



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 567 (Substitute S-3 as passed by the Senate)
Senate Bill 568 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Jeff Irwin (S.B. 567)
Senator Dayna Polehanki (S.B. 568)
Committee: Education

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RATIONALE

Beginning in the fourth grade, educators transition from teaching students how to read to expecting students to read as they learn. At that point, teachers begin to build on foundational knowledge and introduce new content areas, such as science. More than 85% of non-language arts content is taught *through* reading.¹ As a result, student reading performance in fourth-grade serves as an important indicator for future success; however, in 2022, only 28% of Michigan fourth graders performed at or above the National Association of Educational Progress assessment in reading, with Black and Hispanic students, as well as students eligible for the National School Lunch Program, scoring worse than their peers on average.² Some allege that these poor scores reflect school systems' failures to identify and accommodate students with reading disabilities, specifically dyslexia. Accordingly, it has been suggested that schools be required to test for and support students with difficulties learning to read accurately and efficiently.

CONTENT

Senate Bill 567 (S-3) would amend the Revised School Code to do the following:

- **By the 2027-2028 school year, require the board of a school district or intermediate school district (ISD) or board of directors of a public school academy (PSA) to ensure that pupils were screened for characteristics of dyslexia and difficulties in learning to decode accurately and efficiently using a reliable and valid universal screening assessment.**
- **Require all K-3 pupils, including in-State and out-of-state transfer students who had not been previously screened, to be screened for dyslexia at least three times a year.**
- **Require grade 4-12 students who demonstrated certain behaviors that could indicate dyslexia to be screened for characteristics of dyslexia and difficulty learning to decode.**
- **If a screening assessment indicated that a pupil exhibited characteristics of dyslexia or had trouble in learning to decode, require the pupil's school district, ISD, or PSA to ensure that a multi-tiered support system (MTSS) was provided to the pupil.**
- **If a pupil needed an MTSS, require an ISD or PSA to notify the pupil's parent or legal guardian of such and include information concerning changes to instruction.**
- **Prescribe the standards and requirements for each of the MTSS tiers.**

¹ "Why Reading Matters", www.upliftliteracy.org. Retrieved on 4-9-24.

² "2022 Reading State Snapshot Report: Michigan Grade 4 Public Schools", The Nation's Report Card. Retrieved on 2-6-24.

- **Modify reading intervention plan requirements.**
- **By September 1, 2024, require the Michigan Department of Education (MDE) to develop dyslexia expertise to provide technical assistance to school districts, ISDs, and PSAs.**
- **By January 1, 2026, require the MDE to update its list of approved valid and reliable screening and progress-monitoring assessments for selection and use by school districts and PSAs, and identify within each system a list of the elements of a reliable and valid universal screening assessment for the purpose of identifying pupils with characteristics of dyslexia or difficulties in learning to decode that were or were not included in the approved assessment system.**
- **By January 1, 2026, require the MDE to publish a list of evidence-based reading curricula and science of reading-based materials that were shown to improve literacy outcomes and help pupils achieve reading proficiency.**
- **By August 1, 2027, require each school district, ISD, and PSA to ensure that its selected assessments included a reliable and valid universal screening assessment for dyslexia.**
- **By the 2027-2028 school year, require school districts and PSAs to ensure that reading is evidence-based and focused on foundational reading skills.**
- **Modify requirements the Center for Educational Performance and Information (CEPI) must fulfill.**
- **Modify the responsibilities and duties of literacy coaches to require them to provide teachers with professional development and advice on how to implement the bill's provisions.**
- **Require, by the 2027-2028 school year, each school district, ISD, and PSA to ensure that all literacy consultants, literacy coaches, and other personnel providing reading intervention or reading instruction to pre-K to grade 12 pupils in the school district, ISD, or PSA received professional learning about dyslexia, instructional accommodations, the MTSS framework, and more.**

Senate Bill 568 (S-2) would add Section 1531e to the Revised School Code to prohibit the MDE from approving a teacher preparation program or an alternative teaching program and require the revocation of an existing program unless the program taught about dyslexia, instructional accommodations, the MTSS framework, and more. A program that did not grant reading instruction or special education-related certificates could receive a two-year waiver from the MDE.

The bills are tie-barred. They also are tie barred to House Bill 5098, which would add Section 1280h to the Code, requiring the Superintendent of Public Instruction to establish a 10-member advisory committee within the MDE to help the MDE with the guidance required by Senate Bill 567.

Senate Bill 567 (S-3)

Dyslexia Screening

The bill would require, by not later than the beginning of the 2027-2028 school year, and each school year thereafter, the board of a school district or ISD or board of directors of a PSA to ensure that pupils were screened for characteristics of dyslexia and difficulties in learning to decode accurately and efficiently using a reliable and valid universal screening assessment.

"Dyslexia" would mean both the following:

- A specific learning disorder that is neurobiological in origin and characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction.
- A specific learning disorder that may include secondary consequences, such as problems in reading comprehension and a reduced reading experience that can impede the growth of vocabulary.

All the following pupils enrolled in a school district, ISD, or PSA would have to be screened with fidelity at least three times during the school year:

- Each pupil during kindergarten, grade 1, grade 2, and grade 3.
- Each pupil who was in kindergarten, grade 1, grade 2, or grade 3 who transferred to the school district, ISD, or PSA from another school district, ISD, or PSA in the State and who had not been screened for dyslexia by a reliable and valid universal screening assessment.
- Each pupil who was in kindergarten, grade 1, grade 2, or grade 3 who had transferred to the school district, ISD, or PSA from a school that was not located in the State, unless the pupil presented written documentation to the school district, ISD, or PSA showing that the pupil had been subject to a reliable and valid universal screening assessment.

Transfer students required to be screened would have to be screened within 90 days of enrollment and then on the same screening schedule as other pupils in the same grade level.

