

House Bill 538 (AS PASSED HOUSE AND SENATE)

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

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.