

State of Wisconsin

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Joint Committee on Finance

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Howard Marklein
Representative Mark Born

Date: February 19, 2024

Re: 14-Day Passive Review Approval – DPI

Pursuant to Wisconsin 2023 Act 20, attached is a 14-day passive review request from the Department of Public Instruction, received on February 19, 2024.

Please review the material and notify **Senator Marklein** or **Representative Born** no later than **Thursday, March 7, 2024**, if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

HM:MB;jm



February 19, 2024

The Honorable Mark Born, Co-Chair
Joint Committee on Finance
Wisconsin State Legislature
Room 308 East, State Capitol
Madison, WI 53707
Rep.Born@legis.wisconsin.gov

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J. Finance

The Honorable Howard Marklein, Co-Chair
Joint Committee on Finance
Wisconsin State Legislature
Room 316 East, State Capitol
Madison, WI 53707
Sen.Marklein@legis.wi.gov

Subject: Early Literacy Curricula Recommendations as Required Under 2023 Act 20

Dear Representative Born and Senator Marklein:

The Department of Public Instruction submits this recommended list of early literacy curricula, as required under Wisconsin 2023 Act 20.

DPI Early Literacy Instructional Materials Recommendations

After engaging in our own independent review, the following are the DPI's early literacy instructional materials recommendations.

- *American Reading Company K-3 (ARC Core, 2017)*
- *Being a Reader (K-2nd, 2021; 3rd, 2023) & Being a Writer (K-3rd., 2014) with Systematic Instruction in Phonological Awareness, Phonics & Sight Words (SIPPS, 2020) (Center for the Collaborative Classroom)*
- *Benchmark Education Advance (Benchmark Education Company, 2022)*
- *Core Knowledge Language Arts K-3 (CKLA, Amplify Education, 2022)*
- *EL Education K-3 Language Arts (Open up Resources, 2017)*
- *EL Education K-3 (Imagine Learning LLC, 2019)*
- *Into Reading, National V2 (Houghton Mifflin Harcourt, 2020)*
- *myView Literacy Elem. Reading Curriculum (Savvas Learning Company, 2025)*
- *Open Court (McGraw Hill, 2023)*

- *Wit and Wisdom* (Great Minds, 2020) with *PK-3 Reading Curriculum* (Really Great Reading)
- *Wonders* (McGraw Hill, 2023)

Background

On July 19, 2023, 2023 AB-321 was signed into law as 2023 Act 20 (Act 20). This legislation created the Early Literacy Curriculum Council. The Council is comprised of nine members in total, of which three are appointed by the Speaker of the Assembly, three are appointed by the Senate Majority Leader, and three are appointed by the State Superintendent. The Council members must demonstrate knowledge of, or experience with, science-based early literacy instruction, as defined in Act 20 [Wis. Stat. sec. 118.015 (1c) (b)], and literacy curricula for pupils in grades kindergarten to three. Council members must also be free of financial interest as defined in Act 20, [Wis. Stat. sec. 15.377 (9) (c)] in any entity that develops, sells, or markets products that assess reading ability, are specifically intended to be used to teach reading, or that treat reading difficulties.

Under Act 20, the Council is responsible for annually submitting a list of recommended early literacy curricula for use in grades kindergarten to three that the DPI, with ability to add its own recommendations, is then required to submit to the Joint Committee on Finance. Upon approval from that body, the DPI must publicly post that list of recommendations. This list of recommended early literacy curricula then serves as the list of curricula eligible for partial reimbursement grants. Wisconsin LEAs are not required to adopt curricula from this list. The recommendation for the 2024-25 school year is to be provided by the Council by December 1, 2023, and to be publicly posted by the DPI by January 1, 2024. Act 20 does not specify a date by which the Council must provide its recommendations for the 2025-26 school year or thereafter. The Council may recommend only early literacy curricula and instructional materials that satisfy the following criteria: 1. The curricula and instructional materials include all of the components of science-based early reading instruction, and 2. The curricula and instructional materials do not include three-cueing. Science-based early literacy instruction is defined in Act 20 as instruction that is systematic, explicit, and consists of at least all of the following: 1. Phonological awareness, including word awareness, rhyme recognition, repetition and creation of alliteration, syllable counting or identification, onset, and rime manipulation. 2. Phonemic awareness, including phoneme identification, isolation, blending, segmentation, addition, substitution, and deletion. 3. Phonics (defined as the study of the relationships between sounds and words; this includes alphabetic principle, decoding, orthographic knowledge, encoding, and fluency). 4. Building

