SPONSOR: Rep. K. Williams & Sen. Sturgeon & Sen. S. McBride & Sen. Lockman
Reps. Baumbach, Bush, Heffernan, K. Johnson, Kowalko, Longhurst, Osienski, Shupe; Sens. Bonini, Brown, Ennis, Gay, Hansen, Hocker, Lawson, Lopez, Mantzavinos, Paradee, Pettyjohn, Pinkney, Poore, Richardson, Sokola, Townsend, Walsh, Wilson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 304

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO READING COMPETENCY.

WHEREAS, advances in understanding how children learn to read has produced a body of research by linguists, psychologists, and cognitive scientists known as the "science of reading" which reflects a conclusion that effective beginning reading instruction has certain essential components of reading literacy: phonemic awareness, phonics, reading fluency, vocabulary, text comprehension, and oral language; and

WHEREAS, decades of research have demonstrated that early intervention in education and ensuring students are proficient by 3rd grade are extremely effective strategies for addressing potential issues and ensuring future success; and

WHEREAS, literacy is a fundamental skill for work and long-term success, and research demonstrates the negative implications on lifelong learning and opportunities if students are not supported to read proficiently by grade 3; and

WHEREAS, early identification is critical to help educators address literacy issues as early as possible, and universal screening is an effective way to identify gaps in key foundational skills and characteristics of dyslexia; and

WHEREAS, all educators should have knowledge of the science of reading and how to teach reading – and every educator should know what to do when child is struggling; and

WHEREAS, screening tools are one tool and data source for educators to support student learning within a system of screening, diagnostic, and assessment tools that are part of a multi-tiered system of support for student progress; and

WHEREAS, Delaware requires universal screening and at least two more screenings throughout the school year to inform interventions.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter III, Chapter 1 of Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

~~§ 158. Student Assessment and Accountability Committee.~~

~~---Repealed by 77 Del. Laws, c. 106, § 1, effective July 6, 2009.~~

§ 158. Reading screening.

(a) As used in this section:

(1) "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.

(2) "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, phonemic awareness, phonological awareness, symbol recognition, alphabet knowledge, decoding and encoding skills, fluency, and comprehension.

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

(b) (1) Beginning July 1, 2023, a district or charter school shall screen each student enrolled in kindergarten through third grade 3 times a year for reading competency using a universal reading screener chosen from the list of aligned universal reading screeners maintained by the Department of Education (Department). The results of the screening and any intervention approaches being implemented shall be communicated in writing to each student's parent or guardian, either through inclusion in existing periodic progress reports or report cards, or otherwise.

(2) Beginning July 1, 2024, districts and charter schools shall provide 1 or more literacy interventions from the list of aligned literacy intervention approaches maintained by the Department for each student or group of students identified with a potential reading deficiency.

(c) The Department shall, by December 1, 2022, maintain and publish a list of universal reading screeners and a list of literacy intervention approaches that are aligned with the essential components of evidence-based reading instruction listed under § 1280(c)(3) of this title.

(1) In determining which universal reading screeners to include on the 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.

d. Screening, diagnostic assessment, and progress monitoring processes shall be aligned with multi-tiered system of support procedures and tools should be norm-referenced, criterion-referenced, or curriculum-based as appropriate.

(2) The Department shall include with its list of aligned universal reading screeners and literacy intervention approaches, 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 or similar validated research.

(3) The Department shall provide professional learning on reading screening and literacy intervention approaches at no cost.

(d) Beginning in 2023, each school district and charter school shall report annually to the Department, on or before October 31, all of the following information broken down by individual school:

(1) The number and percentage of students in kindergarten through third grade, disaggregated by grade, identified with a potential reading deficiency pursuant to the screening mandated in subsection (b) of this section and the literacy intervention approaches being provided.

(2) The number and percentage of students in kindergarten through third grade, disaggregated by grade, receiving dyslexia specific intervention approaches and the name of the dyslexia specific intervention being provided.

(e) Beginning in 2023, on or before December 31, the Department shall annually compile the information received from districts and charters under subsection (d) of this section and deliver a comprehensive report to the State Board of Education, the Governor, the Chairs of the Education Committees of the Senate and House of Representatives, the Director and the Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives. The report must also be available to the public on the Department's website.

Ssynopsis

This Act recognizes advancements in the science of reading and literacy instruction by requiring that all public school students in kindergarten through grade 3 participate in a universal reading screening 3 times each year to identify potential reading deficiencies, including dyslexia, and allow for early intervention and prevention. The Department is tasked with compiling a list of reading screeners as well as literacy intervention approaches that are aligned with the science of reading that charter schools and districts may use. The Department will take into account the science of reading and evidence-based research in creating the list as well as the alignment of screeners and interventions with a multi-tiered system of support. The Department is also required to consider the burden on schools to administer screeners and the amenability of the screener to being incorporated into ongoing instruction.

Charter schools and districts are additionally required to provide the results of each screening to a student's parent – which may be done by adding it to existing communications such as report cards or progress reports.

Finally, charter schools and districts must report, by grade, the number of students in kindergarten through grade 3 determined to have potential reading deficiencies and what intervention approach is being used, as well as the number of students receiving dyslexia specific interventions. The Department of Education is tasked with compiling this information into a report for the General Assembly, the State Board of Education, and the Governor.