



State of Wisconsin
2023 - 2024 LEGISLATURE

LRBs0079/1
FFK:skw/emw/wlj

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 321**

June 15, 2023 - Offered by Representative KITCHENS.

1 **AN ACT** *to repeal* 15.374 (2) and 115.39; *to renumber and amend* 118.19 (12);
2 *to amend* 15.01 (6), 115.28 (7) (a), 115.38 (1) (a), 118.015 (title), 118.015 (2),
3 118.015 (3) (a), 118.33 (6) (b) 3. and 121.02 (1) (c) 3.; *to repeal and recreate*
4 118.016; and *to create* 15.374 (2), 15.377 (9), 115.385 (1) (e), 115.39, 118.015
5 (1c), 118.015 (1m), 118.015 (5), 118.19 (12) (a) and (b), 118.33 (5m), 118.33 (6)
6 (a) 3., 118.33 (6) (b) 2m., 118.33 (6) (c) 3., 118.33 (6) (cr) 3. and 119.44 (2) (bm)
7 of the statutes; **relating to:** reading instruction in public schools and private
8 schools participating in parental choice programs, an early literacy assessment
9 and intervention program, providing an exemption from rule-making
10 procedures, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This substitute amendment differs from 2023 Assembly Bill 321 in the following respects:

1. Under the substitute amendment, by January 1, 2025, the Department of Public Instruction must establish a model policy for promoting third grade pupils to

the fourth grade that includes a requirement that a pupil who scores in the lowest proficiency category on the third grade reading assessment and is promoted to fourth grade be retained in third grade reading. Under the bill, DPI's model policy for promoting third grade pupils to the fourth grade must include a requirement that a pupil who scores in the lowest proficiency category on the third grade reading assessment be retained in the third grade.

Under the bill, by July 1, 2025, school boards, independent charter schools, and private schools participating in a parental choice program must adopt written policies for promoting a third grade pupil to the fourth grade that include all of the components that are required to be in DPI's model policy. Under the bill, beginning on September 1, 2028, school boards, independent charter schools, and private schools participating in a parental choice program are prohibited from promoting a third grade pupil unless the pupil complies with their respective promotion policy. Under the substitute amendment this prohibition begins on September 1, 2027.

2. The substitute amendment removes the provision in the bill that requires a school board, charter school, or private school participating in a parental choice program that chooses to adopt a new early literacy curriculum on or after January 1, 2024, to adopt an early literacy curriculum recommended by DPI. Additionally, beginning in the 2024-25 school year, the bill prohibits public schools, including charter schools, from providing instruction to pupils in grades kindergarten to three that incorporates three-cueing in the core reading curriculum or in supplemental materials, including materials used for reading intervention. The substitute amendment extends this prohibition to private schools participating in a parental choice program.

3. With regard to the professional development training required under the bill, the substitute amendment replaces Voyager Sopris with Lexia Learning Systems, LLC, the current legal name for the entity that publishes Language Essentials for Teachers of Reading and Spelling (LETRS).

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.01 (6) of the statutes is amended to read:
2 15.01 (6) "Division," "bureau," "section," and "unit" means the subunits of a
3 department or an independent agency, whether specifically created by law or created
4 by the head of the department or the independent agency for the more economic and
5 efficient administration and operation of the programs assigned to the department
6 or independent agency. The office of credit unions in the department of financial
7 institutions, the office of the inspector general in the department of children and

1 families, the office of the inspector general in the department of health services, and
2 the office of children’s mental health in the department of health services have the
3 meaning of “division” under this subsection. The office of the long-term care
4 ombudsman under the board on aging and long-term care and the office of
5 educational accountability and the office of literacy in the department of public
6 instruction have the meaning of “bureau” under this subsection.

7 **SECTION 2.** 15.374 (2) of the statutes is created to read:

8 15.374 (2) OFFICE OF LITERACY. There is created an office of literacy, to be known
9 as the Wisconsin Reading Center, in the department of public instruction. The
10 director of the office shall be nominated by the state superintendent of public
11 instruction after consultation with the council on early literacy curricula, and with
12 the advice and consent of the senate appointed, to serve at the pleasure of the state
13 superintendent of public instruction.

14 **SECTION 3.** 15.374 (2) of the statutes, as created by 2023 Wisconsin Act (this
15 act), is repealed.

16 **SECTION 4.** 15.377 (9) of the statutes is created to read:

17 15.377 (9) COUNCIL ON EARLY LITERACY CURRICULA. (a) There is created in the
18 department of public instruction a council on early literacy curricula composed of 9
19 members who have knowledge of or experience with science-based early literacy
20 instruction, as defined in s. 118.015 (1c) (b), and literacy curricula for pupils in grades
21 kindergarten to 3. The members of the council shall be appointed for staggered
22 3-year terms, as follows:

23 1. Three members appointed by the speaker of the assembly.

24 2. Three members appointed by the senate majority leader.

25 3. Three members appointed by the state superintendent of public instruction.

1 (b) An individual may not serve as a member of the council under this
2 subsection if any of the following applies:

3 1. The individual has a financial interest in an entity that develops, sells, or
4 markets a product to assess reading ability.

5 2. The individual has a financial interest in an entity that develops, sells, or
6 markets a product specifically intended to be used to teach reading.

7 3. The individual has a financial interest in an entity that develops, sells, or
8 markets a product to treat reading difficulties.

9 (c) For purposes of par. (b), “financial interest in an entity” includes all of the
10 following:

11 1. A direct or indirect ownership interest in the entity.

12 2. Receiving income from the entity during the 12 months preceding the
13 consideration for appointment under par. (a).

