

SENATE BILL 734

F1

(9lr1381)

ENROLLED BILL

— Education, Health, and Environmental Affairs/Ways and Means —

Introduced by **Senators Zucker, Feldman, Ferguson, Guzzone, Hershey, Lam, Lee, Nathan-Pulliam, Rosapepe, and West** ~~West~~, and Ellis

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Education – Students With Reading Difficulties – Screenings and Interventions**

3 FOR the purpose of requiring certain county boards of education, beginning in a certain
4 school year, to ensure that a certain student is screened for certain reading
5 difficulties; prohibiting a certain screening from being included in a certain time
6 limitation for assessments; authorizing certain individuals to conduct a certain
7 screening; requiring a county board to provide certain information to a parent or
8 guardian at student registration; requiring a county board to select ~~and use~~ a certain
9 screening ~~instruments for certain students~~ instrument based on certain reading
10 skills; providing for the frequency of screening for certain students; requiring a
11 county board to ~~conduct a certain informal diagnostic assessment~~, provide certain
12 supplemental reading instruction, and provide a certain notification letter to a
13 parent or guardian under certain circumstances; ~~requiring a county board to set a~~
14 ~~certain schedule for monitoring the progress of certain students and make certain~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



~~adjustments in supplemental instruction in certain circumstances; requiring a county board to provide a certain parent or guardian with certain progress monitoring reports; providing that a referral for a special education evaluation may be made at any time;~~ requiring certain county boards to provide certain resources on their websites; requiring certain county boards to report certain information to the State Department of Education on or before a certain date each year, beginning in a certain school year; requiring certain data to be reported in a certain manner; requiring the Department, in consultation with certain stakeholders, to develop and update certain resources for use by the county boards on or before a certain date; requiring the Department annually to provide technical support for the county boards to provide training opportunities for certain individuals; requiring the Department to adopt certain regulations; declaring a certain intent of the General Assembly; defining certain terms; and generally relating to screenings and interventions for students with reading difficulties.

BY repealing and reenacting, without amendments,
 Article – Education
 Section 1–101(a) and (f)
 Annotated Code of Maryland
 (2018 Replacement Volume and 2018 Supplement)

BY adding to
 Article – Education
 Section 4–135
 Annotated Code of Maryland
 (2018 Replacement Volume and 2018 Supplement)

Preamble

WHEREAS, Reading is fundamental to many life activities and is perhaps the most essential skill children learn in school; and

WHEREAS, Without reading proficiency, students will have limited access to content in all academic subjects; and

WHEREAS, Research studies have shown that children who do not learn to read well during the primary grades typically struggle with reading throughout school; and

WHEREAS, In fact, according to a 2014 study by H. Lane, entitled Evidence-Based Reading Instruction for Grades K–5, nearly 70% of older students fail to achieve proficient levels of reading, because once poor reading trajectories are established, they are very difficult to change; and

WHEREAS, Researchers have shown that reading failure is likely to lead to negative consequences such as grade retention, dropouts, limited employment opportunities, and difficulties with basic life activities; and

1 WHEREAS, Clearly, the long-term effects of early reading difficulties can be
 2 devastating and, therefore, it is critical to implement an early warning system that includes
 3 universal reading screening and evidence-based supplemental reading instruction to
 4 prevent poor reading and literacy outcomes; now, therefore,

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 6 That the Laws of Maryland read as follows:

7 **Article – Education**

8 1–101.

9 (a) In this article, unless the context requires otherwise, the following words have
 10 the meanings indicated.

11 (f) “Department” means the State Department of Education.

12 **4–135.**

13 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 14 INDICATED.

15 (2) “FLUENCY” MEANS READING ACCURACY AND RATE.

16 ~~(3) “INFORMAL DIAGNOSTIC ASSESSMENT” MEANS A VALID AND~~
 17 ~~RELIABLE PROCEDURE USED TO:~~

18 ~~(I) IDENTIFY A STUDENT’S SPECIFIC AREAS OF READING~~
 19 ~~STRENGTH AND WEAKNESS;~~

20 ~~(II) DETERMINE DIFFICULTIES A STUDENT MAY HAVE~~
 21 ~~LEARNING TO READ; AND~~

22 ~~(III) HELP DETERMINE READING INTERVENTIONS FOR A~~
 23 ~~STUDENT.~~

24 ~~(4)~~ (3) “PHONEMIC AWARENESS” MEANS THE ABILITY TO
 25 DISTINGUISH, SEGMENT, BLEND, AND MANIPULATE PHONEMES IN WORDS.

