

House Bill 538

By: Representatives Ballard of the 147th, Wade of the 9th, Erwin of the 32nd, Jones of the 47th, Gilliard of the 162nd, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to provide for the "Georgia Early Literacy Act";
3 to require the State Board of Education to approve high-quality instructional materials to be
4 used for teaching students in kindergarten through third grade; to provide for the approval
5 and use of universal reading screeners for all public school students in this state in
6 kindergarten through third grade; to require the Department of Education and Georgia's
7 Regional Education Service Agencies (RESAs) to develop training for kindergarten through
8 third grade teachers on the science of reading, structured literacy, and foundational literacy
9 skills; to require all public school kindergarten through third grade teachers in this state to
10 complete such training; to provide for annual reports by the Department of Education; to
11 require local boards of education to approve high-quality instructional materials for students
12 in kindergarten through third grade and to administer universal reading screeners at least
13 three times each school year to students in kindergarten through third grade; to require
14 reports of the results of such screeners to parents of students and to the Department of
15 Education for analysis; to require reading intervention plans for students with significant
16 reading deficiencies; to provide for norm-referenced formative reading assessments for
17 students in first and second grades; to require the Professional Standards Commission to
18 create and implement innovative programs designed to ensure students completing teacher

19 education programs can graduate with the qualifications for teacher certification with a
20 reading endorsement; to provide for definitions; to provide for legislative findings and intent;
21 to provide for a short title; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

24 The General Assembly finds that third grade marks a pivotal point in reading, where students
25 go from learning to read to reading to learn. The General Assembly further finds that a
26 comprehensive approach to early literacy can ensure early identification of struggling readers
27 and establish intensive reading intervention for students in kindergarten through third grade
28 who need more support to become successful readers. It is the intent of the General
29 Assembly that all students read on grade level by the end of third grade.

30 **SECTION 2.**

31 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
32 secondary education, is amended in Part 3 of Article 6, relating to educational programs
33 under the "Quality Basic Education Act," is amended by adding a new Code section to read
34 as follows:

35 "20-2-153.1.

36 (a) This Code section shall be known and may be cited as the 'Georgia Early Literacy Act.'

37 (b) As used in this Code section, the term:

38 (1) 'Board' means the State Board of Education.

39 (2) 'Department' means the Department of Education.

40 (3) 'Foundational literacy skills' means phonological awareness, phonemic awareness,
41 phonics, fluency, vocabulary, and reading comprehension.

42 (4) 'High-quality instructional materials' means instructional materials aligned to the
43 science of reading that instruct students in grade-level reading and foundational literacy
44 skills.

45 (5) 'Individual reading improvement plan' means a plan that describes the evidence based
46 reading intervention services a student will receive to remediate such student's reading
47 deficit and to ensure that such student becomes proficient in foundational literacy skills.

48 (6) 'Reading intervention' means evidence based strategies frequently used to remediate
49 reading deficiencies and includes, but is not limited to, individual instruction,
50 multisensory approaches, tutoring, mentoring, or the use of technology that targets
51 specific reading skills and abilities.

52 (7) 'Science of reading' means the body of research that identifies evidence based
53 approaches of explicitly and systematically teaching students to read, including
54 foundational literacy skills that enable students to develop reading skills required to meet
55 state standards in literacy.

56 (8) 'Significant reading deficiency' means for students in kindergarten through third
57 grade that such student's score on a universal reading screener is within the range of
58 scores determined by the department to demonstrate a lack of proficiency in foundational
59 literacy skills.

60 (9) 'Structured literacy' means an evidence based approach to teaching oral and written
61 language aligned to the science of reading founded on the science of how children learn
62 to read and characterized by explicit, systematic, cumulative, and diagnostic instruction
63 in phonology, sound-symbol association, syllable instruction, morphology, syntax, and
64 semantics.

65 (10) 'Universal reading screener' means a uniform tool that screens and monitors a
66 student's progress in foundational literacy skills that is administered to students multiple
67 times during the school year.

68 (c)(1) By December 1, 2023, the board shall approve high-quality instructional materials
69 to be used for teaching students in kindergarten through third grade to read.

70 (2)(A) By July 1, 2023, the board shall establish qualifications, time lines, and
71 submission procedures for education service providers to submit one or more universal
72 reading screeners to be considered for inclusion on the board's list of approved
73 universal reading screener providers provided for in subparagraph (B) of this paragraph.

