



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2748/1
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2023 ASSEMBLY BILL 321

June 12, 2023 - Introduced by Representatives KITCHENS, WITKE, BINSFELD, NEDWESKI, DUCHOW, DITTRICH, ALLEN, ARMSTRONG, BEHNKE, BRANDTJEN, DONOVAN, GREEN, GUNDRUM, GUSTAFSON, HURD, KRUG, MAGNAFICI, MAXEY, MICHALSKI, MURPHY, O'CONNOR, PENTERMAN, RETTINGER, RODRIGUEZ, ROZAR, SCHMIDT, SNYDER, SPIROS, STEFFEN, SUMMERFIELD and TUSLER, cosponsored by Senators STROEBEL, JAGLER, BRADLEY, WIMBERGER and MARKLEIN. Referred to Committee on State Affairs.

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

EARLY LITERACY INSTRUCTION

OFFICE OF LITERACY AND LITERACY COACHES

This bill establishes the Office of Literacy in the Department of Public Instruction, to be led by a director who is appointed by the state superintendent of public instruction after consultation with the Council on Early Literacy Curricula

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and subject to the advice and consent of the senate and who serves at the pleasure of the state superintendent. Under the bill, the Office of Literacy must establish and supervise a literacy coaching program to improve literacy outcomes in this state. Specifically, the Office of Literacy, in consultation with cooperative educational service agencies, must contract for up to 64 full-time equivalent literacy coaches. Literacy coaches must demonstrate knowledge and expertise in science-based early literacy instruction and instructional practices and have instructional experience in grades kindergarten to 12. In addition, the Office of Literacy must provide ongoing training on science-based early literacy instruction and instructional practices and supervision to literacy coaches and must prohibit literacy coaches from using three-cueing.

The bill requires the Office of Literacy to assign one-half of the literacy coaches to schools based on pupil scores on the third grade reading assessment and one-half of the literacy coaches to schools that request early literacy support. The latter half of the literacy coaches must be dispersed evenly among cooperative educational service agency regions. However, the bill prohibits assigning more than a total of 10 literacy coaches to a first class city school district and more than a total of four literacy coaches to a school district that is not a first class city school district and requires that no fewer than three literacy coaches be assigned to each cooperative educational service agency region. Additionally, the Office of Literacy must ensure that a school to which a literacy coach is assigned does not request or require that the literacy coach perform duties outside the individual's role as a literacy coach, as described in the bill.

Under the bill, the Office of Literacy must submit an annual report to the Joint Committee on Finance on various aspects of the literacy coaching program during the previous school year, including the number of literacy coaches, the number of schools that were assigned a literacy coach, pupil scores on reading readiness assessments and the third grade reading assessment in those schools, and information on the training provided to the literacy coaches.

Finally, under the bill, the Office of Literacy and the literacy coaching program sunset on July 1, 2028.

**COUNCIL ON EARLY LITERACY CURRICULA; RECOMMENDED CURRICULA AND
INSTRUCTIONAL MATERIALS**

The bill creates the Council on Early Literacy Curricula in DPI to recommend literacy curricula and instructional materials for use in grades kindergarten to three. The council consists of nine members who have knowledge of or experience with science-based early literacy instruction and literacy curricula. Under the bill, the initial members of the council are appointed jointly by the state superintendent of public instruction, the assembly speaker, and the senate majority leader, and if the initial members are not appointed jointly within 45 days, each appointing authority must each appoint three members. Under the bill, after the initial appointments are made, the membership of the council is made up of three members appointed by the state superintendent, three members appointed by the assembly speaker, and three members appointed by the senate majority leader.

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Under the bill, the Council on Early Literacy Curricula must annually make recommendations for early literacy curricula and instructional materials for use in the following school year. The council's recommendations for curricula and instructional materials must include all of the components of science-based early reading instruction and may not include three-cueing. The bill defines "science-based early reading instruction" as instruction that is systematic and explicit and consists of the following components: phonological awareness; phonemic awareness; phonics; building background knowledge; oral language development; vocabulary building; instruction in writing; instruction in comprehension; and reading fluency. Under the bill, "three-cueing" means any model, including the model referred to as meaning, structure, and visual cues, or MSV, of teaching a pupil to read based on meaning, structure and syntax, and visual cues or memory.

Under the bill, annually, upon receiving recommendations from the Council on Early Literacy Curricula, DPI must submit proposed recommendations on early literacy curricula and instructional materials to the Joint Committee on Finance. DPI may not adopt the recommendations unless JCF approves the recommendations. For purposes of the recommendations for the 2024-25 school year, the initial recommendations made by the council, the bill requires that proposed recommendations be submitted to JCF by November 1, 2023. Under the bill, DPI must maintain a list of adopted recommendations for early literacy curricula and instructional materials on its website.

