

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Reading assessment and intervention amendments.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to reading assessment and intervention;
2 specifying duties of the state superintendent; amending
3 screening requirements for reading difficulties; providing
4 definitions; amending reporting requirements for school
5 districts and the department of education; amending reading
6 improvement plan requirements; providing for enforcement;
7 creating a reading assistance division within the
8 department of education; providing an appropriation; and
9 providing for effective dates.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

12

1 **Section 1.** W.S. 21-3-401(a), (c), by creating a new
2 subsection (d), by amending and renumbering (d) and (e) as
3 (e) and (f) and by creating a new subsection (g) are
4 amended to read:

5
6 **21-3-401. Reading assessment and intervention.**

7
8 (a) Each school district shall select and implement a
9 reading assessment and intervention program that uses one
10 (1) or more instruments identified by the state
11 superintendent under subsection ~~(d)~~ (e) of this section
12 that screens for signs of reading difficulties, including
13 but not limited to dyslexia or other reading deficiencies,
14 not less than three (3) times per year in kindergarten
15 through grade ~~three (3)~~ twelve (12) and that implements
16 with fidelity an evidence based intervention program for
17 students at-risk for reading failure in kindergarten
18 through grade three (3). The intervention program shall
19 ~~include~~ be multi-tiered, administered to all students in
20 kindergarten through grade three (3) and include all of the
21 following:

STAFF COMMENT

The drafting instructions directed subsection (a) to require screening for students kindergarten through grade twelve (12). The Committee may wish to consider if the intervention portion of the program and reporting requirements should include grades four (4) through twelve (12). The requirement on page 2, line 15 is the only instance the program applies to K-12. This is a policy decision for the Legislature.

The Committee may want to consider defining "reading difficulties" to include dyslexia and other reading deficiencies since it is used frequently in this section.

(i) Instruments identified by the state superintendent under subsection ~~(d)~~ (e) of this section that monitor and measure reading progress and assess student reading skills and progress to provide data that informs any intervention~~;~~ ~~The assessment and intervention program shall be administered to all students in kindergarten through grade three (3). The program shall also include~~

(ii) Implementation of evidence based core curricula aligned to the uniform content and performance standards and ~~evidenced~~ evidence based interventions to

1 meet the needs of all students~~;~~~~. The program shall be~~
2 ~~multi-tiered and shall include~~

3
4 (iii) Evidence based interventions to facilitate
5 skill-specific remediation of any reading difficulty as
6 early as possible.

7
8 (c) The department shall summarize the district
9 reports required under this subsection and submit the
10 summary to the joint education interim committee and make
11 the summary available to the public by posting the summary
12 on the department's website not later than December 31 of
13 each year. Not later than November 15 of each year each
14 district shall annually report to the department of
15 education ~~on~~ all of the following:

16
17 (i) The progress of each of its schools toward
18 achieving the goal of eighty-five percent (85%) of all
19 students ~~reading at grade level~~ demonstrating appropriate
20 reading competence upon completion of the third grade. ~~This~~
21 report shall include For purposes of this section,
22 "appropriate reading competence" means reading at a level a
23 school district determines is appropriate using a screening

instrument required by subsection (a) of this section or,
for students in grade three (3), meeting or exceeding
proficiency expectations on the English language arts
portion of the statewide student assessment or an
alternative assessment administered by the district for
students unable to take the statewide student assessment
when administered;

STAFF COMMENT

The drafting instructions directed LSO to include an alternative assessment administered by the district. The Committee may wish to consider defining what an alternative assessment is and requiring the assessment to be approved by the State Superintendent.

For informational purposes, the Department of Education directs schools to schedule make-up student assessments during the testing window outlined by the Department in instances when a student misses school the day of the assessment.

(ii) Cohort analysis for kindergarten through grade three (3) for those students identified by the screening instruments as having signs of reading difficulties, including but not limited to dyslexia or other reading deficiencies; ~~The report shall include~~

1 (iii) The percentage of students~~:-meeting or~~
2 ~~exceeding proficiency levels for the annual reporting~~
3 ~~period. The reporting shall also include~~

4
5 (A) Placed on an individual reading plan
6 pursuant to subsection (b) of this section;

7
8 (B) Whose IEPs address reading difficulties,
9 including but not limited to dyslexia and other reading
10 deficiencies;

11
12 (C) With individual reading plans delivered
13 to the student's parents;

14
15 *****
16 *****
17 STAFF COMMENT
18 The drafting instructions directed that districts report
19 the percentage of individual reading plans approved by the
20 student's parents. Under W.S. 21-3-401(b), individual
21 reading plans shall be delivered to the student's parents
22 or guardians.

