STATE OF NEW YORK

2897--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 1, 2023

Introduced by M. of A. CARROLL, EPSTEIN, SHIMSKY, McDONALD, GALLAGHER, SEAWRIGHT, JEAN-PIERRE, THIELE, ANDERSON, RAGA, HEVESI, SIMON, CUNNINGHAM, WOERNER, K. BROWN, DAVILA, ARDILA, McMAHON, WEPRIN -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to early literacy education

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "right to read act".

§ 2. The education law is amended by adding a new section 818 to read as follows:

§ 818. Early literacy education. 1. For purposes of this section, the following terms shall have the following meanings:

(a) "Evidence-based" means the instruction or item described is based on rigorous, reliable, trustworthy and valid scientific evidence and has demonstrated a record of success in addressing students' reading competency in the areas of phonemic awareness, phonics, vocabulary development, reading fluency and comprehension, including background knowledge oral language and writing.

(b) "Phonemic awareness" means the ability to notice, think about and manipulate individual sounds in spoken syllables and words.

(c) "Vocabulary development" means the process of acquiring new words. "Vocabulary development" includes improving all areas of communication, including listening, speaking, reading and writing which is directly related to school achievement and is a strong predictor for reading success.

(d) "Reading fluency" means the ability to read words, phrases and sentences accurately, at an appropriate speed, and with expression.

(e) "Reading comprehension" means a function of word recognition skills and language comprehension skills and shall include having sufficient background information and vocabulary in order for the reader to

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD01977-05-3

understand the words in front of them. "Reading comprehension" also includes the active process that requires intentional thinking during which meaning is constructed through interactions between the text and reader. Comprehension skills are taught explicitly by demonstrating, explaining, modeling and implementing specific cognitive strategies to help beginning readers derive meaning through intentional, problem-solving thinking processes.

(f) "Three-cueing", or "meaning structure visual" (MSV) means a method that teaches students to use meaning, structure and syntax, and visual cues when attempting to read an unknown word.

(g) "Cultural responsiveness" means alignment with the New York state culturally-responsive sustaining education (CRSE) framework.

(h) "Culturally-responsive sustaining education (CRSE) framework" means a framework that helps educators create student-centered learning environments that: affirm racial, linguistic and cultural identities; prepare students for rigor and independent learning, develop students' abilities to connect across lines of difference; elevate historically marginalized voices; and empower students as agents of social change.

2. Each school district shall provide all students in pre-kindergarten through fifth grade programming and services necessary to ensure to the greatest extent possible that students, as they progress through pre-kindergarten, first, second, third, fourth and fifth grades develop the necessary foundational reading skills to enable them to master the academic standards and expectations applicable to the sixth grade curriculum and beyond. The instructional programming and services for teaching students to read must be evidence-based and scientifically-based, must focus on reading competency in the areas of phonemic awareness, phonics, vocabulary development, reading fluency, comprehension, including background knowledge, oral language and writing, oral skill development, and must align with CRSE framework. Districts shall ensure that all early literacy programming and services are part of an aligned and coherent plan designed to improve student reading outcomes in grades pre-kindergarten through five.

3. Every school district shall ensure that all teachers employed to teach pre-kindergarten, kindergarten, first, second, third, fourth and fifth grades, including teachers with multiple subject and education specialist teaching credentials, possess adequate capabilities to teach literacy using evidence-based instruction. Teachers employed by a district before or on the effective date of this section may meet this requirement by presenting evidence of their proficiency in reading instruction through completion of professional learning courses including, but not limited to, evidence-based means of teaching foundational reading skills in print concepts, phonological awareness, phonics and word recognition, comprehension and supporting reading fluency for all pupils, including establishing tiered supports for students with reading difficulties including those with characteristics of dyslexia and dysgraphia, English learners and students with exceptional needs. Teachers employed by a district after the effective date of this section shall meet this requirement by successfully completing at least thirty-five hours of evidence-based training in reading instruction in accordance with subdivision seven of this section. Alternatively, current and future educators can provide evidence that their teacher preparation program adequately covered all of these topics during their enrollment. To the extent possible, school leaders of elementary schools should also meet the requirements of this section.

4. The department shall provide grants to BOCES and/or school districts to hire onsite literacy coaches trained in the science of reading, focusing on high need districts with at least seventy-five percent of third graders reading below proficiency based on the two thousand twenty-two--two thousand twenty-three New York state English language arts assessment.

