



# STATE OF CONNECTICUT

## STATE BOARD OF EDUCATION



November 28, 2022

Ms. Frances M. Rabinowitz  
Executive Director  
CT Association of Public School Superintendents  
26 Caya Avenue  
West Hartford, Connecticut 06110

Dear Executive Director Rabinowitz:

This correspondence serves as the response of the Connecticut State Department of Education [“the CSDE”] to Connecticut Association of Public School Superintendents [“CAPSS”] letter of November 2, 2022, regarding the CSDE’s implementation of the legislative mandates set forth in Sections 10-14hh and 10-14ii of the Connecticut General Statutes. As set forth below, the CSDE disagrees with many of CAPSS’ claims. Despite this disagreement, however, the CSDE is committed to continuing to work collaboratively with CAPSS, as evidenced by our ongoing conversations regarding the Science of Reading and the approved K-3 reading curriculum models or programs, to ensure that together we work to deliver the best educational opportunities to Connecticut’s children.

It has often been said that education is the great equalizer, and that knowing how to read on grade level by third grade is a measure that can predict the trajectory of your life. With that in mind, it is important to note that prior to the pandemic, only around 54 percent of Connecticut public school students in Grade 3 were proficient in English language arts [“ELA”] on the Common Core aligned Smarter Balanced assessment. This meant that approximately 17,000 students in Connecticut public school districts were *not* proficient. Of even greater concern, in the wake of the pandemic, the proficiency rate declined to only 47 percent in Grade 3, meaning that nearly 19,000 students in Connecticut’s public school districts are currently not proficient in ELA in Grade 3. Of these 19,000 students:

- Over 11,600 students are in our 36 Alliance Districts of whom 5,000 are special education students or English learners, while the remaining 6,600 are identified as neither.
- Around 7,200 students are in non-Alliance districts across the state of whom over 2,700 are special education students or English learners, while the remaining 4,500 are identified as neither.
- Over 3,000 are Black/African American, nearly 8,000 are Hispanic/Latino, and over 6,000 are White.

As these figures illustrate, *thousands* of Connecticut’s third graders, regardless of disability or English language proficiency, annually do not achieve minimal proficiency in ELA. This troubling fact was, in part, what led the CSDE to invest \$6,000,000 in the Science of Reading Masterclass, which was co-created with CAPSS to develop local capacity for the Science of Reading and components of comprehensive K-3 literacy instruction. These professional learning opportunities will support our educators with the tools and resources they need to effectively implement the Science of Reading, which was the will of the legislature in passing the “Right to Read” legislation.

In a March 29, 2021, Op-Ed, Senator Patricia “Billie” Miller -- the chief proponent of the “Right to Read” legislation set forth in Sections 10-14hh and 10-14ii -- wrote:

“Growing up, I knew that education was my way out of poverty — but it took literacy to access that educational opportunity. After everything students have endured through this pandemic, we owe them all this same chance. Each and every child has a right to read, and I’m committed to ensuring that right for all.”

As noted in your November 2 letter, Section 10-14hh(a) provides that “each local and regional board of education shall implement a reading curriculum model or program for grades prekindergarten to grade three, inclusive, that has been reviewed and recommended pursuant to section 10-14ii.” In turn, Section 10-14ii requires that the “director of the Center for Literacy Research and Reading Success, in consultation with the Reading Leadership Implementation Council . . . review and approve at least five reading curriculum models or programs to be implemented by local and regional boards of education.” Section 10-14ii further provides: “Such reading curriculum models or programs shall be . . . evidence-based and scientifically-based.”

As part of this approval process, both publishers and districts submitted proposed curricula as well as programs. The submissions included a number of what is referenced in the letter as “certain ‘off-the-shelf’ literacy instructional materials.” A characterization that puzzles the CSDE as not only are these materials currently being used by many districts across the state, they were also among the materials that *school districts* submitted for approval. These submissions were reviewed and scored by a multi-disciplinary group of reviewers, including members from the Reading Leadership Implementation Council established pursuant to Section 10-14gg(c), of which CAPSS is represented. As the CAPSS representative you served a crucial consultative role in the approval process under Section 10-14ii, including as one of the reviewers of submissions.

In asserting that the CSDE overstepped its authority under Connecticut law, the November 2 letter seems to claim that we have conflated “curriculum models” and “programs.” This is not an accurate description of the CSDE’s position. We fully agree that curriculum models and programs are not the same. The statutory language certainly supports this reading, for if it was the intention of the legislature to treat “curriculum models” and “programs” as the same, then it would have said so, either by not even using the words “or programs,” or by phrasing the statute so as simply to provide for the approval of “at least five reading curricula” or “at least five reading curriculum models.” Instead, both Sections 10-14hh(d) and 10-14ii use the word “or” to expressly differentiate between “curriculum models” and “programs,” something that would not have been necessary if “programs” were meant to be the same as “curriculum models.”

In addition, the assertion that the CSDE violated Sections 10-221 and 10-228 of the Connecticut General Statutes in its initial September 29, 2022, guidance regarding the approved reading programs ignores the CSDE’s authority as set out in statute.

