

# STATE OF NEW YORK

5480--A

2023-2024 Regular Sessions

## IN SENATE

March 6, 2023

Introduced by Sens. HOYLMAN-SIGAL, GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- 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:

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

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

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

7 (a) "Evidence-based" means the instruction or item described is based  
8 on rigorous, reliable, trustworthy and valid scientific evidence and has  
9 demonstrated a record of success in addressing students' reading compe-  
10 tency in the areas of phonemic awareness, phonics, vocabulary develop-  
11 ment, reading fluency and comprehension, including background knowledge  
12 oral language and writing.

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

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

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

22 (e) "Reading comprehension" means a function of word recognition  
23 skills and language comprehension skills and shall include having suffi-  
24 cient background information and vocabulary in order for the reader to  
25 understand the words in front of them. "Reading comprehension" also

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

LBD01977-06-3

1 includes the active process that requires intentional thinking during  
2 which meaning is constructed through interactions between the text and  
3 reader. Comprehension skills are taught explicitly by demonstrating,  
4 explaining, modeling and implementing specific cognitive strategies to  
5 help beginning readers derive meaning through intentional, problem-solv-  
6 ing thinking processes.

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

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

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

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

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

55 4. The department shall provide grants to BOCES and/or school  
56 districts to hire onsite literacy coaches trained in the science of

1 reading, focusing on high need districts with at least seventy-five  
2 percent of third graders reading below proficiency based on the two  
3 thousand twenty-two--two thousand twenty-three New York state English  
4 language arts assessment.

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

12 (a) have been proven to accelerate student progress in attaining read-  
13 ing competency;

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

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

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

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

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

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

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

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

50 (2) a strong literature, language and comprehension component encom-  
51 passing both oral and written language;

52 (3) ongoing screening techniques to inform teaching;

53 (4) early intervention measures; and

54 (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.