

Bill Cassidy, M.D.

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 4689

To strengthen literacy outcomes for all students, to amend the comprehensive literacy State development grant program, and to ensure Federal accountability and investment in research, teacher preparation, and evidence-based instruction aligned with the science of reading.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reading Excellence
5 and Achievement for Development Act” or the “READ
6 Act”.

7 **SEC. 2. DEFINITIONS.**

8 (a) DEFINITIONS.—Section 2221(b) of the Elemen-
9 tary and Secondary Education Act of 1965 (20 U.S.C.
10 6641(b)) is amended—

1 (1) by redesignating paragraph (3) as para-
2 graph (5);

3 (2) by inserting after paragraph (2) the fol-
4 lowing:

5 “(3) ELIGIBLE LOW-PERFORMING STATE.—The
6 term ‘eligible low-performing State’ means a State
7 that, for the 2 most recent consecutive assessment
8 cycles, ranks within the lowest quintile based on the
9 percentage of students performing at or above the
10 ‘basic’ achievement level in 4th grade reading, as
11 measured under the National Assessment of Edu-
12 cational Progress carried out under section
13 303(b)(2) of the National Assessment of Edu-
14 cational Progress Authorization Act.

15 “(4) HIGH-IMPACT TUTORING.—The term
16 ‘high-impact tutoring’ means a form of teaching
17 that—

18 “(A) is conducted 1-on-1 or in small
19 groups;

20 “(B) is intended to complement core class-
21 room instruction; and

22 “(C) includes—

23 “(i) substantial time each week en-
24 gaged in tutoring with trained personnel;

1 “(ii) a sustained and strong relation-
2 ship between the student and tutor;

3 “(iii) progress monitoring of student
4 knowledge and skills attainment;

5 “(iv) an alignment with core class-
6 room instruction; and

7 “(v) supportive coaching for the tutor
8 to ensure quality interactions.”; and

9 (3) by adding at the end the following:

10 “(6) SCIENCE OF READING.—The term ‘science
11 of reading’ means an interdisciplinary body of re-
12 search from cognitive science, neuroscience, and edu-
13 cation regarding the development of reading and
14 writing proficiency, including research that—

15 “(A) demonstrates the explicit, systematic
16 use of the essential components of phonemic
17 awareness, phonic decoding, fluency, language
18 structure, oral language, vocabulary, back-
19 ground knowledge, and literacy knowledge,
20 which together lead to strong comprehension;
21 and

22 “(B) recognizes the connection of reading
23 and writing and the importance of strong writ-
24 ing instruction.

“(7) UNIVERSAL EARLY LITERACY SCREEN-
ING.—The term ‘universal early literacy screening’
means the systematic and periodic evidence-based
assessment of all students’ foundational reading
skills, including phonological and phonemic aware-
ness, phonics, fluency, vocabulary, and comprehen-
sion, as developmentally appropriate, to identify
those at risk for reading difficulties and to provide
timely, evidence-based interventions.”.

(b) AMENDMENT TO COMPREHENSIVE LITERACY IN-
STRUCTION DEFINITION.—Section 2221(b)(1) of the Ele-
mentary and Secondary Education Act of 1965 (20 U.S.C.
6641(b)(1)) is amended—

14 (1) in subparagraph (K), by striking “and”
15 after the semicolon;

16 (2) in subparagraph (L), by striking the period
17 at the end and inserting a semicolon; and

18 (3) by adding at the end the following:

19 “(M) excludes three-cueing models or re-
20 lated instructional approaches that primarily—

21 “(i) use meaning drawn from context,
22 pictures, or syntax as the primary basis for
23 teaching word recognition (commonly re-
24 ferred to as ‘meaning, structure and syn-
25 tax, and visual cues’ or ‘MSV’); or

1 “(ii) teach visual memory as the pri-
2 mary basis for word recognition; and
3 “(N) uses effective language instruction to
4 support literacy and oral language development,
5 particularly for English learners and children
6 with disabilities.”.

