

Jen Plumb proposes the following substitute bill:

1 **Dyslexia Testing Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jen Plumb**

House Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This bill addresses dyslexia assessments.

5 **Highlighted Provisions:**

6 This bill:

7 ▶ requires a school district or charter school to take certain actions, including individualized  
8 intervention, if a dyslexia assessment administered by a licensed individual practicing  
9 within the scope of practice for the individual's license, indicates that a student lacks  
10 reading competency, demonstrates characteristics of dyslexia, or is lagging in acquiring  
11 a reading skill;

12 ▶ amends provisions related to the scope of practice for mental health therapists and  
13 psychologists to:

14 • align with an approved diagnostic and statistical manual for mental disorders; and  
15 • clarify that the scope of practice includes the evaluation and treatment of disorders as  
16 defined in the approved diagnostic and statistical manual for mental disorders,  
17 including dyslexia;

18 ▶ defines terms; and

19 ▶ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 **AMENDS:**

26 **53E-4-307**, as last amended by Laws of Utah 2024, Chapter 60

27 **58-60-102**, as last amended by Laws of Utah 2025, Chapter 367

29       **58-61-102**, as last amended by Laws of Utah 2024, Chapter 420

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30       *Be it enacted by the Legislature of the state of Utah:*

31           Section 1. Section **53E-4-307** is amended to read:

32           **53E-4-307 . Benchmark assessments in reading -- Report to parent.**

33       (1) As used in this section:

34           (a) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or  
35           ability that has been organized into a hierarchical arrangement leading to higher  
36           levels of knowledge, skill, or ability.

37           (b) "Diagnostic assessment" means an assessment that measures key literacy skills,  
38           including phonemic awareness, sound-symbol recognition, alphabet knowledge,  
39           decoding and encoding skills, and comprehension, to determine a student's specific  
40           strengths and weaknesses in a skill area.

41           (c) "Dyslexia" means a learning disorder that:

42              (i) is neurological in origin and is characterized by difficulties with:

43                  (A) accurate or fluent word recognition; and

44                  (B) poor spelling and decoding abilities; and

45              (ii) typically results from a deficit in the phonological component of language that is  
46              often unexpected in relation to other cognitive abilities and the provision of  
47              effective classroom instruction.

48           (d) "Evidence-based" means the same as that term is defined in Section 53G-11-303.

49           (e) "Evidence-informed" means the same as that term is defined in Section 53G-11-303.

50           (f) "Qualifying dyslexia assessment" means a dyslexia assessment administered by an  
51           individual who is licensed under Title 58, Occupations and Professions, and  
52           practicing within the scope of practice for the individual's license.

53       (2) The state board shall approve a benchmark assessment for use statewide by school  
54           districts and charter schools to assess the reading competency of students in grades 1  
55           through 6 as provided by this section.

56       (3)(a) A school district or charter school shall:

57              [(a)] (i) administer benchmark assessments to students in grades 1, 2, and 3 at the  
58              beginning, middle, and end of the school year using the benchmark assessment  
59              approved by the state board; and

60              [(b)] (ii) after administering a benchmark assessment, report the results to a student's  
61              parent.

63 (b) A student's parent may provide the results of a qualifying dyslexia assessment to a  
64 school district or charter school.

65 (4)(a) If a benchmark assessment[or] , supplemental reading assessment, or qualifying  
66 dyslexia assessment indicates a student lacks competency in a reading skill, is  
67 demonstrating characteristics of dyslexia, or is lagging behind other students in the  
68 student's grade in acquiring a reading skill, the school district or charter school shall:  
69 (i) administer diagnostic assessments to the student;  
70 (ii) using data from the diagnostic assessment, provide specific, focused, and  
71 individualized intervention or tutoring to develop the reading skill;  
72 (iii) administer formative assessments and progress monitoring at recommended  
73 levels for the benchmark assessment to measure the success of the focused  
74 intervention;  
75 (iv) inform the student's parent of activities that the parent may engage in with the  
76 student to assist the student in improving reading proficiency;  
77 (v) provide information to the parent regarding appropriate interventions available to  
78 the student outside of the regular school day that may include tutoring, before and  
79 after school programs, or summer school; and  
80 (vi) provide instructional materials that are evidence-informed for core instruction  
81 and evidence-based for intervention and supplemental instruction.

82 (b) Nothing in this section or in Section 53F-4-203 or 53G-11-303 requires a reading  
83 software product to demonstrate the statistically significant effect size described in  
84 Subsection 53G-11-303(1)(a) in order to be used as an instructional material  
85 described in Subsection (4)(a)(vi).

