

House Bill 307 (RULES COMMITTEE SUBSTITUTE)

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-cueing 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-cueing systems model;
13 to repeal a provision relating to reading recovery programs; to provide for written
14 notification to parents and guardians; to provide for and revise definitions; to repeal certain
15 provisions setting deadlines applicable to the State Board of Education and the Department
16 of Education that have expired; to provide for ongoing review and updating of required and
17 authorized actions; to require additional reports by the Department of Education; to revise
18 a short title; to repeal Code Section 20-2-159.6, relating to screening for dyslexia and related

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19 disorders, training and professional development, pilot program evaluating early intervention,
20 and data reporting; to provide for the Georgia Literacy Plan Coordinating Committee within
21 the Office of Student Achievement; to provide for duties and responsibilities for such
22 council; to amend Code Section 20-1-44 of the Official Code of Georgia Annotated, relating
23 to duties and authority relative to the Georgia Council on Literacy, so as to make conforming
24 changes; to provide for related matters; to provide for an effective date; to repeal conflicting
25 laws; and for other purposes.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

27 **PART I**
28 **SECTION 1-1.**

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

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

40 **SECTION 1-2.**

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

45 "20-2-153.1.

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

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

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

50 ~~(1.1)~~(2) 'Center' means the Sandra Dunagan Deal Center for Early Language and
 51 Literacy.

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

55 ~~(1.2)~~(4) 'Council' means the Georgia Council on Literacy.

56 ~~(2)~~(5) 'Department' means the Department of Education.

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

64 (7) 'Foundational literacy skills' means phonological awareness, phonemic awareness,
 65 alphabet knowledge, phonics, oral reading fluency, spelling, vocabulary, reading

66 comprehension, ~~spelling~~, oral language, and ~~the intersection of reading and writing~~ rapid
67 automatized naming.

68 ~~(4)~~(8) 'High-quality instructional materials' means instructional materials aligned to the
69 science of reading that instruct students in foundational literacy skills and
70 grade-appropriate English language arts and reading standards approved by the ~~State~~
71 ~~Board of Education~~ state board. Instructional materials that feature or promote the use
72 of the three-cueing system shall not constitute high-quality instructional materials.

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

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

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

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

91 ~~(8)~~(13) 'Structured literacy' means an evidence based approach to teaching oral and
92 written language aligned to the science of reading founded on the science of how children

93 learn to read and characterized by explicit, systematic, cumulative, and diagnostic
 94 instruction in phonology, sound-symbol association, syllable instruction, morphology,
 95 syntax, and semantics. An approach to teaching oral and written language that features
 96 or promotes the three-cueing system shall not constitute structured literacy.

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

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

104 ~~(10)~~(16) 'Universal reading screener' means a uniform tool that screens and monitors a
 105 student's progress in foundational literacy skills that is administered to students multiple
 106 times during the school year.

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

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

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

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

117 ~~(3)(A) As soon as practicable but not later than January 1, 2024, the department shall~~
 118 ~~establish~~ Every three years beginning in 2027, the center shall review and update, as
 119 appropriate, qualifications, ~~time lines~~ timelines, and submission procedures for

120 education service providers to submit one or more universal reading screeners to be
121 considered for inclusion on the board's list of approved universal reading screener
122 providers provided for in subparagraph (B) of this paragraph.

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

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

131 (ii) Capable of measuring foundational literacy skills;

132 (iii) Capable of identifying students who ~~have a significant reading deficiency~~ are
133 significantly at risk of not attaining grade level reading proficiency, including, but not
134 limited to, identifying students with characteristics of dyslexia;

135 (iv) Prescribed parameters on the time required to administer a universal reading
136 screener with the primary objective of such prescription being to minimize impacts
137 on instructional time; and

138 (v) Capable of progress monitoring.

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

145 (B) The council, in collaboration with the center and the Office of Planning and
146 Budget, shall identify a free universal reading screener that meets the criteria

147 established by the board as provided in subparagraph (B) of paragraph (3) of this
148 subsection. The council shall enter into a memorandum of agreement with the
149 department to make such universal reading screener available for use free of charge to
150 public schools and local school systems.

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

157 (A) Evidence based practices designed specifically for students with characteristics of
158 dyslexia;

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

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

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

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

174 reading screeners and to use assessment data to inform instruction based on student
175 needs.

176 ~~(6)(7)~~ The department shall provide technical assistance to aid public schools and local
177 school systems in implementing the provisions of this Code section.

178 ~~(7)(8)(A)~~ Beginning April 1, 2026, the department shall provide an annual report on
179 the impacts of the implementation of the provisions of this Code section, including, but
180 not limited to, reporting the results by school and school system of:

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

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

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

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

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

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

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

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

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

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

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

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

218 (ii) Demonstrated lessons; and

219 (iii) Prompt feedback for improving instruction.

