

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 801 Session of 2023

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

REFERRED TO EDUCATION, JUNE 15, 2023

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," providing for evidence-based reading
6 instruction.

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

10 ARTICLE XV-N

11 EVIDENCE-BASED READING INSTRUCTION

12 Section 1501-N. Definitions.

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

16 "Contractual school day." The length of an educator's
17 scheduled work day.

18 "Criterion-referenced tool." An assessment tool that
19 measures a student's knowledge or skills against a predetermined
20 standard, learning goal, performance level or other specific

1 criterion, including grade-level expectations based on national
2 standards from data from a universal screening system.

3 "Curriculum-based tool." An assessment tool that measures a
4 student's progress through the curriculum and whether that
5 process is adequate.

6 "Evidence-based reading instruction." A program of literacy
7 instruction, for students in kindergarten through grade three,
8 that is aligned with the science of reading, including explicit
9 and systematic instruction in phonemic awareness, the alphabetic
10 principle, decoding, fluency, vocabulary, comprehension and
11 building content knowledge.

12 "Literacy intervention approaches." Evidence-based, skills-
13 based specialized reading, writing and spelling instruction that
14 is systematic and explicit and intensified based on the needs of
15 the student.

16 "Norm-referenced tool." An assessment tool that measures a
17 student's knowledge or skills to the knowledge or skills of the
18 national norm group.

19 "Parent." An individual who has legal custody or
20 guardianship of a student.

21 "School entity." A school district, intermediate unit, area
22 career and technical school, charter school, cyber charter
23 school or regional charter school.

24 "Science of reading." Evidence-based instructional and
25 assessment practices that address the multimodal approach that
26 integrates listening, speaking, reading, spelling and writing in
27 the acquisition of oral and written language skills that can be
28 differentiated to meet the needs of individual students.

29 "Universal reading screener." An assessment tool that meets
30 all of the following:

1 (1) Is used as part of a multitiered system of support
2 to do all of the following:

3 (i) Determine:

4 (A) if a student is at risk for developing
5 reading difficulties; and

6 (B) the need for intervention.

7 (ii) Evaluate the effectiveness of core curriculum
8 as an outcome measure.

9 (2) Does all of the following:

10 (i) Measures phonemic awareness, the alphabetic
11 principle, decoding, fluency, vocabulary, comprehension
12 and building content knowledge.

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

16 (iii) Measures students 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).

23 (2) The department shall develop and maintain a list of
24 department-approved, evidence-based reading instruction
25 curricula for use in school entities. A curriculum on this
26 list must meet all of the following requirements:

27 (i) Include a logical scope and sequence that is
28 sequential, systematic and cumulative.

29 (ii) Include or support the use of high-quality
30 instructional materials as outlined by EdReports or a

1 similar service.

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

4 (i) The current list of curricula under paragraph
5 (2).

6 (ii) The criteria and rubric used to identify high-
7 quality curriculum under paragraph (2).

8 (4) The department shall provide a process through which
9 a school entity can submit an application for department
10 approval of an alternative curriculum that meets the
11 requirements under paragraph (2).

12 (5) The department shall add curricula approved under
13 paragraph (4) to the list under paragraph (2).

14 (b) School entity duties.--If a school entity serves
15 students in kindergarten, first, second or third grade, the
16 school entity shall do all of the following before the beginning
17 of the 2025-2026 school year:

18 (1) Adopt an evidence-based reading instruction
19 curriculum from the list under subsection (a).

20 (2) Approve a professional education program as required
21 under section 1205.8(c) for educators providing reading
22 instruction.

23 (3) Identify an individual responsible for assisting
24 each school with the implementation of the curriculum adopted
25 under paragraph (1).

26 (4) Demonstrate that each educator responsible for
27 reading instruction or coaching has completed approved
28 professional development under paragraph (2), including each
29 educator identified or certified as any of the following:

30 (i) Elementary teacher.

1 (ii) School reading specialist.

2 (iii) Reading interventionist.

3 (iv) Special education teacher of students with
4 disabilities.

5 (v) The individual identified under paragraph (3).

6 (vi) Literacy coach.

7 (vii) Building-level principal and school
8 administrator.

9 Section 1503-N. Reading screening.

10 (a) Duty.--Beginning July 1, 2024, a school entity shall
11 screen each student enrolled in kindergarten through third grade
12 three times a year for reading competency using a universal
13 reading screener chosen from the list of approved universal
14 reading screeners under subsection (d). The first screening
15 shall be administered to students within the first 30 days of
16 the school year. The second screening shall be administered at
17 the halfway point of the school year. The third screening shall
18 be administered within 30 days of the end of the school year.

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

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

24 (2) Substitute professional employee coverage for
25 instruction or student support when the educator is meeting
26 the responsibilities under this section.

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

29 (1) A student receiving specialized instruction for
30 limited English proficiency who has been receiving the

1 instruction for less than two years.

2 (2) A student receiving special education services for
3 whom the assessment would conflict with the individualized
4 education plan.

5 (3) A student receiving services under a plan pursuant
6 to 29 U.S.C. § 794 (relating to nondiscrimination under
7 Federal grants and programs) for whom the assessment would
8 conflict with 29 U.S.C. § 794.

