

# SENATE BILL 734

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CF 9lr1349

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By: **Senators Zucker, Feldman, Ferguson, Guzzone, Hershey, Lam, Lee, Nathan-Pulliam, Rosapepe, and West**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

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 certain  
9 screening instruments for certain students; providing for the frequency of screening  
10 for certain students; requiring a county board to conduct a certain informal  
11 diagnostic assessment, provide certain supplemental reading instruction, and  
12 provide a certain notification letter to a parent or guardian under certain  
13 circumstances; requiring a county board to set a certain schedule for monitoring the  
14 progress of certain students and make certain adjustments in supplemental  
15 instruction in certain circumstances; requiring a county board to provide a certain  
16 parent or guardian with certain progress monitoring reports; providing that a  
17 referral for a special education evaluation may be made at any time; requiring  
18 certain county boards to provide certain resources on their websites; requiring  
19 certain county boards to report certain information to the State Department of  
20 Education on or before a certain date each year, beginning in a certain school year;  
21 requiring certain data to be reported in a certain manner; requiring the Department,  
22 in consultation with certain stakeholders, to develop and update certain resources  
23 for use by the county boards on or before a certain date; requiring the Department  
24 annually to provide training opportunities for certain individuals; requiring the  
25 Department to adopt certain regulations; defining certain terms; and generally  
26 relating to screenings and interventions for students with reading difficulties.

27 BY repealing and reenacting, without amendments,

28 Article – Education

29 Section 1–101(a) and (f)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2018 Replacement Volume and 2018 Supplement)

3 BY adding to  
4 Article – Education  
5 Section 4–135  
6 Annotated Code of Maryland  
7 (2018 Replacement Volume and 2018 Supplement)

8 Preamble

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

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

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

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

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

22 WHEREAS, Clearly, the long–term effects of early reading difficulties can be  
23 devastating and, therefore, it is critical to implement an early warning system that includes  
24 universal reading screening and evidence–based supplemental reading instruction to  
25 prevent poor reading and literacy outcomes; now, therefore,

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

28 **Article – Education**

29 1–101.

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

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

33 **4–135.**

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

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

4                   (3) “INFORMAL DIAGNOSTIC ASSESSMENT” MEANS A VALID AND  
5 RELIABLE PROCEDURE USED TO:

6                           (I) IDENTIFY A STUDENT’S SPECIFIC AREAS OF READING  
7 STRENGTH AND WEAKNESS;

8                           (II) DETERMINE DIFFICULTIES A STUDENT MAY HAVE  
9 LEARNING TO READ; AND

10                           (III) HELP DETERMINE READING INTERVENTIONS FOR A  
11 STUDENT.

12                   (4) “PHONEMIC AWARENESS” MEANS THE ABILITY TO DISTINGUISH,  
13 SEGMENT, BLEND, AND MANIPULATE PHONEMES IN WORDS.

14                   (5) “PHONICS” MEANS THE STUDY OF LETTERS AND LETTER  
15 COMBINATIONS AND THE RELATIONSHIP BETWEEN THE SOUNDS THAT THEY  
16 REPRESENT.

17                   (6) “PHONOLOGICAL AWARENESS” MEANS A CHILD’S ABILITY TO  
18 RECOGNIZE AND MANIPULATE PARTS OF ORAL LANGUAGE INCLUDING SYLLABLES,  
19 ONSET-RIME, AND PHONEMES.

20                   (7) “PROGRESS MONITORING” MEANS A MEASUREMENT PROCEDURE  
21 USED AT SPECIFIED TIME INTERVALS TO MEASURE A STUDENT’S RESPONSE TO  
22 INSTRUCTION OR INTERVENTION.

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

26                   (9) “STUDENT” MEANS A STUDENT WHO:

27                           (I) IS AT LEAST 4 YEARS OLD ON SEPTEMBER 1 OF THE  
28 CURRENT SCHOOL YEAR;

1                   **(II) DOES NOT HAVE A CURRENT INDIVIDUALIZED EDUCATION**  
2 **PROGRAM OR AN INDIVIDUALIZED FAMILY SERVICE PLAN WITH READING GOALS;**  
3 **AND**

4                   **(III) 1. ENTERS OR TRANSFERS TO A PUBLIC SCHOOL IN**  
5 **PREKINDERGARTEN, KINDERGARTEN, OR FIRST GRADE; OR**

6                   **2. ENTERS OR TRANSFERS TO A PUBLIC SCHOOL IN**  
7 **GRADE 2 OR HIGHER WHO:**

8                   **A. HAS NOT BEEN PREVIOUSLY SCREENED IN THE STATE**  
9 **FOR READING DIFFICULTIES; AND**

10                   **B. DEMONSTRATES DIFFICULTY MASTERING GRADE**  
11 **LEVEL READING.**

12                   **(10) “SUPPLEMENTAL READING INSTRUCTION” MEANS**  
13 **EVIDENCE-BASED, SEQUENTIAL, SYSTEMIC, EXPLICIT, AND CUMULATIVE**  
14 **INSTRUCTION OR INTERVENTION TO MASTERY OF FOUNDATIONAL READING SKILLS**  
15 **INCLUDING PHONOLOGICAL OR PHONEMIC AWARENESS AND PROCESSING,**  
16 **PHONICS, AND VOCABULARY TO SUPPORT DEVELOPMENT OF DECODING, SPELLING,**  
17 **FLUENCY, AND READING COMPREHENSION SKILLS TO MEET GRADE LEVEL**  
18 **CURRICULUM.**