7 **SEC. 3. REAUTHORIZATION OF THE COMPREHENSIVE LIT-**
8 **ERACY STATE DEVELOPMENT GRANTS PRO-**
9 **GRAM.**

10 Section 2222 of the Elementary and Secondary Edu-
11 cation Act of 1965 (20 U.S.C. 6642) is amended—

12 (1) by striking subsection (a) and inserting the
13 following:

14 “(a) GRANTS AUTHORIZED.—From the amounts re-
15 served by the Secretary under section 2201(2) and not re-
16 served under subsection (b), the Secretary shall—

17 “(1) award grants, on a competitive basis, to
18 State educational agencies to enable the State edu-
19 cational agencies to—

20 “(A) provide subgrants to eligible entities
21 serving a diversity of geographic areas, giving
22 priority to entities serving greater numbers or
23 percentages of children from low-income fami-
24 lies;

1 “(B) develop or enhance comprehensive lit-
2 eracy instruction plans that ensure high-quality
3 instruction and effective strategies in reading
4 and writing for children from early childhood
5 education through grade 12, including English
6 learners and children with disabilities; and

7 “(C) implement statewide policies and sys-
8 tems of support to assist local educational agen-
9 cies and teacher preparation programs in im-
10 proving literacy instruction and outcomes; and

11 “(2) award grants to all eligible low-performing
12 States that submit applications, pursuant to the ab-
13 solute priority provided under subsection (e)(2).”;

14 (2) by striking subsection (b) and inserting the
15 following:

16 “(b) RESERVATION.—From the amounts reserved to
17 carry out this subpart for a fiscal year, the Secretary shall
18 reserve—

19 “(1) not more than a total of 5 percent for na-
20 tional activities, which—

21 “(A) shall include an evaluation—

22 “(i) that meets the requirements of
23 section 2225; and

24 “(ii) that may not be canceled or de-
25 ferred, unless the entity contracted by the

1 Director of the Institute of Education
2 Sciences to conduct the evaluation violates
3 the terms of the contract, has been given
4 written justification for the contract's ter-
5 mination, and has been provided an oppor-
6 tunity to appeal the termination within 30
7 days of receiving the notice of termination;
8 and

9 “(B) shall include technical assistance,
10 training, data collection, and reporting, which
11 may include support for the regional edu-
12 cational laboratories (described in section 174
13 of the Education Sciences Reform Act of 2002)
14 and comprehensive centers (established pursu-
15 ant to section 203 of the Educational Technical
16 Assistance Act of 2002) to support literacy re-
17 search and technical assistance;

18 “(2) sufficient funds to provide grant awards to
19 all eligible low-performing States, pursuant to the
20 absolute priority provided under subsection (e)(2);

21 “(3) one half of 1 percent for the Secretary of
22 the Interior to carry out a program described in this
23 subpart at schools operated or funded by the Bureau
24 of Indian Education; and

1 “(4) one half of 1 percent for the outlying areas
2 to carry out a program under this subpart.”;

3 (3) in subsection (c), by striking “5 years” and
4 inserting “4 years”;

5 (4) in subsection (d)(2)—

6 (Λ) by striking subparagraph (B) and in-
7 serting the following:

8 “(B) A description of how the State edu-
9 cational agency, in collaboration with the State
10 literacy team, if applicable, will develop a State
11 comprehensive literacy instruction plan or will
12 revise and update an already existing State
13 comprehensive literacy instruction plan, includ-
14 ing how the State will—

15 “(i) implement universal early literacy
16 screenings and intervention services for
17 students at-risk of falling behind in becom-
18 ing proficient in reading by third grade,
19 which may include high-impact tutoring
20 and summer learning programs;

21 “(ii) increase access for educators to
22 high-quality instructional materials aligned
23 with the science of reading;

24 “(iii) deliver professional development
25 and instructional coaching for educators,

1 with the input of educators, in high-needs
2 schools with the lowest literacy outcomes;

3 “(iv) evaluate teacher preparation
4 programs to assess alignment with the
5 science of reading; and

6 “(v) meaningfully engage educators
7 from across the State to provide early and
8 ongoing input on how to effectively support
9 educators in improving instructional prac-
10 tice and educational outcomes.”; and

11 (B) by striking subparagraphs (D) and (E)
12 and inserting the following:

13 “(D) A description of how the State edu-
14 cational agency will use implementation grant
15 funds described in subsection (f)(1) for com-
16 prehensive literacy instruction programs as fol-
17 lows:

18 “(i) Not less than 15 percent of such
19 grant funds shall be used for State and
20 local programs and activities pertaining to
21 children from birth through kindergarten
22 entry.