Beginning on January 1, 2024, if a school board, charter school, or private school participating in a parental choice program chooses to adopt an early literacy curriculum, the school board, charter school, or private school participating in a parental choice program must adopt an early literacy curriculum recommended by DPI. The bill also requires DPI to award grants to school boards, independent charter schools, and private schools participating in a choice program that adopt a recommended early literacy curriculum on or after January 1, 2024. Under the bill, the amount of the grant is 50 percent of the cost to purchase the recommended literacy curriculum and instructional materials.

Beginning on the date the bill becomes law, school boards, charter schools, and private schools participating in a parental choice program are prohibited from purchasing curricula and instructional materials that incorporate three-cueing. Beginning in the 2024-25 school year, the bill also prohibits public schools, including charter schools, and private schools participating in a parental choice program 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.

**TEACHER PREPARATORY PROGRAMS AND LICENSES TO TEACH; INSTRUCTION TO TEACH
READING**

Under current law, the state superintendent of public instruction is required to prescribe standards, requirements, and procedures for the approval of teacher preparatory programs that lead to a license issued by DPI. Under the bill, to be approved by the state superintendent, a teacher preparatory program must demonstrate that it provides instruction that prepares teachers to teach reading and

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language arts using science-based early reading instruction and that it does not provide instruction on teaching reading and language arts that incorporates three-cueing.

Under current law, DPI may not issue a license that authorizes the license holder to teach reading or language arts in a prekindergarten class or in grades kindergarten to six unless the individual has successfully completed instruction preparing the individual to teach reading using appropriate instructional methods, including phonics. Current law defines “phonics” as a method of teaching beginners to read and pronounce words by learning the phonetic value of letters, letter groups, and syllables.

Under the bill, DPI may not issue a license that authorizes the license holder to teach reading or language arts in a prekindergarten class or in grades kindergarten to six unless the individual has successfully completed instruction preparing the individual to teach reading using science-based early reading instruction, as defined in the bill, that includes phonics and that does not include three-cueing, as defined in the bill. The bill defines “phonics” as the study of the relationships between sounds and words; this includes alphabetic principle, decoding, orthographic knowledge, encoding, and fluency.

PROFESSIONAL DEVELOPMENT TRAINING

Under the bill, school boards and charter school operators must ensure that all kindergarten to third grade teachers, principals of schools that offer grades kindergarten to three, and reading specialists receive professional development training in science-based early literacy instruction by no later than July 1, 2025. Under the bill, the mandatory professional development training is the same professional development for which American Rescue Plan Act of 2021 federal funding was allocated. Specifically, the professional development training must be Voyager Sopris Language Essentials for Teachers of Reading and Spelling (LETRS) or another program endorsed by the Center for Effective Reading Instruction as an accredited independent teacher training program and must be provided by the Leadership in Literacy Institute or another provider who meets various requirements specified in the bill. The bill also requires the same professional development training for all faculty or academic staff of the University of Wisconsin System who teach a course that includes curriculum in reading instruction designed for kindergarten to third grade teachers, elementary school principals, or reading specialists.

THIRD GRADE RETENTION POLICIES

Under the bill, by January 1, 2025, DPI must establish, by rule, a model policy for promoting third grade pupils to the fourth grade. Under the bill, the model policy must include various components, including 1) a requirement that a pupil who scores in the lowest proficiency category on the third grade reading assessment be retained in the third grade, 2) a good cause exception for certain pupils, 3) a requirement that the school board provide intensive instructional services, progress monitoring, and supports to a pupil who is retained under the policy, 4) written notice to the pupil’s parent, and 5) an intensive summer reading program for pupils who scored in the lowest proficiency category of the third grade reading assessment.

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By July 1, 2025, the bill requires school boards, independent charter schools, and private schools participating in a parental choice program to 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. Additionally, 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 current law, school boards, independent charter schools, and private schools participating in a parental choice program must adopt written policies for promoting pupils from grade four to grade five and from grade eight to grade nine and are prohibited from promoting a pupil unless the pupil complies with the applicable promotion policy.

SCHOOL DISTRICT AND SCHOOL REPORT CARDS

The bill requires DPI to include in the annual school district and school accountability report, commonly referred to as school and school district report cards, the number and percentage of pupils who scored in the lowest proficiency category on the third grade reading assessment. The bill requires this information for school districts and schools that offer third grade. Under the bill, this information must first be included in the report cards for the 2023-24 school year that are published in the fall of the 2024-25 school year.

READING READINESS ASSESSMENTS AND INTERVENTIONS

Under current law, school boards and independent charter schools must annually assess pupils enrolled in four-year-old kindergarten to second grade for reading readiness using an assessment of literacy fundamentals selected by the school board or independent charter school. The selected reading readiness assessment must evaluate whether a pupil possesses phonemic awareness and letter sound knowledge. Current law requires a school board or independent charter school to provide interventions or remedial reading services to a pupil if the reading readiness assessment indicates that the pupil is at risk of reading difficulty with interventions or remedial reading services. Current law does not define "at-risk."

