

HOUSE BILL 910

F1

8lr2376
CF SB 548

By: ~~Delegates Luedtke and Kaiser~~ Luedtke, Kaiser, D. Barnes, Buckel, Ebersole, C. Howard, Mosby, Patterson, Reilly, Rose, Shoemaker, Simonaire, Tarlau, Walker, M. Washington, A. Washington, Wilkins, S. Howard, and Glass

Introduced and read first time: February 5, 2018

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2018

CHAPTER _____

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 under certain provisions of law; authorizing a certain
7 student to be exempt from certain screening requirements under certain
8 circumstances; authorizing certain individuals to conduct a certain screening;
9 requiring a county board to provide a ~~certain questionnaire and~~ certain description
10 of certain screening and support at a certain time; requiring a county board to select
11 a certain screening instrument; requiring a county board to use certain screening
12 instruments for certain students; authorizing a county board to use a certain
13 screening instrument for certain students; limiting the use of certain screening
14 instruments during a certain time period for certain students; providing for the
15 frequency of screening for certain students; requiring a county board to conduct a
16 certain diagnostic assessment, provide certain reading instruction, and provide a
17 certain notification letter to certain parents or guardians under certain
18 circumstances; requiring a certain intervention to include certain components;
19 requiring a county board to monitor a certain student for progress for a certain period
20 of time; requiring a county board to ~~provide a certain student certain additional~~
21 instruction adjust a certain intervention under certain circumstances; requiring a
22 county board to provide a certain parent or guardian with certain progress
23 monitoring reports; providing ~~the circumstances for~~ that a referral for ~~special~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~education~~ a special education evaluation may be made at any time; requiring certain county boards to provide certain resources on a certain website; requiring certain county boards to report annually certain information to the State Department of Education beginning in a certain school year; requiring certain data to be reported in a certain manner; requiring the Department, in consultation with certain stakeholders, to annually develop and update certain resources and protocols for use by the county boards beginning on or before a certain date; requiring the Department to provide training opportunities for certain individuals on certain screening instruments and instruction interventions; requiring the Department to adopt certain regulations; defining certain terms; and generally relating to screenings and interventions for students with reading difficulties.

BY adding to

Article – Education

Section 4–134

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

4–134.

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

(2) “SCREENING” MEANS A ~~READING SCREENING PROCESS USING INSTRUMENTS THAT INVOLVE COMPONENTS OF ORAL LANGUAGE TO IDENTIFY READING DIFFICULTIES~~ BRIEF ASSESSMENT OF EARLY LITERACY SKILLS OR ABILITIES THAT IS HIGHLY PREDICTIVE OF LATER OUTCOMES WITH MEASURES THAT FOCUS ON SPECIFIC PRE-READING AND READING SKILLS THAT ARE HIGHLY CORRELATED WITH BROADER MEASURES OF READING ACHIEVEMENT.

(3) “STUDENT” MEANS:

(I) A STUDENT WHO ENTERS PUBLIC SCHOOL IN PREKINDERGARTEN, KINDERGARTEN, OR FIRST GRADE;

(II) A STUDENT IN PREKINDERGARTEN, KINDERGARTEN, OR FIRST GRADE WHO:

1. TRANSFERS TO A PUBLIC SCHOOL; AND

1 ~~(I) A QUESTIONNAIRE ON THE STUDENT'S FAMILY HISTORY OF~~
 2 ~~READING, WRITING, OR OTHER ACADEMIC ISSUES; AND~~

3 ~~(H) A~~ A CLEAR DESCRIPTION OF THE SCREENING AND SUPPORT
 4 PROCESS IN THE COUNTY.

5 (C) (1) A COUNTY BOARD SHALL SELECT A SCREENING INSTRUMENT
 6 THAT:

7 (I) HAS STRONG PREDICTIVE VALIDITY;

8 (II) HAS STRONG CLASSIFICATION ACCURACY;

9 (III) IS ECONOMICAL TO ADMINISTER IN TIME AND COST; AND

10 (IV) USES NORM-REFERENCED OR CRITERION-BASED SCORES.

