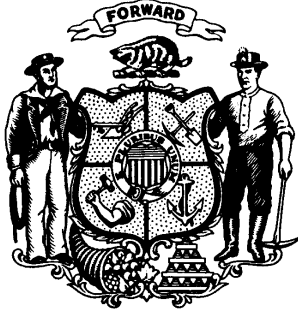


State of Wisconsin



2023 Assembly Bill 321

Date of enactment: **July 19, 2023**
Date of publication*: **July 20, 2023**

2023 WISCONSIN ACT 20

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

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

SECTION 1. 15.01 (6) of the statutes is amended to read:

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

in the department of public instruction have the meaning of “bureau” under this subsection.

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

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

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

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

15.377 (9) **COUNCIL ON EARLY LITERACY CURRICULA.** (a) There is created in the department of public instruction a council on early literacy curricula composed of 9 members who have knowledge of or experi-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”

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

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

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

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

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

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

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

115.28 (7) (a) License all teachers for the public schools of the state; make rules establishing standards of attainment and procedures for the examination and licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.191, 118.1915, 118.192, 118.193, 118.194, 118.195, and 118.197; prescribe by rule standards, requirements, and procedures for the approval of teacher preparatory programs leading to licensure, including a requirement that, to be approved by the state superintendent, a teacher preparatory program shall demonstrate that it provides instruction that prepares teachers to teach reading and language arts using science-based early reading instruction, as defined in s. 118.015 (1c) (b), and does not provide instruction on teaching reading and language arts that incorporates 3-cueing, as defined in s. 118.015 (1c) (c), and a requirement that, beginning on July 1, 2012, and annually thereafter, each teacher preparatory program located in this state shall submit to the department a list of individuals who have completed the program and who have been recommended by the program for licensure under

this subsection, together with each individual’s date of program completion, from each term or semester of the program’s most recently completed academic year; file in the state superintendent’s office all papers relating to state teachers’ licenses; and register each such license.

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

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

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

115.385 (1) (e) Beginning with the accountability report published for the 2024-25 school year, for a school district other than a union high school district and for each school that offers grade 3 in that school district, the percentage of pupils reading at grade level by the end of 3rd grade.

SECTION 8. 115.39 of the statutes is created to read:
115.39 Literacy coaching program. (1) DEFINITIONS. In this section:

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

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

1. A public school, including a charter school established under s. 118.40 (2r) or (2x).
2. A private school participating in a program under s. 118.60 or 119.23.

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

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

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

(b) Provide ongoing training on science-based early literacy instruction and instructional practices and su-

pervision to individuals with whom the office contracts under par. (a).

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

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

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

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

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

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

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

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

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

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

(d) The office shall ensure that a school assigned a literacy coach under par. (a) or (b) does not request or require that the literacy coach perform duties outside the individual's role as a literacy coach. For purposes of this paragraph, the role of a literacy coach is to provide support to administrators, school-based literacy coaches, principals, and teachers to build teacher and school capacity to teach reading and language arts using science-based early reading instruction, as defined in s.

118.015 (1c) (b), in order to increase the percentage of pupils who are reading at grade level by the end of grade 3.

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

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

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

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

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

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

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

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

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

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

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

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

118.015 (1c) DEFINITIONS. In this section:

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

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

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

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

3. Phonics.

4. Building background knowledge.

5. Oral language development.

6. Vocabulary building to develop lexical and morphological knowledge.

7. Instruction in writing.

8. Instruction in comprehension.

9. Reading fluency.

(c) “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.

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

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

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

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

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

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

(c) The department shall award grants to reimburse school boards, operators of charter schools, and governing bodies of private schools participating in a program

under s. 118.60 or 119.23 that adopt a literacy curriculum from the recommendations adopted under par. (b) after January 1, 2024. A grant under this paragraph shall be an amount equal to one-half of the costs of purchasing the literacy curriculum and instructional materials adopted from the recommendations adopted under par. (b). If the amount appropriated for this purpose is insufficient to pay the full amount to all grant recipients under this paragraph, the department shall prorate the grant awards among all grant recipients.