Beginning in the 2024-25 school year, the bill requires school boards and independent charter schools to assess the early literacy skills of pupils in four-year-old kindergarten to third grade using various assessments and to create a personal reading plan for each pupil in five-year-old kindergarten to third grade who is identified as at-risk based on a universal screening assessment or diagnostic assessment. Under the bill, "at-risk" means the pupil scored below the 25th percentile on an applicable screening assessment, as indicated by the screening assessment publisher.

FUNDAMENTAL SKILLS SCREENING ASSESSMENTS; FOUR-YEAR-OLD KINDERGARTEN

Under the bill, beginning in the 2024-25 school year, school boards and independent charter schools must screen all pupils enrolled in four-year-old kindergarten at least two times each school year using a fundamental skills screening selected by DPI. The bill specifies that the first screening assessment must occur before the 46th day of the school term and that both screenings be completed

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by no later than 45 days before the last day of school. The bill defines a “fundamental skills screening assessment” as an assessment that evaluates a pupil’s phonemic awareness and letter sound knowledge.

UNIVERSAL SCREENING AND DIAGNOSTIC ASSESSMENTS AND INTERVENTIONS***Required universal screening assessments***

Under the bill, beginning in the 2024–25 school year, school boards and independent charter schools must screen all pupils enrolled in five-year-old kindergarten to third grade at least three times each school year using a universal screening assessment selected by DPI. The bill specifies that the first universal screening must occur before the 46th day of the school term, the second universal screening must occur in the middle of the school term, and the third universal screening must occur no later than 45 days before the last day of school. The bill defines a “universal screening assessment” as an assessment that evaluates a pupil’s skill in phonemic awareness, decoding skills, alphabet knowledge, letter sound knowledge, and oral vocabulary.

Required diagnostic assessments

Under the bill, beginning in the 2024–25 school year, school boards and independent charter schools must screen a pupil enrolled in five-year-old kindergarten to third grade using a diagnostic assessment 1) if the pupil is identified as at-risk based on the first universal screening of the school year, by no later than the second Friday in November; 2) if the pupil is identified as at-risk based on the second universal screening of the school year, within 10 days after the universal screening was administered; and 3) if a teacher or parent suspects the pupil has characteristics of dyslexia and submits a request for a diagnostic assessment, within 20 days of submitting the request. The bill defines a “diagnostic assessment” as a tool that includes an assessment that evaluates a pupil’s skill in the skills assessed in a universal screening assessment as well as rapid naming, phonological awareness, word recognition, spelling, vocabulary, listening comprehension, and when developmentally appropriate, oral reading fluency and reading comprehension, and provides the pupil’s parent the opportunity to complete a family history survey about learning difficulties in the pupil’s family. If a pupil is identified as at-risk based on a diagnostic assessment, the bill requires the school board or independent charter school to provide information to the pupil’s parent about how to make a special education referral.

Personal reading plan; at-risk pupils

If a pupil is identified as at-risk based on a universal screening assessment or a diagnostic assessment, the bill requires the school board or independent charter school to create a personal reading plan for the pupil. Under the bill, a personal reading plan must include various components related to addressing the pupil’s specific early literacy deficiencies, including interventions that will be provided to the pupil, how the pupil’s progress will be monitored, and strategies the pupil’s parent is encouraged to use to help the pupil achieve grade-level literacy skills. The bill further requires the school board or independent charter school to 1) provide the interventions included in the personal reading plan to the pupil, as soon as

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practicable; 2) monitor the pupil's progress at least weekly; 3) provide a copy of the personal reading plan to the pupil's parent; 4) obtain a copy of the reading plan signed by the pupil's parent; and 5) after 10 weeks of providing the interventions required in the personal reading plan, notify the pupil's parent of the pupil's progress.

SELECTED AND APPROVED EARLY LITERACY ASSESSMENTS

Under the bill, by July 15, 2024, DPI must select a fundamental skills screening assessment, select a universal screening assessment, and establish and maintain a list of approved diagnostic assessments on its website. DPI must also submit a list of the selected and approved assessments to the appropriate standing committees of the legislature. Under the bill, DPI may only approve an early literacy assessment if the assessment has a sensitivity rate of at least 70 percent, has a specificity rate of at least 80 percent, and includes a growth measure.

STATE FUNDING FOR EARLY LITERACY ASSESSMENTS

Under the bill, DPI must pay each school board and independent charter school for the per pupil cost of each early literacy assessment required to be administered under the bill. However, beginning in the 2025-26 school year, a school board or independent charter school is eligible for the state funding provided in the bill only if the school board or independent charter school submits an annual report to DPI and in that report indicates that the school board or charter school used only selected or approved early literacy assessments in the previous school year. Under current law, DPI pays school boards and independent charter schools for the per pupil cost of the reading readiness assessment selected by the school board or independent charter school.

