STATE OF NEW YORK

8315

2023-2024 Regular Sessions

IN ASSEMBLY

November 27, 2023

Introduced by M. of A. JENSEN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing certain statewide literacy education programs

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

Section 1. Section 305 of the education law is amended by adding 4 new subdivisions 61, 62, 63, and 64 to read as follows:

61. The commissioner shall establish standards for an early education program to be provided by a school district to children in the district aged four and five years old. Such program shall include:

(a) standards for a locally designed, evidence-based program that meets Head Start 1 Program Performance Standards and other federal standards required for early education programs to receive federal funding;

(b) a requirement that a teacher in charge of a program hold a valid teaching certificate from the state of New York; and either

(i) have satisfactorily completed a minimum of six credit hours in early childhood education or complete the minimum credit hours within two years of the date the teacher's employment with the early education program begins; or

(ii) have two or more years of experience teaching kindergarten or another early education program and have completed additional coursework related to reading instruction, as required by the department;

(c) developmentally appropriate objectives for children four and five years of age;

(d) accommodations for the needs of all early education children and their families regardless of socioeconomic circumstances; and

(e) standards for day in session requirements appropriate for children four and five years of age.

62. (a) The commissioner shall design and implement a statewide parents as teachers program for the benefit of children who are under

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

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five years of age. The program shall provide a system of early childhood education that:

(i) is evidence-based;

(ii) involves parents;

(iii) is consistent with available research and best practices for high quality early childhood education;

(iv) incorporates guidelines adopted by the department for early learning that:

(A) enhance school readiness;

(B) increase parent understanding of child development and developmental milestones;

(C) increase identification of health problems and developmental delays through regular screenings; and

(D) increase parental involvement; and

(v) provides for effective and efficient coordination with or expansion of early education programs operating in the state, to the extent permitted by law.

(b) A school district shall, to the extent space is needed and available, provide for the use of a room in a school at no charge to support the program established under this subdivision. The department shall develop and enter into local partnerships to implement the program established under this subdivision.

63. (a) The commissioner shall establish a reading program to provide direct support for and intervention in intensive reading intervention services annually in the lowest-performing twenty-five percent of schools serving students in kindergarten through grade three as determined by the commissioner. The commissioner shall determine how many schools may be adequately served by the department's reading specialists and select schools from the lowest performing twenty-five percent of schools to participate in the reading program. A school participating in the reading program that remains in the lowest-performing twenty-five percent of schools may apply to participate in the reading program again in the following school year. Such programs shall:

(i) use academic and reading performance data to identify low performing schools;

(ii) establish an application process for school districts to apply to participate in the program;

(iii) select low performing schools from the schools that apply to participate in the program;

(iv) employ and assign reading specialists to direct the implementation of the intensive reading intervention services established under section eight hundred eighteen of this title by:

(A) modeling effective instructional strategies for teachers by working regularly with students as a class, in small groups, or individually;

(B) coaching and mentoring teachers and staff in reading instruction with an emphasis on prioritizing time in a manner that has the greatest positive effects on student achievement;

(C) training teachers in data analysis and using data to differentiate instruction;

(D) leading and supporting reading leadership teams; and

(E) reporting on school and student performance to the department;

(v) establish a reporting process for each reading specialist to submit updates to the department on implementation of the program;

(vi) work with reading specialists to create specific improvement goals for each school selected, including measures of interim progress;

(vii) select and purchase additional reading material for each school selected to supplement the intensive reading intervention services;

(viii) pay travel and associated costs for a reading specialist to attend relevant training sessions identified by or hosted by the department; and

(ix) periodically review staff development programs for their effectiveness in developing reading skills and, after consultation with school districts and experts, recommend to the board for approval staff development programs that:

(A) have been proven to assess and accelerate student progress toward reaching reading competency;

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

(C) are evidence-based and reliable;

(D) provide initial and ongoing analysis of student progress toward reaching reading competency; and

(E) include texts on core academic content to assist students in maintaining or meeting grade-appropriate proficiency in academic subjects in addition to reading.

(b) A school selected to participate in the reading program established under this subdivision shall:

(i) ensure that a reading specialist assigned to the school is not required to perform functions that divert from the duties the department has assigned to the reading specialist;

(ii) coordinate with the reading specialist or specialists to redesign the school's daily schedule to dedicate time to reading program activities, including intensive reading intervention services identified in a written agreement between the school and the department;

(iii) present on the reading program established under this section and the intensive reading intervention services established under section eight hundred eighteen of this title at a public meeting with a presentation including:

(A) the data the department used to identify the school as eligible for the reading program;

(B) a detailed overview of the reading program and intensive reading intervention services;

(C) a timeline for implementing the intensive reading intervention services and meeting reading improvement goals; and

(D) the implications of the program for students, families, and educators;

(iv) provide notice of the public meeting required under subparagraph (iii) of this paragraph to the parent or guardian of each student at least seven days before the date of the meeting;

(v) present an annual update on the school's implementation of the reading program and intensive reading intervention services at a public meeting with notice provided to the parent or guardian of each student at least seven days before the date of the meeting; and

(vi) create partnerships between the school, the families of students, and the community that focus on promoting reading and increasing the amount of time that students spend reading.

(c) The department may employ a person as a reading specialist under this subdivision if the person:

(i) holds a valid teacher certificate from the state of New York;

(ii) has completed an approved graduate program at an approved institution of higher education; and either:

(A) has completed a supervised practicum or internship as a reading specialist; or

(B) has at least three years of full-time, demonstrated classroom teaching experience where reading instruction was a primary responsibility; and

(iii) is knowledgeable about and demonstrates competency in reading instruction, including:

(A) an understanding of phonemic awareness, phonics, vocabulary development, reading fluency, oral language skills, and reading comprehension;

(B) knowledge of and experience in implementing effective reading instruction strategies and intervention methods;

(C) experience in designing and implementing a school-wide response to an intervention program or multi-tiered system support model;

(D) an understanding of and experience in reading screenings and data analyses that inform instruction;

(E) knowledge of dyslexia and other learning disorders that affect reading achievement; and

(F) knowledge of and an ability to effectively articulate the methods, issues, and resources involved in support of student instruction to a wide variety of audiences, including staff, parents, and students whose primary language is other than English.