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

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

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

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

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

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

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

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

118.016 Reading readiness assessments; characteristics of dyslexia. (1) DEFINITIONS. In this section:

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

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

1. An assessment that evaluates a pupil’s skill in the

areas listed in par. (L) 1. to 5., rapid naming, phonological awareness, word recognition, spelling, vocabulary, listening comprehension, and, when developmentally appropriate for the pupil, oral reading fluency and reading comprehension.

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

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

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

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

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

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

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

(h) "Independent charter school" means a charter school established under s. 118.40 (2r) or (2x).

(i) "Intervention" means an intervention that is all of the following:

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

(j) "Parent" has the meaning given in s. 115.76 (12) (a).

(k) "Reading readiness assessment" means a fundamental skills screening assessment, universal screening assessment, or diagnostic assessment.

(L) "Universal screening assessment" means an assessment that evaluates a pupil's skill in all of the following areas:

1. Phonemic awareness.
2. Decoding skills.
3. Alphabet knowledge.
4. Letter sound knowledge.
5. Oral vocabulary.

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

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

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

1. The first universal screening assessment is administered before the 45th day after the first day of the school term.
2. The 2nd universal screening assessment is administered in the middle of the school term, as determined by the school board or operator of the independent charter school.
3. The 3rd universal screening assessment is administered by the date that is 45 days before the last day of the school term.

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

1. No later than the 2nd Friday of November if a

universal screening assessment administered under par. (a) 1. indicates that the pupil is at-risk.

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) *Early literacy remediation plan; availability.* A school board or operator of an independent charter school shall post its early literacy remediation plan, as

established under sub. (6), on the school district's or independent charter school's website.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. If the pupil is identified as at-risk based on a uni-

versal screening assessment administered under sub. (3) (a) 2. or 3. or based on a diagnostic assessment administered under sub. (3) (b) 2. or 3., within 10 days after the applicable screening assessment is administered.

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

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

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

(d) *Plan completion; 3rd grade.* A 3rd grade pupil who has a personal reading plan under par. (a) 1. is considered to have completed the personal reading plan if the pupil's parent and the pupil's school agree that the pupil has met the goals outlined in the personal reading plan and the pupil scores at grade-level in reading on a summative assessment, as defined by the department by rule.

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

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

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

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

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

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

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

shall report for the independent charter school, all of the following to the department:

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

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

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

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

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

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

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

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

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

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

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

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

c. The assessment includes a growth measure.

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

(b) *Reports to the legislature.* By November 30, 2025, and by each November 30 thereafter, the department shall compile the information it receives under

sub. (7) and submit a report to the appropriate standing committees of the legislature under s. 13.172 (3) that includes the number of pupils identified as at-risk in the previous school year, by school and by school district.

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

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

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

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

(c) *Assessments.* The department shall provide to each school board and operator of an independent charter school the reading readiness assessments required for the school board or operator to comply with sub. (2) and (3) (a), at no cost to the school board or independent charter school.

(10) **ENFORCEMENT.** (a) If a parent or guardian of a pupil enrolled in 4-year-old kindergarten to 3rd grade in a school district or independent charter school believes that the school board or operator of the independent charter school is not in compliance with this section, the parent or guardian may file a complaint with the department that describes the specific manner in which the school board or operator is not in compliance with this section. The department shall review a complaint received under this paragraph and issue a determination on whether the school board or operator is in compliance with this section. If the department determines that a school board or operator of an independent charter school is not in compliance with this section, the department shall notify the school board or operator of its determination and shall include in the notice the specific actions required for the school board or operator to be in compliance with this section.

(b) If the department determines under par. (a) that

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

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

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

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

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

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

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

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

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

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

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

- (a) A requirement that the school board or operator of the charter school under s. 118.40 (2r) or (2x) do all of the following for a pupil promoted to 4th grade who had a personal reading plan under s. 118.016 (5) (a) 1. during the 3rd grade and who is not considered to have completed the personal reading plan under s. 118.016 (5) (d):

1. Provide the pupil with intensive instructional ser-

vices, progress monitoring, and supports to remediate the identified areas of deficiency.