PARENT NOTIFICATION REQUIREMENTS

Under the bill, a school board or independent charter school must provide a pupil's results on an early literacy assessment to the pupil's parent by no later than 15 days after the applicable assessment is scored. The results provided to the parent must be in the parent's native language and must include the pupil's overall score, the pupil's score on each literacy skill category assessed by the assessment, the pupil's percentile rank score, if available, the score on the assessment that indicates a pupil is at-risk, and a plain language explanation of the literacy skills that were evaluated by the assessment. In addition, if a school board or independent charter school is required to screen a pupil using a diagnostic assessment, the school board or independent charter school must provide the pupil's parent with information related to characteristics of dyslexia, including information about the common indicators of characteristics of dyslexia and appropriate interventions and accommodations for pupils with characteristics of dyslexia.

The bill also requires each school board and independent charter school to have an early literacy remediation plan. An early literacy remediation plan must include information about assessments used to identify at-risk pupils, the interventions used to address characteristics of dyslexia, and monitoring pupil progress related to early literacy skills. Under the bill, each school district and independent charter school must post its early literacy remediation plan on its website.

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Under current law, a school board or independent charter school must report the results of a reading readiness assessment to a pupil's parent. Current law does not provide a deadline by which the reading readiness results must be provided to parents.

REPORTING REQUIREMENTS

Under the bill, school boards and independent charter schools must annually, by July 15, report to DPI 1) the number of pupils who were identified as at-risk based on early literacy assessments administered in the previous school year; 2) the number of five-year-old kindergarten to third grade pupils who began receiving literacy interventions or remedial reading services in the previous school year, by grade; 3) the total number of five-year-old kindergarten to third grade pupils who received literacy interventions or remedial reading services in the previous school year; 4) the number of five-year-old kindergarten to third grade pupils who exited literacy interventions in the previous school year; and 5) the number of pupils for whom a special education referral was made based on the results of a diagnostic assessment. The school board or independent charter school must also report the names of the diagnostic assessments the school board or independent charter school used to assess pupils in the previous school year. Annually, by November 30, DPI must compile the information it receives from school boards and independent charter schools and submit a report to the legislature.

ENFORCEMENT

The bill allows the parent or guardian of a pupil enrolled in four-year-old kindergarten to third grade in a school district or independent charter school to file a complaint with DPI if the parent or guardian believes that the school board or independent charter school operator is not in compliance with requirements in the bill. Under the bill, DPI must issue a determination on whether the school board or independent charter school is in compliance and, if the school board or independent charter school is not in compliance, describe the actions that must be taken for the school board or independent charter school to be in compliance with the applicable requirements. If a school board or independent charter school continues to fail to comply with the requirements in the bill, the bill allows an individual who filed a complaint with DPI to bring an action in circuit court to compel the school board or independent charter school to comply with the requirements created in the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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:

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1 15.01 (6) “Division,” “bureau,” “section,” and “unit” means the subunits of a
2 department or an independent agency, whether specifically created by law or created
3 by the head of the department or the independent agency for the more economic and
4 efficient administration and operation of the programs assigned to the department
5 or independent agency. The office of credit unions in the department of financial
6 institutions, the office of the inspector general in the department of children and
7 families, the office of the inspector general in the department of health services, and
8 the office of children’s mental health in the department of health services have the
9 meaning of “division” under this subsection. The office of the long-term care
10 ombudsman under the board on aging and long-term care and the office of
11 educational accountability and the office of literacy in the department of public
12 instruction have the meaning of “bureau” under this subsection.

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

14 15.374 (2) OFFICE OF LITERACY. There is created an office of literacy, to be known
15 as the Wisconsin Reading Center, in the department of public instruction. The
16 director of the office shall be nominated by the state superintendent of public
17 instruction after consultation with the council on early literacy curricula, and with
18 the advice and consent of the senate appointed, to serve at the pleasure of the state
19 superintendent of public instruction.

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

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

23 15.377 (9) COUNCIL ON EARLY LITERACY CURRICULA. (a) There is created in the
24 department of public instruction a council on early literacy curricula composed of 9
25 members who have knowledge of or experience with science-based early literacy

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1 instruction, as defined in s. 118.015 (1c) (b), and literacy curricula for pupils in grades
2 kindergarten to 3. The members of the council shall be appointed for staggered
3 3-year terms, as follows:

- 4 1. Three members appointed by the speaker of the assembly.
- 5 2. Three members appointed by the senate majority leader.
- 6 3. Three members appointed by the state superintendent of public instruction.

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

- 9 1. The individual has a financial interest in an entity that develops, sells, or
10 markets a product to assess reading ability.
- 11 2. The individual has a financial interest in an entity that develops, sells, or
12 markets a product specifically intended to be used to teach reading.
- 13 3. The individual has a financial interest in an entity that develops, sells, or
14 markets a product to treat reading difficulties.

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

- 17 1. A direct or indirect ownership interest in the entity.
- 18 2. Receiving income from the entity during the 12 months preceding the
19 consideration for appointment under par. (a).