11 (2) FOR A STUDENT IN PREKINDERGARTEN, A COUNTY BOARD SHALL
 12 USE ONE OR MORE SCREENING INSTRUMENTS THAT INCLUDE:

13 ~~(I) PHONOLOGICAL PHONOLOGICAL AWARENESS AND~~
 14 ~~PHONEMIC PROCESSING SKILLS SUCH AS SYLLABLE IDENTIFICATION AND~~
 15 ~~DETECTING, SEGMENTING, BLENDING, AND MANIPULATING SOUNDS IN SPOKEN~~
 16 ~~LANGUAGE;~~

17 ~~(H) FAMILY HISTORY INFORMATION ON READING, WRITING,~~
 18 ~~SPEAKING, AND LEARNING CONCERNS; AND THAT ARE DEVELOPMENTALLY~~
 19 APPROPRIATE.

20 ~~(III) NORMED~~

21 (3) FOR A STUDENT IN PREKINDERGARTEN, A COUNTY BOARD MAY
 22 USE A SCREENING INSTRUMENT THAT INCLUDES A NORMED RAPID AUTOMATIZED
 23 NAMING ASSESSMENTS ASSESSMENT.

24 ~~(3)~~ (4) FOR A STUDENT IN KINDERGARTEN, A COUNTY BOARD
 25 SHALL USE ONE OR MORE SCREENING INSTRUMENTS THAT INCLUDE:

26 (I) THE COMPONENTS LISTED IN PARAGRAPH (2) OF THIS
 27 SUBSECTION;

28 (II) KNOWLEDGE OF LETTER AND SOUND ASSOCIATION IN:

1 ~~1.~~ ~~UPPERCASE~~ UPPERCASE AND LOWERCASE LETTER
2 NAMES; ~~AND~~

3 ~~2.~~ ~~PRINTING OF UPPERCASE AND LOWERCASE LETTERS;~~

4 (III) IDENTIFICATION OF FIRST, LAST, AND MEDIAL SOUNDS IN
5 WORDS;

6 (IV) ~~PHONEME MANIPULATION~~ PHONOLOGICAL AND PHONEMIC
7 AWARENESS SKILLS THAT ARE DEVELOPMENTALLY APPROPRIATE; AND

8 ~~(V) WORKING MEMORY DIGIT RECALL AND LETTER NUMBER~~
9 ~~SEQUENCING.~~

10 (V) NORMED RAPID AUTOMATIZED NAMING ASSESSMENTS, IF
11 THE COUNTY BOARD DID NOT USE A SCREENING INSTRUMENT THAT INCLUDED THE
12 ASSESSMENT FOR A STUDENT IN PREKINDERGARTEN.

13 ~~(4)~~ (5) FOR A STUDENT IN FIRST GRADE, A COUNTY BOARD SHALL
14 USE ONE OR MORE SCREENING INSTRUMENTS THAT INCLUDE:

15 (I) THE COMPONENTS LISTED IN PARAGRAPHS (2) AND ~~(3)~~ (4)
16 OF THIS SUBSECTION;

17 (II) AUTOMATIC AND FLUENT SINGLE WORD RECOGNITION
18 WITH CLOSED SYLLABLE NONSENSE AND REAL WORDS; AND

19 (III) ~~CLOSED SYLLABLE NONSENSE AND REAL WORDS;~~

20 ~~(IV) DICTATION LETTER WRITING WITH LETTER SOUNDS; AND~~

21 ~~(V)~~ NORMED ORAL READING FLUENCY.

22 (6) FOR A STUDENT IN PREKINDERGARTEN, KINDERGARTEN, OR
23 FIRST GRADE, A COUNTY BOARD MAY USE A SCREENING INSTRUMENT THAT
24 INCLUDES NORMED RAPID AUTOMATIZED NAMING ASSESSMENTS ONLY ONCE
25 DURING THE TIME PERIOD THAT THE STUDENT IS IN PREKINDERGARTEN THROUGH
26 FIRST GRADE.

