

AS PASSED SENATE**SENATE SUBSTITUTE TO HB 538**

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 provide for the "Georgia Early Literacy Act"; to require the Department of Early Care and
3 Learning to provide for developmentally appropriate evidence based literacy instruction
4 training requirements for certain child care providers; to require the State Board of Education
5 to establish a uniform standard for measuring literacy; to require the State Board of
6 Education to approve high-quality instructional materials to be used for teaching students in
7 kindergarten through third grade; to provide for the approval and use of universal reading
8 screeners for all public school students in this state in kindergarten through third grade; to
9 provide for the Department of Education to develop or procure training for kindergarten
10 through third grade teachers on the science of reading, structured literacy, and foundational
11 literacy skills; to require all public school kindergarten through third grade teachers in this
12 state to complete such training; to provide for annual reports by the Department of
13 Education; to require local boards of education to approve high-quality instructional
14 materials for students in kindergarten through third grade and to administer universal reading
15 screeners multiple times each school year to students in kindergarten through third grade; to
16 require reports of the results of such screeners to parents of students and to the Department
17 of Education for analysis; to require reading intervention plans for students with significant
18 reading deficiencies; to prohibit certain waivers; to provide for formative reading
19 assessments for students in first and second grades; to require the Professional Standards

20 Commission to revise standards for acquiring and maintaining teacher certification in all
21 teaching fields to include requirements regarding developmentally appropriate evidence
22 based literacy instruction; to require the Professional Standards Commission to ensure
23 students completing teacher certification programs have the knowledge and skills to teach
24 reading; to provide for definitions; to provide for legislative findings and intent; to provide
25 for a short title; to repeal conflicting laws; and for other purposes.

26 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

27 **SECTION 1.**

28 (a) The General Assembly finds that:

29 (1) Third grade marks a pivotal point in reading, where students go from learning to read
30 to reading to learn;

31 (2) A comprehensive approach to early literacy can ensure early identification of
32 struggling readers and establish intensive reading intervention for students in kindergarten
33 through third grade who need more support to become successful readers; and

34 (3) Reading proficiency at age eight is among the most accurate predictors for whether a
35 student will graduate from high school and enjoy academic success thereafter.

36 (b) It is the intent of the General Assembly:

37 (1) That all students read on grade level by the end of third grade; and

38 (2) To create a literate and workforce ready citizenry.

39 **SECTION 2.**

40 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
41 Article 1 of Chapter 1A, relating to general provisions regarding early care and learning, by
42 revising subsection (c) of Code Section 20-1A-10, relating to regulation of early care and
43 education programs, as follows:

44 "(c)(1) All early care and education programs that care for children shall be licensed or
45 commissioned annually, and all licenses and commissions issued by the department shall
46 be subject to annual renewal by the department in accordance with procedures, standards,
47 rules, and regulations to be established by the board.

48 (2) Beginning July 1, 2025, the department shall require teachers in all programs licensed
49 or commissioned by the department to receive training on developmentally appropriate
50 evidence based literacy instruction, as provided for in Code Section 20-2-984. Such
51 training shall be aligned with content standards promulgated the department in
52 collaboration with the Office of Student Achievement."

53

SECTION 3.

54 Said title is further amended in Part 3 of Article 6 of Chapter 2, relating to educational
55 programs under the "Quality Basic Education Act," by adding a new Code section to read as
56 follows:

57 "20-2-153.1.

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

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

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

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

62 (3) 'Foundational literacy skills' means phonological awareness, phonemic awareness,
63 phonics, fluency, vocabulary, reading comprehension, spelling, oral language, and the
64 intersection of reading and writing.

65 (4) 'High-quality instructional materials' means instructional materials aligned to the
66 science of reading that instruct students in foundational literacy skills and
67 grade-appropriate English language arts and reading standards approved by the State
68 Board of Education.

69 (5) 'Reading intervention' means evidence based strategies frequently used to remediate
70 reading deficiencies and includes, but is not limited to, individual and small-group

71 instruction, multisensory approaches, tutoring, mentoring, or the use of technology that
72 targets specific reading skills and abilities.