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

21 115.28 (7) (a) License all teachers for the public schools of the state; make rules
22 establishing standards of attainment and procedures for the examination and
23 licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.191,
24 118.1915, 118.192, 118.193, 118.194, 118.195, and 118.197; prescribe by rule
25 standards, requirements, and procedures for the approval of teacher preparatory

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1 programs leading to licensure, including a requirement that, to be approved by the
2 state superintendent, a teacher preparatory program shall demonstrate that it
3 provides instruction that prepares teachers to teach reading and language arts using
4 science-based early reading instruction, as defined in s. 118.015 (1c) (b), and does not
5 provide instruction on teaching reading and language arts that incorporates
6 3-cueing, as defined in s. 118.015 (1c) (c), and a requirement that, beginning on July
7 1, 2012, and annually thereafter, each teacher preparatory program located in this
8 state shall submit to the department a list of individuals who have completed the
9 program and who have been recommended by the program for licensure under this
10 subsection, together with each individual's date of program completion, from each
11 term or semester of the program's most recently completed academic year; file in the
12 state superintendent's office all papers relating to state teachers' licenses; and
13 register each such license.

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

15 115.38 (1) (a) Indicators of academic achievement, including the performance
16 of pupils on the tests administered under s. 121.02 (1) (r), the performance of pupils
17 on assessments required under s. 118.016 (3), and the performance of pupils, by
18 subject area, on the statewide assessment examinations administered under s.
19 118.30.

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

21 115.385 (1) (e) For a school district other than a union high school district and
22 for each school that offers grade 3 in that school district, the number and percentage
23 of pupils who scored in the lowest proficiency category on the standardized reading
24 test administered under s. 121.02 (1) (r).

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

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

2 (a) “CESA region” means the geographic territory within the boundaries of a
3 cooperative educational service agency.

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

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

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

10 (c) “Office” means the office of literacy in the department.

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

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

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

24 (c) Prohibit literacy coaches from using or promoting instruction that includes
25 3-cueing, as defined in s. 118.015 (1c) (c).

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

3 1. Based on scores of the standardized reading test administered to pupils
4 during the prior school year under s. 121.02 (1) (r), the office shall identify the 50
5 eligible schools that had the lowest percentage of pupils score as proficient in reading
6 at grade level and the 50 eligible schools that had the largest gap in pupils who scored
7 as proficient in reading at grade level.

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

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

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

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

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

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

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

4 (d) The office shall ensure that a school assigned a literacy coach under par. (a)
5 or (b) does not request or require that the literacy coach perform duties outside the
6 individual's role as a literacy coach. For purposes of this paragraph, the role of a
7 literacy coach is to provide support to administrators, school-based literacy coaches,
8 principals, and teachers to build teacher and school capacity to teach reading and
9 language arts using science-based early reading instruction, as defined in s. 118.015
10 (1c) (b), in order to increase the percentage of pupils who are reading at grade level
11 by the end of grade 3.

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

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

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

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

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

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

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

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

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

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

7 **118.015** (title) **Reading instruction; early literacy curricula and**
8 **instructional materials.**

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

10 118.015 (1c) DEFINITIONS. In this section:

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

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

16 1. Phonological awareness, including word awareness, rhyme recognition,
17 repetition and creation of alliteration, syllable counting or identification, onset, and
18 rime manipulation.

19 2. Phonemic awareness, including phoneme identification, isolation, blending,
20 segmentation, addition, substitution, and deletion.

21 3. Phonics.

22 4. Building background knowledge.

23 5. Oral language development.

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

25 7. Instruction in writing.

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1 8. Instruction in comprehension.

2 9. Reading fluency.

3 (c) "Three-cueing" means any model, including the model referred to as
4 meaning, structure, and visual cues, or MSV, of teaching a pupil to read based on
5 meaning, structure and syntax, and visual cues or memory.

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

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

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

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

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

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1 of the committee notify the department that the committee has scheduled a meeting
2 to review the proposed recommendations, the department may not adopt the
3 proposed recommendations unless the committee approves or modifies the proposed
4 recommendations. If the committee modifies the plan, the department may adopt
5 the recommendations only as modified by the committee.

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

9 (c) 1. Beginning on January 1, 2024, if a school board, operator of a charter
10 school, or governing body of a private school participating in a program under s.
11 118.60 or 119.23 adopts a new literacy curriculum for use in grades kindergarten to
12 3, the school board, operator, or governing body shall adopt a literacy curriculum
13 from the recommendations adopted under par. (b).

14 2. The department shall award grants to reimburse school boards, operators
15 of charter schools, and governing bodies of private schools participating in a program
16 under s. 118.60 or 119.23 that adopt a literacy curriculum from the recommendations
17 adopted under par. (b) after January 1, 2024. A grant under this subdivision shall
18 be an amount equal to one-half of the costs of purchasing the literacy curriculum and
19 instructional materials adopted from the recommendations adopted under par. (b).
20 If the amount appropriated for this purpose is insufficient to pay the full amount to
21 all grant recipients under this subdivision, the department shall prorate the grant
22 awards among all grant recipients.

23 (d) Beginning on the effective date of this paragraph [LRB inserts date], no
24 school board, operator of an independent charter school, or governing body of a

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1 private school participating in a program under s. 118.60 or 119.23 may purchase
2 curricula or instructional materials that include 3-cueing.

