

Amendment No. 1 to HB2229

White
Signature of Sponsor

AMEND Senate Bill No. 2160

House Bill No. 2229*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-901, is amended by deleting the section and substituting instead the following:

This part shall be known and may be cited as the "Tennessee Literacy Success Act."

SECTION 2. Tennessee Code Annotated, Section 49-1-902, is amended by designating the existing language as subsection (b) and adding the following language as a new subsection (a):

(a) The general assembly finds and declares that:

- (1) A literate society is key to maintaining a free society;
- (2) There is a need to improve literacy rates across the state;
- (3) In 2019, Tennessee's third grade English language arts proficiency rate was thirty-six and nine-tenths percent (36.9%); and
- (4) In 2019, Tennessee's eighth grade English language arts proficiency rate was twenty-seven and one-tenth percent (27.1%).

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 1, Part 9, is amended by adding the following as new sections:

49-1-903.

As used in this part:

- (1) "Department" means the department of education;
- (2) "Educator preparation provider" means a Tennessee educator preparation provider, approved by the state board, responsible for managing,

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operating, or coordinating programs for the preparation and licensure of teachers and other school personnel;

(3) "Parent" means the parent, guardian, person who has custody of the child, or individual who has caregiving authority under § 49-6-3001;

(4) "Significant reading deficiency" means that the results of a student's universal reading screener or locally adopted reading screener do not meet proficiency, as determined by the state board, in the areas of phonemic awareness, phonics, vocabulary, fluency, and comprehension;

(5) "State board" means the state board of education;

(6) "Systematic foundational skills instruction" means an evidence-based method of teaching students to read that includes the foundational reading skills of phonemic awareness, phonics, fluency, vocabulary, and comprehension that enables students to develop the reading skills required to meet the Tennessee academic standards; and

(7) "Universal reading screener" means a uniform tool that screens and monitors a student's progress in the foundational reading skills of phonemic awareness, phonics, fluency, vocabulary, and comprehension.

49-1-905.

(a) Each LEA shall ensure that the instructional programming, intended to meet the English language arts standards adopted by the state board, for students in grades kindergarten through three (K-3), is based on the foundational reading skills of phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(b) Each LEA shall use a universal reading screener approved by the department, or a comparable alternative reading screener approved by the state board and adopted by the LEA. The universal reading screener approved by the department must be provided at no cost to LEAs. The universal reading screener or a locally adopted reading screener must not be used for student promotion, teacher evaluation, or school or district accountability. An LEA shall administer a reading screener to students in grades kindergarten through two (K-2) three (3) times each school year during the administration windows set by the department. The administration window for the first reading screener administered to students must occur within the first thirty (30) days of the school year. An LEA shall administer a reading screener to a student in the third grade who has a significant reading deficiency, as demonstrated by the student's performance on the last reading screener administered to the student in second grade.

(c) A student in grades kindergarten through two (K-2) who exhibits, at any time, a significant reading deficiency, as demonstrated by the student's performance on a reading screener, or who exhibits, at any time, a reading skill deficiency, as demonstrated by the student's performance on a locally administered formative or interim assessment or through teacher observation, must be provided with intensive, supplemental instructional supports that address the student's significant reading deficiency or reading skill deficiency immediately following the identification of the student's significant reading deficiency or reading skill deficiency.

(d) Immediately upon determining that a student in grades kindergarten through two (K-2) has a significant reading deficiency, the LEA shall notify the student's parent in writing of the determination.

(e)

(1) A student in the third grade shall not be promoted to the next grade level unless the student has shown a basic understanding of the curriculum and ability to perform the skills required in the subject of reading, as demonstrated by

the student's grades or standardized test results; provided, however, that student may be promoted if:

(A) The student participates in an evidence-based reading intervention program before the beginning of the next school year; or

(B) The student is an English language learner and has received less than two (2) years of instruction in English.

(2) This subsection (e) does not supersede an LEA's obligations to comply with the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et seq.) or Section 504 of the Rehabilitation Act (29 U.S.C. § 794).

(f) This section must not be interpreted to require the use of instructional materials based on the common core standards, or to re-establish the common core state standards replaced under § 49-1-310.