73 (6) 'Science of reading' means the body of research that identifies evidence based
74 approaches of explicitly and systematically teaching students to read, including
75 foundational literacy skills that enable students to develop reading skills required to meet
76 state standards in literacy.

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

81 (8) 'Structured literacy' means an evidence based approach to teaching oral and written
82 language aligned to the science of reading founded on the science of how children learn
83 to read and characterized by explicit, systematic, cumulative, and diagnostic instruction
84 in phonology, sound-symbol association, syllable instruction, morphology, syntax, and
85 semantics.

86 (9) 'Tiered reading intervention plan' means a plan that describes the evidence based
87 reading intervention services a student will receive to remediate such student's reading
88 deficit and to ensure that such student becomes proficient in foundational literacy skills.

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

92 (c)(1) The board, in consultation with the department and the Office of Student
93 Achievement, shall establish such policies, rules, and regulations as necessary to
94 implement uniform grade-appropriate metrics for measuring literacy.

95 (2)(A) As soon as practicable but not later than January 1, 2024, the board shall:

96 (i) Approve high-quality instructional materials to be used for teaching students in
97 kindergarten through third grade to read; and

98 (ii) Establish a procedure for each public school and local school system to annually
99 certify to the department that such school or school system's locally approved
100 instructional materials and content, as defined in subsection (a) of Code Section
101 20-2-1017, constitute high-quality instructional materials.

102 (3)(A) As soon as practicable but not later than January 1, 2024, the department shall
103 establish qualifications, time lines, and submission procedures for education service
104 providers to submit one or more universal reading screeners to be considered for
105 inclusion on the board's list of approved universal reading screener providers provided
106 for in subparagraph (B) of this paragraph.

107 (B) As soon as practicable but not later than July 1, 2024, the board shall approve a list
108 of universal reading screeners for use by public schools and local school systems as part
109 of their comprehensive literacy programs which meet the following criteria:

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

112 (ii) Capable of measuring foundational literacy skills;

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

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

118 (v) Capable of progress monitoring.

119 (4)(A) As soon as practicable but not later than August 1, 2024, the department shall
120 publish on its website a list of board approved providers of universal reading screeners
121 for use by public schools and local school systems, including the free universal reading
122 screener provided by the department.

123 (B) The department shall provide a universal reading screener that meets the criteria
124 established by the board as provided in subparagraph (B) of paragraph (3) of this
125 subsection. Such universal reading screener shall be made available for use free of

126 charge to public schools and local school systems and shall be included on the list
127 provided for in subparagraph (A) of this paragraph.

128 (5) The department shall, in consultation with the University System of Georgia, the
129 Professional Standards Commission, the Office of Student Achievement, Georgia's
130 Regional Education Service Agencies, and literacy experts, develop or procure one or
131 more training programs for kindergarten through third grade teachers on the science of
132 reading, structured literacy, and foundational literacy skills that enable students to
133 develop reading skills required to meet state standards in literacy. Such training
134 programs shall be developed or procured to promote teachers' knowledge and skills for
135 teaching all students to read, including students with dyslexia, and to ensure teachers
136 have the knowledge and skills necessary to use approved universal reading screeners and
137 to use assessment data to inform instruction based on student needs.

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

140 (7) Beginning April 1, 2026, the department shall provide an annual report on the
141 impacts of the implementation of the provisions of this Code section, including, but not
142 limited to, reporting the results by school and school system of:

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

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

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

150 (D) The formative reading assessments for first and second grade students provided for
151 in Code Section 20-2-280.

152 Such report shall also include analyses of the the impact of use of universal reading
153 screeners, the use of high-quality instructional materials, and instructional practices

154 grounded in the science of reading. Such report shall be provided to the Governor, the
155 President of the Senate, the Speaker of the House of Representatives, the chairperson of
156 the House Committee on Education, the Senate Education and Youth Committee, the
157 House Committee on Higher Education, the Senate Higher Education Committee, and the
158 board, and shall be made available on the department's website for access by the public.

