

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 801 Session of 2023

INTRODUCED BY AUMENT, A. WILLIAMS, PENNYCUICK, BARTOLOTTA, COSTA, SCHWANK, HAYWOOD, BREWSTER, LAUGHLIN, MILLER AND VOGEL, JUNE 15, 2023

SENATOR ARGALL, EDUCATION, AS AMENDED, FEBRUARY 7, 2024

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," IN CERTIFICATION OF TEACHERS, FURTHER <--
6 PROVIDING FOR TEACHER SUPPORT IN THE STRUCTURED LITERACY
7 PROGRAM; AND providing for evidence-based reading
8 instruction.

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known <--
10 as the Public School Code of 1949, is amended by adding an
11 article to read:

12 SECTION 1. SECTION 1205.8(A), (B), (C) AND (G) OF THE ACT OF <--
13 MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE
14 OF 1949, ADDED JULY 8, 2022 (P.L.620, NO.55), ARE AMENDED TO
15 READ:

16 SECTION 1205.8. [TEACHER] EDUCATOR SUPPORT IN THE STRUCTURED
17 LITERACY PROGRAM.--(A) (1) IT IS THE INTENT OF THE GENERAL
18 ASSEMBLY THAT [TEACHERS] EDUCATORS BE EQUIPPED TO FACILITATE
19 HIGH-QUALITY READING INSTRUCTION GROUNDED IN STRUCTURED LITERACY
20 AND INTERVENTION SERVICES TO ADDRESS STUDENT READING NEEDS.

1 (2) THE PROGRAM PROVIDED IN THIS SECTION WILL ASSIST
2 [PARTICIPATING] SCHOOL ENTITIES IN PROVIDING PROFESSIONAL
3 DEVELOPMENT FOR [TEACHERS] EDUCATORS IN FOUNDATIONAL SKILLS AND
4 INSTRUCTIONAL INTERVENTIONS BASED ON STRUCTURED LITERACY AND
5 PROVIDING OPPORTUNITIES FOR SCHOOL PERSONNEL TO SERVE AS READING
6 COACHES TO SUPPORT [TEACHERS] EDUCATORS IN DELIVERING HIGH-
7 QUALITY READING INSTRUCTION.

8 (B) (1) BEGINNING WITH THE 2022-2023 SCHOOL YEAR, THE
9 DEPARTMENT SHALL ESTABLISH A PROGRAM OF PROFESSIONAL DEVELOPMENT
10 AND APPLIED PRACTICE IN STRUCTURED LITERACY FOR SCHOOL PERSONNEL
11 THAT INCLUDES IN-CLASS DEMONSTRATION, MODELING AND COACHING
12 SUPPORT TO IMPROVE READING AND LITERACY OUTCOMES.

13 (2) SCHOOL PERSONNEL SELECTED BY THE [PARTICIPATING] SCHOOL
14 ENTITY TO SERVE AS PROFESSIONAL COACHES FOR THIS PROGRAM MUST
15 HAVE AT LEAST FIVE YEARS OF EXPERIENCE IN TEACHING OF READING
16 AND BE ABLE TO DEMONSTRATE THEIR SKILLS IN THE INSTRUCTION OF
17 AND INTERVENTION WITH STUDENTS, INCLUDING THOSE WITH DYSLEXIA
18 AND OTHER LANGUAGE-RELATED DISABILITIES.

19 (3) THE DEPARTMENT MAY CONTRACT WITH MULTIPLE SERVICE
20 PROVIDERS, INCLUDING SCHOOL ENTITIES AND INSTITUTIONS OF HIGHER
21 EDUCATION WITH DEMONSTRATED EXPERIENCE IN STRUCTURED LITERACY,
22 TO DEVELOP AND IMPLEMENT THE PROGRAM SO THAT EXPERIENCED SUPPORT
23 IS AVAILABLE LOCALLY.

24 (4) A SERVICE PROVIDER, INCLUDING A SCHOOL ENTITY OR
25 APPROVED EDUCATOR PREPARATION PROGRAM THAT DEMONSTRATES
26 SUCCESSFUL IMPLEMENTATION OF LITERACY OUTCOMES, IS ELIGIBLE TO
27 PROVIDE PROFESSIONAL DEVELOPMENT AND ONSITE DEMONSTRATION AND
28 COACHING SUPPORT IN THE PROGRAM.

