

Legislating Literacy at the State Level

Six Considerations for Supporting
Students With Disabilities

Elizabeth Zagata // 2025



This brief explores the need for integrated and intentional planning for literacy policies that effectively support students with disabilities. Specifically, the brief

- summarizes recent literacy legislation related to both general education and special education systems,
- provides six considerations for states to be mindful of when implementing literacy laws that support students with disabilities, and
- shares a list of resources for states to use in developing and implementing literacy policies.

Literacy is arguably the most crucial aspect of a student's education. Being able to read, write, and understand information is integral to success in school, the workplace, and life. Students with disabilities represent a significant portion of the school population, and present data show persistent literacy disparities between students with and without disabilities. Students with disabilities who struggle with literacy face compounded barriers to full participation in society, but with proper support and evidence-based approaches, they can achieve meaningful literacy gains.

While states currently have a range of literacy policies, there is a need to improve and align these policies in ways that benefit all students, including students with disabilities.

Overview of Literacy Legislation Since 2010

The United States has a history of addressing literacy through policy, most notably through the National Reading Panel of 2000 followed by the federal Reading First initiative (U.S. Department of Education, Office of Elementary and Secondary Education, 2002). In the last 15 years, a wave of literacy legislation has been passed at the state level focused on two main areas:

- **reading laws**, which primarily address general education systems, and
- **dyslexia laws**, which primarily address special education systems (see Table 1 for an overview of these laws).

Table 1. Overview of the Intent and Possible Outcomes of Literacy Legislation

	Dyslexia laws	Reading laws
Primary domain	Special education	General education, often at the elementary level
Intent	<div>Raise awareness of dyslexia as a specific learning disability</div> <div>Support better identification and intervention</div> <div>Improve teacher knowledge</div>	Improve general education reading instruction, particularly through evidence-based practices in five areas: phonemic awareness, phonics, vocabulary, comprehension, fluency
Possible outcomes	<div>Increased number of students identified for special education</div> <div>Greater use of specialized reading interventions</div>	<div>Implementation of new curricular materials</div> <div>Changes to preservice and in-service teacher training</div>

Initially, most of the laws were focused on dyslexia, a specific learning disability characterized by difficulty with word-level reading and spelling. Dyslexia is currently a pressing concern in the education field. For instance, it was the focus of the first question asked of Linda McMahon during her nomination hearing for Secretary of Education (The U.S. Senate Committee on Health, Education, Labor & Pensions, 2025). Dyslexia was also a focal area in both a recent investigation of a decade’s worth of special education dispute resolution cases in Massachusetts (McLaren, 2024) and a class action lawsuit filed over reading curricula (Peak, 2024). More recently, states have passed laws focused on improving reading instruction for all students—these are referred to as “Science of Reading” laws.

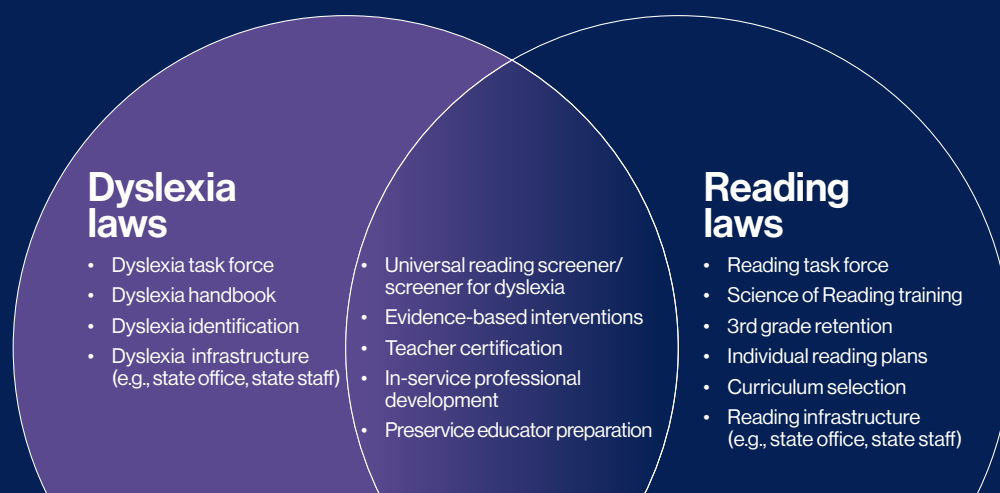
According to the National Center on Improving Literacy, nearly all states and the District of Columbia have enacted dyslexia legislation, and according to Education Week’s reading law tracker, 39 states currently have other reading legislation, with 70 percent of those laws passed since 2021 (Schwartz, 2024). Further, in 2023 and 2024, there were 101 reading bills introduced in 41 states (National Conference of State Legislatures, n.d.).