23 “(ii) Not less than 40 percent of such
24 grant funds shall be used for State and
25 local programs and activities, allocated eq-

1 uitably among the grades of kindergarten
2 through grade 5.

3 “(iii) Not less than 40 percent of such
4 grant funds shall be used for State and
5 local programs and activities, allocated eq-
6 uitably among grades 6 through 12.

7 “(E) An assurance that the State edu-
8 cational agency will collaborate with the State
9 agency responsible for administering early
10 childhood education programs and the State
11 agency responsible for administering child care
12 programs in the State in improving early lit-
13 eracy opportunities for children and early child-
14 hood educators.

15 “(F) An assurance that the State edu-
16 cational agency will require each local edu-
17 cational agency in the State to provide suffi-
18 cient and timely notification to a parent of a
19 student served by such local educational agency
20 who is identified as at risk of reading difficul-
21 ties or performing below grade level in reading.
22 Such notification shall—

23 “(i) include the results of the assess-
24 ment or screening;

1 “(ii) include the strategies that will be
2 provided to the student to help reach pro-
3 ficiency in grade-level literacy standards;

4 “(iii) include strategies to parents to
5 support learning at home; and

6 “(iv) be provided in an understand-
7 able and uniform format and, to the extent
8 practicable, provided in a language the
9 parents can understand.”;

10 (5) by striking subsection (e) and inserting the
11 following:

12 “(e) PRIORITY.—

13 “(1) COMPETITIVE PRIORITY.—In awarding
14 grants under this section, the Secretary shall give
15 competitive priority—

16 “(A) to State educational agencies that will
17 use the grant funds for evidence-based activi-
18 ties, defined for the purpose of this subsection
19 as activities meeting the requirements of section
20 8101(21), except that subclause (III) of sub-
21 paragraph (A)(i) of such section shall not
22 apply;

23 “(B) to States that demonstrate, based on
24 the needs assessment described in subsection
25 (d)(2)(A), that the State has not yet imple-

1 mented, on a statewide basis, a comprehensive
2 approach to the required activities described in
3 subsection (f)(1)(A); and

4 “(C) to States that experienced a signifi-
5 cant decline in biennial State academic assess-
6 ment outcomes of 4th and 8th grade reading
7 under the National Assessment of Educational
8 Progress carried out under section 303(b)(3) of
9 the National Assessment of Educational
10 Progress Authorization.

11 “(2) ABSOLUTE PRIORITY.—

12 “(A) IN GENERAL.—In awarding grants
13 under this section, the Secretary shall give ab-
14 solute priority to eligible low-performing States
15 that satisfy the application requirements de-
16 scribed in subsection (d).

17 “(B) IDENTIFICATION OF ELIGIBLE LOW-
18 PERFORMING STATES.—Before announcing a
19 grant competition under this section, the Sec-
20 retary shall identify and notify any State that
21 qualifies as an eligible low-performing State.

22 “(C) CLARIFICATION ON MEETING SAME
23 REQUIREMENTS.—An eligible low-performing
24 State that receives a grant under this section
25 shall meet the same requirements as a State

1 awarded a grant under this section on a com-
 2 petitive basis.”;

3 (6) by striking subsection (f) and inserting the
 4 following:

5 “(f) STATE ACTIVITIES.—

6 “(1) IN GENERAL.—

7 “(A) STATE USES OF FUNDS.—Each State
 8 that receives a grant under this section shall
 9 use grant funds not allocated under paragraph
 10 (2) to carry out each of the following:

11 “(i) Ensure pre-service training and
 12 in-service training are aligned between
 13 them and with the science of reading and
 14 designed, in collaboration with teachers
 15 and institutions of higher education, to
 16 support teachers in understanding the evi-
 17 dence base on how students learn to read
 18 and in using evidence-based instructional
 19 materials and practices in their classrooms,
 20 which may include—

21 “(I) creating statewide and re-
 22 gional literacy coaching networks;

23 “(II) evaluating teacher prepara-
 24 tion programs to strengthen

1 coursework and training in the science
2 of reading;

3 “(III) evaluating State licensure
4 or certification standards to reflect
5 the science of reading; and

6 “(IV) providing pre-service and
7 in-service training for educators on
8 evidence-based screening, assessment,
9 and progress monitoring and instruc-
10 tion for students with or at risk of
11 dyslexia or other reading difficulties.

12 “(ii) Implement evidence-based inter-
13 ventions aligned with the science of read-
14 ing and designed to prepare students for
15 success with grade-level work in their core
16 classes, which may include high-impact tu-
17 toring and summer learning programs.

18 “(iii) Provide universal early literacy
19 screening at least once before the third
20 grade, with more regular literacy
21 screenings encouraged as a tool to help
22 identify reading difficulties or dyslexia
23 early, and ensure support is provided to
24 struggling readers.

1 “(iv) Develop, incentivize, and support
2 the adoption and implementation of rec-
3 ommended high-quality instructional mate-
4 rials aligned with the science of reading.

5 “(v) Convene and solicit input from
6 educators as collaborative, expert partners
7 to advise on improving pre-service training,
8 in-service training, and identify other sup-
9 ports that they may need to successfully
10 implement the science of reading in class-
11 rooms.

12 “(vi) Develop policies and procedures,
13 including a parental notification template
14 or other materials for optional use by local
15 educational agencies, to support such local
16 educational agencies in providing sufficient
17 and timely notification, as required under
18 subsection (d)(2)(F), to a parent of a stu-
19 dent who is identified as at risk of reading
20 difficulties or performing below grade level
21 in reading.

22 “(2) SUBGRANTS.—Each State that receives a
23 grant under this section shall allocate not less than
24 75 percent of the grant funds to award subgrants to

1 eligible entities to enable the eligible entities to carry
2 out activities to improve literacy, such as—

3 “(A) strengthening literacy instruction
4 aligned to the science of reading in early child-
5 hood education programs or elementary schools
6 and secondary schools, including through in-
7 service training for educators;

8 “(B) employing and training literacy in-
9 structional coaches and interventionists;

10 “(C) purchasing and adopting high-quality
11 instructional materials aligned with the science
12 of reading;

13 “(D) conducting universal early literacy
14 screenings to help identify reading difficulties
15 or dyslexia early;

16 “(E) providing direct services to students,
17 which may include high-impact tutoring and
18 summer learning programs, designed to help
19 students reach proficiency in grade-level literacy
20 standards;

21 “(F) supporting a child’s learning at home
22 through family literacy services and parents and
23 family engagement initiatives that provide par-
24 ents with actionable strategies aligned with the
25 science of reading;

1 “(G) supporting evidence-based bilingual
2 literacy instruction, including biliteracy develop-
3 ment aligned with the science of reading;

4 “(H) convening and soliciting early and
5 ongoing input from educators as collaborative,
6 expert partners to advise on improving in-serv-
7 ice training and identify other supports that
8 they may need to successfully implement the
9 science of reading in classrooms; and

10 “(I) supporting principals and other school
11 leaders to have the necessary understanding of
12 the science of reading to coordinate schoolwide
13 activities and leverage the expertise of teachers,
14 literacy instructional coaches and intervention-
15 ists, paraprofessionals, school librarians, special
16 education teachers, and other appropriate
17 school-based staff in serving students.