5. The department shall develop a list of approved, evidence-based curricula that meets the definition set forth in paragraph (a) of subdivision one of this section. Such list shall be posted on the department's website and shall at a minimum be updated annually. Such list shall not include instructional programming or materials that employ three-cueing or meaning structure visual (MSV). Approved curricula shall at a minimum:

(a) have been proven to accelerate student progress in attaining reading competency;

(b) provide explicit and systematic skill development in the areas of phonemic awareness, phonics, vocabulary development, comprehension and reading fluency, including oral skill development;

(c) be evidence-based and be aligned with the preschool through elementary and secondary education standards for reading adopted by the department;

(d) include evidence-based valid and reliable assessments that provide initial and ongoing analysis of a student's progress in attaining reading competency at least three times per year, beginning in kindergarten; and

(e) include texts on core academic content to assist students in maintaining or meeting grade-appropriate proficiency levels in academic subjects in addition to reading, while ensuring alignment with the state's CRSE framework.

6. The department shall develop a competitive grant program that allows districts to replace non-evidence-based curricula with curricula from the approved department list of evidence-based curricula. Funds from this grant may be used to provide professional learning for educators to effectively implement the new evidence-based curricula.

7. (a) The department shall develop a list of approved professional development programs that are evidence-based and provide opportunities for practical application of evidence-based literacy instruction in the classroom. Programs should address significant reading deficiencies and apply intervention strategies for struggling students including students with characteristics of dyslexia and dysgraphia, in addition to teaching general, evidence-based literacy instructional approaches for all students. The department shall include on such list the approved professional development programs that are available online. Such list shall be posted on the department's website and shall at a minimum be updated annually. The department shall ensure that each professional development program included on such list:

(i) is focused on or aligns with the science of reading, and is comprehensive and research-based, including the following:

(1) the study of organized, systematic, explicit skills including phonemic awareness, direct, systematic, explicit phonics, and decoding strategies;

(2) a strong literature, language and comprehension component encompassing both oral and written language;

(3) ongoing screening techniques to inform teaching;

(4) early intervention measures; and

(5) guided practice in a clinical setting;

(ii) includes rigorous evaluations of learning both throughout and at the conclusion of the course, which a participant must pass to successfully complete the course; and

(iii) aligns with the approved instructional programming published in accordance with subdivision five of this section.

(b) For purposes of this subdivision, "direct, systematic, explicit phonics" means phonemic awareness, spelling patterns, the direct instruction of sound/symbol codes and practice in connected text, and the relationship of direct, systematic, explicit phonics.

8. (a) Every school district, at least three times per year, shall give the parent or guardian of each student in pre-kindergarten through grade five a progress report about such student's literacy progress. For pre-kindergarten students, such report shall include an assessment of cognitive abilities, including executive function, and social-emotional learning. For kindergarten through grade five, such progress report shall include information about the following:

(i) the student's reading proficiency as measured by district reading assessments and screeners;

(ii) information about the literacy programming and services being provided to the student, including curriculum; and

(iii) list of evidence-based home and community resources that families and caregivers can use to support their child's reading and language development.

(b) The department shall develop a progress report template for districts to meet the requirements set forth pursuant to this subdivision.

9. (a) Twelve months after the effective date of this section and on an annual basis thereafter, the commissioner shall submit a report to the legislative committees with jurisdiction over pre-kindergarten through grade twelve education summarizing, at minimum, the state's performance on each of the following metrics:

(i) students' literacy and reading progression using state growth measures. The commissioner shall analyze the state's progress in regard to students' reading and literacy using the state's educational assessment system. The system shall measure individual students' educational growth in the area of reading based on indicators of current achievement growth, and each individual student's growth must be shown relative to the student's prior achievement. Indicators of achievement and prior achievement shall be based on highly reliable statewide assessments. The commissioner shall include aggregated data and disaggregated data showing educational growth by school site, grade and race/ethnicity;

(ii) by school site and grade, the percentage of teachers required to possess capabilities in research-based literacy instruction as specified under subdivision three of this section that have successfully completed training or otherwise demonstrated knowledge in evidence-based literacy instruction;

(iii) by school site and grade, the names of the approved professional development programs in accordance with subdivision seven of this section used by teachers; and

(iv) by school site and grade, the names of the approved instructional programming and supporting materials as specified under subdivision five of this section that were used at the beginning and end of the school year.

(b) The department shall publish this information on its website in a clear and accessible format.

§ 3. This act shall take effect immediately.