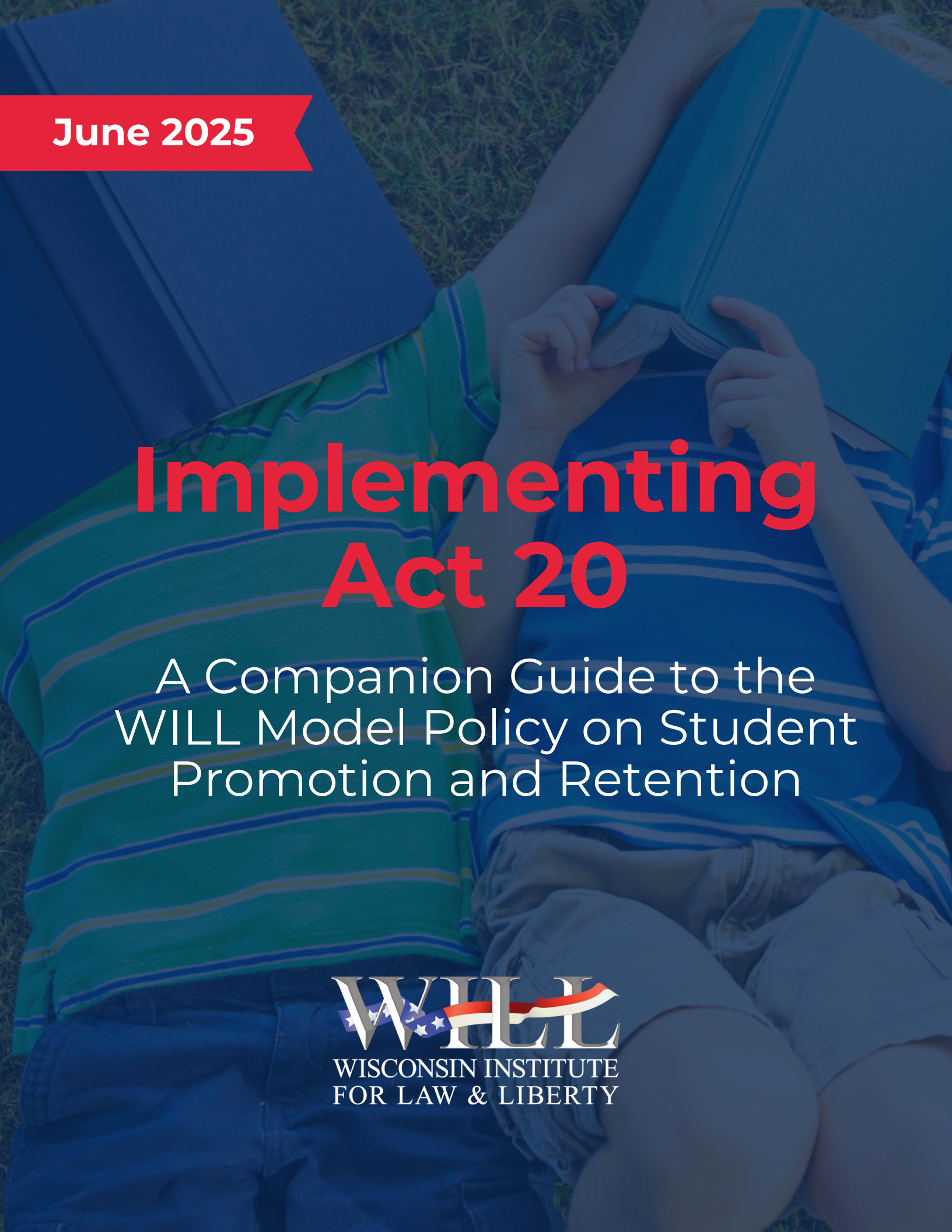

June 2025

Implementing Act 20

A Companion Guide to the WILL Model Policy on Student Promotion and Retention

WISCONSIN INSTITUTE FOR LAW & LIBERTY

WISCONSIN INSTITUTE FOR LAW & LIBERTY

Implementing Act 20: A Companion Guide to the WILL Model Policy on Student Promotion and Retention

Nothing in this document should be construed as legal advice. The Wisconsin Institute for Law & Liberty ("WILL") is a 501(c)(3) nonprofit organization. Anyone interested in the application of the law to a specific factual situation should contact their own counsel.

