



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D. *KBS*

DATE: June 22, 2021

SUBJECT: COMAR 13A.03.08
Students at Risk for Reading Difficulties
ADOPTION

PURPOSE:

The purpose of this item is to request adoption of COMAR 13A.03.08 *Students at Risk for Reading Difficulties*.

REGULATION PROMULGATION PROCESS

Under Maryland law, a state agency, such as the State Board, may propose a new regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, the Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND/HISTORICAL PERSPECTIVE:

The Maryland State Legislature passed the *Ready to Read Act* Maryland Education Code §4-136 during the 2019 legislative session. The Act requires the Maryland State Board of Education to adopt regulations to implement the Act. The MSDE established a stakeholder workgroup, to provide guidance to MSDE in developing resources to support local school systems and assist with the development of the regulation. In addition to MSDE cross-divisional staff, the workgroup includes teachers, local school system supervisors of English/language arts, members of Decoding Dyslexia,

parents, members of the Maryland School Psychologist Association, and literacy experts from the University of Maryland.

EXECUTIVE SUMMARY:

The proposed COMAR 13A.03.08 *Students at Risk for Reading Difficulties* reflects the thoughtful work of stakeholders and literacy experts. The regulation supports the *Ready to Read Act* of 2019 but has higher expectations and extends the requirements of the law in order to ensure that all students are on grade level for literacy by the end of grade three. The Act requires local school systems to screen students in kindergarten for reading difficulties and to screen students in first grade who have not been screened or who are at-risk for reading difficulties. It also requires supplemental instruction to be provided to those students found to be at risk for reading difficulties. COMAR 13A.03.08 extends this requirement to grades two and three. It also raises expectations by including additional requirements for progress monitoring; professional learning for school staff; and an annual local school system evaluation of the effectiveness of the implementation of the regulation. In addition, COMAR 13A.03.08 provides structure for screening, supplemental instruction, parent notifications, and timelines.

The State Board reviewed COMAR 13A.03.08 *Students at Risk for Reading Difficulties* at the February 23, 2021, State Board meeting and granted permission to publish. The COMAR was published in the Maryland Register from April 23, 2021, to May 24, 2021. The MSDE received three comments. A summary of the major comments along with a copy of each submission is attached. The comments were in support of the COMAR with certain suggestions for additions to language. Some suggestions and questions that were submitted apply to the details of implementation and will be addressed in guidance that will be provided upon adoption of the regulations. Based on a thorough review of all of the comments, the MSDE recommends some changes to the language of the regulation. All recommended edits were reviewed by the Attorney General's Office and were determined to be non-substantive.

ACTION:

Request adoption of COMAR 13A.03.08 *Students at Risk for Reading Difficulties*.

ATTACHMENTS:

COMAR 13A.03.08 *Students at Risk for Reading Difficulties*
Summary of Major Comments
Comment Submissions

Title 13A

STATE BOARD OF EDUCATION

Subtitle 03 General Instructional Programs

Chapter 08 Students at Risk for Reading Difficulties

.01 Scope.

*These regulations establish the screening for all kindergarten **students and identified** first grade, second grade, and third grade students **who may be** at risk for reading difficulties; provision of supplemental reading instruction for identified students; annual reporting requirements; and evaluation of the screening program.*

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Fluency" means reading accuracy and rate and includes oral accuracy, prosody, intonation, and automaticity.

(2) "Phonemic Awareness" means the ability to distinguish, segment, blend, and manipulate phonemes in words.

(3) "Phonics" means the study of letters and letter combinations and the relationship between the sounds that they represent.

(4) "Phonological Awareness" means a child's ability to recognize and manipulate parts of oral language including syllables, onset-rime, and phonemes.

(5) "Progress Monitoring" means a measurement procedure used at specified time intervals to measure a student's response to instruction or intervention.

(6) "Rapid Automatic Naming" means how quickly individual students can name letters, or digits, or symbols.

(7) "Screening Instrument" means a brief, valid, and reliable measurement-used to identify or predict whether a student may be at risk for poor learning outcomes.

(8) "Student" means a student who does not have a current individualized education program or an individualized family service plan with reading goals.

(9) "Supplemental Reading Instruction" means evidence-based, sequential, systematic, explicit, and cumulative instruction or intervention to mastery of foundational reading skills, including phonological or phonemic awareness and processing, phonics, and vocabulary to support development of decoding, spelling, fluency, and reading comprehension skills to meet grade level curriculum.

.03 General Requirements.

- A. *All local school systems will ensure that all students enrolled in a public kindergarten will be screened to identify if the student is at risk for reading difficulties and provided supplemental reading instruction aligned to the results of the screener.*
- B. *Beginning in the 2021-2022 school year, §§C and D of this Regulation apply to students in the second and third grades.*
- C. *Students in first, second, and third grade shall be included in the screening and the supplemental reading instruction program established by the local school system if they meet the following criteria:*
 - (1) were not previously screened;*
 - (2) demonstrated difficulty mastering grade-level reading in the previous; or*
 - (3) entered or transferred to a public elementary school.*
- D. *Screening is not required for students in first, second, or third grade if the local school system can demonstrate that the student who entered or transferred to a public elementary school has already been screened and demonstrates mastery of grade-level reading.*
- E. *The students shall be screened in accordance with the guidance of the selected screener.*
- F. *The screening schedule shall be established by the local school system, with initial screening taking place within the first 2 months of the beginning of the school year.*

.04 Screening Process

- A. *Upon registration of a student or identification of a student at risk for reading difficulties, the local school system shall provide to the parent or guardian of the student the following:*
 - (1) a written description of the screening and supplemental instruction process in the school system; and*
 - (2) any checklists or screener-specific forms needed to support the screening protocol and supplemental instruction process.*
- B. *The Department will provide a sample of a checklist on their website.*
- C. *The screening required under this regulation shall be conducted by any of the following school personnel:*
 - (1) classroom teacher,*
 - (2) school psychologist,*
 - (3) reading specialist,*
 - (4) special education teacher,*
 - (5) speech-language pathologist,*
 - (6) reading interventionist, or*
 - (7) any other educator trained to use appropriate screening instruments.*
- D. *A local school system shall select one or more appropriate screening instruments that meet the following criteria:*
 - (1) accurately and reliably identifies students at risk for poor learning outcomes;*

- (2) are developmentally appropriate;
- (3) are economical to administer in time and cost; and
- (4) use norm-referenced or criterion-based scores.