18 “(3) TEACHER PREPARATION REQUIRE-
19 MENTS.—

20 “(A) ALIGNMENT WITH THE SCIENCE OF
21 READING.—Except as provided in subparagraph
22 (B), each State that receives a grant under this
23 section shall complete and publish, not later
24 than 3 years after the date of receipt of the
25 grant funds, a review of all teacher preparation

1 programs in the State to assess alignment with
2 the science of reading and make recommenda-
3 tions to programs, as appropriate, for better
4 aligning course offerings to the science of read-
5 ing.

6 “(B) EXEMPTION.—A State that dem-
7 onstrates that a review described in subpara-
8 graph (A) has recently and similarly been com-
9 pleted and published by the State is not re-
10 quired to use grant funds received under this
11 section to complete and publish an additional
12 review.

13 “(g) REPORTING REQUIREMENTS.—

14 “(1) ANNUAL REPORT.—Each State that re-
15 ceives a grant under this section shall submit a pub-
16 lic report to the Secretary on an annual basis and
17 publish such report in a clear and easily accessible
18 format on the website of the State. Such report shall
19 contain, at a minimum and at the statewide and
20 local educational agency level (in accordance with
21 paragraph (3)) the following information:

22 “(A) The number and percent of students
23 receiving screenings and interventions for read-
24 ing difficulties, disaggregated by grade level and

1 disaggregated by each of the subgroups of stu-
2 dents, as defined in section 1111(c)(2).

3 “(B) The number and percent of pre-serv-
4 ice and in-service teachers receiving professional
5 development and coaching related to the science
6 of reading.

7 “(C) The number of local educational
8 agencies using high-quality instructional mate-
9 rials aligned with the science of reading as rec-
10 ommended by the State.

11 “(2) SECRETARY’S REPORT.—

12 “(A) IN GENERAL.—Not later than 1 year
13 after receiving the reports described in para-
14 graph (1), and every 2 years thereafter, the
15 Secretary shall submit a report to the Com-
16 mittee on Health, Education, Labor, and Pen-
17 sions of the Senate and the Committee on Edu-
18 cation and Workforce of the House of Rep-
19 resentatives that includes a summary of the re-
20 ports submitted by States.

21 “(B) PUBLIC AVAILABILITY.—The Sec-
22 retary shall make the reports described in sub-
23 paragraph (A) publicly available in a clear and
24 easily accessible format on the website of the
25 Department of Education.

1 “(3) DATA PRIVACY.—

2 “(A) PERSONALLY IDENTIFIABLE DATA
3 LIMITATION.—A State shall not include any
4 personally identifiable information in a report
5 submitted under paragraph (1).

6 “(B) DISAGGREGATION OF DATA.—
7 Disaggregation of data shall not be required
8 under this subsection when the number is insuf-
9 ficient to yield statistically reliable information
10 or the results would reveal personally identifi-
11 able information about an individual.

12 “(h) SUPPLEMENT NOT SUPPLANT.—Funds made
13 available to a State through a grant awarded under this
14 section shall be used only to supplement and not supplant,
15 any State, local, or non-Federal funds that would other-
16 wise be used to carry out literacy instruction, teacher
17 preparation, or interventions.”.

18 **SEC. 4. GENERAL PROVISIONS.**

19 (a) APPLICABILITY.—This Act and the amendments
20 made by this Act shall apply with respect to funds award-
21 ed under the Elementary and Secondary Education Act
22 of 1965 (20 U.S.C. 6301 note et seq.) on or after the
23 date of enactment of this Act.

24 (b) SECRETARIAL PROHIBITION.—Section 2302 of
25 the Elementary and Secondary Education Act of 1965 (20

1 U.S.C. 6692) is amended by adding at the end the fol-
2 lowing:

3 “(c) LIMITATIONS ON SECRETARIAL AUTHORITY.—

4 In carrying out subpart 2 of part B of this title, the Sec-
5 retary shall not issue any regulation—

6 “(1) regarding the definition of science of read-
7 ing and comprehensive literacy instruction; or

8 “(2) that would directly or indirectly mandate,
9 direct, or control a State, local educational agency,
10 or school’s specific instructional content, academic
11 standards and assessments, curricula, or program of
12 instruction.”.