23 *****
24 *****
25

26 (D) That have individual reading plans who
27 are no longer enrolled in the district;

28

1 (E) Who require an individual reading plan
2 pursuant to this section where an individual reading plan
3 has not been implemented.

4
5 (iv) The aggregate number of students identified
6 by the screening instruments as having signs of reading
7 difficulties, including but not limited to dyslexia or
8 other reading deficiencies ~~;~~ ~~in addition to listing~~

9
10 (v) A list of the evidence based core literacy
11 curricula and interventions implemented in each district by
12 grade ~~;~~ ~~This report shall include~~

13
14 (vi) Kindergarten through grade three (3)
15 progress toward achieving the goal of eighty-five percent
16 (85%) proficiency in the specific skills known to be
17 predictive of grade three (3) reading proficiency and that
18 are listed in subsection ~~(d)~~ (e) of this section. ~~This~~
19 ~~report shall also include grade three (3) reading~~
20 ~~proficiency determined by the grade three (3) statewide~~
21 ~~assessment administered pursuant to W.S. 21-2-304(a)(v).~~
22 ~~Each school not meeting the eighty five percent (85%) goal~~
23 ~~specified under this subsection shall submit an improvement~~

~~plan to the school district, and the school district shall submit an overall improvement plan to the department. At a minimum, each school and district improvement plan shall outline its general strategy for increasing reading proficiency for the next school year and shall specifically address the evidence based program of instruction, assessment and intervention being implemented and the specific training in those programs that reading teachers have received.~~

STAFF COMMENT

The Committee may want to consider what the screeners are for: reading difficulties, including but not limited to dyslexia and other reading deficiencies; appropriate reading competence; or the skills predictive of grade three (3) reading proficiency. As currently drafted, this paragraph appears to be inconsistent with the 85% goal included in paragraph (c)(i) of this section on page 4 line 17 through page 5, line 7.

(d) Each school that is five percent (5%) or more below the statewide average of students meeting or exceeding proficiency expectations on the English language arts portion of the statewide student assessment shall submit an improvement plan to the school district, and the

1 school district shall submit an overall improvement plan to
2 the department of education. At a minimum, each school and
3 district improvement plan shall outline its general
4 strategy for increasing reading proficiency for the next
5 school year and shall specifically address the evidence
6 based program of instruction, assessment and intervention
7 being implemented and the specific training in those
8 programs that reading teachers have received. If a school
9 district does not develop the improvement plans required by
10 this subsection before November 15 of each year, parents of
11 students enrolled in the school district may petition the
12 state superintendent of public instruction to direct the
13 school district to comply with the requirements. The state
14 superintendent may direct expenditure of funds distributed
15 by the education resource block grant to the noncompliant
16 school district for the purpose of compliance.

17

18 *****
19 *****

20 STAFF COMMENT

21 The drafting instructions did not specify whether the
22 provision included in page 9 lines 8 through 16 applied to
23 improvement plans or individualized reading plans. That is
24 a policy decision for the Legislature.

25

26 The drafting instructions directed to allow the State
27 Superintendent to " earmark education resource block grant
28 funds." This has been changed to "direct expenditure of

1 funds," as the intent of the drafting instructions is
2 unclear.

3 *****
4 *****
5

6 ~~(d)~~(e) The state superintendent, in consultation with
7 Wyoming school districts, professionals in the area of
8 reading difficulties, including but not limited to dyslexia
9 and other reading deficiencies, and other appropriate
10 stakeholders, shall promulgate rules as necessary to assist
11 each school district to administer its reading assessment
12 and intervention program pursuant to this section and to
13 assess the skills in paragraphs (i) through (v) of this
14 subsection using a curriculum-independent assessment. The
15 rules shall contain criteria to identify reading
16 difficulties, including but not limited to dyslexia and
17 other reading deficiencies, evidence based programs that
18 may remedy reading difficulties, including but not limited
19 to dyslexia and other reading deficiencies and instruments
20 that screen for signs of reading difficulties, including
21 but not limited to dyslexia and other reading deficiencies,
22 required under subsection (a) of this section. Based on the
23 criteria incorporated by rule, the state superintendent
24 shall identify instruments approved for use by school
25 districts that monitor and measure reading progress and