- E. The appropriate screening instrument shall be based on foundational reading skills that include phonological and phonemic awareness and processing, including rapid automatic naming.
- F. Local school systems shall provide school staff with professional learning on age-appropriate, evidence-based, sequential, systematic, explicit, and cumulative instruction or intervention for student mastery of foundational reading skills, including phonological ~~or~~ and phonemic awareness and processing, phonics, and vocabulary to support development of decoding, spelling, fluency, and reading comprehension skills to meet grade level curriculum.

.05 Screening Results and Supplemental Reading Instruction

- A. If the screening results indicate that a student is at risk of reading difficulties:
 - (1) Within 30 calendar days of the screening, the local school system shall notify the parent or guardian of the student in writing of the screening results and a description of the supplemental reading instruction that shall be provided to the student.
 - (2) The local school system shall develop a supplemental reading instructional plan to address the student's identified areas of need.
- B. The supplemental instruction shall take place within the school day.
- C. Evidence-based supplemental Instruction shall be based on data and aligned with the specific areas of deficit for students identified at risk.
- D. The local school system may revise supplemental instruction based upon progress monitoring and the student's placement in an appropriate multi-tiered system of support.

.06 Progress Monitoring

- A. Local school systems shall set an individualized review schedule of the supplemental reading instruction **for each student** at intervals of not more than 30 days for progress monitoring.
- B. The student's parent or guardian will receive written progress reports quarterly or upon revisions to supplemental instruction.
- C. The local school system may determine the supplemental reading instruction plan is completed when the student has achieved grade level reading standards based upon age-appropriate re-screening.

.07 Reporting Requirements

- A. Each local school system shall provide resources on the school system website that includes:

- (1) reading screening instruments used in the local school system; and*
- (2) a checklist of early warning signs of reading difficulties and dyslexia by age.*

- B. Beginning in the 2021-2022 school year, §C of this Regulation shall apply to students in the second and third grades.
- C. On or before July 1, each year, all local school systems shall provide a report to the Maryland State Department of Education with the following information for the previous school year:
 - (1) the total number of students in kindergarten through third grade, by grade level;
 - (2) the number of students in kindergarten through third grade, by grade level, who were screened at each level;
 - (3) the number of students in kindergarten through third grade, by grade level, identified through a screening instrument as at risk for reading difficulties; and
 - (4) the number of students in kindergarten through third grade, by grade level, identified as at risk for reading difficulties who received supplemental reading instruction.

.08 Evaluation of Reading Screeners and Reading Interventions

- A. Local school systems shall evaluate the effectiveness of the screeners and the reading interventions annually.
- B. The Department will provide professional learning to local school systems on effective evaluation procedures.

**COMAR 13A.03.08 *Students at Risk for Reading Difficulties*
Summary of Major Comments* (a complete copy of each of the submissions is attached)**

Submitted by:	Major Comments	MSDE Response
<p>Laura Schultz & Karleen Spitulnik Decoding Dyslexia MD (Email dated 05/18/21)</p>	<p><input type="checkbox"/> The language in the Scope is unclear and may be interpreted by local school systems to mean that only students who are at risk need to be screened. In addition, screening includes all students in grades 1, 2, and 3.</p> <ul style="list-style-type: none"> • “Screening is meant to be part of a process that helps schools identify which students may be at risk before they fall behind and provide reading instruction or interventions in early elementary school when the interventions are most effective and least costly. We’ve also suggested removing the word “all” to modify second and third grade students because they are not required to be universally screened.” 	<p>The Maryland State Department of Education (MSDE) appreciates this feedback and has revised the language in the scope to clarify the original intent. This intent is also fully established in .03 General Requirements.</p>
	<p><input type="checkbox"/> The definition of “Screening” from the Ready to Read Act needs to be added to the COMAR.</p> <ul style="list-style-type: none"> • “It should be included because the practice of screening is essential to the Ready to Read Act.” 	<p>The MSDE is in the process of developing detailed guidance and will add this definition to the guidance document.</p>
	<p><input type="checkbox"/> The language in .04 (F) <i>Screening Process</i> does not match the language in the law concerning both phonological and phonemic awareness.</p> <ul style="list-style-type: none"> • The law requires that both phonological AND phonemic awareness be screened and intervention provided as needed. 	<p>The MSDE appreciates that this typographical error was found and has revised the language to match the <i>Ready to Read Act</i>.</p>
	<p><input type="checkbox"/> The header in .08 Evaluation is incorrect.</p> <ul style="list-style-type: none"> • “Change the title of this section because the word “induction” does not apply here.” 	<p>The MSDE appreciates that this error has been identified and has made the correction to “Evaluation of Reading Screeners and Reading Interventions.”</p>

