018). Individuals affected tend to have greater isolation. *Id.* LLDs show higher rates of anxiety and depression. See Gina Conti-Ramsden & Nicola Botting, *Emotional Health in Adolescents With and Without a History of Specific Language Impairment (SLI)*, 49 *J. CHILD PSYCH. & PSYCHIATRY*, 516, 516 (2008); See Gina Conti-Ramsden et al., *Education and Employment Outcomes of Young Adults with a History of Developmental Language Disorder*, 53 *INT'L J. LANGUAGE & COMM'N DISORDERS* 237, 239 (2017). Adults with LLDs tends to have less skilled employment. *Id.*

¹⁰ See BOS. CONSULTING GRP. & UCSF DYSLEXIA CTR., *WHITEPAPER: THE ECONOMIC IMPACT OF DYSLEXIA ON CALIFORNIA* 1, 14 (2020) (discussing the chain reaction of illiteracy on graduating school and future employment opportunities). See also *Digest of Education Statistics: 2021*, NAT'L CTR. FOR EDUC. STAT. (Mar. 2023), <https://nces.ed.gov/programs/digest/d21/index.asp>. In the United States, the 2021 Digest of Education Statistics published by the National Center for Education Statistics (IES-NCES) estimates that the median annual earnings for twenty-five to thirty-four year-olds by educational attainment is \$29,800 (less than high school completion) compared to \$69,700 (Master or higher degree). *Id.*

¹¹ Grace Tatter, *Low-Income Students and a Special Education Mismatch*, HARV. GRADUATE SCH. EDUC.: USEABLE KNOWLEDGE (Feb. 21, 2019), <https://www.gse.harvard.edu/ideas/usable-knowledge/19/02/low-income-students-and-special-education-mismatch>.

¹² Elena L. Grigorenko, *Learning Disabilities in Juvenile Offenders*, 15 *CHILD & ADOLESC. PSYCHIATRIC CLINICS N. AM.* 353, 354 (2006).

¹³ The following reviews of longitudinal research in criminology about the correlation between reading and juvenile criminal offenses are instructive: Steven L. Vanderstaay, *Learning from Longitudinal Research in Criminology and*

The complexity of this problem has led to a wide array of legislative solutions, creating confusion when trying to compare the laws and their efficacy. Screening tools, protocols, and interventions for LLDs and other reading difficulties range widely, with some states mandating screenings while others merely suggest such assessments.¹⁴ Some states prescribe diagnostic tools and appropriate intervention plans, while others leave solutions up to educators to decide.

This article compares state legislation on low literacy and LLDs¹⁵ in the U.S. as of summer 2023.¹⁶ We will treat the District of Columbia as a state equivalent to facilitate direct comparison. Our analysis centers on two broad sets of issues. First, we explore how states screen for reading difficulties in their student populations. Second, we review the interventions states have put in place to support learners with reading difficulties. This article does not discuss clinical definitions or policy outcomes as some laws are new and their enforcement has yet to be analyzed. Instead, it organizes the complex legal landscape of low literacy and LLD legislation in the U.S.

While nearly all states have adopted at least some legislation in this area, they vary considerably in many critical respects. Among other issues, states differ on which students to screen, what their screenings should target, what kinds of supports to provide to students with LLDs, and how long those supports should last. This variability makes it challenging to compare which states' policies best address the needs of students with literacy issues.

Moreover, there is little scholarly data analyzing state-by-state legislation in this field, as well as scant research on the effectiveness of mandatory or suggested screening for students with literacy issues and/or LLDs. Therefore, it is difficult to determine which state's model is the most

the Health Sciences, 41 READING RSCH. Q. 328, 329 (2006); See generally Christopher A. Mallett, *Youthful Offending and Delinquency: The Comorbid Impact of Maltreatment, Mental Health Problems, and Learning Disabilities*, 31 CHILD & ADOLESC. SOC. WORK J. 369 (2014); Elena L. Grigorenko et al., *Academic Achievement Among Juvenile Detainees*, 48 J. LEARNING DISABILITIES 359 (2015); See also Michele LaVigne & Gregory J. Rybroek, *Breakdown in the Language Zone: The Prevalence of Language Impairments Among Juvenile and Adult Offenders and Why it Matters*, 15 U.C. DAVIS J. JUV. L. & POL'Y 37, 65 (2011) (arguing that people with language disorders are significantly disempowered within the justice system, which values oral and written skills).

¹⁴ Over the last three decades, scientists have increasingly dedicated themselves to unraveling the causes and effects of dyslexia and other LLDs. See JULLIAN G. ELLIOT & ELENA L. GRIGORENKO, *THE DYSLEXIA DEBATE* (2014). Current research delves deep into the specific characteristics of these disorders, with an emphasis on the challenges of accurately describing and clinically categorizing them. *Id.* It has sparked vigorous discussion among experts about developing precise diagnostic procedures, establishing standardized screening tools, and crafting effective interventions. The authors highlighted ongoing controversies about the scientific definition and origins of dyslexia, emphasizing the lack of a universally recognized definition. *Id.*

¹⁵ In this article, the terms “low literacy and/or LLDs,” “literacy issues and/or LLDs,” and “low literacy/LLDs” are used interchangeably to cover the range of conditions that relate to having difficulty in learning to read. Where we refer to LLDs alone or literacy issues irrespective of disability, we use each term separately.

¹⁶ In some areas, we have included and distinctly noted further developments through December 2024.

effective way to support students experiencing those issues. Our analysis concludes that evidence-based federal guidelines would help set uniform standards for low literacy and LLD screening and interventions in schools nationwide, leading to a more robust response to the needs of students.

This article analyzes data from each U.S. state that has existing laws or draft bills addressing screening and/or interventions for low literacy and LLDs—including dyslexia, reading deficiencies, and/or reading difficulties. Forty-eight states and the District of Columbia have legislation that: 1) prescribes screening for dyslexia or low literacy; 2) addresses dyslexia or low literacy interventions; 3) establishes pilot programs to address low literacy and LLDs; or 4) merely describes the need to address the issue of low literacy and/or LLDs without prescribing any specific actions to be taken (see *Graph 3*). Many states are also currently introducing new dyslexia legislation to mandate screening or amending existing legislation to do so for all students of a particular age group. Only two states—Hawaii and South Dakota—do not have legislation on low literacy and/or LLDs.

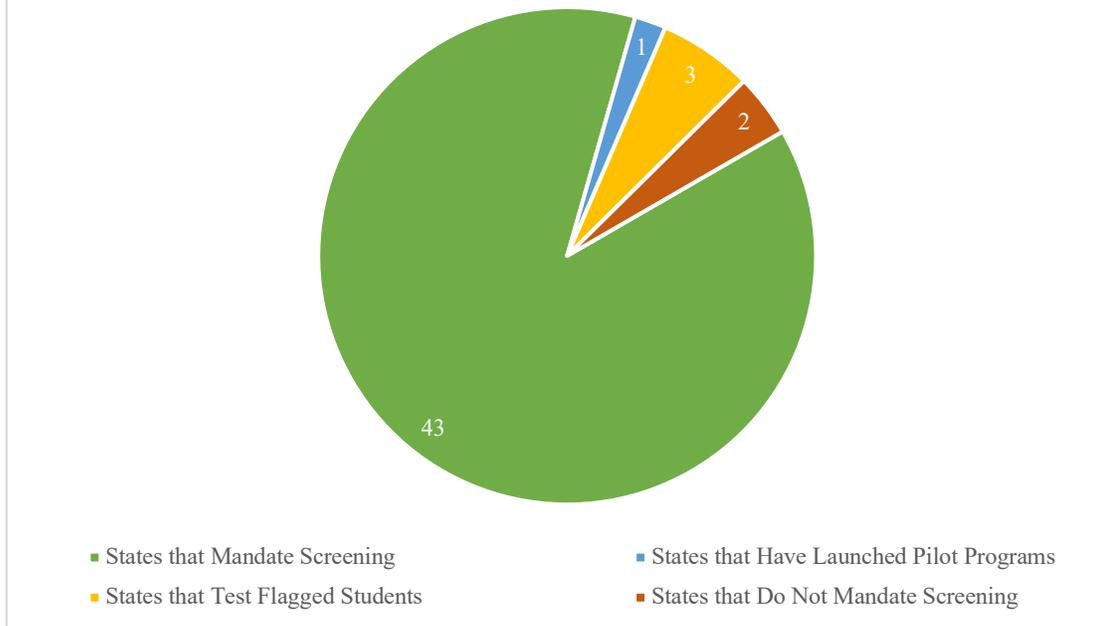
II. STATE LEGISLATION ON LITERACY AND LLD SCREENING

When reviewing state legislation, we looked first at the type of screenings provided. In particular, we focus on the scope, targeting, and timing of screenings—in other words, we ask: *who* do states choose to screen, *what* issues do those screenings aim to identify, and *when* do those screenings take place? States differ in each of these areas, with profound potential effects on student outcomes.

a. Who to Screen for LLDs and Literacy Issues: Universal Screening Mandates Versus Testing Flagged Students

All but four states have implemented screening systems targeting poor literacy, with many—but not all—states expressly aiming to detect dyslexia and other LLDs. Among the most fundamental choices jurisdictions make in designing their screening regimes is how widely they should operate—and most choose to cast as wide a net as possible. The vast majority of states employ *Mandatory Screening Models*, which mandate screening for all students of a particular grade or age. In contrast, a small group of states use more targeted *Conditioned Screening Models*, which screen only students flagged as reading below grade level or otherwise showing signs of learning disorders.

Mandatory / Non-Mandatory Screening
(Among 48 States and DC that Have Legislation)



Graph 1

The *Mandatory Screening Model* is the most commonly prescribed response in state legislation to address literacy issues and to detect LLDs in students. Among the states with legislation in this field, forty-three states mandate low literacy/LLD screening in school at a certain grade level. Mandatory screenings are an effective way to detect literacy issues in children. However, the process of providing screenings incurs financial costs and requires staff time for training and screening administration. Screenings add to the administrative burden of an already strained educational system, potentially hindering the mandate for statewide student screenings in some states.¹⁷

Three states—Maine, Nevada, and New Jersey—chose an alternative option: the *Conditioned Screening Model*. The *Conditioned Screening Model* uses fewer resources because it provides screenings only for students flagged as possibly having literacy issues/LLDs. At least in theory, this model could allow for more careful testing and individualized support for struggling students, but conversely risks under-identifying LLDs and leaving some students without critical

¹⁷ See, e.g., Ann Schimke, *Colorado’s Dyslexia Screening Bill Likely Dead in Face of Opposition from Education Groups*, CHALKBEAT COLORADO (March 16, 2023), <https://www.chalkbeat.org/colorado/2023/3/16/23644069/colorado-dyslexia-screening-bill-kill-reading-disability/>.

accommodations. In particular, the discretionary nature of this model creates risks of bias that are absent under universal screening regimes.

One of the three states without statewide screening legislation—Pennsylvania—recently ran a pilot screening program. Pennsylvania’s program, developed by the State Department of Education under legislative mandate, ran from 2015 to 2018.¹⁸ The program aimed to provide evidence-based early screening and interventions for students potentially at risk of early reading deficiencies and dyslexia.¹⁹ Thereafter, the Department issued a 2019 report concluding that the pilot was successful and that the participant schools could be “examples for other schools interested in improving teacher practices and student results.”²⁰ However, no further legislative action nor permanent application of screening was implemented.

Two states—New York and Vermont—do not mandate any type of literacy/LLD screening for any group of students, even though they have legislation regarding the matter. Interestingly, in New York, the Commissioner of Education must only issue statewide guidance on dyslexia, dyscalculia, and dysgraphia. In 2022, however, New York City (NYC) additionally implemented its own pilot programs in numerous schools.²¹ Considering that the city accounts for almost half of the state’s population, the local pilot program stands to have a significant demographic impact. In New York City’s pilot program, school administrators and teachers receive support and training on how to screen for the risk of dyslexia and how to provide targeted interventions, and every NYC student participates in short adaptive literacy screeners. Vermont’s pilot program does not officially mandate screenings but does have a program regarding interventions in which public schools must provide reading instructions, i.e., systematic and explicit teaching of phonological awareness and phonics. Vermont also has an Advisory Council on Literacy, provided for by legislation.

Nevertheless, only a few states have adopted a *Conditioned Screening Model* and/or *Pilot Programs*—models that prescribe LLD-related assessments just to select pupils. The most used

¹⁸ Act of June 26, 2014, Pub. L. No. 2014-69, § 1703-C(a), 2014 Pa. Legis. Serv. Act 773 (2014 West) (codified as PA. STAT., 24 P.S. § 17-1701-C).

¹⁹ *Id.* at 773-74

²⁰ PA. DEP’T OF EDUC., ACT 69 OF 2014 DYSLEXIA SCREENING AND EARLY LITERACY INTERVENTION PILOT PROGRAM 17 (Aug. 2019).

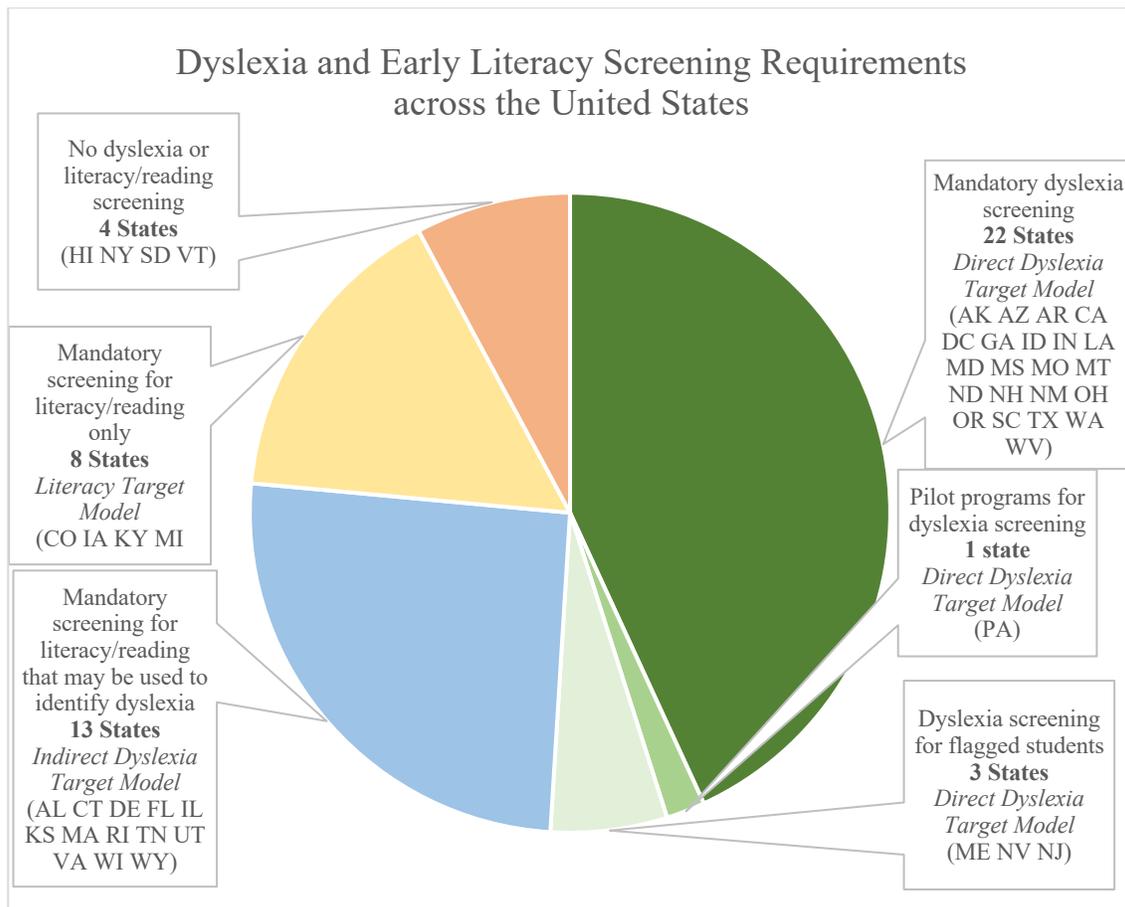
²¹ *Mayor Adams, Chancellor Banks Announce Comprehensive Approach to Supporting Students with Dyslexia*, THE OFFICIAL WEBSITE OF THE CITY OF NEW YORK (May 12, 2022), <https://www.nyc.gov/office-of-the-mayor/news/293-22/mayor-adams-chancellor-banks-comprehensive-approach-supporting-students-dyslexia#/0>.

model in the U.S. is the *Mandatory Screening Model*, making screening universally compulsory in school settings across most of country.

b. What to Screen For: LLDs, General Literacy Issues, and Combined Approaches

The various and incongruous definitions used by lawmakers to describe literacy and/or LLDs massively complicate efforts to comprehend this area of law. Given the wide array of terms used, it can be challenging to discern the exact intended focus of any given piece of legislation.

To illustrate this variability, we categorize states based on the type of screening mandated by their adopted legislation. *Group 1* includes states that have screenings expressly for dyslexia, reading deficiencies, or reading difficulties (*Direct Dyslexia Target Model*). *Group 2* includes states that have screenings for literacy or reading skills that may be used to detect indicators of dyslexia (*Indirect Dyslexia Target Model*). *Group 3* includes states that have general screenings for reading or literacy skills (*Literacy Target Model*).



Graph 2

The *Direct Dyslexia Target Model* includes a group of 26 states that offer screening for dyslexia, reading deficiencies, or reading difficulties for students (jointly named dyslexia screening in *Graph 2*). This model seems to acknowledge the importance of dyslexia in learning and language challenges, shaping their policies by explicitly referencing and prioritizing dyslexia in their legislation. This *Direct Dyslexia Target Model* category encompasses 21 states with general screening mandates for all students of a specified grade or age. The category also includes all three states that employ *conditioned screening* for flagged students, as well as the two states that run pilot dyslexia screening programs but have not yet enacted statewide approaches.

Statutes in these jurisdictions all use the terms “dyslexia,” “reading deficiencies,” and “reading difficulties,” but not in a unified way, leading to some confusion as to what the screenings address. Some states include definitions of these terms in the laws, but not all do. Arizona’s legislation mandates that “every student who is enrolled in a kindergarten program or grade one in a public school in the state is screened for indicators of dyslexia.”²² However, there is no definition of “dyslexia” nor “indicators of dyslexia” in the statute.

Alaska’s legislation also leaves key terms undefined. In 2022, Alaska enacted the Alaska Reads Act, which mandates screening for students in kindergarten through third grade “...to identify students with reading deficiencies, including students with characteristics of dyslexia.”²³ The Act does not define the term “reading deficiencies,” but it tasks the Department of Education and Early Development with defining “dyslexia” for the purposes of the Act, specifying that it “shall consider the meaning of ‘dyslexia’ given by the International Dyslexia Association.”²⁴

In contrast, some states do include definitions in their legislation. For instance, in 2021, the District of Columbia enacted a law requiring local education agencies, beginning with the 2023-2024 school year, to screen all students in kindergarten through second grade for reading difficulties.²⁵ This law defines “reading difficulty” as “any neurological or physical impediment

²² Act of May 8, 2019, ch. 198, sec. 4, § 15-704, 2019 Ariz. Legis. Serv. (West) (codified as ARIZ. REV. STAT. ANN. § 15-704(B)(1) (West 2019)).

²³ Alaska Reads Act, ch. 40, sec. 36, § 14.30.760, 2022 Alaska Legis. Serv. (West) (codified as ALASKA STAT. ANN. § 14.30.760(a)(1) (West 2023)).

²⁴ Alaska Reads Act., ch. 40, sec. 36, § 14.30.775, 2022 Alaska Legis. Serv. (West) (codified as ALASKA STAT. ANN. § 14.30.775 (West 2022)).

²⁵ D.C. CODE ANN. § 38-2581.04(a) (West 2021).

to reaching grade-level developmental reading milestones, including dyslexia, dyscalculia, or dysgraphia, and other reading disabilities.”²⁶

These definitional issues create further confusion in states that employ *conditioned screening*. For example, Maine’s legislation prescribes dyslexia screening for students “who have difficulty, as identified by a classroom teacher,” in phonological and phonemic awareness, sound-symbol recognition, alphabet knowledge, decoding skills, rapid naming skills, and encoding skills.²⁷ Nevada, on the other hand, has fewer detailed instructions, tasking schools with administering “the early literacy screening assessment prescribed...to each pupil enrolled in kindergarten or grade 1, 2 or 3 who: (a) has indicators for dyslexia; and (b) needs intervention.”²⁸ In Nevada, each school shall ensure that at least one employee who works with students in kindergarten or first through third grades receives professional training regarding dyslexia, including training in methods to recognize indicators for dyslexia.²⁹ Likewise, New Jersey’s legislation does not specify who is responsible for identifying students but requires that a “teacher or other teaching staff member” be “properly trained” to screen students.³⁰ The legislation prescribes that “each student enrolled in the school district who has exhibited one or more potential indicators of dyslexia or other reading disabilities³¹ is screened for dyslexia and other reading disabilities.”³²

A second group of states have adopted what can be described as *Indirect Dyslexia Target Models* (blue in *Graph 2*). This model includes 13 states that mandate screening for reading or literacy skills, while allowing such screenings may also be used to identify dyslexia. In this group, some states prescribe reading or literacy screenings defined almost exactly in the same way as

²⁶ D.C. CODE ANN. § 38-2581.01(6) (West 2021).

²⁷ Act of July 12, 2015, ch. 338, sec. 1, § 4710-B, 2015 Me. Legis. Serv. (West) (codified as ME. REV. STAT. ANN. tit. 20-A, § 4710-B (2015)).

²⁸ Act of June 8, 2015, ch. 411, sec. 9, § 388, 2015 Nev. Legis. Serv. (West) (codified as NEV. REV. STAT. ANN. § 388 (West 2015)).

²⁹ Act of June 8, 2015, ch. 411, sec. 13, § 388, 2015 Nev. Legis. Serv. (West) (codified as NEV. REV. STAT. ANN. § 388 (West 2015)).

³⁰ N.J. STAT. ANN. § 18A:40-5.3(c) (West 2014)

³¹ N.J. STAT. ANN. § 18A:40-5.1 (West 2014). Potential indicators are defined in the law as:

[I]ndicators that include, but shall not be limited to, difficulty in acquiring language skills; inability to comprehend oral or written language; difficulty in rhyming words; difficulty in naming letters, recognizing letters, matching letters to sounds, and blending sounds when speaking and reading words; difficulty recognizing and remembering sight words; consistent transposition of number sequences, letter reversals, inversions, and substitutions; and trouble in replication of content.

Id.

³² N.J. STAT. ANN. § 18A:40-5.3(a) (West 2014).

dyslexia screenings, while others define reading or literacy screenings using definitions associated with academic success tests. These states center their approaches around poor literacy in general while highlighting LLDs as a prominent cause. This is a subtle but potentially critical divergence from *Direct Targeting* models which seek, at least conceptually, to identify LLDs independently of outright poor performance.

For example, as of 2023, schools in Delaware started screening all students in kindergarten through third grade for reading competency using a “universal reading screener.” A universal reading screener is defined in Delaware’s legislation as:

[A] tool used as part of a multi-tiered system of support to determine if a student is at risk for developing reading difficulties and the need for intervention and to evaluate the effectiveness of core curriculum as an outcome measure. A universal reading screener must . . . identify students who have a potential reading deficiency, including identifying students with characteristics of dyslexia.³³

In Illinois, however, the tool that ensures that all students are screened for risk of dyslexia is an annual assessment of students entering kindergarten, which assesses multiple developmental domains, including literacy, language, mathematics, and social and emotional development.³⁴ Additionally, this assessment could also be used “for the purpose of determining if individual students need remedial instruction or to determine eligibility for special education, early intervention, bilingual education, dyslexia services, or other related educational services.”³⁵

The third group of states can be defined as using the *Literacy Target Model* (yellow in *Graph 2*). This group includes eight states that mandate screening all students for reading ability, without mentioning if these screenings may be used to identify dyslexia. Most states from this group define the type of assessment very generally (yet all with different terms) and leave it to the specialized state authorities (State Department of Education, State Board of Education) to approve the list of specific tools to be used to conduct this assessment. On the one hand, this type of legislation differs less from state to state, but on the other hand, it provides little guidance to the state authorities on the selection of the screeners, which might lead to even bigger differences in real effects. For example, in Colorado, teachers must measure “each student’s reading competency using interim reading assessments,” which each school must select “from the list of approved

³³ Act of Aug. 29, 2022, ch. 416, sec. 1, § 158, 2022 Del. Legis. Serv. (West) (codified as DEL. CODE. ANN. tit. 14, § 158(a)(2) (West 2022)).

³⁴ 105 ILL. COMP. STAT. ANN. 5/2-3.64a-10(b) (West 2024).

³⁵ *Id.* § 5/2-3.64a-15(a).

assessments adopted by rule of the state board [of education].”³⁶ In Michigan, each school must select a “valid and reliable screening, formative, and diagnostic reading assessment system from the assessment systems approved by the department [of education]” to screen pupils in kindergarten through third grade.³⁷ Nebraska mandates that each school district administers a reading assessment, taken from a list of tests approved by the Department of Education, to all students in kindergarten through third grade. The assessment shall measure “progress toward proficiency in the reading skills,” be “valid and reliable,” be “aligned with academic content standards for reading” adopted by either the state board of education or the school district, and be “commercially available and comply with other requirements established by the department.”³⁸

Since states use different tools for screening students, determining the standardized assessments recommended or required is a complex task. Different tools naturally result in diverse outcomes since various measures are being utilized. The decision about which tools to use is often found in several documents rather than solely in state legislation.³⁹ Only one state—New Hampshire—mentions a specific screening tool (DIBELS⁴⁰) in its legislation. Some of these screening tools are available for purchase from for-profit companies, while others are free to use. *Graph 3* below shows the tests commonly referred to in state legislation.⁴¹

³⁶ Act of May 17, 2012, ch. 180, sec. 2, § 22-7-1205, 2012 Colo. Legis. Serv. (West) (codified as COLO. REV. STAT. ANN. § 22-7-1205 (West 2012)).