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background knowledge. 5. Oral language development. 6. Vocabulary building to develop lexical and morphological knowledge. 7. Instruction in writing. 8. Instruction in comprehension. 9. Reading fluency. Three-cueing is defined in Act 20 as any model, including the model referred to as meaning, structure, and visual cues, or MSV, or teaching a pupil to read based on meaning, structure and syntax, and visual cues or memory.

In August 2023, the DPI created an open application for interested individuals to apply for consideration of Council membership. Applications were accepted in September 2023 and the DPI shared application responses both with the Office of the Speaker of the Assembly and the Office of the Senate Majority Leader. Final appointments were also made in September 2023. Due to scheduling conflicts of appointed members, the first meeting of the Council was held in October 2023.

The Council initially met weekly, and then transitioned to a biweekly meeting structure. Meetings took place virtually, due to the geographic locations of Council members. The Council established a Chair, Vice Chair, and Secretary and adopted Roberts Rules of Order for conducting meetings. The DPI provided the platform for all meetings and attended in an advisory role only in accordance with the statute. Technological issues encountered during several early Council meetings necessitated the DPI to transition from hosting meetings via Microsoft Teams to Zoom. All meetings were properly noticed and open to the public. All meetings, minus the day-long meetings that had been scheduled in-person, were recorded, and are posted on the DPI's website at <https://dpi.wi.gov/wi-reads>.

The sections below detail the vendor submission process, the process and recommendations of the Council, and the process and recommendations of the DPI.

This letter includes the list of early literacy instructional materials recommended by the Council and those recommended by the DPI. Accompanying this letter are the following artifacts:

- Letter from the Early Literacy Curriculum Council with recommendations
- Terms and conditions waiver completed by vendors
- Self-Assessment rubric completed by vendors
- Ratings completed by the Council
- Ratings completed by DPI

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Process for Vendors to Submit Early Literacy Instructional Materials for Review

During October 2023, the DPI created a waiver for vendors wishing to submit their early literacy instructional materials to the Council for review and a virtual portal where vendors could submit materials, and Council members could view submissions. At the direction of the Council, the DPI also created a self-assessment rubric for vendors to provide evidence of whether, how, and where evidence of the Act 20 criteria could be found in submitted instructional materials.

Once the Council reached agreement on a rating rubric for use by Council members, the DPI published a web page with relevant and necessary information detailing the submission process for vendors and sent a communication to all known vendors and publishers of early literacy instructional materials inviting them to submit materials for review and providing details and information on the process, the required elements, and where to find those on the DPI's website.

Many vendors reached out to the DPI indicating that it would take several weeks to complete the self-assessment rubric. In December 2023, the Council established a January 15, 2024, deadline for receiving submissions, and the DPI communicated that deadline. Several vendors opted to wait to submit materials until the deadline established by the Council so they could submit a newer version of materials.

Vendors began submitting early literacy instructional materials in December 2023, with the bulk of submissions received in January 2024.

The Council also requested that one printed copy of instructional materials be sent to the DPI. The DPI collected and stored those materials in the agency's GEF 3 building, where they were available for Council members to view. At the conclusion of the process, some vendors requested printed materials be returned, while others indicated that the DPI may dispose of them.

Early Literacy Curriculum Council Process and Recommendations

While some of the below information may sound critical, that is not the DPI's intent. The DPI acknowledges the commitment by Council members and the significant amount of time they dedicated to reviewing comprehensive early literacy instructional materials in a short amount of time and while balancing full-time jobs and personal commitments. It is noteworthy that EdReports publicly states that each individual report of instructional

materials represents over 100 hours of reviewer work. Below, the DPI describes the process, including the challenges with which Council members were dealt.