Submitted by:	Major Comments	MSDE Response
	<p><input type="checkbox"/> Students in first grade should be included in the universal screening requirement, currently only in kindergarten.</p> <ul style="list-style-type: none"> • “1. Both Kindergarten and first grade students should be included in the universal screening requirement. • 2. Kindergarten and 1st grade is a time of critical literacy development (Nevills & Wolfe, 2009) which is why state literacy curriculum and standards focus heavily on foundational skills. Universal screeners provide an efficient and economical way to determine if young students are mastering foundational literacy skills. <p><input type="checkbox"/> 3. It is essential to identify the instructional needs of struggling students as soon as possible. It is imperative to ‘catch them before they fall’ (Torgesen, 1998).</p>	<p>The MSDE agrees with the critical need to identify students at risk for reading difficulties as early as possible. The regulation includes the requirement to screen students in first, second, and third grade who:</p> <p><i>(1) were not previously screened;</i> <i>(2) demonstrated difficulty mastering grade-level reading in the previous grade (as defined in MSDE guidance); or</i> <i>(3) entered or transferred to a public elementary school.</i></p> <p>This requirement to include second and third grades goes beyond the requirements of the Ready to Read Act. In fact, the requirement to universally screen first graders was rejected by Maryland state legislators. The MSDE will provide guidance and professional learning to local school systems on the importance to screen the largest number of student possible on each of these grade levels.</p>
<p>Jeanette Ortiz, Legislative & Policy Counsel Anne Arundel County Public Schools (AACPS) (Email dated 5/24/2021)</p>	<p><input type="checkbox"/> The language in .06 Progress Monitoring (A) is unclear.</p> <ul style="list-style-type: none"> • “Please clarify whether “individualized” is in reference to each individual student or each individual program.” 	<p>The MSDE has revised the language to add clarification</p>

Submitted by:	Major Comments	MSDE Response
<p>Jeanette Ortiz, Legislative & Policy Counsel Anne Arundel County Public Schools (AACPS) (Email dated 5/24/2021) & Lindsey McCormick, Director of Instruction Caroline County Public Schools (CCPS)</p>	<p>□ The language in for Supplemental Reading Instruction includes Rapid Automatic Naming (RAN). RAN is not appropriate for second and third grades.</p> <ul style="list-style-type: none"> • From AACPS: “The screener AACPS has selected, DIBELS, does not include phonological and phonemic awareness, processing or rapid automatic naming for second and third graders.” • From CCPS: “RAN is uncommon in grade 3 screeners. This would imply that LEAs would have to use Kindergarten-grade 2 screeners on third grade students. “ 	<p>The MSDE is in the process of developing detailed guidance and will clarify this concern in the guidance.</p>
	<p>□ The implementation of this COMAR should be delayed until the SY2022-2023.</p> <ul style="list-style-type: none"> • From AACPS: “We have serious concerns about the inclusion of second and third grade students in this chapter. If MSDE is resolute on including second and third grade students in this regulation, we respectfully request that screening for third grade students wait until the 2022-2023 school year to allow school systems the time necessary to properly budget, train staff, and acquire materials.” • From CCPS: <ul style="list-style-type: none"> ○ “The need to purchase additional supplemental instructional materials for grades 2 and 3 that are ‘evidence-based, sequential, etc.’ will be challenging to review and implement beginning in 2021-2022 as vendors/programs have not completely developed said programs at this time. Our district wants to pilot and properly identify the best supplemental instructional materials in a three-year plan (that includes budgeting). This fact should be reflected in a timeline that begins with 21-22, yet gives districts three years to fully implement this regulation.” ○ “The timeline of beginning in 2021-2022 with second and third grades is unrealistic given the challenges of the last two school years. There may be a greater number of ‘false positives’ during screening due to this fact, as well.” 	<p>The MSDE understands the concerns of the local school systems regarding implementation for the coming SY2021-2022. However, given the learning disruption of the last year, it is extremely important to identify students who may be at risk for reading difficulties as soon as possible.</p> <p>Reading is an equity issue. The Preamble to the Ready to Read Act makes this abundantly clear.</p> <ul style="list-style-type: none"> • “Researchers have shown that reading failure is likely to lead to negative consequences such as grade retention, dropouts, limited employment opportunities, and difficulties with basic life activities;” and <p>“According to a 2014 study by H. Lane, entitled Evidence-Based Reading Instruction for Grades K-5, nearly 70% of older students fail to achieve proficient levels of reading, because once poor reading trajectories are established, they are very difficult to change.”</p>

Submitted by:	Major Comments	MSDE Response
Submitted by Lindsey McCormick, Director of Instruction Caroline County Public Schools (CCPS)	<input type="checkbox"/> The definition of grade-level mastery is unclear. <ul style="list-style-type: none"> • “The language is unclear for screening in grades 2 and 3 when it states “demonstrated difficulty mastering grade-level reading in the previous grade” as the language does not specify what mastery looks like in those grades.” 	The MSDE is in the process of developing detailed guidance and will define what grade-level mastery looks like.

* All comments were thoughtfully reviewed; recommended revisions to the amendments were determined by the Attorney General’s Office to be non-substantive. Some suggestions and questions that were submitted apply to the details of implementation and will be addressed in guidance that will be provided upon adoption of the regulations.

May 24, 2021

TO: Cecilia J. Roe, Director of Instructional Assessment, Professional Learning, Title IIA, and English/Language Arts, Maryland State Department of Education, Division of Curriculum, Instructional Improvement, and Professional Learning

FROM: Lindsey McCormick, Director of Instruction

SUBJECT: Proposed COMAR 13A.03.08 Students at Risk for Reading Difficulties Public Comment

Please accept this letter with the following public comment from Caroline County Public Schools, Office of Instruction.

