

SENATE BILL 734

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9lr1381
CF HB 690

By: **Senators Zucker, Feldman, Ferguson, Guzzone, Hershey, Lam, Lee, Nathan-Pulliam, Rosapepe, and West West, and Ellis**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2019

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; authorizing certain individuals to conduct a certain
7 screening; requiring a county board to provide certain information to a parent or
8 guardian at student registration; requiring a county board to select ~~and use a~~ certain
9 ~~screening instruments for certain students~~ instrument based on certain reading
10 skills; providing for the frequency of screening for certain students; requiring a
11 county board to ~~conduct a certain informal diagnostic assessment~~, provide certain
12 supplemental reading instruction, and provide a certain notification letter to a
13 parent or guardian under certain circumstances; ~~requiring a county board to set a~~
14 ~~certain schedule for monitoring the progress of certain students and make certain~~
15 ~~adjustments in supplemental instruction in certain circumstances; requiring a~~
16 ~~county board to provide a certain parent or guardian with certain progress~~
17 ~~monitoring reports; providing that a referral for a special education evaluation may~~
18 ~~be made at any time~~; requiring certain county boards to provide certain resources on
19 their websites; requiring certain county boards to report certain information to the
20 State Department of Education on or before a certain date each year, beginning in a
21 certain school year; requiring certain data to be reported in a certain manner;
22 requiring the Department, in consultation with certain stakeholders, to develop and
23 update certain resources for use by the county boards on or before a certain date;
24 requiring the Department annually to provide technical support for the county

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.



1 boards to provide training opportunities for certain individuals; requiring the
 2 Department to adopt certain regulations; declaring a certain intent of the General
 3 Assembly; defining certain terms; and generally relating to screenings and
 4 interventions for students with reading difficulties.

5 BY repealing and reenacting, without amendments,
 6 Article – Education
 7 Section 1–101(a) and (f)
 8 Annotated Code of Maryland
 9 (2018 Replacement Volume and 2018 Supplement)

10 BY adding to
 11 Article – Education
 12 Section 4–135
 13 Annotated Code of Maryland
 14 (2018 Replacement Volume and 2018 Supplement)

15 Preamble

16 WHEREAS, Reading is fundamental to many life activities and is perhaps the most
 17 essential skill children learn in school; and

18 WHEREAS, Without reading proficiency, students will have limited access to
 19 content in all academic subjects; and

20 WHEREAS, Research studies have shown that children who do not learn to read well
 21 during the primary grades typically struggle with reading throughout school; and

22 WHEREAS, In fact, according to a 2014 study by H. Lane, entitled Evidence–Based
 23 Reading Instruction for Grades K–5, nearly 70% of older students fail to achieve proficient
 24 levels of reading, because once poor reading trajectories are established, they are very
 25 difficult to change; and

26 WHEREAS, Researchers have shown that reading failure is likely to lead to negative
 27 consequences such as grade retention, dropouts, limited employment opportunities, and
 28 difficulties with basic life activities; and

29 WHEREAS, Clearly, the long–term effects of early reading difficulties can be
 30 devastating and, therefore, it is critical to implement an early warning system that includes
 31 universal reading screening and evidence–based supplemental reading instruction to
 32 prevent poor reading and literacy outcomes; now, therefore,

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

35 **Article – Education**

1 1-101.

2 (a) In this article, unless the context requires otherwise, the following words have
3 the meanings indicated.

4 (f) "Department" means the State Department of Education.

5 ~~4-135.~~

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

8 (2) "FLUENCY" MEANS READING ACCURACY AND RATE.

9 ~~(3) "INFORMAL DIAGNOSTIC ASSESSMENT" MEANS A VALID AND
10 RELIABLE PROCEDURE USED TO:~~

11 ~~(I) IDENTIFY A STUDENT'S SPECIFIC AREAS OF READING
12 STRENGTH AND WEAKNESS;~~

13 ~~(II) DETERMINE DIFFICULTIES A STUDENT MAY HAVE
14 LEARNING TO READ; AND~~

15 ~~(III) HELP DETERMINE READING INTERVENTIONS FOR A
16 STUDENT.~~

17 ~~(4)~~ (3) "PHONEMIC AWARENESS" MEANS THE ABILITY TO
18 DISTINGUISH, SEGMENT, BLEND, AND MANIPULATE PHONEMES IN WORDS.