These two categories of laws are seemingly distinct in that reading laws primarily address general education systems and dyslexia laws primarily address special education systems. However, both types of policies often address systems such as preservice teacher training and certification, in-service teacher professional development, assessment (i.e., screening), and instruction/intervention (see Figure 1). In addition, a recent analysis of state-level reading laws found that 87 percent of the states that enacted reading legislation between 2019 and 2022 addressed students with dyslexia in those policies (Neuman et al., 2023).

Implications of Literacy Laws for Students With Disabilities

States must pay careful attention to the implications that literacy laws have for students with disabilities. The impact these policies have on special education systems should not just be ad hoc considerations. Rather, policy-makers and state education leaders should proactively plan for supporting the success of students with disabilities when developing and implementing literacy laws.

Figure 1. Overlap Between Typical Components of Dyslexia Laws and Reading Laws



For example, a recent evaluation of Colorado's READ Act described poor outcomes for struggling readers, particularly those with individualized education programs (IEPs), even with added supports provided by the law (Grogan et al., 2023). The evaluation also found that districts were unclear on how to integrate student intervention plans generated by the READ Act with other existing student plans, such as IEPs or those for students learning English. Policymakers and state education leaders must assess and align their literacy policies to ensure that students with disabilities receive proper support within both general and special education systems.

By intentionally planning for the unique needs of students with disabilities—through coordinated resources, thoughtful policy design, and consistent evaluation—states can improve literacy outcomes and close achievement gaps. State departments, policymakers, and educators need to collaborate to strategically implement literacy policies that create inclusive, evidence-based environments that serve all learners.

Implementing Effective Literacy Legislation for All Students: Considerations for States

Below are six considerations regarding students with disabilities for states to be mindful of when developing and/or implementing literacy laws to ensure those policies address the needs of all students.

1. Make Sure That New Resources and Requirements to Address Dyslexia Laws and Reading Laws Are Aligned

Through policy, many states have created new systems, resources, and requirements for coordinating and providing services for students with or at risk for reading difficulty. These include new state offices, new state handbooks, professional development, and student screening requirements. States should ensure that these systems and supports function coherently to serve all students, including those with or at risk for disabilities.

For example, Connecticut's 2021 dyslexia law (CT HB06517: An Act Implementing the Recommendations of the Task Force to Analyze the Implementation of Laws Governing Dyslexia Instruction and Training) created a state-level Office of Dyslexia and Reading Disabilities, and the state's 2021 reading law (the "Right to Read" legislation) created a state-level Center for Literacy Research and Reading Success. In instances like this where the work of two offices overlap, it is important for staff from both offices to be in collaboration to support consistent messaging to schools and families.

2. Consider How Dyslexia Laws and Reading Laws May Affect Existing State Work

In addition to impacting special education departments and general education literacy departments, literacy legislation often impacts

other state departments and staff. For example, many state reading laws require the collection and reporting of schoolwide screening data, and thus state data teams will likely be involved. Further, screening requirements in certain dyslexia laws could potentially increase the number of students identified for special education, which may have implications for state fiscal teams due to corresponding increased costs. State offices focused on whole school improvement will also need to be mindful of literacy legislation requirements, particularly as they relate to the use of tiered intervention systems. Finally, requirements connected to literacy legislation may also intersect with federal programs such as literacy-related State-Identified Measurable Result for Children with Disabilities grants and Comprehensive Literacy State Development grants. As much as possible, states should ensure that all literacy laws align with their stated purpose and procedures. This alignment requires coordinated planning across multiple departments and funding streams to maximize effectiveness and avoid duplicative or conflicting requirements.

3. Ensure That 3rd Grade Retention Policies Consider Students With Disabilities

Retention policies for 3rd grade typically mandate that students who have not reached a benchmark level of reading achievement need to be retained. Some states are considering, or are already implementing, retention policies as part of their broader literacy improvement laws. The research on the success of such policies is mixed (Berne et al., 2025; Olson, 2023). However, it is clear that any such policy must take into consideration whether and how it will apply to students with disabilities and students in the special education referral process.

When planning 3rd grade retention policies, states should include provisions for students receiving special education services in order to eliminate confusion when these policies are implemented. For example, some states unilaterally exclude students with IEPs from 3rd grade retention requirements, while other states allow alternate measures of reading performance (National Center for Learning Disabilities & Learning Disabilities Association of America, 2013).