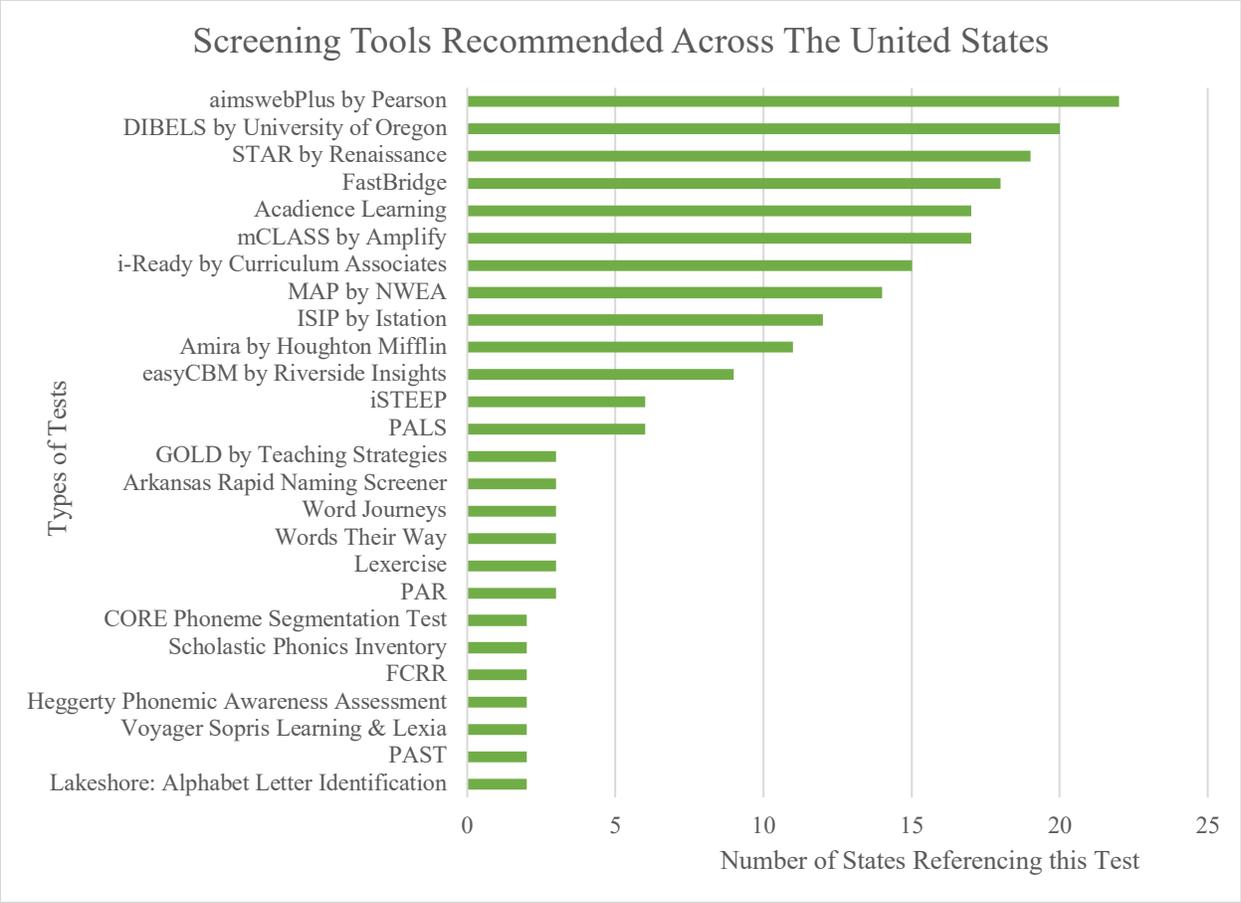
³⁷ Act of Oct. 6, 2016, Pub. Act No. 306, § 380.1280f, 2016 Mich. Legis. Serv. (West) (codified as MICH. COMP. LAWS ANN. § 380.1280f (West 2016)).

³⁸ NEB. REV. STAT. ANN. § 79-2603(2)(a)-(e) (West 2018).

³⁹ See *infra* Graph 9. In some states, recommendations on which testing and screening tools should be used in assessments are listed across various sources—be they state-authored dyslexia guidebooks or just a note on the state’s Department of Education webpage.

⁴⁰ See *Dynamic Indicators of Basic Early Literacy Skills*, UNIV. OR., <https://dibels.uoregon.edu/> (last accessed Jan. 23, 2025).

⁴¹ Importantly, this is not a comprehensive list of screening tools used across the fifty states. Some statutes provide non-binding lists of screeners for reference, and others delegate the task of selecting screeners to their executive branches entirely. Moreover, statutes may refer to screeners that have changed or become unavailable since their drafting.



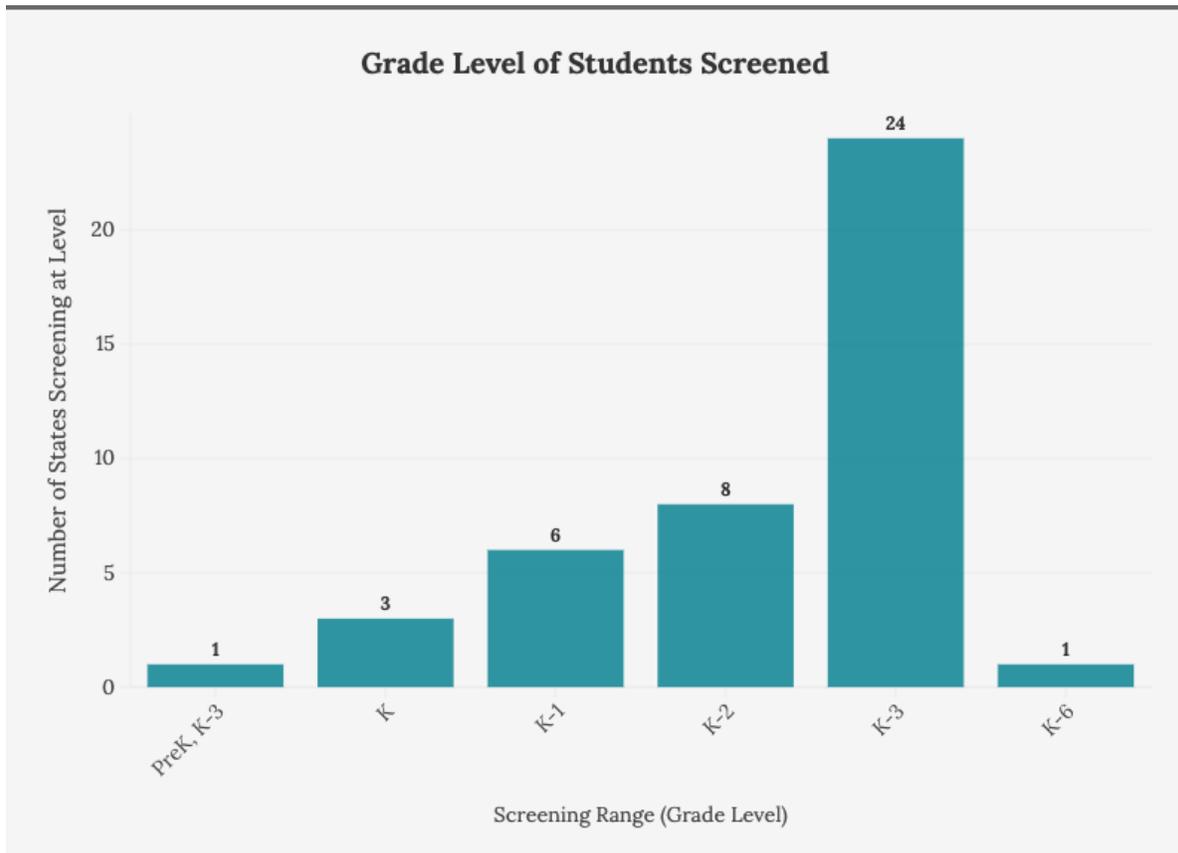
Graph 3

In sum, states pursue vastly different strategies when it comes to what to screen for and how to assess low literacy and LLDs in schools. Most states recognize dyslexia as a key target for improving literacy (*Direct Dyslexia Target Model*). Additionally, several states, by adopting universal reading screeners, prioritize screening for reading abilities and only indirectly assess dyslexic traits in pupils (*Indirect Dyslexia Target Model*). These states seem to conclude that screening for general reading deficits is sufficient for detecting dyslexia, but this may be short-sighted, as dyslexia screeners utilize specifically tailored tools to capture all indicators of LLDs.

Finally, a small group of states have adopted screening frameworks specifically addressing literacy without mentioning dyslexia or, more generally, LLDs (*Literacy Target Model*). As a result, it is unclear if these states are using different terms to refer to and identify the same LLDs, or if states’ priorities for screening differ.

c. When to Screen: How Intervals Vary Across Jurisdictions

States also differ in the timing of when they mandate or suggest students be screened for literacy issues and/or LLDs. Since early identification is crucial for effective interventions and better literacy development, this raises basic equity concerns based on where students live. (See *Graph 7*).



*Graph 4*⁴²

For example, three states—Illinois, Louisiana, and Pennsylvania⁴³—only require screening students for low literacy and/or LLDs when students are in kindergarten. Six states—Arizona, Maryland, Mississippi, New Mexico, Oregon, and Texas—also have rather narrow screening windows, mandating dyslexia screening for students when they are in kindergarten and first grade. Of these six, all states but Maryland⁴⁴ screen all children enrolled in both kindergarten and first

⁴² Does not include states that have not legislated screening ranges.

⁴³ See *infra* Table 1. Pennsylvania implements a dyslexia screening pilot program, Louisiana mandates screening for dyslexia, and Illinois mandates a multiple developmental domain screener—surveying literacy, language, mathematics, and social and emotional development—that may be used to identify dyslexia. *Id.*

⁴⁴ *Id.* Maryland mandates screening for all children enrolled in kindergarten and for flagged first-grade students. *Id.*

grade. Eight states⁴⁵ require either dyslexia screening or screening for reading readiness—a tool that may be used to identify reading difficulty for broader groups of children—in kindergarten through second grade.⁴⁶ Twenty-four states⁴⁷ require some type of screening either for all students or for flagged students in kindergarten through third grade. Schools in Florida and Ohio screen students over the longest periods: Florida mandates literacy screenings that may be used to identify dyslexia for all students starting as early as in prekindergarten through third grade. Ohio screens students in kindergarten through sixth grade (all students in kindergarten through third grade and flagged students in fourth through sixth grade).

Rhode Island takes a somewhat unique approach, mandating screening for all children first entering school in the state, rather than any particular age cohort.⁴⁸ In two final states—Kansas and Missouri—legislators have delegated the task of determining the screening window to state authorities.⁴⁹ In Kansas, the State Board of Education decides which group of students undergoes mandatory reading screening, which may be used to identify dyslexia.⁵⁰ In Missouri, the Department of Education is responsible for setting the grade or age window for mandatory dyslexia testing.⁵¹

Several potential issues are readily apparent given this landscape. For one, states with narrower screening windows run a particular risk of under identifying students with LLDs. Moreover, while all states seem to share a focus on early childhood, there is no clear logic governing different states’ choices of window duration. The haphazard landscape emerging from these inconsistent ranges presents an equity issue on its own terms—as students’ odds of having an LLD detected vary based on where they live—and may create additional problems for students who move between jurisdictions throughout their schooling. Screening statutes are largely silent as to how to deal with unscreened students—such as children who move in from a state without screening—potentially leaving them to fall through the cracks entirely.

⁴⁵ *Id.* CA, DC, IN, ME, MT, NJ, SC, WA. *Id.*

⁴⁶ *Id.* North Dakota’s program, which provides screening to students under age 7, roughly fits into this category. *Id.*

⁴⁷ *Id.* AL, AK, AR, CO, CT, DE, GA, ID, IA, KY, MA, MI, MN, NE, NH, NV, NC, OK, TN, UT, VA, WI, WV, WY. *Id.*

⁴⁸ *See infra* Table 1.

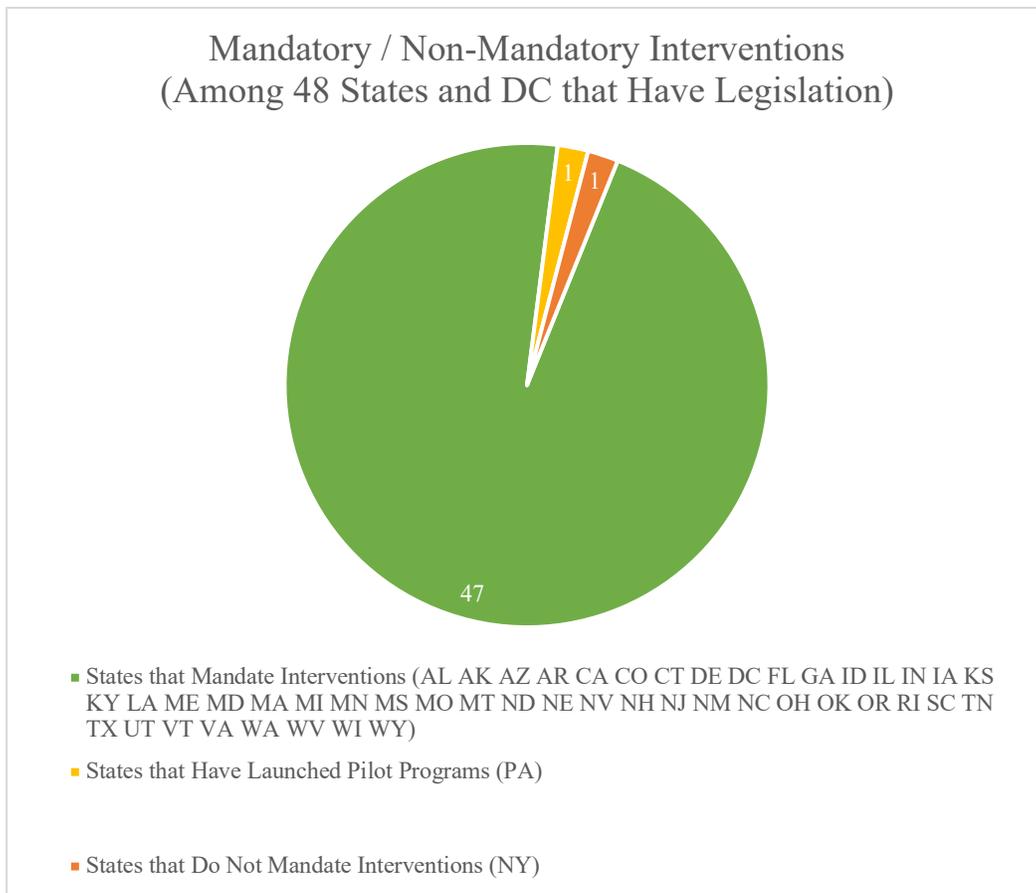
⁴⁹ *See infra* Table 1.

⁵⁰ *See infra* Appendix A at 34

⁵¹ *Id.* at 38

III. INTERVENTION MODELS

Most of the 48 states and the District of Columbia that have legislation on low literacy and LLDs offer services to students having difficulties (*Graph 5*). Forty-six states mandate some type of intervention. Pennsylvania has run a pilot program offering both screening and interventions, and one state—New York—does not have either universal screening or intervention programs offered to students. Notably, one state—Vermont—offers reading interventions to students even without the existence of a mandatory or conditioned screening system in place.⁵² States also differ in how they administer screenings and interventions, and often employ somewhat mismatched screening and intervention models.

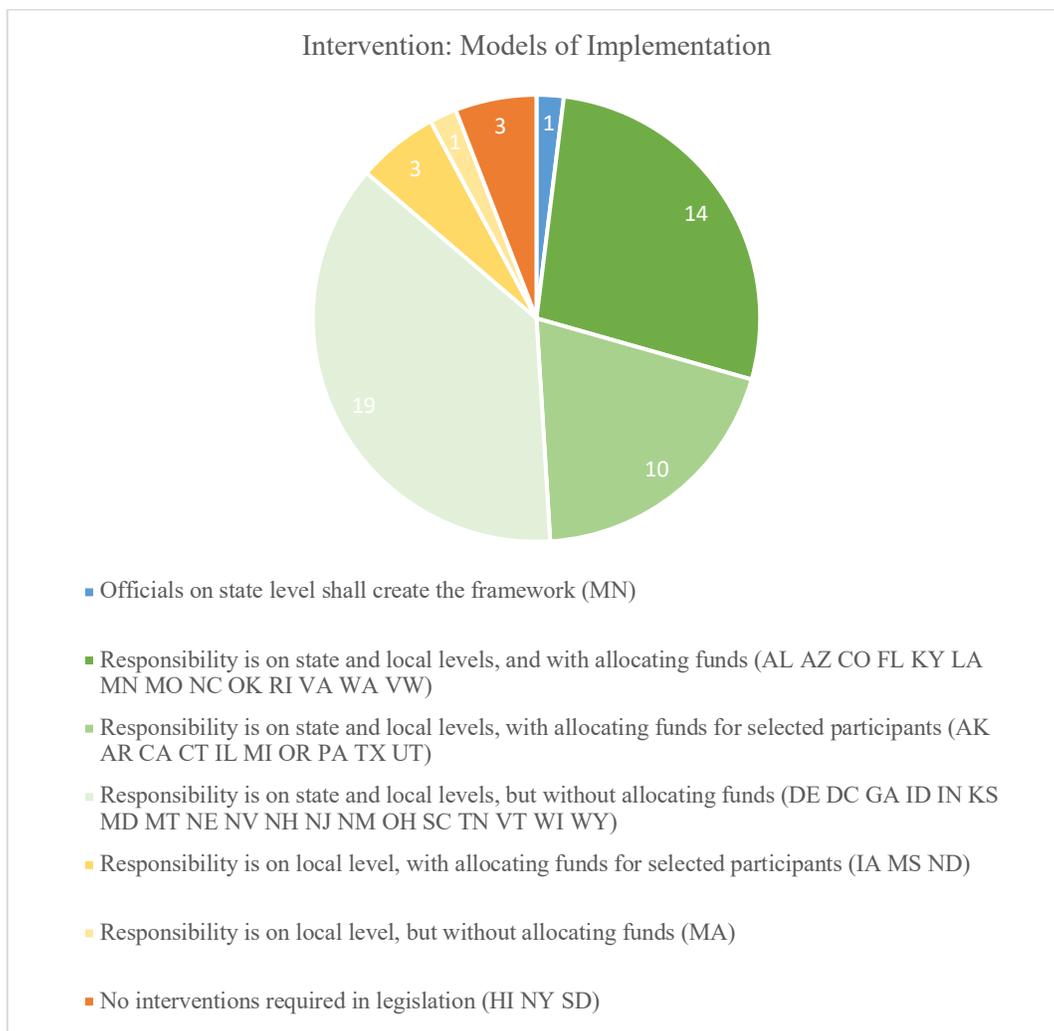


Graph 5

⁵² See VT. STAT. ANN. tit. 16, § 2903 (West 2009). “Highly effective, research-based reading instruction” to prevent early school failure should be provided to all students in grades one to three, and to older students whose reading proficiency is below the expected grade level. *Id.*

Establishing effective inter-agency collaboration and institutional coordination is essential for successfully implementing low literacy and LLD interventions. The administrative structures outlined in state legislations also differ. *Graph 6* delves into various models for implementing interventions. This graph illustrates how state lawmakers allocate responsibilities between state and local authorities, and whether they provide guidance on allocating funds for required actions.

Most states (43 states marked in three shades of green in *Graph 6*) enacted “semi-decentralized” models that involve cooperation between state and local entities, such as county boards of education and school districts cooperating with one another. Among these, 19 states (marked in light green in *Graph 6*) do not specify a funding allocation mechanism in their legislation for such interventions, while 24 states (marked in two shades of darker green in *Graph 9*) offer guidelines for allocating funds to specific entities or programs.



Graph 6

For instance, Alabama’s legislation provides detailed instruction about allocating state money for specific programs like the Alabama Summer Achievement Program or for supporting regional and local literacy specialists.⁵³ Arkansas, California, Colorado, Connecticut, Illinois, Kentucky, Michigan, Oregon, and Texas administer grants to schools and local educational agencies (LEAs) to implement interventions. In Maine (marked in blue in *Graph 6*), state legislation prescribes employing a dyslexia coordinator to assist the Department of Education in developing and implementing intervention policies, including training for teachers, without allocating specific funds or responsibilities to local actors.

Four states (marked in two shades of yellow in *Graph 6*) have fully decentralized models that wholly entrust external institutions—usually local entities—with policy implementation. For instance, Iowa requires each school district to provide reading instruction to students at risk of reading difficulties if funds are appropriated by the Iowa General Assembly.⁵⁴ In Massachusetts, schools shall provide “differentiated or supplementary evidence-based reading instruction” for students “significantly below relevant benchmarks . . . in literacy skills,” but no additional funds are allocated for those interventions.⁵⁵

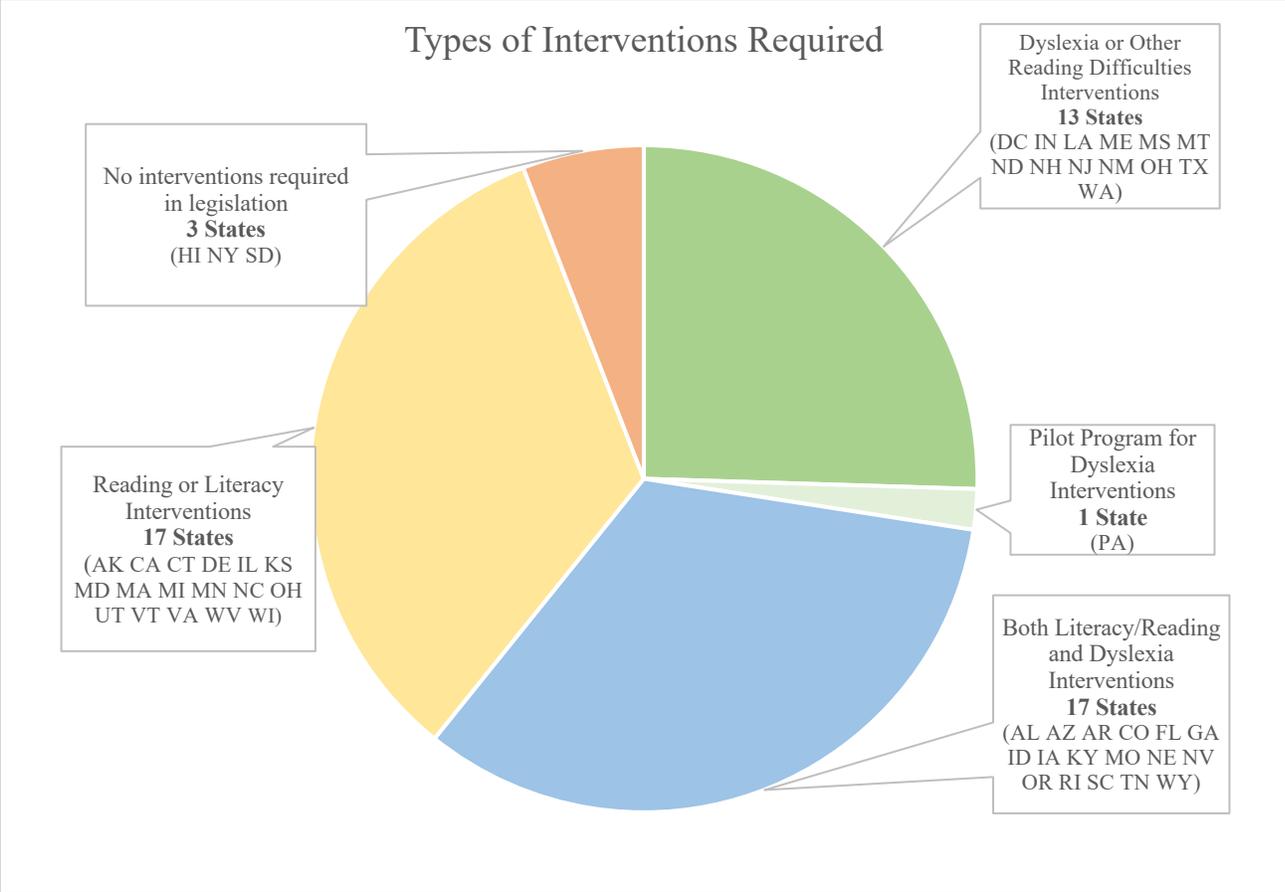
a. Inconsistent Definitions and Legislative Targets

By examining the array of intervention models outlined in state legislation, we can categorize states into four main groups. Seventeen U.S. States address language-related disorders by adopting legislation that prescribes interventions for both literacy/reading deficiency and dyslexia (blue in *Graph 7*). Seventeen states require interventions only for reading and literacy (without specifically mentioning dyslexia) (yellow in *Graph 7*), and twelve states have designed interventions targeting dyslexia specifically (green in *Graph 7*). All but three states (Hawaii, New York, and South Dakota) have some type of policy intervention to address language and learning issues. Just as different state screenings focus on diverse issues, states suggest interventions with various emphases, complicating the assessment of policy outcomes and the comparison of their efficacy in addressing language-related learning challenges.

⁵³ ALA. CODE § 16-6G-4 (2019).

⁵⁴ IOWA CODE ANN. § 279.68(2)(a) (West 2024).

⁵⁵ 603 MASS. CODE REGS. 28.03(f) (2022).



Graph 7

It is worth noting that lawmakers use a wider range of terms to describe the services provided to students in intervention sections compared to screening sections. States may offer only a vague definition such as “appropriate interventions” in Colorado, or they may specify that they should be evidence-based and structured, like Connecticut, Florida, Georgia, Idaho, and New Hampshire.⁵⁶ Additionally, states identify specific intervention programs, such as summer reading camps in Alabama and Michigan or literacy coaches in Kentucky or California.

As mentioned above, legislation introducing universal screening to identify literacy issues/LLDs or covering interventions for those issues are not always consistent, even within the same state. For instance, some states mandate dyslexia screening, indicating a legislative focus on

⁵⁶ See *infra* Appendix A: State-by-State Legislation Summaries

dyslexia. However, those same states may lack dyslexia-specific interventions. In Alaska, both screening and intervention requirements were introduced by the same bill. However, while statewide screening in Alaska seeks “to identify students with reading deficiencies, including students with characteristics of dyslexia,”⁵⁷ schools in the state are only legislatively mandated to provide general “intensive reading intervention services to students.”⁵⁸

In contrast with Alaska’s policy, some states that mandate dyslexia screeners also offer reading interventions that specifically address reading deficiencies and dyslexia. However, in some of these states, the grade level at which interventions are mandated differs from the grade level at which the screenings are conducted. For example, in Arizona, every student must be “screened for indicators of dyslexia” in kindergarten and in first grade, and interventions must be provided for students in kindergarten through third grade.⁵⁹

Notably, interventions are offered to a wider grade range of students than are screenings. Only approximately one-third of states offer synchronized screenings and interventions—i.e., a screening and intervention are offered and administered to address the same issue, such as dyslexia. For instance, the District of Columbia exemplifies a well-coordinated approach to screening and intervention alignment, mandating that if screening results “indicate that a student is at risk of having a reading difficulty, an LEA shall . . . provide remediation and intervention instruction that will explicitly address the area of need identified in the screening.”⁶⁰ Another example is Indiana, which has one of the most detailed and structured dyslexia laws. The state offers dyslexia interventions with different types of instructions if “dyslexia screening indicates the need for dyslexia intervention services for the student.”⁶¹ Summarized information about the types of screenings and interventions offered in all states is provided in *Table 1* below.

Inconsistent adoption of literacy and LLD-related tools could complicate evaluating results. In addition, given the cost and time required for complete implementation, periodic assessment of their effectiveness is essential.