74 (B) By December 1, 2023, the board shall approve a list of universal reading screeners
75 for use by public schools and local school systems as part of their comprehensive
76 literacy programs which meet the following criteria:

77 (i) Capable of providing relevant information to assist teachers with targeting
78 instruction based on student needs;

79 (ii) Capable of measuring foundational literacy skills;

80 (iii) Capable of identifying students who have a significant reading deficiency,
81 including, but not limited to, identifying students with characteristics of dyslexia;

82 (iv) Prescribed parameters on the time required to administer universal reading
83 screener with the primary objective of such prescription being to minimize impacts
84 on instructional time; and

85 (v) Capable of progress monitoring.

86 (3)(A) By January 1, 2024, the department shall publish on its website a list of board
87 approved providers of universal reading screeners for use by public schools and local
88 school systems, including the free universal reading screener provided by the
89 department.

90 (B) The department shall provide a universal reading screener that meets the criteria
91 established by the board as provided in subparagraph (B) of paragraph (2) of this
92 subsection. Such universal reading screener shall be made available for use free of
93 charge to public schools and local school systems and shall be included on the list
94 provided for in subparagraph (A) of this paragraph.

95 (4) The department shall, in consultation with the University System of Georgia, the
96 Professional Standards Commission, the Office of Student Achievement, Georgia's
97 Regional Education Service Agencies, and literacy experts, develop one or more training
98 programs for kindergarten through third grade teachers on the science of reading,
99 structured literacy, and foundational literacy skills that enable students to develop reading
100 skills required to meet state standards in literacy. Such training programs shall be
101 developed to promote teachers' knowledge and skills for teaching all students to read,
102 including students with dyslexia, and to ensure teachers have the knowledge and skills
103 necessary to use approved universal reading screeners and to use assessment data to
104 inform instruction based on student needs.

105 (5) The department shall provide technical assistance to aid public schools and local
106 school systems in implementing the provisions of this Code section.

107 (6) Beginning October 1, 2025, the department shall provide an annual report on the
108 impacts of the implementation of the provisions of this Code section, including, but not
109 limited to, reporting the results by school and school system of:

110 (A) The research based formative assessments with a summative component that is tied
111 to performance indicators in English language arts/reading in grades one and two
112 provided for in subsection (a) of Code Section 20-2-281;

113 (B) The comprehensive summative assessment program for third grade students
114 provided for in subsection (a) of Code Section 20-2-281;

115 (C) The nationally norm referenced instruments in reading for third grade students
116 provided for in subsection (a) of Code Section 20-2-281; and

117 (D) The norm referenced formative reading assessments for first and second grade
118 students provided for in Code Section 20-2-280.

119 Such report shall also include analyses of the the impact of use of universal reading
120 screeners, the use of high-quality instructional materials, and instructional practices
121 grounded in the science of reading. Such report shall be provided to the Governor, the

122 President of the Senate, the Speaker of the House of Representatives, the chairperson of
123 the House Committee on Education, the Senate Education and Youth Committee, the
124 House Committee on Higher Education, the Senate Higher Education Committee, and the
125 board, and shall be made available on the department's website for access by the public.

126 (d) Beginning July 1, 2024, each regional education service agency (RESA) shall provide
127 training programs for kindergarten through third grade teachers which meet the
128 requirements of paragraph (4) of subsection (c) of this Code section. Each RESA shall
129 submit detailed plans for such training programs to the department annually by July 1.

130 (e)(1) By June 1, 2024, local boards of education and public school governing bodies
131 shall:

132 (A) Approve high-quality instructional materials for students in kindergarten through
133 third grade that have been approved by the State Board of Education; and

134 (B) Ensure that all instructional materials used to teach students in kindergarten through
135 third grade to read are high-quality instructional materials.

136 (2) Each public school and local school system shall provide instructional coaching
137 support for kindergarten through third grade teachers provided by literacy coaches that
138 shall include the following:

139 (A) Onsite teacher training on the science of reading, structured literacy, foundational
140 literacy skills, and evidence based decision making;

141 (B) Demonstrated lessons; and

142 (C) Immediate feedback for improving instruction.

143 (3)(A) Beginning July 1, 2024, three times each school year each public school and
144 local school system shall administer a universal reading screener to each student in
145 kindergarten through third grade, with the first administration occurring within 30 days
146 of the beginning of the school year.

147 (B) Each public school or local school system shall be authorized to administer a free
148 universal reading screener provided by the department or a universal reading screener
149 approved by the board.

