

# Proposed COMAR and Recommended Changes

Title 13A.03.08 Students at Risk for Reading Difficulties

STATE BOARD OF EDUCATION

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

Decoding Dyslexia Maryland

May 18, 2021

Key: **Bold, Underline**: recommend to add  
**~~Bold, Strikethrough~~**: recommend to strike  
**Highlight**: emphasis

## Section 1: Comments on proposed COMAR: Title 13A.03.08 Students at Risk for Reading Difficulties

Priority	Ch. 512, Law Ref.	MSDE Proposed COMAR	Recommended Changes	Comment/Rationale
<b>.01 Scope.</b>				
1	Preamble, p. 2  Def (6): Screening, p. 3	“These regulations establish the screening for all kindergarten, first grade, second grade, and third grade students at risk for reading difficulties; provision of supplemental reading instruction for identified students; annual reporting requirements; and evaluation of the screening program.”	These regulations establish the screening for <del>all</del> kindergarten, first grade, second grade, and third grade students <b><u>to identify or predict whether a student may be</u></b> at risk for reading difficulties; provision of supplemental reading instruction for identified students; annual reporting requirements; and evaluation of the screening program	The recommended language change: <i>“to identify or predict whether a student may be”</i> at risk for reading difficulties reflects the intent of the law <b>to prevent the need for students to fail before they can receive reading interventions.</b>  If a Local School System only screens the students they believe may be at risk, students with reading difficulties will be missed.

				<p>Screening is meant to be part of a process that helps schools identify which students may be at risk before they fall behind and provide reading instruction or interventions in early elementary school when the interventions are most effective and least costly.</p> <p>We've also suggested removing the word "all" to modify second and third grade students because they are not required to be universally screened.</p>
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**.02 Definitions**

Priority	Law Ref.	MSDE Proposed COMAR	Recommended Changes	Comment/Rationale
		(1) "Fluency" means reading accuracy and rate and includes oral accuracy, prosody, intonation, and automaticity.	Support	
		(2) "Phonemic Awareness" means the ability to distinguish, segment, blend, and manipulate phonemes in words.	Support	
		(3) "Phonics" means the study of letters and letter combinations and the relationship between the sounds that they represent.	Support	
		(4) "Phonological Awareness" means a child's ability to recognize and manipulate parts of oral language including	Support	

		syllables, onset-rime, and phonemes.		
		(5) “Progress Monitoring” means a measurement procedure used at specified time intervals to measure a student’s response to instruction or intervention.	Support	This definition was included in the original bill.
		(6) “Rapid Automatic Naming” means how quickly individual students can name letters, digits, or symbols.	Support	Rapid Automatic Naming is a useful correlate and predictor of reading competence and was studied at length by Dr. Denckla with Johns Hopkins University: <a href="https://link.springer.com/article/10.1007/s11881-999-0018-9">https://link.springer.com/article/10.1007/s11881-999-0018-9</a>
1	Def 6, Page 3	Add Definition from the law	<b><u>“Screening” means a brief, valid and reliable measurement procedure used to identify or predict whether a student may be at risk for poor learning outcomes.</u></b>	This is the definition that is codified in the law. It should be included because the practice of screening is essential to the Ready to Read Act ( <i>also see Section 2, p. 14</i> )
		(7) “Screening Instrument” means a brief, valid, and reliable measurement used to identify or predict whether a student may be at risk for poor learning outcomes	Support	
		(8) “Student” means a student who does not have a current individualized education program	Support	

		or an individualized family service plan with reading goals.		
		(8) “Supplemental Reading Instruction” means evidence-based, sequential, systematic, explicit, and cumulative instruction or intervention for mastery of foundational reading skills, including phonological or phonemic awareness and processing, phonics, and vocabulary to support development of decoding, spelling, fluency, and reading comprehension skills to meet grade level curriculum.	Support	
1		New Definition	Add: <b><u>“Informal Diagnostic Assessment” means a valid and reliable procedure used to identify a student’s specific areas of reading strength and weakness; determine difficulties the student may have with learning to read; and help determine Supplemental Reading Instruction for a student</u></b>	This definition was included in the Ready to Read Act as introduced in 2019.  Informal Diagnostic Assessments are often used to collect data points that are alluded to in proposed Regulation Section .05 A. (1) and (2) and are used to develop a supplemental reading instructional plan.
<b>.03 General Requirements</b>				
<b>Priority</b>	<b>Law Ref.</b>	<b>MSDE Proposed COMAR</b>	<b>Recommended Changes</b>	<b>Comment/Rationale</b>

