

HB 437-FN - AS INTRODUCED

2023 SESSION

23-0714

09/10

HOUSE BILL            **437-FN**

AN ACT                relative to a reading assessment and intervention program.

SPONSORS:            Rep. Cordelli, Carr. 7; Rep. Hill, Merr. 2; Rep. Pitre, Straf. 1; Rep. Moffett, Merr. 4; Rep. Ball, Rock. 25; Sen. Carson, Dist 14

COMMITTEE:          Education

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ANALYSIS

This bill creates a reading assessment program in the department of education, requires assessments of kindergarten through 3rd grade students for reading deficiencies, and establishes a reading improvement grant replacing the portion of the adequate education grant based on non-proficient pupil reading.

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Explanation:          Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT relative to a reading assessment and intervention program.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Section; Reading Assessment and Intervention. Amend RSA 189 by inserting after  
2 section 53 the following new section:

3 189:53-a Reading Assessment and Intervention.

4 I. The department of education shall identify and publish a list of approved universal  
5 reading screeners for local district use by November 1, 2023. The screeners will be made available at  
6 no cost to districts by the department.

7 II. All public schools and chartered public schools shall screen all students in kindergarten  
8 through grade three (K-3) using a universal reading screener approved by the department. The  
9 universal reading screener shall be given in the first 30 days of the school year and repeated at  
10 midyear and at the end of the school year to determine student progression in reading. Screening for  
11 dyslexia characteristics should be administered in public school kindergarten or first grade, and at  
12 appropriate times thereafter, pursuant to RSA 200:59, I.

13 III. Each student who exhibits a substantial deficiency in reading at any time, as  
14 demonstrated through performance on an approved reading screener or through locally determined  
15 assessments and teacher observations conducted in kindergarten and grades 1 through 3 or through  
16 statewide end-of-year assessment shall be given intensive general education reading intervention  
17 immediately following the identification of the reading deficiency. The intensive reading instruction  
18 and intervention must be documented for each student in an individual reading plan, which  
19 includes, at a minimum, the following:

20 (a) The student's specific, diagnosed reading skill deficiencies as determined (or  
21 identified) by diagnostic assessment data.

22 (b) The goals and benchmarks for growth.

23 (c) Progress will be monitored and evaluated more regularly to ensure interventions are  
24 working and the student is progressing at an accelerated rate.

25 (d) The type of additional instructional services and interventions the student will  
26 receive.

27 (e) The evidence-based reading instructional programming the teacher will use to  
28 provide reading instruction, addressing the areas of phonemic awareness, phonics, fluency,  
29 vocabulary and comprehension.

30 (f) The identified reading instructional and intervention programs shall not include  
31 those that employ the three-cueing system model of reading, visual memory as the primary basis for

1 teaching word recognition or the three-cueing system model of reading based on meaning, structure  
2 and syntax, and visual cues.

3 (g) The strategies the student's parent is encouraged to use in assisting the student to  
4 achieve reading competency.

5 (h) Any additional services the teacher deems available and appropriate to accelerate  
6 the student's reading skill development.

7 IV. The parent of any K-3 student who exhibits a deficiency in reading at any time during  
8 the school year must be notified in writing no later than 15 days after the identification of the  
9 reading deficiency, and the written notification must include the following:

10 (a) That his or her child has been identified as having a deficiency in reading, and a  
11 reading improvement plan will be developed by the teacher, principal, other pertinent school  
12 personnel, and the parents.

13 (b) The importance of reading proficiency at the end of 3rd grade.

14 (c) A description of the current services that are provided to the child.

15 (d) A description of the proposed evidence-based reading interventions and supplemental  
16 instructional services and supports that will be provided to the child that are designed to remedy the  
17 identified areas of reading deficiency.

18 (e) Notification that the parent will be informed in writing of their child's progress  
19 towards grade level reading at least every four weeks.

20 (f) Strategies and programs for parents to use at home to help their child succeed in  
21 reading.

22 V. Each local school district shall engage local stakeholders to discuss the importance of  
23 reading, solicit stakeholder suggestions for improving literacy and district plans to increase reading  
24 proficiency.

25 VI. The department shall provide periodic workshops for educators and parents in evidence-  
26 based reading instructional programming addressing the areas of phonemic awareness, phonics,  
27 fluency, vocabulary and comprehension.

28 VII. Each district school board shall annually report in writing to the department by  
29 September 1 of each year, the following information on the prior school year:

30 (a) By grade, school and town (if a multi-town district), the number and percentage of  
31 students in grades K-3 performing below grade level on local or statewide reading assessments.

32 (b) By grade, school and town (if a multi-town district), the number of universal reading  
33 screeners performed and the number of pupils screened.

34 (c) By grade, school, and town (if a multi-town district), the number and percentage  
35 identified with a potential reading deficiency.

1 VIII. The department will provide an annual report by December 1 of each year to the  
2 governor, senate president, speaker of the house or representatives, and the chairs of senate and  
3 house education committees including:

4 (a) State progress on improving reading literacy.

5 (b) 3rd grade reading assessment results by district.

6 (c) Percentages of pupils identified with a potential reading deficiency by district.

7 (d) The New Hampshire teacher preparation program's implementation of reading  
8 instructional programs.