86 (5)(a) In accordance with Section 53F-4-201 and except as provided in Subsection (5)(b),  
87 the state board shall contract with one or more educational technology providers for a  
88 benchmark assessment system for reading for students in kindergarten through grade  
89 6.  
90 (b) If revenue is insufficient for the benchmark assessment system for the grades  
91 described in Subsection (5)(a), the state board shall first prioritize funding a  
92 benchmark assessment for students in kindergarten through grade 3.

93 (6) A student with dyslexia is only eligible for special education services if the student  
94 meets federal eligibility criteria.

95 Section 2. Section **58-60-102** is amended to read:

96 **58-60-102 . Definitions.**

97        As used in this chapter, unless a different meaning is established by definition under a  
98        specific section or part:

99        (1) "Board" means the Behavioral Health Board created in Section 58-60-102.5.

100        (2) "Client" or "patient" means an individual who consults or is examined or interviewed by  
101        an individual licensed under this chapter who is acting in the individual's professional  
102        capacity.

103        (3) "Clinical supervision" means work experience conducted under the supervision of a  
104        clinical supervisor, including the practice of mental health therapy, direct client care,  
105        direct clinical supervision, direct observation, and other duties and activities completed  
106        in the course of the day-to-day job functions and work of:

107        (a) a certified social worker;

108        (b) an associate marriage and family therapist;

109        (c) an associate clinical mental health counselor; or

110        (d) an associate master addiction counselor, wherein the supervisor is available for  
111        consultation with the supervisee by personal face-to-face contact, or direct voice  
112        contact by telephone, radio, or other means within a reasonable time consistent with  
113        the acts and practices in which the supervisee is engaged.

114        (4) "Clinical supervisor" means an individual who oversees and mentors one or more  
115        mental health therapists licensed under this chapter, and who:

116        (a)(i) is licensed, in good standing, as a mental health therapist;

117        (ii) is approved or certified in good standing as a supervisor by a national  
118        professional organization for social work, mental health counseling, addiction  
119        counseling, marriage and family therapy, psychology, medicine, or nursing, or  
120        other organization as approved by the division;

121        (iii)(A) has completed eight or more hours of supervision instruction that meets  
122        minimum standards established by the division in rule; or

123        (B) has completed a graduate course on clinical supervision from an accredited  
124        program;

125        (iv) completes continuing education in clinical supervision, as established by the  
126        division in rule; and

127        (v) provides supervision to no more than the number of individuals to whom the  
128        supervisor can reasonably provide clinical supervision by performing the duties  
129        and responsibilities of a supervisor, including:

130        (A) being available to the supervisee for consultation by personal face-to-face

131 contact, or by direct voice contact by telephone, video conference, or other  
132 means within a reasonable time frame;

133 (B) providing instruction, direction, oversight, observation, evaluation, and  
134 feedback, to enable the supervisee to acquire the knowledge, skills, techniques,  
135 and abilities necessary to engage in the practice of behavioral health care  
136 ethically, safely, and competently; and

137 (C) maintaining routine personal contact with the supervisee; and

138 (b)(i) is qualified and acting as a valid supervisor, in accordance with applicable law  
139 and division rules, as of April 30, 2024; and

140 (ii) has satisfied the requirements of Subsection (4)(a), as of January 1, 2027.

141 (5) "Confidential communication" means information obtained by an individual licensed  
142 under this chapter, including information obtained by the individual's examination of the  
143 client or patient, which is:

144 (a)(i) transmitted between the client or patient and an individual licensed under this  
145 chapter in the course of that relationship; or

146 (ii) transmitted among the client or patient, an individual licensed under this chapter,  
147 and individuals who are participating in the diagnosis or treatment under the  
148 direction of an individual licensed under this chapter, including members of the  
149 client's or patient's family; and

150 (b) made in confidence, for the diagnosis or treatment of the client or patient by the  
151 individual licensed under this chapter, and by a means not intended to be disclosed to  
152 third persons other than those individuals:

153 (i) present to further the interest of the client or patient in the consultation,  
154 examination, or interview;

155 (ii) reasonably necessary for the transmission of the communications; or

156 (iii) participating in the diagnosis and treatment of the client or patient under the  
157 direction of the mental health therapist.

158 (6) "Designated examiner" means the same as that term is defined in Section 26B-5-301.

159 (7)(a) "Direct client care" means the practice of mental health therapy performed as an  
160 applicant for licensure.

161 (b) "Direct client care" includes:

162 (i) the practice of mental health therapy;

163 (ii) the utilization of patient-reported progress and outcomes to inform care; and

164 (iii) direct observation.