- The Economic Impact:
 - The language is unclear for screening in grades 2 and 3 when it states “demonstrated difficulty mastering grade-level reading in the previous grade” as the language does not specify what mastery looks like in those grades; therefore, it is difficult to determine the economic impact.
 - The need to purchase additional supplemental instructional materials for grades 2 and 3 that are ‘evidence-based, sequential, etc.’ will be challenging to review and implement beginning in 2021-2022 as vendors/programs have not completely developed said programs at this time. Our district wants to pilot and properly identify the best supplemental instructional materials in a three-year plan (that includes budgeting). This fact should be reflected in a timeline that begins with 21-22, yet gives districts three years to fully implement this regulation.
- General Requirements/Reporting Requirements:
 - The timeline of beginning in 2021-2022 with second and third grades is unrealistic given the challenges of the last two school years. There may be a greater number of ‘false positives’ during screening due to this fact, as well.
 - The screening schedule beginning within the first two months of the beginning of the school year limits districts given the fact that remote screening, if we ever have another pandemic situation, is impractical and challenging to administer online.
 - RAN is uncommon in grade 3 screeners. This would imply that LEAs would have to use Kindergarten-grade 2 screeners on third grade students.
 - Schedules for the 21-22 school year have already been set according to the required supplemental instruction for screened K and 1 students. By adding the requirement of screening of grade 2 and 3 students, within a few short months, schedules, supplemental instructional materials and human resources will be a challenge to alter/acquire.
- Progress Monitoring:
 - The 30-day progress monitoring language is too limiting; instead, this language should read ‘in keeping with the screening tool timeline’ or similar wording. If an amount of time must be listed, then no more than 45 days would be more flexible because that is quarterly.



May 24, 2021

Cecilia J. Roe

Director of Instructional Assessment, Professional Learning, Title IIA, and English/Language Arts
Division of Curriculum, Instructional Improvement, and Professional Learning
Maryland State Department of Education
200 W. Baltimore Street
Baltimore, MD 21201

Dear Ms. Roe:

On behalf of Anne Arundel County Public Schools (AACPS), I am submitting this public comment on proposed amendments to COMAR 13A.03.08 Students at Risk for Reading Difficulties.

AACPS is committed to ensuring that all students graduate college and career ready. To accomplish this, our school system is committed to provide students with a solid foundation in the content and processes in literacy; provide opportunities for students to become successful communicators, read comprehensively, write effectively, speak meaningfully, and listen critically; provide rigorous curriculum, instruction and assessments that align to the Maryland College and Career Readiness Standards for English/Language Arts. The AACPS Elementary Reading/Integrated Literacy program is grounded in current research where children develop language skills by using them in authentic contexts in an environment where students are constantly immersed in language and print. Our program uses a student-centered, integrated instructional approach to ensure that learners become thinking, investigative users of language.

As you know, Senate Bill 734 Education – Students With Reading Difficulties – Screenings and Interventions was signed into law in 2019. In accordance with the new law, the Maryland State Department of Education (MSDE) was required to promulgate regulations to assist local school systems to implement its requirements. Local school systems were required to implement the requirements set forth in Senate Bill 734 in the 2020-2021 school year. However, MSDE is now just publishing regulations. As you can imagine, having this guidance and technical assistance from the Department finalized prior to implementation would have been ideal and would have facilitated a smooth process for school systems, students, and families. While we appreciate that regulations have finally been drafted, we have several concerns with what has been proposed. AACPS has compiled several questions and comments that we believe will need to be addressed before final adoption of these proposed changes.

Regulation .01

- AACPS is concerned that MSDE has included second and third graders to the required screening as this is not mandated under the law. As you know, the law requires a school to screen students in kindergarten; in first grade if the student was not previously screened; or a student who transfers to an elementary and has not previously been screened. To now require a school to screen second and third graders as part of the reading and screening program goes above and beyond what is required by law and has operational, planning, and fiscal implications for school districts as we have already implemented the program in accordance with what is actually required under Senate Bill 734.
- By including second and third graders, contrary to what is required by the law, MSDE is increasing the assessment time for third graders who are also required to participate in the Maryland Comprehensive

Assessment Program (MCAP). A Maryland law passed in 2017 limits the amount of assessments for public school students. Specifically, students in third grade may not be assessed more than 2.2% of the minimum required annual instructional hours. Accordingly, requiring schools to include third graders in the screening for reading difficulties will prohibit school districts from providing any local assessments as doing so would put the third grade students above the State mandated assessment limit each year.

Regulation .03 General Requirements

- Please see the comments above regarding our concerns with including second and third graders.
- AACPS has concerns with the requirement that all students be screened within the first 2 months of the beginning of the school year. This would be logistically and operationally difficult to accomplish. Accordingly, we recommend that the timeframe for completion be increased to 3 months.

Regulation .04 Screening Process

Section A.

- Does the district have the option to notify in either instance?

Section B.

- We recommend that the term “educator” be defined as it is not defined in the current draft of the regulations nor the law.

Section D.

- The screener AACPS has selected, DIBELS, does not include phonological and phonemic awareness, processing or rapid automatic naming for second and third graders. If, under the proposed regulations, AACPS is required to use a different screener for students in second and third grade, we have concerns that there will be inconsistency in the screeners and implementation of the law. To reiterate, the law does not include second and third grade students.
- Please see our additional assessment concerns explained above under Regulation .01 regarding the inclusion of students in third grade.

Regulation .06

Section A.

- Please clarify whether “individualized” is in reference to each individual student or each individual program.
- If the progress monitoring is in reference to each individual student, we have concerns regarding the requirement to review every 30 days as this will interfere with actual instruction.

Section B.

- We recommend amending the language to number of times per year as opposed to designating specified windows of time.

Regulation .07

Section B.