Additionally, each pupil who was in any of grades 4 to 12 who, as determined by that pupil's teacher, educational-support staff, or the pupil's parent or legal guardian, demonstrated any of the following would have to be screened for dyslexia with fidelity:

- Escape or avoidance behaviors when asked to engage in reading or writing activities.
- Effortful or laborious reading.
- Reading-comprehension difficulties caused by inaccurate or inefficient word reading.
- Significant spelling or encoding difficulties not caused by fine-motor or visual-motor difficulties.
- Low performance on school-district-, ISD-, or PSA-approved English language arts standards.
- Low performance on school-district-, ISD-, or PSA-approved standardized assessments.
- Reading deficiency.

Beginning with the 2027-2028 school year, for a pupil in grades 4 to 12 who demonstrated any of the above behaviors, the school district, ISD, or PSA in which the pupil was enrolled would have to ensure that additional assessment data was gathered, including the pupil's historical results on reliable and valid universal screening assessments, as available, and would have to review this data with the pupil's teacher and school staff to inform the type and frequency of screening assessments that should be administered to the pupil to avoid unnecessary assessments while effectively assessing whether the pupil demonstrated characteristics of dyslexia, difficulties in learning to decode, or difficulties with word reading that could require an intervention placement for the pupil.

Beginning in the 2027-2028 school year, a pupil who was an English language learner and who was assessed at an *entering* or *beginning* level of English language proficiency on a State-required language proficiency assessment, or at a comparable level, would not be required to be screened for characteristics of dyslexia and difficulties learning to decode, unless the pupil's school staff determined that the pupil appeared to demonstrate characteristics of dyslexia that were not due to language transference or limited English proficiency. A pupil who was an

English language learner and who had been assessed at a *developing* level or higher on a State-required language proficiency assessment, or at a comparable level, would have to be screened for characteristics of dyslexia and difficulty decoding as appropriate for the pupil's grade level and, as appropriate and consistent with the MDE's guidance, the pupil's screening would have to include spelling skills, phonemic awareness in the pupil's native language, and oral reading fluency in the pupil's native language.

Currently, the Code allows a school district or PSA to provide additional services, such as instruction in a pupil's native language, to a pupil identified as an English language learner by the pupil's teacher or a diagnostic reading assessment. The bill would specify that an English language learner could be identified by the pupil's teacher, other school staff, or a State-required language proficiency assessment.

MTSS Support

Beginning with the 2027-2028 school year, if a reliable and valid universal screening assessment indicated that a pupil exhibited characteristics of dyslexia or experienced difficulty in learning to decode accurately and efficiently, the pupil's school district, ISD, or PSA would have to ensure that a tiered delivery system was provided to the pupil, including decoding and word recognition instruction. A reading intervention program would have to be included as part of an MTSS.

The MTSS would have to be a comprehensive framework composed of a collection of evidence-based strategies designed to meet the individual needs and assets of the whole pupil at all achievement levels. It would have to include multiple distinct tiers of instructional support.

Tier 1 support would have to encompass a combination of evidence-based strategies that were available to all learners and effectively met the needs of most pupils. Additionally, the instructional methods and curriculum resources used to address the decoding and word-recognition components of reading would have to use a code emphasis³ instructional approach supported by the science of reading; however, the methods and resources used could not minimize the importance of primarily using letter-sound information to decode or recognize unknown words. This would include the following:

- Prompting pupils to guess unknown words using pictures and illustrations.
- Skipping over an unknown word or words to use the meaning of the passage to recognize the unknown word or words.
- Identifying only the first sound of an unknown word and then being prompted to guess the word using the word's initial sound and the meaning of the text surrounding the word.
- Memorizing a word in its written form.
- Using predictable text⁴ and levelled text⁵ to provide initial word recognition instruction and practice in reading new learned letter-sound correspondences.

³ "Code emphasis" would mean direct, explicit instruction on the code system of written English at the sound, syllable, morpheme, and word level so pupils develop automaticity in accurate sound-symbol associations used for word recognition and for developing a robust sight-word vocabulary.

⁴ "Predictable text" would mean text that replicates language patterns using rhythm and rhyme to teach pupils phrasing and cadence.

⁵ "Leveled text" would mean text that has characteristics of predictable text and text focused on teaching high-frequency words without regard to sound-symbol associations. The term would be assigned a level based on a difficulty scale according to print features, content, themes, ideas, text structure, language, and literary elements. The term would not provide pupils opportunities to apply newly learned phonological and orthographic knowledge.

These instructional methods and curriculum resources could be used, as appropriate, for purposes other than addressing decoding and word-recognition components of reading and for any purpose to comply with Section 504 of Title V of the Rehabilitation Act⁶ or Title II of the Americans with Disabilities Act (ADA).⁷

Tier 2 support would have to be provided to small groups of pupils to whom screening-assessment data indicated a need for intervention to address difficulties in learning to decode and recognizing words accurately and efficiently or to whom Tier 1 instructional data indicated a need for intervention to address difficulties in learning to decode and recognizing words. Like Tier 1, Tier 2 support would have to include instructional methods and curriculum resources that used a code emphasis approach to address the decoding and word-recognition components of reading and that were supported by the science of reading. The instructional methods and curriculum resources would have to include instructional procedures, duration, and frequency; however, these methods and resources could not include instructional methods that minimized the importance of primarily using letter-sound information to decode or recognize unknown words.

Pupils receiving Tier 2 support would have to be provided intervention consistent with Tier 2 support and have their progress monitored by the individuals providing the intervention instruction using appropriate assessments to determine the pupils' response to intervention instruction. If pupils receiving tier 2 support were not making measurable progress in response to reading intervention at a rate that would result in meaningful improvements in performance, intensive, tier 3 support would have to be provided to the pupil using evidence-based instructional adaptations that would have to be documented in the pupil's required individual reading intervention plan. If the pupil were determined to have a specific learning disability in reading, these interventions could be provided through the pupil's individualized education plan. For such a pupil, an intervention response team at the school district, ISD, or PSA in which the pupil was enrolled would have to refine the pupil's individual reading improvement plan (IRIP) with the teacher providing the intervention instruction to the pupil to meaningfully accelerate reading outcomes.⁸

If a pupil's response to the intervention instruction were insufficient for accelerating reading outcomes after repeated attempts to adapt and intensify the instruction, the school district, ISD, or PSA would have to consider the need for a full and comprehensive evaluation to determine eligibility for special education services, subject to State and Federal laws concerning special education.