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

4 118.015 (2) EMPLOYMENT OF READING SPECIALISTS. Each school district shall
5 employ a reading specialist certified by the department to ~~develop and~~ coordinate a
6 comprehensive reading curriculum in grades kindergarten to 12. At the discretion
7 of the state superintendent, a school district may contract with other school districts
8 or cooperative educational service agencies to employ a certified reading specialist
9 on a cooperative basis.

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

11 118.015 (3) (a) ~~Develop and implement~~ Implement a reading curriculum in
12 grades kindergarten to 12.

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

14 118.015 (5) PROHIBITED INSTRUCTIONAL PRACTICES; 3-CUEING. Beginning in the
15 2024-25 school year, no public school, including a charter school, may provide
16 instruction that incorporates 3-cueing in the core reading curriculum for grades
17 kindergarten to 3 or in supplemental materials, including materials used for reading
18 intervention, for pupils in grades kindergarten to 3.

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

20 **118.016 Reading readiness assessments; characteristics of dyslexia.**

21 (1) DEFINITIONS. In this section:

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

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

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

5 2. An opportunity for a pupil's parent to complete a family history survey to
6 provide additional information about learning difficulties in the pupil's family.

7 (c) "Dyslexia" means a specific learning disability that is all of the following:

8 1. Neurobiological in origin.

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

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

15 (d) "Family history survey" means a questionnaire that includes questions
16 about previous recommendations for summer reading support or outside tutoring,
17 general interest in reading and books, family history of characteristics of dyslexia,
18 and any known family struggles in reading or spelling.

19 (e) "Fidelity" means to perform in the manner that the author or publisher of
20 a program or assessment intends.

21 (f) "Fundamental skills screening assessment" means an assessment that
22 evaluates whether a pupil possesses phonemic awareness and letter sound
23 knowledge.

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

4 (h) “Independent charter school” means a charter school established under s.
5 118.40 (2r) or (2x).

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

- 7 1. Explicit, direct instruction that is systematic, sequential, and cumulative
8 and follows a logical plan of presenting the area of deficit that targets the specific
9 needs of the pupil without presuming prior skills or knowledge of the pupil.
- 10 2. Individualized instruction to meet the specific needs of a pupil in a setting
11 that uses intensive, highly concentrated instruction methods and materials that
12 maximize pupil engagement.
- 13 3. Instruction that incorporates the simultaneous use of 2 or more sensory
14 pathways during teacher presentations and pupil practice.

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

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

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

- 20 1. Phonemic awareness.
- 21 2. Decoding skills.
- 22 3. Alphabet knowledge.
- 23 4. Letter sound knowledge.
- 24 5. Oral Vocabulary.

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1 **(2) FOUR-YEAR-OLD KINDERGARTEN; SCREENING REQUIREMENT.** Each school board
2 and the operator of each independent charter school shall annually assess the early
3 literacy skills of each pupil enrolled in 4-year-old kindergarten in the school district
4 or in the independent charter school at least 2 times during the school year using a
5 fundamental skills screening assessment selected by the department. The school
6 board or operator of the independent charter school shall ensure that the first
7 screening assessment is administered before the 45th day after the first day of the
8 school term and that the 2nd screening assessment is administered by the date that
9 is 45 days before the last day of the school term. The school board or operator of the
10 independent charter school shall ensure that assessments required under this
11 subsection are administered with fidelity.

12 **(3) EARLY LITERACY ASSESSMENTS; 5-YEAR-OLD KINDERGARTEN TO 3RD GRADE.** Each
13 school board and the operator of each independent charter school shall annually
14 assess the early literacy skills of each pupil enrolled in 5-year-old kindergarten to
15 3rd grade in the school district or in the independent charter school as follows:

16 (a) *Universal screenings.* Screen the pupil at least 3 times during the school
17 year using a universal screening assessment selected by the department. The school
18 board or operator of the independent charter school shall ensure that the universal
19 screening assessments are administered at the following times during the school
20 year:

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

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

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1 3. The 3rd universal screening assessment is administered by the date that is
2 45 days before the last day of the school term.

3 (b) *Diagnostic assessment.* Assess a pupil using a diagnostic assessment as
4 follows:

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

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

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

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

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

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

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

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

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1 4. The definition of “at-risk” and the score on the reading readiness assessment
2 that would indicate that a pupil is at-risk.

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

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

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

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

14 2. Information about appropriate interventions and accommodations for pupils
15 with characteristics of dyslexia.

16 (d) *Early literacy remediation plan; availability.* A school board or operator of
17 an independent charter school shall post its early literacy remediation plan, as
18 established under sub. (6), on the school district’s or independent charter school’s
19 website.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (c) A description of how the school board or operator of the independent charter
6 school monitors pupil progress during interventions, including the frequency of
7 monitoring pupil progress during interventions and any assessment tools used to
8 monitor pupil progress during interventions.

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

12 (e) A parent notification policy that complies with subs. (4) and (5) (a) 4. and
13 5.