⁵⁷ ALASKA STAT. ANN. § 14.30.760(a) (West 2023).

⁵⁸ *Id.* § 14.30.765(a).

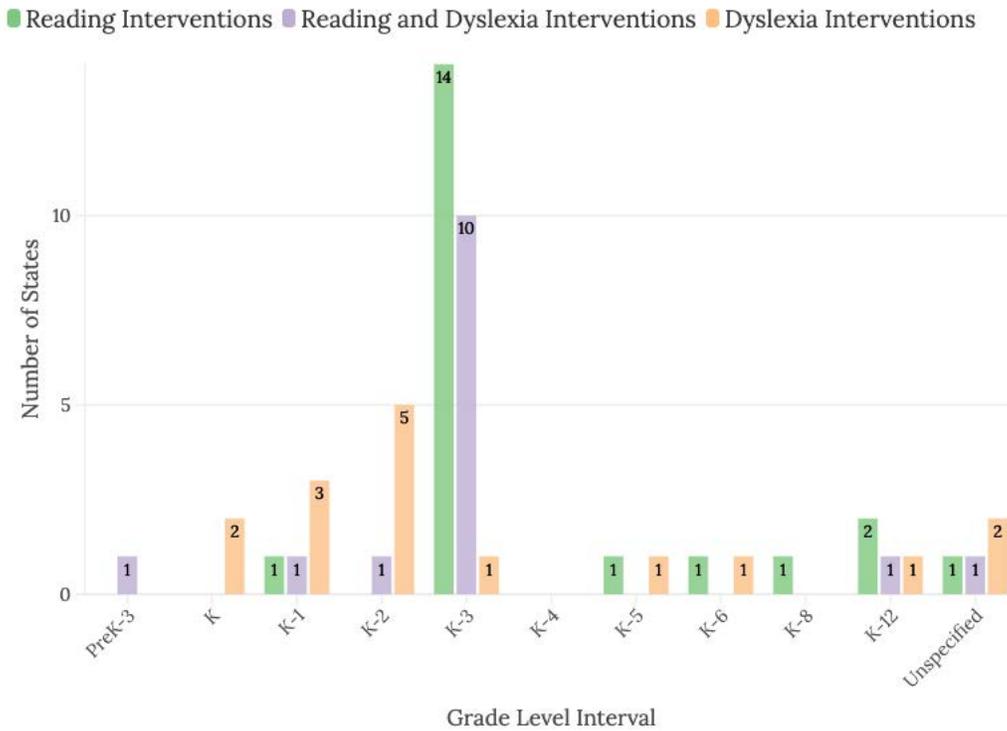
⁵⁹ Act of May 8, 2019, ch. 198, sec. 4, § 15-704, 2019 Ariz. Legis. Serv. (West) (codified as ARIZ. REV. STAT. ANN. § 15-704(B)(1) (West 2019)).

⁶⁰ D.C. CODE ANN. § 38-2581.05(a)(1) (West 2021).

⁶¹ IND. CODE ANN. § 20-35.5-4-1 (West 2018).

b. Service Distribution and Equity Issues

As previously discussed, the wide range of definitions, targets, and policy frameworks for identifying and addressing literacy issues and LLDs across states may create inequities in terms of what services and interventions students receive across the country. State legislation often offers more detailed provisions about interventions than screenings. Furthermore, in many states, interventions are offered to a wider age range of students than the groups receiving mandatory screening.⁶² State laws are widely responsible for determining at what grade levels students are offered interventions. Although these interventions differ from state to state, they mostly cover students in elementary school. *Graph 8* below illustrates the number of states requiring and/or recommending interventions by grade level.



Graph 8

Only Arkansas, Rhode Island, South Carolina, and Vermont offer reading and/or dyslexia interventions starting from kindergarten and throughout the end of high school. Illinois prescribes reading interventions, while Ohio prescribes dyslexia interventions, for children from kindergarten to sixth grade. Notably, among all states offering services for middle and high school students,

⁶² See *infra* Table 1 for further detail.

only Ohio has synchronized policies—both screening and interventions provided for students in kindergarten through sixth grade.

Idaho and Utah mandate dyslexia and reading interventions for students until the end of elementary school (kindergarten through fifth grade). Wisconsin legislation prescribes reading interventions to students until they reach fourth grade.

Half of the states in the U.S. have intervention policies that focus on students in kindergarten to third grade. Among them: Nevada requires dyslexia interventions; Alabama, Arizona, Colorado, Georgia, Iowa, Kentucky, Tennessee, and Wyoming all provide reading and dyslexia interventions; and Alaska, Connecticut, Delaware, Kansas, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, North Carolina, Oklahoma, Oregon, Virginia, and West Virginia all offer reading services, interventions, and additional instructions. Arkansas also offers reading interventions in this range, in addition to its dyslexia interventions that run through twelfth grade. In one state—Florida—the law also covers prekindergarten students providing that a “student who exhibits a substantial deficiency in early literacy skills based upon the results of the administration of the midyear or final coordinated screening and progress monitoring . . . may be eligible to receive instruction in early literacy skills before participating in kindergarten.”⁶³

Most states offering specific dyslexia interventions do so in kindergarten through second grade. The District of Columbia, Indiana, Montana, New Jersey, and Washington have synchronized the timing of administering both screening and interventions for students in kindergarten through second grade. California, which offers a broad set of interventions for both dyslexia and general literacy issues, similarly ties mandatory interventions to kindergarten-through-second grade screenings.⁶⁴ Maryland, New Mexico, Oregon, South Carolina, and Texas have synchronized screening and interventions for students in kindergarten through first grade. Louisiana mandates dyslexia interventions in kindergarten only. Pennsylvania has run a pilot program to provide dyslexia screening and interventions for children in kindergarten.

Many states explicitly legislate which grade levels of students are guaranteed interventions—e.g., Washington requires “interventions to students in kindergarten through second grade.”⁶⁵ Others tie intervention timelines to screening windows through statutory

⁶³ FLA. STAT. ANN. § 1008.25(5)(b) (West 2024).

⁶⁴ See CAL. EDUC. CODE § 53008(l)

⁶⁵ REV. STAT. WASH. 28A.320.260

construction, requiring interventions for students who underperform on screeners—necessarily bringing interventions in line with those states’ screening windows.⁶⁶ A small handful are less clear on their intervention timelines. Four states, Maine, Mississippi, Missouri, and North Dakota, mandate reading or dyslexia interventions without explicitly limiting those interventions to a particular grade range. North Dakota in particular does not target by grade at all per se—instead screening students aged seven and below—and, moreover, does not clearly limit its mandatory reading interventions to that same age boundary.⁶⁷

IV. CONCLUSION: TOWARD A NATIONAL BASELINE FOR SCREENING AND SUPPORT

Most states in the U.S. have implemented mandatory screening frameworks for low literacy and/or LLDs. Only a few states do not have any screening procedures in place, whether mandatory or for a specific student group. The legislation comparatively analyzed in this paper shows different models when it comes to policy targets. Most states recognize dyslexia as a key issue for improving literacy, as evident by their use of the *Direct Dyslexia Target Model*. By adopting universal reading screeners, several states prioritize screening for reading abilities and only indirectly assess dyslexic traits in pupils (*Indirect Dyslexia Target Model*). This, however, may be short-sighted in detecting dyslexia, as there are specifically tailored tests to capture its indicators. Additionally, a small group of states adopted screening frameworks specifically addressing literacy without mentioning dyslexia or LLDs (*Literacy Target Model*). Finally, states differ in terms of when they screen students for literacy issues and/or LLDs. As a result, children across state borders may receive varying levels of services to address their needs.

Forty-nine out of the fifty-one jurisdictions examined here offer some form of service to students with difficulties. However, the wide variation in states’ approaches—coupled with the relative newness of many of these policies—fundamentally limits meaningful comparison of results. Evaluating these policies to determine which approaches create the best outcomes for students presents a delicate, but critical, challenge for scholars and policymakers. There is a particularly urgent need for robust multi-variable analysis to disentangle the effects of LLD screening and intervention from the myriad other factors that effect a state’s literacy outcomes.

⁶⁶ See CAL. EDUC. CODE § 53008(l)

⁶⁷ See N.D. CENTURY CODE § 15.1-32-26(a),(d)

Given the diverse range of policies on reading and dyslexia interventions for students, we might naturally expect results to vary between jurisdictions. Moreover, it is profoundly difficult to draw strong conclusions about the efficacy of a state’s LLD supports from general literacy outcomes. A myriad of policy choices—many outside a state’s education system altogether—weigh on literacy outcomes, and no single set of changes could present a panacea. Nevertheless, we know that LLDs present a real challenge to many young learners, and we know that academic intervention and support for those students can be critical for lifetime literacy.

To be sure, some degree of state-by-state variation in this area of policy is likely inevitable, and many states’ approaches show promise and provide important support for students. With that said, the haphazard policy landscape before us now leaves too many potential gaps for students to fall through, ranging from inadequate screening to ill-defined support measures. A critical step forward in this area would be the establishment of federal guidelines for LLD screening and support to ensure a robust, equitable approach to addressing literacy and learning disorders across the country. We envision these guidelines as providing a sort of national baseline for policy in the field and encouraging cohesion between state-level approaches. If adopted, such a baseline could lead to better outcomes for students in jurisdictions without well-established LLD support and reduce disruption for students moving between states. To better understand which screening and intervention models most effectively improve student literacy—and might provide a model for such national guidance—we call for further longitudinal and comparative research.

V. APPENDIX A: STATE-BY-STATE LEGISLATION SUMMARIES

The following table (*Table 1*) provides a more detailed and comprehensive state-by-state summary with key information about LLDs-related legislation in the U.S.

-  States conduct screenings/interventions for dyslexia specifically
-  States conduct screening/interventions for literacy or reading skills, as well as for dyslexia
-  States conduct screenings/interventions for literacy, reading, or general level of educational readiness
-  States may have legislation that refers to dyslexia/early literacy, but does not address screening and/or interventions

| State | Dyslexia/Early Literacy Legislation | Mandatory Screening | Screening Type | Screening Grade | Intervention Type | Intervention Grade |
|----------------------|--|---------------------|--|-----------------|-----------------------------------|------------------------------|
| Alabama | Yes | Yes | Reading screener, may be used to identify dyslexia | K-3 | Reading/ Dyslexia Intervention | K-3 |
| Alaska | Yes | Yes | Screening for reading deficiencies, including dyslexia | K-3 | Reading Intervention | K-3 |
| Arizona | Yes | Yes | Screening for dyslexia | K-1 | Reading/ Dyslexia Intervention | K-3 |
| Arkansas | Yes | Yes | Screening for dyslexia | K-3 | Reading/ Dyslexia Intervention | K-3: Reading; K-12: Dyslexia |
| California | Yes | Yes | Screening for reading difficulties, including dyslexia | K-2 | Reading/ Dyslexia Intervention | K-2 |
| Colorado | Yes, and Draft to Mandate Dyslexia Screening | Yes | Screening for reading competency | K-3 | Reading/ Dyslexia Intervention | K-3 |
| Connecticut | Yes | Yes | Reading assessment, may be used to identify dyslexia | K-3 | Reading Intervention | K-3 |
| Delaware | Yes | Yes | Screening for reading competency, may be used to identify dyslexia | K-3 | Reading Intervention | K-3 |
| District of Columbia | Yes | Yes | Screening for reading difficulties, including dyslexia | K-2 | Reading Difficulties Intervention | K-2 |
| Florida | Yes | Yes | Screening for literacy, may be used to identify dyslexia | PreK, K-3 | Reading/ Dyslexia Intervention | Pre K, K-3 |

| | | | | | | |
|----------------------|--|-----|---|--|--------------------------------------|------------------------------------|
| Georgia | Yes | Yes | Screening for dyslexia | K-3 | Reading/ Dyslexia Intervention | K-3 |
| Hawaii | No, legislators' attempt to create a task force to study dyslexia was unsuccessful | No | N/A | N/A | N/A | N/A |
| Idaho | Yes | Yes | Screening for dyslexia | K-3 | Reading/ Dyslexia Intervention | K-3: Reading; K- 5: Dyslexia |
| Illinois | Yes, and Draft to Mandate Dyslexia Screening | Yes | Multiple developmental domain screener, including literacy, may be used to identify dyslexia | K | Reading Intervention | K-6 |
| Indiana | Yes | Yes | Screening for dyslexia | K-2 | Dyslexia Intervention | K-2 |
| Iowa | Yes | Yes | Screening for level of reading or reading readiness | K-3 | Reading/ Dyslexia Intervention | K-3 |
| Kansas | Yes | Yes | Reading screener, may be used to identify dyslexia | Board Approves | Reading Intervention | K-3 |
| Kentucky | Yes | Yes | Universal screener for reading | K-3 | Reading/ Dyslexia Intervention | K-3 |
| Louisiana | Yes | Yes | Screening for dyslexia | K | Dyslexia Intervention | K |
| Maine | Yes | Yes | Screening for dyslexia for students identified by a classroom teacher | K-2 | Dyslexia Intervention | Not specified |
| Maryland | Yes | Yes | Screening for reading difficulties for all K and for flagged grade 1 students, may be used to identify dyslexia | K-1 | Reading Intervention | K-1 |
| Massachusetts | Yes | Yes | Screening for reading ability and progress in literacy skills, may be used to identify dyslexia | K-3 | Reading Intervention | K-3 |
| Michigan | Yes | Yes | Screening for reading skills | K-3 | Reading Intervention | K-3 |
| Minnesota | Yes | Yes | Screening for reading difficulties, including dyslexia | K-3, additional screening for older students reading below grade level | Reading Intervention | K-3 |
| Mississippi | Yes | Yes | Screening for dyslexia | K-1 | Dyslexia Intervention | Not specified |

| | | | | | | |
|-----------------------|--|-----------------------|---|------------------------------------|--------------------------------|---|
| Missouri | Yes | Yes | Screening for dyslexia | Department Approves | Reading/ Dyslexia Intervention | Not specified |
| Montana | Yes | Yes | Screening for dyslexia | K-2 | Dyslexia Intervention | K-2 |
| Nebraska | Yes | Yes | Screening for reading skills | K-3 | Reading/ Dyslexia Intervention | K-3: Reading; Not specified: Dyslexia |
| Nevada | Yes | Yes | Screening for dyslexia for flagged K-3 students | K-3 | Reading/ Dyslexia Intervention | Elementary school: Reading; K-3: Dyslexia |
| New Hampshire | Yes | Yes | Screening for dyslexia | K-3 | Dyslexia Intervention | K-3 |
| New Jersey | Yes | Yes | Screening for dyslexia for flagged K-2 students | K-2 | Dyslexia Intervention | K-2 |
| New Mexico | Yes | Yes | Screening for dyslexia | K-1 | Dyslexia Intervention | K-1 |
| New York | Yes, requires Commissioner of Education to issue a guidance memorandum on dyslexia, dyscalculia, and dysgraphia. Dyslexia pilot program is ongoing in NYC (where about half of the state population lives) | No | N/A | N/A | N/A | N/A |
| North Carolina | Yes | Yes | Screening for reading proficiency | K-3 | Literacy/ Reading Intervention | K-3 |
| North Dakota | Yes | Yes | Screening for dyslexia | 7 years and under | Reading Intervention | Not specified |
| Ohio | Yes | Yes | Screening for dyslexia for all K-3 and for flagged grade 4-6 students | K-6 | Dyslexia Intervention | K-6 |
| Oklahoma | Yes | Yes | Screening for reading skills | K-3 | Reading Intervention | K-3 |
| Oregon | Yes | Yes | Screening for dyslexia | K-1 | Reading/ Dyslexia Intervention | K-3: Reading; K-1: Dyslexia |
| Pennsylvania | Yes | No, but pilot program | Screening for dyslexia | K | Dyslexia Intervention (Pilot) | K |
| Rhode Island | Yes | Yes | Screening for literacy skills, may be used to identify dyslexia | All children first entering school | Reading/ Dyslexia Intervention | K-12 |

| | | | | | | |
|-----------------------|---|-----|---|-----|--------------------------------|------------------------------|
| South Carolina | Yes | Yes | Screening for dyslexia for all K-1 and for flagged grade 2 students | K-2 | Reading/ Dyslexia Intervention | K-12: Reading; K-1: Dyslexia |
| South Dakota | No, the only legislation in the field adds the definition of dyslexia to the state's education code | No | N/A | N/A | N/A | N/A |
| Tennessee | Yes | Yes | Screening for reading proficiency, may be used to identify dyslexia | K-3 | Reading/ Dyslexia Intervention | K-3 |
| Texas | Yes | Yes | Screening for dyslexia | K-1 | Dyslexia Intervention | K-1 |
| Utah | Yes | Yes | Screening for reading skills, may be used to identify reading difficulty | K-3 | Literacy/ Reading Intervention | K-5 |
| Vermont | Yes, legislation requires public schools to provide reading instructions and creates Advisory Council on Literacy | No | N/A | N/A | Reading Intervention | K-12 |
| Virginia | Yes | Yes | Screening for literacy, may be used to identify dyslexia | K-3 | Reading Intervention | K-8 |
| Washington | Yes | Yes | Screening for dyslexia | K-2 | Dyslexia Intervention | K-2 |
| West Virginia | Yes | Yes | Screening for dyslexia | K-3 | Reading Intervention | K-3 |
| Wisconsin | Yes | Yes | Screening for reading readiness, may be used to identify reading difficulty | K-3 | Reading Intervention | K-3 |
| Wyoming | Yes | Yes | Screening for reading skills, may be used to identify dyslexia | K-3 | Reading/ Dyslexia Intervention | K-3 |

Table 1

The following section examines state legislation, focusing on essential components of learning and reading-related laws and bills. Because enforcement provisions may be spread across various administrative laws, this section offers concise overviews of key state laws that lay down fundamental regulations in this domain.

Alabama (AL): The Alabama Literacy Act provides funding for reading assessments of all children in the public school system, from kindergarten through third grade.⁶⁸ The State

⁶⁸ ALA. CODE § 16-6G-4(b) (2019). The Alabama Literacy Act can be found at *id.* §§ 16-6G-1 - 16-6G-8.

Superintendent of Education is responsible for forming a task force to vet and approve tools for this purpose.⁶⁹ A significant portion of the Alabama Literacy Act addresses the interventions that should be implemented once a student is identified as having reading deficiencies or a school is identified as having students that experience reading deficiencies.⁷⁰

Alaska (AK): In July 2022, Alaska enacted H.B. 114 (Alaska Reads Act), which creates a framework for “screening reading deficiencies and providing reading intervention services to public school students enrolled in grades kindergarten through three.”⁷¹ The Act mandates screening for reading deficiencies, including dyslexia, for students in kindergarten through third grade.⁷² The Alaska Department of Education and Early Development is responsible for supporting and training teachers and other educators and “providing evidence-based instructional strategies on literacy.”⁷³

Arizona (AZ): Arizona’s S.B. 1318, passed in 2019, mandates dyslexia screening of students in kindergarten through first grade and reading programs for students in kindergarten through third grade.⁷⁴ The legislation seeks to identify struggling readers and to provide them with specific aid,⁷⁵ and it requires school districts and charter schools to offer targeted interventions to students who score below the State Board of Education’s established minimum score so that they are reading at or above grade level by the end of the third grade.⁷⁶ The Arizona Department of Education has also published the Universal Dyslexia and Screener Guide, outlining different approved screeners and teacher training models.⁷⁷

Arkansas (AR): Sections 6-41-601 through 612 of the Arkansas code govern the state’s response to “dyslexia and related disorders” in education.⁷⁸ Section 603 particularly pertains to screening and interventions, and mandates “high-quality, evidence-based” dyslexia screening for all students from kindergarten through third grade.⁷⁹ Districts are also required to screen students from third grade through twelfth grade “with difficulty in fluency or spelling as documented by a classroom teacher, a parent or legal guardian of the student, or another individual with knowledge of the

⁶⁹ ALA. CODE § 16-6G-3(a) (2019). *See also* Literacy Task Force, *Approved Programs: 2021-2022*, ALA. READING INITIATIVE, <https://www.alabamaachieves.org/wp-content/uploads/2021/08/ARI-Approved-Programs.pdf> (last accessed Mar. 15, 2025).

⁷⁰ ALA. CODE § 16-6G-5 (2019).

⁷¹ Alaska Reads Act, ch. 40, pmb., 2022 Alaska Legis. Serv. (West).

⁷² Alaska Reads Act, ch. 40, sec. 36, § 14.30.760, 2022 Alaska Legis. Serv. (West) (codified as ALASKA STAT. ANN. § 14.30.760(a)(1) (West 2023)).

⁷³ Alaska Reads Act, ch. 40, pmb., 2022 Alaska Legis. Serv. (West). *See also* *The Alaska Reads Act*, ALASKA DEP’T OF EDUC. & EARLY DEV., <https://education.alaska.gov/akreads> (last accessed Mar. 15, 2025).

⁷⁴ Act of May 8, 2019, ch. 198, sec. 4, § 15-704, 2019 Ariz. Legis. Serv. (West) (codified as ARIZ. REV. STAT. ANN. § 15-704(B)(1), (E), (F) (West 2019)).

⁷⁵ Act of May 8, 2019, ch. 198, sec. 5, § 15-219, 2019 Ariz. Legis. Serv. (West) (codified as ARIZ. REV. STAT. ANN. § 15-219 (West 2019)).

⁷⁶ Act of May 8, 2019, ch. 198, sec. 1, § 15-211, 2019 Ariz. Legis. Serv. (West) (codified as ARIZ. REV. STAT. ANN. § 15-211(F) (West 2019)).

⁷⁷ ARIZ. DEP’T OF EDUC., UNIVERSAL LITERACY AND DYSLEXIA SCREENER GUIDE FOR ARIZONA’S K-3 SCHOOLS (2023), <https://www.azed.gov/sites/default/files/2022/03/Universal%20Literacy%20and%20Dyslexia%20Screeener%20Guide.pdf>.

⁷⁸ ARK. CODE § 6-41-601—612

⁷⁹ *Id.* § 6-41-603

student’s academic performance.”⁸⁰ The code further requires that students identified as needing learning and reading support receive any or all the following: early intervention from a trained interventionist, reading interventions for kindergarten to third-grade students, and/or dyslexia interventions for kindergarten to twelfth-grade students.⁸¹ The Arkansas Dyslexia Resource Guide provides schools with guidance and recommends possible screening tools.⁸²

California (CA): California’s first law regarding dyslexia was introduced in 1992.⁸³ Through changes to California’s Education Code, it required that students assessed as dyslexic be eligible for special education.⁸⁴ In 2015, the legislation was amended by Assembly Bill 1369, requiring the Superintendent of Public Instruction to develop program guidelines for dyslexia to assist teachers and parents in identifying students and providing appropriate educational services.⁸⁵ In 2017, the state issued the California Dyslexia Guidelines to facilitate student support with a compendium of resources for identifying and responding to dyslexia in the classroom.⁸⁶ The guidelines underscore the need for early identification and intervention for students with dyslexia and the importance of universal screening when students are in general education classrooms.⁸⁷ The most recent legislative change—Senate Bill 114—was approved by Governor Gavin Newsom on July 10, 2023 and introduced compulsory assessment, starting in 2025, of students in kindergarten through second grade who are at risk of developing reading difficulties, including possible neurological disorders such as dyslexia.⁸⁸ To this end, the bill mandated the appointment of a panel of independent experts to select a set of screening instruments for these assessments.⁸⁹ The bill appropriated \$1 million towards this selection process,⁹⁰ which produced a list of four screeners in December 2024.⁹¹ Additionally, the governing board or body of each LEA shall adopt one or more screening instruments from the list on or before June 30, 2025.⁹² As of the 2025-2026 school year, LEAs shall annually assess each pupil from kindergarten through second grade using the adopted screening instrument.⁹³ Per the statute, “if a pupil is identified as being at risk of having reading difficulties . . . the [LEA] shall provide this pupil with supports and services.”⁹⁴ Pupils who do not speak sufficient English shall be screened in their primary language if an approved screening instrument in that language is available.⁹⁵ If the appropriate language screening instrument is not available, those pupils shall be evaluated through an analysis of developmental

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² ARK. DEP’T OF EDUC., ARKANSAS DYSLEXIA RESOURCE GUIDE DECEMBER 2017 (2017), https://dese.ade.arkansas.gov/Files/DRG-App-I-TOC_20210923084612.pdf.

⁸³ Act of Sept. 30, 1992, ch. 1360, 1992 Cal. Legis. Serv. (codified as CAL. EDUC. CODE § 56337.5 (West 1992)).

⁸⁴ *Id.*

⁸⁵ Act of Oct. 8, 2015, ch. 647, 2015 Cal. Legis. Serv. § 56335 (codified as CAL. EDUC. CODE § 56335 (West 2015)).

⁸⁶ CAL. DEP’T OF EDUC., CALIFORNIA DYSLEXIA GUIDELINES (2018), <https://www.cde.ca.gov/sp/se/ac/documents/cadyslexiaguidelines.pdf>.

⁸⁷ *Id.*

⁸⁸ Act of June 28, 2023, ch. 15.5, 2023 Cal. Legis. Serv. § 53008(b) (codified as CAL. EDUC. CODE § 53008 (Deering 2024)).

⁸⁹ *Id.*

⁹⁰ *Id.* § 53008(e).

⁹¹ See *California Literacy: Screening for Risk of Reading Difficulties*, CAL. DEP’T OF EDUC., <https://www.cde.ca.gov/ci/cl/> (last accessed Jan. 29, 2025) (listing the four approved screening instruments as of December 2024).

⁹² CAL. EDUC. CODE § 53008(d) (Deering 2024).

⁹³ *Id.* § 53008(e).

⁹⁴ *Id.* § 53008(i).

⁹⁵ *Id.* § 53008(d).

history, educational history, and literacy progress, consistent with the California Dyslexia Guidelines.⁹⁶

Colorado (CO): Colorado’s READ Act was passed in 2012 with the goal of getting children reading at grade level by the time they enter the fourth grade.⁹⁷ According to the READ Act, local education providers shall ensure that teachers measure each student’s reading competency using interim reading assessments in kindergarten through third grade.⁹⁸ In 2019, H.B. 19-1134 (Identification and Interventions for Students with Dyslexia) was passed.⁹⁹ It directs the Commissioner of Education to create a working group to analyze state and national data as well as practices of identification and support of students with dyslexia.¹⁰⁰ The Act also establishes a pilot program to assist local education providers in using READ Act assessments for dyslexia screening and in providing interventions for students identified as dyslexic.¹⁰¹ In 2020, the Colorado Department of Education designed the Dyslexia Handbook.¹⁰² In 2023, Democratic Senators introduced a bill to mandate dyslexia screening for all kindergarten through third-grade students.¹⁰³ This initiative failed in committee, but legislative efforts around the issue persist as of 2025.¹⁰⁴

Connecticut (CT): Connecticut’s dyslexia screening program and interventions are established through various pieces of legislation. The provisions concerned with screening specifically are sections 10–14t. to 10–14z. of Chapter 163C of Connecticut Statutes—Education Evaluation and Remedial Assistance.¹⁰⁵ This legislation mandates that the Connecticut State Department of Education provide guidance to local and regional boards of education for administering the approved reading assessments for identifying students at risk for dyslexia from kindergarten through third grade.¹⁰⁶ The Department of Education has identified and approved research-based, universal screening reading assessments for grades kindergarten through third.¹⁰⁷ Provision section 10-3d. also introduces the designated employee responsible for providing information and assistance regarding dyslexia.¹⁰⁸

Delaware (DE): In August 2022, Delaware enacted H.B. 304, which covers Universal Reading Screening, and S.B. 4, which addresses reading interventions. H.B. 304 states that:

⁹⁶ CAL. EDUC. CODE § 53008(h) (Deering 2024).