Beginning with the 2027-2028 school year, if a reliable and valid universal screening assessment indicated the need for intervention, to the extent that the school district, ISD, or PSA was not already providing the pupil with evidence-based intervention services, the school district, ISD, or PSA in which the pupil was enrolled would have to provide the pupil with evidence-based intervention services that were grounded in the science of reading and the principles of structured literacy approaches or programs.

⁶ Section 504 prohibits discrimination against people with disabilities under any program or activity receiving Federal financial assistance, or under any program conducted by any Executive agency or by the United States Postal Service. It also requires programs to provide reasonable accommodations to individuals with disabilities, which includes the purchase of adaptive equipment.

⁷ Title II requires State and local governments to grant individuals with disabilities an equal opportunity to benefit from all their programs, services, and activities. This includes public education.

⁸ The Code requires the board of a school district or board of directors of a PSA to provide an IRIP to any pupil in grades K to 3 who exhibits a reading deficiency within 30 days after the identification of the deficiency. Generally, IRIPs are created by school personnel and describe the reading interventions the pupil will receive. IRIPs are updated as students are assessed to address growth.

If it were determined by the school district, ISD, or PSA in which a pupil was enrolled that the pupil had functional difficulties due to characteristics of dyslexia or underlying factors that placed pupils at risk for difficulties in learning to decode, the board of the school district or ISD or board of directors of the PSA in which the pupil was enrolled would have to ensure that the necessary accommodations or equipment were provided to the pupil as required under Section 504 of Title V of the Rehabilitation Act and Title II of the ADA.

Reading Intervention

Generally, the Code requires the board of a school district or board of directors of a PSA to provide an IRIP to any pupil in grades K to 3 who exhibits a reading deficiency. The bill would extend this provision to pupils required to have a reading *intervention* plan.

The bill would require the MTSS, provided to pupils who displayed characteristics of dyslexia or difficulty decoding, to include a reading intervention program. The bill would modify reading intervention requirements.

Firstly, it would require a reading intervention to use intervention curriculum resources and evidence-based practices aligned to the research requirements consistent with the science of reading. It would have to be provided to *any* pupil who displayed a reading deficiency, not just K-3 students. Reading deficiencies could be identified by assessments that were used to identify the source of the reading difficulty.

Reading intervention would have to provide evidence-based tier 1 class-wide reading instruction that was comprehensive and met the majority of the general education classroom's needs. The bill would specify that reading interventions would have to provide intensive development in evidence-based reading instructional practices, which would include the five major reading areas identified by the Code (phonemic awareness, phonics, fluency, vocabulary, and comprehension), as well as other skills or processes consistent with structured literacy. Reading interventions would have to include extensive explicit instruction⁹ consistent with structure literacy in decoding, word recognition, spelling, writing, and language comprehension skills, as well as processes for skillful reading.

Currently, reading interventions must be systemic, explicit, multisensory, and sequential. Under the bill, they only would have to be systematic and explicit. The bill would maintain other requirements, such as requiring three screenings for reading skills a year, which must be implemented during regular school hours.

The bill would prescribe reading intervention program requirements for grade 3 pupils exhibiting a reading deficiency as determined by the pupil's teacher through the screening assessment and other assessments selected by the school district or PSA to pupils in grades K to 12 who received tier 2 or 3 MTSS support. These reading interventions would have to be consistent with structured literacy. It also would have to contain small group or one-on-one reading intervention that included modeling and examples, as well as more extensive opportunities for guided practice incorporating error correction and feedback for pupils to develop mastery.

In addition, it would require a reading intervention program in a pupil's reading improvement plan to contain a written description, including at least the following:

⁹ "Explicit" would mean direct and deliberate instruction through continuous pupil-teacher interaction that includes explanation, teacher modeling or example, and multiple opportunities to practice with feedback for students to develop mastery.

- Quarterly and annual learning goals that described how and when the pupil was expected to progress from the pupil's current reading proficiency level to grade level proficiency.
- The name, if any, type, content, frequency, and duration of evidence-based interventions, curriculum resources, and assessments that would be utilized, and the extent to which these conformed to best practices identified by the MDE for addressing the pupil's specific identified reading difficulties.
- A summary of why the intervention resources and evidence-based practices selected for the pupil's individual reading intervention program were best suited to address the pupil's particular needs.
- A description of the assessment data and the pupil's assessment scores that would be used to monitor the pupil's progress and adaptations to the intervention instruction that would be provided based on feedback from the assessments.
- Information about adjustments that could be made to intensify the intervention instruction as needed.
- The pupil's unique identifier.
- A date by which the pupil's teacher, school principal, parent or legal guardian, and other appropriate school staff would have to annually review and update the pupil's IRIP, including reviewing if the learning goals had been or would be met.

The program would have to be administered with fidelity.

The Code prescribes reading intervention program requirements for pupils who are English language learners, including instruction in academic vocabulary, ongoing assessments that provide data for teachers to use, and common English language development strategies. The bill would delete these requirements. Instead, for English language learners who were identified as demonstrating characteristics of dyslexia or difficulty decoding by an appropriate screening assessment that was consistent with the MDE's guidelines to distinguish characteristics of dyslexia from limited English proficiency, intervention services would have to include at least the following:

- Language support in word recognition and decoding.
- Language comprehension skills to support expanding vocabulary and understanding text.
- Intentional English language development that included using only the words and text to teach decoding and word recognition.
- Instruction that 1) assisted pupils in developing the ability to read at grade level; 2) provided intensive development in evidence-based reading instruction practices; 3) provided extensive explicit instruction consistent with structured literacy in decoding, word recognition, spelling, writing, and language comprehension skills, including vocabulary, morphology, and syntax, and processes for skillful reading; 4) was systemic and explicit; and 5) was implemented during regular school hours in addition to regular classroom reading instruction.