27 (D) (1) (I) A STUDENT IN PREKINDERGARTEN SHALL BE SCREENED
28 ACCORDING TO THE SCHEDULE OF A SCREENING INSTRUMENT SELECTED BY THE
29 COUNTY BOARD.

1 (II) A STUDENT IN KINDERGARTEN OR FIRST GRADE SHALL BE
 2 SCREENED; ACCORDING TO THE SCHEDULE OF A SCREENING INSTRUMENT
 3 SELECTED BY THE COUNTY BOARD.

4 ~~1. AT THE BEGINNING, MIDDLE, AND END OF THE~~
 5 ~~SCHOOL YEAR; OR~~

6 ~~2. UNTIL THE STUDENT HAS REACHED END OF YEAR~~
 7 ~~BENCHMARKS ACCORDING TO A SCREENING INSTRUMENT SELECTED BY THE~~
 8 ~~COUNTY BOARD.~~

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

11 1. CONDUCT AN INFORMAL DIAGNOSTIC ASSESSMENT
 12 ON THE STUDENT TO DETERMINE ANY AREAS OF INSTRUCTIONAL NEED FOR
 13 EVIDENCE-BASED, STRUCTURED LITERACY READING INSTRUCTION INTERVENTION;

14 2. PROVIDE EVIDENCE-BASED STRUCTURED LITERACY
 15 READING INSTRUCTION, AS APPROPRIATE; AND

16 3. PROVIDE A NOTIFICATION LETTER TO THE PARENT
 17 OR GUARDIAN OF THE STUDENT THAT INCLUDES THE STUDENT'S SCREENING
 18 RESULTS AND A DESCRIPTION OF THE SUPPLEMENTAL, TARGETED STRUCTURED
 19 LITERACY READING INSTRUCTION INTERVENTION THAT WILL BE PROVIDED TO THE
 20 STUDENT.

21 (II) ANY STRUCTURED LITERACY READING INSTRUCTION
 22 INTERVENTION SHALL INCLUDE, AS INDICATED BY THE RESULTS OF THE INFORMAL
 23 DIAGNOSTIC ASSESSMENT, ONE OR MORE OF THE FOLLOWING:

24 1. PHONEMIC AWARENESS TO ENABLE STUDENTS TO
 25 DETECT, SEGMENT, BLEND, AND MANIPULATE SOUNDS IN SPOKEN LANGUAGE;

26 2. PHONICS FOR TEACHING THE LETTER-SOUND PLAN
 27 OF ENGLISH;

28 3. THE ENTIRE STRUCTURE OF THE ENGLISH
 29 LANGUAGE THAT ENCOMPASSES MORPHOLOGY, SEMANTICS, SYNTAX, AND
 30 PRAGMATICS;

31 4. LINGUISTIC INSTRUCTION DIRECTED TOWARD
 32 PROFICIENCY AND FLUENCY WITH THE PATTERNS OF LANGUAGE TO ALLOW WORDS
 33 AND SENTENCES TO BE CARRIERS OF MEANING; AND

1 5. STRATEGIES FOR DECODING, ENCODING, WORD
2 RECOGNITION, FLUENCY, AND COMPREHENSION.

3 (III) 1. A COUNTY BOARD SHALL MONITOR A STUDENT WHO
4 RECEIVES STRUCTURED LITERACY READING INSTRUCTION ~~FOR AT LEAST 6 WEEKS~~
5 ~~BUT NOT MORE THAN 8 WEEKS~~ FOR AN APPROPRIATE TIME PERIOD SET BY THE
6 COUNTY BOARD.

7 2. IF PROGRESS MONITORING DATA REFLECTS
8 INSUFFICIENT PROGRESS AFTER AN APPROPRIATE TIME PERIOD SET BY THE
9 COUNTY BOARD, A COUNTY BOARD SHALL PROVIDE THE STUDENT WITH AT LEAST
10 AN ADDITIONAL 6 WEEKS BUT NOT MORE THAN 8 WEEKS OF DAILY, INTENSIVE
11 INDIVIDUALIZED STRUCTURED LITERACY READING INSTRUCTION IN THE CONTEXT
12 OF GENERAL EDUCATION ADJUST THE STRUCTURED LITERACY READING
13 INSTRUCTION INTERVENTION TO APPROPRIATELY MEET THE NEEDS OF THE
14 STUDENT.

