MASSACHUSETTS
Department of Elementary and Secondary Education
Pedro Martinez | Commissioner

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Memorandum

To: Board of Elementary and Secondary Education

From: Pedro Martinez, Commissioner

Date: October 7, 2026

Subject: Student Literacy Act: Background and Proposed Amendments to Regulations

At the special meeting on October 13, 2026, I am presenting to the Board of Elementary and Secondary Education (Board) for discussion proposed new regulations on Early Literacy, 603 CMR 58.00, along with related technical amendments to current regulations. The proposed regulations and technical amendments are required by An Act Relative to Teacher Preparation and Student Literacy (Student Literacy Act).

I look forward to our discussion on October 13, 2026.

Background

The Student Literacy Act was signed into law in June 2026. Among other things, the law requires school districts to assess students' reading ability at least twice per year from kindergarten through at least grade 3, using a valid, developmentally appropriate screener approved by the Department of Elementary and Secondary Education (Department). It also requires districts to select a high-quality, evidence-based early literacy curriculum for students in kindergarten through grade 3, and to report certain data to the Department.

The Student Literacy Act requires the Department to make available to districts a free high-quality early literacy curriculum, develop a list of other high-quality early literacy curricula, provide districts with professional development resources, and report on the data it collects. Additionally, the Student Literacy Act directs the Department, subject to appropriation, to develop a pilot early literacy apprenticeship program for high-needs districts.

Proposed New Regulations for Early Literacy

Consistent with the requirements of the Student Literacy Act, I am proposing a new set of regulations, 603 CMR 58.00.[1] The proposed regulations include the following sections:

Early Literacy Screening

The regulations require school districts to screen for neurological learning disabilities, including dyslexia, and assess each student's reading ability and progress in literacy skills, from kindergarten through at least grade 3. The screenings must be conducted at least twice per year using valid, developmentally appropriate screening instruments approved by the Department, and must account for the needs of English learners and students with disabilities, consistent with Department guidelines.

If the screening determines that a student is significantly below relevant benchmarks[2], the district is required to determine which actions within the general education program will meet the student's needs, inform the student's parent or guardian of the screening results within 30 days, and take action to meet the student's needs.

The regulations also provide that annually, by August 15, the Department will identify and post on its website a list of data requirements for districts relating to screening assessments, protocols and procedures. Districts are required to respond to the Department's data requests annually by October 31. Annually, by December 31, the Department will publish on its website aggregated data it collected.

High-Quality Curriculum

The regulations require that prior to the beginning of the 2027-2028 school year, districts must select and begin implementing a high-quality curriculum[3] for students from kindergarten through at least grade 3 that: (1) includes instruction in the five research-based areas in reading instruction and oral language development; and (2) uses and is based upon evidence-based literacy instruction. Districts are not permitted to select and implement a curriculum for literacy instruction for students in kindergarten through grade 3 that includes implicit or incidental instruction in word reading, visual memorization of whole words or guessing from context and picture cues as a substitute for identifying a word.

The Department is required to make available a free, high-quality curriculum for literacy instruction for students in kindergarten through at least grade 3 that meets the Department's curriculum frameworks. The Department is also required to make available tools and resources, including a list of high-quality curricula, a list of

Department-approved professional development programs and vendors and free, online training modules.

The regulations also provide that annually, by August 15, the Department will identify and post on its website a list of data requirements for districts relating to curricula consistent with evidence-based literacy instruction. Districts are required to respond to the Department's data requests annually by October 31. Annually, by December 31, the Department will publish on its website aggregated data it collected.

Waivers

Aligned with the Student Literacy Act, the regulations include a narrow waiver provision. It is important to note that the waiver would not exempt districts from the requirement to use a curriculum that is evidence-based and meets the Department's standards. Rather, a district may apply for a waiver only for the purpose of using a literacy instruction curriculum that does not appear on the Department's list of high-quality curricula and that has not already been reviewed by the Department. The waiver would permit a district to use a curriculum that does not appear on the Department's list of high-quality curricula, so long as the Department determines the proposed curriculum is evidence-based, aligned with the Massachusetts Curriculum Framework for English Language Arts and Literacy, and meets the Department's quality standards.

