
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 998 Session of
2023

INTRODUCED BY FLEMING, ORTITAY, SANCHEZ, MADSEN, BURGOS, MADDEN,
SCHLOSSBERG, FREEMAN, FLICK, HILL-EVANS, BOROWSKI, KINSEY,
OTTEN, CEPEDA-FREYTIZ, KUTZ, MAYES, MARCELL AND HOWARD,
APRIL 24, 2023

REFERRED TO COMMITTEE ON EDUCATION, APRIL 24, 2023

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for evidence-based reading
6 instruction.

7 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
8 as the Public School Code of 1949, is amended by adding an
9 article to read:

10 ARTICLE XV-N

11 EVIDENCE-BASED READING INSTRUCTION

12 Section 1501-N. Definitions.

13 The following words and phrases when used in this article
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Contractual school day." The length of an educator's
17 scheduled work day.

18 "Criterion-referenced tool." An assessment tool that
19 measures a student's knowledge or skills against a predetermined

1 standard, learning goal, performance level or other specific
2 criterion, including grade-level expectations based on national
3 standards from data from a universal screening system.

4 "Curriculum-based tool." An assessment tool that measures a
5 student's progress through the curriculum and whether that
6 process is adequate.

7 "Evidence-based reading instruction." A program of literacy
8 instruction, for students in kindergarten through grade three,
9 that is aligned with the science of reading, including explicit
10 and systematic instruction in phonemic awareness, the alphabetic
11 principle, decoding, fluency, vocabulary, comprehension and
12 building content knowledge.

13 "Literacy intervention approaches." Evidence-based, skills-
14 based specialized reading, writing and spelling instruction that
15 is systematic and explicit and intensified based on the needs of
16 the student.

17 "Norm-referenced tool." An assessment tool that measures a
18 student's knowledge or skills to the knowledge or skills of the
19 national norm group.

20 "Parent." An individual who has legal custody or
21 guardianship of a student.

22 "School entity." A school district, intermediate unit, area
23 career and technical school, charter school, cyber charter
24 school or regional charter school.

25 "Science of reading." Evidence-based instructional and
26 assessment practices that address the multimodal approach that
27 integrates listening, speaking, reading, spelling and writing in
28 the acquisition of oral and written language skills that can be
29 differentiated to meet the needs of individual students.

30 "Universal reading screener." An assessment tool that meets

1 all of the following:

2 (1) Is used as part of a multitiered system of support
3 to do all of the following:

4 (i) Determine:

5 (A) if a student is at risk for developing
6 reading difficulties; and

7 (B) the need for intervention.

8 (ii) Evaluate the effectiveness of core curriculum
9 as an outcome measure.

10 (2) Does all of the following:

11 (i) Measures phonemic awareness, the alphabetic
12 principle, decoding, fluency, vocabulary, comprehension
13 and building content knowledge.

14 (ii) Identifies students who have a potential
15 reading deficiency, including identifying students with
16 characteristics of dyslexia.

17 (iii) Measures students against national norms.

18 Section 1502-N. Evidence-based reading instruction curriculum.

19 (a) Department duties.--

20 (1) The department shall provide a process through which
21 a vendor may submit an application for department approval of
22 an evidence-based reading instruction curriculum which meets
23 the requirements under paragraph (2).

24 (2) The department shall develop and maintain a list of
25 department-approved, evidence-based reading instruction
26 curricula for use in school entities. A curriculum on this
27 list must meet all of the following requirements:

28 (i) Include a logical scope and sequence that is
29 sequential, systematic and cumulative.

30 (ii) Include or support the use of high-quality

1 instructional materials as outlined by EdReports or a
2 similar service.

3 (3) The department shall maintain all of the following
4 on the department's publicly accessible Internet website:

5 (i) The current list of curricula under paragraph
6 (2).

7 (ii) The criteria and rubric used to identify high-
8 quality curriculum under paragraph (2).

9 (4) The department shall provide a process through which
10 a school entity can submit an application for department
11 approval of an alternative curriculum that meets the
12 requirements under paragraph (2).

13 (5) The department shall add curricula approved under
14 paragraph (4) to the list under paragraph (2).

15 (b) School entity duties.--If a school entity serves
16 students in kindergarten, first, second or third grade, the
17 school entity shall do all of the following before the beginning
18 of the 2025-2026 school year:

19 (1) Adopt an evidence-based reading instruction
20 curriculum from the list under subsection (a).

21 (2) Approve a professional education program as required
22 under section 1205.8(c) for educators providing reading
23 instruction.

24 (3) Identify an individual responsible for assisting
25 each school with the implementation of the curriculum adopted
26 under paragraph (1).

