


**TO:** Members of the State Board of Education

**FROM:** Carey M. Wright, Ed.D., State Superintendent of Schools 

**DATE:** March 13, 2025

**SUBJECT:** COMAR 13A.03.08 Students at Risk for Reading Difficulties  
(Permission to Publish)

### Purpose

The purpose of this item is to request permission to publish amendments to the Code of Maryland Regulation (COMAR) 13A.03.08 *Students at Risk for Reading Difficulties*.

### Background

The Maryland State Legislature passed the Ready to Read Act (Maryland Education Code §4-136) during the 2019 legislative session. The Act requires local education agencies (LEAs) to provide screening for all kindergarten students and identified first, second, and third grade students who may be at risk for reading difficulties. It also mandates supplemental reading instruction for identified students, progress monitoring, annual reporting requirements, and evaluation of the screening program. The State Board adopted the original version of COMAR 13A.03.08 on June 22, 2021, to implement the Act.

### Executive Summary

The proposed amendments to the regulation were developed to enhance clarity, strengthen accountability, and ensure alignment with current best practices in reading instruction. These revisions incorporate diagnostic surveys, Student Reading Improvement Plans, and a structured multi-tiered system of supports. The revised screening requirements will take effect in the 2025-2026 school year, while all other revisions will be implemented in the 2026-2027 school year.

Additionally, these revisions align with Maryland's [Comprehensive PK-3 Literacy Policy](#). The PK-3 Literacy Policy emphasizes the importance of early identification and intervention for students at risk for reading difficulties, ensuring that students receive evidence-based instruction and support from the earliest grades. The proposed amendments to COMAR 13A.03.08 reinforce the state's commitment to a strong literacy foundation by embedding universal screening, targeted interventions, and multi-tiered systems of supports within LEAs.

### Action

MSDE is requesting permission to publish amendments to COMAR 13A.03.08.

## **Attachments**

FINAL\_COMAR 13A.03.08 Revisions.pdf

Original\_2021 COMAR 13A.03.08 Students with Reading Difficulties.pdf

Authority: Education Article, §2-205 and §4-136, Annotated Code of Maryland

## **.01 SCOPE**

These regulations establish the screening of students enrolled in kindergarten through third grade who may be at risk for reading difficulties, the provision of supplemental reading instruction for identified students, and annual reporting requirements.

## **.02 DEFINITIONS**

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

B. Terms Defined.

- (1) "Diagnostic survey" means an assessment tool that identifies areas of need within a student's mastery of reading skills, foundational skills, or both to guide intervention.
- (2) "Evidence-based" means a program or practice that has demonstrated a statistically significant effect on improving student outcomes or other relevant outcomes based on well-designed and well-implemented studies, quasi-experimental studies, or correlational studies with statistical control for selection bias.
- (3) "Fluency" means reading accuracy and rate, including oral accuracy, prosody, intonation, and automaticity.
- (4) "IEP" means an individualized education program as defined and developed in accordance with COMAR 13A.05.01.03.
- (5) "IEP team" has the meaning stated in COMAR 13A.05.01.03.
- (6) Multi-tiered system of supports.
  - (a) "Multi-tiered system of supports" means a proactive framework that aims to foster growth by ensuring that all students receive academic, behavioral, and social-emotional supports that they need to be successful.
  - (b) "Multi-tiered system of supports" utilizes multiple data points to identify students requiring intervention through three tiers of support.
- (7) "Phonemic awareness" means the ability to distinguish, segment, blend, and manipulate phonemes in words.
- (8) "Phonics" means the study of letters and letter combinations and the relationship between the sounds that they represent.
- (9) "Phonological awareness" means a child's ability to recognize and manipulate parts of oral language including syllables, onset-rime, and phonemes.
- (10) "Progress monitoring" means a measurement procedure used at specified time intervals to measure a student's response to instruction or intervention.

- (11) “Rapid automatic naming” means how quickly individual students can name letters, digits, or symbols.
- (12) “Reading difficulties” means a student’s challenges with decoding, language comprehension, or both, which affect their ability to achieve grade-level reading proficiency.
- (13) “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.
- (14) “Student reading improvement plan” means a personalized plan to help students improve their reading skills that includes assessments, goals, instruction, and monitoring.
- (15) “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.
- (16) “Tier I” means core instruction aligned with grade level standards.
- (17) “Tier II” means supplemental instruction intended for students who have not made sufficient progress through Tier I instruction.
- (18) “Tier III” means intensive supplemental instruction that is individualized based on severe and persistent learning or social-emotional needs.

### **.03 STUDENT SCREENING**

- A. Each local school system shall ensure that all students enrolled in kindergarten, first grade, second grade, and third grade are screened to identify if the student is at risk for reading difficulties and provided supplemental reading instruction aligned to the results of the screening instrument.
- B. The local school system shall screen the students identified in §A of this regulation three times each school year including once in the fall, winter, and spring.
- C. The local school system shall establish the screening schedule and require the first screening identified in §B of this regulation to occur within the first 60 calendar days of the beginning of the school year.

### **.04 SCREENING INSTRUMENT AND DELIVERY**

- 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 local school system; and
  - (2) Any checklists or screening instrument-specific forms required to support the screening protocol and supplemental instruction process.
- B. The Department will provide a list of approved screening instruments for the local school systems.