Early meetings of the Council included members spending significant amounts of time discussing general implementation of Act 20, including requesting proposed dollar amounts from legislators for the various line items of Act 20 and inviting legislators to speak to the council about Act 20 in general.

Between October and November 2023, the Council was also attempting to reach consensus on a rubric to rate submitted materials. The Council reached agreement on a rubric to rate instructional materials submissions in mid-November 2023. In December 2023, the Council established the deadline of January 15, 2024, for receiving materials to review for their initial recommended list.

Due to the timing of vendor submissions and the deadline established by the Council, it was not possible for the group to provide its initial list of recommended early literacy curricula to the DPI by the statutory deadline of December 1, 2023, which subsequently meant the DPI was unable to meet the statutory deadline of posting the initial recommended list by January 1, 2024.

The Council established two dates to meet in-person at the GEF 3 building to review physical copies of submitted instructional materials. The Council established guidelines for vendors for these in-person review days, including not wanting to view presentations by vendors, not wanting direct communication with vendors, and not wanting vendors to bring complimentary materials. The DPI identified an appropriate physical space that could accommodate all print materials, as well as a space for Council members to work, coordinated with vendors to support unboxing and set up of physical materials, and communicated expectations on behalf of the Council. The first of these in-person review dates was canceled due to inclement weather. Instead, the Council pivoted to a virtual meeting and then adjourned early to engage in review of materials. Three Council members attended the second in-person review date. The majority of Council members decided their time was better spent reviewing submissions rather than traveling to Madison. Council members who attended in-person reviewed some of the physical copies of materials, but not all of them.

The rating rubric used by the Council differed from the self-assessment rubric for vendors. The self-assessment rubric for vendors included the criteria explicitly named in Act 20, while the rating rubric used by the Council included additional criteria, plus the inclusion of leveled readers, design of the curriculum, quality of the teacher-facing

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materials, quality of associated professional learning, quality of assessments, quality of assignments, the quality of words included for vocabulary study, quality of academic discussions provided for in the materials, the amount of text-based discussions provided for in the materials, inclusion of instruction in mouth shapes to articulate sounds, inclusion of predictable texts, a stand-alone rating section for spelling with seven sub-ratings, and inclusion of transcription as an instructional practice. The rating rubric used by the Council included a combination of yes/no questions and rating materials in almost 100 areas on a scale of 1 - Not Present, 2 - Minimal, 3 - Sufficient, and 4 - Exemplary. The rating rubric included 10 sections with sub-criteria in each section ranging in number from 4 to 12.

During the review process, although there were open questions from Council members about definitions of terms on their rubrics, calls to better define "look-fors," and calls to hold conversations on norming to ensure consistency in ratings, these substantive conversations did not take place. While there was initial work to address discrepancies in scores early in the review process, as the process continued and pressure to complete reviews intensified, those materials that were rated later in the process were not analyzed for wide discrepancies in Council member ratings.

As it became clear how much time was needed to review instructional materials, the Council opted to rate materials based on date of submission and openly discussed not rating all submitted materials. Council leaders also performed cursory reviews of submitted materials - if leaders determined materials did not address all required elements of Act 20, Council members were directed to not rate them. The Council also voted to establish the rule that seven Council member reviews would be sufficient to make a decision about each submission.

In addition to these decisions, the Council established an overall cut score of 3.0 for the instructional materials to be placed on the list of recommendations. The Council decided that if a title received an overall score of 2.8, they would reconsider that title for the 2025-2026 list of recommended materials. A Council members' individual score was determined by finding the average of the final rating score of the 10 sections of the rubric. An overall score was determined by averaging the individual Council members' scores. While some submissions received scores from all nine Council members, other submissions received scores from seven members. A variance in individual council members' scores, therefore, could result in an overall score of 2.8 or lower.

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During January 2023 meetings, the DPI reminded the Council of the need to submit a formal list of recommended early literacy instructional materials with enough time for districts that wished to make a purchase of new materials to be implemented in school year 2024-25.