⁹⁷ COLO. REV. STAT. ANN. § 22-7-1202(3)(a) (West 2022).

⁹⁸ *Id.*

⁹⁹ Colorado READ Act, ch. 180, sec. 2, § 22-7-1201, 2012 Colo. Legis. Serv. (West) (codified as COLO. REV. STAT. ANN. § 22-7-1201 (West 2012)).

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² COLO. DEP’T OF EDUC., COLORADO DEPARTMENT OF EDUCATION DYSLEXIA HANDBOOK (2020), <https://www.cde.state.co.us/cdesped/codyslexiahandbook>.

¹⁰³ See Suzie Glassman, *Colorado Bill Seeks Universal Dyslexia Screening for All Students*, NEWSBREAK (Mar. 7, 2023), <https://original.newsbreak.com/@suzie-glassman-561249/2949392199129-colorado-bill-seeks-universal-dyslexia-screening-for-all-students>; See also Act of Mar. 6, 2023, sec. 1-3, § 22-7-1215, 2023 Colo. Sess. Laws.

¹⁰⁴ See Ann Schimke, *Colorado Schools Could Soon Be Required to Screen K-3 Students for Dyslexia*, CHALKBEAT (Apr. 1, 2025), <https://www.chalkbeat.org/colorado/2025/04/01/dyslexia-screening-bill-clears-key-legislative-committee/>.

¹⁰⁵ CONN. GEN. STAT. § 10-14t–z (2023).

¹⁰⁶ *Id.*

¹⁰⁷ See CONN. STATE DEP’T OF EDUC., APPROVED MENU OF RESEARCH-BASED UNIVERSAL SCREENING READING ASSESSMENTS FOR KINDERGARTEN (July 2023).

¹⁰⁸ CONN. GEN. STAT. § 10-3d (2024).

[B]eginning July 1, 2023, a district or charter school shall screen each student enrolled in kindergarten through third grade three times a year for reading competency using a universal reading screener chosen from the list of aligned universal reading screeners maintained by the Department of Education.¹⁰⁹

The screeners must also identify students with characteristics of dyslexia.¹¹⁰ S.B. 4 requires the Department of Education to maintain a list of evidence-based reading instruction curricula for kindergarten through third grade in school districts and charter schools.¹¹¹

District of Columbia (DC) On March 16, 2021, D.C. Law 23-191 became effective and was enacted as Chapter 25D of Title 38 of the Code of the District of Columbia.¹¹² The act tasks the Office of the State Superintendent of Education (OSSE) with providing LEAs programs and tools to support students with reading difficulties, including developing a list of recommended screening instruments for identifying students with dyslexia.¹¹³ Beginning with the 2023-2024 school year, LEAs are required to screen all students in kindergarten through second grade for reading difficulties, including dyslexia.¹¹⁴ LEAs are not required to use OSSE-recommended screening instruments,¹¹⁵ but, if requested, may have to explain their reasoning for choosing a particular screening tool.¹¹⁶ If screening results indicate a student is at risk, LEAs must provide remediation and instruction that explicitly addresses the area of need identified and notify the parent or guardian of the screening results.¹¹⁷

Florida (FL): Florida governs the assessment of students' progress through the Early Learning-20 Education Code.¹¹⁸ According to this code, all students in kindergarten through third grade, as well as students in voluntary prekindergarten programs, should be assessed in order for schools to identify any "students who have a substantial deficiency in reading, including identifying students with characteristics of dyslexia, dyscalculia, and other learning disorders."¹¹⁹ The same provision requires that any kindergarten through third-grade student who exhibits a substantial deficiency in reading (based upon screening or assessment data or teacher observations) must receive reading interventions.¹²⁰

Georgia (GA): Chapter 2 of Title 20 of the Official Code of Georgia was amended in 2019 to provide for the identification and support of students with characteristics of dyslexia.¹²¹ Currently, all public schools in Georgia must administer annual dyslexia screenings for all students from kindergarten through third grade.¹²² Georgia's State Board of Education approved a list of

¹⁰⁹ Act of Aug. 29, 2022, ch. 416, sec. 1, § 158, 2022 Del. Legis. Serv. (West) (codified as DEL. CODE ANN. tit. 14, § 158(b)(1) (West 2022)).

¹¹⁰ *Id.*

¹¹¹ Act of Aug. 29, 2022, ch. 415, sec. 1, § 4144, 2022 Del. Legis. Serv. (West) (codified as amended DEL. CODE ANN. tit. 14, § 4144 (West 2022)).

¹¹² D.C. CODE ANN. §§ 38-2581.01–.07 (West 2021).

¹¹³ D.C. CODE ANN. § 38-2581.02(a) (West 2021).

¹¹⁴ D.C. CODE ANN. § 38-2581.04(a) (West 2021).

¹¹⁵ D.C. OFFICE OF THE STATE SUPERINTENDENT OF EDUC., 2022-2023 SCHOOL YEAR APPROVED KINDERGARTEN THROUGH SECOND GRADE UNIVERSAL SCREENERS, (2022).

¹¹⁶ D.C. CODE ANN. § 38-2581.04(b) (West 2021).

¹¹⁷ D.C. CODE ANN. § 38-2581.05(a)(2) (West 2021).

¹¹⁸ FLA. STAT. ANN. § 1008.25 (West 2024).

¹¹⁹ *Id.* § 1008.25(9)(a)(3).

¹²⁰ *Id.* § 1008.25(5)(a).

¹²¹ Act of Mar. 22, 2019, ch. 2, sec 1, § 20-2-159, 2019 Ga. Code Ann. Adv. Legis. Serv. (West).

¹²² GA. CODE ANN. § 20-2-159.6(b).

qualified screening tools in May 2023.¹²³ The state also publishes an informational handbook—with information on dyslexia screening, intervention, and resources—aimed at local school systems.¹²⁴

Hawaii (HI): In January 2010, S.B. 2217 proposed the creation of a task force to study how to assess students for dyslexia and other learning disabilities and offer recommendations to the Hawaii Department of Education.¹²⁵ The bill, however, was eventually defeated.¹²⁶ It was opposed by the Department of Education of Hawaii and other experts who stated that the diagnosis and treatment of learning disabilities, including dyslexia, requires trained experts and not academic teachers.¹²⁷ In 2013, the Hawaiian legislature passed Senate Concurrent Resolution 120-SD2, which implemented a plan to increase awareness of dyslexia and other learning disabilities but did not include any plans to address or screen students for said disabilities.¹²⁸

Idaho (ID): In 2022, Idaho enacted H.B. 731, which states that beginning in the 2022-2023 school year, “the state department of education will administer a statewide tier 1 dyslexia screening measure for identifying students with characteristics of dyslexia in kindergarten through grade 3.”¹²⁹ In the fourth and fifth grades, LEAs must utilize tier 1 screening tools.¹³⁰ Additionally, they must conduct a tier 2 dyslexia diagnostic assessment for students in kindergarten through fifth grade who exhibit characteristics of dyslexia as identified by tier 1 screening results, input from their classroom teacher, or upon request from the parent or guardian.¹³¹ The State Department of Education shall provide technical assistance to educational agencies by providing guidance, recommending screening tools, conducting professional development of educators, etc.¹³² LEAs must provide “evidence-based interventions in alignment with the Idaho comprehensive literacy plan and the state dyslexia handbook”¹³³

Illinois (IL): Since the 2021-2022 school year, the Illinois State Board of Education has required annual evaluations, using a common assessment tool, of “multiple developmental domains, including literacy, language, mathematics, and social and emotional development” of all public-school students entering kindergarten “to formatively assess a child’s development and readiness for kindergarten.”¹³⁴ Section 2-3.64a-15 of the School Code states that this assessment may be used to identify students in need of dyslexia services.¹³⁵ Years prior, the legislature worked to advance dyslexia awareness with the 2014 passage of H.B. 3700.¹³⁶ It mandated the State Board

¹²³ GA. DEP’T OF EDUC., DYSLEXIA INFORMATIONAL HANDBOOK: GUIDANCE FOR LOCAL SCHOOL SYSTEMS, 15 (July 22, 2024).

¹²⁴ *See generally id.*

¹²⁵ Act of Feb. 12, 2010, sec. 2217, 2010 Haw. Sess. Laws.

¹²⁶ *Id.*

¹²⁷ HI. SEN EDUC. AND HOUS. COMM., S. 2117 TESTIMONY (Feb. 8, 2010),

https://www.capitol.hawaii.gov/sessions/session2010/Testimony/SB2217_TESTIMONY_EDH_02-08-10.pdf.

¹²⁸ S. Con. Res. 120, 27th Leg. (Haw. 2013).

¹²⁹ Act of July 1, 2022, ch. 169, sec. 33, § 33-1802, 2022 Idaho Sess. Laws (codified as amended IDAHO CODE § 33-1802).

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

¹³⁴ 105 ILL. COMP. STAT. ANN. 5/2-3.64a-10(b) (West 2024).

¹³⁵ *Id.* § 5/2-3.64a-15.

¹³⁶ Act of June 14, 2014, Pub. Act. 98-705, sec 5, § 5/2-3.160, 2014 Ill. Laws (codified as amended IL ST CH 105 § 5/2-3.160).

of Education to adopt an internationally recognized definition of dyslexia and form an advisory group to create training for education professionals focused on reading instruction.¹³⁷ Additionally, Illinois provides further guidance for parents, educators, and students through its Dyslexia Guide, most recently published in 2023.¹³⁸ There is a current effort to enact universal dyslexia screening for students in kindergarten through second grade.¹³⁹ As of Summer 2023, Illinois has proposed several bills to include dyslexia screening as a requirement in the School Code that are currently in the deliberation stage.

Indiana (IN): According to the Senate Enrolled Act 217, enacted in 2018, all students in grades kindergarten through second grade are required to be screened for dyslexia as of the 2019-2020 school year.¹⁴⁰ The Indiana Department of Education must also provide a list of approved screeners.¹⁴¹ The Department of Education also published its Dyslexia Programming Guidance for Schools in 2022, detailing information about strategies to deal with dyslexia, including approved screeners.¹⁴²

Iowa (IA): Iowa requires schools to assess all children for reading ability in kindergarten through third grade using an approved reading assessment.¹⁴³ The Iowa Department of Education shall annually publish or update a list of assessments approved that shall meet department-adopted minimum standards.¹⁴⁴ In 2020, Senate File 2356 created the Iowa Dyslexia Board and outlined training for educators about dyslexia.¹⁴⁵ These provisions are codified in Section 256.32A of Iowa Code Annotated.¹⁴⁶

Kansas (KS): Kansas's state legislation requires statewide assessments in the core academic areas of mathematics, science, reading, writing, and social studies.¹⁴⁷ Reading assessments follow the Kansas State Department of Education's Dyslexia Handbook.¹⁴⁸ Since 2018, Kansas's legislative task force on dyslexia is charged with advising and providing recommendations to the governor, the legislature, and the State Board of Education on accommodating students with dyslexia.¹⁴⁹ The Kansas Department of Education provides a list of required screeners for elementary, middle, and high school.¹⁵⁰ The Dyslexia Handbook offers a flowchart of a student's potential routes during

¹³⁷ *Id.*

¹³⁸ IL. STATE BD. OF EDUC., DEP'T OF SPECIAL EDUC., THE DYSLEXIA GUIDE: A HANDBOOK FOR PARENTS, EDUCATORS AND STUDENTS (2023).

¹³⁹ *See, e.g.* Act of January 5, 2022, § 4202, 2022, Ill. Laws.

¹⁴⁰ Act of July 1, 2018, ch. 217, sec 13, § 20-35-4-13, 2018 Ind. Acts.

¹⁴¹ *Id.*

¹⁴² *See generally* IND. DEP'T OF EDUC., DYSLEXIA PROGRAMMING GUIDANCE FOR SCHOOLS (2022).

¹⁴³ IOWA CODE ANN. § 279.68(1)(a) (West 2024).

¹⁴⁴ IOWA ADMIN. CODE r. 281-62.1(5)(a) (2024).

¹⁴⁵ S. 2356, 88th Gen. Assemb., Reg. Sess. (Iowa 2020).

¹⁴⁶ IOWA CODE § 256.32A(1) (2024).

¹⁴⁷ Act of June 15, 2017, ch. 95, 2017 Kan. Legis. Serv. § 42 (West) (codified as KAN. STAT. ANN. § 72-5170(b) (West 2024)).

¹⁴⁸ Act of May 16, 2022, ch. 94, 2022 Kan. Legis. Serv. § 6 (West) (codified as KAN. STAT. ANN. § 72-3262(b) (West 2022)).

¹⁴⁹ Act of Apr. 24, 2018, ch. 94, 2018 Kan. Legis. Serv. § 1 (West) (codified as KAN. STAT. ANN. § 72-8193(a) (West 2019)).

¹⁵⁰ KAN. STATE DEP'T OF EDUC., EOYA REPORTING: KSDE DYSLEXIA SCREENING PROTOCOL K-12 (2023-2024), <https://www.ksde.gov/Portals/0/CSAS/CSAS%20Home/EOYA%202023-2024%20KSDE%20Dyslexia%20Screening%20Protocol.pdf>.

screening, intervention, and remediation.¹⁵¹ The Kansas State Department of Education maintains a webpage with a wealth of resources and updates pertaining to early literacy and dyslexia.¹⁵²

Kentucky (KY): In Kentucky, a statewide definition of dyslexia and initial regulations regarding dyslexia were introduced through H.B. 69 in 2012.¹⁵³ Later, in 2022, S.B. 9 was passed, requiring that by January 1, 2023, each superintendent or public charter school board of directors choose and administer a reliable and valid reading diagnostic assessment for students in kindergarten through third grade.¹⁵⁴ Additionally, “all teachers of students in kindergarten-third grade shall be trained on any reading diagnostic assessment and universal screener selected by the superintendent prior to administration of the assessment.”¹⁵⁵ Based on assessment results, a reading improvement plan must be developed and put into action for identified students.¹⁵⁶ The Kentucky Department of Education maintains an approved list of early literacy screening assessments.¹⁵⁷

Louisiana (LA): Unlike most states, Louisiana has had a state law about dyslexia since 1992.¹⁵⁸ Today, most of the state’s laws related to dyslexia are described under Title 17 of the Louisiana Revised Statutes. According to Title 17, the Louisiana Department of Education shall select a dyslexia screener and provide it to each public school, and the screener shall be administered to students in kindergarten.¹⁵⁹ Additionally, the State Board of Elementary and Secondary Education shall establish the guidelines for teachers to obtain a dyslexia practitioner ancillary certificate or a dyslexia therapist ancillary certificate.¹⁶⁰

Maine (ME): In 2015, the state of Maine passed a nearly unanimous act to guarantee that schoolchildren with dyslexia receive the necessary support. This act introduced section 4710-B into Title 20-A of the Maine Revised Statutes.¹⁶¹ Maine mandates that school administrative teams provide dyslexia screening for students in kindergarten through second grade who are identified by their classroom teacher as having reading difficulties.¹⁶² The Commissioner of Education for the state of Maine is required to appoint a dyslexia coordinator to assist school administrators as the primary source of information and support in addressing the needs of students with dyslexia.¹⁶³

¹⁵¹ KAN. STATE DEP’T OF EDUC., *DYSLEXIA HANDBOOK 19-20* (2023).

¹⁵² *Early Literacy/Dyslexia Information, Newsletters and Additional Resources*, KAN. STATE DEP’T OF EDUC., <https://www.ksde.org/Agency/Division-of-Learning-Services/Career-Standards-and-Assessment-Services/Content-Area-A-E/Dyslexia>.

¹⁵³ Act of Apr. 11, 2012, ch. 45, sec. 1, § 158.305, 2012 Ky. Rev. Stat. & R. Serv. (West) (codified as KY. REV. STAT. ANN. § 158.305(1)(d) (West 2012)).

¹⁵⁴ Act of Mar. 29, 2022, ch. 40, sec. 2, § 158-305, 2022 Ky. Rev. Stat. & R. Serv. (West) (codified as KY. REV. STAT. ANN. § 158.305(5)(a) (West 2022)).

¹⁵⁵ *Id.* § 158.305(5)(c).

¹⁵⁶ *Id.* § 158.305(7).

¹⁵⁷ *Early Literacy Screening Assessment*, KY DEP’T OF EDUC. (Apr. 6, 2024), https://education.ky.gov/curriculum/conpro/engla/Pages/early_literacy_screening_assessments.aspx.

¹⁵⁸ Act of July 14, 1992, No. 1120, sec. 1, §§ 7, 392.1-3, 1992 La. Sess. Law Serv. (West) (codified as LA. REV. STAT. §§ 17:7, 17:392.1-3 (West 1992)).

¹⁵⁹ LA. REV. STAT. § 17:392.1(B) (West 2023).

¹⁶⁰ LA. REV. STAT. § 17:392.12 (West 2023).

¹⁶¹ Act of July 12, 2015, ch. 338, sec. 1, § 4710-B, 2015 Me. Legis. Serv. (West) (codified as ME. REV. STAT. ANN. tit. 20-A, § 4710-B (2015)).

¹⁶² *Id.* § 4710-B(2)

¹⁶³ *Id.* § 4710-B(3)

The Maine Department of Education has not yet published a public list of approved screening services.

Maryland (MD): The Ready to Read Act of 2019¹⁶⁴ and Maryland Regulation 13A.03.08¹⁶⁵ require LEAs to provide screening for all kindergarten students and identified first, second, and third-grade students who may be at risk for reading difficulties.¹⁶⁶ The Ready to Read Act includes a provision of supplemental reading instruction for these identified students; progress monitoring; annual reporting requirements; and evaluation of the screening program. The Maryland State Department of Education, in collaboration with the Maryland Ready to Read Stakeholder Workgroup, provides a vetted list of assessments that focus on kindergarten-third grade reading screening measures aligned to evidence-based practices.¹⁶⁷

Massachusetts (MA): According to Section 28:03 of Chapter 28—Special Education of Code of Massachusetts Regulations, beginning in 2023, each school district shall assess each student in kindergarten through at least third grade for “reading ability and progress in literacy skills” using an instrument approved by the Department of Elementary and Secondary Education.¹⁶⁸ When a student scores “significantly below relevant benchmarks” for their age-level, the statute requires schools to “determine which actions within the general education program will meet the student’s needs, including differentiated or supplementary evidence-based reading instruction and ongoing monitoring of progress.”¹⁶⁹ “An Act Relative to Students with Dyslexia” was adopted in October 2018, amending Chapter 71 of the Massachusetts General Laws with the provision that the Department of Elementary and Secondary Education, in consultation with the Department of Early Education and Care, shall issue “guidelines to assist districts in developing screening procedures or protocols for students that demonstrate 1 or more potential indicators of a neurological learning disability including, but not limited to, dyslexia.”¹⁷⁰ The Massachusetts Department of Elementary and Secondary Education also has recommendations on early literacy screening assessments.¹⁷¹

Michigan (MI): In 2016, the Michigan legislature added section 380.1280f to the Revised School Code. According to this code, the State Department of Education should approve a reliable screening tool to ensure that pupils succeed in reading.¹⁷² Additionally, each school district or

¹⁶⁴ Act of May 13, 2019, ch. 512, 2019 Md. Legis. Serv. § 4-135 (West) (codified as MD. EDUC. CODE ANN. § 4-135 (West 2019)).

¹⁶⁵ MD. CODE REGS. § 13A.03.08 (2021).

¹⁶⁶ *Maryland Ready to Read Act Students with Reading Difficulties-Screenings and Interventions: Frequently Asked Questions*, MD. STATE DEP’T OF EDUC. 1 (Oct. 2022), <https://marylandpublicschools.org/programs/Documents/ELA/ReadingDifficulties/FrequentlyAskedQuestionsStudentsRiskReadingDifficulties.pdf>.

¹⁶⁷ *Reading Screener Assessments: PreK - Grade 3*, MD. STATE DEP’T OF EDUC. 1 (Oct. 2022), <https://marylandpublicschools.org/programs/Documents/ELA/ReadingDifficulties/PreK-Grade3-ReadingScreeningAssessments.pdf>.

¹⁶⁸ 603 MASS. CODE REGS. 28.03(f) (2022).

¹⁶⁹ *Id.*

¹⁷⁰ Act of Oct. 19, 2018, ch. 272, sec. 1, § 57A, 2018 Mass. Legis. Serv. (West) (codified as MASS. GEN. LAWS ANN. ch. 71, § 57A (West 2018)).

¹⁷¹ *See generally Early Literacy Universal Screening Assessment Guide Approved Screening Assessments At-a-Glance*, SCREENING ASSESSMENT GUIDANCE APPROVED SCREENING ASSESSMENTS AT-A-GLANCE MD. DEP’T OF EDUC. (May 2021), <https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:f0501421-1075-30a5-bba1-6bc0ef206ac3#pageNum=2>.

¹⁷² Act of Oct. 6, 2016, Pub. Act No. 306, § 380.1280f, 2016 Mich. Legis. Serv. (West) (codified as MICH. COMP. LAWS ANN. § 380.1280f (West 2016)).

public-school academy shall use this screening tool¹⁷³ This act, however, is focused on literacy, not on dyslexia. To help educators and district and school leaders develop best practices to prevent reading difficulties associated with the primary consequences of dyslexia, the Michigan Department of Education designed the “Michigan Dyslexia Handbook: A Guide to Accelerating Learner Outcomes in Literacy.”¹⁷⁴ Section 388.1635d(1) of the Revised School Code also provides state aid to teacher training programs.¹⁷⁵

Minnesota (MN): Section 120B.12 (2023) of the Minnesota Statutes requires reading assessment and dyslexia screening for all kindergarten through third-grade students, while specifying that “screening for characteristics of dyslexia may be integrated with universal screening for mastery of foundational skills and oral language.”¹⁷⁶ In addition, students in fourth grade and above who do not read at grade level must be screened for dyslexia as well.¹⁷⁷ According to this statute, every school district must offer reading intervention to help students who have been identified as not reading at their grade level, to boost their progress.¹⁷⁸ The school district also must monitor the progress and provide reading instruction appropriate to the specific needs of English learners.¹⁷⁹ The Minnesota Department of Education lays out suggested screeners and teacher training on a webpage that consolidates all their information and legislation.¹⁸⁰ The state sets aside money to fund dyslexia specialists for the school districts.

Mississippi (MS): Mississippi’s dyslexia screening legislation consists of two portions of Title 37 (regarding “Education”) of the Mississippi Code: Chapter 173 (“Dyslexia Therapy Scholarship for Students with Dyslexia Program”)¹⁸¹ and section 37-23-15 of Chapter 23 (“Exceptional Children—Dyslexia and Related Disorders”).¹⁸² The screening window is relatively narrow, requiring students to be tested in spring of kindergarten and fall of first grade.¹⁸³ If during a screening a student exhibits dyslexia symptoms, subsequent evaluations may be administered by licensed professionals.¹⁸⁴ Mississippi’s approved screener list is detailed, enumerating the amount of time needed to administer screeners and associated costs.¹⁸⁵ Additionally, the Mississippi Department of Education provides more detailed information on identifying and supporting students with dyslexia in the 2022 Mississippi Dyslexia Support Guide, with the hopes that this additional information will be used by parents, teachers, and administrators.¹⁸⁶

¹⁷³ *Id.*

¹⁷⁴ MICH. DEP’T OF EDUC., MICHIGAN DYSLEXIA HANDBOOK: A GUIDE TO ACCELERATING LEARNER OUTCOMES IN LITERACY 1 (2022).

¹⁷⁵ MICH. COMP. LAWS ANN. § 388.1635d(1) (West 2024).

¹⁷⁶ MINN. STAT. ANN. § 120B.12 (West 2024).

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ *Dyslexia*, MINN. DEP’T OF EDUC., <https://education.mn.gov/MDE/dse/READ/Dyslexia/>.

¹⁸¹ MISS. CODE ANN. §§ 37-173-1 - 37-173-29 (West 2024).

¹⁸² *Id.* § 37-23-15.

¹⁸³ *Id.*

¹⁸⁴ *Id.*

¹⁸⁵ *Miss. Approved List of Dyslexia Screeners 2022-2023*, MISS. DEP’T OF EDUC. (2022) https://www.mdek12.org/sites/default/files/Offices/MDE/OAE/OEER/Dyslexia/2022.2023_screener_list.pdf.

¹⁸⁶ MISS. DEP’T OF EDUC., DYSLEXIA SUPPORT GUIDE (2022), https://www.mdek12.org/sites/default/files/Offices/MDE/OAE/OEER/Dyslexia/mde_dsylexia_handbook_01.16.23_updated.pdf.

Missouri (MO): In 2016, Missouri passed H.B. 2379, amending chapter 167 of the Revised Statutes of Missouri with bipartisan support.¹⁸⁷ The bill requires that the Missouri Department of Elementary and Secondary Education (DESE) develop guidelines for screening students for dyslexia and other related learning disorders.¹⁸⁸ As of the 2018-2019 school year, each public school, including charter schools, must conduct dyslexia screenings for students in a grade specified in the DESE guidelines.¹⁸⁹ H.B. 2379 requires dyslexia screening for students, but local education agencies have a wide range of screening and diagnostic tools they may implement.¹⁹⁰ DESE is tasked with providing definitions related to best practices for dyslexia identification and remediation.¹⁹¹ In 2022, state legislators passed S.B. 681, amending chapter 167.645 of the Missouri Revised Statutes to include a screening requirement for all students enrolled in kindergarten through third grade to determine their level of reading or reading readiness as a part of the larger state-approved reading readiness assessment.¹⁹²

Montana (MT): In 2019, the Montana legislature enacted S.B. 140, the Montana Dyslexia Screening and Intervention Act.¹⁹³ This act provides a definition of dyslexia and requires school districts to screen students for dyslexia in the first year that the child is admitted to a district school up to second grade.¹⁹⁴ The act also addresses the needs of students identified with dyslexia, requires the Office of Public Instruction to provide guidance to school districts on identifying and serving students with dyslexia, and emphasizes the need for teachers and other school personnel to be prepared to identify and serve students with dyslexia.¹⁹⁵ Schools must screen students under the law but may choose which screener is used.¹⁹⁶ The Office of Public Instruction has prepared resources that may be used by educators, administrators, and leadership teams to understand what constitutes a screener and how to select one.¹⁹⁷

Nebraska (NE): Nebraska's law governing literacy screening is the Nebraska Reading Improvement Act.¹⁹⁸ All students must undergo reading assessments from kindergarten through third grade, three times a year.¹⁹⁹ Pursuant to the act, each year the Nebraska Department of Education publishes the list of reading assessments that have been approved for the following

¹⁸⁷ Act of Aug. 28, 2016, ch. 167, 2016 Mo. Legis. Serv. § 167.950 (codified as MO. ANN. STAT. § 167.950 (West 2016)).