Section 10-221(a) provides: “Boards of education shall prescribe rules for the management, studies, classification and discipline of the public schools *and, subject to the control of the State Board of Education, the textbooks to be used*” (emphasis added). Thus, contrary to the statement, Section 10-221(a) recognizes that the CSDE *does* have the authority to direct what instructional materials school boards must use. In setting forth the prescribed courses of study, Section 10-16b(a) includes “language arts, including reading.” Sections 10-14hh and 10-14ii empower the CSDE to review and approve the curriculum models or

programs by which Section 10-16b(a)'s reading requirement is to be implemented in grades K through 3. Section 10-228 authorizes the CSDE to approve the materials for such curriculum models or programs, and

Section 10-228 directs school districts to purchase the books, supplies, material, and equipment that they deem necessary to effectuate the statutory requirements contained in Sections 10-16b and 10-14hh.<sup>1</sup> In short, the CSDE's approval of reading programs pursuant to Sections 10-14hh and 10-14ii did not constitute a violation of either Section 10-221 or 10-228.

A particular focus of the November 2 correspondence is the waiver process that is provided for under Section 10-14hh(d), in which it is claimed that the CSDE's:

September 29<sup>th</sup> Memorandum also erred in establishing a waiver process that prohibits applications for and/or grants of waivers for reading 'curricula/programs' rated as 'does not meet' by Edreports.org. At the outset, CAPSS notes that Section 10-14hh charged the Commissioner of Education, not Edreports.org, with the responsibility of reviewing reading curriculum waivers to ensure compliance with the requirements of Section 10-14hh.

This, however, is ultimately not an issue. As you are aware, and as noted in your letter, the CSDE provided e-mail clarification of the waiver process on October 11, 2022, and that clarifying October 11 e-mail – as well as its embedded link to the CSDE's website, specifically [Connecticut Approved K-3 Reading Curricula/Programs](#) -- removed the reference to Edreports.org.

As to the more specific claims regarding the waiver process, CAPSS faults that October 11, 2022, clarification, including Document A, writing that it "seeks a 'detailed description of evidence' related to instructional texts and materials, [which] only highlights the extent to which the CSDE has overstepped its statutory authority." It further states:

State law requires the Commissioner of Education to evaluate applications for waivers based on disaggregated data of student performance on district reading assessments and a strategy to address reading achievement gaps. Importantly, state law does not provide the Commissioner with the authority to require the submission or review of instructional materials.

Although the waiver applications must include the above components, Section 10-14hh(d) also expressly provides that the Commissioner, in consultation with the Director of the Center for Literacy Research and Reading Success, must determine that the alternative a school district is seeking is:

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<sup>1</sup> The relevant language in Section 10-228 provides: "Each local and regional board of education shall purchase such books, either as regular texts, as supplementary books or as library books, and such supplies, material and equipment, as it deems necessary to meet the needs of instruction in its schools." As such, Section 10-228 is nothing more than a directive to local and regional school boards to purchase necessary books and materials for students. Although Section 10-228 includes the phrase "as it deems necessary to meet the needs of instruction in its schools," that language does not empower school districts to determine what instruction it will and will not offer. Such an interpretation could lead to local and regional school boards refusing to implement the required courses of study set forth in Section 10-16b of the Connecticut General Statutes because they purportedly had the sole discretion to determine what was "necessary to meet the needs of instruction in its schools," a result that would clearly be at odds with the law.

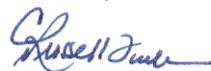
(1) evidence-based and scientifically-based, and (2) focused on competency in the following areas of reading: Oral language, phonemic awareness, phonics, fluency, vocabulary, rapid automatic name or letter name fluency and reading comprehension.

To argue that the Commissioner has no right to consider “instructional materials” in her determination of whether the alternative meets the statutory requirements makes little sense. This position would have the CSDE rely upon sheer speculation to determine whether a district’s proposed alternative is evidence-based or scientifically based. Similarly, the CSDE would be reduced to accepting on its face and without corroborating evidence that the alternative sought by a district focused on competency in the statutorily enumerated areas.

Finally, with respect to the waiver process, having previously heard directly from superintendents, we are establishing waiver documents guided by the legislation that will take a holistic look at the portfolio of reading curriculum models or programs being implemented by each district that seeks a waiver to see if they are, in their totality, aligned with the Science of Reading. Furthermore, through our ongoing conversations, I had made it clear that the CSDE would share those waiver documents with you, as Executive Director of CAPSS, prior to releasing them to solicit feedback. Although the letter asserts that the waiver process was “fundamentally flawed,” it must be noted that the CSDE has not yet released the waiver.

We cannot afford to have students in our state who are not reading proficiently by third grade. That was the reason that the “Right to Read” legislation charged the CSDE with the obligation to approve only those reading curriculum models or programs that are grounded solidly in the latest scientific evidence. This legislative directive guided the CSDE’s decisions regarding which reading curriculum models or programs to approve. Our students deserve to have the CSDE, superintendents, and educators work together to implement this legislation to the greatest and most efficacious extent possible. Only through such collaboration will we ensure brighter futures for all our students. To that end, and while we disagree with the claims made against the CSDE in the letter, we look forward to continuing to work with CAPSS in a productive manner.

Sincerely,



Charlene M. Russell-Tucker  
Commissioner of Education

cc: Superintendents of Schools