29 (5) A [PARTICIPATING] SCHOOL ENTITY SHALL ADOPT HIGH-QUALITY
30 INSTRUCTIONAL MATERIALS GROUNDED IN [SCIENTIFIC-BASED READING

1 RESEARCH] EVIDENCE-BASED READING INSTRUCTION IN ACCORDANCE WITH
2 THE STATE ACADEMIC STANDARDS APPROVED BY THE STATE BOARD OF
3 EDUCATION.

4 (C) (1) THE CONTINUING PROFESSIONAL EDUCATION PLAN OF EACH
5 SCHOOL ENTITY SHALL SATISFY THE CONTINUING EDUCATION
6 REQUIREMENTS OF 22 PA. CODE § 49.17 (RELATING TO CONTINUING
7 PROFESSIONAL EDUCATION), INCLUDING TRAINING IN STRUCTURED
8 LITERACY FOR PROFESSIONAL EMPLOYEES WHO HOLD INSTRUCTIONAL
9 CERTIFICATES IN EARLY CHILDHOOD, ELEMENTARY-MIDDLE LEVEL,
10 SPECIAL EDUCATION-PK-12, ENGLISH AS A SECOND LANGUAGE AND
11 READING SPECIALIST. TO ENSURE THAT SCHOOL PERSONNEL HAVE THE
12 KNOWLEDGE AND SKILL TO TEACH ALL STUDENTS TO READ, INCLUDING
13 STUDENTS WITH DYSLEXIA AND OTHER LANGUAGE-BASED LEARNING
14 DISABILITIES, TRAINING SHALL ADDRESS, BUT SHALL NOT BE LIMITED
15 TO:

16 (I) EVIDENCE-BASED INTERVENTION PRACTICES ON STRUCTURED
17 LITERACY.

18 (II) EXPLICIT AND SYSTEMATIC INSTRUCTION IN PHONOLOGICAL AND
19 PHONEMIC AWARENESS.

20 (III) THE ALPHABETIC PRINCIPLE, DECODING AND ENCODING,
21 FLUENCY AND VOCABULARY.

22 (IV) READING COMPREHENSION AND BUILDING CONTENT KNOWLEDGE.

23 (2) SCHOOL EMPLOYEES REQUIRED TO UNDERGO CONTINUING
24 PROFESSIONAL EDUCATION UNDER SECTION 1205.1, 1205.2 OR 1205.5
25 SHALL RECEIVE CREDIT TOWARD THE SCHOOL EMPLOYEE'S CONTINUING
26 PROFESSIONAL EDUCATION REQUIREMENTS [IF THE TRAINING PROGRAM HAS
27 BEEN APPROVED BY THE DEPARTMENT].

28 * * *

29 (G) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES
30 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS

1 THE CONTEXT CLEARLY INDICATES OTHERWISE:

2 "APPROVED EDUCATOR PREPARATION PROGRAM." A SEQUENCE OF
3 COURSES AND EXPERIENCES OFFERED BY A PREPARING INSTITUTION OR
4 ALTERNATIVE PROVIDER THAT IS REVIEWED AND APPROVED BY THE
5 DEPARTMENT.

6 "CHIEF SCHOOL ADMINISTRATOR." THE SUPERINTENDENT OF A SCHOOL
7 DISTRICT, EXECUTIVE DIRECTOR OF AN INTERMEDIATE UNIT,
8 ADMINISTRATIVE DIRECTOR OF AN AREA CAREER AND TECHNICAL SCHOOL
9 OR CHIEF EXECUTIVE OFFICER OF A CHARTER SCHOOL, CYBER CHARTER
10 SCHOOL OR REGIONAL CHARTER SCHOOL.

11 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
12 COMMONWEALTH.

13 "EDUCATOR." AS DEFINED IN SECTION 1501-N.

14 "EVIDENCE-BASED READING INSTRUCTION." AS DEFINED IN SECTION
15 1501-N.

16 ["PARTICIPATING SCHOOL ENTITY." A SCHOOL ENTITY THAT ELECTS
17 TO TAKE PART IN THE STRUCTURED LITERACY PROGRAM.]

18 "SCHOOL ENTITY." A SCHOOL DISTRICT, INTERMEDIATE UNIT, AREA
19 CAREER AND TECHNICAL SCHOOL, CHARTER SCHOOL, CYBER CHARTER
20 SCHOOL OR REGIONAL CHARTER SCHOOL.