14 **SECTION 5.** 115.28 (7) (a) of the statutes is amended to read:

15 115.28 (7) (a) License all teachers for the public schools of the state; make rules
16 establishing standards of attainment and procedures for the examination and
17 licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.191,
18 118.1915, 118.192, 118.193, 118.194, 118.195, and 118.197; prescribe by rule
19 standards, requirements, and procedures for the approval of teacher preparatory
20 programs leading to licensure, including a requirement that, to be approved by the
21 state superintendent, a teacher preparatory program shall demonstrate that it
22 provides instruction that prepares teachers to teach reading and language arts using
23 science-based early reading instruction, as defined in s. 118.015 (1c) (b), and does not
24 provide instruction on teaching reading and language arts that incorporates
25 3-cueing, as defined in s. 118.015 (1c) (c), and a requirement that, beginning on July

1 1, 2012, and annually thereafter, each teacher preparatory program located in this
2 state shall submit to the department a list of individuals who have completed the
3 program and who have been recommended by the program for licensure under this
4 subsection, together with each individual's date of program completion, from each
5 term or semester of the program's most recently completed academic year; file in the
6 state superintendent's office all papers relating to state teachers' licenses; and
7 register each such license.

8 **SECTION 6.** 115.38 (1) (a) of the statutes is amended to read:

9 115.38 (1) (a) Indicators of academic achievement, including the performance
10 of pupils on the tests administered under s. 121.02 (1) (r), the performance of pupils
11 on assessments required under s. 118.016 (3), and the performance of pupils, by
12 subject area, on the statewide assessment examinations administered under s.
13 118.30.

14 **SECTION 7.** 115.385 (1) (e) of the statutes is created to read:

15 115.385 (1) (e) For a school district other than a union high school district and
16 for each school that offers grade 3 in that school district, the number and percentage
17 of pupils who scored in the lowest proficiency category on the standardized reading
18 test administered under s. 121.02 (1) (r).

19 **SECTION 8.** 115.39 of the statutes is created to read:

20 **115.39 Literacy coaching program. (1) DEFINITIONS.** In this section:

21 (a) "CESA region" means the geographic territory within the boundaries of a
22 cooperative educational service agency.

23 (b) "Eligible school" means any of the following that does not provide
24 instruction that incorporates 3-cueing, as defined in s. 118.015 (1c) (c), in the core
25 reading curriculum for grades kindergarten to 3:

1 1. A public school, including a charter school established under s. 118.40 (2r)
2 or (2x).

3 2. A private school participating in a program under s. 118.60 or 119.23.

4 (c) "Office" means the office of literacy in the department.

5 **(2) LITERACY COACHING PROGRAM.** The office shall establish and supervise an
6 early literacy coaching program to improve literacy outcomes in this state. As part
7 of the early literacy coaching program established under this subsection, the office
8 shall, in consultation with cooperative educational service agencies, do all of the
9 following:

10 (a) Contract with individuals who demonstrate knowledge and expertise in
11 science-based early literacy instruction and instructional practices, and have
12 instructional experience in grades kindergarten to 12 to serve as literacy coaches.
13 The office may not contract for more than 64 full-time equivalent positions under
14 this paragraph.

15 (b) Provide ongoing training on science-based early literacy instruction and
16 instructional practices and supervision to individuals with whom the office contracts
17 under par. (a).

18 (c) Prohibit literacy coaches from using or promoting instruction that includes
19 3-cueing, as defined in s. 118.015 (1c) (c).

20 **(3) PARTICIPATION; SCHOOLS AND SCHOOL DISTRICTS.** (a) The office shall assign
21 one-half of the number of literacy coaches under sub. (2) (a) as follows:

22 1. Based on scores of the standardized reading test administered to pupils
23 during the prior school year under s. 121.02 (1) (r), the office shall identify the 50
24 eligible schools that had the lowest percentage of pupils score as proficient in reading

1 at grade level and the 50 eligible schools that had the largest gap in pupils who scored
2 as proficient in reading at grade level.

3 2. a. Subject to par. (c) and subd. 2. b., from the eligible schools identified under
4 subd. 1., the office shall select the eligible schools that the office determines have the
5 greatest need for early literacy instructional coaching and shall assign at least one
6 but no more than 3 eligible schools selected under this subdivision to each full-time
7 equivalent literacy coach.

8 b. From the eligible schools identified under subd. 1., the office shall select at
9 least two eligible schools that are private schools participating in a program under
10 s. 118.60 or 119.23.

11 (b) The office shall assign one-half of the number of literacy coaches under sub.
12 (2) (a), in consultation with cooperative educational service agencies, to eligible
13 schools that request early literacy support. The office shall assign literacy coaches
14 under this paragraph in a manner that allocates the literacy coaches evenly across
15 CESA regions.

16 (c) 1. The total number of full-time equivalent literacy coaches assigned under
17 pars. (a) and (b) to eligible schools located within the geographical boundaries of a
18 school district may not exceed the following:

19 a. For a first class city school district, 10.

20 b. For a school district other than a first class city school district, 4.

21 2. The total number of full-time equivalent literacy coaches assigned under
22 pars. (a) and (b) to eligible schools located within a CESA region may not be fewer
23 than 3.

24 (d) The office shall ensure that a school assigned a literacy coach under par. (a)
25 or (b) does not request or require that the literacy coach perform duties outside the

1 individual's role as a literacy coach. For purposes of this paragraph, the role of a
2 literacy coach is to provide support to administrators, school-based literacy coaches,
3 principals, and teachers to build teacher and school capacity to teach reading and
4 language arts using science-based early reading instruction, as defined in s. 118.015
5 (1c) (b), in order to increase the percentage of pupils who are reading at grade level
6 by the end of grade 3.

7 **(4) REPORT.** By October 15, 2024, and by each October 15 thereafter, the office
8 shall submit a report to the joint committee on finance that includes at least all of
9 the following for the previous school year:

10 (a) The number of literacy coaches assigned to schools under sub. (3) (a) and
11 (b).

12 (b) The number of schools that were assigned a literacy coach under sub. (3) (a)
13 and the number of schools that were assigned a literacy coach under sub. (3) (b).

14 (c) The number of contracts that the office entered into under sub. (2) (a) and
15 the number of contracts under sub. (2) (a) that were terminated.

16 (d) The number of requests submitted for a literacy coach under sub. (3) (b).