15 3. THE COUNTY BOARD SHALL PROVIDE THE PARENT OR
16 GUARDIAN OF THE STUDENT WITH ONGOING PROGRESS MONITORING REPORTS ~~AND~~
17 ~~RESOURCE MATERIALS ON TOOLS THE PARENT OR GUARDIAN CAN USE TO HELP THE~~
18 ~~STUDENT AT HOME.~~

19 4. ~~IF INTERVENTIONS CONDUCTED UNDER THIS~~
20 ~~SUBPARAGRAPH REFLECT INSUFFICIENT PROGRESS, A REFERRAL FOR SPECIAL~~
21 ~~EDUCATION MAY BE WARRANTED~~ A REFERRAL FOR A SPECIAL EDUCATION
22 EVALUATION MAY BE MADE AT ANY TIME IN ACCORDANCE WITH FEDERAL LAW.

23 (E) EACH COUNTY BOARD SHALL PROVIDE RESOURCES ON THE COUNTY
24 BOARD'S WEBSITE FOR PARENTS THAT INCLUDE INFORMATION ON:

25 (1) SCREENING AND SCREENING INSTRUMENTS USED IN THE
26 COUNTY;

27 (2) ~~DIAGNOSTIC SCREENING~~ SCREENING AND INFORMAL
28 DIAGNOSTIC ASSESSMENT PROTOCOLS USED IN THE COUNTY;

29 (3) BEST PRACTICES IN STRUCTURED LITERACY READING
30 INSTRUCTION INTERVENTIONS;

31 (4) TIERED INSTRUCTION OR RESPONSE TO INTERVENTION
32 PROTOCOLS;

1 (5) INDICATORS AND RISKS OF READING DIFFICULTIES SUCH AS
2 DYSLEXIA; AND

3 (6) COMMUNITY RESOURCES AND SUPPORT FOR STUDENTS WITH
4 READING DIFFICULTIES SUCH AS DYSLEXIA.

5 (F) (1) BEGINNING WITH THE 2020–2021 SCHOOL YEAR, EACH COUNTY
6 BOARD SHALL REPORT ANNUALLY TO THE DEPARTMENT THE FOLLOWING
7 INFORMATION:

8 (I) NUMBER OF STUDENTS SCREENED;

9 (II) NUMBER OF STUDENTS IDENTIFIED THROUGH A
10 SCREENING INSTRUMENT AS AT RISK FOR READING DIFFICULTIES;

11 (III) NUMBER OF STUDENTS WHO RECEIVED A READING
12 INTERVENTION PROGRAM ~~AND THE NAME OF THE PROGRAM PROVIDED;~~ AND

13 (IV) GRADE LEVEL OF THE STUDENT WHEN THE STUDENT WAS
14 IDENTIFIED AS AT RISK FOR READING DIFFICULTIES; ~~AND.~~

15 (V) ~~LENGTH OF INTERVENTION SERVICES RECEIVED BY A~~
16 ~~STUDENT.~~

17 (2) DATA REPORTED UNDER PARAGRAPH (1) OF THIS SUBSECTION
18 SHALL BE:

19 (I) AGGREGATED AND SEARCHABLE AT THE COUNTY BOARD
20 AND SCHOOL LEVELS; AND

21 (II) ~~AVAILABLE ANNUALLY~~ PUBLISHED ON THE DEPARTMENT'S
22 WEBSITE.