159 (d)(1) Local boards of education and public school governing bodies shall:

160 (A) By December 1, 2024, approve high-quality instructional materials for students in
161 kindergarten through third grade; and

162 (B) By December 15, 2024, and by August 1 each year thereafter, certify to the
163 department that its locally approved instructional materials and content, as defined in
164 subsection (a) of Code Section 20-2-1017, constitute high-quality instructional
165 materials.

166 (2)(A) Each public school and local school system shall provide instructional support
167 for kindergarten through third grade teachers that shall include:

168 (i) Onsite teacher training on the science of reading, structured literacy, foundational
169 literacy skills, and evidence based decision making;

170 (ii) Demonstrated lessons; and

171 (iii) Prompt feedback for improving instruction.

172 (B)(i) Any public school or local school system claiming that a lack of sufficient
173 funding prevents such public school or local school system from providing
174 instructional support as required in subparagraph (A) of this paragraph shall promptly
175 and in writing notify the Department of Education and shall describe all efforts such
176 school or school system has undertaken to secure sufficient funding from local, state,
177 federal, and private sources.

178 (ii) The Department of Education shall provide technical assistance and other
179 guidance to public schools and local schools systems in identifying local, state,
180 federal, and private funding sources to provide for instructional support as required
181 in subparagraph (A) of this paragraph.

182 (3)(A) Beginning August 1, 2024, three times each school year each public school and
183 local school system shall administer a universal reading screener to each student in
184 kindergarten through third grade, with the first administration occurring within 30 days
185 of the beginning of the school year; provided, however, that for students in first and
186 second grades such public school or local school system shall be authorized to
187 substitute one administration of a universal reading screener with an administration of
188 a formative reading assessment as provided for in Code Section 20-2-280.

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

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

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

195 (ii) The department for analysis.

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

199 (4)(A) Beginning August 1, 2024, public schools and local school systems shall
200 implement tiered reading intervention plans for public school students in kindergarten
201 through third grade who at any time during the school year exhibits a significant
202 reading deficiency, as measured by performance on universal reading screener
203 approved by the board. Each such tiered reading intervention plan shall be
204 implemented no later than 30 days after a student has been identified as exhibiting a
205 significant reading deficiency and shall describe the evidence based reading
206 intervention services the student will receive to remedy the reading deficit and ensure
207 the student becomes proficient in foundational literacy skills. Such tiered reading
208 intervention plans may be incorporated into and included as part of the school's existing
209 multi-tiered system of supports or response to intervention frameworks.

210 (B) Each student who has been identified as exhibiting a significant reading deficiency
211 shall receive intensive reading intervention until such student is no longer identified as
212 exhibiting a significant reading deficiency.

213 (C) The parent or guardian of any student in kindergarten through third grade who at
214 any time during the school year exhibits a significant reading deficiency shall be
215 notified in writing by the student's school no later than 15 days after the identification
216 of the possible deficiency. Such written notification shall include:

217 (i) That the student has been identified as exhibiting a significant reading deficiency;

218 (ii) That a tiered reading intervention plan will be implemented by the student's
219 teacher;

220 (iii) Results of the student's performance on the universal reading screeners
221 administered to date;

222 (iv) A description of the current services provided to the student;

223 (v) A description of proposed evidence based reading interventions and supplemental
224 instructional services and supports to be provided to the student that are designed to
225 remedy the identified area or areas of significant reading deficiency to ensure the
226 student becomes proficient in foundational literacy skills;

227 (vi) Notification that the parent or guardian will be informed in writing of the
228 student's progress toward grade level reading; and

229 (vii) Strategies for parents to use at home to help their child succeed in reading.

230 (5) By July 1, 2025, all kindergarten through third grade teachers shall complete a
231 training program developed or procured pursuant to paragraph (c)(5) of this Code section.

232 (e) Nothing in this Code section shall be construed to abrogate or otherwise affect the
233 operation or application of the federal Individuals with Disabilities Education Act (IDEA)
234 or Section 504 of the federal Rehabilitation Act of 1973.