¹⁸⁸ MO. ANN. STAT. § 167.950.1(1) (West 2024).

¹⁸⁹ *Id.* § 167.950.1(2).

¹⁹⁰ *Id.*

¹⁹¹ *LEA Guidance For Serving Students At-Risk for Dyslexia*, MO. DEP'T OF ELEMENTARY & SECONDARY EDUC., <https://dese.mo.gov/media/pdf/curr-dyslexia-serving-students-at-risk-lea-guidance>.

¹⁹² MO. ANN. STAT. § 167.645(1).

¹⁹³ Act of July 1, 2019, ch. 227, 2019 Mont. Laws 1 (codified as MONT. CODE ANN. § 20-7-469 (West 2019)). S.B. 140, ch. 227, 66th Leg. (West 2019).

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ *See Dyslexia: Frequently Asked Questions*, OFF. PUB. INSTRUCTION, <https://opi.mt.gov/Families-Students/Student-Resources/Student-Support-Services/Dyslexia#83686549-frequently-asked-questions>.

¹⁹⁷ *See Dyslexia: Hub Courses*, OFF. PUB. INSTRUCTION, <https://opi.mt.gov/Families-Students/Student-Resources/Student-Support-Services/Dyslexia#11110012207-hub-courses>.

¹⁹⁸ NEB. REV. STAT. ANN. § 79-2602 (West 2018).

¹⁹⁹ NEB. REV. STAT. § 79-2603

academic school year.²⁰⁰ Additionally, Nebraska has passed legislation that requires evidence-based literacy instruction for students who exhibit dyslexia characteristics.²⁰¹

Nevada (NV): According to A.B. 341, which amends the Nevada Revised Statutes, an early literacy screening assessment must be administered to each pupil enrolled in kindergarten to third grade who has indicators for dyslexia and needs intervention.²⁰² The act also mandates that every school district and charter school must attend to the needs of a student if the screening confirms they exhibit indicators for dyslexia.²⁰³ The Nevada Department of Education has developed the Nevada Dyslexia Resource Guide to offer educators and parents the necessary guidance and resources to fulfill the provisions of A.B. 341.²⁰⁴ This guide also proposes potential tools for dyslexia screening.²⁰⁵

New Hampshire (NH): The New Hampshire Revised Statutes sections 200:58²⁰⁶ and 200:59²⁰⁷ focus on addressing the needs of children who struggle with learning to read due to what may be potential indicators of dyslexia and/or other related disorders.²⁰⁸ Dyslexia screening is required for all students from kindergarten through third grade, and school districts shall provide age-appropriate, evidence-based intervention strategies for any student who is identified as having “indicators or risk factors of dyslexia and related disorders.”²⁰⁹ Additionally, Section 200:62²¹⁰ requires the New Hampshire Department of Education to publish a resource guide for dyslexia.²¹¹ The guide lists popular and well-regarded tools used in several states, but ultimately school districts may choose their own valid and reliable screening tools.²¹²

New Jersey (NJ): Title 18a of the New Jersey Revised Statutes introduces definitions of reading disabilities, tasks the Commissioner of Education with the distribution of information on available screening instruments to each board of education, and requires each board of education to select and implement age-appropriate screening instruments for the early diagnosis of dyslexia and other reading disabilities for students in kindergarten through second grade.²¹³ Each student enrolled in the school district who has exhibited one or more potential indicators of dyslexia or other reading disabilities is screened for dyslexia and other reading disabilities.²¹⁴ Additionally, the Department

²⁰⁰ *Approved Assessments*, NEB. DEP’T OF EDUC., <https://www.education.ne.gov/nebraskareads/approved-assessments/#1677683322259-04f984c7-a65d> (last updated Mar. 21, 2025).

²⁰¹ See NEB. REV. STAT. ANN. § 79-11,156(1) (West 2025).

²⁰² Act of June 8, 2015, ch. 411, sec. 8, § 388, 2015 Nev. Legis. Serv. (West) (codified as NEV. REV. STAT. ANN. § 388 (West 2015)).

²⁰³ *Id.*

²⁰⁴ NEV. DEP’T OF EDUC., NEVADA’S DYSLEXIA RESOURCE GUIDE 1 (2015), https://core-docs.s3.amazonaws.com/documents/asset/uploaded_file/471689/DyslexiaGuideCover-1.pdf.

²⁰⁵ *Id.*

²⁰⁶ N.H. REV. STAT. ANN. § 200:58 (West 2025).

²⁰⁷ *Id.* § 200:59.

²⁰⁸ N.H. DEP’T OF EDUC., NHED FACT SHEET: SCREENING AND INTERVENTION FOR DYSLEXIA AND RELATED DISORDERS 1 (2023), https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/sonh/dyslexia-screening-fact-sheet_0.pdf.

²⁰⁹ N.H. REV. STAT. ANN. § 200:59(I-II)

²¹⁰ *Id.* § 200:62.

²¹¹ See N.H. DEP’T OF EDUC., NEW HAMPSHIRE DYSLEXIA GUIDELINES (2023), at 22. https://nhdoe.instructure.com/courses/177/files/6664/download?download_frd=1

²¹² *Id.*

²¹³ N.J. STAT. ANN. §§ 18A:40-5.1-5.4 (West 2014).

²¹⁴ N.J. STAT. ANN. § 18A:40-5.3 (West 2014).

of Education shall provide professional development opportunities²¹⁵ regarding reading disabilities, including dyslexia,²¹⁶ to provide information to educators, students, families, and community members about dyslexia, early literacy development, and best practices for serving students who have reading difficulties.

New Mexico (NM): In 2010, H.B. 230²¹⁷ brought forth regulations concerning dyslexia in New Mexico. Section 22-13-32 of the New Mexico Statutes defines dyslexia and describes related interventions.²¹⁸ In 2019, the legislation was amended by S.B. 398,²¹⁹ which introduced a requirement for all first-grade students to be screened for dyslexia. Additionally, this legislation requires every school district and charter school to develop and implement a literacy professional development plan for teachers and administrators, and requires the Public Education Department to adopt rules, standards, and guidelines necessary to implement these new policies.²²⁰ The state's Dyslexia Handbook also provides a list of approved screeners.²²¹

New York (NY): In 2017, the passage of Assembly Bill 8262 instructed the Commissioner of Education to issue guidance to school districts and boards of cooperative educational services, informing them about the educational needs of students with dyslexia, dyscalculia, and dysgraphia.²²² This bill did not make screening mandatory for students. However, in 2022, New York implemented pilot programs across New York City (NYC) schools,²²³ covering well over 900,000²²⁴ of the state's roughly 2.4 million public school students.²²⁵ School administrators and teachers throughout the city now should receive focused support and training to both screen and identify students at risk for dyslexia, as well as to offer targeted interventions. As part of the pilot programs, every NYC student shall participate in short, adaptive literacy screeners.

North Carolina (NC): In 2012, H.B. 950 introduced legislative provisions aimed at facilitating reading proficiency for students enrolled in kindergarten through third grade via State Board of Education reading assessments.²²⁶ This bill and related legislation, codified in the North Carolina Read to Achieve Program,²²⁷ have evolved over time. State law currently mandates that students with specific learning disabilities receive essential screenings, assessments, and interventions for

²¹⁵ N.J. STAT. ANN. § 18A:6-130 (West 2013).

²¹⁶ *Id. See, e.g.*, N.J. DEP'T OF EDUC., THE NEW JERSEY DYSLEXIA HANDBOOK: A GUIDE TO EARLY LITERACY DEVELOPMENT & READING STRUGGLES, (Nov. 2017), https://www.nj.gov/education/specialed/programs/additionalsupports/dyslexia/docs/NJ_Dyslexia%20Handbook.pdf (exemplifying the department of education providing professional development opportunities to school district personnel).

²¹⁷ Act of March 8, 2010, ch. 59, § 22, 2010 N.M. Legis. Serv. § 13-6 (West) (codified as N.M. STAT. ANN. § 22-13-6).

²¹⁸ N.M. STAT. ANN. § 22-13-32 (West 2019).

²¹⁹ Act of April 4, 2019, ch. 256, § 22, 2019 N.M. Legis. Serv. § 13-6 (West)(codified as N.M. STAT. ANN. § 22-13-6).

²²⁰ N.M. STAT. ANN. § 22-13-32 (West 2019).

²²¹ N.M. PUB. EDUC. DEP'T, A GUIDE TO TEACHING ALL STUDENTS TO READ THROUGH STRUCTURED LITERACY 15, app. C (2018).

²²² Act of Aug. 21, 2017, ch. 216, § 305, 2017 N.Y. Laws § 8262 (codified as N.Y. EDUC. LAW § 305).

²²³ THE OFFICIAL WEBSITE OF THE CITY OF NEW YORK, *supra* note 22.

²²⁴ N.Y. STATE DEP'T OF EDUC., *NYC Public Schools at a Glance*, <https://data.nysed.gov/profile.php?instid=7889678368>.

²²⁵ N.Y. STATE DEP'T OF EDUC., *N.Y. State Public School Enrollment (2023-24)*, <https://data.nysed.gov/enrollment.php?year=2024&state=yes>.

²²⁶ Act of July 1, 2012, ch. 142, 2012 N.C. Sess. Laws. (codified as N.C. GEN. STAT. §115C-83.1F).

²²⁷ N.C. GEN. STAT. ANN. § 115C-83 Part 1A (§ § 115C-83.1-.12) (West 2023).

language, reading, writing, and math difficulties.²²⁸ State law also requires the State Board of Education to offer professional development for teachers and school staff to properly identify students' learning difficulties and intervene²²⁹ appropriately. Although the Board does not provide an official list of screeners, it has created the Dyslexia Topic Brief, which offers screening tool recommendations.²³⁰

North Dakota (ND): In 2019, H.B. 1461 introduced changes to Charter 15.1-32 of the North Dakota Century Code.²³¹ This legislation required every public elementary school in the state to incorporate the essential elements of phonemic awareness, decoding, and spelling into the creation and evaluation of reading assessments and initiated a screening pilot program that ran from 2019 to 2023.²³² After the conclusion of the pilot, the legislature codified a permanent screening and intervention requirement.²³³ The new law, North Dakota Century Code 15.1-32-26, mandates “universal screening for dyslexia including core components of phonemic awareness, decoding, and spelling.”²³⁴ The statute further requires school districts to “provide reading intervention services to students with dyslexia characteristics,” “[a]dminister assessment [...] to determine the effectiveness of the intervention services,” and provide training on dyslexia to “appropriate kindergarten through grade three personnel.”²³⁵ The statute also allows for screening “upon request by a parent, legal guardian, or teacher.”²³⁶ The Department of Public Instruction maintains a dyslexia webpage with guidance for parents, teachers, and schools.²³⁷

Ohio (OH): All kindergarten to third-grade students must be screened for dyslexia, and students in fourth to sixth grade may be screened if requested by a parent, guardian, custodian, or classroom teacher.²³⁸ Starting in the 2024-2025 school year, all kindergarten students must be screened for dyslexia, whereas students in first through sixth grade may be screened upon request.²³⁹ Additionally, the state's Department of Education shall establish the Ohio Dyslexia Committee, which shall develop a guidebook regarding the best practices and methods for universal screening, intervention, and remediation for children with dyslexia or children displaying dyslexic characteristics, as well as develop evidence-based training on identifying dyslexia indicators and appropriate teaching methods.²⁴⁰ In July 2022, the Ohio Department of Education released Ohio's Dyslexia Guidebook,²⁴¹ which endorsed a list of approved assessments.²⁴²

Oklahoma (OK): According to the Oklahoma Reading Sufficiency Act, all public school students enrolled in kindergarten, first, second, and third grade shall be screened for reading skills.²⁴³

²²⁸ *Id.* § 115C-83.6.

²²⁹ *Id.* § § 115C-83.6A-83.6B.

²³⁰ N.C. DEP'T OF PUB. INSTRUCTION, *DYSLEXIA TOPIC BRIEF* (2019).

²³¹ Act of May 2, 2019, ch. 15.1-32, § 2, 2019 N.D. Legis. Serv. (West).

²³² *Id.*

²³³ HB 2381, 68th North Dakota Legislative Assembly (2023)

²³⁴ N.D.C.C. 15.1-32-26 3(A)

²³⁵ N.D.C.C. 15.1-32-26 3(D)-(F)

²³⁶ N.D.C.C. 15.1-32-26 4

²³⁷ N.D. DEPT. OF PUBLIC INSTRUCTION, *Dyslexia*, <https://www.nd.gov/dpi/education-programs/literacy/dyslexia>

²³⁸ OHIO REV. CODE ANN. § 3323.251 (West 2023).

²³⁹ *Id.*

²⁴⁰ OHIO REV. CODE ANN. § 3323.25(C)(1), § 3323.25(d) (2023-2024).

²⁴¹ OHIO DEP'T OF EDUC., *OHIO'S DYSLEXIA GUIDEBOOK* (2022).

²⁴² OHIO DEP'T OF EDUC. & WORKFORCE, *List of Approved Assessments*, <https://education.ohio.gov/Topics/List-of-Approved-Assessments#20192020%20List%20of%20Approved%20Assessments>.

²⁴³ OKLA. STAT. ANN. tit. 70, § 1210.508C(A) (West 2024).

Additionally, beginning in the 2022-2023 school year, students who are not meeting grade-level targets in reading shall be screened for dyslexia in accordance with the policies developed by the State Board of Education and the Oklahoma Dyslexia Handbook.²⁴⁴ The Oklahoma State Board of Education also provides schools a list of approved screening instruments.²⁴⁵ Oklahoma’s State Department of Education releases reports on its progress and practices under the Reading Sufficiency Act, with the most recent such report published after the 2022-23 school year.²⁴⁶

Oregon (OR): In 2015, Oregon declared a statewide emergency with regards to addressing dyslexia.²⁴⁷ According to S.B. 612, the Department of Education must designate a dyslexia specialist and develop training for professionals to improve awareness and understanding of dyslexia.²⁴⁸ In 2017, S.B. 1003 added the requirement for screening tests related to dyslexia for students in kindergarten and first grade and directed the Department of Education to develop guidance regarding best practices related to dyslexia intervention.²⁴⁹ The Oregon Department of Education also provides a list of approved universal screening tools for risk factors for dyslexia.²⁵⁰

Pennsylvania (PA): In 2014, Act 69 was passed, requiring the Pennsylvania Department of Education to develop a dyslexia screening and an early literacy intervention pilot program.²⁵¹ The goal of the program is to “provide evidence-based early screening and multitier support systems, using evidence-based intervention services for students with potential risk factors for early reading deficiencies and dyslexia.”²⁵² This screening should be administered to kindergarten students enrolled in the school district three times per school year, but which brand of screening to use is at the discretion of the state’s Department of Education. In 2019, the department issued a report about the results of the pilot program, concluding that the experience was overall successful and that schools that participated in the pilot could be “examples for other schools interested in improving teacher practices and student results.”²⁵³

Rhode Island (RI): In 2016, Rhode Island passed H.B. 7052, “The Rhode Island Literacy and Dropout Prevention Act,”²⁵⁴ which is now codified in Chapter 67 of the General Laws of Rhode Island Annotated.²⁵⁵ Rhode Island requires all school districts providing elementary school education to screen all children prior to or upon first entry to school to assess their level of

²⁴⁴ OKLA. STAT. ANN. tit. 70, § 1210.520(A), (D) (West 2024); *See also* OKLA. STATE DEP’T OF EDUC., OKLAHOMA DYSLEXIA & DYSGRAPHIA HANDBOOK 36-38 (2024).

²⁴⁵ OKLA. STATE DEP’T OF EDUC., APPROVED SCREENING INSTRUMENTS FOR DYSLEXIA (2021).

²⁴⁶ OKLA. STATE DEP’T OF EDUC., READING SUFFICIENCY ACT STUDY (2023),

<https://oklahoma.gov/content/dam/ok/en/osde/documents/services/literacy-policy-and-programs/strong-leaders-legislation/22-23%20RSA%20Report%20FINAL.pdf>.

²⁴⁷ Act of July 27, 2015, ch. 790, 2015 Or. Legis. Serv. (West) (codified as ORG. REV. STAT. ANN. § 326.726 (West 2018)).

²⁴⁸ *Id.*

²⁴⁹ Act of June 22, 2017, ch. 790, 2017 Or. Legis. Serv. (West) (codified as ORG. REV. STAT. ANN. § 326.726 (West 2018)).

²⁵⁰ OR. DEP’T OF EDUC., 2024-2025 LIST OF APPROVED UNIVERSAL SCREENING TOOLS FOR RISK FACTORS OF DYSLEXIA (2024), https://www.oregon.gov/ode/students-and-family/SpecialEducation/RegPrograms_BestPractice/Documents/approveduniversalscreeners.pdf.

²⁵¹ Dyslexia and Early Literacy Intervention Pilot Program, 24 PA. STAT. AND CONS. STAT. § 17-1703-C(a) (West 2018).

²⁵² *Id.*

²⁵³ PA. DEP’T OF EDUC., *supra* note 20.

²⁵⁴ Act of June 29, 2016, ch. 16-205, sec. 1, §16-67, 2016 R.I. Adv. Legis. Serv. (West) (codified as 16 R.I. GEN. LAWS § 16-67-2 (2016)).

²⁵⁵ 16 R.I. GEN. LAWS § 16-67-2 (2016).

educational readiness.²⁵⁶ The assessment should address the student’s educational development and determine if the student might be at an educational disadvantage for future instruction in literacy skills like reading or writing.²⁵⁷ Students who are shown to be educationally disadvantaged²⁵⁸ may be required to undergo supplementary literacy instruction.²⁵⁹ In 2019, Rhode Island adopted the “Right to Read Act,”²⁶⁰ which was codified in Chapters 11.4-6 and 67.2. of the state’s education statutes.²⁶¹ The legislation further aims to enhance teacher professional development on dyslexia by providing resources to school districts.²⁶²

South Carolina (SC): In 2018, H.B. 4434 (codified in Article 5, Code of Laws of South Carolina, entitled “Dyslexia Screenings”²⁶³) mandated local school districts to screen each student who is in kindergarten through first grade three times each school year, and as needed in second grade, as outlined in the district’s universal screening procedures.²⁶⁴ It also requires dyslexia interventions as well as training and support for all educators involved in providing screening and interventions.²⁶⁵ In 2020, the South Carolina Department of Education approved the list of universal screening tools to be used.²⁶⁶

South Dakota (SD): In 2020, H.B. 1175 built upon the South Dakota Code, Section 13-37-28.1 by adding the definition of dyslexia to the state’s codified laws on “Special Assistance and Related Services.”²⁶⁷ Such services are generally required to “[conform] as nearly as possible to the school program [...] under duly qualified special education teachers.”²⁶⁸ The South Dakota Department of Education has also developed a brochure and a handbook for parents and teachers of students with dyslexia, which are available on its website.²⁶⁹

Tennessee (TN): In 2021, Tennessee approved S.B. 7003, the “Tennessee Literacy Success Act,” which mandates each LEA and public charter school annually administer a universal reading screener to each student in kindergarten through third grade.²⁷⁰ The Department of Education must approve requirements for universal reading screeners.²⁷¹ Tennessee Code Title 49 describes special

²⁵⁶ *Id.*

²⁵⁷ *Id.* § 16-67-2 (a)(1).

²⁵⁸ *See id.* (failing to define “educationally disadvantaged”).

²⁵⁹ *Id.* § 16-67-2(a)(3)(ii).

²⁶⁰ Act of July 8, 2019, ch. 19-211, sec. 1, §16-11.4-6, 2019 R.I. Adv. Legis. Serv. (West) (codified as 16 R.I. GEN. LAWS § 16-11.4-6 (2022)).

²⁶¹ 16 R.I. GEN. LAWS §§ 16-11.4-6, 16-67.2 (2022).

²⁶² *See id.* § 16-11.4-6(c), (d).

²⁶³ S.C. CODE ANN. §§ 59-33-510 to 550 (2018).

²⁶⁴ Act of May 18, 2018, act 212, sec. 1, § 59-33-520, 2018 S.C. Acts (West) (codified as S.C. CODE ANN. § 59-33-520 (2018)).

²⁶⁵ *Id.*; *id.* at sec. 1, § 59-33-530 (codified as S.C. CODE ANN. § 59-33-530 (2018)).

²⁶⁶ S.C. DEP’T OF EDUC., MEMORANDUM FROM QUINCIE L. MOORE, PH.D. DIRECTOR, OFFICE OF EARLY LEARNING AND LITERACY, UNIVERSAL SCREENING APPROVED LIST FOR THE 2020–21 SCHOOL YEAR (May 7, 2020), <https://ed.sc.gov/newsroom/school-district-memoranda-archive/updated-mtss-universal-screening-approved-list-for-the-2020-21-school-year/updated-mtss-universal-screening-approved-list-for-the-2020-21-school-year-memo/>.

²⁶⁷ Act of Mar. 11, 2020, ch. 60, sec. 1, § 13-37-28.1, 2020 S.D. Sess. Laws (West) (codified as S.D. CODIFIED LAWS § 13-37-28.1 (2020)).

²⁶⁸ S.D. CODIFIED LAWS § 13-37-2 (1990).

²⁶⁹ *Dyslexia*, S.D. DEP’T OF EDUC., <https://doe.sd.gov/Dyslexia/>.

²⁷⁰ Act of Feb. 3, 2021, ch. 3, secs. 1-2, §§ 49-1-901, 905, 2021 Tenn. Legis. Serv. (West) (codified as TENN. CODE ANN. §§ 49-1-901, 902 (West 2021)).

²⁷¹ TENN. DEP’T OF EDUC., TN UNIVERSAL READING SCREENER 1 (2021), <https://www.tn.gov/content/dam/tn/education/2020-21-leg-session/TURS%20Admin%20Considerations%20Final.pdf>.

dyslexia screening and intervention standards.²⁷² According to the Tennessee Literacy Success Act, the State Department of Education should provide procedures for identifying characteristics of dyslexia through the existing universal screening process framework.²⁷³ This may be enforced in accordance with literacy regulations or other available means.²⁷⁴ As a result, LEAs are tasked with implementing procedures, including screening and related interventions.²⁷⁵

Texas (TX): According to Texas’s Education Code Sec. 38.003, all kindergarten and first-grade students enrolling in public schools must be screened or tested for dyslexia and related disorders under a program approved by the State Board of Education (SBOE).²⁷⁶ The same statute also provides that “the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder.”²⁷⁷ The SBOE approved “The Dyslexia Handbook,” which provides LEAs with policy, procedure, and practice change recommendations.²⁷⁸ The Texas Education Agency also provides a screening tool selection guide.²⁷⁹

Utah (UT): Relevant Utah Code mandates that the school board approve state-approved benchmark reading assessments for first to sixth-grade students and to administer the assessments to all first to third-grade students three times a year.²⁸⁰ In 2019, Utah passed S.B. 37, which created a pilot program to provide interventions for students at risk of, or experiencing reading difficulties, including dyslexia.²⁸¹ The pilot program includes professional development for educators and literacy interventions for students experiencing reading difficulties, including dyslexia.²⁸² The State Board of Education designed the Dyslexia Handbook, which provides more detailed information and tools for reading assessment screenings.²⁸³

Vermont (VT): Vermont does not have any state legislation that details dyslexia-related information or instructions, nor does it have legislation that provides for any universal screenings. Legislators listed their general support for literacy for students in first through third grades in section 2903 of West’s Vermont Statutes Annotated, which states that the ability to read is critical to learning success and that all students need to receive reading instruction in the early elementary school grades as well as subsequent support in fourth to twelfth grade if “reading proficiency creates a barrier to the student’s success in school.”²⁸⁴ Additionally, section 2903(a) creates the

²⁷² TENN. CODE ANN. § 49-1-229(a)-(b) (2021).

²⁷³ Act of Feb. 3, 2021, ch. 3, sec. 3, § 49-1-905, 2021 Tenn. Legis. Serv. (West) (codified as TENN. CODE ANN. § 49-1-903 (West 2021)).

²⁷⁴ *Id.*

²⁷⁵ *Id.*

²⁷⁶ TEX. EDUC. CODE ANN. § 38.003(a) (West 2023).

²⁷⁷ *Id.* § 38.003(b).

²⁷⁸ TEX. EDUC. AGENCY, THE DYSLEXIA HANDBOOK: PROCEDURES CONCERNING DYSLEXIA AND RELATED DISORDERS (2024), <https://tea.texas.gov/academics/special-student-populations/special-education/texas-dyslexia-handbook.pdf>.

²⁷⁹ *Early Childhood Data Collection Requirements*, TEX. EDUC. AGENCY, <https://tea.texas.gov/academics/early-childhood-education/early-learning-assessments/early-childhood-data-collection-requirements#PK>.

²⁸⁰ UTAH CODE ANN. § 53E-4-307(2)-(3) (West 2024).

²⁸¹ Act of Mar. 22, 2019, ch. 166, sec. 1, § 53F-5-203(2), 2019 Utah Legis. Serv. (West) (codified as UTAH CODE ANN. § 53F-5-203(2) (West 2019)).

²⁸² *Id.*

²⁸³ UTAH STATE BD. EDUC., THE DYSLEXIA HANDBOOK: GUIDANCE FOR EFFECTIVE LITERACY INSTRUCTION FOR GENERAL EDUCATION AND SPECIAL EDUCATION 7, 12 (2025).

²⁸⁴ VT. STAT. ANN. tit. 16, § 2903 (West 2009).