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

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

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

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

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

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

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

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

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

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

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

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

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

20 c. The assessment includes a growth measure.

21 3. The department shall publish a list of the assessments selected or approved
22 under subd. 1. on its website and submit the lists of approved assessments to the
23 appropriate standing committees of the legislature under s. 13.172 (3). If the
24 department modifies a list under subd. 1., the department shall submit the modified
25 list to the appropriate standing committees of the legislature under s. 13.172 (3).

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1 (b) *Reports to the legislature.* By November 30, 2025, and by each November
2 30 thereafter, the department shall compile the information it receives under sub.
3 (7) and submit a report to the appropriate standing committees of the legislature
4 under s. 13.172 (3) that includes the number of pupils identified as at-risk in the
5 previous school year, by school and by school district.

6 **(9) STATE AID.** (a) *Payment for costs.* From the appropriation under s. 20.255
7 (1) (f) and subject to par. (b), the department shall pay a school board or operator of
8 an independent charter school the per pupil cost of each reading readiness
9 assessment required to be administered under sub. (2) or (3). Beginning in the
10 2025-26 school year, the department may pay a school board or operator of an
11 independent charter school under this paragraph only if the school board or operator
12 of the independent charter school does all of the following:

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

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

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

21 **(10) ENFORCEMENT.** (a) If a parent or guardian of a pupil enrolled in 4-year-old
22 kindergarten to 3rd grade in a school district or independent charter school believes
23 that the school board or operator of the independent charter school is not in
24 compliance with this section, the parent or guardian may file a complaint with the
25 department that describes the specific manner in which the school board or operator

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1 is not in compliance with this section. The department shall review a complaint
2 received under this paragraph and issue a determination on whether the school
3 board or operator is in compliance with this section. If the department determines
4 that a school board or operator of an independent charter school is not in compliance
5 with this section, the department shall notify the school board or operator of its
6 determination and shall include in the notice the specific actions required for the
7 school board or operator to be in compliance with this section.

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

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

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

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

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

20 118.19 **(12)** (intro.) ~~Beginning on July 1, 1998, the~~ The department may not
21 issue a license that authorizes the holder to teach reading or language arts to pupils
22 in any prekindergarten class or in any of the grades from kindergarten to 6 unless
23 the applicant has successfully completed instruction preparing the applicant to
24 teach reading and language arts ~~using appropriate instructional methods, including~~
25 ~~phonics. The phonics instruction need not be provided as a separate course. In this~~

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1 subsection, “phonics” means a method of teaching beginners to read and pronounce
2 words by learning the phonetic value of letters, letter groups and syllables. that
3 satisfies all of the following:

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

5 118.19 (12) (a) The instruction prepared the applicant to teach reading and
6 language arts using science-based early reading instruction, as defined in s. 118.015
7 (1c) (b).

8 (b) For licenses issued on or after July 1, 2026, the instruction did not include
9 3-cueing, as defined in s. 118.015 (1c) (c), as a method to teach reading and language
10 arts.

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

12 118.33 (5m) By January 1, 2025, the department shall establish by rule a
13 model policy for promoting a pupil from the 3rd grade to the 4th grade that includes
14 retention based on the pupil’s score on the examination under s. 121.02 (1) (r). The
15 department shall include in the model policy at least all of the following:

16 (a) A requirement that a pupil who scores in the lowest proficiency category on
17 the examination under s. 121.02 (1) (r) be retained in the 3rd grade.

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

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

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

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

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

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

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

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

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

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

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

21 118.33 (6) (a) 3. By July 1, 2025, each school board shall adopt a written policy
22 specifying the criteria for promoting a pupil from the 3rd grade to the 4th grade that
23 includes at least all of the components under sub. (5m) (a) to (d). Beginning on
24 September 1, 2028, a school board may not promote a 3rd grade pupil to the 4th grade

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1 unless the pupil satisfies the criteria for promotion specified in the school board's
2 policy under this subdivision.

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

4 118.33 (6) (b) 2m. By July 1, 2025, each operator of a charter school under s.
5 118.40 (2r) or (2x) shall adopt a written policy specifying the criteria for promoting
6 a pupil from the 3rd grade to the 4th grade that includes at least all of the components
7 under sub. (5m) (a) to (d). Beginning on September 1, 2028, an operator of a charter
8 school under s. 118.40 (2r) or (2x) may not promote a 3rd grade pupil to the 4th grade
9 unless the pupil satisfies the criteria for promotion specified in the charter school
10 operator's policy under this subdivision.

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

12 118.33 (6) (b) 3. If a school board enters into an agreement with a federally
13 recognized American Indian tribe or band in this state to establish a charter school,
14 the criteria specified in the ~~policy~~ policies adopted by that school board under par.
15 (a) 1. and 3. apply to pupils enrolled in the charter school and that school board is
16 subject to the prohibitions in par. (a) 2. and 3. with respect to pupils enrolled in the
17 charter school, regardless of the location of the charter school.