19                   **(B) (1) (I) BEGINNING IN THE 2020–2021 SCHOOL YEAR, EACH**  
20 **COUNTY BOARD SHALL ENSURE THAT A STUDENT IS SCREENED TO IDENTIFY IF THE**  
21 **STUDENT IS AT RISK FOR READING DIFFICULTIES.**

22                   **(II) THE SCREENING REQUIRED UNDER THIS SECTION MAY NOT**  
23 **BE INCLUDED IN THE TIME LIMITATION FOR ASSESSMENTS SET FORTH IN § 7–203(H)**  
24 **OF THIS ARTICLE.**

25                   **(2) A SCREENING MAY BE CONDUCTED BY:**

26                   **(I) A CLASSROOM TEACHER;**

27                   **(II) A SCHOOL PSYCHOLOGIST;**

28                   **(III) A SPECIAL EDUCATION TEACHER;**

29                   **(IV) A SPEECH–LANGUAGE PATHOLOGIST;**

30                   **(V) A READING INTERVENTIONIST;**

1 (VI) A DESIGNATED READING SPECIALIST; OR

2 (VII) ANY OTHER EDUCATOR TRAINED IN SCREENING  
3 INSTRUMENTS AND PROTOCOLS.

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

6 (I) A DESCRIPTION OF THE SCREENING AND SUPPLEMENTAL  
7 INSTRUCTION PROCESS IN THE COUNTY; AND

8 (II) ANY CHECKLISTS OR FORMS NEEDED TO SUPPORT THE  
9 SCREENING PROTOCOL.

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

12 (I) ACCURATELY AND RELIABLY IDENTIFY STUDENTS AT RISK  
13 FOR POOR LEARNING OUTCOMES;

14 (II) ARE DEVELOPMENTALLY APPROPRIATE;

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

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

17 (2) FOR A STUDENT IN PREKINDERGARTEN, A COUNTY BOARD SHALL  
18 USE ONE OR MORE SCREENING INSTRUMENTS THAT INCLUDE PHONOLOGICAL  
19 AWARENESS AND PHONEMIC AWARENESS SKILLS.

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

22 (I) PHONOLOGICAL AWARENESS AND PHONEMIC AWARENESS  
23 SKILLS;

24 (II) KNOWLEDGE OF LETTER NAMES AND SOUND ASSOCIATIONS  
25 FOR UPPERCASE AND LOWERCASE LETTERS; AND

26 (III) NORMED RAPID AUTOMATIZED NAMING.

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

1                   **(I) THE COMPONENTS LISTED IN PARAGRAPH (3) OF THIS**  
2 **SUBSECTION;**

3                   **(II) AUTOMATIC AND FLUENT SINGLE-WORD RECOGNITION**  
4 **WITH NONSENSE AND REAL WORDS; AND**

5                   **(III) ORAL READING FLUENCY.**

6           **(D) (1) STUDENTS SHALL BE SCREENED ACCORDING TO THE SCHEDULE**  
7 **OF THE SCREENING INSTRUMENT SELECTED BY THE COUNTY BOARD.**

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

10                   **(I) CONDUCT AN INFORMAL DIAGNOSTIC ASSESSMENT OF THE**  
11 **STUDENT TO DETERMINE THE SPECIFIC AREAS OF INSTRUCTIONAL NEED FOR**  
12 **SUPPLEMENTAL READING INSTRUCTION;**

13                   **(II) PROVIDE SUPPLEMENTAL READING INSTRUCTION TO**  
14 **ADDRESS THE STUDENT'S IDENTIFIED AREAS OF NEED; AND**

15                   **(III) PROVIDE A NOTIFICATION LETTER TO THE PARENT OR**  
16 **GUARDIAN OF THE STUDENT THAT INCLUDES:**

17                               **1. THE SCREENING RESULTS;**

18                               **2. THE INFORMAL DIAGNOSTIC ASSESSMENT RESULTS;**  
19 **AND**

20                               **3. A DESCRIPTION OF THE SUPPLEMENTAL READING**  
21 **INSTRUCTION THAT WILL BE PROVIDED TO THE STUDENT.**

22           **(E) (1) A COUNTY BOARD SHALL SET A SCHEDULE, WITH APPROPRIATE**  
23 **INTERVALS OF NOT MORE THAN 10 WEEKS, FOR PROGRESS MONITORING OF**  
24 **STUDENTS WHO RECEIVE SUPPLEMENTAL READING INSTRUCTION.**