19 ~~(5)~~ (4) "PHONICS" MEANS THE STUDY OF LETTERS AND LETTER
20 COMBINATIONS AND THE RELATIONSHIP BETWEEN THE SOUNDS THAT THEY
21 REPRESENT.

22 ~~(6)~~ (5) "PHONOLOGICAL AWARENESS" MEANS A CHILD'S ABILITY
23 TO RECOGNIZE AND MANIPULATE PARTS OF ORAL LANGUAGE INCLUDING
24 SYLLABLES, ONSET-RIME, AND PHONEMES.

25 ~~(7) "PROGRESS MONITORING" MEANS A MEASUREMENT PROCEDURE
26 USED AT SPECIFIED TIME INTERVALS TO MEASURE A STUDENT'S RESPONSE TO
27 INSTRUCTION OR INTERVENTION.~~

28 ~~(8)~~ (6) "SCREENING" MEANS A BRIEF, VALID, AND RELIABLE
29 MEASUREMENT PROCEDURE USED TO IDENTIFY OR PREDICT WHETHER A STUDENT
30 MAY BE AT RISK FOR POOR LEARNING OUTCOMES.

1 ~~(9)~~ (7) “STUDENT” MEANS A STUDENT WHO DOES NOT HAVE A
 2 CURRENT INDIVIDUALIZED EDUCATION PROGRAM OR AN INDIVIDUALIZED FAMILY
 3 SERVICE PLAN WITH READING GOALS AND:

4 ~~(I) IS AT LEAST 4 YEARS OLD ON SEPTEMBER 1 OF THE~~
 5 ~~CURRENT SCHOOL YEAR;~~

6 ~~(H) DOES NOT HAVE A CURRENT INDIVIDUALIZED EDUCATION~~
 7 ~~PROGRAM OR AN INDIVIDUALIZED FAMILY SERVICE PLAN WITH READING GOALS;~~
 8 ~~AND~~

9 ~~(III) 1. ENTERS OR TRANSFERS TO A PUBLIC SCHOOL IN~~
 10 ~~PREKINDERGARTEN, KINDERGARTEN, OR FIRST GRADE; OR~~

11 ~~2. ENTERS OR TRANSFERS TO A PUBLIC SCHOOL IN~~
 12 ~~GRADE 2 OR HIGHER WHO:~~

13 ~~A. HAS NOT BEEN PREVIOUSLY SCREENED IN THE STATE~~
 14 ~~FOR READING DIFFICULTIES; AND~~

15 ~~B. DEMONSTRATES DIFFICULTY MASTERING GRADE~~
 16 ~~LEVEL READING.~~

17 (I) IS IN KINDERGARTEN;

18 (II) IS IN FIRST GRADE AND WAS NOT SCREENED BY THE
 19 SCHOOL IN KINDERGARTEN OR DEMONSTRATED DIFFICULTY MASTERING
 20 GRADE-LEVEL READING IN KINDERGARTEN; OR

21 (III) ENTERS OR TRANSFERS TO A PUBLIC ELEMENTARY SCHOOL
 22 FROM AN ELEMENTARY SCHOOL, UNLESS A DETERMINATION IS MADE BY THE
 23 COUNTY BOARD THAT THE STUDENT HAS ALREADY BEEN SCREENED AND DOES NOT
 24 DEMONSTRATE DIFFICULTY MASTERING GRADE-LEVEL READING.

25 ~~(10)~~ (8) “SUPPLEMENTAL READING INSTRUCTION” MEANS
 26 EVIDENCE-BASED, SEQUENTIAL, SYSTEMIC, EXPLICIT, AND CUMULATIVE
 27 INSTRUCTION OR INTERVENTION TO MASTERY OF FOUNDATIONAL READING SKILLS
 28 INCLUDING PHONOLOGICAL OR PHONEMIC AWARENESS AND PROCESSING,
 29 PHONICS, AND VOCABULARY TO SUPPORT DEVELOPMENT OF DECODING, SPELLING,
 30 FLUENCY, AND READING COMPREHENSION SKILLS TO MEET GRADE LEVEL
 31 CURRICULUM.