165 (8)(a) "Direct clinical supervision" means an applicant for licensure and the applicant's  
166 direct clinical supervisor meeting in real time and in accordance with the applicant  
167 for licensure's supervision contract as defined by division rule.  
168 (b) "Direct clinical supervision" includes group supervision.  
169 (9) "Direct clinical supervisor" means the clinical supervisor who has signed the  
170 supervision contract with the applicant for licensure.  
171 (10) "Direct observation" means observation of an applicant for licensure's live or recorded  
172 direct client care:  
173 (a)(i) by the applicant for licensure's clinical supervisor; or  
174 (ii) by a licensee under Subsection (4)(a) who the applicant for licensure's direct  
175 clinical supervisor approves; and  
176 (b) after which the applicant for licensure and the observer under Subsection (10)(a)  
177 meet, in-person or electronically, to discuss the direct client care for the purpose of  
178 developing the applicant for licensure's clinical knowledge and skill.  
179 (11) "FBI Rap Back System" means the same as that term is defined in Section 53-10-108.  
180 (12) "Group supervision" means an applicant for licensure meeting with the applicant's  
181 direct clinical supervisor and at least one of the direct clinical supervisor's other  
182 supervised applicants for licensure:  
183 (a) while the clinical supervisor and the applicants:  
184 (i) can see and openly communicate with each other; and  
185 (ii) are present in the same room or via electronic video; and  
186 (b) for the purpose of developing the applicants' clinical knowledge and skill.  
187 (13) "Hypnosis" means, when referring to individuals exempted from licensure under this  
188 chapter, a process by which an individual induces or assists another individual into a  
189 hypnotic state without the use of drugs or other substances and for the purpose of  
190 increasing motivation or to assist the individual to alter lifestyles or habits.  
191 (14) "Individual" means a natural person.  
192 (15) "Mental health therapist" means an individual who is practicing within the scope of  
193 practice defined in the individual's respective licensing act and is licensed under this title  
194 as:  
195 (a) a physician and surgeon, or osteopathic physician engaged in the practice of mental  
196 health therapy;  
197 (b) an advanced practice registered nurse, specializing in psychiatric mental health  
198 nursing;

- 199 (c) an advanced practice registered nurse intern, specializing in psychiatric mental health  
200 nursing;
- 201 (d) a psychologist qualified to engage in the practice of mental health therapy;
- 202 (e) a certified psychology resident qualifying to engage in the practice of mental health  
203 therapy;
- 204 (f) a physician assistant specializing in mental health care under Section 58-70a-501.1;
- 205 (g) a clinical social worker;
- 206 (h) a certified social worker;
- 207 (i) a marriage and family therapist;
- 208 (j) an associate marriage and family therapist;
- 209 (k) a clinical mental health counselor;
- 210 (l) an associate clinical mental health counselor;
- 211 (m) a master addiction counselor; or
- 212 (n) an associate master addiction counselor.

213 (16) "Mental illness" means a mental [or emotional condition] disorder defined in an  
214 approved diagnostic and statistical manual for mental disorders generally recognized in  
215 the professions of mental health therapy listed under Subsection (15).

216 (17) "Practice of mental health therapy" means treatment or prevention of another  
217 individual's mental illness or emotional disorder, whether in person or remotely,  
218 including:

- 219 (a) conducting a professional evaluation of an individual's condition of mental health,  
220 mental illness, or emotional disorder consistent with standards generally recognized  
221 in the professions of mental health therapy listed under Subsection (15);
- 222 (b) establishing a diagnosis in accordance with established written standards generally  
223 recognized in the professions of mental health therapy listed under Subsection (15);
- 224 (c) conveying an opinion as to the validity of an individual's established diagnosis;
- 225 (d) prescribing a plan for the prevention or treatment of a condition of mental illness or  
226 emotional disorder; and
- 227 (e) engaging in the conduct of professional intervention, including:
  - 228 (i) psychotherapy by the application of established methods and procedures generally  
229 recognized in the professions of mental health therapy listed under Subsection (15);  
230 and
  - 231 (ii) modes of treatment designed to treat interpersonal dysfunction; and

232 (f) holding oneself out as providing, or has having the skills, experience, or training to

233                   competently provide, any of the services described in Subsections (17)(a) through (e).

234                   (18) "Remotely" means communicating via [Internet] internet, telephone, or other electronic

235                   means that facilitate real-time audio or visual interaction between individuals when they

236                   are not physically present in the same room at the same time.

237                   (19) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-60-109.

238                   (20) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-60-110, and may

239                   be further defined by division rule.

