

House Bill 307

By: Representatives Ballard of the 147th, Erwin of the 32nd, Jones of the 47th, Dubnik of the 29th, Corbett of the 174th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to educational programs under the "Quality Basic Education Act," so as
3 to include provisions for students significantly at risk of not achieving grade level reading
4 proficiency or with characteristics of dyslexia; to provide for support plans for such students;
5 to provide for notice to parents and guardians of such students; to require the Department of
6 Education to publish and distribute information relevant to dyslexia and students with
7 characteristics of dyslexia; to require local school systems and public schools to distribute
8 information relevant to dyslexia and students with characteristics of dyslexia; to provide for
9 reporting; to prohibit the three-cuing systems model from being featured or promoted in
10 high-quality instructional materials or structured literacy for students in kindergarten through
11 third grade; to prohibit public schools from employing curricula, instructional materials,
12 instructional practices, and other interventions that utilize the three-cuing systems model; to
13 repeal a provision relating to reading recovery programs; to provide for and revise
14 definitions; to repeal certain provisions setting deadlines applicable to the State Board of
15 Education and the Department of Education that have expired; to provide for ongoing review
16 and updating of required and authorized actions; to require additional reports by the
17 Department of Education; to revise a short title; to repeal Code Section 20-2-159.6, relating
18 to screening for dyslexia and related disorders, training and professional development, pilot

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19 program evaluating early intervention, and data reporting; to amend Code Section 20-1-44
20 of the Official Code of Georgia Annotated, relating to duties and authority relative to the
21 Georgia Council on Literacy, so as to make conforming changes; to provide for related
22 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **PART I**
25 **SECTION 1-1.**

26 Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
27 relating to educational programs under the "Quality Basic Education Act," is amended by
28 revising subsection (c) of Code Section 20-1-153 as follows:

29 "(c) The State Board of Education shall describe by rules and regulations such additional
30 services, resources, support, or strategies as may be provided by the local school system.
31 The specifications for delivery of early intervention services shall be the responsibility of
32 local boards of education except that the program rules and regulations adopted by the
33 State Board of Education shall be followed in designing the program delivery models.
34 ~~Delivery models may include, but are not limited to, class augmentation, pull-out or~~
35 ~~self-contained classes, and the Reading Recovery Program delivered by certificated~~
36 ~~personnel."~~

37 **SECTION 1-2.**

38 Said part is further amended in Code Section 20-2-153.1, relating to Georgia Early Literacy,
39 uniform grade appropriate metrics to measure literacy, universal reading screeners,
40 high-quality instructional materials aligned with the science of reading, support for literacy
41 instruction, and reading intervention plans, as follows:

42 "20-2-153.1.

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

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

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

47 ~~(1.1)~~(2) 'Center' means the Sandra Dunagan Deal Center for Early Language and
48 Literacy.

49 (3) 'Characteristics of dyslexia' means a persistent weaknesses in one or more areas of
50 foundational reading skills and inadequate response to targeted intervention that indicates
51 a need for more intensive intervention.

52 ~~(1.2)~~(4) 'Council' means the Georgia Council on Literacy.

53 ~~(2)~~(5) 'Department' means the Department of Education.

54 ~~(3)~~(6) 'Dyslexia' means a specific learning disability that is neurological in origin.
55 Dyslexia is characterized by difficulties with accurate or fluent word recognition and by
56 poor spelling and decoding abilities. These difficulties typically result from a deficit in
57 the phonological component of language that is often unexpected in relation to other
58 cognitive abilities and the provision of effective classroom instruction. Secondary
59 consequences may include problems in reading comprehension and reduced reading
60 experience that can impede the growth of vocabulary and background knowledge.

61 (7) 'Foundational literacy skills' means phonological awareness, phonemic awareness,
62 alphabet knowledge, phonics, oral reading fluency, spelling, vocabulary, reading
63 comprehension, spelling, oral language, and the intersection of reading and writing rapid
64 automatized naming.