1 assess student reading skills and progress to provide data
2 that informs any intervention required under subsection (a)
3 of this section. The rules shall provide mechanisms for the
4 state superintendent to directly support schools and school
5 districts in meeting the goals of improvement plans
6 developed pursuant to subsection ~~(e)~~(d) of this section
7 including, but not limited to, professional development in
8 evidence based literacy instruction and intervention and
9 professional development in identifying the signs of
10 reading difficulties, including but not limited to dyslexia
11 and other reading deficiencies. To accomplish the purposes
12 of this subsection, the department of education shall
13 collect kindergarten through grade three (3) statewide
14 longitudinal data from assessments selected and performed
15 by each school district, which measures the following
16 specific skills that evidence based research has concluded
17 are predictive of grade three (3) reading proficiency:

18

19 (i) Phonological awareness;

20

21 (ii) Phonics;

22

23 (iii) Decoding words and nonwords;

1

2 (iv) Oral reading fluency; and

3

4 (v) Reading comprehension.

5

6 ~~(e)~~(f) Commencing with Each school year, ~~2022-2023,~~
7 each school district shall require each district employee
8 providing instruction in grades kindergarten through three
9 (3) within the district to have received or receive
10 professional development in evidence based literacy
11 instruction and intervention and in identifying the signs
12 of reading difficulties, including but not limited to
13 dyslexia and other reading deficiencies, using suitable
14 materials reviewed and required pursuant to rule by the
15 state superintendent. The rules required under subsection
16 ~~(d)~~(e) of this section shall establish minimum reading
17 assessment and intervention professional development
18 requirements to be completed not less than once every three
19 (3) years as required under this subsection for district
20 employees providing instruction in grades kindergarten
21 through three (3). The rules shall contain criteria to
22 identify appropriate and suitable professional development
23 materials for district employees in evidence based literacy

1 instruction and intervention and in detection of reading
2 difficulties, including but not limited to dyslexia and
3 other reading deficiencies.

4
5 (g) Notwithstanding any other provisions of the law,
6 the state superintendent may license persons proficient in
7 evidence based literacy instruction and in identifying the
8 signs of reading difficulties, including but not limited to
9 dyslexia and other reading deficiencies, in kindergarten
10 through grade three (3) to assist school districts in
11 implementing the evidence based programs required under
12 subsection (a) of this section.

13
14 *****
15 *****

16 STAFF COMMENT

17 The Committee may want to consider specifying if licensure
18 is for classroom teachers in K-12 schools.

19
20 The Committee may want to consider requiring minimum
21 requirements, such as background checks, for those licensed
22 under this subsection (g).

23
24 For informational purposes, pursuant to W.S. 21-2-802, the
25 Professional Teaching Standards Board has sole authority to
26 license teachers.

27 *****
28 *****
29

30 Section 2.

1

2 (a) There is created within the department of
3 education a reading assistance division. The division shall
4 assist in implementation of W.S. 21-3-401 as amended by
5 section 1 of this act and assist school districts to ensure
6 students kindergarten through grade three (3) demonstrate
7 appropriate reading competence. Notwithstanding any other
8 provision of the law, the state superintendent shall define
9 the job description and the pay band associated with the
10 positions in accordance with the state salary schedule. The
11 employees authorized by this section shall be at-will.

12

13 *****
14 *****
15 STAFF COMMENT
16 If the Committee modifies the program and intervention to
17 include grades four (4) through twelve (12), subsection (a)
18 of W.S. 21-3-401 will require amendments.
19 *****
20 *****
21

22 (b) There is appropriated XXX dollars (\$XXX) from the
23 school foundation program account to the department of
24 education for the salary and benefits of the positions
25 created by subsection (a) of this section for the period
26 beginning July 1, 2026 and ending June 30, 2028. This
27 appropriation shall not be transferred or expended for any

1 other purpose and any unexpended, unobligated funds
2 remaining from this appropriation shall revert as provided
3 by law. It is the intent of the legislature that XXX
4 dollars (\$XXX) and the positions created by this subsection
5 be included in the department of education's standard
6 budget for the immediately succeeding fiscal biennium.

7
8 **Section 3.**
9

10 (a) Except as provided in subsection (b) of this
11 section, this act is effective immediately upon completion
12 of all acts necessary for a bill to become law as provided
13 by Article 4, Section 8 of the Wyoming Constitution.

14
15 (b) Section 2 of this act is effective July 1, 2026.
16

17 *****
18 *****
19 **STAFF COMMENT**
20 **Note the split effective date. Section 2 has a delayed**
21 **effective date to align with the fiscal year.**

22 *****
23 *****
24

25 (END)