Advisory Council on Literacy, which shall advise the Agency of Education, the State Board of Education, and the General Assembly on how to improve literacy for students.²⁸⁵ A 2019 bill, H.B. 406, would have required screening all students in the fall semester of kindergarten, with additional screening for older students performing below grade level and individually flagged students, but failed in committee and never became law.²⁸⁶

Virginia (VA): In 1997, Virginia established the Early Intervention Reading Initiative program, designed to address children with reading and learning disabilities through early screening.²⁸⁷ This program led to the formation of the Phonological Awareness and Literacy Screening Kindergarten (PALS-K) program, run by the University of Virginia.²⁸⁸ In 2022, the legislature substantially revised its approach through the Virginia Literacy Act (VLA), which mandates that all students from kindergarten to second grade be screened for signs of reading difficulties multiple times a year.²⁸⁹ Screening is further required for certain third graders—students who are new to Virginia public schools, students who received summer intervention services, and those assessed as high-risk.²⁹⁰ Beginning in the 2024-25 school year, all students will be screened through the Virginia Language and Literacy Screening System (VALLSS), a successor to PALS also developed by the University of Virginia.²⁹¹ The Virginia Department of Education also mandates reading intervention for students in kindergarten through eighth grade who demonstrate deficiencies based on their individual performance.²⁹² In 2016, the Virginia legislature passed the dyslexia-specific H.B. 842, which requires all applicants or re-applicants for teaching licensure to complete dyslexia awareness training.²⁹³ This training helps future teachers detect dyslexia in students and subsequently support those students accordingly.²⁹⁴

Washington (WA): In 2009, Washington passed its first piece of legislation defining dyslexia.²⁹⁵ In 2018, S.B. 6162 was passed, which established screening and intervention requirements and calls for supplementary actions by the Superintendent of Public Instruction, including the convening of a “dyslexia advisory council.”²⁹⁶ According to the law, school districts must screen

²⁸⁵ *Id.*

²⁸⁶ H.B. 406, Vt. Gen. Assemb., 2019-20 Leg. Sess. (Vt. 2019).

²⁸⁷ VA. DEP’T OF EDUC., SD4 - STUDY OF DYSLEXIA SCREENING FOR KINDERGARTENERS, SJR 87, 2010 Reg. Sess., at 1 (Va. 2011).

²⁸⁸ VA. DEP’T OF EDUC., SPECIFIC LEARNING DISABILITY SUPPLEMENTARY GUIDE DYSLEXIA: FREQUENTLY ASKED QUESTIONS 8 (2017).

²⁸⁹ See Act of Apr. 11, 2022, ch. 549, 2022 Va. Legis. Serv. (West) (codified as VA. CODE ANN. §§ 22.1-1, 22.1-253.13:1, 22.1-253.13:2, 22.1-253.13:5, 22.1-253.13:6, 22.1-298.1, 23.1-902.1 (West 2022)). The Virginia Department of Education also makes extensive resources on the VLA available to the public on its website. See *Virginia Literacy Act*, VA. DEP’T EDUC., <https://www.doe.virginia.gov/teaching-learning-assessment/k-12-standards-instruction/english-reading-literacy/literacy/virginia-literacy-act#vallss>.

²⁹⁰ See VA. LANGUAGE & LITERACY SCREENING SYS., VA. DEP’T EDUC., 2024-2025 VALLSS: GRADES K-3 ASSESSMENT CALENDAR (2024).

²⁹¹ *Id.*

²⁹² VA. CODE ANN. § 22.1-253.13:1(H)(1) (West 2025).

²⁹³ Act of Apr. 1, 2016, ch. 649, § 22.1-298.1(D)(8), 2016 Va. Legis. Serv. (West) (codified as VA. CODE ANN. § 22.1-298.1(D)(8) (West 2017)).

²⁹⁴ *Id.* § 22.1-298.4.

²⁹⁵ Act of May 18, 2009, ch. 546, sec. 1, § 28A.300, 2009 Wash. Legis. Serv. (West) (codified as WASH. REV. CODE ANN. § 28A.300 (West 2009)).

²⁹⁶ Act of Mar. 15, 2018, ch. 75, §§ 28A.320, 28A.300, 28A.710.040, 2018 Wash. Legis. Serv. (West) (codified as WASH. REV. CODE ANN. §§ 28A.320, 28A.300, 28A.710.040 (West 2018)). According to this bill, “the superintendent

students in kindergarten through second grade for indications of dyslexia, using the screening tools and resources identified by the Superintendent of Public Instruction.²⁹⁷ The Superintendent shall also use multitiered systems of support to provide interventions to students in kindergarten through second grade who display indications of dyslexia.²⁹⁸ The state further provides an online guide for schools and districts to help them fulfill their literacy screening requirements, including a list of suggested screeners.²⁹⁹

West Virginia (WV): H.B. 3035 was passed in March 2023, amending Chapter 18 to introduce dyslexia screening requirements for all students in kindergarten through third grade.³⁰⁰ The legislation requires the State Board of Education to create rules for administering dyslexia screeners to students no less than twice per year and any time students with identified deficiencies are not responding to interventions.³⁰¹ The act also tasked the State Board of Education with providing assistance to county boards of education with the implementation of reading training programs for kindergarten through third grade educators, as well as with approving the list of dyslexia screeners to be administered to students.³⁰²

Wisconsin (WI): Wisconsin legislation requires each school board and the operator of each charter school to “annually assess the early literacy skills of each student” from kindergarten through third grade.³⁰³ Another part of the state legislation instructs the Department of Public Instruction to publish a guidebook on dyslexia and related conditions on its website at least once every three years.³⁰⁴ The State Superintendent shall also review and revise the guidebook in consultation with the International Dyslexia Association, Wisconsin Branch, Inc., and the Wisconsin State Reading Association, Inc.³⁰⁵ The most recent version of the guidebook was published in 2021.³⁰⁶

Wyoming (WY): Wyoming requires, under section 21-3-401 of the Wyoming Statutes Annotated, reading assessment and intervention programs for students in kindergarten through third grade.³⁰⁷ Students in these grades shall be screened for signs of reading difficulties, including but not limited to dyslexia or other reading deficiencies, three or more times per year, and the State Superintendent shall promulgate rules as necessary to assist each school district in administering its reading assessment and intervention program.³⁰⁸ Each school district shall select and implement a program

of public instruction shall convene a dyslexia advisory council to advise the superintendent on matters relating to dyslexia in an academic setting.” *Id.* § 28A.300(1). The bill explains that this council should include interested stakeholders such as “literacy and dyslexia experts, special education experts, primary school teachers, school administrators, school psychologists, representatives of school boards, and representatives of nonprofit organizations with expertise in dyslexia.” *Id.* The bill specifies also that council members cannot receive compensation for their service. *Id.*

²⁹⁷ *Id.*

²⁹⁸ *Id.*

²⁹⁹ Wa. Off. Superintendent Pub. Instruction, *Screeners for Literacy Skills Associated with Dyslexia* (2023), <https://www.k12.wa.us/sites/default/files/public/ela/pubdocs/Crosswalk%20of%20Literacy%20Screeners.pdf>.

³⁰⁰ Act of Mar. 21, 2023, ch. 138, § 18-2E-10(d)(1), 2023 W. Va. Legis. Serv. (West) (codified as W. VA. CODE ANN. § 18-2E-10(d)(1) (West 2023)).

³⁰¹ *Id.* § 18-2E-10(d)(7).

³⁰² W. VA. CODE ANN. § 18-2E-10(d)(4), (7) (West 2023).

³⁰³ WIS. STAT. ANN. § 118.016(2) (West 2024).

³⁰⁴ *Id.* § 115.28(56)(b).

³⁰⁵ *Id.*

³⁰⁶ WIS. DEP’T PUB. INSTRUCTION, WISCONSIN’S INFORMATIONAL GUIDEBOOK ON DYSLEXIA AND RELATED CONDITIONS (July 2021), https://dpi.wi.gov/sites/default/files/imce/reading/Dyslexia_Guidebook.pdf.

³⁰⁷ WYO. STAT. ANN. § 21-3-401(a) (West 2022).

³⁰⁸ *Id.* § 21-3-401(a), (d).

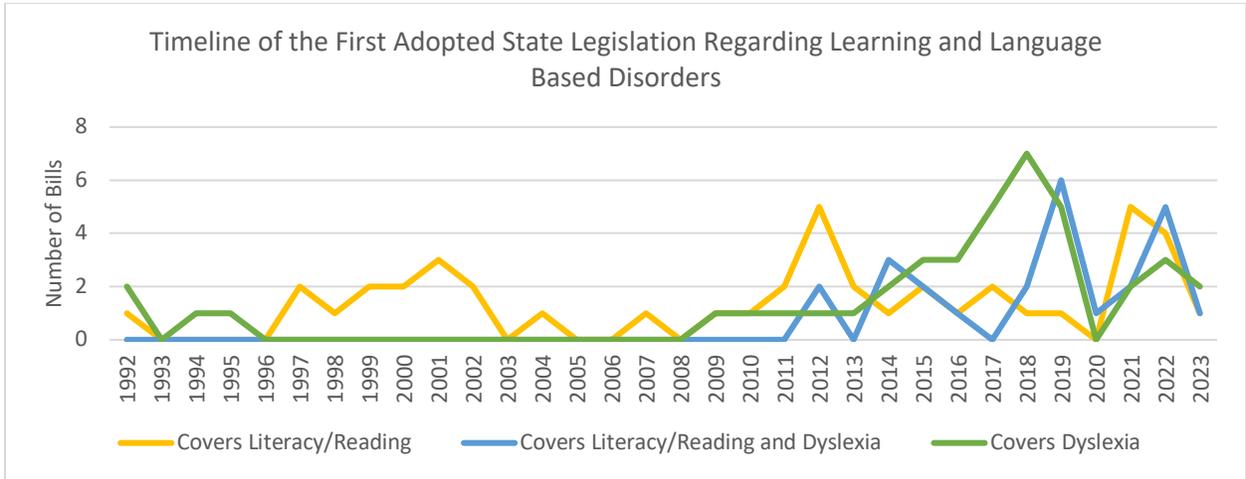
that screens for signs of dyslexia and other reading difficulties.³⁰⁹ The Wyoming Department of Education has compiled a comprehensive list of tests commonly used to diagnose dyslexia and language disability.³¹⁰

³⁰⁹ *Id.*

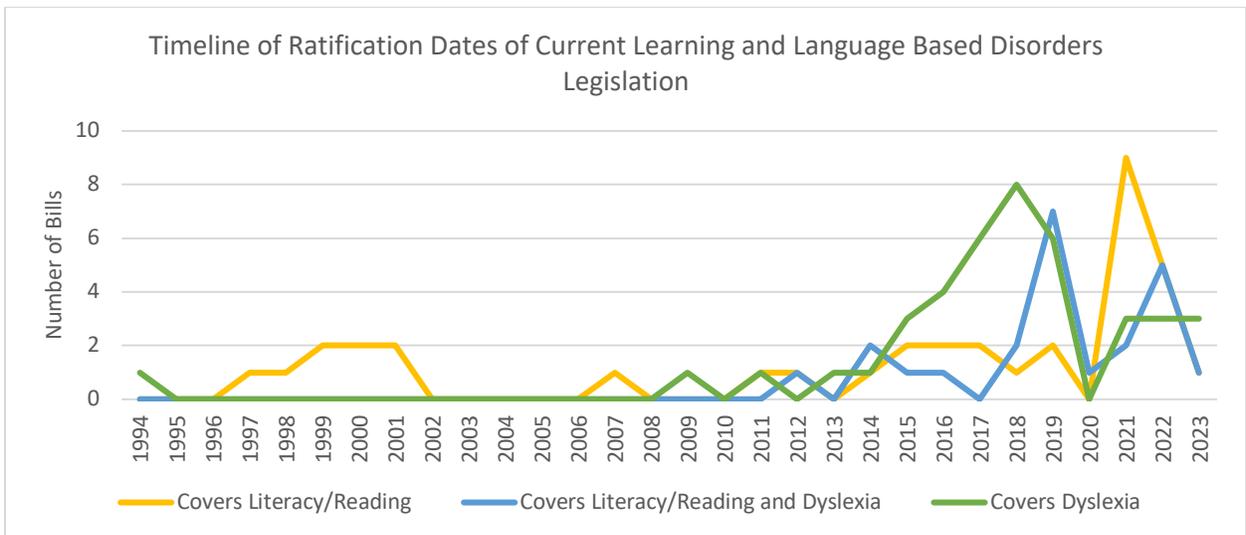
³¹⁰ WYO. DEP'T OF EDUC., TESTS FOR DYSLEXIA AND LEARNING DISABILITIES (Feb. 20, 2014), <https://edu.wyoming.gov/downloads/early-childhood/2015/evaluation-instruments-dyslexia.pdf>.

VI. APPENDIX B: CHRONOLOGY OF LOW LITERACY AND LLD-RELATED LEGISLATION

Legislation addressing low literacy and/or LLDs has historically focused on enhancing literacy and reading skills among students. The subsequent graphs illustrate the timeline of the states’ adoption of low literacy and/or LLD-related legislation. When states have several different pieces of legislation addressing dyslexia and early literacy screening, the graphs in this study include all relevant laws found. Specifically, *Graph 1* displays when states first enacted bills about low literacy and LLDs (approval timeline), while *Graph 2* shows the chronological ratification of current relevant legislation.



Graph 1



Graph 2

Initially, states enacted laws without specifically addressing dyslexia. However, since 2010, a growing number have targeted dyslexia directly in their LLD and literacy-related legislation. One plausible explanation for this change is that, as the understanding of dyslexia has

expanded in recent years,³¹¹ legislators have increasingly prioritized its inclusion in educational policies, leading to a corresponding rise in funding for dyslexia research.

³¹¹ Turid Helland, *Trends in Dyslexia Research During the Period 1950 to 2020—Theories, Definitions, and Publications*, 12 BRAIN SCI. 1, 7 (Sept. 2022), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9599304/> (describing that from 2010 and 2020 considerable progress has been made in understanding dyslexia).

Fulfilling *Plyler*'s Promise: Undocumented Students' Access to Education

René J. Valenzuela¹

I. INTRODUCTION

Access to quality education remains a significant issue for millions of children in the United States. A robust schooling experience fosters socio-emotional development, creates opportunities for socio-economic mobility, and can enhance lifelong health outcomes. However, obtaining a good education remains a privilege in the U.S. because numerous barriers prevent students from fully benefiting from the U.S. education system. These barriers include poverty, limited access to healthcare, inequitable school funding, and more. In *Plyler v. Doe*, the U.S. Supreme Court struck down efforts that would have added more barriers to accessing education for undocumented students.² In *Plyler*, the Court held that school districts could not categorically deny undocumented students access to education because of their immigration status.³

By striking down attempts to exclude undocumented students from schools, *Plyler* was a watershed moment for immigrant rights in the U.S.⁴ *Plyler* held that unlawful status alone was insufficient to deprive undocumented students of the benefits of education.⁵ However, just as *Brown v. Board of Education*'s mandate to desegregate schools remains unmet⁶, *Plyler*'s promise that undocumented students have access to education also remains unfulfilled. Revisiting *Plyler* is important because it provides a framework to challenge the barriers that impact undocumented student's access to education. Notably, *Plyler* can also provide guidance in response to the anti-immigrant rhetoric that harms undocumented students today.

This article will begin with a discussion of *Plyler v. Doe*, first focusing on its analysis under the Equal Protection Clause and secondly, identifying the ethos of the decision. Next, the article will provide a general overview of the undocumented student experience and the federal, state, and local barriers that limit the attainment of *Plyler*'s promise. The article then highlights

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² IMMIGRANTS RISING, *Overview of Undocumented Students*, (Oct. 2023) (providing an overview and definition of the term "undocumented student").

³ *Plyler v. Doe*, 457 U.S. 202, 230 (1982).

⁴ MICHAEL A. OLIVAS, NO UNDOCUMENTED CHILD LEFT BEHIND 22 (Ediberto Román ed., 2012).

⁵ *Plyler*, 457 U.S. at 230.

⁶ See, Sean F. Reardon et al., *Brown Fades: The End of Court-Ordered School Desegregation and the Resegregation of American Public Schools*. 31 J. POL'Y ANALYSIS & MGMT 809 (2012) (discussing the resegregation of school districts that were released from court oversight after *Brown* from 1991-2009).

examples of local policies and initiatives aimed at improving the educational experience of undocumented students, followed by a discussion on the urgency to implement the ethos of *Plyler* today.

II. THE ETHOS OF *PLYLER V. DOE*: ACCESS TO EDUCATION

In *Plyler v. Doe*, the Supreme Court conferred the benefit of an education to undocumented students.⁷ Undocumented students from Texas filed a class-action lawsuit challenging the constitutionality of two provisions of the Texas School Code.⁸ The first provision withheld state funds from school districts for the education of children who were unlawfully present in the United States.⁹ The second provision allowed school districts to charge tuition to undocumented students or deny them enrollment altogether.¹⁰ The Supreme Court ruled in favor of the plaintiffs, concluding that the Texas School Code policies violated the Fourteenth Amendment's Equal Protection Clause.¹¹

Plyler is significant because it marked the first time the Supreme Court applied the Fourteenth Amendment's Equal Protection Clause to individuals with unlawful status. The Equal Protection Clause ensures equal protection under the law for all persons in the U.S.¹² To extend the Equal Protection Clause to undocumented students, the Court considered the significant impact of education and the serious harm that the two provisions of the Texas School Code would impose on undocumented children and society as a whole.

The Court weighed the harm posed by the school code provisions on undocumented students against the deference typically afforded to states in regulating public education.¹³ Although the Court did not deem education a fundamental right,¹⁴ it acknowledged that denying a child access to the classroom was severe. To justify this harm, Texas needed to establish a rational basis for the challenged provisions and demonstrate that they furthered a substantial state goal.¹⁵ Texas argued that the school code provisions would preserve the state's limited resources

⁷ *Plyler*, 457 U.S. at 206.

⁸ *Id.*

⁹ *Id.* at 205.

¹⁰ *Id.*

¹¹ *Id.* at 210.

¹² *Id.*

¹³ *Id.* at 223.

¹⁴ *Id.* at 221.

¹⁵ *Id.* at 223—24.

for educating children lawfully present within its borders and disincentivize a continued influx of undocumented immigrants into Texas.¹⁶ However, the Court found these arguments insufficient and unsupported by evidence.¹⁷ Consequently, the Court held that immigration status alone was not a valid basis for excluding undocumented students from public education.¹⁸

The *Plyler* Court affirmed the importance of, and the significant impact of education.¹⁹ Education is not “merely some governmental ‘benefit’ indistinguishable from other forms of social welfare legislation. Both the importance of education in maintaining our basic institutions, and the lasting impact of its deprivation on the life of the child, mark the distinction.”²⁰ The Court found that an education “prepares citizens to participate effectively and intelligently in our open political system” and “prepares individuals to be self-reliant and self-sufficient participants in society.”²¹ The Court recognized these long-standing principles, and found the Texas statute would “impose a lifetime hardship on a discrete class of children...”²² and “[b]y denying these children a basic education, we deny them the ability to live within the structure of our civic institutions and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation.”²³ In *Plyler*, the well-established importance of education, its transformative impact, and the severe detriment of school deprivation were critical for the Court to affirm undocumented students’ ability to access schooling. Access to education thus became *Plyler’s* promise.

Plyler has been the subject of extensive scholarship since the Court’s ruling in 1982. This article contributes to the literature on *Plyler* by focusing on the ethos of *Plyler* and the responsibilities it places on all levels of government to fulfill the promise of the decision. *Plyler* stands for the principle that undocumented students cannot be denied access to public education because of their immigration status. Thus, *Plyler’s* promise extends the benefits of an education to undocumented youth. I argue that the ethos of *Plyler* calls for a broad and expansive interpretation of this holding, where access to education must be meaningful and extend beyond merely enrolling in and attending the schoolhouse. As such, *Plyler* compels the elimination of

¹⁶ *Id.* at 227—28.

¹⁷ *Id.* at 228—29.

¹⁸ *Id.* at 229—30.

¹⁹ *Id.* at 221.

²⁰ *Id.*

²¹ *Id.* at 221—22.

²² *Id.* at 202.

²³ *Id.* at 223.

educational barriers that impact undocumented students’ “ability to live within the structure of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation.”²⁴ In short, *Plyler’s* ethos calls for both de jure and de facto access to education for undocumented youth.

III. DIRECT AND INDIRECT BARRIERS TO EDUCATION ACCESS FOR UNDOCUMENTED YOUTH

Fulfilling *Plyler’s* promise requires a comprehensive understanding of the experience of undocumented students and the barriers they face to access education. Like any other collective identity that stems from a shared characteristic, the undocumented student experience is not universal. However, much of what defines being undocumented arises from the lack of a Social Security number (SSN). An SSN is a nine-digit identifier assigned to individuals in the United States. SSNs were initially designated for tax and social security identification and authentication purposes.²⁵ Today, SSNs are integrated into many aspects of daily life, including access to bank and credit card accounts, numerous consumer transactions, work authorization, and, unfortunately, various school transactions.²⁶ The growing necessity of an SSN to navigate life in the U.S. has directly and indirectly impacted undocumented students’ ability to attend school and gain the advantages of an education.

a. Barriers to Undocumented Students’ Learning: Federal Policies

Lacking an SSN presents significant challenges for undocumented immigrants. For decades, the federal government has implemented policies tied to an SSN that restrict access to employment, financial support, and social services for undocumented individuals, overlooking the harmful effects of these policies on undocumented youth’s well-being. In 1986, the federal government passed the Immigration Reform and Control Act (IRCA), establishing restrictive employment policies that hindered undocumented immigrants from securing lawful employment.²⁷ This policy required employers to verify employees’ work eligibility by

²⁴ *Id.*

²⁵ OLIVAS, *supra* note 4, at 48—49.

²⁶ *Id.*

²⁷ Sarah Elizabeth Ryan, *Children, in* 1 UNDOCUMENTED IMMIGRANTS IN THE UNITED STATES: AN ENCYCLOPEDIA OF THEIR EXPERIENCE 83, 85 (Ann Ochoa O’Leary ed., 2014).

completing an I-9 form.²⁸ Consequently, millions of undocumented immigrants, including parents and guardians of undocumented students, were pushed into the underground economy, where they faced exploitative labor conditions and financial instability.²⁹ A decade later, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 rendered undocumented immigrants, including youth, ineligible for nearly all federal public benefits and limited states' ability to create their own public benefit programs for which undocumented immigrants might qualify.³⁰

These federal policies remain today and contribute to a cycle of poverty and economic hardship that affects undocumented children. Policies like IRCA and PRWORA restrict access to employment, financial support, and social resources, which impact the economic, social, and physical well-being of undocumented youth. Without access to financial stability and government support, undocumented families face disproportionately high rates of poverty and food insecurity.³¹ These federal policies create the conditions in which undocumented children are more likely to live below the poverty line compared to U.S. citizens.³² The lack of social services and resources has also left more than half of undocumented immigrants and youth uninsured.³³ Federal policies also restrict access to childcare, which places undocumented children at risk of developmental delays and impacts their academic progress.³⁴

The IRCA and PRWORA directly affect undocumented students in the classroom. A student who is hungry³⁵ and has unmet health-related needs³⁶ is more likely to be disadvantaged and struggle in school, as the stress of financial instability and inadequate healthcare affects how

²⁸ 1986: *Immigration Reform and Control Act of 1986*, LIBR. CONG., <https://guides.loc.gov/latinx-civil-rights/irca#:~:text=This%20act%20introduced%20civil%20and,undocumented%20migrants%2C%20who%20entered%20the> (last visited Feb. 12, 2005).

²⁹ OLIVAS, *supra* note 4, at 48; Maura I. Toro-Morn, *Family Economics*, in 1 UNDOCUMENTED IMMIGRANTS IN THE UNITED STATES: AN ENCYCLOPEDIA OF THEIR EXPERIENCE 250, 250—51 (Ann Ochoa O'Leary ed., 2014).

³⁰ OLIVAS, *supra* note 4, at 42.

³¹ Roberto G. Gonzales et al., *Untangling Plyler's Legacy: Undocumented Students, Schools, and Citizenship*, 85 HARV. L. REV. 318, 322 (2015).

³² Ryan, *supra* note 27, at 86.

³³ *Id.*; Gonzales, *supra* note 31, at 322.

³⁴ Ryan, *supra* note 27, at 86.

³⁵ *How Does Hunger Affect Learning*, NO KID HUNGRY, (April 24, 2023), <https://www.nokidhungry.org/blog/how-does-hunger-affect-learning>.

³⁶ DELANEY GRACY ET AL., HEALTH BARRIERS TO LEARNING: THE PREVALENCE AND EDUCATIONAL CONSEQUENCES IN DISADVANTAGED CHILDREN 5 (Jan. 2017), <https://www.childrenshealthfund.org/wp-content/uploads/2017/01/Health-Barriers-to-Learning.pdf>.

a child presents in the classroom.³⁷ When federal policies create barriers to learning for undocumented students, they obstruct their opportunity to obtain the full benefits of an education. This is contrary to the ethos of *Plyler*. As such, governments must recognize and eliminate the effects of federal policies that create obstacles to learn for undocumented children.

b. Barriers to Undocumented Students' Learning: State and Local Policies

State and local policies—or, in some cases, the lack thereof—have also created barriers for undocumented students to take advantage of school opportunities. These barriers exist throughout a student's schooling, and their compounding effects defeat *Plyler's* promise.

Plyler's holding squarely addresses school enrollment by finding that schools cannot rely on unlawful status to deny a student from enrolling. Nevertheless, some undocumented students continue to face obstacles when trying to enroll in school. Schools continue to request information that directly or indirectly asks for a student's or parent's immigration status.³⁸ These illegal requirements³⁹ jeopardize a child's enrollment because an undocumented child without the requested document may be turned away by school staff. Alternatively, parents may become reluctant to engage with school processes if they are aware that they will be asked about their immigration status.⁴⁰ A parent's apprehension will likely lead to an undocumented student's limited participation in school programs.⁴¹ In response to school districts' increasing awareness of this issue, some states have amended their school codes to be more cautious of the documents required during school enrollment.⁴² However, this issue remains relevant. In 2024, hundreds of undocumented immigrant youth who had recently arrived in the U.S. faced difficulties with school enrollment because of their immigration status in cities like New York, Chicago, and Denver.⁴³

³⁷ See Nitya Ramalingam et al., *The Effect of Health Insurance Status on School Attendance*, CUREUS, Feb. 2023, at 1, 8.

³⁸ See generally OLIVAS, *supra* note 4, at 48.

³⁹ NATIONAL EDUCATION ASSOCIATION, *Frequently Asked Questions: Enrollment and Immigration Issues* (2023).

⁴⁰ OLIVAS, *supra* note 4, at 48—49.

⁴¹ *Id.*

⁴² *Id.*

⁴³ See Jo Napolitano, *Hundreds of U.S. High Schools Wrongfully Refused Entry to Older, Immigrant Student*, THE 74 (June 17, 2024), <https://www.the74million.org/article/hundreds-of-u-s-high-schools-wrongfully-refused-entry-to-older-immigrant-student/>; *Legal Protections for Newcomer Students: Interview with Lawyers for Civil Rights*, RENNIE CTR. EDUC. RSCH. & POL'Y (Sept. 29, 2014), <https://www.renniecenter.org/blog/legal-protections-newcomer-students-interview-lawyers-civil-rights>; Char Ullman, *Education*, in 1 UNDOCUMENTED IMMIGRANTS IN THE UNITED STATES: AN ENCYCLOPEDIA OF THEIR EXPERIENCE 206, 206 (Ann Ochoa O'Leary ed., 2014).