65 ~~(4)~~(8) '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~~ state board. Instructional materials that feature or promote the use
69 of the three-cuing system shall not constitute high-quality instructional materials.

70 (9) 'Parent' or 'guardian' means an individual who has legal authority to act on behalf of
71 a child as a natural or adoptive parent, a legal guardian, or a legal agent. Such term shall
72 also include a kinship caregiver, as such term is defined in Code Section 20-1-15.

73 ~~(5)~~(10) 'Reading intervention' means evidence based strategies frequently used to
74 remediate reading deficiencies and includes, but is not limited to, individual and
75 small-group instruction, multisensory approaches, tutoring, mentoring, or the use of
76 technology that targets specific reading skills and abilities.

77 ~~(6)~~(11) 'Science of reading' means the body of research that identifies evidence based
78 approaches of explicitly and systematically teaching students to read, including
79 foundational literacy skills that enable students to develop reading skills required to meet
80 state standards in literacy.

81 ~~(7)~~(12) 'Significantly at risk of not attaining grade level reading proficiency' 'Significant
82 reading deficiency' means for students in kindergarten through third grade that such
83 student's score on a universal reading screener is within the range of scores determined
84 by the department to demonstrate a lack of proficiency in foundational literacy skills
85 foundational literacy skills, as measured by scores on a universal reading screener and
86 other quantitative and qualitative data, indicate that the student is at high risk of not
87 attaining grade level reading proficiency.

88 ~~(8)~~(13) 'Structured literacy' means an evidence based approach to teaching oral and
89 written language aligned to the science of reading founded on the science of how children
90 learn to read and characterized by explicit, systematic, cumulative, and diagnostic
91 instruction in phonology, sound-symbol association, syllable instruction, morphology,
92 syntax, and semantics. An approach to teaching oral and written language that features
93 or promotes the three-cuing system shall not constitute structured literacy.

94 (14) 'Three-cuing system' means any model for teaching students to read based on
 95 meaning, structure and syntax, and visual cues. Such models are also referred to as
 96 'MSV.'

97 ~~(9)(15)~~ 'Tiered reading intervention plan' means a plan that describes the evidence based
 98 reading intervention services a student will receive to ~~remediate such student's reading~~
 99 ~~deficit and to ensure that such student becomes proficient~~ support the student in reaching
 100 grade level proficiency in foundational literacy skills.

101 ~~(10)(16)~~ 'Universal reading screener' means a uniform tool that screens and monitors a
 102 student's progress in foundational literacy skills that is administered to students multiple
 103 times during the school year.

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

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

108 (A) Approve high-quality instructional materials to be used for teaching students in
 109 kindergarten through third grade to read; and

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

114 ~~(3)(A) As soon as practicable but not later than January 1, 2024, the department shall~~
 115 ~~establish~~ Every three years beginning in 2027, the center shall review and update, as
 116 appropriate, qualifications, ~~time lines~~ timelines, and submission procedures for
 117 education service providers to submit one or more universal reading screeners to be
 118 considered for inclusion on the board's list of approved universal reading screener
 119 providers provided for in subparagraph (B) of this paragraph.

120 (B) As soon as practicable but not later than May 15, 2025, the board shall approve the
121 memorandum of agreement between the council and the department, as provided for
122 in subparagraph (B) of paragraph (4) of this subsection, for a list of no more than five
123 universal reading screeners, one of which shall be a free universal reading screener, for
124 use by public schools and local school systems as part of their comprehensive literacy
125 programs which meet the following criteria:

- 126 (i) Capable of providing relevant information to assist teachers with targeting
127 instruction based on student needs;
- 128 (ii) Capable of measuring foundational literacy skills;
- 129 (iii) Capable of identifying students who ~~have a significant reading deficiency~~ are
130 significantly at risk of not attaining grade level reading proficiency, including, but not
131 limited to, identifying students with characteristics of dyslexia;
- 132 (iv) Prescribed parameters on the time required to administer a universal reading
133 screener with the primary objective of such prescription being to minimize impacts
134 on instructional time; and
- 135 (v) Capable of progress monitoring.

