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IN ASSEMBLY

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Introduced by M. of A. R. CARROLL, EPSTEIN, SHIMSKY, GALLAGHER, SEAWRIGHT, ANDERSON, RAGA, HEVESI, SIMON, CUNNINGHAM, WOERNER, K. BROWN, DAVILA, McMAHON, WEPRIN, MEEKS, TAYLOR, ROSENTHAL, LUNSFORD, GONZALEZ-ROJAS, ZACCARO, SMULLEN, JENSEN, LEVENBERG, BRONSON, TAPIA, DINOWITZ, SEPTIMO, REYES -- read once and referred to the Committee on Education

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 819 to read
4 as follows:

5 § 819. 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.

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

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

3 (e) "Reading comprehension" means a function of word recognition
4 skills and language comprehension skills and shall include having suffi-
5 cient background information and vocabulary in order for the reader to
6 understand the words in front of them. "Reading comprehension" also
7 includes the active process that requires intentional thinking during
8 which meaning is constructed through interactions between the text and
9 reader. Comprehension skills are taught explicitly by demonstrating,
10 explaining, modeling and implementing specific cognitive strategies to
11 help beginning readers derive meaning through intentional, problem-solv-
12 ing thinking processes.

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

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

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

24 2. Commencing the school year following the publication of the
25 approved instructional programming as set forth in subdivision five of
26 this section, each school district shall provide all students in pre-
27 kindergarten through fifth grade programming and services necessary to
28 ensure to the greatest extent possible that students, as they progress
29 through pre-kindergarten, kindergarten, first, second, third, fourth
30 and fifth grades develop the necessary foundational reading skills to
31 enable them to master the academic standards and expectations applicable
32 to the sixth grade curriculum and beyond. The instructional programming
33 and services for teaching students to read must be evidence-based and
34 scientifically-based, must focus on reading competency in the areas of
35 phonemic awareness, phonics, vocabulary development, reading fluency,
36 comprehension, including background knowledge, oral language and writ-
37 ing, oral skill development, and must align with CRSE framework.
38 Districts shall ensure that all early literacy programming and services
39 are part of an aligned and coherent plan designed to improve student
40 reading outcomes in grades pre-kindergarten through five.

41 3. Commencing the school year following the publication of the
42 approved professional development programs as set forth in subdivision
43 seven of this section, every school district shall ensure that all
44 teachers employed to teach pre-kindergarten, kindergarten, first,
45 second, third, fourth and fifth grades, including teachers with multiple
46 subject and education specialist teaching credentials, possess adequate
47 capabilities to teach literacy using evidence-based instruction. Teach-
48 ers employed by a district before or on the effective date of this
49 section may meet this requirement by presenting evidence of their profi-
50 ciency in reading instruction through completion of professional learn-
51 ing courses including, but not limited to, evidence-based means of
52 teaching foundational reading skills in print concepts, phonological
53 awareness, phonics and word recognition, comprehension and supporting
54 reading fluency for all pupils, including establishing tiered supports
55 for students with reading difficulties including those with character-
56 istics of dyslexia and dysgraphia, English learners and students with

1 exceptional needs. Teachers employed by a district after the effective
2 date of this section shall meet this requirement by successfully
3 completing at least thirty-five hours of evidence-based training in
4 reading instruction in accordance with subdivision seven of this
5 section. Alternatively, current and future educators can provide
6 evidence that their teacher preparation program adequately covered all
7 of these topics during their enrollment. To the extent possible, school
8 leaders of elementary schools should also meet the requirements of this
9 section.

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

16 5. Following consultation with the city school districts of the
17 cities of New York, Buffalo, Rochester, Syracuse, and Yonkers, the
18 department shall develop a list of approved, evidence-based curricula
19 that meets the definition set forth in paragraph (a) of subdivision one
20 of this section. Such list shall be posted on the department's website
21 and shall at a minimum be updated annually. Such list shall not include
22 instructional programming or materials that employ three-cueing or mean-
23 ing structure visual (MSV). Approved curricula shall at a minimum:

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

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

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

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

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

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

45 7. (a) The department shall develop a list of approved professional
46 development programs that are evidence-based and provide opportunities
47 for practical application of evidence-based literacy instruction in the
48 classroom. Programs should address significant reading deficiencies and
49 apply intervention strategies for struggling students including students
50 with characteristics of dyslexia and dysgraphia, in addition to teaching
51 general, evidence-based literacy instructional approaches for all
52 students. The department shall include on such list the approved profes-
53 sional development programs that are available online. Such list shall
54 be posted on the department's website and shall at a minimum be updated
55 annually. The department shall ensure that each professional development
56 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) By September fifteenth of the school year subsequent to the school year school districts are required to commence providing the programming and services set forth in subdivision two 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

1 training or otherwise demonstrated knowledge in evidence-based literacy
2 instruction;

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

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

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

12 § 3. Section 3004 of the education law is amended by adding a new
13 subdivision 7 to read as follows:

14 7. a. The commissioner shall prescribe regulations requiring that all
15 persons applying on or after September second, two thousand twenty-six
16 for a teaching certification or license valid for service in the early
17 childhood or elementary grades shall, in addition to all the other
18 certification or licensing requirements, have completed course work or
19 training in evidence-based literacy instruction that meets the require-
20 ments set forth in subdivision seven of section eight hundred nineteen
21 of this chapter.

22 b. The commissioner shall ensure that teacher preparation insti-
23 tutions, starting in the two thousand twenty-five--two thousand twenty-
24 six academic year, include evidence-based literacy instruction that
25 meets the requirements set forth in subdivision seven of section eight
26 hundred nineteen of this chapter.

27 § 4. This act shall take effect immediately.