21 "STRUCTURED LITERACY." SYSTEMIC, EXPLICIT INSTRUCTION THAT:

22 (1) PROVIDES A STRONG CORE OF FOUNDATIONAL SKILLS IN THE
23 LANGUAGE SYSTEMS OF ENGLISH;

24 (2) INTEGRATES LISTENING, SPEAKING, READING, SPELLING AND
25 WRITING; AND

26 (3) EMPHASIZES THE STRUCTURE OF LANGUAGE ACROSS THE SPEECH
27 SOUND SYSTEM, THE WRITING SYSTEM, THE STRUCTURE OF SENTENCES,
28 THE MEANINGFUL PARTS OF WORDS, THE RELATIONSHIP AMONG WORDS AND
29 THE ORGANIZATION OF SPOKEN AND WRITTEN DISCOURSE.

30 SECTION 2. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

1 ARTICLE XV-N

2 EVIDENCE-BASED READING INSTRUCTION

3 Section 1501-N. Definitions.

4 The following words and phrases when used in this article
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Contractual school day." The length of an educator's
8 scheduled work day.

9 "CORE CURRICULUM." THE CURRICULUM FOR ENGLISH LANGUAGE ARTS <--
10 THAT IS ADOPTED FOR TIER 1 INSTRUCTION TO ALL STUDENTS.

11 "COUNCIL." THE READING LEADERSHIP COUNCIL REQUIRED TO BE
12 ESTABLISHED BY THE DEPARTMENT UNDER SECTION 1502-N(A) (5).

13 "Criterion-referenced tool." An assessment tool that
14 measures a student's knowledge or skills against a predetermined
15 standard, learning goal, performance level or other specific
16 criterion, including grade-level expectations based on national
17 standards from data from a universal screening system.

18 "Curriculum-based tool." An assessment tool that measures a
19 student's progress through the curriculum and whether that
20 process is adequate.

21 "EDUCATOR." AN INDIVIDUAL WHO HAS COMPLETED APPROVED <--
22 PROFESSIONAL DEVELOPMENT UNDER SECTION 1205.8 AND IS RESPONSIBLE
23 FOR PROVIDING OR SUPERVISING READING INSTRUCTION, INTERVENTION
24 OR COACHING, INCLUDING AN ELEMENTARY TEACHER, SCHOOL READING
25 SPECIALIST, READING INTERVENTIONIST, SPECIAL EDUCATION TEACHER,
26 LITERACY COACH, PRINCIPAL OR CHIEF SCHOOL ADMINISTRATOR.

27 "Evidence-based reading instruction." A program of
28 STRUCTURED literacy instruction, for students in kindergarten <--
29 through grade three, that is aligned with the science of
30 reading, including explicit and systematic instruction in

1 phonemic awareness, the alphabetic principle, decoding,
2 ENCODING, fluency, vocabulary, comprehension and building <--
3 content knowledge. THE INSTRUCTION MAY NOT INCLUDE STRATEGIES <--
4 FOR TEACHING STUDENTS TO READ BASED ON MEANING, STRUCTURE AND
5 SYNTAX AND VISUAL CUES, WHICH MAY ALSO BE KNOWN AS MSV.

6 "Literacy intervention approaches." Evidence-based, skills-
7 based specialized reading, writing and spelling instruction that
8 is systematic and explicit and intensified based on the needs of
9 the student.

10 "Norm-referenced tool." An assessment tool that measures a
11 student's knowledge or skills to the knowledge or skills of the
12 national norm group.

13 "Parent." An individual who has legal custody or
14 guardianship of a student.

15 "School entity." A school district, intermediate unit, area
16 career and technical school, charter school, cyber charter
17 school or regional charter school.

18 "Science of reading." Evidence-based instructional and
19 assessment practices that address the multimodal approach that
20 integrates listening, speaking, reading, spelling and writing in
21 the acquisition of oral and written language skills that can be
22 differentiated to meet the needs of individual students.

23 "STRUCTURED LITERACY." THE TERM SHALL HAVE THE SAME MEANING <--
24 AS PROVIDED IN SECTION 1205.8.

25 "Universal reading screener." An assessment tool that meets
26 all of the following:

27 (1) Is used as part of a ~~multitiered system of support~~ <--
28 SYSTEM, FOR EXAMPLE, A MULTITIERED SYSTEM OF SUPPORT, to do <--
29 all of the following:

30 (i) Determine:

1 (A) if a student is at risk for developing
2 reading difficulties; and

3 (B) the need for intervention.

4 (ii) Evaluate the effectiveness of core curriculum
5 as an outcome measure.