27 (4) Demonstrate that each educator responsible for
28 reading instruction or coaching has completed approved
29 professional development under paragraph (2), including each
30 educator identified or certified as any of the following:

- 1 (i) Elementary teacher.
- 2 (ii) School reading specialist.
- 3 (iii) Reading interventionist.
- 4 (iv) Special education teacher of students with
5 disabilities.
- 6 (v) The individual identified under paragraph (3).
- 7 (vi) Literacy coach.
- 8 (vii) Building-level principal and school
9 administrator.

10 Section 1503-N. Reading screening.

11 (a) Duty.--Beginning July 1, 2024, a school entity shall
12 screen each student enrolled in kindergarten through third grade
13 three times a year for reading competency using a universal
14 reading screener chosen from the list of approved universal
15 reading screeners under subsection (d). The first screening
16 shall be administered to students within the first 30 days of
17 the school year. The second screening shall be administered at
18 the halfway point of the school year. The third screening shall
19 be administered within 30 days of the end of the school year.

20 (b) Time and coverage.--A school entity shall provide:

21 (1) Educators time during the contractual school day to
22 complete data entry and compilation associated with the
23 screener, to communicate with families and any other
24 responsibility required under this section.

25 (2) Substitute professional employee coverage for
26 instruction or student support when the educator is meeting
27 the responsibilities under this section.

28 (c) Exception.--An exception is provided to the screening
29 required under subsection (a) for the following students:

30 (1) A student receiving specialized instruction for

1 limited English proficiency who has been receiving the
2 instruction for less than two years.

3 (2) A student receiving special education services for
4 whom the assessment would conflict with the individualized
5 education plan.

6 (3) A student receiving services under a plan pursuant
7 to 29 U.S.C. § 794 (relating to nondiscrimination under
8 Federal grants and programs) for whom the assessment would
9 conflict with 29 U.S.C. § 794.

10 (d) List of screeners.--

11 (1) The department, in consultation with evidence-based
12 reading instruction curriculum and special education
13 supervisors from local education agencies, elementary school
14 teachers and elementary special education teachers, shall
15 develop, maintain and publish on the department's publicly
16 accessible Internet website a list of universal reading
17 screeners and a list of literacy intervention approaches that
18 are aligned with the essential components of evidence-based
19 reading instruction, including phonemic awareness, decoding,
20 fluency, vocabulary and comprehension. Initial publication of
21 the lists must occur by December 1, 2023.

22 (2) In determining which universal reading screeners to
23 include on the list, the department shall consider the
24 following factors:

25 (i) The time required to conduct the screening, with
26 the intention of minimizing impact on instructional time.

27 (ii) The timeliness in reporting screening results
28 to teachers, administrators and parents.

29 (iii) The integration of assessment and instruction
30 the screener provides, including the ability to provide

1 progress monitoring capabilities and a diagnostic tool to
2 support teachers or a progress monitoring team with
3 targeted instruction based on student needs.

4 (iv) Whether screening, diagnostic assessment and
5 progress monitoring processes are aligned with a
6 multitiered system of support procedures and whether
7 tools are norm-referenced, criterion-referenced or
8 curriculum-based as appropriate.

9 (3) The department shall include with its list of
10 aligned universal reading screeners and literacy intervention
11 approaches an explanation of how the screeners and
12 interventions were selected, including consultation with
13 national expert organizations and the evidence-based standard
14 protocol intervention as demonstrated by the National Center
15 on Intensive Intervention or similar validated research.

16 (4) The department shall provide professional learning
17 on reading screening and literacy intervention approaches at
18 no cost to the educator which shall be provided during the
19 contractual school day.

20 Section 1504-N. Reading deficiency and identification.

21 (a) Student.--A student in kindergarten through grade three
22 shall be identified as having a reading deficiency if an
23 approved universal reading screener identifies the student at
24 risk for reading failure under section 1503-N.

25 (b) Reading deficiency.--A student who is identified as
26 having a reading deficiency under this section shall remain
27 identified as having a reading deficiency until the student
28 performs at or above the threshold level on an approved
29 universal reading screening with at least three data points
30 showing this threshold has been met.

1 (c) Construction.--Nothing under this article shall prohibit
2 a school entity from identifying a student in another grade
3 level as having a reading deficiency.

4 Section 1505-N. School entity duties and reading intervention
5 plan.

6 (a) School entity.--A school entity shall offer a reading
7 intervention plan to each student in kindergarten through grade
8 three who is identified as having a reading deficiency under
9 section 1504-N to ensure that the student can read at or above
10 grade level by the end of grade three.