- The implementation timeline does not align with the budget schedule for local school districts.
- Mandating that the new requirements set forth in this regulation, requirements that are not in full alignment with State law, be implemented in the 2021-2022 school year is extremely concerning. This gives no time for local school districts to acquire the funding necessary to implement these

requirements, train staff, or order and obtain materials that were not accounted for in district planning for the upcoming school year.

- Again, we have serious concerns about the inclusion of second and third grade students in this chapter. If MSDE is resolute on including second and third grade students in this regulation, we respectfully request that screening for third grade students wait until the 2022-2023 school year to allow school systems the time necessary to properly budget, train staff, and acquire materials.

Other Questions and Concerns

While not included in the regulatory language, we noticed that MSDE provided a flow chart to the State Board of Education which seems to explain how MSDE intends to implement the requirements in the proposed regulations. AACPS has the following questions and concerns regarding the flow chart:

- Is the flow chart a guide or a mandate?
- Is there a narrative or background information to support the flow chart?
- The inclusion of tiers does not align with the current law or the proposed regulations.
- Does “progress monitoring” take place every 30 days for students who are “on track” with their reading?
- Progress monitoring after 30 days is not enough time to refer for evaluation for special education services.
- We respectfully request that “and refer” is amended to “consider referring” for evaluation for special education services based on multiple data sources.

For all of the above reasons, AACPS respectfully requests that the State Board address our questions and concerns regarding the proposed language in COMAR 13A.03.08 Students at Risk for Reading Difficulties prior to final adoption. AACPS also respectfully requests that you reconsider the addition of second and third grade students to this new chapter.

Sincerely,

Jeanette Ortiz
Legislative & Policy Counsel

cc: Karen B. Salmon, Ph.D., State Superintendent
Clarence C, Crawford, President
George Arlotto, Ed.D., Superintendent
Maureen McMahon, Ph.D., Deputy Superintendent

Proposed COMAR and Recommended Changes

Title 13A.03.08 Students at Risk for Reading Difficulties

STATE BOARD OF EDUCATION

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

Decoding Dyslexia Maryland

May 18, 2021

Key: **Bold, Underline**: recommend to add
~~Bold, Strikethrough~~: recommend to strike
Highlight: emphasis

Section 1: Comments on proposed COMAR: Title 13A.03.08 Students at Risk for Reading Difficulties

Priority	Ch. 512, Law Ref.	MSDE Proposed COMAR	Recommended Changes	Comment/Rationale
.01 Scope.				
1	Preamble, p. 2 Def (6): Screening, p. 3	“These regulations establish the screening for all kindergarten, first grade, second grade, and third grade students at risk for reading difficulties; provision of supplemental reading instruction for identified students; annual reporting requirements; and evaluation of the screening program.”	These regulations establish the screening for all kindergarten, first grade, second grade, and third grade students <u>to identify or predict whether a student may be</u> at risk for reading difficulties; provision of supplemental reading instruction for identified students; annual reporting requirements; and evaluation of the screening program	The recommended language change: <i>“to identify or predict whether a student may be”</i> at risk for reading difficulties reflects the intent of the law to prevent the need for students to fail before they can receive reading interventions. If a Local School System only screens the students they believe may be at risk, students with reading difficulties will be missed.

				<p>Screening is meant to be part of a process that helps schools identify which students may be at risk before they fall behind and provide reading instruction or interventions in early elementary school when the interventions are most effective and least costly.</p> <p>We've also suggested removing the word "all" to modify second and third grade students because they are not required to be universally screened.</p>
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.02 Definitions

Priority	Law Ref.	MSDE Proposed COMAR	Recommended Changes	Comment/Rationale
		(1) "Fluency" means reading accuracy and rate and includes oral accuracy, prosody, intonation, and automaticity.	Support	
		(2) "Phonemic Awareness" means the ability to distinguish, segment, blend, and manipulate phonemes in words.	Support	
		(3) "Phonics" means the study of letters and letter combinations and the relationship between the sounds that they represent.	Support	
		(4) "Phonological Awareness" means a child's ability to recognize and manipulate parts of oral language including	Support	

		syllables, onset-rime, and phonemes.		
		(5) “Progress Monitoring” means a measurement procedure used at specified time intervals to measure a student’s response to instruction or intervention.	Support	This definition was included in the original bill.
		(6) “Rapid Automatic Naming” means how quickly individual students can name letters, digits, or symbols.	Support	Rapid Automatic Naming is a useful correlate and predictor of reading competence and was studied at length by Dr. Denckla with Johns Hopkins University: https://link.springer.com/article/10.1007/s11881-999-0018-9
1	Def 6, Page 3	Add Definition from the law	<u>“Screening” means a brief, valid and reliable measurement procedure used to identify or predict whether a student may be at risk for poor learning outcomes.</u>	This is the definition that is codified in the law. It should be included because the practice of screening is essential to the Ready to Read Act (<i>also see Section 2, p. 14</i>)
		(7) “Screening Instrument” means a brief, valid, and reliable measurement used to identify or predict whether a student may be at risk for poor learning outcomes	Support	
		(8) “Student” means a student who does not have a current individualized education program	Support	

		or an individualized family service plan with reading goals.		
		(8) “Supplemental Reading Instruction” means evidence-based, sequential, systematic, explicit, and cumulative instruction or intervention for mastery of foundational reading skills, including phonological or phonemic awareness and processing, phonics, and vocabulary to support development of decoding, spelling, fluency, and reading comprehension skills to meet grade level curriculum.	Support	
1		New Definition	Add: <u>“Informal Diagnostic Assessment” means a valid and reliable procedure used to identify a student’s specific areas of reading strength and weakness; determine difficulties the student may have with learning to read; and help determine Supplemental Reading Instruction for a student</u>	This definition was included in the Ready to Read Act as introduced in 2019. Informal Diagnostic Assessments are often used to collect data points that are alluded to in proposed Regulation Section .05 A. (1) and (2) and are used to develop a supplemental reading instructional plan.
.03 General Requirements				
Priority	Law Ref.	MSDE Proposed COMAR	Recommended Changes	Comment/Rationale

