

Opponent Testimony – HB 33  
Emily Rodgers  
April 30, 2023

To Members of the Senate Education Committee:

I write to express my concerns about specific elements of HB 33 that pertain to Reading Improvement and to suggest ways to improve the Bill, specifically:

- 1) language that refers to a “science of reading”
- 2) plans to ban an instructional approach,
- 3) references to “structured literacy”

I would like to share my concerns and suggest changes to amend the Bill.

**1. There is no agreed upon definition of “science of reading” but there is federal agreement on what constitutes “evidence-based.”** The language of the bill pairs the two terms “science of reading” with “evidence-based approaches.” Every publisher of curricula materials are claiming their programs are aligned with a science of reading. There is absolutely no mechanism to decide whether a program is aligned with a “science of reading” or not. There are however clear federal guidelines about what constitutes evidence.

Evidence-based interventions are practices or programs that have **evidence** to show that they are effective at producing results and improving outcomes when implemented. The kind of evidence described in ESSA has generally been produced through formal studies and research.

Under ESSA, there are four tiers, or levels, of evidence:

**Tier 1 – Strong Evidence:** supported by one or more well-designed and well-implemented randomized control experimental studies. At least one positive effect and no negative effects.

**Tier 2 – Moderate Evidence:** supported by one or more well-designed and well-implemented quasi-experimental studies. At least one positive effect and no negative effects.

**Tier 3 – Promising Evidence:** supported by one or more well-designed and well-implemented correlational studies (with statistical controls for selection bias). At least one positive effect and no negative effects.

**Tier 4 – Demonstrates a Rationale:** practices that have a well-defined logic model or theory of action, are supported by research, and have some effort underway by an SEA, LEA, or outside research organization to determine their effectiveness.”

Source: <https://www.cde.ca.gov/re/es/evidence.asp>

**To amend the Bill:** Strikethrough the 16 mentions of “science of reading.” Please see attached to read the proposed changes; the changes are minimal and easy to make. The Bill reads just fine without the vague term “science of reading.” It leaves us with the more scientific “evidence-based approaches.”

**2. Banning any instructional approach is problematic.** This Bill would outlaw teaching "the three-cueing approach." Banning any instructional approach is a dangerous precedent. What's next? Banning the teaching of evolution? Further, there is no evidence to support banning a three cueing instructional approach. Instead, some have argued that the campaign to ban a three cueing approach is simply a campaign to reduce and remove the competition for curricula adoption.

**To amend the Bill:** Strike language in the Bill to ban (outlaw) a three cueing approach” (or any approach). See the attached.

**3. Remove references to “structured literacy” approaches.** Structured literacy is a term that is trademarked by the International Dyslexia Association and should not be used.

<https://dyslexiaida.org/infographics/>

**To amend the Bill:** Strike language in the Bill that references using a “structured literacy approach.” See the attached.

Thank you for considering these changes to Bill 33.

  
Emily Rodgers

the funds received under division (A)(4)(a) of section 3317.022 of the Revised Code; 40416  
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(2) For a joint vocational school district, the funds received under division (A)(3) of section 3317.16 of the Revised Code; 40418  
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(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division (A)(4)(b) of section 3317.022 of the Revised Code; 40421  
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(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division (A)(4)(b) of section 3317.022 of the Revised Code. 40424  
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(B)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the disadvantaged pupil impact aid it receives for any of the following initiatives or a combination of any of the following initiatives: 40427  
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(a) Extended school day and school year; 40432

(b) Reading improvement and intervention that is aligned with the science of reading and evidence-based strategies for effective literacy instruction; 40433  
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(c) Instructional technology or blended learning; 40436

(d) Professional development in the science of reading and evidence-based strategies for effective literacy instruction for teachers of students in kindergarten through third grade; 40437  
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(e) Dropout prevention; 40440

(f) School safety and security measures; 40441

(g) Community learning centers that address barriers to learning; 40442  
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(h) Academic interventions for students in any of grades six 40444

~~(K)(L)~~ The department of education shall designate one or 35161  
more staff members to provide guidance and assistance to school 35162  
districts and community schools in implementing the third grade 35163  
guarantee established by this section, including any standards or 35164  
requirements adopted to implement the guarantee and to provide 35165  
information and support for reading instruction and achievement. 35166

**Sec. 3313.6028.** ~~(A) As used in this section, "three-cueing~~ 35167  
~~approach" means any model of teaching students to read based on~~ 35168  
~~meaning, structure and syntax, and visual cues.~~ 35169