240                   Section 3. Section **58-61-102** is amended to read:

241                   **58-61-102 . Definitions.**

242                   In addition to the definitions in Section 58-1-102, as used in this chapter:

243                   (1) "Board" means the Behavioral Health Board created in Section 58-60-102.5.

244                   (2) "Client" or "patient" means an individual who consults or is examined or interviewed by

245                   a psychologist acting in his professional capacity.

246                   (3) "Confidential communication" means information, including information obtained by

247                   the psychologist's examination of the client or patient, which is:

248                   (a)(i) transmitted between the client or patient and a psychologist in the course of that

249                   relationship; or

250                   (ii) transmitted among the client or patient, the psychologist, and individuals who are

251                   participating in the diagnosis or treatment under the direction of the psychologist,

252                   including members of the client's or patient's family; and

253                   (b) made in confidence, for the diagnosis or treatment of the client or patient by the

254                   psychologist, and by a means not intended to be disclosed to third persons other than

255                   those individuals:

256                   (i) present to further the interest of the client or patient in the consultation,

257                   examination, or interview;

258                   (ii) reasonably necessary for the transmission of the communications; or

259                   (iii) participating in the diagnosis and treatment of the client or patient under the

260                   direction of the psychologist.

261                   (4) "Hypnosis" means, regarding individuals exempted from licensure under this chapter, a

262                   process by which one individual induces or assists another individual into a hypnotic

263                   state without the use of drugs or other substances and for the purpose of increasing

264                   motivation or to assist the individual to alter lifestyles or habits.

265                   (5) "Individual" means a natural person.

266                   (6) "Mental health therapist" means an individual licensed under this title as a:

267 (a) physician and surgeon, or osteopathic physician engaged in the practice of mental  
268 health therapy;  
269 (b) an advanced practice registered nurse, specializing in psychiatric mental health  
270 nursing;  
271 (c) an advanced practice registered nurse intern, specializing in psychiatric mental health  
272 nursing;  
273 (d) psychologist qualified to engage in the practice of mental health therapy;  
274 (e) a certified psychology resident qualifying to engage in the practice of mental health  
275 therapy;  
276 (f) clinical social worker;  
277 (g) certified social worker;  
278 (h) marriage and family therapist;  
279 (i) an associate marriage and family therapist;  
280 (j) a clinical mental health counselor; or  
281 (k) an associate clinical mental health counselor.

282 (7) "Mental illness" means a mental [or emotional condition] disorder defined in an  
283 approved diagnostic and statistical manual for mental disorders generally recognized in  
284 the professions of mental health therapy listed under Subsection (6).

285 (8) "Practice of mental health therapy" means the treatment or prevention of mental illness,  
286 whether in person or remotely, including:

287 (a) conducting a professional evaluation of an individual's condition of mental health,  
288 mental illness, or emotional disorder;  
289 (b) establishing a diagnosis in accordance with established written standards generally  
290 recognized in the professions of mental health therapy listed under Subsection (6);  
291 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or  
292 emotional disorder; and  
293 (d) engaging in the conduct of professional intervention, including psychotherapy by the  
294 application of established methods and procedures generally recognized in the  
295 professions of mental health therapy listed under Subsection (6).

296 (9)(a) "Practice of psychology" includes:

297 (i) the practice of mental health therapy by means of observation, description,  
298 evaluation, interpretation, intervention, and treatment to effect modification of  
299 human behavior by the application of generally recognized professional  
300 psychological principles, methods, and procedures for the purpose of preventing,

treating, or eliminating mental or emotional illness or dysfunction, the symptoms of any of these, or maladaptive behavior;

- (ii) the observation, description, evaluation, interpretation, or modification of human behavior by the application of generally recognized professional principles, methods, or procedures requiring the education, training, and clinical experience of a psychologist, for the purpose of assessing, diagnosing, preventing, or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health;
- (iii) psychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning;
- (iv) counseling, marriage and family therapy, psychoanalysis, psychotherapy, hypnosis, and behavior analysis and therapy;
- (v) diagnosis and treatment of mental and emotional disorders of disability, alcoholism and substance abuse, disorders of habit or conduct, and the psychological aspects of physical illness, accident, injury, or disability; and
- (vi) psychoeducational evaluation, therapy, remediation, and consultation.

(b) An individual practicing psychology may provide services to individuals, couples, families, groups of individuals, members of the public, and individuals or groups within organizations or institutions.

(10) "Remotely" means communicating via [Internet] internet, telephone, or other electronic means that facilitate real-time audio or visual interaction between individuals when they are not physically present in the same room at the same time.

(11) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-61-501.

(12) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-61-502, and may be further defined by division rule.

#### **Section 4. Effective Date.**

This bill takes effect on May 6, 2026.