6 (2) Does all of the following:

7 (i) Measures phonemic awareness, the alphabetic <--
8 principle, decoding, fluency, vocabulary, comprehension

9 and building content knowledge. UNDERSTANDING OF THE <--
10 ALPHABETIC PRINCIPLE, DECODING AND ENCODING SKILLS,
11 FLUENCY, VOCABULARY AND COMPREHENSION.

12 (ii) Identifies students who have a potential
13 reading deficiency, including identifying students with
14 characteristics of dyslexia.

15 (iii) Measures ~~students~~ STUDENTS' READING KNOWLEDGE <--
16 AND SKILLS against national norms.

17 Section 1502-N. Evidence-based reading instruction curriculum.

18 (a) Department duties.--

19 (1) The department shall ~~provide a process through which~~ <--
20 ~~a vendor may submit an application for department approval of~~

21 ~~an evidence based reading instruction curriculum which meets~~
22 ~~the requirements under paragraph (2). DEVELOP A PROCESS FOR A~~ <--

23 VENDOR TO SUBMIT AN EVIDENCED-BASED READING INSTRUCTION
24 CURRICULUM FOR REVIEW BY THE DEPARTMENT, IN CONSULTATION WITH

25 THE COUNCIL, FOR INCLUSION ON THE LIST DEVELOPED AND
26 MAINTAINED UNDER PARAGRAPH (2).

27 (2) ~~The~~ BY DECEMBER 1, 2024, THE department shall <--
28 develop and maintain a list of ~~department approved, evidence-~~ <--

29 based reading instruction curricula for use in school
30 entities. A curriculum on this list must meet all of the

1 following requirements:

2 ~~(i) Include a logical scope and sequence that is~~ <--
3 ~~sequential, systematic and cumulative.~~

4 ~~(ii) Include or support the use of high quality~~
5 ~~instructional materials as outlined by EdReports or a~~
6 ~~similar service.~~

7 (I) BE ALIGNED WITH THE COMMONWEALTH'S ACADEMIC <--
8 STANDARDS AND THE SCIENCE OF READING.

9 (II) INCLUDE A LOGICAL SCOPE AND SEQUENCE FOR
10 IMPLEMENTING CURRICULUM THAT IS SYSTEMATIC AND
11 CUMULATIVE.

12 (3) The department shall maintain all of the following
13 on the department's publicly accessible Internet website:

14 (i) The current list of curricula under paragraph
15 (2).

16 ~~(ii) The criteria and rubric used to identify high~~ <--
17 ~~quality curriculum under paragraph (2).~~

18 ~~(4) The department shall provide a process through which~~
19 ~~a school entity can submit an application for department~~
20 ~~approval of an alternative curriculum that meets the~~
21 ~~requirements under paragraph (2).~~ <-- THE CRITERIA AND RUBRICS
22 USED TO IDENTIFY HIGH-QUALITY CURRICULUM UNDER PARAGRAPH (2)
23 AND TO APPROVE UNIVERSAL READING SCREENERS UNDER SECTION
24 1503-N(D) (1). THE CRITERIA AND RUBRICS MUST BE DEVELOPED IN
25 CONSULTATION WITH THE COUNCIL.

26 (4) THE DEPARTMENT SHALL PROVIDE A PROCESS THROUGH WHICH
27 A SCHOOL ENTITY CAN SUBMIT AN APPLICATION FOR ADDITIONAL
28 CURRICULUM THAT MEETS THE REQUIREMENTS UNDER PARAGRAPH (2)
29 FOR INCLUSION ON THE LIST DEVELOPED AND MAINTAINED BY THE
30 DEPARTMENT UNDER PARAGRAPH (2).

1 (5) The department shall add curricula approved under <--
2 paragraph (4) to the list under paragraph (2). ESTABLISH A <--
3 READING LEADERSHIP COUNCIL THAT SHALL ADVISE THE DEPARTMENT
4 ON THE DEVELOPMENT AND MAINTENANCE OF THE LIST OF READING
5 INSTRUCTION CURRICULA REQUIRED UNDER PARAGRAPH (2), THE LIST
6 OF UNIVERSAL READING SCREENERS AND THE LIST OF STRUCTURED
7 LITERACY INTERVENTION APPROACHES REQUIRED UNDER SECTION 1503-
8 N(D) (1). THE FOLLOWING SHALL APPLY:

9 (I) THE COUNCIL SHALL HAVE 20 MEMBERS APPOINTED BY
10 THE DEPARTMENT WHO HAVE EXPERTISE IN STRUCTURED LITERACY
11 AND SHALL INCLUDE PUBLIC SCHOOL ELEMENTARY SCHOOL STAFF,
12 INCLUDING THE FOLLOWING:

13 (A) PRIMARY CLASSROOM TEACHERS IN KINDERGARTEN
14 THROUGH THIRD GRADE.