<p>1</p>	<p>Page 4, Section (B) (1) (I) and Page 6, Section (D) (2) (I)</p>	<p>(A) All local school systems shall ensure that each student enrolled in a public kindergarten is screened to identify if the student is at risk for reading difficulties and provided supplemental reading instruction aligned to the results of the screener.</p>	<p>(A) "All local school systems shall ensure that each student enrolled in a public kindergarten <b>and first grade</b> is screened to identify if the student is at risk for reading difficulties. <b><u>If a student is determined to be at risk of reading difficulty, then the student shall receive supplemental reading instruction.</u></b> <del>and provided supplemental reading instruction aligned to the results of the screener."</del></p> <p><b>Question:</b> Who is the designated implementer of the law in each local district? The law says it's the "county board," and the regulations say it's the "local school system."</p>	<ol style="list-style-type: none"> <li>1. Both Kindergarten and first grade students should be included in the universal screening requirement.</li> <li>2. Kindergarten and 1st grade is a time of critical literacy development (Nevills &amp; Wolfe, 2009) which is why state literacy curriculum and standards focus heavily on foundational skills. Universal screeners provide an efficient and economical way to determine if young students are mastering foundational literacy skills. (See Table 2 to understand the development of the law.)</li> <li>3. It is essential to identify the instructional needs of struggling students as soon as possible. It is imperative to "catch them before they fall" (Torgesen, 1998).<sup>1</sup></li> <li>4. We recommend deleting the language "aligned to the results of the screener." because it could be interpreted to mean that students must be taught the skills assessed by the screener. Screeners assess skills that are predictive of risk, but not necessarily skills that should be taught.</li> </ol>
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<sup>1</sup> <https://dyslexiaida.org/universal-screening-k-2-reading/>

		(B) Beginning in the 2021-2022 school year, §§C and D of this Regulation apply to students in the second and third grades.	Support	
1	p. 4, Section (A)(7)	C. Students in first, second, and third grade shall be included in the screening and the supplemental reading instruction program established by the local school system if the students: <ul style="list-style-type: none"> <li>(1) Were not previously screened;</li> <li>(2) Demonstrated difficulty mastering grade-level reading in the previous grade; or</li> <li>(3) Entered or transferred to a public elementary school.</li> </ul>	(C) Students in <b>first</b> , second, and third grade shall be included in the screening and the supplemental reading instruction program established by the local school system if they meet the following criteria: <ul style="list-style-type: none"> <li>(1) Were not previously screened;</li> <li>(2) Demonstrated difficulty mastering grade-level reading <b>in the previous grade</b>; or</li> <li>(3) Entered or transferred to a public elementary school</li> </ul>	<ol style="list-style-type: none"> <li>1. Grades K and 1 should be universally screened in order to identify, as early as possible, if a student has reading risk factors.</li> <li>2. If a student in second or third grade is demonstrating difficulty mastering grade-level reading, a teacher should be able to screen the student regardless of whether the student had difficulty in the previous grade.</li> </ol>
1	p. 4, Section (A)(7)	D. Screening is not required for students in first, second, or third grade if the local school system can demonstrate that students who entered or transferred to public elementary schools have already been screened and demonstrate mastery of grade-level reading.	D. Screening is not required for students in <b>first</b> , second, or third grade if the local school system can demonstrate that students who entered or transferred to public elementary schools have already been screened and demonstrate mastery of grade-level reading.	Grades K and 1 should be universally screened in order to identify, as early as possible, if a student has reading risk factors.
		E. Students shall be screened in accordance with the guidance of the selected screener	Support	
		F. The screening schedule shall be established by the local school system, with initial screening taking place within	Support	