17 (e) The results of the standardized reading test administered under s. 121.02
18 (1) (r) and assessments under s. 118.016 in schools that were assigned a literacy
19 coach under sub. (3) (a) or (b).

20 (f) A description of the training provided under sub. (2) (b).

21 (g) For the 2023-24 and 2024-25 school years, the number of individuals who
22 completed the mandatory professional development training under 2023 Wisconsin
23 Act (this act), section 27 (2).

24 **SECTION 9.** 115.39 of the statutes, as created by 2023 Wisconsin Act (this
25 act), is repealed.

1 **SECTION 10.** 118.015 (title) of the statutes is amended to read:

2 **118.015** (title) **Reading instruction; early literacy curricula and**
3 **instructional materials.**

4 **SECTION 11.** 118.015 (1c) of the statutes is created to read:

5 118.015 (1c) DEFINITIONS. In this section:

6 (a) “Phonics” means the study of the relationships between sounds and words;
7 this includes alphabetic principle, decoding, orthographic knowledge, encoding, and
8 fluency.

9 (b) “Science-based early reading instruction” means instruction that is
10 systematic and explicit and consists of at least all of the following:

11 1. Phonological awareness, including word awareness, rhyme recognition,
12 repetition and creation of alliteration, syllable counting or identification, onset, and
13 rime manipulation.

14 2. Phonemic awareness, including phoneme identification, isolation, blending,
15 segmentation, addition, substitution, and deletion.

16 3. Phonics.

17 4. Building background knowledge.

18 5. Oral language development.

19 6. Vocabulary building to develop lexical and morphological knowledge.

20 7. Instruction in writing.

21 8. Instruction in comprehension.

22 9. Reading fluency.

23 (c) “Three-cueing” means any model, including the model referred to as
24 meaning, structure, and visual cues, or MSV, of teaching a pupil to read based on
25 meaning, structure and syntax, and visual cues or memory.

1 **SECTION 12.** 118.015 (1m) of the statutes is created to read:

2 118.015 **(1m)** EARLY LITERACY CURRICULA AND INSTRUCTIONAL MATERIALS. (a)
3 Beginning in the 2023-24 school year and annually thereafter, the council on early
4 literacy curricula shall recommend to the department early literacy curricula and
5 instructional materials for use in the following school year in grades kindergarten
6 to 3. The council on early literacy curricula may recommend only early literacy
7 curricula and instructional materials that satisfy the following criteria:

8 1. The curricula and instructional materials include all of the components of
9 science-based early reading instruction.

10 2. The curricula and instructional materials do not include 3-cueing.

11 (b) 1. By no later than 30 days after the department receives recommendations
12 under par. (a), the department shall submit to the joint committee on finance
13 proposed recommendations on early literacy curricula and instructional materials
14 that satisfy the criteria under par. (a) 1. and 2. for use in the following school year.
15 If the cochairpersons of the joint committee on finance do not notify the department
16 within 14 working days after the date of the submittal of the proposed
17 recommendations that the committee has scheduled a meeting to review the
18 proposed recommendations, the department shall adopt the proposed
19 recommendations for use in the following school year. If, within 14 working days
20 after the date of the submittal of the proposed recommendations, the cochairpersons
21 of the committee notify the department that the committee has scheduled a meeting
22 to review the proposed recommendations, the department may not adopt the
23 proposed recommendations unless the committee approves or modifies the proposed
24 recommendations. If the committee modifies the plan, the department may adopt
25 the recommendations only as modified by the committee.

1 2. The department shall maintain on its website a current list of the early
2 literacy curricula and instructional materials recommendations adopted under this
3 paragraph.

4 (c) The department shall award grants to reimburse school boards, operators
5 of charter schools, and governing bodies of private schools participating in a program
6 under s. 118.60 or 119.23 that adopt a literacy curriculum from the recommendations
7 adopted under par. (b) after January 1, 2024. A grant under this paragraph shall be
8 an amount equal to one-half of the costs of purchasing the literacy curriculum and
9 instructional materials adopted from the recommendations adopted under par. (b).
10 If the amount appropriated for this purpose is insufficient to pay the full amount to
11 all grant recipients under this paragraph, the department shall prorate the grant
12 awards among all grant recipients.

13 (d) Beginning on the effective date of this paragraph [LRB inserts date], no
14 school board, operator of a charter school, or governing body of a private school
15 participating in a program under s. 118.60 or 119.23 may purchase curricula or
16 instructional materials that include 3-cueing.

17 **SECTION 13.** 118.015 (2) of the statutes is amended to read:

18 118.015 (2) EMPLOYMENT OF READING SPECIALISTS. Each school district shall
19 employ a reading specialist certified by the department to develop and coordinate a
20 comprehensive reading curriculum in grades kindergarten to 12. At the discretion
21 of the state superintendent, a school district may contract with other school districts
22 or cooperative educational service agencies to employ a certified reading specialist
23 on a cooperative basis.

24 **SECTION 14.** 118.015 (3) (a) of the statutes is amended to read:

1 118.015 (3) (a) ~~Develop and implement~~ Implement a reading curriculum in
2 grades kindergarten to 12.

3 **SECTION 15.** 118.015 (5) of the statutes is created to read:

4 118.015 (5) PROHIBITED INSTRUCTIONAL PRACTICES; 3-CUEING. Beginning in the
5 2024-25 school year, no public school, including a charter school, or private school
6 participating in a program under s. 118.60 or 119.23 may provide instruction that
7 incorporates 3-cueing in the core reading curriculum for grades kindergarten to 3
8 or in supplemental materials, including materials used for reading intervention, for
9 pupils in grades kindergarten to 3.

10 **SECTION 16.** 118.016 of the statutes is repealed and recreated to read:

11 **118.016 Reading readiness assessments; characteristics of dyslexia.**

12 **(1) DEFINITIONS.** In this section:

13 (a) “At-risk” means a pupil scored below the 25th percentile on a universal
14 screening assessment or diagnostic assessment, as indicated by the publisher of the
15 assessment.