Districts are required to notify families if they are seeking a waiver, and if they have received a waiver from the Department.

The regulations also provide that the Department will review approved waivers every two years and may audit approved waivers at any time.

Literacy Registered Teacher Apprenticeship Program

The regulations include that, subject to appropriation, the Department will develop and pilot a literacy registered teacher apprenticeship program.

Proposed Amendments to Current Regulations

Educator Licensure and Preparation Program Approval, 603 CMR 7.00

As required by the Student Literacy Act, I am proposing amendments to the Educator Licensure and Preparation Program Approval regulations that establish standards for early literacy program approval. These amendments address required evidence from sponsoring organizations that are seeking approval of preparation program(s) related to early literacy in alignment with evidence-based practices and new teachers' effectiveness.

Special Education Regulations, 603 CMR 28.00

Consistent with the Student Literacy Act, I am proposing amendments to the Special Education Regulations that would remove the early literacy screening regulations, as those provisions are now included in the Early Literacy regulations, 603 CMR 58.03.

Student Opportunity Act Plans Regulations, 603 CMR 55.00

I am proposing a technical amendment to the Student Opportunity Act (SOA) regulations to account for the addition of a new evidence-based intervention for SOA plans.

Conclusion

The Department is in the process of updating guidance and resources in alignment with the Student Literacy Act, including the approved list of high-quality curricula for kindergarten through grade 3 literacy instruction, as well as updated Early Literacy Screening Guidance and an approved assessment list.

Lauren Woo, Deputy Commissioner, Erin Hashimoto-Martell, Senior Associate Commissioner of Teaching and Learning, Katherine Tarca, Associate Commissioner of Curriculum and Standards, and Claire Abbott, Associate Commissioner of Educator Effectiveness will join us for the discussion at the October 13 special meeting of the Board.

Enclosures:

- Proposed New Regulations for Early Literacy, 603 CMR 58.00
- Proposed Amendments to Regulations on Educator Licensure and Preparation Program Approval, 603 CMR 7.00
- Proposed Amendments to Special Education Regulations 603 CMR 28.00, that moves early literacy screening provisions to 603 CMR 58.00
- Proposed Amendments to Student Opportunity Act Plans Regulations, 603 CMR 55.00
- Student Literacy Act

APPENDIX

Crosswalk of the Proposed Regulations and Provisions of the Student Literacy Act

Proposed Early Literacy Regulations, 603 CMR 58.00

Definitions, 603 CMR 58.02

The definitions are drawn from Sections 3, 11 and 12 of the Student Literacy Act.

Early Literacy Screening, 603 CMR 58.03

The provisions relating to early literacy screening are drawn from Sections 10 – 11 of the Student Literacy Act.

High-Quality Curriculum, 603 CMR 58.04

The provisions relating to high-quality curriculum are drawn from Sections 3 and 6 of the Student Literacy Act.

Waivers, 603 CMR 58.05

The provisions relating to waivers are drawn from Section 3 of the Student Literacy Act.

Literacy Registered Teacher Apprenticeship Pilot Program, 603 CMR 58.06

The provisions relating to the literacy registered teacher apprenticeship pilot program are drawn from Section 12 of the Student Literacy Act.

General Requirements, 603 CMR 58.07

The provisions relating to accountability are drawn from Section 1 of the Student Literacy Act.

Proposed Amendments to Educator Licensure and Preparation Program Approval Regulations, 603 CMR 7.00

Early Literacy Program Approval Standards, 603 CMR 7.03 (3)

The provisions relating to early literacy program approval standards for educator preparation programs are drawn from Section 9 of the Student Literacy Act.

Proposed Amendments to Student Opportunity Act Plans Regulations, 603 CMR 55.00

Student Opportunity Act Plan Review, 603 CMR 55.03

The provisions relating to evidence-based programs and the Student Opportunity Act Plans are drawn from Sections 4–5 of the Student Literacy Act.

Proposed Amendments to Special Education Regulations, 603 CMR 28.00

Early Literacy Screening, 603 CMR 28.03(1)(f)

As noted above, the Early Literacy Screening provisions are included in the proposed Early Literacy regulations. As a result, the proposed amendments delete the Early Literacy Screening provisions in the Special Education regulations.