~~(B) The department of education shall establish a list of~~ 35170  
~~high-quality core curriculum and instructional materials in~~ 35171  
~~English language arts, and a list of evidence-based reading~~ 35172  
~~intervention programs, that are aligned with the science of~~ 35173  
~~reading and strategies for effective literacy instruction.~~ 35174

~~(C) Beginning not later than the 2024-2025 school year, each~~ 35175  
~~school district, community school established under Chapter 3314.~~ 35176  
~~of the Revised Code, and STEM school established under Chapter~~ 35177  
~~3326. of the Revised Code, shall use core curriculum and~~ 35178  
~~instructional materials in English language arts and~~ 35179  
~~evidence-based reading intervention programs only from the lists~~ 35180  
~~established under division (B) of this section. Except as provided~~ 35181  
~~in division (D) of this section, no district or school shall use~~ 35182  
~~any core curriculum, instructional materials, or intervention~~ 35183  
~~program in grades pre-kindergarten to five that use the~~ 35184  
~~three-cueing approach to teach students to read.~~ 35185

~~(D) A district or school may apply to the department for a~~ 35186  
~~waiver on an individual student basis to use curriculum,~~ 35187  
~~instructional materials, or an intervention program in grades~~ 35188  
~~pre-kindergarten through five that uses the three-cueing approach~~ 35189  
~~to teach students to read, except as follows:~~ 35190

~~(1) No student for whom a reading improvement and monitoring~~ 35191

~~plan has been developed under division (C) of section 3313.608 of the Revised Code shall be eligible for a waiver.~~ 35192  
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~~(2) If a student has an individualized education program that explicitly indicates the three-cueing approach is appropriate for the student's learning needs, the student shall not be required to have a waiver.~~ 35194  
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~~In determining whether to approve a waiver requested under this section, the department shall consider the performance of the student's district or school on the state report card issued under section 3302.03 of the Revised Code, including on the early literacy component prescribed under division (D)(3)(e) of that section.~~ 35198  
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~~(E) The department shall identify vendors that provide professional development to educators, including pre-service teachers and faculty employed by educator preparation programs, on the use of high-quality core curriculum and instructional materials and reading intervention programs on the lists established under division (B) of this section.~~ 35204  
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**Sec. 3313.61.** (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply: 35210  
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(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, or has qualified under division (D) or (F) of section 3313.603 of the Revised Code, provided that no school district shall require a student to remain in school for any specific number of semesters or other terms if the student completes the required curriculum early; 35214  
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Ohio teacher residency program established under section 3319.223 43794  
of the Revised Code. ~~The metrics and educator preparation programs~~ 43795  
~~also shall ensure;~~ 43796

(2) Ensure that educators and other school personnel are 43797  
adequately prepared to use the value-added progress dimension 43798  
prescribed by section 3302.021 of the Revised Code or the 43799  
alternative student academic progress measure if adopted under 43800  
division (C)(1)(e) of section 3302.03 of the Revised Code. 43801

~~(2) Provide for the inspection of institutions of higher 43802  
education desiring to prepare educators and other school 43803  
personnel. i 43804~~

(3) Ensure that all educators complete coursework in 43805  
evidence-based strategies for effective literacy instruction 43806  
~~aligned to the science of reading, which includes phonics,~~ 43807  
~~phonemic awareness, fluency comprehension, and vocabulary 43808  
development, and is part of a structured literacy program;~~ 43809

~~(4) Ensure that clinical preparation for all educators who 43810  
are responsible for teaching reading only occur in the classrooms 43811  
where the local education agency has verified that the practicing 43812  
teachers have training in literacy instruction strategies aligned 43813  
to the science of reading, use instructional materials aligned to 43814  
the science of reading from the list established under section 43815  
3313.6028 of the Revised Code, and actively implement a structured 43816  
literacy approach.~~ 43817

~~(B) Not later than one year after October 16, 2009, the 43818  
chancellor shall approve institutions of higher education engaged 43819  
in the preparation of educators and other school personnel that 43820  
maintain satisfactory training procedures and records of 43821  
performance, as determined by the The chancellor shall do all of 43822  
the following: 43823~~

(1) Develop an auditing process that clearly documents the 43824

degree to which every educator preparation program at an 43825  
institution of higher education is effectively teaching the 43826  
science of reading as follows: 43827