At the January 24, 2024, meeting, the Council voted to recommend two submissions and openly discussed putting forward those titles as their complete recommended list for 2024-25. At that point, the Council had only reviewed far less than half the total submissions. At least one Council member openly stated during this meeting that they did not see the need to review additional materials. After those statements, there were also open questions among Council members, again calling for norming on their ratings and open wondering about the meaning of a 2 score, versus a 3 score, versus a 4 to each Council member.

After the January 24, 2024, meeting, the DPI determined statements and actions by the Council's selection process had exposed the state of Wisconsin to an unacceptable level of risk that the process and ultimate recommendations could be successfully challenged. Act 20 does not require the DPI to adopt the recommendations of the Council, and so the DPI engaged in its own independent review of all instructional materials that had been submitted by the deadline established by the Council. The DPI then informed the Council of its independent review - both verbally at a subsequent meeting and in writing. The DPI also informed the Council of the deadline it had internally established to submit recommended early literacy instructional materials to this body.

Upon receiving that information, Council members decided to attempt to review all remaining instructional materials that had been found by Council leaders to contain all required criteria.

During the February 14, 2024, meeting, the Council made the decision that titles that had received an overall score of 2.8 would not be reconsidered for the 2025-26 recommended list. A score of 2.8, according to the Council's rating system, means all reviewers found evidence that instructional materials met the requirements of science-based early literacy instruction as defined in Act 20, as well as their additional considerations.

The Early Literacy Curriculum Council recommends the following titles for Wisconsin's 2024-25 recommended list of early literacy instructional materials:

- *Bookworms Reading & Writing K-3* (Open up Resources, 2022)
- *Core Knowledge Language Arts k-3* (CKLA, Amplify Education, 2022)

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- *EL Education K-3 Language Arts* (Open up Resources, 2017)
- *Wit and Wisdom* (Great Minds, 2020) with *PK-3 Reading Curriculum (Really Great Reading)*

The Early Literacy Curriculum Council did not rate the following titles:

- *K-2 Bridge to Reading Foundational Skills* (Heggerty, 2023); 3rd (Heggerty, 2024)
- *Connections: OGi3D* (The Apple Group, 2007)
- *Exact Path* (Edmentum, 2023)
- *Foundations A-Z* (Learning A-Z, 2022), *Raz-Plus* (Learning A-Z, 2017), & *Writing A-Z* (Learning A-Z, 2023)
- *From Phonics to Reading* (Sadlier, 2020)
- *Foundations* (Wilson Language Training, 2020)
- * *EL Education K-3* (Imagine Learning LLC, 2019)
- *Just Right Reader Decodables* (Just Right Reader, 2021-2023)
- *Magnetic Reading* (Curriculum Associates, 2023)
- *OnTrack Reading Phonics Program Workbook* (OnTrack Reading, 2001- 2023); *Instructional Manual* (OnTrack Reading, 2004-2023)
- *Ventris Learning* (University of Florida Learning Institute)
- *Voyager Passport Intervention* (Voyager Sopris Learning, 2022)
- *Wit and Wisdom* (Great Minds, 2020)

*Note that *EL Education* can be obtained in two different versions and each version was submitted, separately. *EL Education* by Open Up can be accessed online free of charge, while *EL Education* by Imagine Learning is the print version of the curriculum that districts can choose to purchase. While the Council verbally discussed recommending both versions, they did not formally rate *EL Education* by Imagine Learning and only included *EL Education* by Open Up on their recommended list.

Department of Public Instruction's Process

As previously stated, after the Council's meeting on January 24, 2024, the DPI determined that statements and actions by the Council exposed the State of Wisconsin to an unacceptable level of risk that the process and ultimate recommendations could be successfully challenged. Act 20 does not require the DPI to adopt the recommendations of the Council, and so the DPI engaged in its own independent review of all instructional materials that had been submitted by the deadline established by the Council. The DPI then informed the Council of this decision both verbally at a subsequent meeting and in

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writing. The DPI also informed the Council of the deadline it had internally established to submit recommended early literacy instructional materials to this body.