136 (4)(A) ~~As soon as practicable but not later than~~ By July 15, 2025 each year, the
137 department shall publish on its public website the free universal reading screener and
138 the list of other approved universal reading screeners, one of which each public school
139 and local school system shall adopt and administer in order to comply with the
140 requirements of subparagraph ~~(d)(3)(C)~~ (B) of paragraph (3) of this
141 subsection.

142 (B) The council, in collaboration with the center and the Office of Planning and
143 Budget, shall identify a free universal reading screener that meets the criteria
144 established by the board as provided in subparagraph (B) of paragraph (3) of this
145 subsection. The council shall enter into a memorandum of agreement with the

146 department to make such universal reading screener available for use free of charge to
147 public schools and local school systems.

148 (5) The department shall publish on its public website and distribute by July 15 each year
149 by electronic means to each local school system and public school in this state a dyslexia
150 informational handbook that includes guidance, technical assistance, and training to assist
151 all schools in the implementation of evidence based practices for instructing students with
152 characteristics of dyslexia. Such handbook shall include, but shall not be limited to, the
153 following information:

154 (A) Evidence based practices designed specifically for students with characteristics of
155 dyslexia;

156 (B) Guidance on developing support plans for students with characteristics of dyslexia;

157 (C) A list and brief description of the dyslexia related training programs accredited by
158 the International Dyslexia Association and any other nationally or internationally
159 recognized accrediting organization; and

160 (D) A list of dyslexia endorsement programs approved by the Professional Standards
161 Commission.

162 (6) The department shall, in consultation with the University System of Georgia, the
163 Professional Standards Commission, the Office of Student Achievement, Georgia's
164 Regional Education Service Agencies, and literacy experts, develop or procure one or
165 more training programs for kindergarten through third grade teachers on the science of
166 reading, structured literacy, and foundational literacy skills that enable students to
167 develop reading skills required to meet state standards in literacy. Such training
168 programs shall be developed or procured to promote teachers' knowledge and skills for
169 teaching all students to read, including students with dyslexia, and to ensure teachers
170 have the knowledge and skills necessary to use approved universal reading screeners and
171 to use assessment data to inform instruction based on student needs.

172 ~~(6)~~(7) The department shall provide technical assistance to aid public schools and local
 173 school systems in implementing the provisions of this Code section.

174 ~~(7)~~(8)(A) Beginning April 1, 2026, the department shall provide an annual report on
 175 the impacts of the implementation of the provisions of this Code section, including, but
 176 not limited to, reporting the results by school and school system of:

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

180 ~~(B)(i) The comprehensive summative assessment program for third grade students~~
 181 ~~provided for in subsection (a) of Code Section 20-2-281; and~~

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

184 ~~(D)(ii) The formative reading assessments for first and second grade students~~
 185 ~~provided for in Code Section 20-2-280.~~

186 (B) Such report shall also include analyses of the impact of use of universal reading
 187 screeners, the use of high-quality instructional materials, and instructional practices
 188 grounded in the science of reading. Such report shall be provided to the Governor, the
 189 President of the Senate, the Speaker of the House of Representatives, the chairperson
 190 of the House Committee on Education, the Senate Education and Youth Committee, the
 191 House Committee on Higher Education, the Senate Higher Education Committee, and
 192 the board, and shall be made available on the department's public website for access by
 193 the public.