25                   **(2) IF PROGRESS MONITORING DATA REFLECT INSUFFICIENT**  
26 **PROGRESS, A COUNTY BOARD SHALL ADJUST THE SUPPLEMENTAL READING**  
27 **INSTRUCTION TO ENSURE THAT THE STUDENT IS MAKING ADEQUATE PROGRESS**  
28 **TOWARD GRADE LEVEL READING STANDARDS.**

29                   **(3) THE COUNTY BOARD SHALL PROVIDE THE PARENT OR GUARDIAN**  
30 **OF THE STUDENT WITH ONGOING PROGRESS MONITORING REPORTS.**

1           **(4) A REFERRAL FOR A SPECIAL EDUCATION EVALUATION MAY BE**  
2 **MADE AT ANY TIME IN ACCORDANCE WITH FEDERAL LAW.**

3           **(F) EACH COUNTY BOARD SHALL PROVIDE RESOURCES ON THE COUNTY**  
4 **BOARD'S WEBSITE THAT INCLUDE:**

5           **(1) READING SCREENING INSTRUMENTS USED IN THE COUNTY;**

6           **(2) INFORMAL DIAGNOSTIC ASSESSMENTS USED IN THE COUNTY;**

7           **(3) THE CORE READING CURRICULUM USED IN THE COUNTY BY**  
8 **GRADE LEVEL;**

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

11           **(5) A CHECKLIST OF EARLY WARNING SIGNS OF READING DIFFICULTY**  
12 **AND DYSLEXIA BY AGE.**

13           **(G) (1) ON OR BEFORE SEPTEMBER 1 EACH YEAR, BEGINNING WITH THE**  
14 **2020-2021 SCHOOL YEAR, EACH COUNTY BOARD SHALL REPORT TO THE**  
15 **DEPARTMENT THE FOLLOWING INFORMATION:**

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

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

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

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

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

28           **(I) DISAGGREGATED AND SEARCHABLE AT THE COUNTY**  
29 **BOARD AND SCHOOL LEVELS; AND**

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

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

8                   **(2) THE STATE READING AND DYSLEXIA HANDBOOK SHALL INCLUDE:**

9                   **(I) A LIST OF RECOMMENDED SCREENING AND INFORMAL**  
10 **DIAGNOSTIC ASSESSMENTS THAT MEET THE REQUIREMENTS OF THIS SECTION;**

11                   **(II) A LIST OF RECOMMENDED SUPPLEMENTAL READING**  
12 **INSTRUCTION PROGRAMS AND PROGRESS MONITORING INSTRUMENTS THAT MEET**  
13 **THE REQUIREMENTS OF THIS SECTION;**

14                   **(III) BEST PRACTICES FOR CHOOSING A SCREENING**  
15 **INSTRUMENT AND PROGRESS MONITORING AND DATA COLLECTION PROCESSES;**

16                   **(IV) BEST PRACTICES FOR SUPPLEMENTAL READING**  
17 **INSTRUCTION BASED ON INFORMAL DIAGNOSTIC AND PROGRESS MONITORING**  
18 **DATA;**

19                   **(V) PROCEDURES AND CRITERIA FOR APPROPRIATE**  
20 **SCREENING OF STUDENTS WHO ARE ENGLISH LANGUAGE LEARNERS;**

21                   **(VI) SAMPLE NOTIFICATION LETTERS; AND**

22                   **(VII) A CHECKLIST OF EARLY WARNING SIGNS OF READING**  
23 **DIFFICULTY AND DYSLEXIA BY GRADE.**

24                   **(3) RESOURCES DEVELOPED UNDER THIS SUBSECTION SHALL BE**  
25 **AVAILABLE ON THE DEPARTMENT'S WEBSITE.**

26                   **(I) THE DEPARTMENT SHALL PROVIDE TRAINING OPPORTUNITIES**  
27 **ANNUALLY FOR INDIVIDUALS WHO CONDUCT SCREENINGS UNDER THIS SECTION**  
28 **AND FOR SCHOOL ADMINISTRATORS ON:**

29                   **(1) THE ADMINISTRATION AND INTERPRETATION OF SCREENINGS,**  
30 **INFORMAL DIAGNOSTIC ASSESSMENTS, PROGRESS MONITORING INSTRUMENTS,**  
31 **AND STUDENT DATA;**



1           **(2) PROVIDING AND INTERPRETING SCREENINGS, ASSESSMENTS,**  
2 **AND PROGRESS MONITORING RESULTS FOR PARENTS;**

3           **(3) BEST PRACTICES FOR DESIGNING AND IMPLEMENTING**  
4 **SUPPLEMENTAL READING INSTRUCTION BASED ON INFORMAL DIAGNOSTIC AND**  
5 **PROGRESS MONITORING DATA; AND**

6           **(4) THE ELEMENTS, PRINCIPLES, AND BEST PRACTICES OF**  
7 **SUPPLEMENTAL READING INSTRUCTION.**

8           **(J) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE**  
9 **REQUIREMENTS OF THIS SECTION.**

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
11 1, 2019.