The Code allows a grade 3 pupil who has a reading deficiency based on the grade 3 State English Language Arts assessment to be provided a reading intervention program only until grade 4 and prescribes requirements for this program. Generally, the program must assign the pupil to an effective teacher, be evidenced-based, meet daily small group requirements, and have an at-home plan portion. The bill would delete these requirements. Instead, *any* pupil who had a reading deficiency based on a screening assessment would have to be provided a reading intervention based on the research requirements consistent with the science of reading.

A school district or PSA would have to provide a copy of each IRIP to the school district's ISD or, for a PSA, the ISD that had geographic boundaries that included the PSA. The ISD would have to collate this information and provide it to the MDE each school year.

Notification Requirements

Beginning with the 2027-2028 school year, if it were determined by the pupil's school district, ISD, or PSA that a pupil needed tier 2 support or the pupil was required to be given an individual reading intervention plan, by not later than 30 days after either of those occurred, the board of the school district or ISD or board of directors of the PSA in which the pupil was enrolled would have to ensure that the pupil's parent or legal guardian was sent a written notification that did the following:

- Included information from any screening assessment relating to the pupil's reading development with specific information about indicators that suggested, as applicable, that the pupil could struggle with decoding and word recognition.
- Included information concerning evidence-based instructional practices to be provided by school personnel that were grounded in the science of reading and the principles of structured literacy that were designed for pupils exhibiting the characteristics of dyslexia or difficulties in learning to decode accurately and efficiently.
- Included information concerning instructional adjustments for pupils exhibiting difficulties in learning to decode accurately and efficiently.
- Included information describing the MTSS framework.
- Was written in the language primarily used in the pupil's household, if that language was primarily used by 3% or more of households with pupils enrolled in the district, ISD, or PSA, and, if practicable, in any other primary language regardless of prevalence.

If the parent or legal guardian of a pupil had an independent, comprehensive evaluation conducted for dyslexia or other learning disabilities, the board of the school district or ISD or board of directors of the PSA in which the pupil was enrolled would have to ensure that any applicable requirements under the Individuals with Disabilities Education Act were fulfilled.¹⁰

Dyslexia Expertise

By September 1, 2024, the bill would require the MDE to develop dyslexia expertise to provide technical assistance to school districts, ISDs, and PSAs regarding dyslexia and underlying factors that placed pupils at risk for difficulties in learning to decode accurately and efficiently. In consultation with an advisory committee, the MDE would have to offer expertise by providing guidance on at least all the following:

- The appropriate selection and use at each grade level of reliable and valid universal screening assessments for the identification of pupils who exhibited characteristics of dyslexia and pupils who displayed difficulties in learning to decode accurately and efficiently, to minimize the impact on instructional time.
- Structured literacy.
- Evidence-based instructional methods and the features of evidence-based interventions for pupils who exhibited the characteristics of dyslexia or pupils who had difficulties in learning to decode accurately and efficiently that included instructional methods and curriculum resources that used a code emphasis approach to address the decoding and word-recognition components of reading and that were supported by the science of reading; however, these instructional methods and curriculum resources could not include elements that minimized the importance of primarily using letter-sound information to decode or recognize unknown words.
- Professional learning about dyslexia to school districts, ISDs, and PSAs.

¹⁰ The Act protects the rights of children with disabilities who meet requirements for special education services and their families.

To support the implementation of these requirements, the MDE, in consultation with the advisory committee and based on current research, would have to regularly review and update the Michigan Dyslexia Handbook (see **BACKGROUND**) or a similar publicly available dyslexia resource guide that included information regarding the education of pupils with dyslexia or characteristics of dyslexia, to be used by school districts, ISDs, and PSAs. Reviews and updates would have to be conducted at an interval not to exceed five years.

Grade 3 Reading Assessment

The Code requires the MDE to help ensure that pupils will achieve a score of at least "proficient" in English language arts on the grade 3 State assessment.¹¹ This includes approving three or more valid and reliable screening and progress-monitoring reading assessment systems for selection and use by school districts and PSAs. Under the bill, instead of approving formative, diagnostic assessments, the MDE would have to approve progress-monitoring reading assessments.

Currently, in determining which assessment systems to approve for use by school districts and PSAs, the MDE must consider: 1) the time required to conduct the assessments; 2) the level of integration of assessment results with instructional support for teachers and students; and 3) the timeliness in reporting assessment results. The bill would add to these requirements a consideration of the degree of compatibility with other approved statewide assessment measures, to minimize the impact on instructional time. It also would require the MDE to consider the degree to which the assessment demonstrated classification accuracy for identifying pupils with characteristics of dyslexia or difficulty decoding.

Under the bill, by January 1, 2026, the MDE would have to provide a list of approved valid and reliable screening and progress monitoring¹² assessments for selection and use by school districts and PSAs and, in addition to meeting applicable requirements, identify, within each approved assessment, a list of the elements of a reliable and valid universal screening assessment for the purpose of identifying pupils with characteristics of dyslexia or difficulties in learning to decode accurately and efficiently that were or were not included in the approved assessment system.

Additionally, by January 1, 2026, the MDE would have to publish a list of evidence-based reading curricula and materials that were aligned with the science of reading methods that research had shown to improve literacy outcomes and help pupils achieve reading proficiency.

By August 1, 2027, each school district, ISD, and PSA would have to update its selection of a valid and reliable screening and progress-monitoring reading assessment to ensure that the selected system included a reliable and valid universal screening assessment aligned with the guidance provided by the MDE, if it did not do so already. In complying with this requirement, a school district, ISD, or PSA would have to minimize the impact on instructional time by selecting approved assessment systems that included elements fulfilling multiple assessment requirements, when appropriate, or by adding approved assessment measures or combining compatible approved assessments that, when utilized together, included all the elements of a reliable and valid universal screening assessment.