194 (d)(1) Local boards of education and public school governing bodies shall by August 1
 195 each year:

196 (A) Approve By December 1, 2024, approve high-quality instructional materials for
 197 students in kindergarten through third grade; ~~and~~

198 (B) ~~Certify By December 15, 2024, and by August 1 each year thereafter,~~ certify to the
 199 department that its locally approved instructional materials and content, as defined in
 200 subsection (a) of Code Section 20-2-1017, constitute high-quality instructional
 201 materials;

202 (C) Report to the department the total number and percentage of students in
 203 kindergarten through third grade who were identified during the previous school year
 204 as having characteristics of dyslexia, including, but not limited to, total numbers and
 205 percentages by grade level; and

206 (D) Certify in writing to the department that a copy of the dyslexia informational
 207 handbook provided for in paragraph (5) of subsection (c) of this Code section has been
 208 distributed by electronic means to each school administrator, teacher, and other school
 209 personnel employed by such local school system or public school.

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

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

214 (ii) Demonstrated lessons; and

215 (iii) Prompt feedback for improving instruction.

216 (B)(i) Any public school or local school system claiming that a lack of sufficient
 217 funding prevents such public school or local school system from providing
 218 instructional support as required in subparagraph (A) of this paragraph shall promptly
 219 and in writing notify the ~~Department of Education~~ department and shall describe all
 220 efforts such school or school system has undertaken to secure sufficient funding from
 221 local, state, federal, and private sources.

222 (ii) The ~~Department of Education~~ department shall provide technical assistance and
 223 other guidance to public schools and local schools systems in identifying local, state,

224 federal, and private funding sources to provide for instructional support as required
 225 in subparagraph (A) of this paragraph.

226 (3)(A) ~~Three Beginning August 1, 2024, three~~ times each school year each public
 227 school and local school system shall administer a universal reading screener to each
 228 student in kindergarten through third grade, with the first administration occurring
 229 within 30 school days of the beginning of the school year; ~~provided, however, that for~~
 230 ~~students in first and second grades such public school or local school system shall be~~
 231 ~~authorized to substitute one administration of a universal reading screener with an~~
 232 ~~administration of a formative reading assessment as provided for in Code~~
 233 ~~Section 20-2-280.~~

234 (B) ~~Reserved.~~

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

- 237 (i) Parents and guardians of students who participated in the administration; and
- 238 (ii) The department for analysis.

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

242 (4)(A) Beginning August 1, 2024, public schools and local school systems shall
 243 implement tiered reading intervention plans for public school students in kindergarten
 244 through third grade who at any time during the school year ~~exhibit a significant reading~~
 245 ~~deficiency~~ are determined to be significantly at risk of not attaining grade level reading
 246 proficiency, as measured by performance on a universal reading screener approved by
 247 the board and other qualitative and quantitative data. Each such tiered reading
 248 intervention plan shall be implemented no later than 30 school days after ~~a student such~~
 249 determination has been made ~~identified as exhibiting a significant reading deficiency~~
 250 and shall describe the evidence based reading intervention services the student will

251 receive to ~~remedy the reading deficit~~ address the student's difficulties and ensure the
252 student becomes proficient in foundational literacy skills. Such tiered reading
253 intervention plans ~~may~~ should be incorporated into and included as part of the school's
254 existing ~~multi-tiered~~ multitiered system of supports or response to intervention
255 frameworks.

256 (B) Each student who has been ~~identified as exhibiting a significant reading deficiency~~
257 determined to be significantly at risk of not attaining grade level reading proficiency
258 shall receive intensive reading intervention until such student is determined to no longer
259 ~~identified as exhibiting a significant reading deficiency~~ be significantly at risk of not
260 attaining grade level reading proficiency.

261 (C) The parent or guardian of any student in kindergarten through third grade who at
262 any time during the school year ~~exhibits a significant reading deficiency~~ has been
263 determined to be significantly at risk of not attaining grade level reading proficiency
264 shall be notified in writing by the student's school no later than 15 school days after
265 such determination has been made ~~the identification of the possible deficiency~~. Such
266 written notification shall include:

- 267 (i) That the student has been ~~identified as exhibiting a significant reading deficiency~~
268 determined to be significantly at risk of not attaining grade level reading proficiency;
269 (ii) That a tiered reading intervention plan will be implemented by the student's
270 teacher;
271 (iii) Results of the student's performance on the universal reading screeners
272 administered to date and other data used to make such determination;
273 (iv) A description of the current services provided to the student;
274 (v) A description of proposed evidence based reading interventions and supplemental
275 instructional services and supports to be provided to the student that are designed to
276 remedy the identified area or areas ~~of significant reading deficiency~~ in which the

277 student is significantly at risk of not attaining grade level reading proficiency to
278 ensure the student becomes proficient in foundational literacy skills;

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

281 (vii) Strategies for parents and guardians to use at home to help their child succeed
282 in reading.