26 ~~(5)~~ (4) “PHONICS” MEANS THE STUDY OF LETTERS AND LETTER
 27 COMBINATIONS AND THE RELATIONSHIP BETWEEN THE SOUNDS THAT THEY
 28 REPRESENT.

1 ~~(6)~~ (5) “PHONOLOGICAL AWARENESS” MEANS A CHILD’S ABILITY
2 TO RECOGNIZE AND MANIPULATE PARTS OF ORAL LANGUAGE INCLUDING
3 SYLLABLES, ONSET-RIME, AND PHONEMES.

4 ~~(7)~~ ~~“PROGRESS MONITORING” MEANS A MEASUREMENT PROCEDURE~~
5 ~~USED AT SPECIFIED TIME INTERVALS TO MEASURE A STUDENT’S RESPONSE TO~~
6 ~~INSTRUCTION OR INTERVENTION.~~

7 ~~(8)~~ (6) “SCREENING” MEANS A BRIEF, VALID, AND RELIABLE
8 MEASUREMENT PROCEDURE USED TO IDENTIFY OR PREDICT WHETHER A STUDENT
9 MAY BE AT RISK FOR POOR LEARNING OUTCOMES.

10 ~~(9)~~ (7) “STUDENT” MEANS A STUDENT WHO DOES NOT HAVE A
11 CURRENT INDIVIDUALIZED EDUCATION PROGRAM OR AN INDIVIDUALIZED FAMILY
12 SERVICE PLAN WITH READING GOALS AND:

13 ~~(I)~~ ~~IS AT LEAST 4 YEARS OLD ON SEPTEMBER 1 OF THE~~
14 ~~CURRENT SCHOOL YEAR;~~

15 ~~(II)~~ ~~DOES NOT HAVE A CURRENT INDIVIDUALIZED EDUCATION~~
16 ~~PROGRAM OR AN INDIVIDUALIZED FAMILY SERVICE PLAN WITH READING GOALS;~~
17 ~~AND~~

18 ~~(III)~~ 1. ~~ENTERS OR TRANSFERS TO A PUBLIC SCHOOL IN~~
19 ~~PREKINDERGARTEN, KINDERGARTEN, OR FIRST GRADE; OR~~

20 ~~2.~~ ~~ENTERS OR TRANSFERS TO A PUBLIC SCHOOL IN~~
21 ~~GRADE 2 OR HIGHER WHO:~~

22 ~~A.~~ ~~HAS NOT BEEN PREVIOUSLY SCREENED IN THE STATE~~
23 ~~FOR READING DIFFICULTIES; AND~~

24 ~~B.~~ ~~DEMONSTRATES DIFFICULTY MASTERING GRADE~~
25 ~~LEVEL READING.~~

26 (I) IS IN KINDERGARTEN;

27 (II) IS IN FIRST GRADE AND WAS NOT SCREENED BY THE
28 SCHOOL IN KINDERGARTEN OR DEMONSTRATED DIFFICULTY MASTERING
29 GRADE-LEVEL READING IN KINDERGARTEN; OR

30 (III) ENTERS OR TRANSFERS TO A PUBLIC ELEMENTARY SCHOOL
31 FROM AN ELEMENTARY SCHOOL, UNLESS A DETERMINATION IS MADE BY THE

1 COUNTY BOARD THAT THE STUDENT HAS ALREADY BEEN SCREENED AND DOES NOT
2 DEMONSTRATE DIFFICULTY MASTERING GRADE-LEVEL READING.

3 ~~(10)~~ (8) "SUPPLEMENTAL READING INSTRUCTION" MEANS
4 EVIDENCE-BASED, SEQUENTIAL, ~~SYSTEMIC~~ SYSTEMATIC, EXPLICIT, AND
5 CUMULATIVE INSTRUCTION OR INTERVENTION TO MASTERY OF FOUNDATIONAL
6 READING SKILLS INCLUDING PHONOLOGICAL OR PHONEMIC AWARENESS AND
7 PROCESSING, PHONICS, AND VOCABULARY TO SUPPORT DEVELOPMENT OF
8 DECODING, SPELLING, FLUENCY, AND READING COMPREHENSION SKILLS TO MEET
9 GRADE LEVEL CURRICULUM.

