The Department received emails from 70 individuals, organizations, and districts responding to the proposed amendment to establish a minimum twice-annual early literacy screening (a few commenters submitted more than one comment). 62 of the commenters were in favor of the proposed changes (in some cases with suggestions for improvement), 4 emails were opposed, and the remainder were “neutral” or “mixed” because their comments did not clearly articulate a position.

**List of organizations and individuals submitting public comment:**

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| **Organizations** | **Individuals** |
| * Decoding Dyslexia Massachusetts * Dyslexia Parents Group of Lexington * Federation for Children with Special Needs * Keys to Literacy * Landmark School Outreach Program * Massachusetts Administrators for Special Education * Massachusetts Association of School Superintendents * Massachusetts Municipal Association * Massachusetts Urban Project * Moor, Perlman & Gregg, LLC * The Reading Circuit | * 59 individuals submitted comments, including self-described parents, educators, experts, advocates, and reading specialists. |

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| **Summary of major themes from all public comment sources** | | |
| **Category of Comment** | **Summary of Themes in Public Comment Received** | **DESE Response** |

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| **Parent Testimonials** | 35 of the commenters are parents (some of whom are also educators, speech pathologists, etc.) who told personal stories of the difficulties they faced getting education services for their children with dyslexia. They believe this regulation will facilitate early identification and limit or avoid having children fall behind their peers and the resulting social-emotional impacts that follow—a common theme among all the positive comments. As a few representative quotes:   * “I will tell you firsthand that when you fail to address dyslexia early, adequately, and with fidelity by the time you get to middle school, the least of your problems is that your child can't read. The social-emotional damage to these kids is far worse than being unable to read.” (N. Mitsakis) * “There is evidence to show that identifying learning disabilities early has an impact on the overall success of the student. Students should not have to wait to fail. Students should not be pushed through systems that ignore significant learning challenges. They should be supported, encouraged and included. I think these simple intervention points would go a long way towards building successes across students, parents and school systems.” (E. Hackett) * “We must do more to prevent the ‘wait to fail’ approach still prevalent in many elementary schools. ‘Screen to sail’, not ‘wait to fail’.” (E. Townsend) * “The proposed screening and progress monitoring requirements have created the conditions to get data into the hands of educators before reading failure takes hold. Eroding the wait-to-fail model requires support for an amendment that conveys a sense of urgency for early, proactive intervention and directs educators to act on data as early as possible.” (D. Baum). * “Under Secretary Peyser’s amendment, schools would identify potential learning disabilities earlier and more consistently. Without it, students and parents will continue to be dependent on early education teachers’ occasional observations. Those observations will come too late.” (J. Lehrich). | No response needed. |
| **Early Identification and Intervention Are Critical** | Consistent with parent comments, several experts emphasized the importance of early identification and intervention. For example:   * “Having been one of the members of the Dyslexia Stakeholders group and one of the lead content authors of the MA Dyslexia Guidelines, I know how important early identification and intervention are to ensure that children with dyslexia acquire foundational reading skills in the early elementary grades. The proposed amendment will strengthen implementation of the screening to identify students at risk of dyslexia AND it will help ensure that appropriate intervention follows screening.” (L. Elion, The Reading Circuit) * “Yet here in Massachusetts, the gap between what we know and what we do in this domain has been far too large for far too long. If we are to prevent reading difficulties, provide timely, successful intervention for those at-risk children, and raise the bar for reading success, ongoing assessment in each student’s foundational skill development, beginning in kindergarten, is crucial.” (N. Leseaux, the Roy Edward Larsen Professor of Education and Human Development at the Harvard Graduate School of Education). | No response needed. |