4. Support Consistent Teacher Preparation Requirements Related to Reading for General and Special Education Teachers

The so-called Reading Wars have been particularly prominent in teacher preparation programs in institutions of higher education (IHEs). Preservice teachers often receive different training for reading instruction depending on whether the course is based in a special education program or a general education (e.g., curriculum and instruction) program. Teachers also often need to readjust their literacy instruction practices based on the programs and philosophies adopted by the schools. These swings in literacy training and practice can hinder teachers' ability to develop deep literacy instruction expertise and possibly hamper teacher retention.

Accordingly, states should support IHEs in training teachers in the science of learning (i.e., the evidence-based practices from research literature on how students learn) regardless of whether the program is for general education or special education certification.

By training teachers in the science of learning, teacher preparation programs can help teachers transcend competing reading pedagogies and be effective instructors regardless of which type of adopted curriculum (general education) or specially designed instruction (special education) they are asked to implement.

5. Streamline Screening Processes to Address Risk for Dyslexia and Broader Reading Difficulties

As seen in Figure 1, screening is a common requirement of both reading and dyslexia laws. To minimize testing burdens for students and teachers and maximize data-based decision-making, states should choose evidence-based and validated screeners that are easy to administer and that assess both reading difficulty and dyslexia. At the local level, schools may need support in understanding how to interpret and use screening data, particularly in identification of students for tiered interventions and possibly for special education referrals. At the state level, screening data can be used to identify progress toward state goals. State leaders can use those data to elevate successful practices and provide additional support where needed.

6. Incorporate Evaluation Into Literacy Policies to Track How Well They Are Working

The goal of all literacy legislation is to improve reading and writing outcomes for all students, including those with disabilities. But how will policymakers know that these policies are working? And, specifically, how will they know they are working for subgroups of students, including those with disabilities? To that end, evaluation should be an essential consideration when drafting policies and related guidance.

By being proactive about which metrics will be used to determine success in literacy, state leaders and educators can have a consistent understanding of how progress will be defined and measured, thus increasing the likelihood of positive outcomes. And when outcomes are showing enough improvement, policy and resource adjustments can and should be made.

Resources

Because the laws in the recent wave of literacy legislation are still relatively new, the research base studying them is limited.

For dyslexia laws, one study found limited changes on rates of identification for a specific learning disability (Phillips & Odegard, 2017). Research has also found that some students of color were less likely to be identified as dyslexic (Odegard et al., 2020), and state dyslexia guidance often neglected to provide information identifying and supporting Multilingual Learners with dyslexia (Brown-Chidsey et al., 2024).

For reading laws, a 2023 study found some evidence of improved reading achievement on high-stakes assessments for states that adopted early literacy policies (Westall & Cummings). The study also found that states that adopted these reading policies showed a reduction in socioeconomic and racial achievement gaps in reading.

As the research base on literacy legislation develops, several organizations have stepped up to provide resources for policymakers and state education leaders looking to consider what other states are doing in this space and to better understand evidence-based literacy practices.

Center for Standards, Assessment, and Accountability

WestEd's Center for Standards, Assessment, and Accountability provides state and local education leaders with tools to support high-quality teaching and learning. Specifically, the Center's [State of the States interactive map](#) shows an overview of state practices related to standards adoption and assessment systems, including prekindergarten and kindergarten assessments, high school graduation, and postsecondary readiness. The maps also show which English language arts standards each state has adopted, allowing policymakers and others to compare approaches to reading instruction requirements across states.

National Center on Improving Literacy

The [National Center on Improving Literacy](#) (NCIL), funded by the Office of Special Education Programs within the U.S. Department of Education, provides a range of resources for state agencies, schools, and families on reading instruction and assessment, especially for students with disabilities. NCIL's information on literacy screening tools and multi-tiered systems of support implementation may be of particular interest to states. The [State of Dyslexia website](#) contains detailed data on individual states' dyslexia and reading laws.

Council of Chief State School Officers

The [Council of Chief State School Officers](#) has created several resources supporting state literacy efforts, including the recent [Science of Reading Legislation and Implementation State Scan](#), which enables a state-by-state comparison of detailed reading policy components.

The Reading League

The Reading League is a national organization founded to “advance the awareness, understanding, and use of evidence-aligned reading instruction.” The [Reading League Compass](#) has a section of resources for policymakers and state education agencies that includes an interactive state map and specific recommendations for policies and related guidance.

Closing Thoughts

Recent literacy legislation presents both opportunities and challenges for states seeking to improve reading outcomes, while also ensuring equitable access for students with disabilities. Considering that the mandated components of reading and dyslexia laws often require substantial resources to implement, lawmakers and state officials should provide appropriate fiscal

support so that schools can have the materials they need to support students. Indeed, successful implementation requires careful alignment of dyslexia and reading laws with existing programs, thoughtful consideration of retention policies, unified teacher preparation standards, and streamlined screening processes that serve all learners effectively.

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