13 (c) RULES OF CONSTRUCTION.—Nothing in this Act
14 or the amendments made by this Act shall be construed
15 to—

16 (1) limit or alter the rights, protections, and in-
17 dividualized educational requirements under the In-
18 dividuals with Disabilities Education Act (20 U.S.C.
19 1400 et seq.), section 504 of the Rehabilitation Act
20 of 1973 (29 U.S.C. 794), or the Americans with
21 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);
22 or

23 (2) authorize any officer or employee of the
24 Federal Government to mandate, direct, or control a
25 State, local educational agency, or school’s specific

1 instructional content, academic standards and as-
2 sessments, curricula, or program of instruction.

3 **SEC. 5. RESEARCH AND DEVELOPMENT.**

4 Section 2225 of the Elementary and Secondary Edu-
5 cation Act of 1965 (20 U.S.C. 6645) is amended by add-
6 ing at the end the following:

7 “(c) RESEARCH AND DEVELOPMENT.—The Director
8 of the Institute of Education Sciences shall—

9 “(1) sponsor basic and applied research to im-
10 prove comprehensive literacy instruction and improve
11 students’ academic outcomes, such as on—

12 “(A) the relationship between reading
13 books rather than passages in building reading
14 stamina, the relationship between writing in-
15 struction and reading comprehension, optimal
16 amounts of time for different aspects of reading
17 and writing instruction in the average class-
18 room, the essential components of effective
19 reading curricula, the relationship between
20 teacher preparation, professional development,
21 and effective reading and writing instruction,
22 and out-of-school factors that impact reading
23 proficiency, including oral language develop-
24 ment; and

1 “(B) the decreases in cognitive capabilities
2 and attention spans amongst children and
3 youth, including the relationship between
4 screentime, social media, and addictive tech-
5 nology features; and

6 “(2) conduct initiatives or activities that pro-
7 mote engagement, the synthesis of education re-
8 search on the topics described in paragraph (1), the
9 development of related evidence-based practices, and
10 the wide dissemination of such findings—

11 “(A) in a manner that is responsive to the
12 educational challenges facing students, families,
13 practitioners, and education system leaders; and

14 “(B) that can provide the basis for improv-
15 ing academic instruction and lifelong learning.”.

16 **SEC. 6. NAEP REPORTING.**

17 Section 2225 of the Elementary and Secondary Edu-
18 cation Act of 1965 (20 U.S.C. 6645), as amended by sec-
19 tion 5, is further amended by adding at the end the fol-
20 lowing:

21 “(d) NAEP REPORTING TO STATES.—

22 “(1) IN GENERAL.—Not later than 5 days after
23 the date described in paragraph (2), the Director of
24 the Institute of Education Sciences, acting through
25 the Commissioner for Education Statistics shall

1 make available to the public and submit a public re-
2 port to each State (including, to the greatest extent
3 practicable the Governor, the State educational
4 agency, and State legislators) a report that contains
5 easily accessible information on each of the fol-
6 lowing:

7 “(A) The academic outcomes of students
8 in the State.

9 “(B) The State’s ranking compared to
10 other States based on proficiency levels of each
11 academic assessment conducted.

12 “(C) The State’s ranking compared to
13 other States on the following basis, to the
14 greatest extent practicable:

15 “(i) Proficiency levels adjusted for
16 poverty or similar demographics.

17 “(ii) Magnitude of achievement gaps,
18 including between subgroups of students
19 and gaps between the highest and lowest
20 performing students in the State.

21 “(iii) Percentage of students at below
22 basic achievement levels.

23 “(D) Relevant trend or longitudinal data,
24 such as whether the State’s outcomes are in-
25 creasing, decreasing, or stagnant, or whether

1 cohorts of students demonstrate any significant
2 achievement trends.

3 “(2) DATE.—The date described in this para-
4 graph is the date that the Commissioner for Edu-
5 cation Statistics releases the results of the biennial
6 State academic assessments in reading and mathe-
7 matics in grades 4 and 8 of the National Assessment
8 of Educational Progress carried out under section
9 303(b)(3) of the National Assessment of Edu-
10 cational Progress Authorization Act.”.