9 IX. Students who do not make meaningful gains to lessen the reading deficiency after a  
10 general education intervention program shall be referred for special education evaluation or sooner if  
11 an educational disability is suspected.

12 2 New Subdivision; Reading Improvement Grants. Amend RSA 198 by inserting after section 62  
13 the following new subdivision:

14 Reading Improvement Grants

15 198:63 Reading Improvement Grants.

16 I. In addition to aid for the cost of the opportunity for an adequate education provided under  
17 RSA 198:40-a, each local school district will be eligible for a reading improvement grant of up to  
18 \$1,000 for each third grade pupil in the ADMR with a score below the proficient level on the reading  
19 component of the state assessment administered pursuant to RSA 193-C:6 or the authorized, locally-  
20 administered assessment as provided in RSA 193-C:3, IV(i).

21 II. In order to receive a reading improvement grant, the eligible school district shall provide  
22 a plan to the department outlining how the district intends to use grant award funds to offer an  
23 intensive reading intervention program pursuant to RSA 189:53-a, III to each K-3 student who  
24 exhibits a reading deficiency to ensure students can read at or above grade level by the end of grade  
25 3.

26 III. Reading improvement grants shall be distributed pursuant to RSA 198:42.

27 3 Literacy Skill Development in Elementary Grades. Amend RSA 189:53 to read as follows:

28 189:53 Literacy Skill Development in Elementary Grades.

29 I. All school districts which provide elementary education shall ~~have~~ **provide**  
30 **measurable, evidence-based** instruction in literacy for all students through grade [3] **5**, including  
31 instruction in reading, writing, speaking, listening, reasoning, and mathematics. All instruction  
32 shall be designed to assist students to achieve literacy and to provide the opportunity for each child  
33 to learn according to such child's needs and abilities as set forth by the state board of education in  
34 the minimum standards for New Hampshire public elementary schools. **Literacy instruction and**  
35 **instructional materials shall be based upon the "science of reading" which reflects a**  
36 **conclusion that effective beginning reading instruction has certain essential components**

1 *of reading literacy: phonemic awareness, phonics, reading fluency, vocabulary, text*  
2 *comprehension, and oral language.*

3 *II. The department of education shall adopt rules under RSA 541-A concerning the*  
4 *annual reporting, reading interventions, and reading improvement grants.*

5 4 Repeal. RSA 198:40-a, II(e), relative to grant amounts for non-proficient pupil reading, is  
6 repealed.

7 5 Effective Date. This act shall take effect 60 days after its passage.

**HB 437-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to a reading assessment and intervention program.

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Approximate \$1,485,000 Increase	Approximate \$1,486,000 Increase	Approximate \$1,490,000 Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input checked="" type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**LOCAL:**

<b>Revenue</b>	\$0	Approximate \$650,000 Increase	Approximate \$650,000 Increase	Approximate \$650,000 Increase
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill creates a reading assessment program in the Department of Education, requires assessments of kindergarten through 3rd grade students for reading deficiencies, and establishes a reading improvement grant replacing the portion of the adequate education grant based on non-proficient pupil reading. This bill will impact both state aid to local school districts and Department expenditures to meet the bill’s requirements:

Impact on State Aid to Districts

The current funding of the cost of an opportunity for an adequate education includes a differentiated aid amount for each 3<sup>rd</sup> grade pupil with a score below the proficient level on the reading component of the state assessment. This bill repeals this component, which is estimated to be \$756.43 per pupil in FY 2024 and FY 2025, and establishes, outside of the adequate education formula, a new grant up to \$1,000 for each student (an increase of \$243.57). Based on most recent adequate education grant student data, the average daily membership (ADM) for the 3<sup>rd</sup> grade reading component is approximately 2,680. Therefore, this bill would increase state expenditures and local school district revenue by \$652,768 in FY 2024, and by approximately the same amount in FY 2025 and FY 2026, however will vary slightly based on

changes in ADM. Currently, state adequacy payments are made from the education trust fund, however it is unclear what the source of funds would be for the payments for the new grant.

Impact on Department of Education Expenditures

Under the parameters of this bill, the Department of Education states it will need to contract at least one screener for statewide usage, at an estimated cost of \$500,000 per year and if two or more were needed, costs would exceed \$1,000,000 per year. The Department states it would be required to provide training and workshops for educators and parents in evidence-based reading instructional programming at a minimum of \$225,000 per year based on similar trainings currently being provided. Lastly, the Department states it would need to hire a new position (education consultant II, labor grade 27) to administer provisions of this bill including collection of local level reporting, coordination of trainings, required public reporting, and administration of funds. The estimated total costs for this position are \$110,000 in FY 2024, \$111,000 in FY 2025, and \$115,000 in FY 2026.

	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
Screeners	\$500,000+	\$500,000+	\$500,000+
Training/Workshops	\$225,000	\$225,000	\$225,000
New Position	\$110,000	\$111,000	\$115,000
<b>Total</b>	<b>\$835,000+</b>	<b>\$836,000+</b>	<b>\$840,000+</b>

It should be noted this bill does not include any appropriations for the estimated expenditures above (including the grant program) or authorization for any new positions.

The Department states this bill would result in an impact on local school districts, however the extent is indeterminable due to the inability to predict the local district needs based upon current practices in place regarding evidence-based materials in all five core components of reading literacy.

**AGENCIES CONTACTED:**

Department of Education