9 (d) List of screeners.--

10 (1) The department, in consultation with evidence-based
11 reading instruction curriculum and special education
12 supervisors from local education agencies, elementary school
13 teachers and elementary special education teachers, shall
14 develop, maintain and publish on the department's publicly
15 accessible Internet website a list of universal reading
16 screeners and a list of literacy intervention approaches that
17 are aligned with the essential components of evidence-based
18 reading instruction, including phonemic awareness, decoding,
19 fluency, vocabulary and comprehension. Initial publication of
20 the lists must occur by December 1, 2023.

21 (2) In determining which universal reading screeners to
22 include on the list, the department shall consider the
23 following factors:

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

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

28 (iii) The integration of assessment and instruction
29 the screener provides, including the ability to provide
30 progress monitoring capabilities and a diagnostic tool to

1 support teachers or a progress monitoring team with
2 targeted instruction based on student needs.

3 (iv) Whether screening, diagnostic assessment and
4 progress monitoring processes are aligned with a
5 multitiered system of support procedures and whether
6 tools are norm-referenced, criterion-referenced or
7 curriculum-based as appropriate.

8 (3) The department shall include with its list of
9 aligned universal reading screeners and literacy intervention
10 approaches an explanation of how the screeners and
11 interventions were selected, including consultation with
12 national expert organizations and the evidence-based standard
13 protocol intervention as demonstrated by the National Center
14 on Intensive Intervention or similar validated research.

15 (4) The department shall provide professional learning
16 on reading screening and literacy intervention approaches at
17 no cost to the educator which shall be provided during the
18 contractual school day.

19 Section 1504-N. Reading deficiency and identification.

20 (a) Student.--A student in kindergarten through grade three
21 shall be identified as having a reading deficiency if an
22 approved universal reading screener identifies the student at
23 risk for reading failure under section 1503-N.

24 (b) Reading deficiency.--A student who is identified as
25 having a reading deficiency under this section shall remain
26 identified as having a reading deficiency until the student
27 performs at or above the threshold level on an approved
28 universal reading screening with at least three data points
29 showing this threshold has been met.

30 (c) Construction.--Nothing under this article shall prohibit

1 a school entity from identifying a student in another grade
2 level as having a reading deficiency.

3 Section 1505-N. School entity duties and reading intervention
4 plan.

5 (a) School entity.--A school entity shall offer a reading
6 intervention plan to each student in kindergarten through grade
7 three who is identified as having a reading deficiency under
8 section 1504-N to ensure that the student can read at or above
9 grade level by the end of grade three.

10 (b) Development.--The reading intervention plan shall be
11 developed by the teacher, principal or other professional
12 employee who has specialized training in reading intervention.

13 (c) Plan.--The reading intervention plan shall be provided
14 in addition to core reading instruction that is provided to each
15 student in the general education classroom and evidence-based
16 instruction curriculum. The reading intervention plan shall:

17 (1) Be provided to each student in kindergarten through
18 grade three identified with a reading deficiency as
19 determined by the department-approved universal reading
20 screeener assessment administered within the first 30 days of
21 the school year.

22 (2) Include literacy intervention approaches.

23 (3) Monitor the reading progress of each student's
24 reading skills throughout the school year and adjust
25 instruction according to student needs.

26 (4) Be implemented during regular school hours.

27 Section 1506-N. Parent notification.

28 Each parent of a kindergarten through third grade student who
29 exhibits a deficiency in reading during the school year must be
30 notified in writing or by electronic communication no later than

1 15 days after the identification of the reading deficiency.

2 Notification must include the following:

3 (1) That the student has been identified as having a
4 deficiency in reading and a reading intervention plan will be
5 developed by the teacher, principal or other professional
6 employee who has specialized training in reading
7 intervention.

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

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

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

19 (5) Strategies for each parent to use at home to help
20 their child succeed in reading.

21 Section 1507-N. Grants to school entities.

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

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

1 Section 1508-N. Funding.

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

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

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

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

10 Section 1509-N. Reporting.

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

14 (1) The number and percentage of students, disaggregated
15 by grade and by individual school, identified with a
16 potential reading deficiency, including characteristics of
17 dyslexia, pursuant to the screening required under section
18 1503-N and the literacy intervention approaches being
19 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 (b) Department report.--Beginning December 31, 2024, and
30 each December 31 thereafter, the department shall produce an

1 annual report that provides all of the following:

2 (1) The number and percentage of students, disaggregated
3 by grade and by individual school, identified with a
4 potential reading deficiency, including characteristics of
5 dyslexia, pursuant to the screening required under section
6 1503-N and the literacy intervention approaches being
7 provided.

8 (2) A list of the evidence-based reading instruction
9 curricula adopted under this article and the number of
10 schools that have adopted each curriculum listed.

11 (3) The number of educators who have received each type
12 of professional development provided under section 1502-N(b)
13 (2).

14 (4) The percentage of the educators required to receive
15 professional development under section 1502-N(b) (4) that have
16 successfully completed the professional development.

17 (c) Recipients.--The department shall publish the report
18 required under this section on the department's publicly
19 accessible Internet website and submit the report to each of the
20 following:

21 (1) Governor.

22 (2) State Board of Education.

23 (3) Professional Standards and Practices Commission.

24 (4) President pro tempore of the Senate.

25 (5) Speaker of the House of Representatives.

26 (6) The chairperson and minority chairperson of the
27 Education Committee of the Senate.

28 (7) The chairperson and minority chairperson of the
29 Education Committee of the House of Representatives.

30 Section 2. This act shall take effect in 60 days.