(a) By December 31, 2023, complete an initial survey of 43828  
educator preparation programs, establish metrics for the audits, 43829  
and update standards to reflect new requirements; 43830

(b) Grant a one-year grace period for all institutions to 43831  
meet new standards and requirements under this section to begin on 43832  
January 1, 2024; 43833

(c) On January 1, 2025, begin conducting audits of each 43834  
institution that offers educator preparation programs. 43835

The chancellor shall revoke approval for programs that are 43836  
found to be not in alignment and do not address the findings of 43837  
the audit within a year. All programs shall be reviewed every four 43838  
years thereafter to ensure continued alignment. 43839

(2) Annually create a summary of literacy instruction 43840  
strategies and practices in place for all educator preparation 43841  
programs based on the program audits, including institution-level 43842  
summaries, until all programs reach the required alignment 43843  
specified in division (A)(3) of this section; 43844

(3) In conjunction with the department of education, do all 43845  
of the following: 43846

(a) Publicly release the summaries with local education 43847  
agencies not later than the thirty-first day of March of each 43848  
year; 43849

~~(b) Identify a list of approved vendors who can provide~~ 43850  
~~professional development experiences that are consistent with the~~ 43851  
~~science of reading to educators who are responsible for teaching~~ 43852  
~~reading, including faculty in educator preparation programs;~~ 43853

(c) Develop a public dashboard that reports the first-time final 43854

passage rates of students, by institution, on the foundations of 43855  
reading licensure test. 43856

(C) If the metrics established under division ~~(A)(1)(A)~~ of 43857  
this section require an institution of higher education that 43858  
prepares teachers to satisfy the standards of an independent 43859  
accreditation organization, the chancellor shall permit each 43860  
institution to satisfy the standards of any applicable national 43861  
educator preparation accrediting agency recognized by the United 43862  
States department of education. 43863

(D) The metrics and educator preparation programs established 43864  
under division ~~(A)(1)(A)~~ of this section may require an 43865  
institution of higher education, as a condition of approval by the 43866  
chancellor, to make changes in the curricula of its preparation 43867  
programs for educators and other school personnel. 43868

Notwithstanding division (E) of section 119.03 and division 43869  
(A)(1) of section 119.04 of the Revised Code, any metrics, 43870  
educator preparation programs, rules, and regulations, or any 43871  
amendment or rescission of such metrics, educator preparation 43872  
programs, rules, and regulations, adopted under this section that 43873  
necessitate institutions offering preparation programs for 43874  
educators and other school personnel approved by the chancellor to 43875  
revise the curricula of those programs shall not be effective for 43876  
at least one year after the first day of January next succeeding 43877  
the publication of the said change. 43878

Each institution shall allocate money from its existing 43879  
revenue sources to pay the cost of making the curricular changes. 43880

(E) The chancellor shall notify the state board of the 43881  
metrics and educator preparation programs established under 43882  
division ~~(A)(1)(A)~~ of this section ~~and the institutions of higher~~ 43883  
~~education approved under division (B) of this section.~~ The state 43884  
board shall publish the metrics, and educator preparation 43885



through twelve in the school X the formula amount) 158383

If the amount computed under division (D)(3) is a negative 158384  
number, the school shall not receive a payment under this section. 158385

(E) The Department may complete a review of the enrollment of 158386  
each eligible internet- or computer-based community school that 158387  
chooses to participate in the pilot program in accordance with 158388  
division (K) of section 3314.08 of the Revised Code. If the 158389  
Department determines a school has been overpaid based on a review 158390  
completed under division (E) of this section, the Department shall 158391  
require a repayment of the overpaid funds and may require the 158392  
school to establish a plan to improve the reporting of enrollment. 158393

**Section 265.330. LITERACY IMPROVEMENT** 158394

(A)(1) Of the foregoing appropriation item 200566, Literacy 158395  
Improvement, up to \$21,500,000 in each fiscal year shall be used 158396  
by the Department of Education to reimburse school districts, 158397  
community schools established under Chapter 3314. of the Revised 158398  
Code, and STEM schools established under Chapter 3326. of the 158399  
Revised Code for stipends paid under division (A)(3) of this 158400  
section to teachers to complete professional development in ~~the~~ 158401  
~~science of reading and~~ evidence-based strategies for effective 158402  
literacy instruction. The Department shall provide professional 158403  
development courses for this purpose. 158404