150 (C) After each administration of a universal reading screener, each public school or
151 local school system shall report the results to:

152 (i) Parents and guardians of students who participated in the administration; and

153 (ii) The department for analysis.

154 (D) The results of the universal reading screeners administered to students shall not be
155 used as part of any education assessment accountability program provided for in
156 Article 2 of Chapter 14 of this title.

157 (4)(A) Beginning July 1, 2024, any public school student in kindergarten through third
158 grade who at any time during the school year exhibits a significant reading deficiency,
159 as measured by performance on universal reading screener approved by the board, shall
160 receive an individual reading improvement plan no later than 30 days after the
161 identification of such deficiency. Such individual reading improvement plan shall:

162 (i) Be created by the teacher, principal, other school personnel designated by the
163 school principal, and the student's parent or guardian; and

164 (ii) Describe the evidence based reading intervention services the student will receive
165 to remedy the reading deficit and ensure the student becomes proficient in
166 foundational literacy skills.

167 (B) Each student who receives an individual reading plan shall receive intensive
168 reading intervention until such student no longer has a significant reading deficiency.

169 (C) The parent or guardian of any student in kindergarten through third grade who at
170 any time during the school year exhibits a significant reading deficiency shall be
171 notified in writing by the student's school no later than 15 days after the identification
172 of such deficiency, and such written notification shall include:

- 173 (i) That the student has been identified as having a significant reading deficiency, and
174 an individual reading improvement plan will be developed by the student's teacher,
175 school principal, other school personnel as designated by the school principal, and the
176 parent or guardian;
- 177 (ii) Results of the student's performance on the universal reading screeners
178 administered to date;
- 179 (iii) A description of the current services that are provided to the student;
- 180 (iv) A description of proposed evidence based reading interventions and
181 supplemental instructional services and supports that will be provided to the student
182 that are designed to remedy the identified area or areas of significant reading
183 deficiency to ensure the student becomes proficient in foundational literacy skills;
- 184 (v) Notification that the parent or guardian will be informed in writing of the
185 student's progress toward grade level reading; and
- 186 (vi) Strategies for parents to use at home to help their child succeed in reading.
- 187 (5) By January 1, 2025, all kindergarten through third grade teachers shall complete a
188 training program developed pursuant to paragraph (c)(4) or paragraph (e)(2) of this Code
189 section.
- 190 (f) Nothing in this Code section shall be construed to abrogate or otherwise affect the
191 operation or application of the federal Individuals with Disabilities Education Act (IDEA)
192 or Section 504 of the federal Rehabilitation Act of 1973."

193 **SECTION 3.**

194 Said chapter is further amended Part 12 of Article 6, relating to effectiveness of educational
195 programs under the "Quality Basic Education Act," by revising Code Section 20-2-280,
196 which was previously reserved, as follows:

197 "20-2-280.

198 (a) The State Board of Education shall adopt a norm referenced formative reading
199 assessment for students in first and second grades to be administered no fewer than three
200 times each school year.

201 (b)(1) Public schools and local school systems shall administer the assessments provided
202 for in subsection (a) of this Code section no fewer than three times each school year to
203 all students in first and second grades, with the first administration occurring within 30
204 days of the beginning of the school year.

205 (2) After each administration of such assessments, each public school or local school
206 system shall report the results to:

207 (A) Parents and guardians of students who participated in the administration; and

208 (B) The Department of Education for analysis.

209 (c) The results of the assessments administered to students as provided for in
210 subsection (b) this Code section shall not be used as part of any education assessment
211 accountability program provided for in Article 2 of Chapter 14 of this title. Reserved."

212 **SECTION 4.**

213 Said chapter is further amended in Part 10 of Article 17, relating to professional standards,
214 by striking "and" at the end of paragraph (3), by replacing the period with "; and" at the end
215 of paragraph (4), and by adding a new paragraph to subsection (b) of Code Section 20-2-984,
216 relating to Professional Standards Commission — authority to create and implement
217 standards and procedures for certifying educational personnel, recommending standards and
218 procedures for certification, continuation of teaching certificates, and restrictions, to read as
219 follows:

220 "(5) The creation and implementation of innovative programs designed to ensure that
221 postsecondary students completing teacher education programs in this state have the

222 option to graduate with all the prerequisites necessary for certification in the field of
223 elementary education and for a reading endorsement."

224 **SECTION 5.**

225 All laws and parts of laws in conflict with this Act are repealed.