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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2023 Assembly Bill 321**

**Assembly Substitute  
Amendment 1, as Amended by  
Assembly Amendment 1**

## 2023 ASSEMBLY BILL 321

2023 Assembly Bill 321 makes various changes to current law relating to reading instruction, curriculum, assessments, and interventions.

### Council on Early Literacy Curricula

The bill creates an Office of Literacy within the Department of Public Instruction (DPI), as well as a Council on Early Literacy Curricula located within the Office of Literacy. The council consists of nine members appointed by the Speaker of the Assembly, the Senate Majority Leader, and the State Superintendent of Public Instruction, and is responsible for annually recommending science-based literacy curricula and instructional materials for use in grades kindergarten through three. The council must submit recommendations to DPI, and the agency must submit recommendations to the Joint Committee on Finance (JCF) for passive review.

### Adoption of New Literacy Curriculum and Grants

Assembly Bill 321 imposes reading curriculum requirements on traditional public schools, independent charter schools, and private schools participating in the Milwaukee Parental Choice Program, the Racine Parental Choice Program, and the Wisconsin Parental Choice Program (collectively, parental choice programs). Beginning in 2024, any of these schools that adopt a new literacy curriculum must adopt one recommended by the Council on Early Literacy Curricula.

The bill also creates grants covering a portion of costs for purchasing recommended curriculum and instructional materials. DPI must provide schools with 50 percent reimbursement for eligible costs, except that DPI must prorate payments if there are insufficient funds to cover all grant awards.

### Prohibition on the Use of Three-Cueing in Literacy Instruction

Assembly Bill 321 prohibits traditional public schools and independent charter schools from incorporating three-cueing in the core reading curriculum, supplemental materials, and materials used for reading intervention in grades kindergarten through three, beginning in the 2024-25 school year. Three-cueing means any model of teaching a student to read based on meaning, structure, and syntax, and visual cues or memory, including the model referred to as meaning, structure, and visual cues, or MSV.

## **Literacy Coaching Program**

The bill establishes a Literacy Coaching Program within the new DPI Office of Literacy. The program assigns literacy coaches to traditional public schools, independent charter schools, and private schools participating in a parental choice program. Under the bill, DPI must assign half of the literacy coaches to schools with the lowest reading scores on the standardized third grade reading assessment and half to schools that request such assistance.

## **Assessments and Intervention**

Current law requires traditional public schools and independent charter schools to assess students in four year-old kindergarten (4K) through second grade for reading readiness each year. This assessment must evaluate whether the student possesses phonemic awareness and letter sound knowledge.

Assembly Bill 321 replaces the 4K to second grade requirement with a new system of literacy assessment involving more frequent testing, and creates a new assessment requirement for students in five year-old kindergarten (5K) to third grade. The bill requires traditional public schools and independent charter schools to administer fundamental skills screening assessments to 4K students twice per year, and universal screening assessments to 5K to third grade students three times per year.

If a 5K to third grade student scores below the 25th percentile on a universal screening assessment, the school must administer a diagnostic assessment to evaluate certain literacy skills and provide interventions. These interventions must include creation of a personal reading plan identifying the student's specific skill deficiencies, providing goals and benchmarks for progress, and describing additional instructional services the student will receive. Any student who scores below the 25th percentile on the subsequent diagnostic assessment must receive interventions (including a personal reading plan), as well as information about the special education referral system.

DPI selects the fundamental skills screening and universal screening assessments, but establishes a list of approved diagnostic assessments from which school districts and independent charter schools may choose. DPI must pay each district and independent charter school for the per-student cost of fundamental skills screening assessments, universal screening assessments, and diagnostic assessments. The agency must prorate payments if there are insufficient funds to cover all eligible assessment costs.

## **Third Grade Retention**

Assembly Bill 321 requires DPI to adopt a model policy for promoting students from third grade to fourth grade and requires all school boards, operators of independent charter schools, and governing bodies of private schools participating in a parental choice program to adopt their own third grade promotion policies. These policies must include specified provisions, including that third grade students who perform in the lowest proficiency category on the standardized third grade reading assessment must be retained in third grade.

Beginning on September 1, 2028, traditional public schools, independent charter schools, and parental choice schools cannot promote a student to the fourth grade unless the student meets the criteria for promotion specified in the school policy.

## **Teacher Preparation Programs**

The bill provides that the State Superintendent may not approve a teacher preparatory program unless the program provides instruction that prepares teachers to teach science-based early literacy instruction and does not provide instruction that incorporates three-cueing.

## **School and District Reporting**

Assembly Bill 321 requires data from the standardized third grade reading test to be included on the school and district report card for every school that offers third grade, and requires data from the required assessments and screeners to be included on each public school's school performance report.

## **Teacher Licensing**

Current law prohibits DPI from issuing a license to teach reading or language arts in pre-kindergarten through sixth grade unless the applicant has successfully completed instruction preparing the individual to teach reading and language arts using phonics. Assembly Bill 321 amends the requirement so that applicants must receive instruction to teach reading and language arts using science-based literacy instruction that does not include three-cueing as a method of instruction.

