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

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 4
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EVIDENCE-BASED READING CURRICULA.

WHEREAS, reading is the foundation for learning and lifelong success; and

WHEREAS, only 36% of Delaware's fourth graders scored proficient or advanced on the National Assessment of Educational Progress, placing the State below the national average; and

WHEREAS, based on 2019 data, in Delaware, 84% of Black students were not proficient in reading by 4th grade, 78% of Hispanic students were not proficient in reading by fourth grade, and 83% of students who were eligible for free or reduced lunch were not proficient in reading by fourth grade; and

WHEREAS, Delaware's economically-disadvantaged students are performing below the national average; and

WHEREAS, since 2002, Delaware's reading scores have dropped from sixth in the nation to thirty-seventh; and

WHEREAS, only 51% of third graders score at or above grade level in English Language Arts on Delaware's state assessment, with gaps in achievement among racial and socioeconomic subgroups; and

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"; and

WHEREAS, the science of reading reflects a conclusion that effective early reading instruction has 6 essential components: phonemic awareness, phonics, reading fluency, vocabulary, text comprehension, and oral language; and

WHEREAS, research shows that children who do not achieve sound reading skills at an early age fall behind their peers and that the gap between proficient readers and those who struggle continues to widen over time; and

WHEREAS, proficient third grade readers are nearly 5 times more likely to graduate from high school than their struggling peers; and

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WHEREAS, in the last decade, states that have adopted science of reading policy standards have seen dramatic gains in reading achievement; and

WHEREAS, there are no State standards in Delaware for instructional materials based on the science of reading or requirements that State funds must be used on these materials; and

WHEREAS, curriculum, which includes evidence-based practices, instructional materials, and assessment and screening tools, is part of the approach educators use to support students' success in literacy; and

WHEREAS, school districts and charter schools in Delaware have local control over curriculum development; and

WHEREAS, this Act requires the Department of Education (Department) to maintain a list of approved curricula as a resource for school districts and charter schools researching curricula that align with the essential components of reading; and

WHEREAS, this Act also provides a mechanism for curricula submitted by school districts and charter schools to be added to the Department's list of approved curricula; and

WHEREAS, it is the expectation of the General Assembly that the Department will review curricula submitted for approval by school districts and charter schools with the understanding that a curriculum can align with the essential components of reading without containing all of the components, if used in combination with other resources to meet the remaining components; and

WHEREAS, educators deserve support in selecting and implementing high-quality, research-based instructional materials based on the science of reading.

NOW, THEREFORE:

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

Section 1. Amend Chapter 41, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4144. Evidence-based reading curricula.

(a)(1) The Department of Education (Department) shall maintain a list of evidence-based, reading instruction curricula for grades kindergarten through 3 in school districts and charter schools. A curriculum on this list must meet all of the following requirements:

a. Align with evidence-based reading instruction in the essential components of reading based on science of reading research, as listed under § 1280(c)(3) of this title.

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

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

(2) The Department shall maintain all of the following on the Department website:

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

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 school districts and charter schools 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.

(b) If a school district or charter school serves students in 1 or more of the grades kindergarten through 3, the school district or charter school must do all of the following before the beginning of the 2027 – 2028 school year:

(1) For students served 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 any of the following:

a. Professional learning associated with the curriculum adopted under paragraph (b)(1) of this section.

b. Attainment of micro-credentials.

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

(4) Demonstrate that all educators responsible for reading instruction or coaching have completed approved professional development under paragraph (b)(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 (b)(3) of this section.

f. Literacy coach.

g. A literacy cadre position.

(c) Beginning October 31, 2023, each school district and charter school shall annually report all of the following to the Department for the Department's annual report:

(1) The curricula adopted under this section.

(2) The individuals identified under paragraph (b)(3) of this section and each individual's responsibilities for approving and providing professional development required under paragraphs (b)(2) and (b)(4) of this section.

(3) How the school district or charter school will ensure that educators have access to and have successfully completed the professional development required under paragraph (b)(4) of this section.

(d)(1) Beginning December 31, 2023, the Department shall produce an annual report that provides all of the following:

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

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

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

(2) The Department shall send the report required under this subsection to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the members of the House and Senate Education Committees, the Governor, State Board of Education, P-20 Council, Professional Standards Board, the Director and the Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives.

Section 2. Amend Chapter 41, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 4144. Evidence-based reading curricula.

(d)(2) The report required under paragraph (d)(1) of this section may be consolidated with the report required under § 158 of this title and submitted as a single report.

Section 3. If House Bill No. 304 is also enacted into law, Section 2 of this Act takes effect January 1, 2023.

Section 4. If House Bill No. 304 is not enacted into law, Section 2 of this Act does not take effect.