

Jen Plumb proposes the following substitute bill:

Dyslexia Testing Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor:

LONG TITLE

General Description:

This bill addresses dyslexia assessments.

Highlighted Provisions:

This bill:

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

- amends provisions related to the scope of practice for mental health therapists and psychologists to:

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

- ▶ defines terms; and

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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) "Dyslexia assessment" means a diagnostic assessment for the identification of
49 dyslexia or a psychoeducational evaluation for the diagnosis of dyslexia.

50 [~~(d)~~] (e) "Evidence-based" means the same as that term is defined in Section 53G-11-303.

51 [~~(e)~~] (f) "Evidence-informed" means the same as that term is defined in Section
52 53G-11-303.

53 (g) "Qualifying dyslexia assessment" means a dyslexia assessment administered by an
54 individual who is:

55 (i) licensed under Title 58, Occupations and Professions;

56 (ii) practicing within the scope of practice for the individual's license; and

57 (iii) competent by training, education, and experience to administer the dyslexia
58 assessment.

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

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

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

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

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

71 (4)(a) If a benchmark assessment[-or] , supplemental reading assessment, or qualifying
72 dyslexia assessment indicates a student lacks competency in a reading skill, is
73 demonstrating characteristics of dyslexia, or is lagging behind other students in the
74 student's grade in acquiring a reading skill, the school district or charter school shall:

75 (i) administer diagnostic assessments to the student;
76 (ii) using data from the diagnostic assessment, provide specific, focused, and
77 individualized intervention or tutoring to develop the reading skill;
78 (iii) administer formative assessments and progress monitoring at recommended
79 levels for the benchmark assessment to measure the success of the focused
80 intervention;
81 (iv) inform the student's parent of activities that the parent may engage in with the
82 student to assist the student in improving reading proficiency;
83 (v) provide information to the parent regarding appropriate interventions available to
84 the student outside of the regular school day that may include tutoring, before and
85 after school programs, or summer school; and
86 (vi) provide instructional materials that are evidence-informed for core instruction
87 and evidence-based for intervention and supplemental instruction.

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

92 (5)(a) In accordance with Section 53F-4-201 and except as provided in Subsection (5)(b),
93 the state board shall contract with one or more educational technology providers for a
94 benchmark assessment system for reading for students in kindergarten through grade
95 6.

96 (b) If revenue is insufficient for the benchmark assessment system for the grades

described in Subsection (5)(a), the state board shall first prioritize funding a benchmark assessment for students in kindergarten through grade 3.

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

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

58-60-102 . Definitions.

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

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

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

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

(a) a certified social worker;

(b) an associate marriage and family therapist;

(c) an associate clinical mental health counselor; or

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

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

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

(ii) is approved or certified in good standing as a supervisor by a national

professional organization for social work, mental health counseling, addiction counseling, marriage and family therapy, psychology, medicine, or nursing, or other organization as approved by the division;

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

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

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

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

136 (A) being available to the supervisee for consultation by personal face-to-face
137 contact, or by direct voice contact by telephone, video conference, or other
138 means within a reasonable time frame;

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

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

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

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

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

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

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

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

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

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

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

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

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

167 (b) "Direct client care" includes:

168 (i) the practice of mental health therapy;

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

170 (iii) direct observation.

171 (8)(a) "Direct clinical supervision" means an applicant for licensure and the applicant's
172 direct clinical supervisor meeting in real time and in accordance with the applicant
173 for licensure's supervision contract as defined by division rule.

174 (b) "Direct clinical supervision" includes group supervision.

175 (9) "Direct clinical supervisor" means the clinical supervisor who has signed the
176 supervision contract with the applicant for licensure.

177 (10) "Direct observation" means observation of an applicant for licensure's live or recorded
178 direct client care:

179 (a)(i) by the applicant for licensure's clinical supervisor; or

180 (ii) by a licensee under Subsection (4)(a) who the applicant for licensure's direct
181 clinical supervisor approves; and

182 (b) after which the applicant for licensure and the observer under Subsection (10)(a)
183 meet, in-person or electronically, to discuss the direct client care for the purpose of
184 developing the applicant for licensure's clinical knowledge and skill.

