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# Wisconsin Legislative Council

## ACT MEMO

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**Prepared by:** Katie Bender-Olson, Principal Attorney

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**2023 Wisconsin Act 20**  
[2023 Assembly Bill 321]

**Early Literacy Instruction,  
Curriculum, and Assessments**

2023 Wisconsin Act 20 makes various changes relating to early literacy instruction, curriculum, assessments, and interventions, as well as teacher licensing and preparation.

### OFFICE OF LITERACY

Act 20 creates an Office of Literacy, known as the “Wisconsin Reading Center,” within the Department of Public Instruction (DPI) to carry out responsibilities relating to early literacy outcomes. The State Superintendent of Public Instruction must nominate a director for the office, in consultation with a Council on Early Literacy Curricula also created by the act. The nomination is subject to Senate confirmation and the director serves at the pleasure of the State Superintendent. The act creates a sunset date for the office so that it ceases to exist on July 1, 2028.

### COUNCIL ON EARLY LITERACY CURRICULA

Act 20 creates a Council on Early Literacy Curricula located within the DPI Office of Literacy. The council must annually recommend to DPI science-based literacy curricula and instructional materials for use in grades K-3, beginning in the 2023-24 school year. DPI must then submit curricula and materials recommendations to the Joint Committee on Finance (JCF) for passive review.

The council consists of nine members who have knowledge or experience with science-based early literacy instruction and literacy curricula for students in kindergarten to third grade. The Speaker of the Assembly, the Senate Majority Leader, and the State Superintendent each appoint three council members to serve for staggered three-year terms.<sup>1</sup> Individuals are not eligible to serve on the council if they have a financial interest in an entity that develops, sells, or markets a product to assess reading ability, teach reading, or treat reading difficulties.

### READING CURRICULUM PURCHASING GRANTS

Act 20 creates grants covering a portion of costs for purchasing curriculum and instructional materials recommended by the Council on Early Literacy Curricula. Traditional public schools, independent charter schools, and private schools participating in the Milwaukee Parental Choice Program, the Racine Parental Choice Program, and the Wisconsin Parental Choice Program (“choice programs”) are eligible for grants if they adopt a recommended curriculum after January 1, 2024. DPI must provide schools with 50 percent reimbursement for eligible costs, except that DPI must prorate payments if there are insufficient funds to cover all grant awards.

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<sup>1</sup> The initial members of the council are appointed jointly by the State Superintendent, Assembly Speaker, and Senate Majority Leader. If they fail to jointly appoint members within 45 days, then each of the listed individuals appoints three council members within 60 days.

## **LITERACY COACHING PROGRAM**

The act establishes a Literacy Coaching Program within the DPI Office of Literacy, which assigns literacy coaches to work with traditional public schools, independent charters schools, and private schools participating in a choice program (“choice schools”). Under the act, DPI literacy coaches will provide support to school administrators, school-based literacy coaches, principals, and teachers to build capacity to teach reading using science-based early reading instruction<sup>2</sup> and increase the percentage of students reading at grade level by the end of third grade.

DPI must contract with up to 64 full-time literacy coaches. To be a literacy coach, an individual must demonstrate knowledge and expertise in science-based early literacy instruction and have K-12 instructional experience. DPI must provide literacy coaches with ongoing training and supervision, and prohibit them from using or promoting three-cueing instruction, described below. The agency must also ensure that schools working with assigned literacy coaches do not require coaches to perform other duties outside of their roles as literacy coaches, and that an individual coach is assigned to no more than three schools.

The act prescribes how DPI will assign literacy coaches to individual schools. DPI must assign one-half of the coaches to schools with low student reading proficiency scores and the largest gaps in student reading scores. At least two schools receiving literacy coaches based on low reading scores or large gaps must be choice schools. DPI must assign the other half of literacy coaches to schools requesting early literacy support, in consultation with cooperative educational service agencies (CESAs), and must allocate these coaches evenly across CESA regions. Regardless of scores or school requests, DPI can assign no more than 10 literacy coaches to Milwaukee Public Schools and no more than four to any other school district. Additionally, DPI must assign at least three coaches to schools within each CESA region.<sup>3</sup>

Under Act 20, DPI must submit an annual report to JCF that includes specified information regarding the literacy coaching program. The report must include the number of literacy coaches requested and assigned, the number of schools receiving assistance from a literacy coach, the number of coaches hired and terminated, and third grade reading test scores and screening assessment results for schools assigned a coach, among other information.

The act creates a sunset date for the literacy coaching program so that it ceases to exist on July 1, 2028.