16 (b) “Diagnostic assessment” means a tool that includes all of the following:

17 1. An assessment that evaluates a pupil’s skill in the areas listed in par. (L) 1.
18 to 5., rapid naming, phonological awareness, word recognition, spelling, vocabulary,
19 listening comprehension, and, when developmentally appropriate for the pupil, oral
20 reading fluency and reading comprehension.

21 2. An opportunity for a pupil’s parent to complete a family history survey to
22 provide additional information about learning difficulties in the pupil’s family.

23 (c) “Dyslexia” means a specific learning disability that is all of the following:

24 1. Neurobiological in origin.

1 2. Characterized by difficulties with accurate and fluent word recognition and
2 poor spelling and decoding abilities that typically result from a deficit in the
3 phonological component of language. Consequences of these difficulties may include
4 problems in reading comprehension and reduced reading experience that may
5 impede vocabulary growth and background knowledge.

6 3. Often unexpected in relation to other cognitive abilities.

7 (d) “Family history survey” means a questionnaire that includes questions
8 about previous recommendations for summer reading support or outside tutoring,
9 general interest in reading and books, family history of characteristics of dyslexia,
10 and any known family struggles in reading or spelling.

11 (e) “Fidelity” means to perform in the manner that the author or publisher of
12 a program or assessment intends.

13 (f) “Fundamental skills screening assessment” means an assessment that
14 evaluates whether a pupil possesses phonemic awareness and letter sound
15 knowledge.

16 (g) “Inadequate rate of progress” means a pupil’s rate of improvement that is
17 minimal and that with continued intervention the pupil is unlikely to demonstrate
18 grade-level skills by the end of the school year.

19 (h) “Independent charter school” means a charter school established under s.
20 118.40 (2r) or (2x).

21 (i) “Intervention” means an intervention that is all of the following:

22 1. Explicit, direct instruction that is systematic, sequential, and cumulative
23 and follows a logical plan of presenting the area of deficit that targets the specific
24 needs of the pupil without presuming prior skills or knowledge of the pupil.

1 2. Individualized instruction to meet the specific needs of a pupil in a setting
2 that uses intensive, highly concentrated instruction methods and materials that
3 maximize pupil engagement.

4 3. Instruction that incorporates the simultaneous use of 2 or more sensory
5 pathways during teacher presentations and pupil practice.

6 (j) “Parent” has the meaning given in s. 115.76 (12) (a).

7 (k) “Reading readiness assessment” means a fundamental skills screening
8 assessment, universal screening assessment, or diagnostic assessment.

9 (L) “Universal screening assessment” means an assessment that evaluates a
10 pupil’s skill in all of the following areas:

11 1. Phonemic awareness.

12 2. Decoding skills.

13 3. Alphabet knowledge.

14 4. Letter sound knowledge.

15 5. Oral Vocabulary.

16 **(2) FOUR-YEAR-OLD KINDERGARTEN; SCREENING REQUIREMENT.** Each school board
17 and the operator of each independent charter school shall annually assess the early
18 literacy skills of each pupil enrolled in 4-year-old kindergarten in the school district
19 or in the independent charter school at least 2 times during the school year using a
20 fundamental skills screening assessment selected by the department. The school
21 board or operator of the independent charter school shall ensure that the first
22 screening assessment is administered before the 45th day after the first day of the
23 school term and that the 2nd screening assessment is administered by the date that
24 is 45 days before the last day of the school term. The school board or operator of the

1 independent charter school shall ensure that assessments required under this
2 subsection are administered with fidelity.

3 **(3) EARLY LITERACY ASSESSMENTS; 5-YEAR-OLD KINDERGARTEN TO 3RD GRADE.** Each
4 school board and the operator of each independent charter school shall annually
5 assess the early literacy skills of each pupil enrolled in 5-year-old kindergarten to
6 3rd grade in the school district or in the independent charter school as follows:

7 (a) *Universal screenings.* Screen the pupil at least 3 times during the school
8 year using a universal screening assessment selected by the department. The school
9 board or operator of the independent charter school shall ensure that the universal
10 screening assessments are administered at the following times during the school
11 year:

12 1. The first universal screening assessment is administered before the 45th day
13 after the first day of the school term.

14 2. The 2nd universal screening assessment is administered in the middle of the
15 school term, as determined by the school board or operator of the independent
16 charter school.

17 3. The 3rd universal screening assessment is administered by the date that is
18 45 days before the last day of the school term.

19 (b) *Diagnostic assessment.* Assess a pupil using a diagnostic assessment as
20 follows:

21 1. No later than the 2nd Friday of November if a universal screening
22 assessment administered under par. (a) 1. indicates that the pupil is at-risk.

23 2. Within 10 days after a universal screening assessment is administered
24 under par. (a) 2. if the universal screening assessment indicates that the pupil is
25 at-risk.

1 3. Within 20 days after a teacher or parent who suspects that the pupil has
2 characteristics of dyslexia submits a request for a diagnostic assessment.

3 (c) *Administering assessments with fidelity.* Ensure that each assessment
4 required under this subsection is administered with fidelity.

5 **(4) PARENTAL NOTIFICATION.** (a) *Assessment results.* A school board or operator
6 of an independent charter school shall provide the results of a reading readiness
7 assessment, in writing, to a pupil's parent no later than 15 days after the reading
8 readiness assessment is scored. For purposes of providing results of a reading
9 readiness assessment under this paragraph, a school board or operator of an
10 independent charter school shall provide at least all of the following to a pupil's
11 parent in the native language of the pupil's parent:

12 1. The pupil's score on the reading readiness assessment.

13 2. The pupil's score in each early literacy skill category assessed by the reading
14 readiness assessment.

15 3. The pupil's percentile rank score on the reading readiness assessment, if
16 available.

17 4. The definition of "at-risk" and the score on the reading readiness assessment
18 that would indicate that a pupil is at-risk.

19 5. A plain language description of the literacy skills the reading readiness
20 assessment is designed to measure.