This guide is designed to accompany the WILL Model Policy: *Determination of Promotion or Retention of Students with Personal Reading Plans.* It provides clear, actionable steps for implementing Act 20—from the school board to the classroom. This resource explains the assessments, timelines, and intervention strategies needed to support student success in early literacy.

In this companion guide, you'll find:

1. A breakdown of required screening and diagnostic assessments and timelines;
2. A framework for creating and implementing Personal Reading Plans (PRPs);
3. Best practices for delivering tiered reading interventions;
4. Parent notification and involvement; and
5. A promotion and retention tool for making objective, data-informed decisions.

WILL's Act 20 Model Policy, *Determination of Promotion or Retention of Students with Personal Reading Plans*, covers a lot of content. But adopting the right policy is just the first step. To truly make Act 20 work from the school board to the classroom, public school boards, administrators, and teachers need practical guidance. This guide provides additional information, legal clarity, and actionable strategies needed to implement the Act 20 policy effectively and confidently.

1. Assessments and Screenings

While the Act 20 Model Policy timeline officially begins once a student is identified as "at-risk" and placed on a personal reading plan, the process should start much earlier. Early assessments and screenings—ideally beginning in 4K or kindergarten—are critical for identifying reading struggles before they become significant. The goal is to intervene early enough to support student progress and reduce the need for difficult promotion or retention decisions at the end of 3rd grade. Although the criteria for promotion to the 4th grade or retention in the 3rd grade hinges on whether the student "completes" his or her personal reading plan, success will be determined by the foundational steps taken well before that point. This section outlines the legally required assessments, timelines, and how to use the results to support student success.

Universal Screening Assessment

As defined by law and in the Model Policy, a "Universal Screening Assessment" refers to an assessment selected by the Wisconsin Department of Public Instruction ("DPI") in accordance with Wis. Stat. § 118.016(3)(a). DPI has selected **aimswebPlus** as the Universal Screening Assessment.[1] Under Wisconsin Statute § 118.016(9)(c), DPI is responsible for the cost of administering these assessments.

Wisconsin law[2] requires that the Universal Screening Assessment be administered three times annually for students in 5k through 3rd grade:

1. The first assessment must occur between the 1st and 45th day of school;
2. The second assessment must be administered mid-year, as determined by the school board;
3. The third assessment must occur on or before the 45th day before the last day of school.[3]

In addition to these legal parameters, districts must follow aimswebPlus's vendor-specific administration windows,[4] which are based on fixed calendar dates rather

---

[1] Wisconsin Department of Public Instruction, *Early Literacy Assessment, Act 20* (available at https://dpi.wi.gov/wi-reads/early-literacy-assessment-and-act-20#Screening).
[2] Wis. Stat. § 118.016(3)(a)1.–3.
[3] *Id.*
[4] Wisconsin Department of Public Instruction, *Fundamental Skills Screening (4k) and Universal Reading Screening (5k through grade 3) Establishing a Screening Window)*, July 2024 (available at https://www.pearsonassessments.com/content/dam/school/global/clinical/us/legacy-replace/site-scrape-flattened/screener-window-guidance.pdf).

than instructional days.[5] The chart below aligns both the statutory requirements and the aimswebPlus screening windows for the 2025–26 school year:

Assessment Timing Requirements – Legal vs. Vendor Windows

Assessment Window	Required by State Law *(Wis. Stat. § 118.016)*	aimswebPlus Screening Window (2025–2026)	Key Considerations
Fall	Must occur between the **1st and 45th school day** of the school year	August 1 – October 24, 2025	Districts must test *before Day 45* and *no later than Oct. 24*. In most districts, Day 45 will fall the week of Oct. 27–31,[6] so Oct. 24 will be within the allowable range for both.
Mid-Year	Must occur **mid-year**, as defined by the local school board	December 1, 2025 – January 30, 2026	This means that districts must choose a day between December 1, 2025, and January 30, 2026.
Spring	Must occur **by the date that is 45 days before the last day of school**	March 16 – May 8, 2026	Ensure testing is completed on or before the 45th day before the last day of school and no later than May 8, 2026.

