



California Department of Education
Executive Office
SBE-003 (REV. 11/2017)
sbe-jan24item02

California State Board of Education January 2024 Agenda Item #06

Subject

Reading Difficulties Risk Screener Selection Panel (RDRSSP) Governing Policy

Type of Action

Action, Information, Consent

Summary of the Issue(s)

Pursuant to Education Code section (EC) 53008, subdivision (b), the California State Board of Education (SBE) has been delegated authority to appoint, by January 31, 2024, an independent panel of experts for the purpose of creating an approved list of evidence-based, culturally, linguistically, and developmentally appropriate screening instruments, by December 31, 2024, for pupils in kindergarten and grades 1 and 2 to assess pupils for risk of reading difficulties, including possible neurological disorders such as dyslexia.

Pursuant to *EC* section 33031, this Governing Policy is recommended for adoption by the SBE to define and explain the RDRSSP's internal governance to carry out the purposes set forth in *EC* 53008.

Recommendation

The SBE staff recommends that the SBE approve the proposed RDRSSP Governing Policy included in Attachment 1.

Brief History of Key Issues

At its January 18, 2024 meeting, the SBE will appoint an independent panel of experts, hereinafter referred to as the Reading Difficulties Risk Screener Selection Panel (RDRSSP), to establish a list of instruments to screen students in kindergarten through grade two for risk of reading difficulties, including possible neurological disorders, such as dyslexia, in accordance with Education Code section 53008, subdivision (b). Education Code section 53008, subdivision (c)(1), requires that the work of the RDRSSP is subject to the Bagley-Keene Open Meeting Act. To ensure compliance with *EC* 53008 and the Bagley-Keene Open Meeting Act, the Governing Policy set forth in Attachment 1 was prepared to define and explain the RDRSSP's internal governance.

Summary of Previous State Board of Education Discussion and Action

None. This is a new statute.

Fiscal Analysis (as appropriate)

Section 121 of the 2023 Education Omnibus Budget Trailer Bill (Chapter 48, Statutes of 2023) allocated the sum of \$1,000,000 for the establishment and operation of the RDRSSP.

Attachment(s)

- **Attachment 1:** Reading Difficulties Risk Screener Selection Panel (RDRSSP) Governing Policy (7 pages)

Reading Difficulties Risk Screener Selection Panel (RDRSSP) Governing Policy

To be adopted by the State Board of Education on January 18, 2024

- **Background and Purpose**
- Pursuant to Education Code section (*EC*) 53008, subdivision (b), the SBE has been delegated authority to appoint, by January 31, 2024, an independent experts to a panel for the purpose of creating an approved list of evidence-based, culturally, linguistically, and developmentally appropriate screening instruments, by December 31, 2024, for pupils in kindergarten and grades 1 and 2 to assess pupils for risk of reading difficulties, including possible neurological disorders such as dyslexia. (*EC* 53008, subdivisions (b) & (c)(2).)
- The Reading Difficulties Risk Screener Selection Panel (RDRSSP) is established to approve the list of evidence-based, culturally, linguistically, and developmentally appropriate screening instruments by December 31, 2024. (*EC* 53008, subdivisions (a), (b), (c)(2).)
- In accordance with Education Code section (*EC*) 33031, the SBE has adopted this Governing Policy (hereinafter, Policy) to define and explain the RDRSSP's internal governance.
- The RDRSSP will advise the SBE on a review process with evaluation criteria for the SBE's adoption pursuant to *EC* 53008, subdivision (b), for the RDRSSP to use to evaluate and approve a list of screening instruments by December 31, 2024. Pursuant to *EC* 53008, subdivision (g)(1), the RDRSSP's recommended review process for the SBE's adoption of evaluation criteria under *EC* 53008, subdivision (b) shall consider the extent to which a screening instrument addresses the following factors:
 - Use of direct measurement, supplemented by other pupil data, to determine if a pupil is at risk of a reading difficulty, including dyslexia.
 - Measurement of domains that may predict dyslexia and other reading disorders, including, but not limited to, measures of oral language, phonological and phonemic awareness, decoding skills, letter-sound knowledge, knowledge of letter names, rapid

automatized naming, visual attention, reading fluency, vocabulary, and language comprehension.