21 (b) *Special education information.* If a diagnostic assessment indicates that a
22 pupil is at-risk, a school board or operator of an independent charter school shall
23 include information about how to make a special education referral under s. 115.777
24 with the diagnostic assessment results provided to the parent under par. (a).

1 (c) *Dyslexia information; certain pupils.* If a school board or operator of an
2 independent charter school is required to assess a pupil's early literacy skills using
3 a diagnostic assessment, a school board or operator of an independent charter school
4 shall provide all of the following, in writing, to the pupil's parent:

5 1. A description of the common indicators and characteristics of dyslexia.

6 2. Information about appropriate interventions and accommodations for pupils
7 with characteristics of dyslexia.

8 (d) *Early literacy remediation plan; availability.* A school board or operator of
9 an independent charter school shall post its early literacy remediation plan, as
10 established under sub. (6), on the school district's or independent charter school's
11 website.

12 **(5) INTERVENTIONS; AT-RISK PUPILS.** (a) *Personal reading plans.* If a pupil
13 enrolled in 5-year-old kindergarten to 3rd grade is identified as at-risk based on a
14 universal screening assessment or diagnostic assessment, the school board of the
15 school district or operator of the independent charter school in which the pupil is
16 enrolled shall do all of the following:

17 1. Create a personal reading plan for the pupil that includes at least all of the
18 following:

19 a. The pupil's specific early literacy skill deficiencies, as identified by the
20 applicable assessment.

21 b. Goals and benchmarks for the pupil's progress toward grade-level literacy
22 skills.

23 c. How the pupil's progress will be monitored.

1 d. A description of the interventions and any additional instructional services
2 that will be provided to the pupil to address the pupil's early literacy skill
3 deficiencies.

4 e. The programming using science-based early reading instruction, as defined
5 in s. 118.015 (1c) (b), that the pupil's teacher will use to provide reading instruction
6 to the pupil, addressing the areas of phonemic awareness, phonics, fluency,
7 vocabulary, and comprehension.

8 f. Strategies the pupil's parent is encouraged to use to help the pupil achieve
9 grade-level literacy skills.

10 g. Any additional services available and appropriate to accelerate the pupil's
11 early literacy skill development.

12 2. Provide the interventions described in the pupil's personal reading plan to
13 the pupil, as soon as practicable.

14 3. Monitor the pupil's progress at least weekly using the method described in
15 the pupil's personal reading plan to determine whether the pupil demonstrates an
16 inadequate rate of progress.

17 4. Provide a copy of the pupil's personal reading plan to the pupil's parent and
18 obtain a copy of the pupil's personal reading plan signed by the pupil's parent.

19 5. After providing the interventions described in the pupil's personal reading
20 plan to the pupil for 10 weeks, notify the pupil's parent of the pupil's progress, as
21 determined under the pupil's personal reading plan.

22 (b) *Deadlines for plan creation.* If a school board or operator of an independent
23 charter school is required to create a personal reading plan for a pupil under par. (a)
24 1., the school board or operator shall prepare the personal reading plan as follows:

1 1. If the pupil is identified as at-risk based on a universal screening assessment
2 administered under sub. (3) (a) 1. or based on a diagnostic assessment administered
3 under sub. (3) (b) 1., no later than the 3rd Friday of November.

4 2. If the pupil is identified as at-risk based on a universal screening assessment
5 administered under sub. (3) (a) 2. or 3. or based on a diagnostic assessment
6 administered under sub. (3) (b) 2. or 3., within 10 days after the applicable screening
7 assessment is administered.

8 (c) *Inadequate rate of progress.* For purposes of determining whether a pupil
9 demonstrates an inadequate rate of progress under par. (a) 3., a school board or
10 operator of an independent charter school shall determine whether the pupil is likely
11 to demonstrate grade-level skills by the end of the school year by assessing one of
12 the following:

13 1. For a pupil enrolled in 5-year-old kindergarten, nonword or nonsense word
14 fluency and phoneme segmentation fluency.

15 2. For a pupil enrolled in 1st, 2nd, or 3rd grade, oral reading fluency.

16 **(6) EARLY LITERACY REMEDIATION PLAN; SCHOOL DISTRICT OR INDEPENDENT CHARTER**
17 **SCHOOL.** A school board or operator of an independent charter school shall establish
18 an early literacy remediation plan for grades 5-year-old kindergarten to 3 that
19 includes all of the following:

20 (a) The assessments the school board or operator of the independent charter
21 school uses to satisfy the requirements under sub. (3).

22 (b) A description of the interventions the school board or operator of the
23 independent charter school uses to address characteristics of dyslexia.

24 (c) A description of how the school board or operator of the independent charter
25 school monitors pupil progress during interventions, including the frequency of

1 monitoring pupil progress during interventions and any assessment tools used to
2 monitor pupil progress during interventions.

3 (d) How the school board or operator of the independent charter school uses
4 results of assessments required under sub. (3) to evaluate early literacy instruction
5 being provided in the school district or at the independent charter school.

6 (e) A parent notification policy that complies with subs. (4) and (5) (a) 4. and
7 5.

8 **(7) REPORTING ASSESSMENT DATA.** By no later than July 15, 2025, and each July
9 15 thereafter, a school board shall report for each school and for the school district,
10 and the operator of an independent charter school shall report for the independent
11 charter school, all of the following to the department:

12 (a) The number of pupils who were identified as at-risk as the result of a
13 fundamental skills screening assessment administered in the previous school year.

14 (b) The number of pupils who were identified as at-risk as the result of a
15 universal screening assessment administered in the previous school year.

16 (c) The number of pupils who were identified as at-risk as the result of a
17 diagnostic assessment administered in the previous school year.

18 (d) The names of the diagnostic assessments used to assess pupils in the
19 previous school year.

20 (e) The number of pupils enrolled in 5-year-old kindergarten to 3rd grade who
21 began receiving interventions during the previous school year, by grade.

22 (f) The total number of pupils enrolled in 5-year-old kindergarten to 3rd grade
23 who received interventions under a personal reading plan during the previous school
24 year.