DPI's guidance indicates that aimswebPlus scores are available at the time of administration.[7] Therefore, once a student has completed all sub-tests, the score is available to help determine whether the student is "at-risk." Under Wisconsin Statute § 118.016(1)(a), a student is considered "at-risk" if he or she scores below

[5] AimswebPlus & Wisconsin Department of Public Instruction, *Welcome Wisconsin Education Professionals* (available at https://www.pearsonassessments.com/campaign/aimswebplus-wisconsin.html).
[6] Assuming the school year starts after Labor Day Weekend 2025.
[7] Wisconsin Department of Public Instruction, *Fundamental Skills Screening (4k) and Universal Reading Screening (5k through grade 3): Establishing a Screening Window*, July 2024 (available at https://www.pearsonassessments.com/content/dam/school/global/clinical/us/legacy-replace/site-scrape-flattened/screener-window-guidance.pdf).

the 25th percentile on the Universal Screening Assessment. Any student identified as "at-risk" must then be given a Diagnostic Assessment, as required by law.[8]

Diagnostic Assessment

After a student is identified as "at-risk" on the Universal Screening Assessment, the next required step is a Diagnostic Assessment. While the Universal Screening Assessment is designed to flag students who may be struggling, a Diagnostic Assessment is more in-depth. It helps identify specific skill deficits in areas such as phonological awareness, phonemic awareness, and fluency.[9] It also provides an opportunity for families to share relevant information through a brief family history survey.[10]

Unlike the Universal Screening Assessment (which is selected by DPI), school districts may choose from a list of DPI-approved diagnostic assessments. A high-quality diagnostic assessment provides detailed information about a student's specific skill gaps—such as phonemic awareness, decoding, or fluency—and supports targeted instruction. This is especially important because early reading difficulties vary widely in cause and severity. Diagnostic assessments help teachers tailor interventions to meet each child's individual needs and monitor progress more precisely. Under Wisconsin Statute § 118.016(8)(a), DPI must establish and maintain this list for districts to select from.

As of July 19, 2024, DPI's approved Diagnostic Assessment for Early Literacy list for the 2024–25 school year includes[11]:

1. aimswebPlus (by Pearson);
2. Fastbridge and Star (by Renaissance Learning);
3. HMH Amira (by Houghton Mifflin Harcourt);
4. iReady (by Curriculum Associates); and
5. MAP Fluency (by NWEA, a division of Houghton Mifflin Harcourt).

[8] Wis. Stat. § 118.016(3)(b).
[9] Wis. Stat. § 118.016(1)(b)1.
[10] Wis. Stat. § 118.016(1)(b)2.
[11] Wisconsin Department of Public Instruction, *Diagnostic Assessment for Early Literacy*, July 19, 2024 (available at https://dpi.wi.gov/sites/default/files/imce/wi-reads/Diagnostic_Assessment_List.pdf).

Vendors can submit diagnostic assessments to DPI at any time for consideration. Diagnostic assessments which meet the requirements of Wis. Stat. § 118.016 will be added to the list accordingly.[12]

Timelines for Administering Diagnostic Assessments

Wisconsin law[13] sets different deadlines for administering a Diagnostic Assessment, depending on when the student is identified as "at-risk" or who makes the request:

Triggering Event	**Deadline to Administer Diagnostic Assessment**
Student identified as "at-risk" on the fall Universal Screening Assessment	On or before the second Friday in November
Student identified as "at-risk" on the mid-year or spring screening	Within 10 school days of the determination
Parent or teacher suspects characteristics of dyslexia and requests an assessment	Within 20 school days of the request

Cost and Reimbursement of Diagnostic Assessments

Under Wisconsin Statute § 118.016(9)(a), the cost of the Diagnostic Assessment must be reimbursed by DPI. Each school district should have access to DPI's "EarlyRead" system, where the "Early Literacy Diagnostic Assessment Reimbursement" form can be found.[14]

DPI set the reimbursement deadline for the 2024–25 school year as May 23, 2025.[15] Districts should watch for updated guidance and deadlines to ensure they have an opportunity to receive full reimbursement.[16]

---

[12] Wisconsin Department of Public Instruction, *Diagnostic Assessment for Early Literacy*, July 19, 2024 (available at https://dpi.wi.gov/sites/default/files/imce/wi-reads/Diagnostic_Assessment_List.pdf).
[13] Wis. Stat. § 118.016(3)(b).
[14] Wisconsin Department of Public Instruction, *Early Literacy Assessment, Act 20* (available at https://dpi.wi.gov/wi-reads/early-literacy-assessment-and-act-20#1).
[15] *Id.*
[16] There are substantial outstanding questions surrounding Act 20. One of the unanswered questions is whether Governor Evers' line-item veto of Act 100 is constitutional. This will impact Act 20 funds which will impact reimbursement under the law. *See* Wisconsin Institute for Law & Liberty (WILL), *Literacy on Hold: What School Districts Should Know about the Legal Status of Wisconsin Act 20*