| **Child Find** | Several commenters expressed their belief that screening could help identify students with dyslexia and other reading disabilities. As a few examples:   * “Since dyslexia is identifiable at age 5, I implore you to please implement these mandatory screenings across the commonwealth. CFR 300.34(3) ‘early identification and assessment of disabilities in children means implementation of a formal plan for identifying children as early as possible in a child's life.’ As I understand it, this is a federal regulation that districts and our state ignore to the detriment of our children. I feel strongly that specialized instruction and IDEA rights must be provided early on, not after districts fail our children.” (J. Longstaff) * “A continued lack of regulations, the Commonwealth of MA is not ensuring that students are identified early and assessed, and is not reporting the number of students with disabilities who are not receiving services accurately. If our numbers are doubling after MCAS. See Figure 1, most if not all 5,040 students with SLD had a disability in K-3, and as a student with a disability should have been reported as students suspected or identified but not receiving services. More importantly they should have been identified and provided with related early services or special education so that they could access learning to read in the window of time that same age peers accessed basic reading skills, K-3. It is both a denial of FAPE and a lack of rights, as well as an ADA violation discriminating against these students systematically to not be identified and assessed before they fall behind.” (N. Duggan, Decoding Dyslexia Massachusetts) | DESE agrees with the commenters that early identification is critical for students experiencing difficulties with literacy skills. However, while it is possible that some students who struggle with early literacy skills may also have disabilities, other students who struggle with early literacy skills may be better situated to make progress in the general education curriculum. Child find procedures and early literacy screenings are two distinct tools designed to help students who need them. Early literacy screenings do not replace child find obligations and do not supplant the ability to refer a student for special education evaluation where appropriate. |
| **The 2018 Dyslexia Screening Act Needs Regulation** | Several commenters shared their belief that the 2018 Dyslexia Screening Act can only be fulfilled through enforceable regulation. For example:   * “The 2018 Dyslexia Screening Act needs further regulation to be enforced with accuracy and accountability. The IDEA Child Find and MA 71b Sec3 require early identification, but without clear regulation, kids are waiting to fail. Scientific research shows that intervention cannot and should not start at 3rd grade or higher, so we need early identification to determine which kids need services in Pre-Kindergarten or Kindergarten. Both children and educators will benefit from clear regulations. The current lack of accountability actually harms students and tarnishes our reputation as a leader in education.” (M. Pugh) * “I believe a requirement will force districts to look at data and intervene when necessary. The lack of a structured, mandatory MTSS with regards to early literacy is likely one reason we have a special education over-identification of young black and brown students. Proper screening, as well as intervention, will help distinguish between disabilities, delays, and differences.” (C. McGrath) * “While dyslexia screening legislation was signed into law nearly five years ago and the dyslexia screening guidelines were issued nearly a year and a half ago, it is our experience that many districts are still not appropriately screening students, if they are screening them at all. The proposed regulations would help ensure full implementation of the law and universal application of the guidelines across the Commonwealth for all students.” (Moor, Perlman, & Gregg, LLC) * “Despite what is possible, in many districts and schools across the Commonwealth, the time and energy spent on improving literacy rates has not, year over year, converted to impact as intended. A primary reason for this scenario is the lack of an efficient, clear assessment architecture that functions to monitor progress among all students while at the same time supporting the early identification of at-risk readers.” (N. Lesaux) * “In 2018 the legislature passed a dyslexia screening law. This law without corresponding regulations does not provide enough accountability and guidance to ensure the students right to early identification.” (A. Gossman). * “State guidelines for early detection of dyslexia and proper assessment of reading skills are just guidelines. Without adopting regulations that can be enforced in school districts, many students will continue to struggle and develop anxiety, low self esteem and develop school negativity.” (L. Nolan) | While the 2018 Dyslexia Screening Act required DESE to create guidelines rather than regulations, DESE shares the commenters’ belief that regulation in this instance will benefit districts and families. Many districts are already screening students for early literacy skills multiple times a year, but they may be using screeners that are out of date, or not evidence-based. As a result, some students may be placed into special education programs that they may not need. This regulation conserves districts’ valuable resources—both in terms of money spent on screeners and labor spent administering screenings—and to promote the most appropriate outcomes for students experiencing difficulties with literacy skills. |