In addition to enrollment issues, undocumented students are often kept out of schools when state or school district policies, or the absence of policies, instill a fear of deportation associated with school attendance. This fear of deportation significantly influences the daily lives of undocumented students as it seeps into every aspect of life and limits their participation in public education.⁴⁴ Regrettably, the fears of immigration enforcement in schools are well-founded and stem from decades of lived experiences among immigrant communities.⁴⁵

For example, in 1992, a decision from a federal district judge acknowledged that immigrant youth and their families experienced harassment from immigration law enforcement agents at a high school in El Paso, Texas.⁴⁶ In 2004, three students in Albuquerque, New Mexico, were reported to immigration law enforcement by school administrators and subsequently deported.⁴⁷ In 2006, the school board in Elmwood Park, Illinois, questioned the immigration status of an undocumented student and denied their enrollment.⁴⁸ In 2011, an undocumented father was detained by Immigration and Customs Enforcement (ICE) after dropping off his children at a school in Michigan.⁴⁹ Similarly, in 2025, a father was apprehended by ICE in Chicago during school drop-off outside the school.⁵⁰ These stories represent a nightmare that came true for the impacted youth and their families. Data on the frequency of these immigration enforcement measures is limited due to fears that reporting will lead to being targeted. However, it is unquestionable that a student who is worried about their own or their parents' deportation at school will have a limited ability to focus in the classroom.⁵¹

A student in a state of fear cannot learn.⁵² A student who is not allowed to enroll in school also cannot learn. School enrollment policies and immigration enforcement at school are two ways in which state and local governments have failed to ensure schools are accessible to

⁴⁴ See PATRICIA GANDARA ET.AL., *THE IMPACT OF A BROKEN IMMIGRATION SYSTEM ON U.S. STUDENTS AND SCHOOLS* 5 (2023); Gonzales, *supra* note 31, at 322.

⁴⁵ See OLIVAS, *supra* note 4, at 54.

⁴⁶ *Id.* at 50—51.

⁴⁷ *Id.* at 51—52.

⁴⁸ *Id.* at 53.

⁴⁹ Jonathan Oosting, *U.S. Immigration Agents Accused of 'Stalking' Parents Dropping Off Kids at Detroit School*, M LIVE (Apr. 7, 2011), https://www.mlive.com/news/detroit/2011/04/federal_immigration_agents_acc.html.

⁵⁰ Daniella Silva, *Man Arrested During School Drop-Off in Chicago as ICE Continues Focus on Deportations*, NBC NEWS (Feb. 28, 2025), <https://www.nbcnews.com/news/us-news/immigration-deportations-chicago-ice-school-dropoff-arrest-rcna194246>.

⁵¹ See GANDARA, *supra* note 44, at 5.

⁵² See generally Scott Bledsoe & Janice J. Baskin, *Recognizing Student Fear: The Elephant in the Classroom*, 62 Coll. Teaching 32, 33 (2014) (discussing how fear impacts people's cognitive processes).

undocumented students. Without state and local policies that ensure inclusive enrollment protocols and measures that safeguard undocumented families from immigration enforcement at school, *Plyler*'s promise will remain elusive.

c. The Shortfalls of Bilingual Education for Undocumented Youth

There is little value in attending school if a student cannot comprehend the curriculum due to language barriers. For many undocumented students, language barriers make access to education difficult, and language access support is limited. Language access is defined as providing individuals with Limited English Proficiency (LEP) reasonable access to services as English-speaking individuals.⁵³ In a school context, language access refers to providing students with LEP meaningful opportunities to understand classroom instruction and participate in school activities. Language access is critical for undocumented students, as many of them arrive in the United States without English proficiency. Although there is limited data on the percentage of all undocumented students who have LEP, research indicates that three-quarters of recent immigrant students fall into this category.⁵⁴

The Chicano Movement of the 1960s played a key role in the fight for language access in schools.⁵⁵ The movement's advocacy was responsible for the first federal legislation recognizing the language and cultural rights of bilingual students: the Bilingual Education Act (BEA) of 1968.⁵⁶ While this law was a momentous achievement, federal and state implementation of the BEA never aligned with the vision of the bilingual activists who advocated for it. Today, limited language access support and limited bilingual education are additional barriers for undocumented students that keep them from having meaningful access to education.

The BEA legalized the rights of emergent bilingual youth to receive instruction in both English and their native language.⁵⁷ The BEA established the framework for two types of bilingual instruction: programs that included bilingual education programs and English-only instruction. Bilingual education programs aimed to educate bilingual children in two languages,

⁵³ MIGRATION POL'Y. INST., Frequently Asked Questions on Legal Requirements to Provide Language Access Services (last visited May 13, 2025) <https://www.migrationpolicy.org/programs/language%20access-translation-and-interpretation-policies-and-practices/frequently-asked>.

⁵⁴ Julie Sugarman, *Recent Immigrant Children A Profile of New Arrivals to U.S. Schools*, MIGRATION POL'Y INST. 1 (Oct. 2023), https://www.migrationpolicy.org/sites/default/files/publications/mpi-recent-immigrant-children-2023_final.pdf.

⁵⁵ Afsaneh Moradian, *Bilingualism*, in 1 UNDOCUMENTED IMMIGRANTS IN THE UNITED STATES: AN ENCYCLOPEDIA OF THEIR EXPERIENCE 56, 57 (Ann Ochoa O'Leary ed., 2014).

⁵⁶ *Id.*

⁵⁷ *Id.*

most commonly English and their native language.⁵⁸ In contrast, English-only programs focused on a student's assimilation and transition away from their native language toward English as the dominant language. Following the BEA, many states with large populations of students with LEP enacted similar legislation for bilingual education.⁵⁹ Although these efforts appeared promising, many statutes were vague, unclear, and failed to set a clear and appropriate standard to measure the effectiveness of bilingual education.⁶⁰ This ambiguity harmed students with Limited English Proficiency, many of whom were undocumented.

Notably, in *Lau v. Nichols*, the Supreme Court affirmed the principles of the BEA and utilized Title VI and VII of the Civil Rights Act to mandate that public school districts provide English-language instruction to students with LEP.⁶¹ However, the Court deferred to states and their educational agencies to determine the most appropriate means of ensuring that all students have access to the same curriculum.⁶² This case fell short of establishing a meaningful standard that would have enhanced bilingual education nationwide. Some guidance on bilingual instruction was provided by the Equal Educational Opportunities Act (EEOA), as well as a 1981 Fifth Circuit decision that established a three-pronged standard to evaluate a school district's bilingual instructional programs. Unfortunately, in 2009, the Supreme Court's ruling in *Horne v. Flores* extinguished hopes of having state budgets reflect a commitment to meaningful funding for bilingual education.⁶³ Evidently, legislation and courts have failed to prioritize and ensure that bilingual education is a tool that could bring youth with LEP, including undocumented students, closer to attaining the full benefits of an education.

The history of bilingual education is also riddled with advocacy efforts to eliminate it. Several states passed laws that abolished bilingual education and mandated an "English-only" curriculum.⁶⁴ These actions foreshadowed and laid the groundwork for the replacement of the

⁵⁸ *Id.*

⁵⁹ Patricia Gandara & Kathy Escamilla, *Bilingual Education in the United States*, in BILINGUAL AND MULTILINGUAL EDUCATION 441 (Ofelia García et al. eds., 3rd ed. 2017).

⁶⁰ *See id.* at 442 (describing how the court interpreted federal law of "appropriate action" in subsequent cases).

⁶¹ Emily Puhl, *English as a Second Language (ESL) Programs*, in 1 UNDOCUMENTED IMMIGRANTS IN THE UNITED STATES: AN ENCYCLOPEDIA OF THEIR EXPERIENCE 227, 228 (2014).

⁶² Gandara & Escamilla, *supra* note 59, at 442.

⁶³ Maria Robledo Montecel, *Supreme Court Ruling in Horne vs. Flores is a Missed Opportunity*, INTERCULTURAL DEV. RES. ASS'N. (Jan. 2020), [https://www.idra.org/resource-center/horne-vs-flores-statement/#:~:text=Flores; See also Gandara & Escamilla, supra note 59, at 442 \(describing Justice Alito's opinion that asserted a state had implemented a more effective curriculum when it removed bilingual instruction\).](https://www.idra.org/resource-center/horne-vs-flores-statement/#:~:text=Flores; See also Gandara & Escamilla, supra note 59, at 442 (describing Justice Alito's opinion that asserted a state had implemented a more effective curriculum when it removed bilingual instruction).)

⁶⁴ Gandara & Escamilla, *supra* note 59, at 442.

Bilingual Education Act in 2001 with the No Child Left Behind Act (NCLB).⁶⁵ Although NCLB included a bilingual education provision, it actively discouraged schools from implementing bilingual programs.⁶⁶ NCLB did this by linking school funding to passage rates on English-only standardized tests.⁶⁷ After NCLB, any consideration of and value in providing effective language instruction to students with LEP fell by the wayside.⁶⁸

Today, most states defer to school districts and school administrators to select an educationally sound language instructional program for students with LEP.⁶⁹ Only six states require districts to provide bilingual education when a certain number of students from the same language group enroll in a school.⁷⁰ Illinois is one of those states. Illinois law requires school districts to implement one of two programs to support English learners.⁷¹ For districts with twenty or more English learners from the same language background, they must offer a transitional bilingual education program that provides instruction in both English and the home language of those students in core academic subjects.⁷² If a district has fewer than twenty English learners from the same language background, it can determine what support to offer students, provided that it includes at least English as a second language support.⁷³

Bilingual education in the U.S. has several flaws that impact undocumented students with LEP. Vague program standards, a lack of enforcement, and, in some states, a complete absence of bilingual education are undeniable barriers to accessing education. Standardized testing policies and evolving common core standards at the state and federal levels also disincentivize investment in bilingual education by tying school performance to metrics that do not account for bilingualism.⁷⁴ Even in states that do offer bilingual education, school personnel and resources are inadequate, and the thresholds for students to test out of bilingual instructional programs are

⁶⁵ *Id.*

⁶⁶ Moradian, *supra* note 55, at 58.

⁶⁷ *Id.*

⁶⁸ Moradian, *supra* note 55, at 58.

⁶⁹ SARA RUTHERFORD-QUACH ET AL., COMPREHENSIVE CTR. NETWORK: REGION 4, BILINGUAL EDUCATION ACROSS THE UNITED STATES 2 (Apr. 2021), <https://files.eric.ed.gov/fulltext/ED653343.pdf>.

⁷⁰ *Id.*

⁷¹ Illinois School Code, 105 ILL. COMP. STAT. § 5/14C-3 (2015).

⁷² *Id.*

⁷³ *Id.*

⁷⁴ See Gandara & Escamilla, *supra* note 59, at 448.

low.⁷⁵ This results in students transitioning out prematurely and struggling in English-only classrooms without support.⁷⁶

Students with LEP do not receive the same quality of education as their English-fluent peers.⁷⁷ Since many undocumented students have LEP, especially recently arrived undocumented students, federal, state, and local bilingual education policies fail to provide these students equal access to education. This issue is even more critical as the U.S. has seen a rise in arriving immigrant children.⁷⁸ Hundreds of thousands of these youths, many of whom lack lawful status, have enrolled in schools across the country and require bilingual education. Without clear language access policies and fully resourced bilingual education programs, undocumented students with LEP are systematically denied access to education. This represents yet another way in which federal, state, and local governments fall short of actualizing *Plyler's* promise. However, if governments enact *Plyler's* ethos, they will recognize that it is their responsibility to ensure that language access is not a barrier preventing undocumented students from accessing education.

IV. RESPONSES TO IMPROVE EDUCATION ACCESS FOR UNDOCUMENTED YOUTH

While federal, state, and local governments have generally failed undocumented students by making education inaccessible, there are notable local responses that reflect a commitment to the ethos of *Plyler*. In response to growing anxiety following Trump's first presidency, the Chicago Public School District (CPS) released a letter in February 2017 assuring families that the district would not allow ICE to access CPS facilities or use CPS personnel to assist in enforcing federal civil immigration law.⁷⁹ The letter affirmed that CPS schools remained a safe place for students and included additional resources addressing potential immigration questions. Since Trump's second term in office, CPS has continued to respond in ways that affirm its

⁷⁵ Toni Griego-Jones, *Elementary Schools, in* 1 UNDOCUMENTED IMMIGRANTS IN THE UNITED STATES: AN ENCYCLOPEDIA OF THEIR EXPERIENCE 209, 212 (2014); Gandara & Escamilla, *supra* note at 59, at 449.

⁷⁶ Griego-Jones, *supra* note 75, at 212.

⁷⁷ Puhl, *supra* note 61, at 229.

⁷⁸ Sugarman, *supra* note 54, at 2.

⁷⁹ Letter from Dr. Janice K. Jackson, Chief Educ. Officer of Chi. Pub. Schs., to Chi. Pub. Schs. Families (Feb. 21, 2017),

https://farragutcareeracademy.org/ourpages/auto/2017/2/22/56258864/Parents_ImmigrationLetter_EnglishSpanish.pdf.

commitment to making schools a welcoming and safe space for immigrant students.⁸⁰ For example, CPS staff have participated in walkouts and developed strategies to support marginalized students, including undocumented students, who face numerous threats from the Trump administration.⁸¹

At the legislative level, in April 2025, Colorado’s legislature introduced bill SB 25-276, which seeks to protect undocumented immigrants from federal immigration enforcement measures in sensitive locations, including public schools.⁸² SB 25-276 also strengthens data privacy by preventing the sharing of students’ personal information absent a judicial warrant.⁸³ This comes after the Trump Administration rescinded a policy on January 20th, 2025, that protected schools from immigration enforcement.⁸⁴ This bill was also a direct response to lawsuits filed by the Department of Justice against the City and County of Denver and the State of Colorado for alleged interference with federal immigration enforcement.⁸⁵

At a more local level, the Oakland Unified School District (OUSD) introduced an innovative model to assist newcomer immigrant youth throughout the school district.⁸⁶ This initiative was a response to the influx of thousands of newcomer migrants, many of whom are undocumented children, who came to the United States before and after the COVID-19 pandemic.⁸⁷

OUSD’s Newcomer Program initiative operates under its English Language Learner and Multilingual Achievement Department (ELLMA), which offers various instructional programs

⁸⁰ See generally Helly Hayes, *Here’s How Chicago Educators are Defending Their Students from Trump’s Attacks*, TRUTHOUT (Feb. 6, 2025), <https://truthout.org/articles/heres-how-chicago-educators-are-defending-their-students-from-trumps-attacks/>.

⁸¹ *Id.*

⁸² See Robert Garrison, *Colorado House Passes Immigrant Protection Bill Amid DOJ Lawsuit Against State*, DENVER ABC 7 (May 03, 2025), <https://www.denver7.com/news/politics/colorado-house-passes-immigrant-protection-bill-amid-doj-lawsuit-against-state>; See also Logan Smith, *Bill Strengthening Immigrant Protections Advances in Colorado Legislature*, CBS NEWS (May 2, 2025), <https://www.cbsnews.com/colorado/news/bill-strengthening-immigrant-protections-advances-colorado-legislature/>.

⁸³ *Id.*

⁸⁴ Lynn Damiano Pearson, *Factsheet: Trump’s Rescission of Protected Areas Policies Undermines Safety for All*, NAT’L IMMIGR. L. CTR. (Feb. 26, 2025), https://www.nilc.org/wp-content/uploads/2025/01/2025-02.25-Protected-Areas-Fact-Sheet-English_.pdf.

⁸⁵ Garrison, *supra* note 83.

⁸⁶ *Newcomers Programs*, OAKLAND UNIFIED SCH. DIST., <https://www.ousd.org/ellma/programs/newcomer-programs> (last visited Apr. 8, 2025).

⁸⁷ *Newcomer Wellness Initiative Program Overview*, OAKLAND UNIFIED SCH. DIST., https://docs.google.com/document/d/1H-MGf_2w_ixW63u7-KZy0ywYSK2IJ8ZLOXOzd3LtV3Y/edit?tab=t.0 (last visited Apr. 8, 2025).

for English Language Learners⁸⁸ and resources for teachers and families.⁸⁹ Unlike traditional approaches that view language as a barrier, ELLMA programs recognize newcomer youths' cultural and linguistic diversity as an asset, and provide evidence-based services that support English Learners both inside and outside the classroom.⁹⁰ Their instructional and intervention services are delivered by various staff members, including language specialists, a Spanish literacy specialist, an interpreter, support staff for unaccompanied immigrant students, refugee and asylee students, and a clinical supervisor working under the Newcomer Wellness Initiative.⁹¹ OUSD also classifies English Learner students differently based on their duration in the United States and their time in an English language program.⁹² This classification differs from most bilingual instructional programs, which have not evolved to reflect the changing demographics of English Learners in the United States.⁹³

Through its various language instruction programs and robust support systems, OUSD is establishing a new standard for addressing the language access needs of its English Learners, many of whom are undocumented. This model provides a promising framework for other school districts with large populations of undocumented youth with LEP, as it not only addresses the academic needs of these students but also fosters a welcoming school environment.

These are a few examples of local and state responses that align with *Plyler*'s ethos of providing meaningful educational access to undocumented students. With anti-immigrant rhetoric on the rise, more local and state governments must enact similar initiatives and policies to address the existing and any forthcoming barriers that impact undocumented students' access to education.

V. THE URGENCY OF FULFILLING *PLYLER*'S PROMISE

Schools are invaluable for all children. For undocumented students, schools are a place of learning that shapes their political and civic engagement, and where they foster a sense of belonging.⁹⁴ *Plyler* paved the path for undocumented students to be included in legal and cultural

⁸⁸ "English Language Learners", or "English Learners" for short, is a term akin to refer to students with Limited English proficiency (LEP).

⁸⁹ *About ELLMA & ELLs*, OAKLAND UNIFIED SCH. DIST., <https://www.ousd.org/ellma/about-ellma-ells> (last visited Apr. 8, 2025).

⁹⁰ *Id.*

⁹¹ *About ELLMA & ELLs: Our Team*, OAKLAND UNIFIED SCH. DIST., <https://www.ousd.org/ellma/about-ellma-ells/ellma-team> (last visited Apr. 4, 2025).

⁹² *About ELLMA & ELLs*, *supra* note 90 (categorizing students by five different levels of their English learning).

⁹³ Gandara & Escamilla, *supra* note at 59, at 448.

⁹⁴ Gonzales, *supra* note 31, at 322.

institutions in the U.S.⁹⁵ However, the rise in anti-immigrant rhetoric and policies threatens undocumented students from obtaining the benefits of an education outlined in *Plyler*.

Anti-immigrant rhetoric and fears of deportation have been exacerbated since Trump's first presidential campaign, which promised mass deportations of undocumented families.⁹⁶ Between 2020 and 2024, there was a 357% increase in proposed anti-immigrant legislation across the U.S.⁹⁷ The threats against immigrants have only worsened since Trump's second presidential inauguration. Since then, Trump has threatened to end birthright citizenship, invoked emergency declarations to deploy the military to assist the Department of Homeland Security along the border, facilitated the use of expedited deportations, and undertaken several other actions that target immigrants, including undocumented students.⁹⁸ This anti-immigrant rhetoric stokes more fear among undocumented students and their families, which enhances the already existing barriers that harm their economic, physical, and psychological well-being.

Anti-immigrant policies and rhetoric directly and indirectly impact undocumented students' ability to access an education. Many schools saw a decline in attendance days after Trump took office⁹⁹ as families weighed safety and family unity against their child's schooling.¹⁰⁰ Anti-immigrant rhetoric has also infiltrated schools, with students repeating harmful language that affects the psychological well-being of undocumented students. This was the case in Texas, where this rhetoric led to the tragic death of Jocelynn Rojo Carranza, an 11-year-old student who took her life after being bullied over her family's immigration status.¹⁰¹ Carranza's suicide demonstrates the overwhelming sentiment that undocumented students are feeling. This sentiment is contrary to *Plyler*'s promise. It magnifies how dire it is for state and

⁹⁵ *Id.*

⁹⁶ Ted Hesson & Kristina Cooke, *Inside Trump's plan for mass deportations - and who wants to stop him*, REUTERS (Nov. 10, 2024, 3:34 AM), <https://www.reuters.com/world/us/inside-trumps-plan-mass-deportations-who-wants-stop-him-2024-11-06/>.

⁹⁷ Marcos Montoya Andrade & Ray Serrano, *A New Wave of Hate: The Anti-Immigrant Legislative Boom Since 2020*, LEAGUE OF UNITED LATIN AM. CITIZENS, <https://lulac.org/a-new-wave-of-hate/> (last visited Apr. 10, 2025).

⁹⁸ *Analysis of Trump Day 1 Executive Orders: Unconstitutional, Illegal, and Cruel*, NAT'L IMMIGR. L. CTR. (Jan. 21, 2025), <https://www.nilc.org/wp-content/uploads/2025/01/Analysis-of-Trump-Day-1-Executive-Orders.pdf>.

⁹⁹ Drishti Pillai et al., *Potential Impacts of Increased Immigration Enforcement on School Attendance and Funding*, KFF (Apr. 3, 2025), <https://www.kff.org/racial-equity-and-health-policy/issue-brief/potential-impacts-of-increased-immigration-enforcement-on-school-attendance-and-funding/>; See GANDARA, *supra* note 44, at 5.

¹⁰⁰ Olga R. Rodriguez et al., *Some migrant families weighing class attendance as Trump allows immigration arrests at school*, PBS NEWS (Jan. 22, 2025), <https://www.pbs.org/newshour/politics/some-migrant-families-weighing-class-attendance-as-trump-allows-immigration-arrests-at-school>.

¹⁰¹ Lauren Mascarenhas et al., *An 11-year-old girl in Texas died by suicide after she was bullied about her family's immigration status, her mother says*, CNN (Feb. 19, 2025), <https://www.cnn.com/2025/02/19/us/jocelynn-rojo-carranza-gainesville-texas-death/index.html>.

local governments to uphold *Plyler's* holding to prevent similar tragedies and ensure undocumented students feel safe and can develop a sense of belonging in schools to access an education.

VI. CONCLUSION

When considering education access for undocumented youth, it is necessary to revisit the holding in *Plyler v. Doe*. What does it truly mean to affirm that undocumented students cannot be denied an education based on their immigration status? By revisiting *Plyler's* Equal Protection Clause analysis, it is clear that the decision's ethos advocates for undocumented students to have meaningful access to education. Thus, interpreting and implementing *Plyler* must consider the systemic and structural barriers enacted by federal, state, and local governments that keep undocumented students out of school and from participating in the very system that is supposed to be their ticket to self-sufficiency and self-improvement.

Revisiting *Plyler* is critical and instructive today because it calls for a proactive and creative response to the rise in anti-immigrant rhetoric and policies that threaten undocumented students' access to education. However, to meet the moment and respond appropriately, state and local governments must address the existing barriers that undocumented students face when trying to obtain an education. Attaining an education should not depend on the resiliency of undocumented students and their families. Instead, federal, state, and local governments need to consider the comprehensive needs of undocumented students and develop policies that align with the spirit of *Plyler*. Every student deserves access to an education. It is time for the ethos of *Plyler* to be embraced to ensure that an education is attainable for all undocumented students.

Opposing Viewpoints:
The Benefits and Harms of School Resource Officers

By Abby Hanneman¹

INTRODUCTION

School resource officers (SROs) were created with the goal of improving officer-student relationships and preventing crime. These officers have the qualifications and education of typical police officers while also receiving additional training tailored to working in a school setting. They are placed in schools in the roles of law enforcement, informal counselor, educator, and often emergency manager. They work to build relationships with students in schools, deter violence, and increase safety in schools. SROs are often able to deter violence in schools by deescalating situations or dealing with issues that arise immediately.

In the 1950s, police officers were introduced into schools to assist with the process of desegregation. They were initially introduced in Flint, Michigan, Los Angeles, California, and other big cities with the goal of preventing crime and keeping students safe. These efforts to have officers in schools increased in the 1990s after the Columbine school shooting occurred, creating even more panic about school safety and juvenile crimes. This panic caused SRO numbers to grow from being present in about 36% of schools in 2004 to about 46% of public schools in 2022. SROs have an extreme amount of power in these schools but receive minimal additional training. While funding and officer presence has grown, the effects of the presence of SROs have not decreased school shootings; instead, research shows that SROs can negatively impact students' mental health and can contribute to the school-to-prison pipeline.

I. THE BENEFITS OF SROS

a. Deter Violence

SROs are placed in schools with the goal of protecting students and teachers through deterring crimes or enforcing laws. Their everyday duties are typically supervising the campus, monitoring visitors at the school, and enforcing laws and school policies in and around campus. Schools with SROs have been linked to a decrease in serious violent crimes. The presence of a police officer likely deters students from getting into fights or attacking students or teachers. SROs in schools have shown to reduce fights and threats by about 30%, and firearm detections has increased by around 150%. This data shows a clear benefit to students because it suggests that officer presence reduces the amount of violence they are exposed to on a day-to-day basis. Further, it indicates that SRO presence reduces the number of academic disruptions in a school day which allows students to learn more effectively. Overall, SROs presence in schools can decrease the violence children are exposed to in school which can lead to benefits in their education.

SROs are able to quickly respond to violent situations at schools because they are already located in the building. Most SROs are armed at all times, so they are able to quickly respond to threats in and around the schools. When violent incidents or school shootings occur, an effective police response could be too late if the station is located far from the school. With an SRO

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already on campus, they are able to quickly respond and handle any situation that arises. They also receive specialized training for working with juveniles. This additional forty-hour training can make them more adept at handling crimes committed at school as opposed to a typical police officer. Some states even require additional training in conflict resolution, de-escalation, mental health, and suicide prevention. This allows SROs to respond to situations in a school environment with more specific training and ideally leads to better outcomes for the students and school. The increase in quick response times can prevent the crimes from escalating and allow the school community to feel safer from violence in schools.

b. Relationship Building

SROs can also benefit a school community due their ability to form connections with students and build relationships with staff, students, and the community. During the school day, officers can work to connect with students in many ways. One key way to build this connection is through having an open-door policy. This encourages not only students but also staff to interact with the SRO in a casual setting and allows them to ask questions or share concerns. This allows for the officer to be more approachable and learn more about the students while the students also learn more about the officer, leading to increased trust and mutual understanding. At a school in Alabama, SRO Sonya Massey works to build relationships and stated “I’m in the hall all the time, or the gym or lunchroom, rarely in my office. I try to meet a new person every day.” This relationship building paid off when a student brought a gun to school and another student felt comfortable enough to tell her about it. Ms. Massey was then able to confiscate the gun without any issues occurring at school.

Additionally, SROs foster connections by engaging with students in the classroom through teaching a class on a relevant topic or offering insights during discussions on areas in which they have experience. They can also work as a mentor to students, answering questions about future job prospects and this in turn can create a more positive school environment for the students they are supporting.