## **REQUIRED READING ASSESSMENTS**

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

Act 20 replaces this 4K to second grade requirement with a new system of literacy assessment involving more frequent testing, and creates a new assessment requirement for students in five year-old kindergarten (5K) to third grade. The act requires traditional public schools and independent charter

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<sup>2</sup> “Science-based early reading instruction” is defined to mean instruction that is systematic and explicit and consists of at least the following: (a) phonological awareness, including word awareness, rhyme recognition, repetition and creation of alliteration, syllable counting or identification, onset, and rime manipulation; (b) phonemic awareness, including phoneme identification, isolation, blending, segmentation, addition, substitution, and deletion; (c) phonics; (d) building background knowledge; (e) oral language development; (f) vocabulary building to develop lexical and morphological knowledge; (g) instruction in writing; (h) instruction in comprehension; and (i) reading fluency.

<sup>3</sup> Wisconsin has 12 CESAs, each of which covers a particular geographic area.

schools to administer fundamental skills screening assessments to 4K students, administer universal screening assessments and diagnostic assessments to 5K to third grade students, and notify parents of assessment results. Schools must also report specific assessment data to DPI regarding students identified as “at-risk” based on their assessment results and the number of students receiving reading interventions.

The assessment, notification, and reporting requirements take effect on July 1, 2024, first applying in the 2024-25 school year. The requirements do not apply to choice schools.

### **Fundamental Skills Screening Assessments – All 4K Students**

The act requires traditional public schools and independent charter schools to administer a fundamental skills screening assessment selected and provided by DPI to assess the early literacy skills of each 4K student. A fundamental skills screening assessment must evaluate whether a student possesses phonemic awareness and letter sound knowledge.

Schools must assess 4K students at least two times each year, with the first assessment administered within 45 days of the beginning of the school year and the second assessment at least 45 days before the end of the school year. Schools must ensure that they administer assessments with fidelity, meaning they perform the assessments in the manner the program or assessment author or publisher intends.

### **Universal Screening Assessments – All 5K to Third Grade Students**

Act 20 requires traditional public schools and independent charter schools to administer a universal screening assessment selected and provided by DPI to assess the early literacy skills of 5K to third grade students. A universal screening assessment must evaluate the following for each student: (1) phonemic awareness; (2) decoding skills; (3) alphabet knowledge; (4) letter sound knowledge; and (5) oral vocabulary.

Schools must assess 5K to third grade students at least three times each year, with the initial assessment administered within the first 45 days of the school year, the second administered in the middle of the school year, and the third administered at least 45 days before the end of the school year. Schools must administer the universal screening assessments with fidelity.

### **Diagnostic Assessments – 5K to Third Grade Students Identified as “At Risk” or for Whom Assessment is Requested**

The act requires traditional public schools and independent charter schools to administer a diagnostic assessment to students scoring below a certain level on a universal screening assessment, or to students for whom a teacher or parent requests a diagnostic assessment. Specifically, a school must administer a diagnostic assessment to a student identified as “at-risk,” meaning the student scores below the 25<sup>th</sup> percentile on a universal screening assessment or a previous diagnostic assessment.

A diagnostic assessment is a tool that includes both an assessment to evaluate specified literacy skills, and a family history survey. The assessment must evaluate the following: (1) phonemic awareness; (2) decoding skills; (3) alphabet knowledge; (4) letter sound knowledge; (5) oral vocabulary; (6) rapid naming; (7) phonological awareness; (8) word recognition; (9) spelling; (10) vocabulary; (11) listening comprehension; and (12) oral reading fluency and reading comprehension (when developmentally appropriate). The assessment must also provide an opportunity for a student’s parent to complete a family history survey, which is a questionnaire inquiring about previous recommended summer reading

support or outside tutoring, general interest in reading and books, family history of dyslexia,<sup>4</sup> and any other known family struggles with learning or spelling.

Schools must administer a diagnostic assessment within a certain time frame after a student scores below the 25<sup>th</sup> percentile on a universal screening assessment, or after a parent or teacher requests the diagnostic assessment for the student. A school must administer a diagnostic assessment to a student by the second Friday of November if the first universal screening of the school year indicates the student is “at risk,” or within 10 days if a mid-year universal screening indicates the student is “at risk.” A school must also administer a diagnostic assessment within 20 days after a teacher or parent who suspects a student has characteristics of dyslexia submits a request for the assessment.

School districts and independent charter schools may choose the particular diagnostic assessment they administer from a list of DPI-approved assessments, but must administer the assessment with fidelity. DPI must pay districts and independent charter schools for the per-student cost of administering diagnostic assessments.

## **READING INTERVENTIONS FOR STUDENTS**

Act 20 requires schools to provide reading interventions for 5K to third grade students identified as “at-risk” on a universal screening assessment or diagnostic assessment. The school must initially create a personal reading plan for the student. The plan must include the student’s specified early literacy skill deficiencies, goals and benchmarks for the student’s progress, the interventions and instructional services the student will receive, progress monitoring, programming the student’s teacher will use, and strategies the parent is encouraged to use at home.

