

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 801

PRINTER NO. 1359

AMOUNT

See Fiscal Impact

FUND

General Fund

DATE INTRODUCED

June 15, 2023

PRIME SPONSOR

Senator Aument

DESCRIPTION

Senate Bill 801 establishes a new Article XV-N (Evidence-Based Reading Instruction) in the Public School Code to require school entities beginning July 1, 2025, to implement comprehensive, evidence-based reading curriculum for students in kindergarten through grade three that includes screening, interventions and professional development.

The legislation defines “evidence-based reading instruction” as a program of structured literacy instruction for students in kindergarten through grade 3, aligned with the science of reading, including explicit and systematic instruction in phonemic awareness, the alphabetic principle, decoding, fluency, vocabulary, comprehension and building content knowledge. The instruction may not include strategies for teaching students to read based on meaning, structure and syntax and visual cues, which may also be known as MSV.

The legislation requires the Department of Education (department) to develop and maintain a list of evidence-based reading instruction curricula for use in school entities by December 1, 2024. It requires the curricula to be aligned with academic standards and the science of reading and to include a logical scope and sequence for implementing curriculum that is systematic and cumulative. It requires the department to include the list and criteria and rubrics used to identify high quality curriculum on its publicly accessible internet website.

The legislation requires the department to develop a process for a vendor to submit an evidence-based reading instruction curriculum for review by the department for inclusion on the list. It also requires the department to provide a process for school entities to submit an application for additional curriculum to be included on the list.

The legislation establishes the Reading Leadership Council (council) to advise the department on evidence-based reading curriculum, including the list of reading instruction curricula. It provides for the council to meet at least once every two months as determined by the department. It also provides for the council to have 20 public elementary school staff appointed by the department with experience in structured literacy.

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The legislation requires school entities beginning with the 2025-2026 school year to adopt an evidence-based reading instruction curriculum, approve a professional development program for educators providing reading instruction, identify an educator responsible for assisting each with implementation of the curriculum and demonstrate that each educator responsible for providing reading instruction or coaching is in the process of completing an approved professional development program.

The legislation requires school entities beginning July 1, 2025, to screen each student enrolled in kindergarten through grade three for reading competency three times per year. It requires the screening to be conducted at the beginning of the school year, during the middle of the school year and at the end of the school year using a department-approved universal reading screener.

The legislation requires school entities to provide educators time during the contractual school day to complete data entry and compilation associated with the screener, communicate with families and carry out any other responsibility related to providing instruction in the science of reading as required by the legislation. It also requires the department provide educators free professional development during the contractual school day on reading screening and literacy intervention approaches.

The legislation provides exemption from the screening for certain special education students and students receiving services under a plan related to federal nondiscrimination for whom the assessment would present a conflict with services that are already provided.

The legislation requires the department, in consultation with the council, to develop, maintain and publish a list of universal reading screeners and a list of structured literacy intervention approaches aligned with the core components of evidence-based reading instruction on its website by December 1, 2024. It requires the department to consider the following in determining the list of universal reading screeners: (1) the time required to conduct the screening, with the intent to minimize impact on instructional time; (2) the timeliness in reporting screening results; and (3) the integration of assessment and instruction the screener provides.

The legislation requires a student to be identified as having a reading deficiency if a universal reading screener identifies the student to be at risk for reading failure. It provides that the student must remain identified as having a reading deficiency until such time as the student performs at or above an identified threshold level of proficiency using three data points. It requires a school entity to offer a student with a reading deficiency a reading intervention plan with the goal of the student reading at or above grade level by the end of grade 3. It also requires a school entity to notify parents of a student identified with a reading deficiency and provide periodic updates three times per year regarding the student's progress.

The legislation requires the department to establish a grant program to aid school entities with the initial costs associated with training and other resources necessary to implement the structured literacy program as required by the legislation. It

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requires the department to award grants to school entities and to administer the program from appropriations made by the General Assembly, funding appropriated to the department for general government operations and funding from other public and private sources, including the federal government.

The legislation requires school entities to submit annual reports to the department beginning October 31, 2025, and each year thereafter that include: (1) data regarding students identified with reading deficiencies at the beginning and at the end of the school year; (2) the adopted evidence-based reading instruction curriculum; and (3) the number of educators who received professional development and the type of professional development received. It requires the legislation in the report to be deidentified and comply with the federal Family Educational Rights and Privacy Act. It also requires the department to publish the report on its publicly accessible internet website and to submit copies of the report to the Governor, State Board of Education, President Pro Tempore of the Senate, Speaker of the House of Representatives, the chairperson and minority chairperson of the Education Committee of the Senate and the chairperson and minority chairperson of the Education Committee of the House of Representatives.

The legislation defines a "school entity" as a school district, intermediate unit, area career and technical school, charter school, cyber charter school or regional charter school.

The legislation is scheduled to take effect in 90 days.

FISCAL IMPACT:

The provisions contained in Senate Bill 801 providing for a grant program to aid school entities with the initial costs associated with training and other resources necessary to implement a structured literacy program will have no fiscal impact on Commonwealth funds as funding for the program is dependent upon appropriations made by the General Assembly in the General Appropriation Act.

The Department of Education estimates the provisions requiring it to administer the grant program, develop and maintain various vendor lists and support for the operations of the Reading Literacy Council will cost \$240,000 annually. Specifically, it estimates \$140,000 will be needed for salary and benefits for one position and \$100,000 to provide curriculum support.

The provisions in the bill requiring the department to provide free professional development on reading screening and intervention approaches can be accomplished within the department's existing budget for teacher professional development. For information purposes, the Fiscal Year 2023-24 General Fund budget includes \$5,044,000 for teacher professional development.

Presently, it is not known how many school entities provide an evidence-based reading curriculum as proposed in the legislation. To the extent a school entity needs to implement the curriculum, it will likely incur start-up costs related to the purchase

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of items, such as new reading instruction curricula, classroom materials, universal reading screeners, intervention programs and professional development programs. Based on information provided by the Pennsylvania Association of School Business Officials, it is estimated that the average school entity would incur start-up costs ranging from \$100 - \$140 per student to implement the program. It is likely that a school entity would also need to hire an additional staff person to administer the program at a cost of \$100,000 per year for salary and benefits. Ongoing cost for the program would likely be absorbed in a school entity's normal operating budget.