15 (B) READING SPECIALISTS.

16 (C) LITERACY COACHES.

17 (D) ELEMENTARY SPECIAL EDUCATION TEACHERS.

18 (E) A LEARNING SUPPORT EMPLOYEE WITH EXPERIENCE
19 WORKING WITH SUBGROUPS AS DEFINED IN THE EVERY
20 STUDENT SUCCEEDS ACT (PUBLIC LAW 114-95, 129 STAT.
21 1802).

22 (II) MEMBERSHIP ON THE COUNCIL SHALL REFLECT
23 GEOGRAPHIC REPRESENTATION OF SCHOOL DISTRICTS, INCLUDING
24 DIVERSITY OF DISTRICT TYPES, INCLUDING RURAL, URBAN AND
25 SUBURBAN.

26 (III) THE COUNCIL SHALL MEET AT LEAST ONCE EVERY TWO
27 MONTHS AT DATES AND TIMES DETERMINED BY THE DEPARTMENT.

28 (IV) IN PERFORMING ITS WORK, THE COUNCIL MAY CONSULT
29 WITH OTHER PROFESSIONALS AND NONPROFIT ORGANIZATIONS WITH
30 EXPERTISE IN STRUCTURED LITERACY.

1 (6) THIS SUBSECTION SHALL EXPIRE FIVE YEARS FROM THE
2 EFFECTIVE DATE OF THIS PARAGRAPH.

3 ~~(b) School entity duties.--If a school entity serves~~ <--
4 ~~students in kindergarten, first, second or third grade, the~~
5 ~~school entity shall do all of the following before the beginning~~
6 ~~of the 2025-2026 school year:~~ A SCHOOL ENTITY SHALL DO ALL OF <--
7 THE FOLLOWING BEGINNING WITH THE 2025-2026 SCHOOL YEAR:

8 (1) Adopt an evidence-based reading instruction
9 curriculum from the list under subsection (a). <--

10 (2) Approve a professional ~~education~~ DEVELOPMENT program <--
11 as required under section 1205.8(c) for educators providing
12 reading instruction.

13 (3) Identify an ~~individual~~ EDUCATOR responsible for <--
14 assisting each school with the implementation of the
15 curriculum adopted under paragraph (1).

16 ~~(4) Demonstrate that each educator responsible for~~ <--
17 ~~reading instruction or coaching has completed approved~~
18 ~~professional development under paragraph (2), including each~~
19 ~~educator identified or certified as any of the following:~~

20 ~~(i) Elementary teacher.~~

21 ~~(ii) School reading specialist.~~

22 ~~(iii) Reading interventionist.~~

23 ~~(iv) Special education teacher of students with~~
24 ~~disabilities.~~

25 ~~(v) The individual identified under paragraph (3).~~

26 ~~(vi) Literacy coach.~~

27 ~~(vii) Building level principal and school~~
28 ~~administrator.~~

29 (4) DEMONSTRATE THAT EACH EDUCATOR RESPONSIBLE FOR <--
30 PROVIDING READING INSTRUCTION OR COACHING IS IN THE PROCESS

OF COMPLETING APPROVED PROFESSIONAL DEVELOPMENT UNDER
PARAGRAPH (2). AN EDUCATOR MUST COMPLETE APPROVED
PROFESSIONAL DEVELOPMENT UNDER PARAGRAPH (2) NO LATER THAN
THE BEGINNING OF THE 2027-2028 SCHOOL YEAR.

Section 1503-N. Reading screening.

(a) Duty.--Beginning July 1, 2024 2025, a school entity <--
shall screen each student enrolled in kindergarten through third
grade three times a year for reading competency using a <--
universal reading screener chosen from the list of approved
universal reading screeners under subsection (d). The first
screening shall be administered to students within the first 30
days of the school year. The second screening shall be
administered at the halfway point of the school year. The third
screening shall be administered within 30 days of the end of the
school year. FOR READING COMPETENCY THREE TIMES EACH SCHOOL <--
YEAR, ONCE AT THE BEGINNING OF THE SCHOOL YEAR, ONCE DURING THE
MIDDLE OF THE SCHOOL YEAR AND ONCE AT THE END OF THE SCHOOL
YEAR. IN CONDUCTING THE SCREENING, THE SCHOOL ENTITY SHALL USE A
UNIVERSAL READING SCREENER CHOSEN FROM THE LIST OF APPROVED
UNIVERSAL READING SCREENERS UNDER SUBSECTION (D).