1 (g) The number of pupils enrolled in 5-year-old kindergarten to 3rd grade who
2 exited interventions during the previous school year, by grade.

3 (h) The number of pupils for whom a referral under s. 115.777 was made during
4 the previous school year based on diagnostic assessment results provided to a parent
5 under sub. (4) (a).

6 **(8) DEPARTMENT; DUTIES.** (a) *Selected and approved reading readiness*
7 *assessments.* 1. By no later than July 15, 2024, and subject to subd. 2., the
8 department shall select a fundamental skills screening assessment and a universal
9 screening assessment, and establish and maintain a list of diagnostic assessments
10 that are approved by the department for use under this section.

11 2. The department may select or approve an assessment under subd. 1. only
12 if the assessment meets all of the following criteria:

13 a. The assessment has a sensitivity rate of at least 70 percent.

14 b. The assessment has a specificity rate of at least 80 percent.

15 c. The assessment includes a growth measure.

16 3. The department shall publish a list of the assessments selected or approved
17 under subd. 1. on its website and submit the lists of approved assessments to the
18 appropriate standing committees of the legislature under s. 13.172 (3). If the
19 department modifies a list under subd. 1., the department shall submit the modified
20 list to the appropriate standing committees of the legislature under s. 13.172 (3).

21 (b) *Reports to the legislature.* By November 30, 2025, and by each November
22 30 thereafter, the department shall compile the information it receives under sub.
23 (7) and submit a report to the appropriate standing committees of the legislature
24 under s. 13.172 (3) that includes the number of pupils identified as at-risk in the
25 previous school year, by school and by school district.

1 **(9) STATE AID.** (a) *Payment for costs.* From the appropriation under s. 20.255
2 (1) (f) and subject to par. (b), the department shall pay a school board or operator of
3 an independent charter school the per pupil cost of each reading readiness
4 assessment required to be administered under sub. (2) or (3). Beginning in the
5 2025-26 school year, the department may pay a school board or operator of an
6 independent charter school under this paragraph only if the school board or operator
7 of the independent charter school does all of the following:

8 1. Submits the report required under sub. (7) for the previous school year.

9 2. In the report required under sub. (7) for the previous school year, indicates
10 that the school board or operator of the independent charter school used only reading
11 readiness assessments selected or approved under sub. (8) (a) for that school year.

12 (b) *Proration.* If the appropriation under s. 20.255 (1) (f) in any fiscal year is
13 insufficient to pay the full amount of aid under par. (a), the department shall prorate
14 state aid payments among the school boards and operators of independent charter
15 schools entitled to the aid.

16 **(10) ENFORCEMENT.** (a) If a parent or guardian of a pupil enrolled in 4-year-old
17 kindergarten to 3rd grade in a school district or independent charter school believes
18 that the school board or operator of the independent charter school is not in
19 compliance with this section, the parent or guardian may file a complaint with the
20 department that describes the specific manner in which the school board or operator
21 is not in compliance with this section. The department shall review a complaint
22 received under this paragraph and issue a determination on whether the school
23 board or operator is in compliance with this section. If the department determines
24 that a school board or operator of an independent charter school is not in compliance
25 with this section, the department shall notify the school board or operator of its

1 determination and shall include in the notice the specific actions required for the
2 school board or operator to be in compliance with this section.

3 (b) If the department determines under par. (a) that a school board or operator
4 of an independent charter school is not in compliance with this section and the school
5 board or operator continues to fail to comply with this section, the complainant under
6 par. (a) may bring an action for injunctive relief or a writ of mandamus in circuit court
7 to compel the school board to comply with this section.

8 **(11) RULES.** The department may promulgate rules under this section only on
9 the following:

10 (a) A process to select or approve assessments under sub. (8) (a).

11 (b) A process to request that a specific diagnostic assessment be approved by
12 the department.

13 **SECTION 17.** 118.19 (12) of the statutes is renumbered 118.19 (12) (intro.) and
14 amended to read:

15 118.19 **(12)** (intro.) ~~Beginning on July 1, 1998, the~~ The department may not
16 issue a license that authorizes the holder to teach reading or language arts to pupils
17 in any prekindergarten class or in any of the grades from kindergarten to 6 unless
18 the applicant has successfully completed instruction preparing the applicant to
19 teach reading and language arts ~~using appropriate instructional methods, including~~
20 ~~phonics. The phonics instruction need not be provided as a separate course. In this~~
21 ~~subsection, “phonics” means a method of teaching beginners to read and pronounce~~
22 ~~words by learning the phonetic value of letters, letter groups and syllables. that~~
23 satisfies all of the following:

24 **SECTION 18.** 118.19 (12) (a) and (b) of the statutes are created to read:

1 118.19 **(12)** (a) The instruction prepared the applicant to teach reading and
2 language arts using science-based early reading instruction, as defined in s. 118.015
3 (1c) (b).

4 (b) For licenses issued on or after July 1, 2026, the instruction did not include
5 3-cueing, as defined in s. 118.015 (1c) (c), as a method to teach reading and language
6 arts.

7 **SECTION 19.** 118.33 (5m) of the statutes is created to read:

8 118.33 **(5m)** By January 1, 2025, the department shall establish by rule a
9 model policy for promoting a pupil from the 3rd grade to the 4th grade. The
10 department shall include in the model policy at least all of the following:

11 (a) A requirement that a pupil who scores in the lowest proficiency category on
12 the examination under s. 121.02 (1) (r) and is promoted to 4th grade be retained in
13 3rd grade reading.

14 (b) A good cause exception to the requirement under par. (a) for all of the
15 following:

16 1. Limited-English proficient pupils, as defined in s. 115.955 (7).

17 2. A pupil who has an individual education plan that indicates that taking the
18 examination under s. 121.02 (1) (r) is not appropriate for the pupil.

19 3. A pupil who scores as proficient in reading on an alternative standardized
20 assessment approved by the department.