283 (D) For each student who has been determined to be significantly at risk of not
284 attaining grade level reading proficiency and who does not make adequate progress
285 toward grade level reading despite receiving evidence based reading interventions and
286 supplemental instructional services and supports, additional quantitative and qualitative
287 data shall be collected and examined in conjunction with universal reading screener
288 data to identify whether the student may have characteristics of dyslexia.

289 (5) The parent or guardian of any student in kindergarten through third grade who at any
290 time during the school year is identified as having characteristics of dyslexia shall be
291 notified in writing by the student's school no later than 15 school days after the
292 identification. Such written notification shall include:

293 (A) That the student has been identified as having characteristics of dyslexia;

294 (B) That a support plan for students with characteristics of dyslexia will be
295 implemented by the student's teacher;

296 (C) A description of the qualitative and quantitative data used to make the
297 identification, including the student's rate of progress toward grade level reading with
298 prior intervention support;

299 (D) A description of proposed changes or additions to the evidence based reading
300 interventions and supplemental instructional services and supports to be provided to the
301 student that are designed to ensure the student becomes proficient in foundational
302 literacy skills;

303 (E) Notification that the parent or guardian will be informed in writing of the student's
304 progress toward grade level reading;

305 (F) Information and resource material regarding dyslexia; and

306 (G) Strategies for parents and guardians to use at home to help their child succeed in
307 reading.

308 (6)(A) No local school system or public school shall use a program of foundational
309 skills instruction for students in kindergarten through third grade that is based on any
310 curriculum, instructional materials, instructional practices, or other interventions that
311 utilize the three-cuing systems model.

312 (B) Each local school system and public school shall ensure that all instructional
313 materials used to teach students in kindergarten through third grade:

314 (i) Are high-quality instructional materials; and

315 (ii) Do not utilize the three-cuing system model.

316 ~~(5)~~(7) By ~~July~~ August 1, 2025, all kindergarten through third grade teachers shall
317 complete a training program developed or procured pursuant to paragraph ~~(c)~~(5) ~~(6)~~ of
318 subsection (c) of this Code section.

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

322 (f) This Code section shall not be subject to waivers pursuant to Code Section 20-2-82 for
323 a strategic waivers school system, Code Section 20-2-244 for a local board of education,
324 Code Section 20-2-2063.2 for a charter system, or Code Section 20-2-2065 for a charter
325 school established pursuant to Article 31 or Article 31A of this chapter, a charter system,
326 or schools within a charter system, or any state special school."

327 **SECTION 1-3.**

328 Said part is further amended by repealing Code Section 20-2-159.6, relating to screening for
329 dyslexia and related disorders, training and professional development, pilot program
330 evaluating early intervention, and data reporting.

331 **PART II**

332 **SECTION 2-1.**

333 Code Section 20-1-44 of the Official Code of Georgia Annotated, relating to duties and
334 authority relative to the Georgia Council on Literacy, is amended by revising paragraph (1)
335 of subsection (a) as follows:

336 "(1) Work in partnership with the State Board of Education and the Department of
337 Education to implement the requirements of the Georgia Early Literacy and Dyslexia Act
338 as provided for in Code Section 20-2-153.1;"

339 **PART III**

340 **SECTION 3-1.**

341 This Act shall become effective upon its approval by the Governor or upon its becoming law
342 without such approval.

343 **SECTION 3-2.**

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