C. The approved screening instruments shall:

- (1) Accurately and reliably identify students at risk for poor learning outcomes;
- (2) Be developmentally appropriate;
- (3) Be economical to administer based on time and cost; and
- (4) Use norm-referenced or criterion-based scores.

D. The screening required under this regulation shall be conducted by any of the following trained 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.

E. The appropriate grade-level screening instrument shall measure, at minimum:

- (1) Phonological and phonemic awareness,
- (2) Sound-symbol recognition,
- (3) Decoding,
- (4) Fluency, and
- (5) Rapid automatic naming.

## **.05 SCREENING DATA AND SUPPLEMENTAL READING INSTRUCTION**

- A. For only the 2025-2026 school year, §§ B - E of this regulation shall apply to the local school systems.
- B. If the results of screening conducted under regulations .03 and .04 of this chapter 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 will be provided to the student; and

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- (2) The local school system shall develop a supplemental reading instructional plan to address the student's identified areas of need.
- C. The supplemental instruction shall take place within the school day.
  - D. Evidence-based supplemental instruction shall be based on data and aligned with the specific areas of deficit for students identified at risk.
  - E. The local school system may revise supplemental instruction based upon progress monitoring and the student's placement in an appropriate multi-tiered system of supports.
  - F. Beginning in the 2026-2027 school year, §§ G - K of this regulation shall apply to the local school systems.
  - G. If the results of a screening conducted under regulations .03 and .04 of this chapter indicate that a student is at risk of reading difficulties, the local school system shall:
    - (1) Administer a diagnostic survey to determine the best targeted instruction;
    - (2) Notify the parent or guardian of the student, consistent with § H of this regulation; and
    - (3) Subject to § K of this regulation, develop a Student Reading Improvement Plan to document the student's identified areas of need and appropriate supplemental reading instruction, consistent with §§ I and J of this regulation.
  - H. Parent or Guardian Notification.
    - (1) Within 30 days of the screening, the local school system shall provide written notification to the parent or guardian that includes:
      - (a) An explanation that their child has been identified as having difficulties in reading; and
      - (b) An invitation to collaborate on the development of a Student Reading Improvement Plan with the teacher, principal or designee, and/or other pertinent school personnel.
    - (2) The notification must be provided in family-friendly language.
  - I. Student Reading Improvement Plan.
    - (1) The local school system shall develop a student reading improvement plan no later than 30 days after identifying a student at risk of reading difficulties.
    - (2) The student reading improvement plan shall be created in partnership with the parent or guardian by the teacher, principal or designee, or other pertinent school personnel
    - (3) The student reading improvement plan shall be documented on a template provided by the Department and include:
      - (a) The evidence-based reading intervention program the student will receive to remedy the reading deficit; and
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- (b) The necessary frequency and intensity of interventions to remediate the identified areas of need and accelerate learning.
  - (4) The student reading improvement plan shall be reviewed and updated at least once annually with the parent or guardian of the student.
  - (5) The local school system shall provide a copy of the student reading improvement plan to the parent or guardian.
- J. Supplemental Instruction and Multi-Tiered System of Supports.
- (1) Each local school system shall develop a multi-tiered system of supports consistent with guidance issued by the Department.
  - (2) The multi-tiered system of supports shall include:
    - (a) Program-specific progress monitoring system and tools to collect and analyze intervention data to make instructional decisions;
    - (b) Home partnerships with parents or guardians as an integral part of the decision-making team; and
    - (c) Supports that address a student's identified needs with varying intensity and duration across the three tiers.
  - (3) The supplemental instruction shall be provided within the local school system's multi-tiered system of supports.
  - (4) In addition to Tier I instruction, supplemental instruction shall be provided through Tier II and Tier III interventions utilizing a reading program aligned with the science of reading.
  - (5) All students, including multilingual learners and students with disabilities, must be provided with access to all levels of tiered instruction.
  - (6) The supplemental instruction shall take place within the school day.
- K. Students with an IEP.
- (1) If a student has an IEP, the IEP team shall review the results of the screening instrument and determine whether the student requires a Student Reading Improvement Plan or whether the IEP should be updated, consistent with guidance issued by the Department.
  - (2) This chapter may not delay or deny a student who may be suspected of having a disability from the appropriate evaluation under the Individuals with Disabilities Education Act.

## **.06 PROGRESS MONITORING**

- A. The local school system 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 student reading improvement 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 by age of reading difficulties and dyslexia.
- B. On or before September 1, each year, all local school systems shall provide a report to the Maryland State Department of Education with the following information from the previous school year:
  - (1) The total number of students in kindergarten through third grade, by grade level disaggregated by grade level, race, disability status, multilingual learner status, and students eligible for free and reduced meals;
  - (2) The number of students in kindergarten through third grade, by grade level, who were screened at each level disaggregated by grade level, race, disability status, multilingual learner status, and students eligible for free and reduced meals;
  - (3) The number of students in kindergarten through third grade identified through a screening instrument as at risk for reading difficulties, disaggregated by grade level, race, disability status, multilingual learner status, and students eligible for free and reduced meals; 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 disaggregated by grade level, race, disability status, multilingual learner status, and students eligible for free and reduced meals.



# COMAR 13A.03.08 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

- 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 grade

- 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 grade-level 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 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.

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## **.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.