Jen Plumb proposes the following substitute bill:

Dyslexia Testing Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor: Ariel Defay

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

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

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

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

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

(1) As used in this section:

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

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

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

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

(A) accurate or fluent word recognition; and

(B) poor spelling and decoding abilities; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) administer diagnostic assessments to the student;

(ii) using data from the diagnostic assessment, provide specific, focused, and individualized intervention or tutoring to develop the reading skill;

(iii) administer formative assessments and progress monitoring at recommended levels for the benchmark assessment to measure the success of the focused intervention;

(iv) inform the student's parent of activities that the parent may engage in with the student to assist the student in improving reading proficiency;

(v) provide information to the parent regarding appropriate interventions available to the student outside of the regular school day that may include tutoring, before and after school programs, or summer school; and

(vi) provide instructional materials that are evidence-informed for core instruction and evidence-based for intervention and supplemental instruction.

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

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

(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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) "Direct client care" includes:

(i) the practice of mental health therapy;

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

(iii) direct observation.

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

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

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

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

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

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

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

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

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

(a) while the clinical supervisor and the applicants:

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

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

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

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

(14) "Individual" means a natural person.

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

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

(a) a physician and surgeon, or osteopathic physician engaged in the practice of mental health therapy;

(b) an advanced practice registered nurse, specializing in psychiatric mental health nursing;

(c) an advanced practice registered nurse intern, specializing in psychiatric mental health nursing;

(d) a psychologist qualified to engage in the practice of mental health therapy;

(e) a certified psychology resident qualifying to engage in the practice of mental health therapy;

(f) a physician assistant specializing in mental health care under Section 58-70a-501.1;

(g) a clinical social worker;

(h) a certified social worker;

(i) a marriage and family therapist;

(j) an associate marriage and family therapist;

(k) a clinical mental health counselor;

(l) an associate clinical mental health counselor;

(m) a master addiction counselor; or

(n) an associate master addiction counselor.

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

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

(a) conducting a professional evaluation of an individual's condition of mental health, mental illness, or emotional disorder consistent with standards generally recognized in the professions of mental health therapy listed under Subsection (15);

(b) establishing a diagnosis in accordance with established written standards generally recognized in the professions of mental health therapy listed under Subsection (15);

(c) conveying an opinion as to the validity of an individual's established diagnosis;

(d) prescribing a plan for the prevention or treatment of a condition of mental illness or emotional disorder; and

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

(i) psychotherapy by the application of established methods and procedures generally recognized in the professions of mental health therapy listed under Subsection (15); and

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

(f) holding oneself out as providing, or has having the skills, experience, or training to competently provide, any of the services described in Subsections (17)(a) through (e).

(18) "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.

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

(20) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-60-110, and may be further defined by division rule.

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

58-61-102 . Definitions.

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

(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 a psychologist acting in his professional capacity.

(3) "Confidential communication" means information, including information obtained by the psychologist's examination of the client or patient, which is:

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

(ii) transmitted among the client or patient, the psychologist, and individuals who are participating in the diagnosis or treatment under the direction of the psychologist, including members of the client's or patient's family; and

(b) made in confidence, for the diagnosis or treatment of the client or patient by the psychologist, and by a means not intended to be disclosed to third persons other than those individuals:

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

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

(iii) participating in the diagnosis and treatment of the client or patient under the direction of the psychologist.

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

(5) "Individual" means a natural person.

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

(a) physician and surgeon, or osteopathic physician engaged in the practice of mental health therapy;

(b) an advanced practice registered nurse, specializing in psychiatric mental health nursing;

(c) an advanced practice registered nurse intern, specializing in psychiatric mental health nursing;

(d) psychologist qualified to engage in the practice of mental health therapy;

(e) a certified psychology resident qualifying to engage in the practice of mental health therapy;

(f) clinical social worker;

(g) certified social worker;

(h) marriage and family therapist;

(i) an associate marriage and family therapist;

(j) a clinical mental health counselor; or

(k) an associate clinical mental health counselor.

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

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

(a) conducting a professional evaluation of an individual's condition of mental health, mental illness, or emotional disorder;

(b) establishing a diagnosis in accordance with established written standards generally recognized in the professions of mental health therapy listed under Subsection (6);

(c) prescribing a plan for the prevention or treatment of a condition of mental illness or emotional disorder; and

(d) engaging in the conduct of professional intervention, including psychotherapy by the 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; 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.