		the first 2 months of the beginning of the school year		
<b>.04 Screening Process</b>				
<b>Priority</b>	<b>Law Ref.</b>	<b>MSDE Proposed COMAR</b>	<b>Recommended Changes</b>	<b>Comment/Rationale</b>
1 & Technical	Page 5 (B) (3)	<p>A. Upon registration of a student or identification of a student at risk for reading difficulties, the local school system shall provide to the parent or guardian of the student the following:</p> <ol style="list-style-type: none"> <li>(1) A written description of the screening and supplemental instruction process in the school system; and</li> <li>(2) Any checklists or screener-specific forms needed to support the screening protocol and supplemental instruction process.</li> </ol>	<p>B. Upon registration of a student Kindergarten <b>and grade 1</b> student, <b>and when a student is identified as at risk for reading difficulties, or identification of a student at risk for reading difficulties,</b> the local school system shall provide to the parent or guardian of the student the following:</p> <ol style="list-style-type: none"> <li>(1) A written description of the screening and supplemental instruction process in the school system; and</li> <li>(2) Any checklists or screener-specific forms needed to support the screening protocol and supplemental instruction process.</li> </ol>	<ol style="list-style-type: none"> <li>1. Priority 1: Grades K and 1 should be universally screened in order to identify, as early as possible, if a student may be at risk for reading difficulties.</li> <li>2. Technical: By adding “when a student is identified as at risk for reading difficulties,” and deleting “or identification of a student at risk for reading difficulties,” ensures parents are engaged in early literacy and have information about the reading screening process.</li> </ol>
		B. The Department will provide a sample of a checklist on their website.	Support	
		<p>The screening required under this regulation shall be conducted by any of the following school personnel:</p> <ol style="list-style-type: none"> <li>(1) Classroom teacher;</li> <li>(2) School psychologist;</li> </ol>	Support	

		<ul style="list-style-type: none"> <li>(3) Reading specialist;</li> <li>(4) Special education teacher;</li> <li>(5) Speech-language pathologist;</li> <li>(6) Reading interventionist; or</li> <li>(7) Any other educator trained to use appropriate screening instruments.</li> </ul>		
		<p>D. A local school system shall select one or more appropriate screening instruments that meet the following criteria:</p> <ul style="list-style-type: none"> <li>(1) Accurately and reliably identifies students at risk for poor learning outcomes;</li> <li>(2) Are developmentally appropriate;</li> <li>(3) Are economical to administer in time and cost; and</li> <li>(4) Use norm-referenced or criterion-based scores.</li> </ul>	Support	
2	p. 5 Section C(2)	E. The appropriate screening instrument shall be based on foundational reading skills that include phonological and phonemic awareness and processing, including rapid automatic naming.	<p>E. The appropriate screening instrument shall be based on foundational reading skills that include phonological and phonemic awareness and processing, including rapid automatic naming.</p> <p><b><u>Screening appears to be most successful when:</u></b></p> <p><b><u>(1) In kindergarten, phonological awareness, phonemic awareness, rapid</u></b></p>	<p>The original bill included the developmentally appropriate skills that are predictive at each developmental stage of learning to read.</p> <p>Screening instruments change what is screened across grade levels. What is developmentally appropriate to screen in Kindergarten is different from what is developmentally appropriate in 1st grade, 2nd grade and 3rd grade. The regulations should reflect the developmental growth of students.</p>

			<p><b><u>automatized naming, letter-sound association</u></b></p> <p><b>(2) <u>In first grade, phonemic awareness and segmentation, letter manipulation, nonword repetition, oral vocabulary, and word recognition fluency tasks are included.</u></b></p> <p><b>(3) <u>In second and third grade, word identification, oral reading fluency, and reading comprehension.</u></b><sup>2</sup></p>	
Technical	p. 9 Section (H)(2)	F. Local school systems shall provide school staff with professional learning on age-appropriate, evidence-based, sequential, systematic, explicit and cumulative instruction or intervention for student mastery of foundational reading skills, including phonological or phonemic awareness and processing, phonics, and vocabulary to support development of decoding, spelling, fluency, and reading comprehension skills to meet grade level curriculum.	F. Local school systems shall provide school staff with professional learning on age-appropriate, evidence-based, sequential, systematic, explicit and cumulative instruction or intervention for student mastery of foundational reading skills, including phonological <del>or</del> <b>and</b> phonemic awareness and processing, phonics, and vocabulary to support development of decoding, spelling, fluency, and reading comprehension skills to meet grade level curriculum.	The law requires that both phonological AND phonemic awareness be screened and intervention provided as needed.
<b>.05 Screening Results and Supplemental Reading Instruction</b>				
<b>Priority</b>	<b>Law Ref.</b>	<b>MSDE Proposed COMAR</b>	<b>Recommended Changes</b>	<b>Comment/Rationale</b>

<sup>2</sup> National Center on Improving Literacy (2019). Considerations in universal screening. Washington, DC: U.S. Department of Education, Office of Elementary and Secondary Education, Office of Special Education Programs, National Center on Improving Literacy. Retrieved from <http://improvingliteracy.org>.