¹¹ Currently, Michigan schools test grade school students using the Michigan Student Test of Educational Progress, or M-STEP. Third graders take the M-STEP Mathematics and English-Language Arts (ELA) summative tests.

¹² "Progress monitoring" would mean an assessment used after a pupil is identified and matched with intervention support to determine if the pupil continues to need intervention, if the supports need to be modified or changed, or if supports can be faded.

The Code also requires the board of a school district or board of directors of a PSA to help ensure that more pupils will achieve a score of at least "proficient" in English language arts on the grade 3 State assessment. The bill would require a school board or board of directors of a PSA to select one progress-monitoring reading assessment, in addition to the valid and reliable screening assessment currently required, from the list compiled by the MDE.

Beginning in the 2027-2028 school year, school districts, ISDs, and PSAs would have to ensure that reading instruction was evidence-based, with a focus on pupils' mastery of the foundational reading skills of phonemic awareness, phonics, fluency, and the development of other reading skills. Pupils would have to be provided instruction aligned with science of reading methods that research showed improved literacy outcomes and helped pupils achieve reading proficiency. The screening of pupils in grades K to 3 would have to meet the requirements for dyslexia screening and support outlined by the bill.

Additionally, the bill would require the board of a school district or board of directors of a PSA to report to the CEPI the approved assessments that had been selected and the threshold scores that had been set to identify pupils as exhibiting reading proficiency or reading deficiency using each assessment.

If the MDE determined that a benchmark assessment¹³ or a valid and reliable screening and progress-monitoring reading assessment suite selected by the board of a school district or the board of directors of a PSA included a reliable and valid universal screening assessment, that interim assessment or assessment system could be utilized to meet the required screening of pupils in kindergarten and grades 1 to 3, including transfer students.

CEPI Requirements

Currently, after the MDE finalizes the scoring for the grade 3 State assessments, the MDE must provide CEPI with the scores for every grade 3 pupil enrolled in a public school in the State who was administered one or more of those assessments. After CEPI receives and reviews the grade 3 State assessment results from the MDE, CEPI must identify each pupil completing grade 3 that year who has a reading deficiency and notify the parent or legal guardian and the school district or PSA of each of these pupils that the pupil has a reading deficiency.

The bill would specify that the MDE would have to submit these scores to CEPI by October 15 each year and, within 14 days, CEPI would have to identify pupils who achieved a reading score that was one grade level or more behind as determined by the MDE, based on the grade 3 State English language arts assessment, as well as each pupil who was nine years of age or younger seeking to enroll for the first time in a school district or PSA in grade 4 who achieved a reading score that was less than a grade 3 level, as determined by the MDE, and notify the parents or legal guardian and the school district or PSA of such.

The Code also requires CEPI to include in its notification an explanation of what constitutes a reading deficiency. The bill would delete this requirement. Instead, the notification by CEPI to a parent or legal guardian would have to be by certified mail and would have to clearly state all the interventions required to be made available to the pupil under State law. It also would have to indicate that the parent or legal guardian would have the right to request a meeting with school officials to discuss supports and interventions.

¹³ "Benchmark assessment" would mean an administered periodically throughout a school year and used to predict and identify learner readiness for success on a later summative assessment, to evaluation ongoing educational programs and interventions, and/or to provide teachers with individual learners' performance data to inform instruction.

Literacy Coaches and Other Personnel

The bill would require district-identified literacy coaches to support and provide initial and ongoing professional development to teachers in the following, in addition to current requirements:

- Administering, scoring, and interpreting the bill's assessments with fidelity.
- Providing differentiated instruction and intensive intervention, which would include methods to intensify instructional interventions for decoding and word recognition.
- Using data diagnostically to adjust intervention instruction and to understand reasons why a pupil may not be responding to intervention instructions as expected.
- The use of evidence-based instructional methods and the features of evidence-based interventions for pupils who experienced difficulties with decoding and word recognition.
- The professional learning requirements outlined below, as appropriate.
- The appropriate use of statewide professional learning tools and evidence-based practices that met the research requirements consistent with the science of reading.

Instead of providing professional development to teachers concerning the five major reading components (phonemic awareness, phonics, fluency, vocabulary, and comprehension), early literacy coaches would have to provide reading intervention that met the following requirements:

- Instruction that assisted pupils in developing the ability to read at grade level.
- Provided intensive development in evidence-based reading instruction practices.
- Provided extensive explicit instruction consistent with structured literacy in decoding, word recognition, and language comprehension skills and processes for skillful reading.
- Was systemic and explicit.
- Was implemented during regular school hours in addition to regular classroom reading instruction.

In addition to current duties, a district-identified literacy coach would have to do the following:

- Model *evidence-based* instruction to teachers.
- Advise in developing schoolwide and classroom infrastructure to meet the collective and individual needs of pupils using an MTSS framework.
- Train school staff in data analysis and using data to differentiate instruction and how to identify and address reading deficiency.
- Work with teachers to ensure that evidence-based curriculum resources and reading interventions were implemented with fidelity.

Currently, a literacy coach must model for each K-3 teacher and coach a teacher in instruction with pupils in whole and small groups. The bill would require a literacy coach to also teach these skills to teachers whose classrooms included a pupil with an IRIP.

The Code requires literacy coaches to continue to increase the coaches' knowledge base in best practices in reading instruction and intervention. The bill would specify that this knowledge base would have to be supported by research requirements consistent with the science of reading.

The bill would allow an individual who was not a district-identified literacy coach to be utilized to meet the requirements outlined above if that individual fulfilled current requirements for district literacy coaches¹⁴, which would include the following under the bill.