11 (b) Development.--The reading intervention plan shall be
12 developed by the teacher, principal or other professional
13 employee who has specialized training in reading intervention.

14 (c) Plan.--The reading intervention plan shall be provided
15 in addition to core reading instruction that is provided to each
16 student in the general education classroom and evidence-based
17 instruction curriculum. The reading intervention plan shall:

18 (1) Be provided to each student in kindergarten through
19 grade three identified with a reading deficiency as
20 determined by the department-approved universal reading
21 screeener assessment administered within the first 30 days of
22 the school year.

23 (2) Include literacy intervention approaches.

24 (3) Monitor the reading progress of each student's
25 reading skills throughout the school year and adjust
26 instruction according to student needs.

27 (4) Be implemented during regular school hours.

28 Section 1506-N. Parent notification.

29 Each parent of a kindergarten through third grade student who
30 exhibits a deficiency in reading during the school year must be

1 notified in writing or by electronic communication no later than
2 15 days after the identification of the reading deficiency.

3 Notification must include the following:

4 (1) That the student has been identified as having a
5 deficiency in reading and a reading intervention plan will be
6 developed by the teacher, principal or other professional
7 employee who has specialized training in reading
8 intervention.

9 (2) A description of the current services that are
10 provided to the child.

11 (3) A description of the proposed research-based
12 literacy intervention approaches, including intervention
13 materials, supplemental instructional services and supports
14 that will be provided to the child that are designed to
15 remedy the identified area of reading deficiency.

16 (4) Notification that each parent will be informed in
17 writing or by electronic communication of their child's
18 progress towards grade level reading at least every two
19 weeks.

20 (5) Strategies for each parent to use at home to help
21 their child succeed in reading.

22 Section 1507-N. Grants to school entities.

23 (a) Establishment.--The department shall establish a grant
24 program to aid school entities with initial costs associated
25 with training and other resources necessary to implement this
26 article. The total amount of grants awarded shall be limited to
27 funds appropriated for this purpose under section 1508-N.

28 (b) Application.--The department shall develop an
29 application form that school entities shall use to apply for a
30 grant under the program. Grant applications shall be filed in

1 accordance with guidelines developed by the department.

2 Section 1508-N. Funding.

3 The department shall use the following funding to award
4 grants to school entities and administer the program:

5 (1) Appropriations made by the General Assembly for the
6 purposes of this article.

7 (2) Funding appropriated to the department for general
8 government operations.

9 (3) Funding from other public and private sources,
10 including the Federal Government.

11 Section 1509-N. Reporting.

12 (a) School entity report.--Beginning October 31, 2024, and
13 each October 31 thereafter, each school entity shall report
14 annually to the department the following:

15 (1) The number and percentage of students, disaggregated
16 by grade and by individual school, identified with a
17 potential reading deficiency, including characteristics of
18 dyslexia, pursuant to the screening required under section
19 1503-N and the literacy intervention approaches being
20 provided.

21 (2) The evidence-based reading instruction curricula
22 adopted under this article.

23 (3) The individuals identified under section 1502-N(b)
24 (3) and each individual's responsibilities for approving and
25 providing professional development required under section
26 1502-N(b) (2).

27 (4) How the school entity will ensure that educators
28 have access to and have successfully completed the
29 professional development required under section 1502-N(b) (2).

30 (b) Department report.--Beginning December 31, 2024, and

1 each December 31 thereafter, the department shall produce an
2 annual report that provides all of the following:

3 (1) The number and percentage of students, disaggregated
4 by grade and by individual school, identified with a
5 potential reading deficiency, including characteristics of
6 dyslexia, pursuant to the screening required under section
7 1503-N and the literacy intervention approaches being
8 provided.

9 (2) A list of the evidence-based reading instruction
10 curricula adopted under this article and the number of
11 schools that have adopted each curriculum listed.

12 (3) The number of educators who have received each type
13 of professional development provided under section 1502-N(b)
14 (2).

15 (4) The percentage of the educators required to receive
16 professional development under section 1502-N(b) (4) that have
17 successfully completed the professional development.

18 (c) Recipients.--The department shall publish the report
19 required under this section on the department's publicly
20 accessible Internet website and submit the report to each of the
21 following:

22 (1) Governor.

23 (2) State Board of Education.

24 (3) Professional Standards and Practices Commission.

25 (4) President pro tempore of the Senate.

26 (5) Speaker of the House of Representatives.

27 (6) The chairperson and minority chairperson of the
28 Education Committee of the Senate.

29 (7) The chairperson and minority chairperson of the
30 Education Committee of the House of Representatives.

1 Section 2. This act shall take effect in 60 days.