| **Will Improve Efficiency for Districts** | Two commenters also noted that the regulations could lower costs and reduce the time districts spend on poor reading and screening programs:   * “I strongly support the proposed amendment to the special education regulations concerning Reading. . . . . In my decades of working at Landmark and as a Reading consultant going into classrooms in Massachusetts showing teachers what to do, I have seen too many schools use the wrong reading and screening programs with the strugglers. Further, very few districts have adequate Literacy Plans with adequate Data Meetings planned.” (S. Grimes) * “Indeed, with this change in regulations, not only does Massachusetts have the opportunity to do far better by thousands of readers, but also has the opportunity (and the imperative) to drastically reduce the amount of time spent on assessment. In other words, when literacy-related assessment is in place, it is often consuming inordinate amounts of instructional time while not directly supporting educators in their plans for daily instruction and supplemental supports for at-risk readers. . . . Guided by the notion of ‘screening,’ many formative and curriculum-based assessments—without screening capabilities—are inappropriately and incorrectly used, even mandated across some districts as benchmarks, to gather data on the population of readers, but they are not systematically measuring student skill development and therefore fall short in actually converting to impact despite the time investment.” (N. Lesaux) | Consistent with the explanation listed above, DESE agrees with the commenters that this regulation may help districts lower costs and reduce time for administering screenings. |
| **Unfunded Mandate and Districts Lack Resources to Implement** | The Massachusetts Association of School Superintendents (M.A.S.S.) wrote that the regulations create an unfunded mandate because they lack “a fiscally supportive plan for districts that would include the time, funds, personnel, and professional development needed to execute this universal screening mandate.” They recommend that DESE “conduct an expansive study to identify districts . . . who are using successfully some of these same screening assessments as part of their early literacy programs and document from their expertise what needs to be in place for successful multi-year financially sustainable universal screening system to be built.” The Massachusetts Municipal Association’s (M.M.A.) comments were in support of M.A.S.S.’s position. | The proposed regulation is not an unfunded mandate. Early literacy screening using a valid and reliable assessment is already commonplace in Massachusetts elementary schools. While data on assessment use is not collected from districts, information provided to DESE by screener publishers in 2022 suggests that DESE-approved screening assessments are already in use in up to 300 Massachusetts public school districts.  In addition to the financial cost of early literacy screening assessments and training being generally low, DESE seeks to support schools with a variety of funding opportunities if the cost poses a challenge. DESE has offered a competitive grant to support the purchase of screening assessments and the associated professional development twice in the last 18 months, awarding over $471,955 total to 27 districts. A similar grant will be offered again in the current school year to support schools that do not yet have an appropriate screening measure in place or are in need of training. The Early Grades Literacy Grant and Growing Literacy Equity Across Massachusetts Grants also provide funding to schools and districts to purchase an approved screening assessment and the associated professional development if needed. Early literacy screening was identified as a key evidence-based practice within Student Opportunity Act (SOA) guidance, and districts are also encouraged to use SOA funding to support this cost.  In addition to funding, for several years DESE has been developing and providing guidance, resources and supports for schools and districts on best practices for screening. The [Mass Literacy Guide](https://massgov-my.sharepoint.com/personal/caitlin_r_looby_mass_gov/Documents/HomeDrive/doe.mass.edu/massliteracy/) prominently features information about screening and curates numerous useful resources for educators to learn about this practice. In the 2021-22 school year, DESE convened 120 educators for a Mass Literacy Support Network focused on screening assessment and data-based decision making. These local literacy leaders received extensive support and access to resources to bring into their schools and districts. The MTSS Tiered Literacy Academy and professional development courses focusing on dyslexia, both offered annually, also help schools to understand and utilize approved screening assessments. Finally, DESE regularly offers events, such as the recent two-day Dyslexia Institute and last summer’s Start Strong with Screening webinars, to support educators in implementing screening best practices.  In the current school year, DESE will again offer a competitive grant to assist schools and districts in funding the purchase of screening assessments and training. In addition, the Department will continue to provide support to educators in the process of selecting the screening assessment that best fits their local context and needs. Seven screening assessments are currently approved, each with unique features and advantages. DESE provides useful resources such as the Screeners At-a-Glance Guide to support districts with making this selection decision, as well as making Department experts available by phone and email for individualized technical assistance. This proposed regulation change is designed to go into effect for the next school year (2023-24) so that schools and districts have adequate time to research their options and make a thoughtful selection based on local stakeholder input, context, and priorities.  Districts may also seek a waiver under the existing provisions of 603 CMR 28.03(5) by submitting a proposal for the Department’s approval that “shows substantial promise of contributing to improvements in the methods for meeting the goals” of this regulation.  As a final point, the final regulation is grounded in existing requirements, including the requirement in G.L. c. 71B, § 2 that principals “shall ensure that all efforts have been made to meet such child’s needs within the regular education program.” |