<p>technical and NEW suggestion</p>	<p>p. 6, Section (D) (2)</p>	<p>A. If the screening results indicate that a student is at risk of reading difficulties:</p> <p>(1) Within 30 calendar days of the screening, the local school system shall notify the parent or guardian of the student in writing of the screening results and a description of the supplemental reading instruction that shall be provided to the student; and</p> <p>(2) The local school system shall develop a supplemental reading instructional plan to address the student's identified areas of need.</p>	<p>A. If the screening results indicate that a student is at risk of reading difficulties:</p> <p>(1) Within 30 calendar days of the screening, the local school system shall <b><u>provide a notification letter to the parent or guardian of the student that includes: notify the parent or guardian of the student in writing of the screening results and</u></b></p> <p><b><u>(a) the screening results; and</u></b></p> <p><b><u>(b) a description of the supplemental reading instruction that shall be provided to the student; and</u></b></p> <p>(2) The local school system shall develop a supplemental reading instructional plan to address the student's identified areas of need.</p>	<p>1. Rewrote for clarity</p> <p>2. We recommend that all screening results are provided to parents or guardians regardless of the results. Sharing results will foster communication about literacy between parents and teachers.</p>
		<p>B. The supplemental instruction shall take place within the school day.</p>	<p>Support</p>	
		<p>C. Evidence-based supplemental instruction shall be based on data and aligned with the specific areas of deficit for students identified at risk.</p>	<p>Support</p>	

		D. The local school system may revise supplemental instruction based upon progress monitoring and the student's placement in an appropriate multi-tiered system of support.	Support	
<b>.06 Progress Monitoring</b>				
<b>Priority</b>	<b>Law Ref.</b>	<b>MSDE Proposed COMAR</b>	<b>Recommended Changes</b>	<b>Comment/Rationale</b>
technical		A. Local school systems shall set an individualized review schedule of the supplemental reading instruction at intervals of not more than 30 days for progress monitoring.	A. Local school systems shall <b><u>review student progress in</u></b> <del>set an individualized review schedule of the</del> supplemental reading instruction at intervals of not more than 30 days <del>for progress monitoring.</del>	Rewrote for clarity
2		B. The student's parent or guardian shall receive written progress reports quarterly or upon revisions to supplemental instruction.	B. The student's parent or guardian shall receive written progress reports at <b><u>least quarterly and</u></b> <del>or</del> upon revisions to supplemental instruction.	Many schools include parents in the school support team (SST) and this change reflects effective parent engagement in literacy decision making.
2		C. The local school system may determine the supplemental reading instruction plan is completed when the student has achieved grade level reading standards based upon age-appropriate re-screening.	C. The local school system may determine the supplemental reading instruction plan is completed when the student has achieved grade level reading standards based upon <b><u>multiple progress</u></b>	A Multi-tiered System of Support (MTSS) requires multiple data points; this recommendation clarifies how a local school system may determine that the supplemental reading instruction program is completed.

			<u>monitoring and informal diagnostic assessment data points.</u> and age-appropriate re-screening.	
<b>.07 Reporting Requirements</b>				
<b>Priority</b>	<b>Law Ref.</b>	<b>MSDE Proposed COMAR</b>	<b>Recommended Changes</b>	<b>Comment/Rationale</b>
	p. 7, (E) (1) and (2)	A. Each local school system shall provide resources on the school system website that include:  (1) Reading screening instruments used in the local school system; and (2) A checklist of early warning signs of reading difficulties and dyslexia by age.	Support	
		B. Beginning in the 2021-2022 school year, §C of this Regulation shall apply to students in the second and third grades.	Support	
2	p. 7 Sec. (F)(1)	C. On or before July 1, each year, all local school systems shall provide a report to the Maryland State Department of Education with the following information for the previous school year; (1) The total number of students in kindergarten through third grade, by grade level;	<b>Question:</b>  Is it possible for each school system to report the number of students screened each time the local school system administers the screener?	1. Grades K and 1 should be universally screened in order to identify, as early as possible, if a student has reading risk factors. Some parents and teachers are reporting that districts are screening students once. This is not the intention

		<p>(2) The number of students in kindergarten through third grade, by grade level, who were screened at each level;</p> <p>(3) The number of students in kindergarten through third grade, by grade level, identified through a screening instrument as at risk for reading difficulties; and</p> <p>(4) The number of students in kindergarten through third grade, by grade level, identified as at risk for reading difficulties who received supplemental reading instruction.</p>		<p>of the law or how screening works best.</p> <p>2. Reporting the number of students screened during each screening administration would be simpler for school systems because they would not have to consolidate data or reconcile for transient students.</p>
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**.08 Evaluation of the Comprehensive Induction Program**