- Evidence that the tool is normed and validated using a contemporary multicultural and multilanguage sample of pupils, with outcome data for pupils whose home language is a language other than English as well as those who are native English speakers.
- Integration of relevant pupil demographic information, such as home language, English language fluency, and access to prekindergarten education, to more fully understand a pupil's performance.
- Guidance and resources for educators regarding how to administer screening instruments, interpret results, explain results to families, including in pupils' primary languages, and determine further educational strategies, assessments, diagnostics, and interventions that should be considered and that are specific to each type of pupil result. Guidance and resources provided shall be informed by the English Language Arts/English Language Development Framework for California Public Schools developed pursuant to *EC 60207* and the California Dyslexia Guidelines developed pursuant to *EC 56335*, as well as knowledge of effective interventions for the specific needs of individual pupils, and shall reflect a tiered interventions model aligned with the Multi-Tiered Systems of Support.

(*EC 53008*, subdivisions (b) & (g)(1).)

- The RDRSSP will advise the SBE on its recommended review process specified in *EC 53008*, subdivisions (b) and (g)(1) and Section I.D of this Policy for the SBE's adoption at the SBE's meeting scheduled to be held on May 8-9, 2024. (*EC 53008*, subdivision (b).)
- The SBE may periodically reconstitute the RDRSSP, as needed, including for the purposes of (1) advising the SBE on updating the review process specified under *EC 53008*, subdivisions (b) & (g)(1), for the RDRSSP to use to evaluate screening instruments for approval, and/or (2) approving an amended list of evidence-based, culturally, linguistically, and developmentally appropriate screening instruments. (*EC 53008*, subdivisions (b) & (c)(2).)

- **Composition**
- By January 31, 2024, the SBE is required to appoint an independent panel of experts to the RDRSSP. (*EC* 53008, subdivision (b).)
- Appointment of any person to the RDRSSP with a financial interest in the screening instruments under consideration is prohibited. As such, consistent with Section VI of this Policy, all panel members must regularly disclose, under penalty of perjury, whether they have any financial interests in any entity that may submit a screening instrument to the panel for review. (*EC* section 53008, subdivision (b).)
- If, after appointment, a panel member is deemed to have a prohibited financial interest under *EC* section 53008, subdivision (b) and Sections II.B and VI of this Policy, the panel member must voluntarily resign immediately. The form of the resignation must be in writing and must be directed to the SBE Executive Director, SBE Chief Deputy Executive Director, and the SBE Chief Counsel. If the panel member refuses to voluntarily resign, the SBE President has the authority to remove to said member from the RDRSSP.
- Panel members appointed to the RDRSSP must have demonstrated experience in at least one of the following areas to be eligible to serve on the RDRSSP:
 - Creating, evaluating, administering, interpreting, and/or otherwise working with screening instruments for kindergarten through grade twelve (K–12) and/or early education. This could include screening instruments in English and/or in languages other than English.
 - Providing instruction for, evaluating, providing supportive services to, or in any other way working with any of the following groups:
 - Students with disabilities, especially disabilities that impede literacy
 - Students who are multilingual and/or identified English learners
 - Students in early elementary grades (K–2)
 - Instructional and/or administrative experience in either K–12 or early education using student data to design individualized or

systemic instructional plans and/or interventions. This could include communicating individual student information, especially screening and/or assessment information, with parents or guardians, including in languages other than English.

(EC 53008, subdivisions (b) & (g).)

- **Term of Office**

- Panel members will serve for a term of up to two years, ending no later than December 31, 2025. However, the SBE may extend term for any panel member, including for the purposes of updating the review process adopted by the SBE and/or amending the list of approved screening instruments adopted by the panel, as set forth in Section I of this Policy. (EC 53008, subdivision (b).)
- Panel members are expected to attend all meetings. Missing two consecutive meetings may result in removal from the RDRSSP. (EC 33031.)
- Subject to Sections II and VI of this Policy, panel members who are determined to have a financial interest in any screening instruments under consideration or any other conflict of interest will be subject to removal from the RDRSSP regardless of whether they have completed their term. (EC 53008, subdivision (b).)