| **Statutory Authority** | Matt Holloway, the Director of Pupil Personnel Services at Narragansett Regional School District, suggests that DESE lacks authority to issue this regulation, claiming that M.G.L. c. 71, § 57A (the Dyslexia guidelines statute) “does not actually authorize regulatory action” and that the Legislature did not direct the Department to issue these regulations. | The 2018 Dyslexia statute directed DESE to issue guidelines, which it has. Since publishing these guidelines, DESE has learned from stakeholder engagement that districts would benefit from clearer requirements on early literacy screenings, and better consistency across the tools being used for literacy screenings. BESE has authority to promulgate regulations under G.L. c. 69, § 1B, as well as special education law, G.L. c.71B. Additionally, DESE has added language to the proposed regulation to clarify its consistency with existing requirements in G.L. c.71B, §2. |
| **Reading Intervention in the General Education Setting** | Mr. Holloway is also concerned that the requirement for an LEA “to decide whether the student needs a higher tier of instruction or a referral to a special education evaluation for SLD-Reading” avoids the “long-established required process for identifying SLD-Reading” that “includes a ‘rule out’ question of whether the student has been provided with appropriate instruction in the general education setting.” According to Mr. Holloway, “The regulation, as is, would set up a system where this SLD-Reading ‘rule out’ can be circumvented. The decision making team at the LEA can either decide to implement a higher tier of general education instruction, or just go straight to issuance of a special education referral. This is problematic, and may actually lead to less emphasis on science based reading intervention in the general education setting.” | This regulation would not limit or interfere with a school’s ability to provide appropriate instruction in the general education setting. The final regulation is consistent with existing requirements in G.L. c.71B, § 2, that schools “shall ensure that all efforts have been made to meet such child’s needs within the regular education program”. |
| **Emphasis on Evaluation and Assessment** | Andrew Frishman, a parent, is concerned about the effect that the proposal will have on bilingual programs, claiming that “it is common that literacy is delayed in bilingual environments” and that “[t]his level of resource-intensive allocation towards evaluation and assessment seems severely misguided.” | No change recommended, as the proposed regulation will benefit all students, including English Learners, and guidance will address special considerations for student populations such as English Learners. |
| **Time for Additional Assessment** | Two commenters (B. Tobin and the Federation for Children with Special Needs) suggested that the 30-day period to conduct an initial assessment is too long and should be done sooner once a student has been found to be significantly behind in the initial assessment.  One commenter (C. McGrath), conversely, believes the 30-day period is too short: “The timeline for most successful interventions exceeds the 45-day evaluation timeline. It seems as though additional reading supports should be required for any student scoring below a certain threshold and an evaluation should only occur after research-based interventions have been trialed for at least 12-16 weeks.” | In response to public comment, and consistent with existing school practices, DESE has clarified that a determination as to which actions within the general education program will meet the student’s needs, for those students significantly below relevant benchmarks, notification of the screening results and the school’s proposed response should be within 30 *school* days. |
| **Parent Notification** | Three commenters (Federation for Children with Special Needs, The Reading Circuit, J. Arcolano) suggested that parents should be notified of the results of the initial assessment, rather than just the results of the additional assessment, and parents should also be notified of their right to ask for a special education evaluation.  One commenter, Landmark School Outreach Program, suggested that the regulations provide a specific timeframe for parental notification, similar to the 30-day window for further assessments. | DESE has added language to clarify that, in cases where screening results indicate a student is significantly below relevant benchmarks, schools shall inform the student’s parent or guardian of the screening results and offer them the opportunity for a follow-up discussion. Also, schools already have the opportunity to provide parents with information about assessment results through parent/teacher conferences and report cards. |