23 (G) ~~BY THE BEGINNING OF THE 2019–2020 SCHOOL YEAR~~ ON OR BEFORE
24 JUNE 1, 2019, AND EACH YEAR JUNE 1 THEREAFTER, THE DEPARTMENT SHALL
25 DEVELOP AND UPDATE, IN CONSULTATION WITH PARENTS, TEACHERS, AND OTHER
26 INTERESTED STAKEHOLDERS, RESOURCES AND PROTOCOLS FOR USE BY THE
27 COUNTY BOARDS THAT INCLUDE:

28 (1) A ~~CHECKLIST~~ LIST OF RECOMMENDED SCREENING AND
29 INFORMAL DIAGNOSTIC ASSESSMENT INSTRUMENTS THAT MEET THE
30 REQUIREMENTS OF THIS SECTION;

1 **(2) A LIST OF RECOMMENDED STRUCTURED LITERACY READING**
2 **INSTRUCTION AND PROGRESS MONITORING TOOLS THAT MEET THE REQUIREMENTS**
3 **OF THIS SECTION;**

4 **(3) A SCREENING PROTOCOL THAT:**

5 **(I) INCORPORATES SCREENING AND DIAGNOSTIC ASSESSMENT**
6 **BEST PRACTICES; AND**

7 **(II) INCLUDES THE FOLLOWING:**

8 1. **SCORING REQUIREMENTS FOR IDENTIFICATION;**

9 2. **FREQUENCY OF SCREENING;**

10 3. **BEST PRACTICES FOR MONITORING PROGRESS;**

11 4. **INSTRUMENTS, DATA COLLECTION, AND**
12 **ASSESSMENTS;**

13 5. **TIERED INSTRUCTION OR RESPONSE TO**
14 **INTERVENTION PROTOCOLS;**

15 6. **SCREENING ~~PROTOCOL~~ PROTOCOLS FOR STUDENTS**
16 **IN GRADES 2 THROUGH 12; AND**

17 7. **SAMPLE PARENT NOTIFICATION LETTERS;**

18 **(4) A PARENT LITERACY SURVEY THAT INCLUDES:**

19 ~~**(I) DEVELOPMENTAL**~~ **DEVELOPMENTAL** HISTORY FOR THE
20 **CHILD ON SPEECH AND LANGUAGE DEVELOPMENT, ~~HEARING DEVELOPMENT,~~ OR**
21 **EARLY INTERVENTION SERVICES; AND**

22 ~~**(II) IMMEDIATE AND EXTENDED FAMILY HISTORY ON ACADEMIC**~~
23 ~~**ATTAINMENT, READING, ORAL LANGUAGE, SPELLING, AND WRITING DIFFICULTIES;**~~
24 ~~**AND**~~

25 **(5) A REPORTING FORM OR PROCESS THAT ALLOWS A COUNTY BOARD**
26 **TO REPORT SCREENING RESULTS.**

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

1 **(1) THE ADMINISTRATION AND INTERPRETATION OF SCREENING AND**
2 **INFORMAL DIAGNOSTIC ASSESSMENTS;**

3 **(2) THE ADMINISTRATION AND INTERPRETATION OF PROGRESS**
4 **MONITORING INSTRUMENTS AND STUDENT DATA;**

5 **(3) PROVIDING AND INTERPRETING SCREENING AND INTERVENTION**
6 **RESULTS FOR PARENTS;**

7 **(4) DESIGNING FLEXIBLE STUDENT GROUPINGS BASED ON**
8 **DIAGNOSTIC SCREENING DATA FOR DELIVERY OF EVIDENCE-BASED READING**
9 **INTERVENTIONS; AND**

10 **(5) THE ELEMENTS AND PRINCIPLES OF EVIDENCE-BASED**
11 **STRUCTURED LITERACY READING INSTRUCTION ALIGNED WITH BEST PRACTICES**
12 **FOR STUDENTS WITH READING DIFFICULTIES, SUCH AS DYSLEXIA.**

13 **(I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE**
14 **REQUIREMENTS OF THIS SECTION, INCLUDING PROCEDURES AND CRITERIA FOR**
15 **EXEMPTING A STUDENT WHO IS AN ENGLISH LANGUAGE LEARNER FROM A**
16 **SCREENING REQUIREMENT.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
18 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.