(b) Time and coverage.--A school entity shall provide: <--

(1) Educators time during the contractual school day to
complete data entry and compilation associated with the
screener, to communicate with families and any other
responsibility required under this section.

(2) Substitute professional employee coverage for
instruction or student support when the educator is meeting
the responsibilities under this section. A SCHOOL ENTITY <--
SHALL PROVIDE EDUCATORS TIME DURING THE CONTRACTUAL SCHOOL
DAY TO COMPLETE DATA ENTRY AND COMPILATION ASSOCIATED WITH

1 THE SCREENER, TO COMMUNICATE WITH FAMILIES AND CARRY OUT ANY
2 OTHER RESPONSIBILITY REQUIRED UNDER THIS SECTION. NOTHING IN
3 THIS ARTICLE SHALL BE CONSTRUED TO SUPERSEDE OR PREEMPT THE
4 RIGHTS, REMEDIES AND PROCEDURES AFFORDED TO SCHOOL EMPLOYEES
5 OR LABOR ORGANIZATIONS UNDER FEDERAL OR STATE LAW OR ANY
6 PROVISION OF A COLLECTIVE BARGAINING AGREEMENT NEGOTIATED
7 BETWEEN A SCHOOL EMPLOYER AND AN EXCLUSIVE REPRESENTATIVE OF
8 THE EMPLOYEES IN ACCORDANCE WITH THE ACT OF JULY 23, 1970
9 (P.L.563, NO.195), KNOWN AS THE PUBLIC EMPLOYE RELATIONS ACT.

10 (c) Exception.--An exception is provided to the screening
11 required under subsection (a) for the following students:

12 ~~(1) A student receiving specialized instruction for~~ <--
13 ~~limited English proficiency who has been receiving the~~
14 ~~instruction for less than two years.~~

15 ~~(2) (1) A student receiving special education services~~ <--
16 ~~for whom the assessment would conflict with the~~
17 ~~individualized education plan PROGRAM.~~ <--

18 ~~(3) (2) A student receiving services under a plan~~ <--
19 ~~pursuant to 29 U.S.C. § 794 (relating to nondiscrimination~~
20 ~~under Federal grants and programs) for whom the assessment~~
21 ~~would conflict with 29 U.S.C. § 794.~~

22 (d) List of screeners.--

23 ~~(1) The department, in consultation with evidence based~~ <--
24 ~~reading instruction curriculum and special education~~
25 ~~supervisors from local education agencies, elementary school~~
26 ~~teachers and elementary special education teachers, THE~~ <--
27 ~~COUNCIL, shall develop, maintain and publish on the~~
28 ~~department's publicly accessible Internet website a list of~~
29 ~~universal reading screeners and a list of STRUCTURED literacy~~ <--
30 ~~intervention approaches that are aligned with the essential~~

1 components of evidence-based reading instruction, including
2 phonemic awareness, decoding, ENCODING, fluency, vocabulary <--
3 and comprehension. Initial publication of the lists must
4 occur by December 1, 2023 2024. <--

5 (2) In determining which universal reading screeners to
6 include on the list, the department shall consider the
7 following factors:

8 (i) The time required to conduct the screening, with
9 the intention of minimizing impact on instructional time.

10 (ii) The timeliness in reporting screening results
11 to teachers, administrators and parents.

12 (iii) The integration of assessment and instruction
13 the screener provides, including the ability to provide
14 progress monitoring capabilities and a diagnostic tool to
15 support teachers or a progress monitoring team with
16 targeted instruction based on student needs.

17 ~~(iv) Whether screening, diagnostic assessment and~~ <--
18 ~~progress monitoring processes are aligned with a~~
19 ~~multitiered system of support procedures and whether~~
20 ~~tools are norm referenced, criterion referenced or~~
21 ~~curriculum based as appropriate.~~

22 ~~(3) The department shall include with its list of~~
23 ~~aligned universal reading screeners and literacy intervention~~
24 ~~approaches an explanation of how the screeners and~~
25 ~~interventions were selected, including consultation with~~
26 ~~national expert organizations and the evidence based standard~~
27 ~~protocol intervention as demonstrated by the National Center~~
28 ~~on Intensive Intervention or similar validated research.~~

29 ~~(4) (3) The department shall provide professional~~ <--
30 ~~learning DEVELOPMENT on reading screening and literacy~~ <--

1 intervention approaches at no cost to the educator which
2 shall be provided during the contractual school day.