| **Curriculum Based Standards** | The Dyslexia Parents Group of Lexington asked that the regulations go further and “implement enforceable regulations for curriculum based standards and monitor and regulate schools to ensure that evidence based literacy instruction is being taught systematically in scope and sequence and with fidelity across all MA school districts.” | No change recommended. This proposal is outside the scope of the current regulations. |
| **Regulation Placement** | The Massachusetts Administrators for Special Education suggested moving the screening requirement “elsewhere in regulations since it is a general education requirement.” | DESE agrees that early literacy screenings are not a purely special education issue. DESE has added language to clarify that early literacy screening is consistent with the provision in the special education law, G.L. c.71B, §2, that directs schools to make all efforts to meet students’ needs within the general education program. |
| **Meaning of “Further Assessment”** | Four commenters (C. Tiani, Landmark School Outreach Program, S. Donah, and S. Kazeroid) asked for clarification on the meaning of “further assessment,” similar to the list of approved screeners, including the possibility of DESE stating which further assessments are approved. | DESE has revised this portion of the proposed regulation for clarity, and the phrase “further assessment" no longer appears. |
| **Referrals and Interventions** | One commenter, A. Elmer, is “concerned with screenings happening in early Fall when little instruction has been delivered and even less tiered intervention has been attempted, these amendments, as currently written, will only greenlight these early referrals to special education and circumvent the multi-tiered systems of support many of us have worked hard to establish. Please consider articulating more clearly in these amendments when a referral for special education should be made and please emphasize that general education and interventions should be implemented first.” | DESE has revised the regulation’s language to require schools to determine which actions within the general education program will meet the student’s needs. |
| **Clarity Around Tier 2 and Tier 3 Supports** | One commenter, J. Arcolano, urged that the regulations require “immediate tier 3 supports for a child flagged for dyslexia instead of spending 6 months to 2 years in RTI at tier two or less, a ‘lower’ reading group in class.”  Another, D. DeDeo, wrote that “there need to be limitations on tier 3 MTSS. A student moved to tier3 should either benefit within 4 months thus being ready to return to tier2 or it is determined that they need to continue into special education.” | No change recommended because this is better addressed through guidance. |
| **Regulation Name** | The Landmark School Outreach Program suggested renaming the regulation “Early Literacy Screening” or “Literacy Screening”. | DESE has changed “dyslexia” to “early literacy”, because the screenings may capture other kinds of difficulties with early literacy. |
| **“Significantly Behind” Definition** | One commenter, Landmark School Outreach Program, suggested a definition of “significantly behind” similar to the existing definition of “progress effectively in the general education program” at 603 CMR 28.02(17).  Another commenter, The Reading Circuit, asked: “Is it one level, two levels, a certain standard deviation...? Also, since many of the screening tools measure multiple skills, does a single low score on just one subtest trigger the next step in assessment (would this lead to over-reaction on one area when other areas are strong)?” The commenter also suggested that evaluation could be required if the student falls below the 5th percentile. | No change recommended because this is better addressed through guidance. |
| **Increase Number of Assessments** | At least two commenters (The Reading Circuit and S. Kazeroid) suggested increasing the assessment to 3 times per year for students in Grades 1-3. One wrote that “We would like to see the recommendation for the frequency of screening be the same as that presented in the MA Dyslexia Guidelines (pg 23-28).” | No change recommended. The Dyslexia Guidelines specify testing “multiple times annually from kindergarten to second grade,” then specifically testing twice in kindergarten without more specificity in first or second grade. This proposal is consistent with the recommendations in DESE’s Dyslexia Guidelines. |
| **Clarify Foundational Skills to be Assessed** | The Reading Circuit wrote that it “would prefer that the regulation specify exactly which foundational skills to be assessed. The MA Dyslexia Guidelines pages 25-28 list the grade-appropriate predictive skills and the amendment should reference those skills, if not by name, then by reference to what is specified in the MA Dyslexia Guidelines.” | No change recommended because this is better addressed through guidance. |