(2) Districts and schools shall require all teachers and 158405  
administrators to complete a course provided by the Department 158406  
under division (A)(1) of this section not later than June 30, 158407  
2025, except that any teacher or administrator who has previously 158408  
completed similar training, as determined by the Department, shall 158409  
not be required to complete the course. Teachers shall complete 158410  
the course at a time that minimizes disruptions to normal 158411  
instructional hours. Districts and schools shall pay a stipend to 158412  
each teacher who completes a professional development course under 158413

division (A)(2) of this section as follows:	158414
(a) \$600 for each of the following:	158415
(i) A teacher of grades kindergarten through five;	158416
(ii) An English language arts teacher of grades six through twelve;	158417 158418
(iii) An intervention specialist, English learner teacher, reading specialist, or instructional coach who serves any of grades pre-kindergarten through twelve.	158419 158420 158421
(b) \$200 for each teacher who teaches a subject area other than English language arts in grades six through twelve.	158422 158423
(3) Each district or school may apply to the Department, in a manner prescribed by the Department, for reimbursement of the cost of the stipends. The Department shall not reimburse any stipend paid to an administrator to complete a professional development course provided by the Department under division (A)(2) of this section.	158424 158425 158426 158427 158428 158429
(4)(a) The Department of Education shall work with the Department of Higher Education, institutions of higher education that offer educator preparation programs, and local professional development committees established under section 3319.22 of the Revised Code to help teachers and administrators who complete a professional development course under division (A)(2) of this section to earn college credit or to apply the coursework toward their licensure renewal requirements.	158430 158431 158432 158433 158434 158435 158436 158437
(b) The Department of Education shall collaborate with the Department of Higher Education and institutions of higher education that offer educator preparation programs to align the coursework of the programs with <del>the science of reading and</del> evidence-based strategies for effective literacy instruction.	158438 158439 158440 158441 158442
(5) An amount equal to the unexpended, unencumbered balance	158443

of the amount allocated in division (A)(1) of this section at the 158444  
end of fiscal year 2024 is hereby reappropriated to the Department 158445  
of Education for the same purpose in fiscal year 2025. 158446

(B)(1) Of the foregoing appropriation item 200566, Literacy 158447  
Improvement, up to \$44,000,000 in fiscal year 2024 shall be used 158448  
by the Department of Education to subsidize the cost for school 158449  
districts, community schools, and STEM schools to purchase 158450  
high-quality core curriculum and instructional materials in 158451  
English language arts and evidence-based reading intervention 158452  
programs from the lists established under section 3313.6028 of the 158453  
Revised Code. An amount equal to the unexpended, unencumbered 158454  
balance of the amount allocated in this division, at the end of 158455  
fiscal year 2024 is hereby reappropriated to the Department for 158456  
the same purpose in fiscal year 2025. 158457

(2) The Department shall conduct a survey to collect 158458  
information on the core curriculum and instructional materials in 158459  
English language arts in grades pre-kindergarten through five and 158460  
the reading intervention programs in grades pre-kindergarten 158461  
through twelve that are being used by public schools. Each school 158462  
district, community school, and STEM school shall participate in 158463  
the survey and shall provide the information requested by the 158464  
Department. 158465

(C) Of the foregoing appropriation item 200566, Literacy 158466  
Improvement, up to \$6,000,000 in fiscal year 2024 and up to 158467  
\$12,000,000 in fiscal year 2025 shall be used for coaches to 158468  
provide literacy supports to school districts, community schools, 158469  
and STEM schools with the lowest rates of proficiency in literacy 158470  
based on their performance on the English language arts 158471  
assessments prescribed under section 3301.0710 of the Revised 158472  
Code. The coaches shall have training in ~~the science of reading~~ 158473  
~~and~~ evidence-based strategies for effective literacy instruction 158474  
and intervention and shall implement Ohio's Coaching Model, as 158475

(B) Of the foregoing appropriation item 235427, Adult Literacy Initiatives, a portion in each fiscal year shall be used by the Chancellor to support evidence-based literacy professional development and training opportunities for college and university faculty at state institutions of higher education as defined in section 3345.011 of the Revised Code and private nonprofit institutions of higher education that have a certificate of authorization pursuant to Chapter 1713. of the Revised Code, with priority for those faculty that teach reading instruction. The Chancellor shall allocate funds in the manner the Chancellor prescribes, consistent with the goal of encouraging faculty to increase their knowledge, awareness, and adoption of evidence-based literacy approaches, ~~including the science of reading.~~

(C) Of the foregoing appropriation item 235427, Adult Literacy Initiatives, a portion in each fiscal year shall be used by the Chancellor to support all of the following:

(1) Literacy instruction for students not eligible for Aspire services due to National Reporting System assessment standards, as determined by the Chancellor;

(2) Instructional services for adult English language learners; and

(3) Evidence-based and high-quality professional development initiatives for Aspire instructors that support all levels of adult learners to create an impact of literacy instruction being delivered across the state of Ohio by all instructors to all levels of learners.