In addition to creating a personal reading plan, a school must provide a student with the interventions identified in the plan and monitor the student’s weekly progress. Schools must provide parents with a copy of the personal reading plan, which the parents must sign, and must notify parents of a student’s progress after 10 weeks of interventions. If a diagnostic assessment indicates a student is “at-risk,” the school must also provide information to parents about how to make a special education evaluation referral.

## **ENFORCEMENT PROCESS**

The act creates a complaint process enabling parents of 4K to third grade students to file a complaint with DPI alleging that their traditional public school or independent charter school is not complying with reading assessment and intervention requirements outlined in the previous two sections. DPI must review any complaint it receives and determine whether the school is in compliance. DPI must notify a school that is not in compliance and specify actions necessary for the school to come into compliance. If a school continues to be noncompliant following notification, the parent may file a circuit court action asking for injunctive relief or a writ of mandamus ordering the school to comply.

## **POLICIES FOR PROMOTION FROM THIRD TO FOURTH GRADE**

Act 20 mandates that schools adopt policies for promoting students from third to fourth grade that require services and supports for students struggling with reading, but does not compel schools to

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<sup>4</sup> The act creates a definition of “dyslexia,” which means a specific learning disability that is all of the following: (a) neurobiological in origin; (b) characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that result from a deficit in the phonological component of language. Consequences may include problems in reading comprehension and reduced reading experience that may impede vocabulary growth and background knowledge; and (c) often unexpected in relation to other cognitive abilities.

retain students in third grade who are reading below grade level. Specifically, the act requires DPI to adopt a model policy for promotion to fourth grade that requires a school to provide the following to students who have a personal reading plan in place in third grade, but have not completed the plan: (1) intensive instructional services; (2) progress monitoring; (3) supports to remediate identified areas of deficiency; and (4) an intensive summer reading program every summer until the student scores at grade level in reading. However, the policy must also include good cause exceptions for certain students.<sup>5</sup>

Additionally, the act requires all traditional public schools and independent charter schools to adopt their own policies for promoting students from third to fourth grade that includes, at minimum, all the components of the DPI model policy. Choice schools must adopt a similar promotion policy, but the promotion criteria must require that students scoring below grade level on the state third grade reading test receive the specified supports, services, and intensive summer reading program, rather than students who have a personal reading plan in place.<sup>6</sup> Beginning on September 1, 2027, traditional public schools, independent charter schools, and choice schools cannot promote students to fourth grade unless the students satisfy the promotion criteria in the school's policy.

## **SCHOOL AND DISTRICT REPORTING**

Act 20 requires data from the state third grade reading test to be included on the school and district report card for every traditional public school, independent charter school, and choice school that offers third grade. The act also requires data from the reading readiness assessments and screeners to be included on each public school's school performance report. Beginning with report cards published for the 2024-25 school year, the report cards must include the percentage of students reading at grade level by the end of third grade.

## **TEACHER LICENSING AND PREPARATION**

Prior law prohibited DPI from issuing a license to teach reading or language arts in pre-kindergarten to sixth grade unless applicants successfully completed instruction preparing them to teach reading and language arts using phonics. Act 20 instead requires applicants to receive instruction to teach reading and language arts using science-based literacy instruction, which includes phonics as one component. The instruction cannot include three-cueing as a method for teaching reading and language arts for licenses issued on or after July 1, 2026.

The act also requires teacher preparatory programs to demonstrate they provide instruction that prepares teachers to teach reading and language arts using science-based early reading instruction and they do not provide instruction incorporating three-cueing.

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<sup>5</sup> Under Act 20, a school does not have to provide the specified supports under its promotion policy to limited-English proficiency students, students with an Individual Education Plan (IEP) indicating that standardized reading assessments are not appropriate, students who score proficient in reading on an alternative standardized assessment, students with an IEP or Section 504 plan who received intensive interventions in reading more than two years and were retained in a prior grade, and students who received intensive interventions in reading and were retained in a prior grade.

<sup>6</sup> The act does not require choice schools to create personal reading plans for their students. Therefore, for choice students, a student's score on the state third grade reading test triggers the requirement for a choice school to provide reading supports and services within its fourth grade promotion policy, rather than having an uncompleted personal reading plan in place at the end of third grade.

## **PROFESSIONAL DEVELOPMENT**

Act 20 requires all of the following individuals to receive specific professional development training in science-based reading instruction: (1) educators who teach grades K-3; (2) principals of schools that offer grades K-3; (3) reading specialists; and (4) University of Wisconsin System faculty and academic staff members who teach a course that includes curriculum in reading instruction designed for educators. The professional development must meet certain requirements, including that the training be the Lexia Learning Systems, LLC, Language Essentials for Teachers of Reading and Spelling (LETRS) or another program endorsed by the Center for Effective Reading Instruction.

**Effective date:** July 21, 2023

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

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