185 (11) "FBI Rap Back System" means the same as that term is defined in Section 53-10-108.

186 (12) "Group supervision" means an applicant for licensure meeting with the applicant's
187 direct clinical supervisor and at least one of the direct clinical supervisor's other
188 supervised applicants for licensure:

189 (a) while the clinical supervisor and the applicants:

190 (i) can see and openly communicate with each other; and

191 (ii) are present in the same room or via electronic video; and

192 (b) for the purpose of developing the applicants' clinical knowledge and skill.

193 (13) "Hypnosis" means, when referring to individuals exempted from licensure under this
194 chapter, a process by which an individual induces or assists another individual into a
195 hypnotic state without the use of drugs or other substances and for the purpose of
196 increasing motivation or to assist the individual to alter lifestyles or habits.

197 (14) "Individual" means a natural person.

198 (15) "Mental health therapist" means an individual who is practicing within the scope of

199 practice defined in the individual's respective licensing act and is licensed under this title
200 as:

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

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

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

- 225 (a) conducting a professional evaluation of an individual's condition of mental health,
226 mental illness, or emotional disorder consistent with standards generally recognized
227 in the professions of mental health therapy listed under Subsection (15);
- 228 (b) establishing a diagnosis in accordance with established written standards generally
229 recognized in the professions of mental health therapy listed under Subsection (15);
- 230 (c) conveying an opinion as to the validity of an individual's established diagnosis;
- 231 (d) prescribing a plan for the prevention or treatment of a condition of mental illness or
232 emotional disorder; and

233 (e) engaging in the conduct of professional intervention, including:

234 (i) psychotherapy by the application of established methods and procedures generally

235 recognized in the professions of mental health therapy listed under Subsection (15);

236 and

237 (ii) modes of treatment designed to treat interpersonal dysfunction; and

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

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

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

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

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

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

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

245 be further defined by division rule.

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

247 **58-61-102 . Definitions.**

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

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

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

251 a psychologist acting in his professional capacity.

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

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

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

255 relationship; or

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

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

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

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

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

261 those individuals:

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

263 examination, or interview;

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

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

266 direction of the psychologist.

267 (4) "Hypnosis" means, regarding individuals exempted from licensure under this chapter, a
268 process by which one individual induces or assists another individual into a hypnotic
269 state without the use of drugs or other substances and for the purpose of increasing
270 motivation or to assist the individual to alter lifestyles or habits.

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

272 (6) "Mental health therapist" means an individual licensed under this title as a:
273 (a) physician and surgeon, or osteopathic physician engaged in the practice of mental
274 health therapy;
275 (b) an advanced practice registered nurse, specializing in psychiatric mental health
276 nursing;
277 (c) an advanced practice registered nurse intern, specializing in psychiatric mental health
278 nursing;
279 (d) psychologist qualified to engage in the practice of mental health therapy;
280 (e) a certified psychology resident qualifying to engage in the practice of mental health
281 therapy;
282 (f) clinical social worker;
283 (g) certified social worker;
284 (h) marriage and family therapist;
285 (i) an associate marriage and family therapist;
286 (j) a clinical mental health counselor; or
287 (k) an associate clinical mental health counselor.

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

291 (8) "Practice of mental health therapy" means the treatment or prevention of mental illness,
292 whether in person or remotely, including:
293 (a) conducting a professional evaluation of an individual's condition of mental health,
294 mental illness, or emotional disorder;
295 (b) establishing a diagnosis in accordance with established written standards generally
296 recognized in the professions of mental health therapy listed under Subsection (6);
297 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or
298 emotional disorder; and
299 (d) engaging in the conduct of professional intervention, including psychotherapy by the
300 application of established methods and procedures generally recognized in the

professions of mental health therapy listed under Subsection (6).

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

- (i) the practice of mental health therapy by means of observation, description, evaluation, interpretation, intervention, and treatment to effect modification of human behavior by the application of generally recognized professional 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;
- (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.

335

This bill takes effect on May 6, 2026.