By the 2027-2028 school year, the bill would require each school district, ISD, and PSA to provide assurance to the MDE that all literacy consultants, literacy coaches, and other personnel providing reading intervention or reading instruction to pre-K to grade 12 pupils in the school district, ISD, or PSA received professional learning regarding all the following, as applicable:

- The characteristics of dyslexia and underlying factors that placed pupils at risk for difficulties in learning to decode accurately and efficiently.
- Secondary consequences of dyslexia, such as problems in reading comprehension and a reduced reading experience that could impede the growth of vocabulary and background knowledge and lead to social, emotional, and behavioral difficulties.
- Instructional adjustments for pupils with dyslexia and instructional adjustments to address the underlying factors that placed pupils at risk for difficulties in learning to decode accurately and efficiently.
- Methods to develop schoolwide and classroom infrastructure to meet the collective and individual needs of pupils using an MTSS framework.
- Evidence-based instructional methods and features of evidence-based interventions that were grounded in the science of reading and principles of structured literacy that were designed for pupils with characteristics of dyslexia and pupils at risk for difficulties in learning to decode accurately and efficiently.
- Evidence-based instructional methods and features of evidence-based interventions that were grounded in the science of reading and principles of structured literacy that were designed to effectively meet the needs of most pupils.

The completion of a program of study approved by the MDE (see [Senate Bill 568 \(S-2\)](#)) would fulfill this professional development requirement.

Additionally, by the beginning of the 2027-2028 school year, a district-identified literacy coach would have to provide technical assistance to school districts, ISDs, and PSAs to aid in reporting information contained in a pupil's IRIP.

Additional Definitions

"Diagnostic instruction" would mean continuous assessment and individualization of instruction to meet each pupil's instructional needs.

"Evidence-based" currently means based in research and with proven efficacy. Instead, under the bill, "evidence-based" would mean an activity, program, process, service, strategy, or intervention that demonstrates statistically significant effects on improving pupil outcomes or other relevant outcomes and that meets at least the following:

- At least being based on strong evidence from at least one well-designed and well-implemented experimental study, or being based on moderate evidence from at least one well-designed and well-implemented quasi-experimental study, or being based on promising evidence from at least one well-designed and well-implemented correlation study with statistical controls for selection bias, or demonstrates a rationale based on

¹⁴ Generally, district-identified literacy coaches must have successful classroom teaching experience, knowledge of the science of reading, experience working with adults, and a bachelor's degree and advanced coursework in reading or professional development in literacy instruction.

high-quality research findings or positive evaluation that the activity, program, process, service, strategy, or intervention is likely to improve pupil outcomes or other relevant outcomes.

- Includes ongoing efforts to examine the effects of the activity, program, process, service, strategy, or intervention.

"Intervention response team" would mean a group of individuals with expertise in assessments, literacy, working with English language learners, working with people with disabilities, and behavior efforts who develop individualized plans to support pupils with significant and persistent needs.

"Phonemic awareness" would mean the conscious awareness of the following:

- Individual speech sounds, including consonants and vowels in spoken syllables.
- The ability to consciously manipulate through blending, segmenting, deleting, or substituting individual speech sounds described above.
- All levels of the speech sound system, including word boundaries, rhyme recognition, stress patterns, syllables, onset-rime units, and phonemes.

"Reliable" would mean something that is based on the consistency of a set of scores that are designed to measure the same thing. "Reliable and valid screening assessment" would mean an assessment that includes brief measures designed to identify underlying difficulties affecting a pupil's ability to learn to decode and to recognize words accurately and efficiently and that aligns with assessment guidelines concerning grade levels in which, and times of the school year when, specific universal screening assessment measures must be administered.

"Science of reading" would mean a cumulative and evolving body of evidence whose research studies follow a scientific process of inquiry and use scientific methods to help answer questions related to reading development and issues related to reading and writing derived from research from multiple fields of cognitive psychology, communication sciences, developmental psychology, education, special education, implementation science, linguistics, and neuroscience.

"Screening assessment" would mean an assessment designed to proactively identify pupils who may be at risk of developing academic, social, emotional, or behavioral challenges so that support can be provided and to provide to data to inform systems-level decisions. A screening assessment *would have* to include, as appropriate for grade level or age as determined by the MDE and the guidelines prescribed by the bill, elements used to identify difficulties in learning to decode and recognize words, including at least the following:

- Phonemic awareness.
- Rapid automatized naming.
- Letter-sound correspondence.
- Single-word reading.
- Nonsense-word reading.
- Oral passage reading fluency.

A screening assessment also could include, as appropriate for grade level or age as determined by the MDE, elements designed to identify comprehension difficulties, including at least the following:

- Retelling.

- Cloze reading procedure.¹⁵
- Answering questions about a reading passage.

"Standardized assessment" would mean an assessment that is administered and scored in a consistent or standard manner.

"Structured literacy" would mean systematic, direct, explicit, cumulative, and diagnostic instruction that integrates listening, speaking, reading, and writing and emphasizes the structure of language across the speech sound system, the writing system, the structure of sentences, the meaningful parts of words, the meaning of words, phrases, sentences, and text, and the processing of oral and written discourse.

Additionally, the bill would amend the definition of "reading deficiency". Currently, it means scoring below grade level or being determined to be at risk of reading failure based on a screening assessment, diagnostic assessment, standardized summative assessment, or progress monitoring. The bill would delete the term diagnostic assessment and replace reference to reading failure with being determined to be at risk of not meeting grade-level reading expectation.

Senate Bill 568 (S-2)

In addition to other requirements in the Code, as applicable, beginning September 30, 2027, the bill would prohibit the MDE from approving a teacher preparation program or an alternative teaching program unless the program offered instruction regarding all the following:

- The characteristics of dyslexia and underlying factors that place pupils at risk for difficulties in learning to decode accurately and efficiently.
- The secondary consequences of dyslexia, such as problems in reading comprehension and a reduced reading experience that could impede the growth of vocabulary and background knowledge and that can lead to social, emotional, and behavioral difficulties.
- Instructional adjustments for pupils with dyslexia and instructional adjustments for addressing underlying factors that placed pupils at risk for difficulties in learning to decode accurately and efficiently.
- Methods for developing schoolwide and classroom infrastructure that met the collective and individual needs of pupils using an MTSS framework.