| **Screening Instruments** | The Reading Circuit also stated that it is “glad to see that a valid, developmentally appropriate screening instrument is specified.” However, the commenter feels “that this wording can be made even stronger and more specific with wording to the effect of using a valid, evidence-based, developmentally appropriate screening instrument that measures the foundational literacy skills as described in the MA Dyslexia Guidelines. This screening instrument should be one that is approved by all literacy related units in the Department or is one that meets the same criteria as used by the Department to approve a screening instrument.” | No change recommended. The screening instruments must be approved by the Department, and any further clarification is better addressed through guidance. |
| **Clarify Frequency of Screenings and When Further Assessment Is Needed** | One commenter, D. Baum, asked for clarifying language that the further assessments are required after a determination that the student is significantly behind benchmarks and not after third grade: “The language in sentence #2 suggests educators may exercise the option to deliver multiple screenings ‘through at least grade 3’ before ‘completing a further assessment’. This perpetuates a wait-to-fail model. Where is the urgency to act on data? In my view, the amendment should clarify the intent to empower educators to act in a timely manner when data indicate a student is ‘significantly behind relevant benchmarks for age typical development.’” | DESE has revised the language in this section to delete the language concerning a “further assessment” and clarify that, for those students significantly below relevant benchmarks, a school shall determine which actions within the general education program will meet the student’s needs, and the school shall inform parents of such results and the school’s response within 30 school days. |
| **Principals and General Education Supports** | The Massachusetts Urban Project wrote: “To disrupt the wait and fail model and help students to achieve success in general education, we recommended holding principals accountable for the development and implementation of general education supports as per (1) Chapter 71 Section 38Q1/2, (2) 603 CMR 28:03(3): Responsibilities of the School Principal (a) Instructional support, and (3) M.G.L. c. 71B, § 2 Pre-referral.” | DESE has added language referencing M.G.L. c. 71B, § 2, which directs school principals to ensure that all efforts have been made to meet students’ needs within the general education program. |

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| **Additional public comments not related to regulatory language** | | |
| **Category of Comment** | **Summary of Themes in Public Comment Received** | **DESE Response** |

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| **Conduct a Study** | Heather Mistretta suggested that DESE conduct a study to better understand current practices around intervention and guidelines for services. M.M.A. and M.A.S.S. also propose a study. | While there is no current plan to commission a further study at this time, DESE expects to conduct considerable outreach with districts and will be reviewing practices and results as the regulation is implemented. |
| **Teacher Training** | Several commenters suggested that more teachers should be trained in dyslexia and the science of reading and learning (e.g., A. Muck, M. Sully, J. Aubin-Updegraph, Dyslexia Parents Group of Lexington, C. D’Amato, J. Arcolano). | DESE has provided, and will continue to provide, grant opportunities and professional development opportunities to assist schools in implementing the proposed regulation. These include, but are not limited to:  Competitive grants to support professional development for screening  The Early Grades Literacy Grant  Growing Literacy Equity Across Massachusetts Grants  Mass Literacy Support Network  MTSS Tiered Literacy Academy  Dyslexia Institute  Start Strong with Screening webinars |
| **Deaf/Hard of Hearing** | One commenter, Erika Kaftan, suggested that DESE emphasize developing special practices for testing literacy skills in deaf/hard of hearing students. | There are many kinds of students—including those who are deaf/hard of hearing—for whom early literacy screenings may involve specialized considerations. This will be better addressed in guidance. |
| **Curriculum Changes** | One commenter, Carolyn D’Amato, suggested changing curriculum to reflect that teaching students with dyslexia how to read often benefits students without dyslexia. | DESE agrees with the idea that improving some students’ early literacy skills will have positive repercussions beyond those specific students. No regulatory change is needed on this point. |
| **Policies and Procedures** | Nancy Duggan from Decoding Dyslexia Massachusetts suggested that DESE provide an accurate model of policies and procedures for districts to use. | DESE has and will continue to provide additional details for early literacy screenings in guidance. |
| **Relationship to MTSS and RTI** | The Massachusetts Administrators for Special Education suggested that DESE “focus its efforts on ensuring and supporting school districts . . . to implement robust MTSS and/or RTI tiered systems of academic and social/emotional interventions to ensure students receive the education they are entitled to in general education.” | DESE agrees that it is important to support districts and schools in implementing robust tiered systems of support for students through the general education program. The proposed regulation, as revised, is one part of that effort. |