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
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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:

HD : KL : MAW : 2141510415
LC : HVW : NMX : 5081510217
Released: 06/21/2022 03:43 PM

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. A district or charter school shall provide educators time during the contractual day to complete data entry and compilation associated with the screener, to communicate with families, and any other responsibility as outlined in this section. A district or charter school shall provide coverage for instruction or student support when the educator is meeting the responsibilities outlined in this section.

(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, in consultation with curriculum and special education supervisors from local education agencies, elementary school teachers, and elementary special education teachers, shall develop, 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. Initial publication of the lists must occur by December 1, 2022.

(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 which shall be provided during the contractual day.

(d) Beginning in 2023, each school district and charter school shall report annually to the Department, on or before October 31, 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.

(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.