21 4. A pupil who has an individual education plan or a plan to provide
22 accommodations or services under section 504 of the federal Rehabilitation Act of
23 1973 that indicates that the pupil has received intensive intervention in reading for
24 more than 2 years if the pupil continues to demonstrate a deficiency in reading and
25 was previously retained in kindergarten, 1st, 2nd, or 3rd grade.

1 5. A pupil who has received intensive intervention in reading for 2 or more
2 school years, continues to demonstrate a deficiency in reading, and was previously
3 retained in kindergarten, 1st, 2nd, or 3rd grade for a total of 2 years.

4 (c) A requirement that the school board do all of the following for a pupil who
5 is retained in 3rd grade reading under the policy:

6 1. Provide the pupil with intensive instructional services, progress monitoring,
7 and supports to remediate the identified areas of deficiency.

8 2. Notify the pupil's parent or guardian, in writing, that the pupil did not meet
9 the reading proficiency level required for promotion to 4th grade and include a
10 description of the intensive instructional services and supports that will be provided
11 to the pupil to remediate the identified areas of reading deficiency.

12 (d) A requirement that the school board provide an intensive summer reading
13 program for pupils who scored in the lowest proficiency category on the examination
14 under s. 121.02 (1) (r).

15 **SECTION 20.** 118.33 (6) (a) 3. of the statutes is created to read:

16 118.33 (6) (a) 3. By July 1, 2025, each school board shall adopt a written policy
17 specifying the criteria for promoting a pupil from the 3rd grade to the 4th grade that
18 includes at least all of the components under sub. (5m) (a) to (d). Beginning on
19 September 1, 2027, a school board may not promote a 3rd grade pupil to the 4th grade
20 unless the pupil satisfies the criteria for promotion specified in the school board's
21 policy under this subdivision.

22 **SECTION 21.** 118.33 (6) (b) 2m. of the statutes is created to read:

23 118.33 (6) (b) 2m. By July 1, 2025, each operator of a charter school under s.
24 118.40 (2r) or (2x) shall adopt a written policy specifying the criteria for promoting
25 a pupil from the 3rd grade to the 4th grade that includes at least all of the components

1 under sub. (5m) (a) to (d). Beginning on September 1, 2027, an operator of a charter
2 school under s. 118.40 (2r) or (2x) may not promote a 3rd grade pupil to the 4th grade
3 unless the pupil satisfies the criteria for promotion specified in the charter school
4 operator's policy under this subdivision.

5 **SECTION 22.** 118.33 (6) (b) 3. of the statutes is amended to read:

6 118.33 (6) (b) 3. If a school board enters into an agreement with a federally
7 recognized American Indian tribe or band in this state to establish a charter school,
8 the criteria specified in the ~~policy~~ policies adopted by that school board under par.
9 (a) 1. and 3. apply to pupils enrolled in the charter school and that school board is
10 subject to the prohibitions in par. (a) 2. and 3. with respect to pupils enrolled in the
11 charter school, regardless of the location of the charter school.

12 **SECTION 23.** 118.33 (6) (c) 3. of the statutes is created to read:

13 118.33 (6) (c) 3. By July 1, 2025, the governing body of each private school
14 participating in the program under s. 119.23 shall adopt a written policy specifying
15 the criteria for promoting a pupil from the 3rd grade to the 4th grade that includes
16 at least all of the components under sub. (5m) (a) to (d). Beginning on September 1,
17 2027, the governing body of a private school participating in the program under s.
18 119.23 may not promote a 3rd grade pupil to the 4th grade unless the pupil satisfies
19 the criteria for promotion specified in the governing body's policy under this
20 subdivision.

21 **SECTION 24.** 118.33 (6) (cr) 3. of the statutes is created to read:

22 118.33 (6) (cr) 3. By July 1, 2025, the governing body of each private school
23 participating in the program under s. 118.60 shall adopt a written policy specifying
24 the criteria for promoting a pupil from the 3rd grade to the 4th grade that includes
25 at least all of the components under sub. (5m) (a) to (d). Beginning on September 1,

1 2027, the governing body of a private school participating in the program under s.
2 118.60 may not promote a 3rd grade pupil to the 4th grade unless the pupil satisfies
3 the criteria for promotion specified in the governing body's policy under this
4 subdivision.

5 **SECTION 25.** 119.44 (2) (bm) of the statutes is created to read:

6 119.44 (2) (bm) The performance of pupils on the assessments administered
7 during the prior school year under s. 118.016 (3), categorized by school, gender, and
8 ethnicity.

9 **SECTION 26.** 121.02 (1) (c) 3. of the statutes is amended to read:

10 121.02 (1) (c) 3. The pupil's reading assessment performance on an assessment
11 under s. 118.016 (3) indicates that the pupil is ~~at risk of reading difficulty~~ at-risk,
12 as defined in s. 118.016 (1) (a). If this subdivision applies, the interventions or
13 services provided the pupil shall ~~be scientifically based~~ include the components of
14 science-based early reading instruction, as defined in s. 118.015 (1c) (b), and shall
15 address all areas in which the pupil is deficient in a manner consistent with the state
16 standards in reading and language arts.

17 **SECTION 27. Nonstatutory provisions.**

18 (1) COUNCIL ON EARLY LITERACY CURRICULA; INITIAL APPOINTMENTS,
19 RECOMMENDATIONS FOR THE 2024-25 SCHOOL YEAR.

20 (a) *Appointments.* Notwithstanding s. 15.377 (9), the initial members of the
21 council on early literacy curricula shall be appointed as follows:

22 1. Except as provided in subd. 2., 9 members who have knowledge of or
23 experience with science-based early literacy instruction, as defined in s. 118.015 (1c)
24 (b), and literacy curricula for pupils in grades kindergarten to 3 appointed jointly by

1 the state superintendent of public instruction, the speaker of the assembly, and the
2 senate majority leader.