## **Professional Development**

Assembly Bill 321 requires all of the following individuals to receive specific professional development training in science-based reading instruction: (1) educators who teach grades kindergarten through three; (2) principals of schools that offer grades kindergarten through three; (3) reading specialists; and (4) University of Wisconsin (UW) System faculty and academic staff members who teach a course that includes curriculum in reading instruction designed for educators. The professional development must meet certain requirements, including that the training be the Voyager Sopris Language Essentials for Teachers of Reading and Spelling (LETRS) or another program endorsed by the Center for Effective Reading Instruction.

## **ASSEMBLY SUBSTITUTE AMENDMENT 1, AS AMENDED BY ASSEMBLY AMENDMENT 1**

Assembly Substitute Amendment 1, as amended by Assembly Amendment 1 (hereinafter, "the substitute amendment") retains large portions of Assembly Bill 321, but makes a number of substantive changes. Those changes are outlined below, and include revisions regarding third grade retention and promotion, three-cueing reading instruction, adoption of new literacy curriculum, reimbursement for reading assessments, reading data reported on school report cards, deadlines for the Council on Early Literacy Curricula, and required professional development.

### **Elimination of Required Third Grade Retention**

The substitute amendment eliminates the third grade retention policy requirement for traditional public schools, independent charter schools, and choice schools. The amendment instead requires schools to provide the following interventions for students not reading at grade level in third grade: (1) intensive instructional services, progress monitoring, and supports to remediate the identified areas of deficiency; and (2) an intensive summer reading program each summer until the student scores at grade level in reading.<sup>1</sup> Schools must implement a policy incorporating these requirements, as included in the DPI model policy,<sup>2</sup> by September 1, 2027.

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<sup>1</sup> The substitute amendment also requires parental notification that a student did not complete his or her personal reading plan, which is applicable to traditional public school and independent school students, and a description of services and supports that will be provided to remediate identified areas of reading deficiency.

<sup>2</sup> Assembly Bill 321 requires DPI to establish a model policy for promoting students to fourth grade and individual school districts, independent charter schools, and choice schools must adopt their own promotion policies that incorporate components from the DPI model policy. The original bill required DPI to establish the model policy by

Traditional public schools, independent charter schools, and choice schools must provide the same interventions to qualifying students, but the trigger for providing the services is slightly different. Traditional public schools and independent charter schools must provide the services to students who have a personal reading plan in place during third grade and have not completed the plan. A student completes the reading plan when the student scores at grade level in reading, as determined by DPI rule, and the student's parents and school agree that the student has met the plan goals.

Private schools participating in a parental choice program must provide the required interventions to students who score below grade level in reading on the third grade reading test, rather than to students with a personal reading plan in place. Choice schools must administer the third grade reading test to choice students, but are not required to administer universal screening and diagnostic assessments in 5K-3 or create personal reading plans for students.

### **Elimination of Requirement to Use a Recommended K-3 Literacy Curriculum**

The substitute amendment eliminates the requirement for traditional public schools, independent charter schools, and parental choice schools adopting a new K-3 literacy curriculum to use one recommended by the Council on Early Literacy. However, schools must still adopt a recommended curriculum to be eligible for reimbursement grants for purchasing costs.

### **Prohibition on Choice Schools Using Three-Cueing Instruction**

The substitute amendment prohibits private schools participating in a parental choice program from using three-cueing instruction or materials. The original bill prohibited only traditional public schools and independent charter schools from using three-cueing, but the substitute amendment extends the prohibition to include schools participating in a parental choice program.

### **Change to Reimbursements for Reading Readiness Assessments**

The substitute amendment changes how DPI covers school district and independent charter school costs for administering required fundamental skills screening assessments in 4K, universal screening assessments in 5K-3, and diagnostic assessments in 5K-3. Under the substitute amendment, DPI must provide school boards and independent charter schools with fundamental skills screening and universal screening assessments, rather than reimbursing them for assessment costs. As under the bill, DPI must pay districts and schools the per-student cost for administering diagnostic assessments.

### **Revision to Reading Data Included in School Report Cards**

The substitute amendment revises the requirement for reporting third grade reading test results on school and district report cards. Rather than including the number and percentage of students scoring in the lowest performance category on the third grade reading test, the substitute amendment requires report cards to include the percentage of students reading at grade level by the end of third grade. The requirement first applies to report cards published for the 2024-25 school year.

### **Delayed Timelines for 2024-25 Recommended Early Literacy Curricula**

The substitute amendment delays by two months deadlines related to early literacy curricula and materials recommended for the 2024-25 school year by the Council on Early Literacy Curricula. The amendment requires the council to report its recommendations to DPI by December 1, 2023, rather

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rule, but the substitute amendment eliminates the requirement that the policy be promulgated as an administrative rule.

than October 1, 2023, and requires DPI to report recommendations to JCF by February 1, 2024, rather than November 1, 2023.

### **Updated Legal Name of Entity Providing Professional Development**

The substitute amendment makes a minor revision to the professional development training required for educators, principals, reading specialists, and UW faculty. The amendment updates the legal name of the entity offering LETRS training from Voyager Sopris to Lexia Learning Systems, LLC.

### **BILL HISTORY**

Representative Kitchens offered Assembly Amendment 1 to Assembly Substitute Amendment 1 on June 21, 2023. On that date, the Assembly adopted Assembly Substitute Amendment 1, as amended by Assembly Amendment 1, and adopted Assembly Bill 321, as amended, on a vote of Ayes, 67; Noes, 27; and Paired Votes, 2.

For a full history of the bill, visit the Legislature's [bill history page](#).

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