10 (B) (1) (I) BEGINNING IN THE 2020-2021 SCHOOL YEAR, EACH
11 COUNTY BOARD SHALL ENSURE THAT A STUDENT IS SCREENED TO IDENTIFY IF THE
12 STUDENT IS AT RISK FOR READING DIFFICULTIES.

13 (II) THE SCREENING REQUIRED UNDER THIS SECTION MAY NOT
14 BE INCLUDED IN THE TIME LIMITATION FOR ASSESSMENTS SET FORTH IN § 7-203(H)
15 OF THIS ARTICLE.

16 (2) A SCREENING MAY BE CONDUCTED BY:

17 (I) A CLASSROOM TEACHER;

18 (II) A SCHOOL PSYCHOLOGIST;

19 (III) A SPECIAL EDUCATION TEACHER;

20 (IV) A SPEECH-LANGUAGE PATHOLOGIST;

21 (V) A READING INTERVENTIONIST;

22 (VI) A DESIGNATED READING SPECIALIST; OR

23 (VII) ANY OTHER EDUCATOR TRAINED IN SCREENING
24 INSTRUMENTS AND PROTOCOLS.

25 (3) ON REGISTRATION OF A STUDENT AT A PUBLIC SCHOOL, THE
26 COUNTY BOARD SHALL PROVIDE TO THE PARENT OR GUARDIAN OF THE STUDENT:

27 (I) A DESCRIPTION OF THE SCREENING AND SUPPLEMENTAL
28 INSTRUCTION PROCESS IN THE COUNTY; AND

29 (II) ANY CHECKLISTS OR FORMS NEEDED TO SUPPORT THE
30 SCREENING PROTOCOL.

1 (C) (1) A COUNTY BOARD SHALL SELECT ONE OR MORE APPROPRIATE
2 SCREENING INSTRUMENTS THAT:

3 (I) ACCURATELY AND RELIABLY IDENTIFY STUDENTS AT RISK
4 FOR POOR LEARNING OUTCOMES;

5 (II) ARE DEVELOPMENTALLY APPROPRIATE;

6 (III) ARE ECONOMICAL TO ADMINISTER IN TIME AND COST; AND

7 (IV) USE NORM-REFERENCED OR CRITERION-BASED SCORES.

8 (2) THE SCREENING INSTRUMENT SHALL BE BASED ON
9 FOUNDATIONAL READING SKILLS THAT INCLUDE PHONOLOGICAL AND PHONEMIC
10 AWARENESS AND PROCESSING.

11 ~~(2) FOR A STUDENT IN PREKINDERGARTEN, A COUNTY BOARD SHALL~~
12 ~~USE ONE OR MORE SCREENING INSTRUMENTS THAT INCLUDE PHONOLOGICAL~~
13 ~~AWARENESS AND PHONEMIC AWARENESS SKILLS.~~

14 ~~(3) FOR A STUDENT IN KINDERGARTEN, A COUNTY BOARD SHALL USE~~
15 ~~ONE OR MORE SCREENING INSTRUMENTS THAT ASSESS:~~

16 ~~(I) PHONOLOGICAL AWARENESS AND PHONEMIC AWARENESS~~
17 ~~SKILLS;~~

18 ~~(II) KNOWLEDGE OF LETTER NAMES AND SOUND ASSOCIATIONS~~
19 ~~FOR UPPERCASE AND LOWERCASE LETTERS; AND~~

20 ~~(III) NORMED RAPID AUTOMATIZED NAMING.~~

21 ~~(4) FOR A STUDENT IN FIRST GRADE OR ABOVE, A COUNTY BOARD~~
22 ~~SHALL USE ONE OR MORE SCREENING INSTRUMENTS THAT INCLUDE:~~

23 ~~(I) THE COMPONENTS LISTED IN PARAGRAPH (3) OF THIS~~
24 ~~SUBSECTION;~~

25 ~~(II) AUTOMATIC AND FLUENT SINGLE WORD RECOGNITION~~
26 ~~WITH NONSENSE AND REAL WORDS; AND~~

27 ~~(III) ORAL READING FLUENCY.~~

1 (D) (1) STUDENTS SHALL BE SCREENED ACCORDING TO THE SCHEDULE
2 ~~OF THE SCREENING INSTRUMENT SELECTED~~ ESTABLISHED BY THE COUNTY BOARD.