The DPI identified staff members with knowledge and experience in science-based early literacy instruction as defined in Act 20, as evidenced by their work in schools prior to employment at the DPI and their participation in either a reading training from the Center for Effective Reading Instruction's list of accredited teacher trainings or an administrator training that met the criteria outlined in Act 20. One of these staff members was also previously a reading instructor in an educator preparation program that has received high ratings from NCTQ for their reading coursework and which has consistently had high first-time passage rates of the Foundations of Reading Test.

DPI staff members began their process by reviewing the components of science-based early literacy instruction as defined in Act 20 and coming to consensus on the "look fors" for each component. They decided to use the same rubric that vendors used for their self-assessment, assigning only a "yes" or "no" value to each criteria, meaning it meets or doesn't meet the criteria. The DPI also included the following additional considerations: alignment to Wisconsin's Standards for English Language Arts, whether lessons were organized and easily accessible, whether supports for multilingual learners were present, whether the curriculum could be purchased in languages other than English, whether embedded professional learning was present, whether embedded assessments were present, whether tips for scaffolding and differentiating were present, whether engaging authentic and decodable texts were present, and whether additional supports for families were present or provided. Some of these additional considerations are closely aligned to additional criteria established by the Council, while others are not. Unlike the Council, these additional considerations were not required for determining whether a title would be accepted for the recommended list, but rather documented with the intention of providing that information so Wisconsin school districts can use that information in their local decision-making process.

DPI staff members reviewed all titles together, collaboratively, documenting evidence of whether materials met established criteria. The DPI documented spending approximately two hours on each submission.

After completing their reviews, DPI staff organized ratings into a chart to clearly show in which components of science-based early literacy instruction they found evidence.

See Table One: DPI Curriculum Review at a Glance

The DPI also gathered and documented additional information, including the criteria used by other states and organizations, and how those other states and organizations rated the same titles. Again, this was done simply for the sake of providing more information so Wisconsin school districts can make informed comparisons in their decision-making process, and as a form of external validation. Note that two other states use the same criteria, including the same prohibitions as Wisconsin: Ohio and Mississippi.

See Table Two: Wisconsin Early Literacy Criteria Compared to Other States and EdReports

See Table Three: DPI Early Literacy Recommendations Compared with Council and Other States and EdReports

See Table Four: All Submitted Titles Compared with Council and Other States and EdReports

Summary

While there is some alignment between the ratings of the Council and the DPI, there are also some areas of disagreement. Specifically, the DPI recommendations include all but one of the Council's recommendations.

Concerning *Bookworms*: While the Council included *Bookworms* in its recommendations, the DPI found insufficient evidence in over half of the required components. The DPI also noted that in the two states that included this curriculum on their recommended list, both states required that curriculum to be coupled with additional instructional materials. The DPI also notes that the majority of reviews for this title were entered between February 12 and February 14, 2024, a period when the Council was working quickly to complete reviews of all materials. Therefore, the DPI has chosen not to include this title on its list of recommendations.

Concerning *Wit and Wisdom* coupled with *Really Great Reading*: Both the Council and the DPI found that *Wit and Wisdom* as a standalone curriculum did not meet the Act 20 requirements. The publisher also submitted this curriculum coupled with a supplemental early literacy curriculum indicating they could be purchased as a package. Both the Council and the DPI approves this as a package but does not approve either title on its own. This point will require clear communication.

The DPI is recommending all of those early literacy instructional materials that meet the requirements outlined in Act 20. The DPI believes that by providing a list of all of those

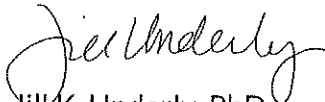
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materials that meet the requirements, there is meaningful choice for Wisconsin districts to best match their local needs.

The Council is to be commended for its commitment and efforts to engage in challenging work on a short timeline.

The DPI requests that you approve the DPI-recommended list of early literacy instructional materials for 2024-25.

Sincerely,



Jill K. Underly, PhD
State Superintendent

JU/la

Enclosures