SROs can also work to create a more positive school environment by collaborating with school staff and working with community members. Officers can work with staff to educate them on the SRO’s role in schools and how to promote safety in their classrooms. This helps teachers deescalate situations before they lead to SRO involvement. They can also teach students and staff how to respond in crisis situations. When school staff know what to do in emergency situations, it can ensure that everyone is prepared for these scenarios. Additionally, officers are able to connect with the community around the school by participating in community activities or providing additional safety. This includes enforcing community safety by ensuring people are abiding by the school zone speed limits and following stop signs. Officers are also able to address any community concerns with loitering or trespassing. When SROs work to interact with students, staff, and the community in non-punitive ways, it builds relationships and increases trust in the school and community.

c. Providing Education

Another duty that SROs often perform is educating students and school staff. The types of education SROs provide can vary from school to school. A major topic they often teach includes educating students on state and federal laws, the importance of following the laws, and

potential consequences when they do not follow them. SROs often specifically focus their topics on youth-related issues like dating violence and gang resistance. They also teach students about bullying prevention, the dangers of substance abuse, and how to work out conflicts with other students.

Similarly, SROs provide training for school staff and adults in the community. Teacher-specific trainings include not just information on the law, but also on how teachers and staff can help with crime prevention efforts. SROs help schools prepare for emergency situations and teach them what to do in case of emergencies such as school shootings or tornados. Additionally, while SROs mostly provide education in a school setting, they have also reached further and provided education for parents and the surrounding community, usually on topics of substance abuse and gang involvement. Overall, SROs can be great resources for students, teachers, and the surrounding community. Through education, students and staff are able to be more informed on an SRO's role in schools and how to best utilize their presence.

II. THE NEGATIVE IMPACT OF SROs

a. School-to-Prison Pipeline

Since the introduction of officers to schools, student interactions with police officers have greatly increased. Typical SROs are at school when students arrive for the day, they patrol the hallways while students are in class, and they are at school when students leave at the end of the day. While this increased interaction has the goal of preventing crime and growing relationships between SROs and students, the outcomes are actually harmful for students. In many cases, this program has actually failed to accomplish these goals and, in some cases, has gone in the opposite direction. Even though a few benefits have been found, the harms are much greater.

The increase in student and SRO interaction has especially come from non-violent crimes that teachers would typically deal with in schools without a need for police presence. For example, when students fight in schools without a weapon or make threats, this could be handled by school discipline but is instead dealt with by police arresting and referring children to the juvenile legal system. This rate of referral is substantially increased by police presence and reports of non-serious violent crimes have increased in schools with SROs. Even though police are referring students for crimes more often, this is not improving school safety. It only increases the criminalization of students for issues like minor drug crimes that are not always reported by school officials. This criminalization has especially impacted students of color and has exacerbated existing racial inequalities seen in schools and the juvenile system.

Racial inequalities can be found on every level of SRO use, beginning with which schools are monitored. Officers are disproportionately located in schools with more students of color, with Child Trends indicating that “where more than 75% of enrolled students were Black, 54% had one or more school-based law enforcement or security officer on campus. In homogenously White schools, just 33% had such personnel in place.” This has increased the number of black students that interact with officers on a day-to-day basis, increasing the odds that they will be questioned by police and referred. Studies show that this increase is harmful to black children in grades K-12. While black children only make up 15% of students, they make up 31% of referrals and 36% of arrests. A clear correlation exists between police presence in schools and juvenile arrest rates. Their presence has only contributed to the school-to-prison pipeline that has been seen in many schools with officers present. Children are more likely to be

referred or arrested for school level infractions that teachers and administrators are equipped to handle. If a police officer is in a classroom or school where kids start fighting or will not listen, they take it as breaking the law instead of breaking school rules. This leads to more children being detained for developmentally appropriate youth behavior as opposed to being disciplined at school. While this does harm all students, it is disproportionately harming students of color.

b. Mental Health

While students are suffering clear harms through increased referrals and detentions, they are also suffering unseen harms. Even if police are not interacting in a negative way with students, their presence can cause schools to become less inclusive. The mere presence of SROs has a negative impact on students' mental health and academic performance. It has been shown that students perform better and behave better in inclusive school environments when there is not a threat of extreme punishment. SROs inherently contribute to environments that mete out exclusionary discipline, which can lead to worse student behavior. This misbehavior leads to more arrests which negatively impacts student performance.

While the direct impact comes from missing school, being detained, or going through juvenile proceedings, students who have been arrested are also two times more likely to drop out of school. Students that do not actually receive discipline from SROs can experience negative effects from police presence. Many students, especially students of color, have police interactions outside of school that lead to distrust. For these students who have already had bad experiences with officers, studies show they experience anxiety and trauma during school. These feelings then lead to an inability to focus on class resulting in worse performance in school.

A study conducted by Allen and Noguera in 2023 focused on the feelings and experiences of Black students in California schools. One student they interviewed stated "the worst-case scenario is what I witnessed, my peers yanked out of the classroom, thrown to the floor, physically restrained, and arrested." Sean Darling-Hammond compiled research on how SROs can harm Black students' mental health. This research has shown, students who are arrested in schools can experience post-traumatic stress and are 2.3 times more likely than other Black youth to report mental health issues. Even students who are not arrested but only exposed to this type of discipline in schools have shown declines in mental health. The constant presence of SROs has negative impacts on the mental health and education of students.

c. School Shooting Prevalence

While studies show the presence of SROs could decrease the number of students with firearms on campus, this has not actually decreased the number of school shootings. Additionally, this decrease has not been directly linked to the presence of the police and could be explained by additional adult monitoring in general. Not every school that has dealt with a school shooting had an SRO present, but a majority did, and they did not make much of a difference. In 2018, there were twenty-four school shootings, and by 2022, this number increased to fifty-one per year. SRO presence in schools has also increased from 2018 to 2022, but a decrease in this type of violent crime was not reflected. This lack of impact can be attributed to a variety of factors, including officer error and the quick manner in which school shootings often occur. If an SRO is not in the right place when the shooting begins, they may not be able to effectively

protect the school. Additionally, even when SROs are present, they have, at times, waited for other police to arrive before acting.

An example of this arose during the school shooting that occurred in Parkland, Florida in 2018. Scot Peterson was the SRO for Marjory Stoneman Douglas High School and was present at school the day of the school shooting. He knew the shooting was occurring but decided to wait for backup to arrive before stopping the shooter. Another similar incident occurred in Uvalde, Texas, in May of 2022 where officers waited over an hour to enter the school when the shooting was occurring. While legally these officers are not required to put themselves in harm's way, preventing these shootings is one of the main arguments to keep officers in schools. If they are not required to act when a shooter is on school grounds, they have no legal obligation to protect students in these scenarios. SROs have not shown that they are able to decrease the occurrence of school shootings or protect students when a shooting occurs.

CONCLUSION

While school resource officers provide some benefits such as reduction in serious violent crimes, community building, and quick response to violence, they have also shown a real detriment to students' experiences in school, their education, and their interaction with the juvenile system. The original goal of SROs was to decrease crime and ease the transition to desegregated schools. Instead of decreasing crime, students are being sent to juvenile detention at higher rate. These students are disproportionately students of color which has increased the disparity seen in the juvenile system. Even though their presence has been shown to reduce some violent crimes, SROs have not been proven to be effective in preventing school shootings. Additionally, officer presence has been shown to increase student anxiety which negatively impacts student ability to learn. If officers were removed from schools, the school-to-prison pipeline would be less prevalent in society, and students would experience less anxiety and stress during the school day. Along with removal from schools, additional education for all officers on how to appropriately engage with juveniles would only serve to benefit students when they do interact with police. The benefits of school resource officers do not outweigh sacrificing large amounts of students to the juvenile system every year and impacting student comfort and learning in schools.

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In the Courts:
**Balancing Scrutiny and Privacy: Approaches to Increasing
Transparency in the Family Regulation System**

Lindsay Nicholas¹

INTRODUCTION

Most families come into contact with the family regulation system, a term for the child welfare system coined by Emma Ruth and popularized by Dorothy Roberts, after an allegation of abuse or neglect of children has been raised. The state, in the form of child protection agencies or law enforcement, is then tasked with investigating the allegation. These investigations can lead to a caregiver being “indicated,” or found responsible for abuse or neglect. In some cases, these investigations may result in removing a child from their home and terminating parental rights.

I. BACKGROUND ON CLOSED CHILD PROTECTION COURTS

A majority of U.S. states and territories have closed court policies for child protection cases. “Closed” typically means that the only people who are guaranteed access to the court are the judge, the state, and the accused. Additionally, court records are sealed after the conclusion of the proceedings. The rationale behind closed courts is largely centered on protecting the privacy of children and families. Proponents of closed courts are concerned with the stigma associated with involvement in child protection proceedings, the risk of re-traumatization for children testifying, and the potential for sensitive family matters to be publicly exposed. However, critics argue that closed proceedings lead to a lack of accountability and external oversight, raising questions about fairness and due process in decisions that significantly impact families. Likewise, strictly limiting who can attend the proceedings has precluded litigants from bringing people who could offer support, such as close friends or other family members.

II. THE OPEN CHILD PROTECTION COURT MOVEMENT: 2000S TO PRESENT DAY

The 2000s to early 2010s saw a movement to open public access to child protection courts. This movement was largely driven by high-profile cases in which children were severely harmed or died after failed interventions by the state. Advocates believed that if child protection cases were subject to public scrutiny, the state and judges would be more diligent in investigating and prosecuting caregivers accused of abusing or neglecting children.

For states with open child protection court policies, many operate with a presumption of public access. In most jurisdictions, judges retain the discretion to

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exclude certain parties for good cause, in the best interest of the child, or based on the nature of the charges. Some states allow access only to parties with a “stake” in the proceedings, allowing attendance by next of kin, third-party advocates, and members of the press. Others permit public or media access but impose restrictions on publishing confidential information.

A key concern among family defense advocates is that open access might inadvertently pressure courts to be more punitive. Judges, particularly those who are elected or subject to retention votes, may fear public backlash and thus be more inclined to separate families or rule more harshly in ambiguous cases. This unintended consequence could lead to a higher rate of child removals, rather than fostering a fairer system. State agencies are less affected by open courts, as they are already investigated by their inspector general when a system-involved child is severely harmed or dies.

The rationale for open courts has shifted in recent years. Today, advocates emphasize how open court policies can protect families from excessive state intervention and surveillance. They focus on how low-income and minority families are disproportionately affected by the family regulation system. For example, the “poverty is not neglect” campaign spotlights that families experiencing economic hardship are more likely to be investigated. Families may be reported for issues like lacking basic resources, missing appointments due to transportation barriers, or living in substandard housing. Labelling these situations as neglect fails to address the underlying issues of racialized poverty, deficient social and economic supports, and a public benefits system that often distinguishes between the “deserving” and “undeserving.”

Rather than seeking more punitive action against caregivers, the movement now aims to ensure fairness and prevent unnecessary family separations. Compared to the criminal court system, child protection hearings are more informal (for example, many do not require strict adherence to state evidence rules) and decisions are made with a lower burden of proof (often a probable cause or clear and convincing standard). These factors create wide variability in outcomes, especially since many litigants lack representation to and judges wield broad discretion. The consequences of these decisions can be devastating, resulting in family separations or placement on abuse/neglect registries. When such life-altering judgments are made behind closed doors with minimal oversight, greater transparency is essential to ensure accountability and safeguard the rights of families.

III. SUGGESTIONS FOR INCREASING TRANSPARENCY

Balancing the need for transparency with the need to protect family privacy is complex. Public access to child protection courts could lead to increased scrutiny and accountability for the courts, but also risks exposing families to stigma and trauma. Rather than viewing “open” and “closed” courts as a binary, advocates should focus on pursuing measures that increase oversight of the family regulation system. As described in Section II, even states with open courts leave many opportunities for access to be limited based on several factors. This article offers three recommendations to make the

family regulation system—from the stage of investigations to court involvement—more transparent and supportive of families.

a. Consistent Data Collection

Advocates often struggle to communicate the current scope of issues with the family regulation system to policy makers due to incomplete or missing data. Data gaps are common for investigations that result in an indicated finding but do not lead to family separation. Despite widespread recognition of systemic racial and economic inequalities in the family regulation system, advocates' reliance on limited surveys or anecdotal evidence does not provide a comprehensive understanding of how these disparities manifest in practice. Without greater transparency and access to accurate information, policymakers are unable to implement reforms that address the root causes of injustice within the family regulation system.

For investigations, several key categories of data could help identify areas where policy intervention is needed. These include demographic data such as income and race of the caregiver under investigation, the category of the allegation, the length of time the investigation remained open, the number of individuals interviewed, and the interventions provided, such as supportive (intact) services or informal separations (the removal of children without involving juvenile courts, often through safety plans). Collecting and analyzing this data could provide quantitative insights to support a widely held concern: that investigations are often conducted hastily and disproportionately conflate poverty with abuse and neglect.

For court proceedings, data collection could focus on the length and outcomes of cases, whether litigants had legal representation, and whether appeals were pursued. In both instances, identifying information would be redacted to protect the privacy of families involved. While there may be resistance due to the resources required to collect and publish this data, doing so would be a crucial step toward increasing transparency and understanding the inner workings of the system for external stakeholders.

b. Independent Oversight Mechanisms

Another intervention could be to establish independent oversight mechanisms. Third-party monitors, such as an ombudsperson office or a citizen review panels, could provide accountability without opening all proceedings to the public. For example, Michigan's Office of the Child Advocate, formerly named the Office of the Children's Ombudsperson, is an independent agency that reports to the Governor and legislature on system-wide issues with Michigan's child welfare agencies. Families and caregivers can submit complaints regarding child protection services, foster care, and juvenile justice, which the Office can investigate to determine whether the agency has failed to follow the law, rules, or policies.

Likewise, anonymized reporting on court outcomes could enhance transparency while preserving privacy. Journalist and researcher access could be expanded under confidentiality agreements, ensuring that systemic issues receive public attention without

compromising the identities of vulnerable families. For states with open courts, many already allow parties with a “stake” in the proceedings to attend. In 1991, in *San Bernardino County Dept. of Public Social Services v. Superior Court*, a California state appellate court held that members of the press with a direct and legitimate interest in a juvenile court proceeding could be permitted to attend, based on the judge’s determination of whether the best interests of the child could still be served. Journalists can frame their requests as advancing the public’s interest in understanding how the state makes decisions on children’s welfare and can promise to redact and generalize their publications. UNICEF’s ethical reporting guidelines for children urge journalists to protect children’s identity, avoid stigmatizing them, and report their words accurately.

Further, requiring courts to provide robust written justifications for key decisions could promote consistency and accountability in judicial rulings. This practice preserves how the judge reached their decision for the record and allows attorneys to challenge a judge’s understanding and application of the law. Successful appeals of indicated findings or termination of parental rights decisions can lead to case law that protects families against laws and policies that discriminate based on poverty, incarceration, or addiction status. State appellate courts in cases like *In re C.J.V.* (Georgia) and *In re G.S.R.* (California) have affirmed that poverty alone cannot justify terminating parental rights due to neglect.

c. Accessible Legal Advocacy

Ensuring that families have access to legal representation is one of the most direct ways to improve outcomes in child protection cases. Many parents navigate these proceedings without counsel, which can leave them unaware of their rights and hinder their ability to challenge agency decisions. Expanding funding for pro bono or low-cost legal representation would not only benefit individual families but also enhance system transparency by ensuring that legal professionals remain engaged with these cases. Several jurisdictions, such as Cook County, Illinois, assign public defenders for low-income litigants facing family separation. Additionally, studies show that families who have access to social workers achieve permanency and reunification at quicker rates than families without these supports. Providing families with interdisciplinary support ensures they have trained advocates who can negotiate improved service plans, access welfare services, and navigate concurrent criminal proceedings.

Beyond direct representation, legal advocacy groups could play a key role in tracking systemic trends within the family regulation system. Organizations that provide representation often collect data for grant reporting, which could serve as a valuable resource in identifying disparities and informing policy changes. Additionally, expanding access to legal advice at both the investigation and court phases—through law school clinics, helplines, or court-appointed advocates—can empower families with knowledge of their rights and help prevent unjust family separations.

CONCLUSION

Transparency in the family regulation system is essential to ensuring justice and accountability for families navigating child protection investigations and court proceedings. Rather than defaulting to fully open or closed courts, meaningful oversight can be achieved through targeted reforms that enhance transparency while protecting family privacy. This can be accomplished through data collection and reporting, independent oversight, and expanding legal advocacy to ensure families have the support needed to navigate complex proceedings. By implementing these measures, the system can foster greater fairness, consistency, and public trust while safeguarding the well-being of the children and families it is meant to serve.

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Education Connection:
“I Deserve an Education Here Too”: Protecting Children with Disabilities in Private School Settings via State Regulations

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INTRODUCTION

The Individuals with Disabilities Education Act (“IDEA”) gives eligible children with disabilities the right to a “free and appropriate public education.” Furthermore, the law requires eligible students to have an *individualized* education plan that is suited to their needs for making appropriate educational progress. The federal government provides funding to states for special services and resources that assist children with disabilities. As a recipient of that funding, public schools are required to comply with the requirements of the IDEA.

However, such assurances for an appropriate, quality education are nearly obsolete in pure private school settings. First, private schools are considered “ineligible” for the IDEA funding, and thus not bound by its rules. Similarly, other protections, such as the Americans with Disabilities Act (“ADA”) and Section 504, only apply to private school settings that receive federal funding. Even so, the ADA merely requires that all institutions provide “reasonable accommodations” to access a program or facility. Likewise, Section 504 only requires minor adjustments to provide equal access to an education. Unfortunately, these requirements have rarely, if ever, been interpreted to guarantee an appropriate education to students with disabilities. Practically, this means that parents are often unable to meaningfully address education concerns with private schools directly.

I. THE PROBLEM: NO IDEA RIGHTS IN PRIVATE SCHOOLS

There are two categories of students with disabilities placed in private school settings. The first, and more common form, is where public school districts place a student in a private school to access an appropriate education under the IDEA requirements. These private schools are typically therapeutic day schools (“TDS”) and often have specialized resources to address more unique and sophisticated needs.

When conflicts arise as to a child’s appropriate education in this category, there is an inherent power imbalance between the parents and the private school administration. Since private schools are not required to follow the IDEA, the private school holds the ultimate determination as to whether they want to work with the parent’s concerns or not. The private school is not directly beholden to the students, nor their parents, to provide an appropriate education. That final responsibility falls on the public school district’s shoulders. Thus, if a serious concern or conflict about how to properly assist a child arises, the parents would only be able to seek recourse from the public school district. Furthermore, the only way the public school can hold the private school accountable is through an obscure breach of contract claim. At most, the parents would receive compensatory education for the *public school district’s* failure to

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provide an appropriate education under the IDEA. However, neither of these avenues address the crux of the issue: a lack of protection for students with disabilities for an appropriate and effective education in a private school setting.

Even less protections are afforded to students with disabilities whose parents choose to send a child to a private school district independently, rather than through the public school district's funding. Under this second category, the child's right to an appropriate public education has not been triggered. Additionally, there is no requirement for the private school to ensure that an individual student with disabilities is making educational progress, thus leaving a struggling student with very few legal protections. Similarly, there are no legal limits to a private school's discretion in things like "graduating" a student early or pushing a student out by claiming that the child's needs are beyond the school's expertise. Finally, the lack of formal reporting requirements allows private schools to obfuscate their actions without suffering any legal repercussions for a student's regression.

The lack of legal protections under both categories often leaves students with disabilities subject to the whims and choices of private schools. In one case, a TDS changed a student's individualized education plan ("IEP") to "field day" goals and removed any substantive education goals because a parent dared to question the school's decisions in addressing the student's needs. This change essentially resulted in the student wandering the school grounds for hours rather than receiving classroom instruction. In another case, when a parent questioned a TDS's frequent rotation of inexperienced paraprofessional support for their child, the school superficially justified their actions and essentially pushed the parent's concerns aside. Rather than collaborating with the parent, the school slowly decreased the amount of support and focus on this child, subtly incentivizing the parent to remove the child from the TDS.

In conflicting situations, families are essentially presented with an ultimatum: allow the private school to proceed as it chooses or transfer their student to a different school. This precise ultimatum was offered to another parent who complained that their child was repeatedly held back from advancing into high school despite believing that the child was developmentally ready. Once again, rather than collaborating with the parent, the school stated that have the final say in the child's IEP, essentially forcing the parent to agree with the school's decision or remove the child from the TDS. The parent removed the child from the TDS. Recognizing they are subject to the private school's policies, parents of children with more specialized needs are often reluctant to voice their concerns or ensure that their child is progressing academically for fear of their child's removal.

II. CREATING STATE REGULATIONS IN PRIVATE SCHOOLS

Each state has a compulsory education attendance law for children between the median ages of six and sixteen. State boards of education ensure that children are being educated by appropriate institutions via state licensing, accreditation, and/or approval requirements. In granting such approval or accreditation to fulfill the state's compulsory law, states can implement certain rules and restrictions. However, states must respect constitutional rights, including the parental rights of raising one's child and the freedom of religion, among others.

Generally, the federal government can only regulate public education as an institution working on behalf of the federal government, usually as a recipient of federal funding. However, the United States Supreme Court established in *Wisconsin v. Yoder* that states, under the broad police powers, can regulate private schools within its borders based on its "high responsibility for [the] education of its citizens." Such regulations come from the state's interest in ensuring

that its citizens are informed, self-sufficient, and can effectively participate in a democratic political system.

In creating special education requirements, states must adhere to established constitutional limitations. The Supreme Court recognized a parent's fundamental right to determine their child's upbringing in the Fourteenth Amendment. *Meyer v. Nebraska* found the parent's substantive due process right to control their child's education, especially when sending their children to private schools. In that case, regulating a private school's curriculum in detail so as to exclude the parent's choice in educating their children in the German language infringed on this fundamental right.

Typically, a state's power to regulate private schools must be balanced with individual rights, including the right to raise one's children. The U.S. Board of Education surmised that state legislation restricting private schools needs to balance parents' fundamental rights to direct their children's education with the state's interest in an educated citizenry while minimally interfering with religious practices. Finally, the state legislature cannot institute comprehensive regulations of private schools in a way that removes parental choice in education.

III. CREATING REGULATIONS FOR INDIVIDUALS WITH DISABILITIES IN PRIVATE SCHOOLS

Under the state's compelling interest to have an independent and informed population, states can permissibly create regulations that require private schools to provide an appropriate education for students with disabilities via the general police power. The underlying purpose of such regulations is to ensure that the child becomes an educated and productive member of society. Currently, the spirit of the IDEA aligns closely with developing self-sufficient members of society, with its stated purpose to "prepare [students] . . . for further education, employment, and independent living." The rationale for new state rules and regulations can target the goal of empowering students with disabilities to be informed and self-sufficient in society. Because this stated purpose is similar to the IDEA, a state's regulation of private schools to ensure children with disabilities are making appropriate educational progress can mirror the framework established in the IDEA.

However, these restrictions must still uphold a parent's right to direct their child's education. In contrast with the compulsory IDEA requirements, state regulations protecting a student with disabilities' rights must work in tandem with the parent's choice to form their child's education. This means that the state's regulations would likely not be compulsory over the parent's wishes. Rather, the private school would be obligated to empower and inform parents of children with disabilities of the right to ensure appropriate educational progress. The state would not be able to compel a private school to act without the parent's permission. Instead, components of the IDEA that focus on the parents right to "have meaningful opportunities to participate in the education of their children at school and at home" would become the main focus of these state regulations. The mandatory components of the regulations would be to inform parents of the child's right to educational progress and for the private school to be required to work with parents to develop individualized education plans as allowed or desired by the parents. Overall, the regulations would not be able to be too restrictive or comprehensive on private schools so as to prevent the parent's choice in their child's education.

IV. LIMITATIONS OF STATE REGULATIONS FOR INDIVIDUALS WITH DISABILITIES IN PRIVATE SCHOOLS

Since the power to regulate education was ultimately reserved for the state, the protections for a child's education vary widely from state to state. Some states put in a right to education as a clause in its constitution while others leave the ultimate determination of an appropriate education largely to individual institutions. As such, the current inconsistencies would further expand in creating protections for students with disabilities non-public school settings, depending on whether states choose to create and enforce such regulations. Additionally, states exerting more regulatory powers over schools assisting students with disabilities may push these private institutions to move to states with less regulations or accept less students with disabilities into their student body. Similarly, without a uniform statement or enforcement of the rules, private schools with branches in different states would have to expend time and resources deciphering the different requirements for each state.

Furthermore, as demonstrated with the IDEA funding, enforcement of special education laws to ensure an individualized education for each student imposes a high financial burden on the states. Each student has a unique set of needs that makes it difficult to objectively assess whether a student is making educational progress that is appropriate at their level. As such, holding schools accountable to such regulations would require a high level of specialty and expertise to judge compliance on a case-by-case basis.

Finally, private schools may push back on such regulations as being invasive to the school's independence to create an education curriculum. Historically, the Supreme Court allowed state regulations that were "reasonable . . . for the control and duration of basic education." Requiring individual plans that ensure each child with disabilities is making appropriate educational progress entails state supervision beyond the surface level structure of a general education curriculum. Such an imposition would violate the private school's autonomy to conduct its education affairs as desired.

V. FRAMING REGULATIONS AS PROTECTIONS AVAILABLE FOR PARENTS OF STUDENTS WITH DISABILITIES

Ultimately, the state's regulatory requirements that protect a student with disabilities' education should be conferred to the parents' choice to exercise such rights. State regulations can require private schools to competently inform and provide the opportunity for parents to request an individualized education plan. These plans can measure and allocate services for a child with disabilities to make appropriate educational progress. However, the private school would only be mandated to comprehensively provide such information and options, while the parent would ultimately be responsible to request education plans and services. Depending on the state, private schools could seek reimbursement for providing these individualized services and resources. Additionally, as an informant, private schools can also be required to inform parents of a change in placement or services, allowing parents an opportunity to object to such changes if it violates the student's rights to an appropriate education. Of course, these parent-driven regulations would need to create anti-retaliation provisions that would prohibit the school from retaliating against students and parents who choose to exercise these protections for children with disabilities.

Similar to the IDEA enforcement mechanisms of mediations and neutral administrative hearings, parents can seek enforcement of their protections under the state requirements. Upon the parent's request, specialized state administrations can evaluate whether the private school is compliant with the protections afforded under the state regulation for a student with disabilities. Since most states already have enforcement systems established under the IDEA, the state can extend such departments to evaluate cases in private school settings. Remedies existing under the

IDEA, such as compensatory education, can also be awarded to parents of children with special needs in the private school setting.

CONCLUSION

Children with disabilities should be given an opportunity to become independent, contributing members of society by receiving an appropriate education in any school setting. The IDEA grants robust protections for eligible students with disabilities only in the public school setting. However, states have the general police power to create similar protections for students in the private school sector. To allow students and parents to have a voice in private school settings, states should create regulations that require the school to inform parents of such protections. Ultimately, because the IDEA spurred strong procedural protections for students with disabilities, states can extend these processes to children with disabilities who are educated in private school settings. In this way, parents can freely choose the educational environment that is most beneficial for their children while still having the protection of a meaningful education for children with disabilities.

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