3 (2) IF THE SCREENING RESULTS INDICATE THAT A STUDENT IS AT
4 RISK OF READING DIFFICULTIES, THE COUNTY BOARD SHALL:

5 ~~(I) CONDUCT AN INFORMAL DIAGNOSTIC ASSESSMENT OF THE~~
6 ~~STUDENT TO DETERMINE THE SPECIFIC AREAS OF INSTRUCTIONAL NEED FOR~~
7 ~~SUPPLEMENTAL READING INSTRUCTION;~~

8 ~~(H) (I)~~ (I) PROVIDE SUPPLEMENTAL READING INSTRUCTION TO
9 ADDRESS THE STUDENT'S IDENTIFIED AREAS OF NEED; AND

10 ~~(H) (II)~~ (II) PROVIDE A NOTIFICATION LETTER TO THE PARENT
11 OR GUARDIAN OF THE STUDENT THAT INCLUDES:

12 1. THE SCREENING RESULTS; AND

13 ~~2. THE INFORMAL DIAGNOSTIC ASSESSMENT RESULTS;~~
14 ~~AND~~

15 ~~3. 2.~~ A DESCRIPTION OF THE SUPPLEMENTAL READING
16 INSTRUCTION THAT WILL BE PROVIDED TO THE STUDENT.

17 ~~(E) (1) A COUNTY BOARD SHALL SET A SCHEDULE, WITH APPROPRIATE~~
18 ~~INTERVALS OF NOT MORE THAN 10 WEEKS, FOR PROGRESS MONITORING OF~~
19 ~~STUDENTS WHO RECEIVE SUPPLEMENTAL READING INSTRUCTION.~~

20 ~~(2) IF PROGRESS MONITORING DATA REFLECT INSUFFICIENT~~
21 ~~PROGRESS, A COUNTY BOARD SHALL ADJUST THE SUPPLEMENTAL READING~~
22 ~~INSTRUCTION TO ENSURE THAT THE STUDENT IS MAKING ADEQUATE PROGRESS~~
23 ~~TOWARD GRADE LEVEL READING STANDARDS.~~

24 ~~(3) THE COUNTY BOARD SHALL PROVIDE THE PARENT OR GUARDIAN~~
25 ~~OF THE STUDENT WITH ONGOING PROGRESS MONITORING REPORTS.~~

26 ~~(4) A REFERRAL FOR A SPECIAL EDUCATION EVALUATION MAY BE~~
27 ~~MADE AT ANY TIME IN ACCORDANCE WITH FEDERAL LAW.~~

28 ~~(F) (E)~~ (E) EACH COUNTY BOARD SHALL PROVIDE RESOURCES ON THE
29 COUNTY BOARD'S WEBSITE THAT INCLUDE:

30 (1) READING SCREENING INSTRUMENTS USED IN THE COUNTY; AND

~~(2) INFORMAL DIAGNOSTIC ASSESSMENTS USED IN THE COUNTY;~~

~~(3) THE CORE READING CURRICULUM USED IN THE COUNTY BY GRADE LEVEL;~~

~~(4) THE CORE AND SUPPLEMENTAL READING INSTRUCTION PROGRAMS USED IN THE COUNTY BY GRADE LEVEL; AND~~

~~(5)~~ (2) A CHECKLIST OF EARLY WARNING SIGNS OF READING DIFFICULTY AND DYSLEXIA BY AGE.

~~(6)~~ (F) (1) ON OR BEFORE ~~SEPTEMBER~~ OCTOBER 1 EACH YEAR, BEGINNING WITH THE 2020–2021 SCHOOL YEAR, EACH COUNTY BOARD SHALL REPORT TO THE DEPARTMENT THE FOLLOWING INFORMATION:

(I) THE NUMBER OF STUDENTS IN THE COUNTY IN EACH GRADE LEVEL;

(II) THE NUMBER OF STUDENTS SCREENED AT EACH GRADE LEVEL;

(III) THE NUMBER OF STUDENTS IDENTIFIED THROUGH A SCREENING INSTRUMENT AS AT RISK FOR READING DIFFICULTIES IN EACH GRADE LEVEL; AND

(IV) THE NUMBER OF STUDENTS IDENTIFIED AS AT RISK FOR READING DIFFICULTIES AT EACH GRADE LEVEL WHO RECEIVED SUPPLEMENTAL READING INSTRUCTION.

(2) DATA REPORTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:

(I) DISAGGREGATED AND SEARCHABLE AT THE COUNTY BOARD ~~AND SCHOOL LEVELS~~ LEVEL; AND

(II) UPDATED ANNUALLY AND AVAILABLE ON THE DEPARTMENT'S WEBSITE.