- **Rules of Governance**

- The SBE President will select a Chair and Vice Chair from the appointed panel members by January 31, 2024.
- The Chair shall preside at all meetings of the RDRSSP; prepare the agenda for each meeting in consultation with SBE staff and California Department of Education (CDE) staff; and perform other necessary activities to assist the RDRSSP. The Vice Chair shall conduct meetings in the absence of the Chair.
- Each panel member of the RDRSSP shall have one vote. Actions by the RDRSSP shall be taken by a majority vote of RDRSSP membership present during a regularly scheduled meeting. The RDRSSP shall take action only when a quorum of total membership is present at a regularly scheduled meeting. (EC 53008, subdivision (c)(1) & Government Code section (GC) 11120 *et seq.*)
- Unless otherwise specified, *Robert's Rules of Order Newly Revised* shall

govern the procedures of RDRSSP meetings.

- **Frequency of Meetings**

- Beginning in February 2024, regular meetings of the panel will be held once a month until December 31, 2024, so that the RDRSSP can vote, at a regular meeting (1) on a recommended review process to be presented to the SBE for adoption by no later than the SBE's regularly May 2024 meeting as specified in Section 1.D-E of this Policy; and (2) to approve, by no later than December 31, 2024, a list of screening instruments pursuant to the review process and evaluation criteria established by the SBE. With the consent of the Chair and Vice chair in consultation with CDE staff and SBE staff, the RDRSSP may cancel a scheduled meeting or hold additional meetings, as necessary. (*EC 53008, subdivisions (b) & (g).*)
- In accordance with Section I.F of this Policy, the SBE may require the RDRSSP to meet after December 31, 2024, including for the purposes of (1) advising the SBE on updating the review process specified under *EC 53008, subdivisions (b) & (g)(1)*, for the RDRSSP to use to evaluate screening instruments for approval, and/or (2) approving an amended list of evidence-based, culturally, linguistically, and developmentally appropriate screening instruments. (*EC 53008, subdivision (b).*)
- In connection with attending meetings, panel members should expect to engage in preparatory reading and other supplementary activities between meetings. (*EC 53008.*)
- The first meeting of the RDRSSP will take place on February 16, 2024. The meeting will take place in accordance with the Bagley-Keene Open Meeting Act and Sections IV and VII of this Policy. (*EC 53008, subdivision (c)(1) & GC 11120 et seq.*)

- **Conflicts of Interest**

- Each panel member understands that as public officials, they must perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. Panel members will at all times adhere to federal and state laws and SBE policies to avoid actual or potential conflicts of interest, the appearance of impropriety, and incompatible activities in state service. A conflict of interest is any personal or private interest that would cause a commissioner to have divided loyalties between the commissioner's personal or private interest and the public's interest. A panel member will not participate in a decision if a personal bias or relationship would cause the commissioner to approach the decision in terms of how it would affect a particular person or entity rather than how it

applies and promotes the public interest as a whole.

- Appointment of any person to the RDRSSP with a financial interest in the screening instruments under consideration is prohibited. As such, all panel members must disclose any such potential financial interest as soon as the panel member becomes aware of it to the SBE Executive Director, SBE Chief Deputy Executive Director, and the SBE Chief Counsel. (*EC* section 53008, subdivision (b).)
- Notwithstanding Section VI.B of this Policy, beginning March 31, 2024, and every quarter thereafter for the duration of the panel member's term, all panel members must complete a disclosure of conflicts of interest under penalty of perjury. (*EC* section 53008, subdivision (b).)
- The format of the disclosure required under Section VI.C will be as set forth below in Section VI.D.1-2, and must be transmitted via e-mail to the SBE Executive Director, SBE Chief Deputy Executive Director, and the SBE Chief Counsel. (*EC* section 53008, subdivision (b).)
- The subject line of the e-mail disclosure required under Section VI.C should state as follows: "RDRSSP Section VI Disclosure for [MONTH] [YEAR]."
- The body of the e-mail disclosure required under Section VI.C must include the following:

"I, [NAME], disclose the following in accordance with Section VI of the RDRSSP Governing Policy and *EC* 53008, subdivision (b):

Affiliation disclosure [SELECT ONE]:

Neither I, nor anyone acting on my behalf, my spouse, my registered domestic partner, and/or any family members have any affiliations with any entity that develops, publishes, or distributes screening instruments or similar assessments for early education and/or K-12, including the dates of the affiliation with those entities, the title of the position held (if applicable). I understand that the required affiliations disclosures under this question include, but are not limited to, employment, consulting, board positions, advisory positions, committee work, or any other participation in advising, administering, evaluating, or providing services associated with screening instruments or similar assessments, whether paid or unpaid, formal or informal.