64. The commissioner, to implement the district reading intervention services established under section eight hundred eighteen of this title, shall:

(a) adopt a statewide screening tool to administer to students in kindergarten through grade three to identify students with reading deficiencies, including students with characteristics of dyslexia; the screening tool must evaluate:

(i) phonemic awareness, letter naming fluency, letter sound fluency, and letter word sound fluency of students in kindergarten;

(ii) letter word sound fluency and oral reading fluency of students in grade one; and

(iii) vocabulary and oral reading fluency of students in grades two and three;

(b) support teachers of kindergarten through grade three by:

(i) administering the statewide screening tool three times each school year, once in the fall, once in the winter, and once in the spring, to all students in kindergarten through grade three, with the exception of students who demonstrate sufficient reading skills on the first screening of the school year;

(ii) providing methods to monitor student progress;

(iii) providing targeted instruction based on student needs as determined by the results of the screening tool; and

(iv) providing additional assistance as determined by the department;

(c) provide training to school district staff related to using the results of the statewide screening tool and understanding evidence-based reading interventions, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency, oral language skills, and reading comprehension;

(d) require that districts identify the early education programs attended by students and report to the department the average score on each performance screening tool by students in grades kindergarten through three who:

(i) attended a state-approved early education program;

(ii) attended a head start program;

(iii) attended a private early education program; and

(iv) did not attend an early education program;

(e) establish a process that allows the commissioner to waive, upon request, use of the statewide screening tool required under this subsection by a school district if the school district has adopted an evidence-based reading screening tool and the screening tool is approved by the department; and

(f) review, approve, and assist districts developing alternative standardized reading screening tools in any language for use by school districts.

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

§ 818. District reading intervention program. 1. (a) Each school district shall offer intensive reading intervention services to students in kindergarten through grade three who exhibit a reading deficiency to assist students in achieving reading proficiency at or above grade level by the end of grade three. The district shall provide such intensive reading intervention services in addition to the core reading instruction that is provided to all students in the general education classroom. The intensive reading intervention services shall:

(i) be provided by a district reading teacher, or paraprofessional under the supervision of a reading teacher, to all students in grades kindergarten through three who are determined to have a reading deficiency based on the statewide screening tool adopted under subdivision sixty-four of section three hundred five of this title;

(ii) provide explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency, oral language skills, and reading comprehension, as necessary;

(iii) use evidence-based reading intervention methods that have shown proven results in accelerating student reading achievement;

(iv) include instruction with detailed explanations, extensive opportunities for guided practice, and opportunities for error correction and feedback;

(v) incorporate daily targeted small group reading instruction based on student needs;

(vi) monitor the reading progress of each student's reading skills throughout the school year and adjust instruction according to student needs;

(vii) be implemented during regular school hours through any available method, including in person or through online delivery by teachers or specialty reading coaches;

(viii) be reviewed based on a department-approved response to intervention or multi-tiered system support models, addressing additional support and services needed to remedy identified needs; and

(ix) support reading intervention at home by parents or guardians by offering a list of adult literacy resources and organizations, providing opportunities for parent or guardian participation in training workshops, and encouraging regular parent or guardian-guided home reading activities.

(b) In addition to the reading intervention services provided under paragraph (a) of this subdivision, a school district shall provide an individual reading improvement plan for each student in kindergarten through grade three who is determined to have a reading deficiency based on the statewide screening tool. An individual reading improvement plan developed under this section must:

(i) be implemented not later than thirty days after identification of the reading deficiency;

(ii) be created by the student's reading teacher in consultation with the school principal, the student's parent or guardian, and other pertinent district staff;

(iii) describe the evidence-based reading intervention services the student will receive to achieve and demonstrate sufficient reading skills;

(iv) include a process for monitoring progress and adjusting the plan based on student needs; and

(v) provide to the student's parent or guardian at least ten reading progress updates each school year.

2. A student in grade three shall demonstrate sufficient reading skills to progress to grade four. If it is determined, based on a statewide screening administered in the spring, that a student in grade three has a reading deficiency, and the student does not demonstrate sufficient reading skills to progress to grade four, the student's teacher and other pertinent district staff shall notify and attempt to meet with the student's parent or guardian no later than forty-five days before the end of the school year to explain that the student is not prepared to progress to grade four. Following such meeting, the parent or guardian may decide that the student will not progress to grade four or decide to progress the student to grade four by signing a waiver developed by the department acknowledging that the student is not prepared and agreeing that the student will participate in an additional twenty hours of individual reading improvement plan intervention services during the summer before the student enters grade four. If no parent or guardian attends the meeting or if the parent or guardian does not determine whether the student will progress to the next grade, the superintendent or the superintendent's designee shall, after considering the student's best interests and whether the student has previously not progressed to the next grade, determine whether the student will progress to grade four. If a superintendent or superintendent's designee decides that a student in kindergarten through grade three will not progress to the next grade, the district or school in which the student is enrolled shall provide immediate oral and written notification to the student's parent or guardian. Upon such notification, the student's parent or guardian retains the right to progress the student to grade four by signing a waiver developed by the department acknowledging that the student is not prepared and agreeing that the student will participate in an additional twenty hours of individual reading improvement plan intervention services during the summer before the student enters grade four.

§ 3. This act shall take effect on the first of July next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.