1 **(B) (1) (I) BEGINNING IN THE 2020–2021 SCHOOL YEAR, EACH**
2 **COUNTY BOARD SHALL ENSURE THAT A STUDENT IS SCREENED TO IDENTIFY IF THE**
3 **STUDENT IS AT RISK FOR READING DIFFICULTIES.**

4 **(II) THE SCREENING REQUIRED UNDER THIS SECTION MAY NOT**
5 **BE INCLUDED IN THE TIME LIMITATION FOR ASSESSMENTS SET FORTH IN § 7–203(H)**
6 **OF THIS ARTICLE.**

7 **(2) A SCREENING MAY BE CONDUCTED BY:**

8 **(I) A CLASSROOM TEACHER;**

9 **(II) A SCHOOL PSYCHOLOGIST;**

10 **(III) A SPECIAL EDUCATION TEACHER;**

11 **(IV) A SPEECH–LANGUAGE PATHOLOGIST;**

12 **(V) A READING INTERVENTIONIST;**

13 **(VI) A DESIGNATED READING SPECIALIST; OR**

14 **(VII) ANY OTHER EDUCATOR TRAINED IN SCREENING**
15 **INSTRUMENTS AND PROTOCOLS.**

16 **(3) ON REGISTRATION OF A STUDENT AT A PUBLIC SCHOOL, THE**
17 **COUNTY BOARD SHALL PROVIDE TO THE PARENT OR GUARDIAN OF THE STUDENT:**

18 **(I) A DESCRIPTION OF THE SCREENING AND SUPPLEMENTAL**
19 **INSTRUCTION PROCESS IN THE COUNTY; AND**

20 **(II) ANY CHECKLISTS OR FORMS NEEDED TO SUPPORT THE**
21 **SCREENING PROTOCOL.**

22 **(C) (1) A COUNTY BOARD SHALL SELECT ONE OR MORE APPROPRIATE**
23 **SCREENING INSTRUMENTS THAT:**

24 **(I) ACCURATELY AND RELIABLY IDENTIFY STUDENTS AT RISK**
25 **FOR POOR LEARNING OUTCOMES;**

26 **(II) ARE DEVELOPMENTALLY APPROPRIATE;**

27 **(III) ARE ECONOMICAL TO ADMINISTER IN TIME AND COST; AND**

28 **(IV) USE NORM–REFERENCED OR CRITERION–BASED SCORES.**

1 **(2) THE SCREENING INSTRUMENT SHALL BE BASED ON**
 2 **FOUNDATIONAL READING SKILLS THAT INCLUDE PHONOLOGICAL AND PHONEMIC**
 3 **AWARENESS AND PROCESSING.**

4 ~~**(2) FOR A STUDENT IN PREKINDERGARTEN, A COUNTY BOARD SHALL**~~
 5 ~~**USE ONE OR MORE SCREENING INSTRUMENTS THAT INCLUDE PHONOLOGICAL**~~
 6 ~~**AWARENESS AND PHONEMIC AWARENESS SKILLS.**~~

7 ~~**(3) FOR A STUDENT IN KINDERGARTEN, A COUNTY BOARD SHALL USE**~~
 8 ~~**ONE OR MORE SCREENING INSTRUMENTS THAT ASSESS:**~~

9 ~~**(I) PHONOLOGICAL AWARENESS AND PHONEMIC AWARENESS**~~
 10 ~~**SKILLS;**~~

11 ~~**(II) KNOWLEDGE OF LETTER NAMES AND SOUND ASSOCIATIONS**~~
 12 ~~**FOR UPPERCASE AND LOWERCASE LETTERS; AND**~~

13 ~~**(III) NORMED RAPID AUTOMATIZED NAMING.**~~

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

16 ~~**(I) THE COMPONENTS LISTED IN PARAGRAPH (3) OF THIS**~~
 17 ~~**SUBSECTION;**~~

18 ~~**(II) AUTOMATIC AND FLUENT SINGLE WORD RECOGNITION**~~
 19 ~~**WITH NONSENSE AND REAL WORDS; AND**~~

20 ~~**(III) ORAL READING FLUENCY.**~~

21 **(D) (1) STUDENTS SHALL BE SCREENED ACCORDING TO THE SCHEDULE**
 22 ~~**OF THE SCREENING INSTRUMENT SELECTED**~~ **ESTABLISHED BY THE COUNTY BOARD.**

23 **(2) IF THE SCREENING RESULTS INDICATE THAT A STUDENT IS AT**
 24 **RISK OF READING DIFFICULTIES, THE COUNTY BOARD SHALL:**

25 ~~**(I) CONDUCT AN INFORMAL DIAGNOSTIC ASSESSMENT OF THE**~~
 26 ~~**STUDENT TO DETERMINE THE SPECIFIC AREAS OF INSTRUCTIONAL NEED FOR**~~
 27 ~~**SUPPLEMENTAL READING INSTRUCTION;**~~

