

SENATE No. 263**The Commonwealth of Massachusetts**

PRESENTED BY:

Sal N. DiDomenico

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote high-quality comprehensive literacy instruction in all Massachusetts schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	<i>1/24/2023</i>
<i>John C. Velis</i>	<i>Hampden and Hampshire</i>	<i>2/1/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/1/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/2/2023</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>2/2/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/7/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/21/2023</i>
<i>Shirley B. Arriaga</i>	<i>8th Hampden</i>	<i>2/22/2023</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>5/1/2023</i>
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>6/15/2023</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>6/21/2023</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>6/22/2023</i>

SENATE No. 263

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 263) of Sal N. DiDomenico, Paul W. Mark, John C. Velis, Angelo J. Puppolo, Jr. and other members of the General Court for legislation to promote high-quality comprehensive literacy instruction in all Massachusetts schools. Education.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act to promote high-quality comprehensive literacy instruction in all Massachusetts schools.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: Chapter 69 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by inserting after section 36 the following section:- “Section 99. On or before
3 January 1, 2024 and annually thereafter, each district shall submit to the department a District
4 Literacy Strategic Plan that is aligned with statewide literacy strategic plan. The Department will
5 create a template for districts to use in developing their District Literacy Strategic Plan. Prior to
6 such submission, said District Literacy Strategic Plan shall be reviewed and approved by the
7 school committee of that district. Pursuant to M.G.L. chapter 69, section 1S(c), whenever any
8 school in a district receives results from the department reporting 3rd grade English Language
9 Arts assessment with fewer than 50% of students meeting or exceeding expectations, or if such
10 results report any subgroup that is on average 10% below the overall school results on said 3rd
11 grade English Language Arts Assessment; the most recently submitted District Literacy Strategic
12 Plan shall be appended to and incorporated by reference into the 3-year plan. Said District

Literacy Strategic Plan shall be subject to the review of the plan as set forth in Ch 69 § 1S (d). Each District Literacy Strategic Plan shall follow the department template and address how the local school committee and district will align (i) literacy professional development, (ii) core reading and literacy curriculum, and (iii) screening, supplemental instruction, and interventions with evidence-based literacy instruction practices aligned with science-based reading research and how the school committee will support parents to support the literacy development of their children. When developing such District Literacy Strategic Plan, each local school committee shall use programs and curricula from the lists developed by the department or an approved alternative program. The department shall prioritize review, technical assistance, and support to districts, which are at the time of submission determined by the department to require assistance or intervention.

(a) The department, in consultation with designees of the commissioner of higher education, shall convene a panel of stakeholders to draft recommendations to maximize dissemination of evidence-based early literacy best practices among the educator workforce in Massachusetts, which shall include but not be limited to pre-service training for teachers, administrators, and related school-based service providers; professional development for in-service teachers, administrators, and related school-based service providers; best practices related to educator licensure, license endorsements or similar credentials intended to demonstrate advanced knowledge of Evidence-Based Early Literacy practices; and such other matters as the panel may determine would advance more equitable literacy outcomes for Massachusetts students.

(b) Said recommendations shall be published in a report to be delivered to the Senate President and the Speaker of the House of Representatives, the members of the House and Senate

Education Committees, the Governor, and the Board of Elementary and Secondary Education on or before December 31, 2024.

(c) The department shall provide tools and resources to aid districts in providing adequate professional development aligned with evidence-based early literacy practices and science-based reading research for literacy teachers, paraprofessionals, and reading specialists in grades kindergarten through third grade.

(d) The department shall create and maintain:

i. A list of department-approved, high-quality professional development programs and vendors aligned with evidence-based literacy best practices and science-based reading research.

ii. A set of online training modules available and free to all teachers that provide training on the foundational practices and pedagogy aligned with evidence-based literacy best practices and the science of reading.

iii. Priority shall be given to districts that are determined by the department to require assistance or intervention, schools receiving Title I funding, and schools with less than 50% of students demonstrating proficiency as determined by the department.

SECTION 2: Effective July 1, 2023, each school district shall at least three times per year assess each student's reading ability and progress in literacy skills, from kindergarten through at least third grade, using a valid, developmentally appropriate screening instrument approved by the department. Consistent with section 2 of chapter 71B of the general laws and the department's dyslexia and literacy guidelines, if such screenings determine that a student is significantly below relevant benchmarks for age-typical development in specific literacy skills,

the school shall determine which actions within the general education program will meet the student's needs, including differentiated or supplementary evidence-based reading instruction and ongoing monitoring of progress. Within 30 school days of a screening result that is significantly below the relevant benchmarks, the school shall inform the student's parent or guardian of the screening results and the school's response and shall offer them the opportunity for a follow-up discussion.