235 (f) This Code section shall not be subject to waivers pursuant to Code Section 20-2-82 for
236 a strategic waivers school system, Code Section 20-2-244 for a local board of education,
237 Code Section 20-2-2063.2 for a charter system, or Code Section 20-2-2065 for a charter

238 school established pursuant to Article 31 or Article 31A of this chapter, a charter system,
239 or schools within a charter system, or any state special school."

240 **SECTION 4.**

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

244 "20-2-280.

245 (a) The State Board of Education shall adopt a formative reading assessment for students
246 in first and second grades at the discretion of public schools and local school systems.

247 (b) After each administration of such assessments, each public school or local school
248 system shall report the results to:

249 (1) Parents and guardians of students who participated in the administration; and

250 (2) The Department of Education for analysis and verification purposes.

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

254 **SECTION 5.**

255 Said chapter is further amended in Part 10 of Article 17, relating to professional standards,
256 by revising subsections (a) and (b) of Code Section 20-2-984, relating to Professional
257 Standards Commission — authority to create and implement standards and procedures for
258 certifying educational personnel, recommending standards and procedures for certification,
259 continuation of teaching certificates, and restrictions, to read as follows:

260 "(a) The commission shall create and implement standards and procedures for certifying
261 educational personnel as qualified for a certificate to practice in the public schools of
262 Georgia; provided, however, that such standards and procedures shall not require an
263 individual to participate in or complete any training program in which divisive concepts,

264 as such term is defined in Code Section 20-1-11, are advocated for; provided, further, that
265 such standards shall include the following:

266 (1) Procedures for limiting the number and types of certificates to the fewest possible
267 consistent with providing qualified teachers for Georgia's schools;

268 (2) In-service training and related requirements needed to renew or maintain
269 certification;

270 (3) Multiple or alternative routes to professional teacher certification, including, but not
271 limited to, the alternative and nontraditional teacher certification programs provided for
272 in Code Section 20-2-206; provided, however, that the commission's standards and
273 procedures consider for in-state certification nationally accredited teacher certification
274 programs outside of this state which are state sponsored and meet the academic
275 accreditation and certification requirements of the commission; and

276 (4)(A) Requirements, including appropriate examinations and assessments, for
277 acquiring and maintaining certification pursuant to Code Section 20-2-200.

278 (B) Beginning July 1, 2025, the Georgia Assessments for Certification of Educators
279 (GACE), or any other assessment required by the commission for teacher certification,
280 shall be aligned with developmentally appropriate evidence based literacy instruction.

281 (b) The commission shall recommend to the board of regents and private colleges and
282 universities standards and procedures for preparing educational personnel to qualify for
283 initial and renewable certification to practice in the public schools of Georgia, including
284 the following:

285 (1) Pre-service preparation;

286 (2) Approval of teacher education programs, both graduate and undergraduate, which
287 shall include, at a minimum, mandatory coursework in:

288 (A) Differentiated instruction, including the development and implementation of
289 explicit curricula to effectively support and deliver differentiated instruction to students.

290 As used in this subparagraph, the term 'differentiated instruction' means instruction that
291 demonstrates a teacher's recognition of students as individuals in terms of their abilities,

292 achievement, learning styles, and needs, including but not limited to, at-risk students,
293 English language learners, students with special needs, and gifted students, and that
294 gives greater emphasis to individualization in teaching by making adjustments to
295 curricula, materials, learning activities, and assessment techniques to ensure that all
296 students in a mixed-ability classroom can have equal access to appropriate avenues for
297 processing new information and developing skills; and
298 (B) Instruction related to the development of fundamental reading skills, including
299 phonemic awareness, phonics, fluency, vocabulary, and reading comprehension;
300 (3) Approval of programs of alternative certification; ~~and~~
301 (4) The creation of innovative programs designed to increase the number of minority
302 teachers entering the profession, including, but not limited to, programs designed to
303 promote increased student enrollment in and completion of teacher education programs
304 offered at historically black colleges and universities in this state; and
305 (5) The creation of standards designed to ensure that postsecondary students completing
306 teacher certification programs in this state graduate with the knowledge and skills
307 necessary to teach reading."

308 **SECTION 6.**

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