<p>1</p>	<p>Page 4, Section (B) (1) (I) and Page 6, Section (D) (2) (I)</p>	<p>(A) All local school systems shall ensure that each student enrolled in a public kindergarten is screened to identify if the student is at risk for reading difficulties and provided supplemental reading instruction aligned to the results of the screener.</p>	<p>(A) "All local school systems shall ensure that each student enrolled in a public kindergarten and first grade is screened to identify if the student is at risk for reading difficulties. <u>If a student is determined to be at risk of reading difficulty, then the student shall receive supplemental reading instruction.</u> and provided supplemental reading instruction aligned to the results of the screener."</p> <p>Question: Who is the designated implementer of the law in each local district? The law says it's the "county board," and the regulations say it's the "local school system."</p>	<ol style="list-style-type: none"> 1. Both Kindergarten and first grade students should be included in the universal screening requirement. 2. Kindergarten and 1st grade is a time of critical literacy development (Nevills & Wolfe, 2009) which is why state literacy curriculum and standards focus heavily on foundational skills. Universal screeners provide an efficient and economical way to determine if young students are mastering foundational literacy skills. (See Table 2 to understand the development of the law.) 3. It is essential to identify the instructional needs of struggling students as soon as possible. It is imperative to "catch them before they fall" (Torgesen, 1998).¹ 4. We recommend deleting the language "aligned to the results of the screener." because it could be interpreted to mean that students must be taught the skills assessed by the screener. Screeners assess skills that are predictive of risk, but not necessarily skills that should be taught.
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¹ <https://dyslexiaida.org/universal-screening-k-2-reading/>

		(B) Beginning in the 2021-2022 school year, §§C and D of this Regulation apply to students in the second and third grades.	Support	
1	p. 4, Section (A)(7)	C. Students in first, second, and third grade shall be included in the screening and the supplemental reading instruction program established by the local school system if the students: <ul style="list-style-type: none"> (1) Were not previously screened; (2) Demonstrated difficulty mastering grade-level reading in the previous grade; or (3) Entered or transferred to a public elementary school. 	(C) Students in first , second, and third grade shall be included in the screening and the supplemental reading instruction program established by the local school system if they meet the following criteria: <ul style="list-style-type: none"> (1) Were not previously screened; (2) Demonstrated difficulty mastering grade-level reading in the previous grade; or (3) Entered or transferred to a public elementary school 	<ol style="list-style-type: none"> 1. Grades K and 1 should be universally screened in order to identify, as early as possible, if a student has reading risk factors. 2. If a student in second or third grade is demonstrating difficulty mastering grade-level reading, a teacher should be able to screen the student regardless of whether the student had difficulty in the previous grade.
1	p. 4, Section (A)(7)	D. Screening is not required for students in first, second, or third grade if the local school system can demonstrate that students who entered or transferred to public elementary schools have already been screened and demonstrate mastery of grade-level reading.	D. Screening is not required for students in first , second, or third grade if the local school system can demonstrate that students who entered or transferred to public elementary schools have already been screened and demonstrate mastery of grade-level reading.	Grades K and 1 should be universally screened in order to identify, as early as possible, if a student has reading risk factors.
		E. Students shall be screened in accordance with the guidance of the selected screener	Support	
		F. The screening schedule shall be established by the local school system, with initial screening taking place within	Support	

		the first 2 months of the beginning of the school year		
.04 Screening Process				
Priority	Law Ref.	MSDE Proposed COMAR	Recommended Changes	Comment/Rationale
1 & Technical	Page 5 (B) (3)	<p>A. Upon registration of a student or identification of a student at risk for reading difficulties, the local school system shall provide to the parent or guardian of the student the following:</p> <ol style="list-style-type: none"> (1) A written description of the screening and supplemental instruction process in the school system; and (2) Any checklists or screener-specific forms needed to support the screening protocol and supplemental instruction process. 	<p>B. Upon registration of a student Kindergarten and grade 1 student, and when a student is identified as at risk for reading difficulties, or identification of a student at risk for reading difficulties, the local school system shall provide to the parent or guardian of the student the following:</p> <ol style="list-style-type: none"> (1) A written description of the screening and supplemental instruction process in the school system; and (2) Any checklists or screener-specific forms needed to support the screening protocol and supplemental instruction process. 	<ol style="list-style-type: none"> 1. Priority 1: Grades K and 1 should be universally screened in order to identify, as early as possible, if a student may be at risk for reading difficulties. 2. Technical: By adding “when a student is identified as at risk for reading difficulties,” and deleting “or identification of a student at risk for reading difficulties,” ensures parents are engaged in early literacy and have information about the reading screening process.
		B. The Department will provide a sample of a checklist on their website.	Support	
		<p>The screening required under this regulation shall be conducted by any of the following school personnel:</p> <ol style="list-style-type: none"> (1) Classroom teacher; (2) School psychologist; 	Support	