2. Notify the pupil's parent or guardian, in writing, that the pupil did not complete the personal reading plan under s. 118.016 (5) (a) 1. and include a description of the intensive instructional services and supports that will be provided to the pupil to remediate the identified areas of reading deficiency.

3. Provide the pupil with an intensive summer reading program each summer until the pupil scores at grade-level in reading on a summative assessment.

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

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

2. A pupil who has an individual education plan that indicates that neither taking the examination under s. 121.02 (1) (r) nor taking the assessments under s. 118.016 (3) is appropriate for the pupil.

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

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

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

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

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

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

118.33 (6) (b) 2m. By July 1, 2025, each operator of a charter school under s. 118.40 (2r) or (2x) shall adopt a written policy specifying the criteria for promoting a pupil from the 3rd grade to the 4th grade that includes at least all of the components under sub. (5m) (a) and (b). Beginning on September 1, 2027, an operator of a char-

ter school under s. 118.40 (2r) or (2x) may not promote a 3rd grade pupil to the 4th grade unless the pupil satisfies the criteria for promotion specified in the charter school operator's policy under this subdivision.

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

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

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

118.33 (6) (c) 3. By July 1, 2025, the governing body of each private school participating in the program under s. 119.23 shall adopt a written policy specifying the criteria for promoting a pupil from the 3rd grade to the 4th grade that includes at least a requirement to provide to a pupil promoted to 4th grade who scored below grade-level in reading on the examination under s. 121.02 (1) (r) the services described in sub. (5m) (a) 1. to 3. and a good cause exception similar to the exception under sub. (5m) (b). Beginning on September 1, 2027, the governing body of a private school participating in the program under s. 119.23 may not promote a 3rd grade pupil to the 4th grade unless the pupil satisfies the criteria for promotion specified in the governing body's policy under this subdivision.

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

118.33 (6) (cr) 3. By July 1, 2025, the governing body of each private school participating in the program under s. 118.60 shall adopt a written policy specifying the criteria for promoting a pupil from the 3rd grade to the 4th grade that includes at least a requirement to provide to a pupil promoted to 4th grade who scored below grade-level in reading on the examination under s. 121.02 (1) (r) the services described in sub. (5m) (a) 1. to 3. and a good cause exception similar to the exception under sub. (5m) (b). Beginning on September 1, 2027, the governing body of a private school participating in the program under s. 118.60 may not promote a 3rd grade pupil to the 4th grade unless the pupil satisfies the criteria for promotion specified in the governing body's policy under this subdivision.

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

119.44 (2) (bm) The performance of pupils on the assessments administered during the prior school year

under s. 118.016 (3), categorized by school, gender, and ethnicity.

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

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

SECTION 27. Nonstatutory provisions.

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

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

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

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

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

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

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

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

(b) *Staggered terms.* Notwithstanding the length of terms specified for the members of the council on early

literacy curricula under s. 15.377 (9) (a), 3 of the initial members shall be appointed for terms expiring on July 1, 2024; 3 of the initial members shall be appointed for terms expiring on July 1, 2025; and 3 of the initial members shall be appointed for terms expiring on July 1, 2026. At the expiration of an initial term, each of the appointing authorities under s. 15.377 (9) (a) 1., 2., and 3. shall appoint one member to the council.

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

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

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

(2) MANDATORY EARLY READING INSTRUCTION PROFESSIONAL DEVELOPMENT.

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

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

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

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

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

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

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

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

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

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

specialist has received the professional development training specified in par. (a) 1. and 2.

SECTION 28. Initial applicability.

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

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

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

(2) The treatment of ss. 115.38 (1) (a), 118.016, 118.33 (5m) and (6) (a) 3., (b) 2m. and 3., (c) 3., and (cr) 3., 119.44 (2) (bm), and 121.02 (1) (c) 3. takes effect on July 1, 2024.