Priority	Law Ref.	MSDE Proposed COMAR	Recommended Changes	Comment/Rationale
Technical	n/a	Title: 08 Evaluation of the Comprehensive Induction Program	.08 Evaluation of the <b><u>Effectiveness of Reading Screeners and Reading Interventions Comprehensive Induction Program</u></b>	Change the title of this section because the word "induction" does not apply here.
1		A. Local School systems shall evaluate the effectiveness of the screeners and the reading interventions annually.	Local School systems shall evaluate the effectiveness of the screeners and the reading interventions annually <b><u>and provide MSDE's Division of Curriculum, Instructional Improvement and Professional Learning:</u></b>  1. <b><u>Data that reflects the results of reading screening along</u></b>	<p>1. We support the use of data to evaluate and improve reading instruction and interventions for students.</p> <p>2. To achieve this goal, we recommend adding information to support LSS' efforts to evaluate their reading screening and interventions process.</p> <p>3. A uniform evaluation system will help MSDE to evaluate</p>

			<p><u>w/ information on trends for student outcomes;</u></p> <p>2. <u>List of the strengths and weaknesses of the screening, core instruction and interventions;</u></p> <p>3. <u>Next steps the LSS intends to take to improve the screening, core instruction and interventions process</u></p>	LSS' progress toward implementing the law and provide appropriate professional development.
		B. The Department shall provide professional learning to local school systems on effective evaluation procedures.	<p><del>B. The Department shall provide professional learning to local school systems on effective evaluation procedures.</del></p> <p><u>“The Department shall review and evaluate the screening data provided by the local school systems per “Section C, .07 Reporting Requirements.” Based on its evaluation, the Department shall provide professional learning to local school systems on how to evaluate and improve reading screening, core instruction and interventions.</u></p>	Adding specificity to the evaluation requirement would yield data the Department could use to tailor professional learning that helps local school systems improve effectiveness and, presumably, improve student reading outcomes.

**Section 2:** Statutory language that should be included in COMAR

Priority	Law Ref.	Statutory Language	Recommendation	Comment/Rationale
1	p. 3, (6)	Definition of (6) “Screening”	Add to COMAR	<ol style="list-style-type: none"> <li>1. Required by law.</li> <li>2. It should be included because the practice of screening is</li> </ol>

		<b><u>“Screening” means a brief, valid and reliable measurement procedure used to identify or predict whether a student may be at risk for poor learning outcomes.</u></b>		essential to effective implementation of the Ready to Read Law.
1	p. 4 (B)(1)(II)	<b><u>“The screening required under this section may not be included in the time limitation for assessments set forth in section 7-203(H) of this article.”</u></b>	Add to COMAR	<ol style="list-style-type: none"> <li>1. Required by law.</li> <li>2. Screening is a critical component of a Multi-tiered System of Support and should not count towards the 2% assessment requirement.</li> </ol>
1	p. 8 (F)(2)	<b><u>“Data reported under para. 1 of this subsection shall be<sup>3</sup>:</u></b> <ol style="list-style-type: none"> <li>1. <b><u>Disaggregated and searchable at the county board level; and</u></b></li> <li>2. <b><u>Updated annually and available on the Department’s website.</u></b></li> </ol>	Add to COMAR Section .07 reporting requirements.	<ol style="list-style-type: none"> <li>1. Required by law.</li> <li>2. This information is essential to stakeholders who want to understand which students were screened and the outcomes (see p. 7, Sec. (F)(1)).</li> <li>3. Part of the transparency and accountability process to improve reading instruction for all students.</li> </ol>
1	p. 8 (G)(1) and (2)	<b><u>On or before June 1, 2020, and once every 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.</u></b>	Add to COMAR	<ol style="list-style-type: none"> <li>1. Required by law.</li> <li>2. Allows the LSS and the community to be informed and prepared to participate in the literacy process. Transparency and access is critical to accountability and continuous improvement.</li> </ol>

<sup>3</sup> Paragraph 1 refers to section .07 of COMAR, Reporting Requirements, “C”.

		<b><u>Resources developed under this subsection shall be available on the Department's website.</u></b>		
1	(H)(2) p. 9	<b><u>Training opportunities may include training on:</u></b>  <b><u>(I) The administration and interpretation of screenings, informal diagnostic assessments, progress monitoring instruments, and student data;</u></b> <b><u>(II) Interpreting screenings and assessments for parents;</u></b> <b><u>(III) Best practices for designing and implementing supplemental reading instruction; and</u></b> <b><u>(IV) The elements, principles, and best practices of supplemental reading instruction.</u></b>	Support adding I, II, IV to COMAR under .04 Screening Process (F).	<p>Training opportunities are important and parents should be included.</p> <p>III is covered under F, and the rest of the training should also be included.</p>