		<ul style="list-style-type: none"> (3) Reading specialist; (4) Special education teacher; (5) Speech-language pathologist; (6) Reading interventionist; or (7) Any other educator trained to use appropriate screening instruments. 		
		<p>D. A local school system shall select one or more appropriate screening instruments that meet the following criteria:</p> <ul style="list-style-type: none"> (1) Accurately and reliably identifies students at risk for poor learning outcomes; (2) Are developmentally appropriate; (3) Are economical to administer in time and cost; and (4) Use norm-referenced or criterion-based scores. 	Support	
2	p. 5 Section C(2)	E. The appropriate screening instrument shall be based on foundational reading skills that include phonological and phonemic awareness and processing, including rapid automatic naming.	<p>E. The appropriate screening instrument shall be based on foundational reading skills that include phonological and phonemic awareness and processing, including rapid automatic naming.</p> <p><u>Screening appears to be most successful when:</u></p> <p><u>(1) In kindergarten, phonological awareness, phonemic awareness, rapid</u></p>	<p>The original bill included the developmentally appropriate skills that are predictive at each developmental stage of learning to read.</p> <p>Screening instruments change what is screened across grade levels. What is developmentally appropriate to screen in Kindergarten is different from what is developmentally appropriate in 1st grade, 2nd grade and 3rd grade. The regulations should reflect the developmental growth of students.</p>

			<p><u>automatized naming, letter-sound association</u></p> <p>(2) <u>In first grade, phonemic awareness and segmentation, letter manipulation, nonword repetition, oral vocabulary, and word recognition fluency tasks are included.</u></p> <p>(3) <u>In second and third grade, word identification, oral reading fluency, and reading comprehension.</u>²</p>	
Technical	p. 9 Section (H)(2)	F. Local school systems shall provide school staff with professional learning on age-appropriate, evidence-based, sequential, systematic, explicit and cumulative instruction or intervention for student mastery of foundational reading skills, including phonological or phonemic awareness and processing, phonics, and vocabulary to support development of decoding, spelling, fluency, and reading comprehension skills to meet grade level curriculum.	F. Local school systems shall provide school staff with professional learning on age-appropriate, evidence-based, sequential, systematic, explicit and cumulative instruction or intervention for student mastery of foundational reading skills, including phonological or and phonemic awareness and processing, phonics, and vocabulary to support development of decoding, spelling, fluency, and reading comprehension skills to meet grade level curriculum.	The law requires that both phonological AND phonemic awareness be screened and intervention provided as needed.
.05 Screening Results and Supplemental Reading Instruction				
Priority	Law Ref.	MSDE Proposed COMAR	Recommended Changes	Comment/Rationale

² National Center on Improving Literacy (2019). Considerations in universal screening. Washington, DC: U.S. Department of Education, Office of Elementary and Secondary Education, Office of Special Education Programs, National Center on Improving Literacy. Retrieved from <http://improvingliteracy.org>.

<p>technical and NEW suggestion</p>	<p>p. 6, Section (D) (2)</p>	<p>A. If the screening results indicate that a student is at risk of reading difficulties:</p> <p>(1) Within 30 calendar days of the screening, the local school system shall notify the parent or guardian of the student in writing of the screening results and a description of the supplemental reading instruction that shall be provided to the student; and</p> <p>(2) The local school system shall develop a supplemental reading instructional plan to address the student's identified areas of need.</p>	<p>A. If the screening results indicate that a student is at risk of reading difficulties:</p> <p>(1) Within 30 calendar days of the screening, the local school system shall <u>provide a notification letter to the parent or guardian of the student that includes: notify the parent or guardian of the student in writing of the screening results and</u></p> <p><u>(a) the screening results; and</u> <u>(b) a description of the supplemental reading instruction that shall be provided to the student; and</u></p> <p>(2) The local school system shall develop a supplemental reading instructional plan to address the student's identified areas of need.</p>	<p>1. Rewrote for clarity 2. We recommend that all screening results are provided to parents or guardians regardless of the results. Sharing results will foster communication about literacy between parents and teachers.</p>
		<p>B. The supplemental instruction shall take place within the school day.</p>	<p>Support</p>	
		<p>C. Evidence-based supplemental instruction shall be based on data and aligned with the specific areas of deficit for students identified at risk.</p>	<p>Support</p>	

		D. The local school system may revise supplemental instruction based upon progress monitoring and the student's placement in an appropriate multi-tiered system of support.	Support	
.06 Progress Monitoring				
Priority	Law Ref.	MSDE Proposed COMAR	Recommended Changes	Comment/Rationale
technical		A. Local school systems shall set an individualized review schedule of the supplemental reading instruction at intervals of not more than 30 days for progress monitoring.	A. Local school systems shall <u>review student progress in</u> set an individualized review schedule of the supplemental reading instruction at intervals of not more than 30 days for progress monitoring.	Rewrote for clarity
2		B. The student's parent or guardian shall receive written progress reports quarterly or upon revisions to supplemental instruction.	B. The student's parent or guardian shall receive written progress reports at <u>least quarterly and</u> or upon revisions to supplemental instruction.	Many schools include parents in the school support team (SST) and this change reflects effective parent engagement in literacy decision making.
2		C. The local school system may determine the supplemental reading instruction plan is completed when the student has achieved grade level reading standards based upon age-appropriate re-screening.	C. The local school system may determine the supplemental reading instruction plan is completed when the student has achieved grade level reading standards based upon <u>multiple progress</u>	A Multi-tiered System of Support (MTSS) requires multiple data points; this recommendation clarifies how a local school system may determine that the supplemental reading instruction program is completed.