OR

I, and/or someone acting on my behalf, my spouse, my registered domestic partner, and/or one or more family members have affiliations with an entity that develops, publishes, or distributes screening instruments or similar assessments for early education and/or K-12, including the dates of the affiliation with those entities, the title of the position held (if applicable). I understand that the required affiliations disclosures under this question include, but are not limited to, employment, consulting, board positions, advisory positions, committee work, or any other participation in advising, administering, evaluating, or providing services associated with screening instruments or similar assessments, whether paid or unpaid, formal or informal. The nature of the affiliation is as follows: [DESCRIBE].

Financial Interest Disclosure [SELECT ONE]:

Neither I, nor anyone acting on my behalf, my spouse, my registered domestic partner, and/or any family members have any financial interest with any entity that develops, publishes, or distributes screening instruments or similar assessments for early education and/or grades K-12, including but not limited to those associated with a product or activity (e.g., professional development) connected to such screening instruments or assessments. I understand that the required financial interest disclosures under this question include, but are not limited to, any and all investments, business positions, and sources of income (including gifts, loans and travel payments).

OR

I, and/or someone acting on my behalf, my spouse, my registered domestic partner, and/or one or more family members have a financial interest with any entity that develops, publishes, or distributes screening instruments or similar assessments for early education and/or grades K-12, including but not limited to those associated with a product or activity (e.g., professional development) connected to such screening instruments or assessments. I understand that the required financial interest disclosures under this question include, but are not limited to, any and all investments, business positions, and sources of income (including gifts, loans and travel payments). The nature of the financial interest is as follows: [DESCRIBE].

I understand that if I am deemed to have a financial interest in any screening instrument under consideration by the RDRSSP, I will be subject to immediate removal from the RDRSSP.

I certify under penalty of perjury under the laws of the State of California that all information provided herein is true and correct.

[NAME]"

- Notwithstanding Section VI.C-D of this Policy, should a panel member's responses to the most recent quarterly disclosure change before the due date of the next quarterly report under Section VI.C, the panel member must inform the SBE Executive Director, SBE Chief Deputy Executive Director, and the SBE Chief Counsel, of any such changes as soon as the panel member becomes aware of those changes.
- Upon appointment and annually thereafter for the duration of the appointment, each panel member must file a Statement of Economic Interest Form 700 in accordance with the SBE's Conflict of Interest Code, which is codified in the California Code of Regulations, Title 5, Section 18600. Within 30 days of termination of a panel member's term, or in the case of a panel member who is not reappointed, expiration of that panel member's term, the panel member must also complete a Statement of Economic Interest Form 700. (*GC 87200 et seq. & 87300 et seq.*)
- **Applicability of Bagley-Keene Open Meeting Act**
- The work of the RDRSSP will be subject to the Bagley-Keene Open Meeting Act. The Bagley-Keene Open Meeting Act is a series of laws codified beginning at GC 11120 that are intended to ensure meetings of state boards, commissions, and other state bodies are open to the public for the purpose of promoting transparency. (*EC 53008, subdivision (c)(1) & GC 11120 et seq.*)
- Every panel member of the RDRSSP is subject to the terms of Bagley-Keene Open Meeting Act upon their appointment. (*EC 53008, subdivision (c)(1) & GC 11120 et seq.*)
- All meetings must be noticed with a posted agenda at least 10 days prior to the meeting. In consultation with the Chair and Vice Chair, CDE staff and SBE staff will ensure compliance with these requirements. (*EC 53008, subdivision (c)(1) & GC 11120 et seq.*)
- Serial meetings are prohibited under the Bagley-Keene Open Meeting Act. A serial meeting is defined as a series of systematic communications involving a majority of members. *GC 11120 et seq.* prohibits a majority of the members of a state body from using a series of communications of any kind (including electronic communications), directly or through intermediaries, to discuss, deliberate, or take action on any item of

business that is within the subject matter of the state body. A serial meeting can take the form of a series of communications, each of which involves less than a majority of the RDRSSP, but which taken as a whole involves a majority of the panel members.

- **Travel, Lodging, and Other Expenses**
- Panel members are eligible to be reimbursed for allowable travel expenses and per diem to attend panel meetings only. All applicable state travel expenses are reimbursed in accordance with the policies found within the [California Code of Regulations, Title 2](#).
- **Staff to the Panel**
- The CDE staff and SBE staff shall provide staff support for the RDRSSP.