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

19 118.33 (6) (c) 3. By July 1, 2025, the governing body of each private school
20 participating in the program under s. 119.23 shall adopt a written policy specifying
21 the criteria for promoting a pupil from the 3rd grade to the 4th grade that includes
22 at least all of the components under sub. (5m) (a) to (d). Beginning on September 1,
23 2028, the governing body of a private school participating in the program under s.
24 119.23 may not promote a 3rd grade pupil to the 4th grade unless the pupil satisfies

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1 the criteria for promotion specified in the governing body's policy under this
2 subdivision.

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

4 118.33 (6) (cr) 3. By July 1, 2025, the governing body of each private school
5 participating in the program under s. 118.60 shall adopt a written policy specifying
6 the criteria for promoting a pupil from the 3rd grade to the 4th grade that includes
7 at least all of the components under sub. (5m) (a) to (d). Beginning on September 1,
8 2028, the governing body of a private school participating in the program under s.
9 118.60 may not promote a 3rd grade pupil to the 4th grade unless the pupil satisfies
10 the criteria for promotion specified in the governing body's policy under this
11 subdivision.

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

13 119.44 (2) (bm) The performance of pupils on the assessments administered
14 during the prior school year under s. 118.016 (3), categorized by school, gender, and
15 ethnicity.

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

17 121.02 (1) (c) 3. The pupil's ~~reading assessment performance on an assessment~~
18 under s. 118.016 (3) indicates that the pupil is ~~at-risk of reading difficulty~~ at-risk,
19 as defined in s. 118.016 (1) (a). If this subdivision applies, the interventions or
20 services provided the pupil shall ~~be scientifically based~~ include the components of
21 science-based early reading instruction, as defined in s. 118.015 (1c) (b), and shall
22 address all areas in which the pupil is deficient in a manner consistent with the state
23 standards in reading and language arts.

24 **SECTION 27. Nonstatutory provisions.**

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

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

5 1. Except as provided in subd. 2., 9 members who have knowledge of or
6 experience with science-based early literacy instruction, as defined in s. 118.015 (1c)
7 (b), and literacy curricula for pupils in grades kindergarten to 3 appointed jointly by
8 the state superintendent of public instruction, the speaker of the assembly, and the
9 senate majority leader.

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

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

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

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

23 3. If members are appointed under subd. 2., the speaker of the assembly, the
24 senate majority leader, and the state superintendent of public instruction shall make

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1 their respective appointments by no later than 60 days after the effective date of this
2 subdivision.

3 (b) *Staggered terms.* Notwithstanding the length of terms specified for the
4 members of the council on early literacy curricula under s. 15.377 (9) (a), 3 of the
5 initial members shall be appointed for terms expiring on July 1, 2024; 3 of the initial
6 members shall be appointed for terms expiring on July 1, 2025; and 3 of the initial
7 members shall be appointed for terms expiring on July 1, 2026. At the expiration of
8 an initial term, each of the appointing authorities under s. 15.377 (9) (a) 1., 2., and
9 3. shall appoint one member to the council.

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

11 1. The council on early literacy curricula shall submit to the department of
12 public instruction recommendations for literacy curricula and instructional
13 materials for grades kindergarten to 3 for use in the 2024-25 school year by no later
14 than October 1, 2023. The council on early literacy curricula may recommend only
15 literacy curricula and instructional materials that satisfy the criteria in s. 118.015
16 (1m) (a) 1. and 2.

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

22 (2) **MANDATORY EARLY READING INSTRUCTION PROFESSIONAL DEVELOPMENT.**

23 (a) Each school board and operator of a charter school shall ensure that, by July
24 1, 2025, or for an individual hired after January 1, 2025, but before July 1, 2025, by
25 no later than 6 months after the individual's date of hire, each individual who teaches

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1 a grade from kindergarten to 3 in the school district or charter school, each individual
2 employed by the school board or charter school as a principal of a school that offers
3 grades kindergarten to 3, and each individual employed by the school board or
4 charter school as a reading specialist has received professional development training
5 that is all of the following:

6 1. Voyager Sopris Language Essentials for Teachers of Reading and Spelling
7 training or another program endorsed by the Center for Effective Reading
8 Instruction as an accredited independent teacher training program.

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

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

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

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

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

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

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

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1 (b) The Board of Regents of the University of Wisconsin System shall ensure
2 that, by July 1, 2025, any faculty or academic staff member of the University of
3 Wisconsin System who teaches a course that includes curriculum in reading
4 instruction designed for an individual who intends to apply for a license issued by
5 the department of public instruction to teach a grade from kindergarten to 3, to be
6 a principal, or to be a reading specialist has received the professional development
7 training specified in par. (a) 1. and 2.

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

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

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

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

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

SECTION 28. Initial applicability.

22 (1) LICENSE TO TEACH; LITERACY REQUIREMENT. The treatment of s. 118.19 (12)
23 first applies to an application for a license to teach under s. 118.19 received by the
24 department on July 1, 2025.
25