3 2. If the state superintendent of public instruction, the speaker of the assembly,
4 and the senate majority leader do not jointly appoint 9 members by 45 days after the
5 effective date of this subdivision:

6 a. Three members who have knowledge of or experience with science-based
7 early literacy instruction, as defined in s. 118.015 (1c) (b), and literacy curricula for
8 pupils in grades kindergarten to 3 appointed by the speaker of the assembly.

9 b. Three members who have knowledge of or experience with science-based
10 early literacy instruction, as defined in s. 118.015 (1c) (b), and literacy curricula for
11 pupils in grades kindergarten to 3 appointed by the senate majority leader.

12 c. Three members who have knowledge of or experience with science-based
13 early literacy instruction, as defined in s. 118.015 (1c) (b), and literacy curricula for
14 pupils in grades kindergarten to 3 appointed by the state superintendent of public
15 instruction.

16 3. If members are appointed under subd. 2., the speaker of the assembly, the
17 senate majority leader, and the state superintendent of public instruction shall make
18 their respective appointments by no later than 60 days after the effective date of this
19 subdivision.

20 (b) *Staggered terms.* Notwithstanding the length of terms specified for the
21 members of the council on early literacy curricula under s. 15.377 (9) (a), 3 of the
22 initial members shall be appointed for terms expiring on July 1, 2024; 3 of the initial
23 members shall be appointed for terms expiring on July 1, 2025; and 3 of the initial
24 members shall be appointed for terms expiring on July 1, 2026. At the expiration of

1 an initial term, each of the appointing authorities under s. 15.377 (9) (a) 1., 2., and
2 3. shall appoint one member to the council.

3 (c) *Recommendations for the 2024-25 school year.*

4 1. The council on early literacy curricula shall submit to the department of
5 public instruction recommendations for literacy curricula and instructional
6 materials for grades kindergarten to 3 for use in the 2024-25 school year by no later
7 than October 1, 2023. The council on early literacy curricula may recommend only
8 literacy curricula and instructional materials that satisfy the criteria in s. 118.015
9 (1m) (a) 1. and 2.

10 2. Notwithstanding s. 118.015 (1m) (b), as soon as practicable but by no later
11 than November 1, 2023, the department of public instruction shall submit to the joint
12 committee on finance proposed recommendations for literacy curricula and
13 instructional materials for grades kindergarten to 3 for use in the 2024-25 school
14 year.

15 (2) MANDATORY EARLY READING INSTRUCTION PROFESSIONAL DEVELOPMENT.

16 (a) Each school board and operator of a charter school shall ensure that, by July
17 1, 2025, or for an individual hired after January 1, 2025, but before July 1, 2025, by
18 no later than 6 months after the individual's date of hire, each individual who teaches
19 a grade from kindergarten to 3 in the school district or charter school, each individual
20 employed by the school board or charter school as a principal of a school that offers
21 grades kindergarten to 3, and each individual employed by the school board or
22 charter school as a reading specialist has received professional development training
23 that is all of the following:

1 1. Lexia Learning Systems, LLC, Language Essentials for Teachers of Reading
2 and Spelling training or another program endorsed by the Center for Effective
3 Reading Instruction as an accredited independent teacher training program.

4 2. Offered by the Leadership in Literacy Institute or a provider that meets all
5 of the following requirements:

6 a. The provider provides evidence of at least 5 years of experience conducting
7 evidence-aligned, systematic, structured literacy trainings specifically for school
8 principals, administrators, and literacy teams.

9 b. The provider demonstrates that the training content is aligned with the
10 National Reading Panel Report and subsequent updates of the research by the
11 Institute of Education Sciences.

12 c. The provider requires that training include a substantial focus and
13 understanding on direct instruction.

14 d. The provider delivers the training over at least 6 days during the 2023-24
15 or 2024-25 school year.

16 e. The provider provides participants with activities to implement
17 evidence-aligned systems and structures that effectuate change in the school or
18 school district.

19 f. The provider delivers training that allows for a minimum of 30 participants.

20 (b) The Board of Regents of the University of Wisconsin System shall ensure
21 that, by July 1, 2025, any faculty or academic staff member of the University of
22 Wisconsin System who teaches a course that includes curriculum in reading
23 instruction designed for an individual who intends to apply for a license issued by
24 the department of public instruction to teach a grade from kindergarten to 3, to be

1 a principal, or to be a reading specialist has received the professional development
2 training specified in par. (a) 1. and 2.

3 (3) MODEL 3RD GRADE RETENTION POLICY; RULE MAKING.

4 (a) Notwithstanding s. 227.135 (2), the department of public instruction is not
5 required to present the statement of scope of the rules required under s. 118.33 (5m)
6 to the department of administration for review by the department of administration
7 and approval by the governor.

8 (b) Notwithstanding s. 227.185, the department of public instruction is not
9 required to present the rules required under s. 118.33 (5m) in final draft form to the
10 governor for approval.

11 (c) Sections 227.137, 227.139, and 227.19 (5) (b) 3. do not apply to the rules
12 required under s. 118.33 (5m).

13 (d) The department of public instruction shall submit in proposed form the
14 rules required under s. 118.33 (5m) to the legislative council staff under s. 227.15 (1)
15 no later than the first day of the 7th month beginning after the effective date of this
16 paragraph.

17 **SECTION 28. Initial applicability.**

18 (1) LICENSE TO TEACH; LITERACY REQUIREMENT. The treatment of s. 118.19 (12)
19 first applies to an application for a license to teach under s. 118.19 received by the
20 department on July 1, 2025.

21 (2) SCHOOL AND SCHOOL DISTRICT REPORT CARDS. The treatment of s. 115.385 (1)
22 (e) first applies to the school district and school accountability report published in the
23 2024-25 school year.

24 **SECTION 29. Effective dates.** This act takes effect on the day after publication,
25 except as follows:

1 (1) The repeal of ss. 15.374 (2) and 115.39 takes effect on July 1, 2028.

2 (2) The treatment of ss. 115.38 (1) (a), 118.016, 119.44 (2) (bm), and 121.02 (1)

3 (c) 3. takes effect on July 1, 2024.

4 (END)