28 ~~**(II)**~~ **(I) PROVIDE SUPPLEMENTAL READING INSTRUCTION TO**
 29 **ADDRESS THE STUDENT'S IDENTIFIED AREAS OF NEED; AND**

1 ~~(H)~~ (II) PROVIDE A NOTIFICATION LETTER TO THE PARENT
2 OR GUARDIAN OF THE STUDENT THAT INCLUDES:

3 1. THE SCREENING RESULTS; AND

4 ~~2. THE INFORMAL DIAGNOSTIC ASSESSMENT RESULTS;~~
5 ~~AND~~

6 ~~3.~~ 2. A DESCRIPTION OF THE SUPPLEMENTAL READING
7 INSTRUCTION THAT WILL BE PROVIDED TO THE STUDENT.

8 ~~(E) (1) A COUNTY BOARD SHALL SET A SCHEDULE, WITH APPROPRIATE~~
9 ~~INTERVALS OF NOT MORE THAN 10 WEEKS, FOR PROGRESS MONITORING OF~~
10 ~~STUDENTS WHO RECEIVE SUPPLEMENTAL READING INSTRUCTION.~~

11 ~~(2) IF PROGRESS MONITORING DATA REFLECT INSUFFICIENT~~
12 ~~PROGRESS, A COUNTY BOARD SHALL ADJUST THE SUPPLEMENTAL READING~~
13 ~~INSTRUCTION TO ENSURE THAT THE STUDENT IS MAKING ADEQUATE PROGRESS~~
14 ~~TOWARD GRADE LEVEL READING STANDARDS.~~

15 ~~(3) THE COUNTY BOARD SHALL PROVIDE THE PARENT OR GUARDIAN~~
16 ~~OF THE STUDENT WITH ONGOING PROGRESS MONITORING REPORTS.~~

17 ~~(4) A REFERRAL FOR A SPECIAL EDUCATION EVALUATION MAY BE~~
18 ~~MADE AT ANY TIME IN ACCORDANCE WITH FEDERAL LAW.~~

19 ~~(F)~~ (E) EACH COUNTY BOARD SHALL PROVIDE RESOURCES ON THE
20 COUNTY BOARD'S WEBSITE THAT INCLUDE:

21 (1) READING SCREENING INSTRUMENTS USED IN THE COUNTY; AND

22 ~~(2) INFORMAL DIAGNOSTIC ASSESSMENTS USED IN THE COUNTY;~~

23 ~~(3) THE CORE READING CURRICULUM USED IN THE COUNTY BY~~
24 ~~GRADE LEVEL;~~

25 ~~(4) THE CORE AND SUPPLEMENTAL READING INSTRUCTION~~
26 ~~PROGRAMS USED IN THE COUNTY BY GRADE LEVEL; AND~~

27 ~~(5)~~ (2) A CHECKLIST OF EARLY WARNING SIGNS OF READING
28 DIFFICULTY AND DYSLEXIA BY AGE.

1 ~~(G)~~ (F) (1) ON OR BEFORE SEPTEMBER 1 EACH YEAR, BEGINNING WITH
 2 THE 2020–2021 SCHOOL YEAR, EACH COUNTY BOARD SHALL REPORT TO THE
 3 DEPARTMENT THE FOLLOWING INFORMATION:

4 (I) THE NUMBER OF STUDENTS IN THE COUNTY IN EACH GRADE
 5 LEVEL;

6 (II) THE NUMBER OF STUDENTS SCREENED AT EACH GRADE
 7 LEVEL;

8 (III) THE NUMBER OF STUDENTS IDENTIFIED THROUGH A
 9 SCREENING INSTRUMENT AS AT RISK FOR READING DIFFICULTIES IN EACH GRADE
 10 LEVEL; AND

11 (IV) THE NUMBER OF STUDENTS IDENTIFIED AS AT RISK FOR
 12 READING DIFFICULTIES AT EACH GRADE LEVEL WHO RECEIVED SUPPLEMENTAL
 13 READING INSTRUCTION.

14 (2) DATA REPORTED UNDER PARAGRAPH (1) OF THIS SUBSECTION
 15 SHALL BE:

16 (I) DISAGGREGATED AND SEARCHABLE AT THE COUNTY
 17 BOARD ~~AND SCHOOL LEVELS~~ LEVEL; AND

18 (II) UPDATED ANNUALLY AND AVAILABLE ON THE
 19 DEPARTMENT'S WEBSITE.