Four-Year-Old Kindergarten Screening Requirement

Under Wisconsin law[17] and as reflected in our Model Policy, students enrolled in four-year-old kindergarten (4K) must be assessed using a fundamental skills screening assessment twice each year. This assessment is used to determine key literacy skills such as letter-sound knowledge and phonological awareness—the understanding that words are broken down into different sounds.[18]

DPI has selected aimswebPlus as the statewide tool to fulfill this requirement as well.[19] Because aimswebPlus provides designated testing windows, schools must administer the screening within both the legal window and the aimswebPlus vendor window.[20] For the 2025–26 school year, the state law requirement and aimswebPlus screening windows[21] are:

Assessment Window	**State Law Requirement**	**aimswebPlus Window (2025–2026)**
Fall	Before the 45th school day	August 1 – October 24, 2025
Spring	On or before the date that is 45 days before the last day of the school year	March 16 – May 8, 2026

Under Wisconsin Statute § 118.016(9)(c), DPI is responsible for covering the per-pupil cost of these fundamental skills screening assessments.

(April 2025) (available at https://will-law.org/wp-content/uploads/2025/04/Literacy-on-Hold-What-School-Districts-Need-to-Know-About-the-Legal-Status-of-Act-20.pdf) for more information.

[17] Wis. Stat. § 118.016(2).

[18] Wis. Stat. § 118.016(1)(f).

[19] Wisconsin Department of Public Instruction, *Fundamental Skills Screening (4k) and Universal Reading Screening (5k through grade 3) Establishing a Screening Window)*, July 2024 (available at: https://www.pearsonassessments.com/content/dam/school/global/clinical/us/legacy-replace/site-scrape-flattened/screener-window-guidance.pdf).

[20] Wisconsin Department of Public Instruction, *Fundamental Skills Screening (4k) and Universal Reading Screening (5k through grade 3) Establishing a Screening Window)*, October 2024 (available at: https://www.pearsonassessments.com/content/dam/school/global/clinical/us/legacy-replace/site-scrape-flattened/screener-window-guidance.pdf).

[21] AimswebPlus & Wisconsin Department of Public Instruction, *Welcome Wisconsin Education Professionals* (available at: https://www.pearsonassessments.com/campaign/aimswebplus-wisconsin.html).

Screening and Assessment Overview

In summary, Wisconsin's early literacy assessment system involves three distinct but interconnected tools—each with its own purpose, timeline, and grade-level focus. Understanding how these assessments work together is key to ensuring timely interventions and student success.

Assessment Type	Purpose	Applies To	Who Chooses It?	Timing Requirements
Universal Screening Assessment	Quickly identifies students who may be "at-risk" in reading and need further evaluation.	All students in K5 through 3rd grade	DPI selects (currently aimswebPlus)	Must be given **three times/year**: 1. Within first 45 school days 2. Mid-year (local discretion) 3. On or before the 45th day before the last day of school and no later than May 8, 2026
Diagnostic Assessment	Provides a deeper analysis of specific reading skill gaps and includes a family history survey.	Only students identified as "at-risk" or suspected of dyslexia	Districts choose from DPI-approved list	**Depends on when the student is identified:** 1. If fall screener, by 2nd Friday in November 2. If later screener, within 10 school days. 3. If parent/teacher request, within 20 school days.
Fundamental Skills Screening Assessment	Measures letter-sound knowledge and phonological awareness in early learners.	All students in 4K	DPI selects (currently aimswebPlus)	Must be given **twice/year**: 1. Within first 45 school days. 2. On or before the 45th day before the last day of school

With this foundation in place, the next sections of this guide will walk through how to respond when a student is identified as "at-risk," how to develop and monitor a

Personal Reading Plan, and what steps to take when making promotion or retention decisions.

2. Creating a Personal Reading Plan (PRP)

Once a student is identified as "at-risk" based on a Universal Screening or Diagnostic Assessment, the district is required to develop a Personal Reading Plan (PRP). The PRP is the foundational document outlining the student's literacy needs, the interventions provided, and how progress will be tracked. It is central to Act 20's focus on early, individualized support. These plans can—and should—be put into place as early as 5K, ensuring struggling readers receive support before gaps widen.