In addition to the requirements above, a teacher preparation program or alternative teaching program that prepared individuals for certification or endorsements that involved reading instruction, language arts, or special education, as appropriate, or for school psychologist licensure, as appropriate, would also have to provide instruction regarding the following:

- Evidence-based instructional methods and features of evidence-based interventions that were grounded in the science of reading and principles of structured literacy that were designed for pupils with characteristics of dyslexia and pupils at risk for difficulties in learning to decode accurately and efficiently.
- Evidence-based instructional methods and features of evidence-based interventions that were grounded in the science of reading and principles of structured language and literacy that were designed to effectively meet the needs of most pupils.

¹⁵ "Cloze reading procedure" would mean an objective reading assessment that deletes words in a designed reading passage.

Beginning September 30, 2027, the MDE also would have to revoke approval of a teacher preparation program or an alternative teaching program unless it fulfilled the requirements above.

MCL 380.1280f (S.B. 567)
Proposed MCL 380.1531e (S.B. 568)

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

Senate Bill 567 and Senate Bill 568 are similar to Senate Bill 380 and Senate Bill 381 from the 2021-2022 Legislative Session, respectively. Senate Bills 380 and 381 passed the Senate but received no further action.

BACKGROUND

Dyslexia is one of the most common learning disabilities, affecting an estimated 5% to 20% of people nationwide.¹⁶ For individuals with dyslexia, an early diagnosis is key because, beginning in the fourth grade, teachers transition from teaching students how to read to expecting students to read as they learn. In practice, this often means that individuals who are not proficient in reading by the third grade continue to struggle throughout their education.¹⁷ In 2022, only 28% percent of Michigan fourth graders performed at or above the National Association of Educational Progress assessment in reading, with Black and Hispanic students, as well as students eligible for the National School Lunch Program, scoring worse than their peers on average.¹⁸ In 2023, 40.9% of Michigan's third graders tested at the proficient level or better for English/language arts.¹⁹

In 2022, the MDE developed the Michigan Dyslexia Handbook, in consultation with dyslexia and literacy experts. The handbook collates best practices aligned with reading science to help Michigan educators instruct students with characteristics of dyslexia and difficulties decoding. It aligns with Michigan's Top 10 Strategic Education Plan, Goal 2: Improving early literacy achievement.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

It is the State's responsibility to provide students with quality education; however, Michigan students continue to perform poorly in English language and literacy-related assessments. In 2022, Michigan ranked 43rd in the country for 4th grade reading overall, with Black students and low-income students performing significantly worse than the national average.²⁰ Michigan students are struggling to learn to read. Dyslexia, a common reading disorder, may contribute to the State's literacy crisis. According to testimony before the Senate, Michigan is reportedly one of the worst states in the nation for dyslexic students. The State's current special

¹⁶ Dellinger, Hannah, "Dyslexia support proposals are back in the Michigan Legislature", *Chalkbeat Detroit*, October 18, 2023.

¹⁷ Ponte, Olivia, "Learning to Read v. Reading to Learn: A Discussion of Third-Grade Reading Supports", Senate Fiscal Agency, *State Notes*, Fall 2022.

¹⁸ "2022 Reading State Snapshot Report: Michigan Grade 4 Public Schools", The Nation's Report Card. Retrieved on 2-6-24.

¹⁹ Hicks, Justin P., "See each Michigan school s 2023 M-STEP score", *MLIVE*, September 11, 2023.

²⁰ The Education Trust-Midwest, *Beyond the Pandemic: State of Michigan Education Report 2023*, pp. 8-13, 2023.

education evaluation cannot diagnose dyslexia, and students with dyslexia or similar reading disabilities may not be eligible for special education services.²¹ Students with reading disabilities are left to the general education classroom, which testimony before the Senate Committee on Education indicates is not equipped with best practices to teach literacy. In the absence of school support, families must rely on their own resources to help their students, such as by advocating for their students in the school district or hiring private tutors; however, access to literacy should not depend on a parent's willingness to fight for or finance their child's education. Michigan's public school should educate every child equally.

According to testimony before the Senate Committee on Education, while some school districts successfully teach literacy, other school districts wait for students to fail before providing interventions. Waiting to intervene, however, may harm students in several ways. Testimony before the Senate Committee on Education indicated that students struggling to read may see a reduction in their self-confidence and self-worth. This, in turn, may lead to behavioral problems. It also leads to a wide knowledge gap. Overall, students who are left to struggle may be discouraged from learning, feeding into a harmful, life-long cycle. As a result, catching students with reading difficulties early is important. Senate Bill 567 (S-3) would require students to be screened throughout kindergarten and third grade. It also would require students in grades 4 through 12 who exhibited certain symptoms to be screened, helping to retroactively identify students with reading difficulties.

Once identified, students with reading difficulties would benefit from an MTSS. Originally identified as a resource by the Michigan Dyslexia Handbook, MTSSs are designed to mitigate learning challenges and maximize instructional time by fulfilling the social-emotional and behavioral needs of students and providing them with effective instructional practices.²² For example, students who needed additional help beyond class-wide reading instruction (Tier 1) would receive supplemental instruction in small groups, benefiting from the attention of peers, teachers, and more frequent progress monitoring (Tier 2). Individuals who needed additional support would receive more intensive, individualized support (Tier 3). Students with reading disabilities such as dyslexia can become average readers if they receive proper instruction. Senate Bill 567 (S-3) would enact best practices to ensure that all Michigan students, whether they had reading difficulties or not, received a quality education.

Supporting Arguments

The bills would require school districts to establish a curriculum backed by the science of reading, which would improve reading outcomes for *all* Michigan students. Currently, school districts set their own reading curriculum, following guidelines established by the State.²³ According to testimony before the Senate Committee on Education, while some schools and individual teachers have adopted the science of reading, others have not. The science of reading collates best-practices related to literacy education for all students, not just students with reading difficulties. Requiring schools to embrace evidence-based practices demonstrating the science of reading would improve the literacy outcomes of all Michigan students.