20 ~~(H)~~ (G) (1) ON OR BEFORE JUNE 1, 2020, AND ONCE EVERY ~~2~~ 4 YEARS
 21 THEREAFTER, THE DEPARTMENT, IN CONSULTATION WITH PARENTS, TEACHERS,
 22 AND OTHER INTERESTED STAKEHOLDERS, SHALL DEVELOP AND UPDATE
 23 RESOURCES FOR USE BY A COUNTY BOARD, ~~INCLUDING A STATE READING AND~~
 24 ~~DYSLEXIA HANDBOOK.~~

25 ~~(2) THE STATE READING AND DYSLEXIA HANDBOOK SHALL INCLUDE:~~

26 ~~(I) A LIST OF RECOMMENDED SCREENING AND INFORMAL~~
 27 ~~DIAGNOSTIC ASSESSMENTS THAT MEET THE REQUIREMENTS OF THIS SECTION;~~

28 ~~(II) A LIST OF RECOMMENDED SUPPLEMENTAL READING~~
 29 ~~INSTRUCTION PROGRAMS AND PROGRESS MONITORING INSTRUMENTS THAT MEET~~
 30 ~~THE REQUIREMENTS OF THIS SECTION;~~

31 ~~(III) BEST PRACTICES FOR CHOOSING A SCREENING~~
 32 ~~INSTRUMENT AND PROGRESS MONITORING AND DATA COLLECTION PROCESSES;~~

1 ~~(IV) BEST PRACTICES FOR SUPPLEMENTAL READING~~
 2 ~~INSTRUCTION BASED ON INFORMAL DIAGNOSTIC AND PROGRESS MONITORING~~
 3 ~~DATA;~~

4 ~~(V) PROCEDURES AND CRITERIA FOR APPROPRIATE~~
 5 ~~SCREENING OF STUDENTS WHO ARE ENGLISH LANGUAGE LEARNERS;~~

6 ~~(VI) SAMPLE NOTIFICATION LETTERS; AND~~

7 ~~(VII) A CHECKLIST OF EARLY WARNING SIGNS OF READING~~
 8 ~~DIFFICULTY AND DYSLEXIA BY GRADE.~~

9 ~~(3)~~ (2) RESOURCES DEVELOPED UNDER THIS SUBSECTION SHALL
 10 BE AVAILABLE ON THE DEPARTMENT'S WEBSITE.

11 ~~(H)~~ (H) (1) THE DEPARTMENT SHALL PROVIDE TECHNICAL SUPPORT
 12 FOR THE COUNTY BOARDS TO PROVIDE TRAINING OPPORTUNITIES ANNUALLY FOR
 13 INDIVIDUALS WHO CONDUCT SCREENINGS UNDER THIS SECTION AND FOR SCHOOL
 14 ADMINISTRATORS.

15 (2) TRAINING OPPORTUNITIES MAY INCLUDE TRAINING ON:

16 ~~(1)~~ (I) THE ADMINISTRATION AND INTERPRETATION OF
 17 SCREENINGS, INFORMAL DIAGNOSTIC ASSESSMENTS, PROGRESS MONITORING
 18 INSTRUMENTS, AND STUDENT DATA;

19 ~~(2)~~ (II) ~~PROVIDING AND INTERPRETING~~ INTERPRETING
 20 SCREENINGS AND, ASSESSMENTS, ~~AND PROGRESS MONITORING RESULTS~~ FOR
 21 PARENTS;

22 ~~(3)~~ (III) BEST PRACTICES FOR DESIGNING AND IMPLEMENTING
 23 SUPPLEMENTAL READING INSTRUCTION ~~BASED ON INFORMAL DIAGNOSTIC AND~~
 24 ~~PROGRESS MONITORING DATA;~~ AND

25 ~~(4)~~ (IV) THE ELEMENTS, PRINCIPLES, AND BEST PRACTICES OF
 26 SUPPLEMENTAL READING INSTRUCTION.

27 ~~(J)~~ (I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT
 28 THE REQUIREMENTS OF THIS SECTION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General
 30 Assembly that money appropriated in accordance with The Blueprint for Maryland's
 31 Future, Chapter (S.B. 1030) of the Acts of the General Assembly of 2019, shall be used
 32 to offset the cost of implementation of Section 1 of this Act.

1 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.