(D) Not later than March 31, 2024, the Chancellor shall do all of the following:

(1) Conduct a review of all educator preparation programs at state and private nonprofit institutions of higher education and

develop a summary of the curriculum used at those institutions to 164523  
provide training in the pedagogy of literacy, ~~including the extent~~ 164524  
~~to which the curriculum is aligned with the science of reading;~~ 164525

(2) Conduct an analysis of curriculum used in Aspire 164526  
programming for alignment with best practices for literacy 164527  
education; and 164528

(3) Conduct an analysis, in consultation with the Director of 164529  
Job and Family Services, of Aspire programs available in Ohio, 164530  
with emphasis on communities with the highest unemployment and 164531  
underemployment rates and lowest rates of high school completion. 164532  
Upon completion of this analysis, the Chancellor and Director of 164533  
Job and Family Services shall do all of the following: 164534

(a) Assess and develop recommended best practices on how the 164535  
Department of Job and Family Services connects those on 164536  
unemployment, Supplemental Nutrition Assistance Program, and other 164537  
public benefits programs, as appropriate, to Aspire program 164538  
options to ensure that Aspire opportunities are well known to as 164539  
many potential beneficiaries as possible; and 164540

(b) Develop strategies to implement the best practices 164541  
identified in division (D)(3)(a) of this section and consider 164542  
mechanisms of accountability to encourage those enrolled in public 164543  
benefits programs to complete Aspire programming. 164544

(E) On July 1, 2024, or as soon as possible thereafter, the 164545  
Chancellor shall certify to the Director of Budget and Management 164546  
an amount up to the unexpended, unencumbered balance of the 164547  
foregoing appropriation item 235427, Adult Literacy Initiatives, 164548  
at the end of fiscal year 2024 to be reappropriated to fiscal year 164549  
2025. The amount certified is hereby reappropriated to the same 164550  
appropriation item in fiscal year 2025. 164551

**Section 381.180.** APPALACHIAN NEW ECONOMY WORKFORCE 164552

Preparation Programs, \$250,000 in each fiscal year shall be used 165666  
by the Chancellor of Higher Education to award competitive grants 165667  
of up to \$10,000 to institutions of higher education to promote 165668  
student teacher placement with teachers who: 165669

(a) Received instruction in evidenced-based strategies 165670  
~~aligned to the science of reading;~~ 165671

(b) Use high quality instructional materials ~~aligned to the~~ 165672  
~~science of reading;~~ and 165673

~~(c) Implement a structured literacy approach in their~~ 165674  
~~classrooms.~~ 165675

(2) The Chancellor shall establish procedures and criteria 165676  
for awarding the grants under this division. 165677

(B) Of the foregoing appropriation item 235585, Educator 165678  
Preparation Programs, \$175,000 in each fiscal year shall be used 165679  
by the Chancellor to award competitive grants of up to \$20,000 to 165680  
institutions of higher education to assist with aligning their 165681  
teacher preparation programs with evidenced-based practices. ~~the science of reading.~~ 165682  
The Chancellor shall establish procedures and criteria for awarding 165683  
grants under this division. 165684

(C) The remainder of the foregoing appropriation item 235585, 165685  
Educator Preparation Programs, shall be used by the Chancellor 165686  
pursuant to section 3333.048 of the Revised Code. 165687

**Section 381.530. CO-OP INTERNSHIP PROGRAM** 165688

Of the foregoing appropriation item 235591, Co-Op Internship 165689  
Program, \$300,000 in each fiscal year shall be used to support 165690  
students who attend institutions of higher education in Ohio and 165691  
are participating in The Washington Center Internship Program or 165692  
the short-term programs of The Washington Center. 165693

Of the foregoing appropriation item 235591, Co-Op Internship 165694  
Program, \$165,000 in each fiscal year shall be used to support the 165695