Timeline Requirements

If a student is identified as "at-risk" during the first Universal Screening Assessment or the first Diagnostic Assessment, the PRP must be in place by the third Friday in November.[22] If a student is identified as "at-risk" based on a later assessment, the PRP must be created within 10 school days of the assessment.[23]

Elements of a PRP

Each PRP should include the following elements:

1. Identification of the student's specific early literacy skill deficiencies based on assessment data;
2. Goals and benchmarks for the student's progress toward grade-level literacy.
3. A plan for monitoring progress, including:
    - Weekly progress monitoring using the method outlined in the PRP;
    - A method to determine whether the student's progress is adequate;
4. A description of the interventions and instructional services that will be provided (targeting skills such as phonemic awareness, decoding, alphabet knowledge, letter-sound knowledge, and oral vocabulary);
5. The specific reading program the teacher will use to instruct the student.
6. Strategies parents are encouraged to use at home to support the student's literacy growth;
7. Descriptions of additional services that may be appropriate to accelerate literacy development;
8. An expectation that interventions begin as soon as practicable;
9. A requirement to provide a copy of the PRP to the parent and obtain a signed acknowledgment;
10. A notification to the parent about the student's progress after ten weeks of interventions.

[22] Wis. Stat. § 118.016(5)(b)1.
[23] Wis. Stat. § 118.016(5)(b)2.

3. Building on Assessment Results: Implementing Tiered Support

Once students have been assessed and identified based on the Universal Screening and Diagnostic Assessments and received a PRP, the next step is to ensure they receive appropriate interventions. Although Wisconsin law does not require schools to use a Multi-Tiered System of Supports (MTSS), this model has been widely and effectively adopted by states leading in early literacy reform and organizes support into levels (or "tiers") based on student need. Such states have demonstrated that a structured, tiered approach helps schools match instruction and intervention to student need—and measurably improve reading outcomes.[24]

Multi-Tiered System of Supports (MTSS)

The WILL Act 20 Model Policy adopts a three-tier MTSS framework to ensure that every student receives timely and effective reading instruction:

Tier	Who	What Happens
Tier 1	All students	Receive high-quality, evidence-based core reading instruction (required by law).
Tier 2	Students identified as "at-risk"	Receive a Personal Reading Plan (PRP) and targeted supplemental instruction.
Tier 3	Students not progressing in Tier 2	Receive intensive intervention, including a summer reading program.

[24] *See, e.g.*, Mississippi Department of Education, *Mississippi Literacy-Based Promotion Act: Frequently Asked Questions*, February 2024 (available at https://www.mdek12.org/sites/default/files/Offices/MDE/OA/OSA/LPBA/lbpa_faq_new_format_final.pdf); Tennessee Comptroller of the Treasury, Review of Foundational Literacy Skills Plans (available at https://comptroller.tn.gov/office-functions/research-and-education-accountability/publications/pre-12/review-of-foundational-literacy-skills-plans.html); Louisiana Department of Education, Louisiana Tops National List for Its Comprehensive Literacy Policy, February 22, 2024 (available at https://doe.louisiana.gov/about/newsroom/news-releases/release/2024/07/20/louisiana-tops-national-list-for-its-comprehensive-literacy-policy); Florida Department of Education, Understanding the Purpose of Multiple Tiers of Literacy Instruction and Intervention (available at https://www.fldoe.org/file/7539/UnderTiers.pdf).

This MTSS system applies **only** to reading instruction. It should not be extended to areas such as social-emotional learning (SEL) or behavioral programming. It must also *not* be used to delay or deny any referral, evaluation, or eligibility determination under Individuals with Disabilities Education Act (IDEA). Districts must continue to meet their Child Find obligations and promptly refer any student suspected of having a disability for a special education evaluation, regardless of MTSS tier placement. No student may be denied or delayed access to reading interventions based on protected characteristics under state or federal law.[25]

4. Parental Involvement and Notification

The WILL Act 20 Model Policy emphasizes that parental involvement is essential from early screening through potential promotion or retention decisions. In addition to this policy emphasis, state law imposes specific notification requirements, and schools should adopt best practices to keep families informed and engaged. While the WILL Act 20 Model Policy includes the required parental notifications, it does not emphasize best practices for engaging parents as active partners throughout the process. This guide fills that gap by encouraging early, ongoing communication, and meaningful parental involvement.