Districts shall provide coverage for instruction or student support when the educator is meeting the responsibilities outlined in this section. In determining which universal reading screeners to include on the Massachusetts Early Literacy Universal Screening Assessment list, the department shall also consider the following factors: (a) the time required to conduct the screening, with the intention of minimizing impact on instructional time; (b) the timeliness in reporting screening results to teachers, administrators, and parents; (c) the integration of assessment and instruction the screener provides, including the ability to provide progress monitoring capabilities and a diagnostic tool to support teachers or a progress monitoring team with targeted instruction based on student needs. Screening, diagnostic assessment, and progress monitoring processes shall be aligned with a multi-tiered system of support procedures, and tools should be norm-referenced, criterion-referenced, or curriculum-based as appropriate.

Subject to funding, students enrolled in kindergarten shall be screened for characteristics of dyslexia. The screening of students using an approved dyslexia screener must include, as developmentally appropriate, all of the following: (i) phonological and phonemic awareness; (ii) sound symbol recognition; (iii) alphabet knowledge; (iv) decoding skills; (v) rapid naming skills; (vi) encoding skills; and (vii) oral reading fluency. Parents shall be notified of the results of such screening in a similar manner as provided in section 2 herein. Dyslexia screening shall occur

after the 100th school day and before the last day scheduled in the district of said students enrolled in kindergarten. In districts that are determined by the department to require assistance or intervention, children who are not enrolled in kindergarten but would be eligible for such enrollment shall be provided such dyslexia screening at the request of a parent or guardian.

Districts shall comply with the recommendations set forth in the department's guidelines promulgated under Ch 71 § 57A; and further; any student enrolled in a district in first or second grade shall, at the request of a parent or guardian, receive age-appropriate dyslexia screening at no cost to them. Approved dyslexia screening tools shall be vetted and approved by the department in a similar manner as provided for literacy screeners in section 2 (a) herein. Approved dyslexia screening tools must include, as developmentally appropriate, all of the following: (a) Phonological and phonemic awareness; (b) Sound symbol recognition; (c) Alphabet knowledge; (d) Decoding skills; (e) Rapid naming skills; (f) Encoding skills; and (g) Oral reading fluency. The department shall promulgate guidance to families and districts recommending best practices when the results of a dyslexia screening suggest further response.

The department shall include with its list of aligned universal reading screeners, literacy intervention approaches, and Dyslexia Screeners an explanation of how these screeners and interventions were selected, including consultation with national expert organizations and the evidence base as demonstrated by the National Center on Intensive Intervention ("the Center") or similarly validated research.

The department shall provide professional learning on reading screening and literacy intervention approaches at no cost to schools and districts which shall be provided during the contractual day.

In the event that a school or district adopts any reading screener, literacy intervention approach, or Dyslexia Screener that is not listed as fully meeting expectations, the cost of such assessment shall not count toward district net school spending expenditures. In addition, the district shall submit to the Center a written explanation, approved by the school committee, stating the reason said the assessment was selected.

SECTION 3: (a)(1) The department, through the Center, shall establish and maintain a list of evidence-based, reading instruction curricula for grades kindergarten through 3 in public school entities. A curriculum on this list must:

a. align with Evidence-Based Early Literacy & Science-based reading research, including explicit and systematic instruction in phonological awareness, the alphabetic principle, decoding, fluency, vocabulary, comprehension, and building content knowledge;

b. include a logical scope and sequence that is sequential, systematic, and cumulative;
and

c. include or support the use of high-quality instructional materials.

(2) The department shall maintain the following on the department website:

a. The current list of curricula under paragraph (a)(1) of this section; and

b. The criteria and rubric used to identify high-quality curriculum under paragraph (a)(1) of this section.

(3)(a)The department shall provide a process through which public school entities can submit an application for department approval of an alternative curriculum that meets the requirements under paragraph (a)(2)b of this section.

(b) The department shall add curricula approved under paragraph (a)(3)a of this section to the list under paragraph (a)(2) a of this section.

(c) If a public school entity serves students in one or more of the grades kindergarten through 3, the public school entity must do all of the following before the beginning of the 2025-2026 school year:

(1) For students in grades kindergarten through 3, adopt a reading instruction curriculum from the list under subsection (a) of this section.

(2) Approve competency-based professional development for educators providing reading instruction. This professional development must be completed during the contractual day and must be high-quality professional learning aligned with the essential components of evidence-based reading instruction, including professional learning associated with the curriculum adopted under this section.

(3) Identify an individual responsible for assisting each school with the implementation of the curricula adopted under paragraph (c)(1) of this section.

(4) Demonstrate that all educators responsible for reading instruction or coaching have completed approved professional development under paragraph (c)(2) of this section, including all educators identified or certified as any of the following:

a. Elementary teacher.

b. School reading specialist.

c. Reading interventionist.

d. Special education teacher of students with disabilities.

e. The individual identified, under paragraph (c)(3) of this section.

f. Literacy coach.

g. Building-level principal and/or school administrator.

(5) In the event that a school or district adopts a screening assessment that is not listed as fully meeting expectations, the cost of such assessment shall not count toward district net school spending expenditures. In addition, the district shall submit to the Center a written explanation, approved by the school committee, stating the reason the assessment was selected.