			<u>monitoring and informal diagnostic assessment data points.</u> and age-appropriate re-screening.	
.07 Reporting Requirements				
Priority	Law Ref.	MSDE Proposed COMAR	Recommended Changes	Comment/Rationale
	p. 7, (E) (1) and (2)	A. Each local school system shall provide resources on the school system website that include: (1) Reading screening instruments used in the local school system; and (2) A checklist of early warning signs of reading difficulties and dyslexia by age.	Support	
		B. Beginning in the 2021-2022 school year, §C of this Regulation shall apply to students in the second and third grades.	Support	
2	p. 7 Sec. (F)(1)	C. On or before July 1, each year, all local school systems shall provide a report to the Maryland State Department of Education with the following information for the previous school year; (1) The total number of students in kindergarten through third grade, by grade level;	Question: Is it possible for each school system to report the number of students screened each time the local school system administers the screener?	1. Grades K and 1 should be universally screened in order to identify, as early as possible, if a student has reading risk factors. Some parents and teachers are reporting that districts are screening students once. This is not the intention

		<p>(2) The number of students in kindergarten through third grade, by grade level, who were screened at each level;</p> <p>(3) The number of students in kindergarten through third grade, by grade level, identified through a screening instrument as at risk for reading difficulties; and</p> <p>(4) The number of students in kindergarten through third grade, by grade level, identified as at risk for reading difficulties who received supplemental reading instruction.</p>		<p>of the law or how screening works best.</p> <p>2. Reporting the number of students screened during each screening administration would be simpler for school systems because they would not have to consolidate data or reconcile for transient students.</p>
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.08 Evaluation of the Comprehensive Induction Program

Priority	Law Ref.	MSDE Proposed COMAR	Recommended Changes	Comment/Rationale
Technical	n/a	Title: 08 Evaluation of the Comprehensive Induction Program	.08 Evaluation of the <u>Effectiveness of Reading Screeners and Reading Interventions Comprehensive Induction Program</u>	Change the title of this section because the word "induction" does not apply here.
1		A. Local School systems shall evaluate the effectiveness of the screeners and the reading interventions annually.	Local School systems shall evaluate the effectiveness of the screeners and the reading interventions annually <u>and provide MSDE's Division of Curriculum, Instructional Improvement and Professional Learning:</u> 1. <u>Data that reflects the results of reading screening along</u>	<p>1. We support the use of data to evaluate and improve reading instruction and interventions for students.</p> <p>2. To achieve this goal, we recommend adding information to support LSS' efforts to evaluate their reading screening and interventions process.</p> <p>3. A uniform evaluation system will help MSDE to evaluate</p>

			<p><u>w/ information on trends for student outcomes;</u></p> <p>2. <u>List of the strengths and weaknesses of the screening, core instruction and interventions;</u></p> <p>3. <u>Next steps the LSS intends to take to improve the screening, core instruction and interventions process</u></p>	LSS' progress toward implementing the law and provide appropriate professional development.
		B. The Department shall provide professional learning to local school systems on effective evaluation procedures.	<p>B. The Department shall provide professional learning to local school systems on effective evaluation procedures.</p> <p><u>“The Department shall review and evaluate the screening data provided by the local school systems per “Section C, .07 Reporting Requirements.” Based on its evaluation, the Department shall provide professional learning to local school systems on how to evaluate and improve reading screening, core instruction and interventions.</u></p>	Adding specificity to the evaluation requirement would yield data the Department could use to tailor professional learning that helps local school systems improve effectiveness and, presumably, improve student reading outcomes.

Section 2: Statutory language that should be included in COMAR

Priority	Law Ref.	Statutory Language	Recommendation	Comment/Rationale
1	p. 3, (6)	Definition of (6) “Screening”	Add to COMAR	<ol style="list-style-type: none"> 1. Required by law. 2. It should be included because the practice of screening is

		<u>“Screening” means a brief, valid and reliable measurement procedure used to identify or predict whether a student may be at risk for poor learning outcomes.</u>		essential to effective implementation of the Ready to Read Law.
1	p. 4 (B)(1)(II)	<u>“The screening required under this section may not be included in the time limitation for assessments set forth in section 7-203(H) of this article.”</u>	Add to COMAR	<ol style="list-style-type: none"> 1. Required by law. 2. Screening is a critical component of a Multi-tiered System of Support and should not count towards the 2% assessment requirement.
1	p. 8 (F)(2)	<u>“Data reported under para. 1 of this subsection shall be³:</u> <ol style="list-style-type: none"> 1. <u>Disaggregated and searchable at the county board level; and</u> 2. <u>Updated annually and available on the Department’s website.</u> 	Add to COMAR Section .07 reporting requirements.	<ol style="list-style-type: none"> 1. Required by law. 2. This information is essential to stakeholders who want to understand which students were screened and the outcomes (see p. 7, Sec. (F)(1)). 3. Part of the transparency and accountability process to improve reading instruction for all students.
1	p. 8 (G)(1) and (2)	<u>On or before June 1, 2020, and once every 4 years thereafter, the Department, in consultation with parents, teachers, and other interested stakeholders, shall develop and update resources for use by a County Board.</u>	Add to COMAR	<ol style="list-style-type: none"> 1. Required by law. 2. Allows the LSS and the community to be informed and prepared to participate in the literacy process. Transparency and access is critical to accountability and continuous improvement.

³ Paragraph 1 refers to section .07 of COMAR, Reporting Requirements, “C”.

		<u>Resources developed under this subsection shall be available on the Department's website.</u>		
1	(H)(2) p. 9	<u>Training opportunities may include training on:</u> <u>(I) The administration and interpretation of screenings, informal diagnostic assessments, progress monitoring instruments, and student data;</u> <u>(II) Interpreting screenings and assessments for parents;</u> <u>(III) Best practices for designing and implementing supplemental reading instruction; and</u> <u>(IV) The elements, principles, and best practices of supplemental reading instruction.</u>	Support adding I, II, IV to COMAR under .04 Screening Process (F).	<p>Training opportunities are important and parents should be included.</p> <p>III is covered under F, and the rest of the training should also be included.</p>