~~(H)~~ (G) (1) ON OR BEFORE JUNE 1, 2020, AND ONCE EVERY ~~2~~ 4 YEARS THEREAFTER, THE DEPARTMENT, IN CONSULTATION WITH PARENTS, TEACHERS, AND OTHER INTERESTED STAKEHOLDERS, SHALL DEVELOP AND UPDATE RESOURCES FOR USE BY A COUNTY BOARD, ~~INCLUDING A STATE READING AND DYSLEXIA HANDBOOK.~~

1 ~~(2) THE STATE READING AND DYSLEXIA HANDBOOK SHALL INCLUDE:~~

2 ~~(I) A LIST OF RECOMMENDED SCREENING AND INFORMAL~~
3 ~~DIAGNOSTIC ASSESSMENTS THAT MEET THE REQUIREMENTS OF THIS SECTION;~~

4 ~~(II) A LIST OF RECOMMENDED SUPPLEMENTAL READING~~
5 ~~INSTRUCTION PROGRAMS AND PROGRESS MONITORING INSTRUMENTS THAT MEET~~
6 ~~THE REQUIREMENTS OF THIS SECTION;~~

7 ~~(III) BEST PRACTICES FOR CHOOSING A SCREENING~~
8 ~~INSTRUMENT AND PROGRESS MONITORING AND DATA COLLECTION PROCESSES;~~

9 ~~(IV) BEST PRACTICES FOR SUPPLEMENTAL READING~~
10 ~~INSTRUCTION BASED ON INFORMAL DIAGNOSTIC AND PROGRESS MONITORING~~
11 ~~DATA;~~

12 ~~(V) PROCEDURES AND CRITERIA FOR APPROPRIATE~~
13 ~~SCREENING OF STUDENTS WHO ARE ENGLISH LANGUAGE LEARNERS;~~

14 ~~(VI) SAMPLE NOTIFICATION LETTERS; AND~~

15 ~~(VII) A CHECKLIST OF EARLY WARNING SIGNS OF READING~~
16 ~~DIFFICULTY AND DYSLEXIA BY GRADE.~~

17 ~~(3) (2)~~ RESOURCES DEVELOPED UNDER THIS SUBSECTION SHALL
18 BE AVAILABLE ON THE DEPARTMENT'S WEBSITE.

19 ~~(4) (H)~~ (1) THE DEPARTMENT SHALL PROVIDE TECHNICAL SUPPORT
20 FOR THE COUNTY BOARDS TO PROVIDE TRAINING OPPORTUNITIES ANNUALLY FOR
21 INDIVIDUALS WHO CONDUCT SCREENINGS UNDER THIS SECTION AND FOR SCHOOL
22 ADMINISTRATORS.

23 (2) TRAINING OPPORTUNITIES MAY INCLUDE TRAINING ON:

24 ~~(1)~~ (1) THE ADMINISTRATION AND INTERPRETATION OF
25 SCREENINGS, INFORMAL DIAGNOSTIC ASSESSMENTS, PROGRESS MONITORING
26 INSTRUMENTS, AND STUDENT DATA;

27 ~~(2)~~ (II) ~~PROVIDING AND INTERPRETING~~ INTERPRETING
28 SCREENINGS AND, ASSESSMENTS, ~~AND PROGRESS MONITORING RESULTS~~ FOR
29 PARENTS;

1 ~~(3)~~ **(III) BEST PRACTICES FOR DESIGNING AND IMPLEMENTING**
 2 **SUPPLEMENTAL READING INSTRUCTION ~~BASED ON INFORMAL DIAGNOSTIC AND~~**
 3 **~~PROGRESS MONITORING DATA; AND~~**

4 ~~(4)~~ **(IV) THE ELEMENTS, PRINCIPLES, AND BEST PRACTICES OF**
 5 **SUPPLEMENTAL READING INSTRUCTION.**

6 ~~(J)~~ **(I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT**
 7 **THE REQUIREMENTS OF THIS SECTION.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General
 9 Assembly that money appropriated in accordance with The Blueprint for Maryland's
 10 Future, Chapter ___ (S.B. 1030/H.B. 1413) of the Acts of the General Assembly of 2019,
 11 shall be used to offset the cost of implementation of Section 1 of this Act.

12 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 13 July 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.