3 Section 1504-N. Reading deficiency and identification.

4 (a) Student.--A student in kindergarten through grade three
5 shall be identified as having a reading deficiency if an
6 approved universal reading screener identifies the student at <--
7 risk for reading failure under section 1503-N ADMINISTERED UNDER <--
8 SECTION 1503-N IDENTIFIES THE STUDENT AT RISK FOR READING
9 FAILURE.

10 (b) Reading deficiency.--A student who is identified as
11 having a reading deficiency under this section shall remain
12 identified as having a reading deficiency until the student
13 performs at or above the threshold level on an approved <--
14 universal reading screening with at least three data points
15 showing this threshold has been met. AN IDENTIFIED THRESHOLD <--
16 LEVEL USING AT LEAST THREE DATA POINTS, WHICH MAY INCLUDE
17 RESULTS ON A UNIVERSAL READING SCREENER, THE EDUCATOR'S
18 PROFESSIONAL JUDGMENT ON A STUDENT'S PERFORMANCE, PROGRESS
19 MONITORING OUTCOMES, DIAGNOSTIC ASSESSMENTS, BENCHMARK
20 ASSESSMENTS AND FORMATIVE OR SUMMATIVE ASSESSMENTS.

21 (c) Construction.--Nothing under this article shall prohibit
22 a school entity from identifying a student in another grade
23 level as having a reading deficiency BEING IN NEED OF READING <--
24 INTERVENTIONS.

25 Section 1505-N. School entity duties and reading intervention
26 plan.

27 (a) School entity.--A school entity shall offer a reading
28 intervention plan to each student in kindergarten through grade
29 three who is identified as having a reading deficiency under
30 section 1504-N to ensure WITH THE GOAL OF ENSURING that the <--

1 student can read at or above grade level by the end of grade
2 three.

3 (b) Development.--The reading intervention plan shall be
4 developed by the teacher, principal or other professional <--
5 employee who has specialized training in reading intervention AN <--
6 EDUCATOR.

7 (c) Plan.--The reading intervention plan shall be provided <--
8 in addition to core reading instruction that, AT A MINIMUM, <--
9 INCLUDE READING INTERVENTION APPROACHES AND BE PROVIDED IN
10 ADDITION TO WHAT is provided to each student in the general
11 education classroom and evidence-based instruction curriculum.
12 The reading intervention plan shall: <--

13 (1) Be provided to each student in kindergarten through
14 grade three identified with a reading deficiency as
15 determined by the department approved universal reading
16 screening assessment administered within the first 30 days of
17 the school year.

18 (2) Include literacy intervention approaches.

19 (3) Monitor the reading progress of each student's
20 reading skills throughout the school year and adjust
21 instruction according to student needs.

22 (4) Be implemented during regular school hours.

23 Section 1506-N. Parent notification.

24 Each parent of a kindergarten through third grade student who
25 exhibits a deficiency in reading during the school year must be
26 notified in writing or by electronic communication no later than <--
27 15 days after the identification of the reading deficiency.

28 Notification must include the following:

29 (1) That the student has been identified as having a
30 deficiency in reading and a reading intervention plan will be

~~developed by the teacher, principal or other professional employee who has specialized training in reading intervention.~~

~~(2) A description of the current services that are provided to the child.~~

~~(3) A description of the proposed research based literacy intervention approaches, including intervention materials, supplemental instructional services and supports that will be provided to the child that are designed to remedy the identified area of reading deficiency.~~

~~(4) Notification that each parent will be informed in writing or by electronic communication of their child's progress towards grade level reading at least every two weeks.~~

~~(5) Strategies for each parent to use at home to help their child succeed in reading. AFTER THE IDENTIFICATION OF THE READING DEFICIENCY, INCLUDING PERIODIC UPDATES THREE TIMES PER YEAR REGARDING THE STUDENT'S PROGRESS.~~

Section 1507-N. Grants to school entities.

(a) Establishment.--The department shall establish a grant program to aid school entities with initial costs associated with training and other resources necessary to implement this article. The total amount of grants awarded shall be limited to funds appropriated for this purpose under section 1508-N.

(b) Application.--The department shall develop an application form that school entities shall use to apply for a grant under the program. Grant applications shall be filed SUBMITTED in accordance with guidelines developed by the department.

Section 1508-N. Funding.

1 The department shall use the following funding to award
2 grants to school entities and administer the program:

3 (1) Appropriations made by the General Assembly for the
4 purposes of this article.