SECTION 4: (a) Any student in kindergarten or grades 1-3 who exhibits a deficiency in reading at any time and any fourth-grade student identified as having reading deficiencies shall receive an individual reading improvement plan no later than 30 days after the identification of the reading deficiency. The reading improvement plan shall be created by the teacher, principal, other pertinent school personnel, and the parent(s), and shall describe the research-based reading intervention services the student will receive to remedy the reading deficit. Each student must receive intensive reading intervention until the student no longer has a deficiency in reading.

(b) Districts shall offer a reading intervention program to each K-3 student who exhibits a reading deficiency to ensure students can read at or above grade level by the end of grade 3. The reading intervention program shall be provided in addition to core reading instruction that is provided to all students in the general education classroom. The reading intervention program shall:

(1) Be provided to all K-3 students identified with a reading deficiency as determined by the department-approved assessment system administered within the first thirty (30) days of school;

(2) Provide explicit and systematic instruction in phonological awareness, phonics, fluency, vocabulary, and comprehension, as applicable;

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

(4) Be implemented during regular school hours.

(c) The department shall convene a panel of stakeholders to identify and list literacy intervention approaches that are aligned with the essential components of evidence-based reading instruction and Science-based reading research. The initial lists must be published within eighteen months of this act.

SECTION 5: (a)(1) Beginning in 2024, each district shall report annually to the department, on or before October 31, the following:

a. The number and percentage of students, disaggregated by grade and by individual school, identified with a potential reading deficiency, including characteristics of dyslexia, pursuant to the screening mandated in subsection (b) of this section, and the literacy intervention approaches being provided.

b. The curricula adopted under this article.

c. The individuals identified under Section 3 (b)(4) of this article and each individual's responsibilities for approving and providing professional development required under sections 1 and 3 of this bill.

d. How the school district or charter school will ensure that educators have access to and have successfully completed the professional development required under sections 1 and 3 of this bill.

(b) Beginning December 31, 2024, the department shall produce an annual report that provides all of the following:

a. The number and percentage of students identified with a potential reading deficiency, including characteristics of dyslexia, pursuant to the screening mandated in subsection (b) of this section, and the literacy intervention approaches being provided. Said information, disaggregated by grade and by individual school, shall be made available on the department's website.

b. A list of the curricula adopted under subsection (a) of this section and the number of schools that have adopted each curriculum listed.

c. The number of educators who have received each type of professional development provided under paragraph (b)(2) of this section.

d. The percentage of the educators required to receive professional development under paragraph (b)(4) of this section that have successfully completed that professional development.

(c) The department shall send the report required under this subsection to the Senate President and the Speaker of the House of Representatives, the members of the House and Senate Education Committees, the Governor, and the Board of Elementary and Secondary Education.

Section 6. DEFINITIONS.

“Evidence-based literacy instruction” means structured instructional practices, including sequential, systematic, explicit, and cumulative teaching, that (i) are based on reliable, trustworthy, and valid evidence consistent with science-based reading research; (ii) are used in core or general instruction, supplemental instruction, intervention services, and intensive intervention services; (iii) have a demonstrated record of success in adequately increasing students' reading competency, vocabulary, oral language, and comprehension and in building mastery of the foundational reading skills of phonological and phonemic awareness, alphabetic principle, phonics, spelling, and text reading fluency; and (iv) are able to be differentiated in order to meet the individual needs of students.

“Science-based reading research” means research that (i) applies rigorous, systematic, and objective observational or experimental procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading and writing difficulties and (ii) explains how proficient reading and writing develop, why some children have difficulties developing key literacy skills, and how schools can best assess and instruct early literacy, including the use of evidence-based literacy instruction practices to promote reading and writing achievement.

“Literacy intervention approaches” means evidence-based, specialized reading, writing, and spelling instruction that is systematic and explicit and intensified based on the needs of the student. Dyslexia-specific intervention approaches may require greater intensity, such as smaller groups, increased frequency of instruction, and individualized progression through steps, than typical evidence-based reading instruction.

“Multi-Tiered Systems of Support (MTSS)”. A framework for how school districts can build the necessary systems to ensure that each and every student receives a high-quality educational experience. It is designed to support schools in proactively identifying and addressing the strengths and needs of all students by optimizing data-driven decision-making, progress monitoring, and the use of evidence-based supports and strategies with increasing intensity to sustain student growth.

“Evidence-Based Early Literacy.” Evidence-based instructional and assessment practices that address the multimodal approach that integrates listening, speaking, reading, spelling, and writing in the acquisition of oral and written language skills that can be differentiated to meet the needs of individual students. Evidence-Based Early Literacy should align with scientifically based reading research standards set forth in 20 USC 6368 (3)(4)(5)(6)(7).

“Universal reading screener” means a tool used as part of a multi-tiered system of support to determine if a student is at risk for developing reading difficulties and the need for intervention and to evaluate the effectiveness of core curriculum as an outcome measure. A universal reading screener must do all of the following:

a. Measure, at a minimum, phonological awareness, the alphabetic principle, decoding, fluency, vocabulary, comprehension, and building content knowledge.

b. Identify students who have a potential reading deficiency, including identifying students with characteristics of dyslexia.