Required Parent Notifications

Under Wisconsin Statute § 118.016(4)(a), schools are required to provide the results of the Universal Screening Assessment, the Diagnostic Assessment, and the Fundamental Skills Assessment to the parent in writing "no later than 15 days after the reading readiness assessment is scored." However, best practice is to share results with parents as soon as possible.

The required contents of parent notifications (listed below) differ slightly depending on the assessment.

Universal Screening Assessment and Fundamental Skills Assessment

Written notification must include:

1. The student's score on the assessment;
2. The student's score in each early literacy skill category assessed;
3. The student's percentile rank score on the reading assessment, if available;
4. The definition of "at-risk" and the score on the reading readiness assessment that would indicate the student is at risk; and

[25] See, e.g., Wis. Stat. § 118.13 and applicable federal civil rights laws prohibiting discrimination based on race, color, religion, national origin, sex, disability, and other protected characteristics.

5. A plain language description of the literacy skills that the reading readiness assessment is designed to measure.[26]

Diagnostic Assessment

Notification must include all of the above, *plus*:

1. Information on how to request or initiate a referral for special education under the IDEA;
2. Information about how to make a special education referral with the diagnostic assessment results;
3. A description of the common indicators and characteristics of dyslexia;
4. Information about appropriate interventions and accommodations for students with dyslexia.[27]

5. Promotion or Retention Matrix

Deciding whether to promote a student to 4th grade or retain them in 3rd grade is one of the most consequential decisions a school can make, and it must be handled with care, consistency, and clarity. The WILL Act 20 Model Policy supports schools by providing a structured, objective decision-making tool to guide this process: the Promotion or Retention Decision Matrix.

Under Act 20, the school must determine whether a student on a Personal Reading Plan (PRP) has "completed" that plan by the end of 3rd grade. The Model Policy identifies twelve criteria that should be considered in making this determination. State law[28] indicates that a PRP is considered complete when the parent and school agree that the student has met the plan's goals and the student scores at grade level in reading on a DPI-defined summative assessment. Both criteria must be satisfied.

To assist school teams in applying these criteria consistently, the WILL Model Policy includes a Promotion or Retention Matrix. This simple form allows the team to document whether each factor supports promotion or retention, and to use this documented record to guide and support the final decision.

Each row corresponds to the criteria listed. The team reviews each factor and checks the appropriate box (promote or retain). The completed matrix provides a clear visual summary of the student's overall progress and readiness for 4th grade. This

[26] Wis. Stat. § 118.016(4)(a).
[27] Wis. Stat. § 118.016(4)(a–c).
[28] Wis. Stat. § 118.016(5)(d).

tool also helps ensure the team's final written recommendation is complete and defensible, as required by law.

A printable version of the matrix is provided at the end of this document.

Conclusion

Act 20 marks a pivotal moment for early literacy in Wisconsin. It not only raises expectations for reading proficiency by 3rd grade but also establishes a structured, data-informed process for identifying struggling readers, intervening early, and making promotion decisions that prioritize student success. While the requirements may appear technical or overwhelming at first, they are ultimately tools for ensuring that no child moves forward without the foundational reading skills they need to thrive.

This guide is designed to help school boards, administrators, and educators implement Act 20 with clarity and confidence. By pairing statutory requirements with practical guidance and a model policy framework, we hope to support schools in building strong literacy systems that are proactive, transparent, and student-centered. With thoughtful planning and a commitment to early intervention, Act 20 can be more than a mandate. It can be a catalyst for lasting literacy improvement across Wisconsin.

Promotion or Retention Decision Matrix

This matrix is designed to help school-based teams make a final decision regarding whether a student with a Personal Reading Plan (PRP) should be promoted to 4th grade or retained in 3rd grade. Teams should review each criterion listed below and indicate whether the evidence supports promotion or retention. Use the comments section to provide supporting details or explanations. This tool aligns with the WILL Act 20 Model Policy and supports objective, well-documented decision-making.

Criteria	In Favor of Promotion (✓)	In Favor of Retention (✓)	Comments
Assessment performance			
Forward Exam proficiency			
PRP benchmark progress			
Responses to interventions			
Continued interventions			
Alternatives to retention			
Overall academic performance			
Teacher recommendations			
Parent input			
Other relevant factors			
Good cause exceptions			
Summer reading program participation			