5 (2) Funding appropriated to the department for general
6 government operations.

7 (3) Funding from other public and private sources,
8 including the Federal Government.

9 Section 1509-N. Reporting.

10 (a) School entity report.--Beginning October 31, 2024 2025, <--
11 and each October 31 thereafter, each school entity shall report
12 annually to the department the following:

13 (1) The number and percentage of students, disaggregated
14 by grade and by individual school, identified with a
15 potential reading deficiency, including characteristics of
16 dyslexia, pursuant to the screening AT THE BEGINNING OF THE <--
17 SCHOOL YEAR PURSUANT TO THE FIRST SCREENING OF THE SCHOOL
18 YEAR required under section 1503-N and the literacy
19 intervention approaches being provided.

20 ~~(2) The evidence based reading instruction curricula <--~~
21 ~~adopted under this article.~~

22 ~~(3) The individuals identified under section 1502 N(b)~~
23 ~~(3) and each individual's responsibilities for approving and~~
24 ~~providing professional development required under section~~
25 ~~1502 N(b) (2).~~

26 ~~(4) How the school entity will ensure that educators~~
27 ~~have access to and have successfully completed the~~
28 ~~professional development required under section 1502 N(b) (2).~~

29 (2) THE NUMBER AND PERCENTAGE OF STUDENTS, DISAGGREGATED <--
30 BY GRADE AND BY INDIVIDUAL SCHOOL, IDENTIFIED WITH A

1 POTENTIAL READING DEFICIENCY, INCLUDING CHARACTERISTICS OF
2 DYSLEXIA, AT THE END OF THE SCHOOL YEAR PURSUANT TO THE FINAL
3 SCREENING OF THE SCHOOL YEAR REQUIRED UNDER SECTION 1503-N.

4 (3) THE EVIDENCE-BASED READING INSTRUCTION CURRICULA
5 ADOPTED BY EACH SCHOOL ENTITY UNDER THIS ARTICLE.

6 (4) THE NUMBER OF EDUCATORS IN THE SCHOOL ENTITY WHO
7 HAVE RECEIVED PROFESSIONAL DEVELOPMENT UNDER SECTION 1502-
8 N(B) (2) AND THE TYPE OF PROFESSIONAL DEVELOPMENT RECEIVED.

9 (b) Department report.--Beginning December 31, 2024 2025, <--
10 and each December 31 thereafter, the department shall produce an
11 annual report that provides all of the following: <--

12 ~~(1) The number and percentage of students, disaggregated~~
13 ~~by grade and by individual school, identified with a~~
14 ~~potential reading deficiency, including characteristics of~~
15 ~~dyslexia, pursuant to the screening required under section~~
16 ~~1503 N and the literacy intervention approaches being~~
17 ~~provided.~~

18 ~~(2) A list of the evidence based reading instruction~~
19 ~~curricula adopted under this article and the number of~~
20 ~~schools that have adopted each curriculum listed.~~

21 ~~(3) The number of educators who have received each type~~
22 ~~of professional development provided under section 1502 N(b)~~
23 ~~(2).~~

24 ~~(4) The percentage of the educators required to receive~~
25 ~~professional development under section 1502 N(b) (4) that have~~
26 ~~successfully completed the professional development. THE~~ <--
27 ~~INFORMATION REPORTED TO THE DEPARTMENT UNDER SUBSECTION (A).~~

28 (C) REPORT DATA.--DATA INCLUDED IN THE REPORT SHALL BE DE-
29 IDENTIFIED AND COMPLY WITH THE FAMILY EDUCATIONAL RIGHTS AND
30 PRIVACY ACT OF 1974 (PUBLIC LAW 90-247, 20 U.S.C. § 1232G).

1 ~~(e)~~ (D) Recipients.--The department shall publish the report <--
2 required under this section on the department's publicly
3 accessible Internet website and submit the report to each of the
4 following:
5 (1) Governor.
6 (2) State Board of Education.
7 ~~(3)~~ Professional Standards and Practices Commission. <--
8 ~~(4)~~ (3) President pro tempore of the Senate. <--
9 ~~(5)~~ (4) Speaker of the House of Representatives. <--
10 ~~(6)~~ (5) The chairperson and minority chairperson of the <--
11 Education Committee of the Senate.
12 ~~(7)~~ (6) The chairperson and minority chairperson of the <--
13 Education Committee of the House of Representatives.
14 Section 2 3. This act shall take effect in ~~60~~ 90 days. <--