Supporting Argument

The bills would further support students by providing teachers and other personnel with literacy training. During their pre-service education, many educators do not have the opportunity to learn evidence-based practices and assessment methods based on the science

²¹ Henneman, Alyssa, "Opinion: Every child should be able to read", *The Gander*, February 1, 2024.

²² Michigan Department of Education, *Michigan Dyslexia Handbook*, Version 1.0, p. 18, August 2022.

²³ Dellinger, Hannah, "Michigan Senate hears the case for requiring the 'science of reading' in early literacy curriculum", *Chalkbeat Detroit*, February 6, 2024.

of reading.²⁴ Testimony before the Senate Committee on Education indicated that, when faced with students struggling to read, teachers may not be equipped to help them. Some educators, of their own accord, may pursue professional development opportunities such as LETRS training²⁵; however, a student's success should not rely solely on whether a teacher underwent supplemental professional development. Senate Bill 568 (S-2) would require teacher preparation programs to incorporate instruction on dyslexia and reading difficulties and accommodations, among other things. Senate Bill 567 (S-3) would require current teachers to undergo professional development in these topics. Together, they would prepare teachers to support students with reading difficulties within the classroom.

Opposing Argument

The bills would divert resources from other struggling students, including those who do not show signs of dyslexia. Currently, Michigan schools are facing a shortage of teachers and literacy coaches. According to Michigan State University's Education Policy Innovation Collaborative, school district reliance on multi-site, virtual, and temporary teachers has increased, suggesting a struggle to find full-time, appropriately credentialed teachers.²⁶ Literacy coaches work best with 14 teachers; however, Michigan literacy coaches work with 18 educators on average.²⁷ According to testimony before the Senate Committee on Education, Michigan schools lack the teachers, literacy coaches, and other personnel to properly implement the requirements of the bill. Requiring literacy coaches to focus on student intervention (Tiers 2 and 3) would prevent them from helping teachers in the classroom educate all students (Tier 1). Additionally, requiring students to be assessed at least three times a year could reduce instruction time. Overall, the bills would help students with dyslexia at the expense of their peers.

Response: The bills would not add additional burdens to school districts. According to testimony before the Senate Committee on Education, the State has 900 upcoming teachers. By the 2027-2028 school year, when these requirements would be implemented, these teachers will have been placed and will help reduce the State's teacher shortage. As for testing requirements, the bills would require existing assessments to be modified to include dyslexia and reading difficulty screeners. As the Code already requires K-3 students to be assessed three times a year,²⁸ the bills would not impose additional testing requirements.

Opposing Argument

The bills are overly proscriptive. Senate Bill 567 (S-3) would require the use of certain practices and restrict others. For example, under the bill, educators could only teach strategies such as reading-in-context for purposes other than addressing decoding and word-recognition components of reading. Additionally, best practices concerning literacy education may change over time, leaving Michigan schools with outdated practices that were required to be taught. The bills' overly proscriptive nature also could inhibit the ability of successful schools to continue to perform. According to testimony before the Senate Committee on Education, some schools have found success in literacy education, such as by requiring their teachers to undergo LETRS training. Under the bills' restrictions, these schools could have to abandon tools that have been proven to work to comply with unfamiliar State-mandated practices that could work for some areas and districts but not for others. Instead of requiring schools across the State to comply with restrictive legislation, the bills should offer schools flexibility in pursuing the best practices to teach students literacy.

²⁴ Michigan Department of Education, *Michigan Dyslexia Handbook*, Version 1.0, p. 32, August 2022.

²⁵ The LETRS Suite is a literacy-skill-focused professional development program for teachers that is based on the Orton-Gillingham Approach, which uses explicit, direct, sequential, systematic, multisensory instruction to teach reading.

²⁶ Kilbride, T., et al., "Michigan Teacher Shortage Study: Comprehensive Report", p. 76, January 2023.

²⁷ Cummings, A., et al., "Michigan's Literacy Coaching Landscape," p. 3, March 2023.

²⁸ MCL 380.1280f

Opposing Argument

The bills would be implemented too late for many students. Under the bills, school districts, ISDs, and PSAs would not have to screen students for difficulties in learning to read and provide interventions until the 2027-2028 school year. Additionally, school districts and PSAs would not have to ensure that reading was evidence-based and focused on foundational reading skills or ensure that personnel providing reading intervention or reading instruction to preK-12 students received professional learning about reading difficulty identification and interventions until that year. Struggling students and their families should not have to wait over three years to receive the help they need. The bills should be implemented now.

Legislative Analyst: Abby Schneider

FISCAL IMPACT

The bills would have a negative fiscal impact on the MDE and on local school districts, ISDs, and PSAs, though the size of the effect is indeterminate. The MDE would experience additional costs to oversee the implementation of the bills, including to provide technical assistance to schools, approve assessments and diagnostic screenings exams, and update teaching preparation program oversight. The bills could require more staff and appropriations than what is currently provided in the School Support Services, Educational Supports, Accountability Services, and Educator Excellence units.

Senate Bill 567 (S-3) would require screening of all pupils in grades K-3, plus select pupils in higher grades if they demonstrated certain behaviors, multiple times during the school year. Currently, the third-grade reading law requires the testing of all students in grades K-3. If any of the existing screeners test for dyslexia, then districts should be able to use those to satisfy the bill's requirements. Districts would see additional costs to screen pupils in grades 4 to 12 if those screenings were not covered using existing tools.

If existing teachers met the bill's requirements, no fiscal impact would be incurred. If existing teachers needed additional professional development, costs could be incurred if that professional development were more costly than existing professional development, or if that training were necessary on top of other professional development.

Fiscal Analyst: Ryan Bergan
Cory Savino, PhD

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.