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

226 (ii) The ~~Department of Education~~ department shall provide technical assistance and
 227 other guidance to public schools and local schools systems in identifying local, state,
 228 federal, and private funding sources to provide for instructional support as required
 229 in subparagraph (A) of this paragraph.

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

238 (B) ~~Reserved.~~

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

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

242 (ii) The department for analysis.

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

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

253 determination has been made ~~identified as exhibiting a significant reading deficiency~~
254 and shall describe the evidence based reading intervention services the student will
255 receive to ~~remedy the reading deficit~~ address the student's difficulties and ensure the
256 student becomes proficient in foundational literacy skills. Such tiered reading
257 intervention plans ~~may~~ should be incorporated into and included as part of the school's
258 existing ~~multi-tiered~~ multitiered system of supports or response to intervention
259 frameworks.

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

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

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

280 remedy the identified area or areas ~~of significant reading deficiency~~ in which the
281 student is significantly at risk of not attaining grade level reading proficiency to
282 ensure the student becomes proficient in foundational literacy skills;

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

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

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

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

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

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

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

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

- 307 (E) Notification that the parent or guardian will be informed in writing of the student's
308 progress toward grade level reading;
- 309 (F) Information and resource material regarding dyslexia;
- 310 (G) Strategies for parents and guardians to use at home to help their child succeed in
311 reading; and
- 312 (H) Notification that the parent or guardian shall have the right to elect, in writing, that
313 the student not receive the support plan and the proposed changes or additions to the
314 evidence based reading interventions and supplemental instructional services and
315 supports.
- 316 (6)(A) No local school system or public school shall use a program of foundational
317 skills instruction for students in kindergarten through third grade that is based on any
318 curriculum, instructional materials, instructional practices, or other interventions that
319 utilize the three-cueing systems model for teaching word reading.
- 320 (B) Each local school system and public school shall ensure that all instructional
321 materials used to teach students in kindergarten through third grade:
- 322 (i) Are high-quality instructional materials; and
- 323 (ii) Do not utilize the three-cueing system model for teaching word reading.
- 324 (C) Instruction in public schools and local school systems shall not employ the
325 three-cueing system or visual memory as a basis for teaching word reading. Instruction
326 may include visual information and strategies which improve background and
327 experiential knowledge, add context, and increase oral language and vocabulary to
328 support comprehension, but shall not be used to teach word reading.
- 329 ~~(5)~~(7) By July August 1, 2025, all kindergarten through third grade teachers shall
330 complete a training program developed or procured pursuant to paragraph ~~(c)~~~~(5)~~ (6) of
331 subsection (c) of this Code section.
- 332 (e)(1) There is established within the Office of Student Achievement the Georgia
333 Literacy Plan Coordinating Committee. Such committee shall comprise, at a minimum,

334 the Georgia Literacy Coach, the Coordinator of Georgia Literacy Coaching, a
 335 representative of the Department of Education, at least one representative of Georgia's
 336 regional education services agencies, a representative of a research based education
 337 organization with subject matter expertise identified by the Georgia Council on Literacy,
 338 and other subject matter experts identified by the Georgia Literacy Coach or the Georgia
 339 Council on Literacy.

340 (2) The Office of Student Achievement shall employ a Coordinator of Georgia Literacy
 341 Coaching, who shall report to the Georgia Literacy Coach provided for in Code Section
 342 20-1-42, and who will be responsible for:

343 (A) Serving as the chairperson of the Georgia Literacy Plan Coordinating Committee;

344 (B) Coordinating state-wide literacy coaching efforts;

345 (C) Direction and oversight of literacy coaches affiliated with the Department of
 346 Education or a regional education service agency whose positions are supported with
 347 state or federal funds; and

348 (D) Coordinating with designated organizations affiliated with the Georgia Council on
 349 Literacy with respect to research, best practices, and proactive intervention strategies
 350 for birth to adult language and literacy learning.

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

354 ~~(f)~~(g) This Code section shall not be subject to waivers pursuant to Code Section 20-2-82
 355 for a strategic waivers school system, Code Section 20-2-244 for a local board of
 356 education, Code Section 20-2-2063.2 for a charter system, or Code Section 20-2-2065 for
 357 a charter school established pursuant to Article 31 or Article 31A of this chapter, a charter
 358 system, or schools within a charter system, or any state special school."

359 **SECTION 1-3.**

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

363 **PART II**

364 **SECTION 2-1.**

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

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

371 **PART III**

372 **SECTION 3-1.**

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

375 **SECTION 3-2.**

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