49-1-906.

(a) Subject to available funding, the state board, with administrative support from the department, shall establish and administer a literacy skills grant program.

(b) The state board shall establish criteria for an LEA to qualify for a literacy skills grant. To qualify for a literacy skills grant, an LEA must, at a minimum:

(1) Implement an instructional program for English language arts in grades kindergarten through three (K-3) that includes systematic foundational skills instruction;

(2) Ensure all textbooks and instructional materials used to teach students to read include systematic foundational skills instruction, reflect practices shown to have a positive effect on student achievement, and include documentation of a rigorous research approach;

(3) Submit the results of the reading screener required under § 49-1-905(b) to the department;

(4) Ensure all teachers in grades kindergarten through three (K-3) who provide reading instruction to students participate in a literacy-related training provided by the department or by a provider approved by the state board pursuant to § 49-1-909; and

(5) Receive literacy-related implementation and coaching support from service providers approved by the state board pursuant to § 49-1-909.

(c) By July 1, 2023, the department, in partnership with the state board and the Tennessee higher education commission, shall provide a report to the chairs of the education committees of the senate and the house of representatives regarding the implementation of this section.

(d)

(1) By December 31, 2020, for purposes of consolidating existing information for the general assembly, the department shall conduct a review of the following:

(A) A landscape analysis of literacy in this state, including current practices, student achievement, instructional programming, and remediation services;

(B) A landscape analysis of literacy instruction, including instructional programming and pedagogical practices utilized by educator preparation providers; and

(C) A joint analysis with the Tennessee higher education commission regarding affordability of educator preparation providers, including tuition affordability and net-tuition affordability for future educators, costs relative to peer institutions in other states, student loan and debt burden of educator preparation provider graduates, an assessment of financial barriers that may prevent postsecondary students and career changers from pursuing teaching as a profession, and the

ability to reduce the costs of offering educator preparation and credentials.

(2) Educator preparation providers approved by the state board must participate in the review.

(3) By March 1, 2021, the results of the review must be reported to the commissioner and provided to the state board and the chairs of the education committees of the senate and the house of representatives. The results of the review must be posted on the department's website.

(4) All student information must be maintained in accordance with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), § 10-7-504, and all other relevant state and federal privacy laws.

49-1-908.

The department shall procure any good or service selected or approved by the department to effectuate this part competitively and in compliance with all state laws and administrative rules regarding the procurement of goods and services by state agencies, including §§ 12-3-101 – 12-3-104. Contracts for the procurement of any good or service selected or approved by the department to effectuate this part are subject to review by the fiscal review committee of the general assembly.

49-1-909.

(a) As used in this section, "literacy instructor" means any person who provides literacy instruction to public school students in any of the grades pre-kindergarten through five (pre-K-5), including classroom teachers, instructional coaches, and paraprofessionals.

(b) By June 30, 2022, all literacy instructors must participate in literacy-related trainings provided by the department or by a provider approved by the state board. The trainings may be provided at the regional or local level, as determined by the state board in consultation with participating LEAs.

(c) A literacy instructor who demonstrates prior training in, and implementation of, a reading program based on foundational literacy skills, may, in lieu of participating in the training required in subsection (b), take the Tennessee reading instruction test provided pursuant to § 49-5-5617(b)(1), or participate in an abbreviated version of the training described in subsection (b).

(d) An LEA may apply for and receive literacy-related implementation and coaching support from service providers approved by the state board. Implementation and coaching support must be awarded through a competitive grant process established by the state board. LEAs shall cooperate with the service provider to measure teacher implementation and student achievement. The state board shall not award a grant under this subsection (d) for a term of more than three (3) years. Implementation and coaching support must gradually decrease over the term of the grant. After the term of the grant expires, all training must be conducted through educator preparation providers and verified through educator credentialing processes and exams.

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 5, Part 56, is amended by adding the following as a new section:

49-5-5617.

(a) Educator preparation providers must provide candidates seeking licensure to teach in grades kindergarten through three (K-3) with training and instruction on:

(1) How to effectively teach the foundational reading skills of phonemic awareness, phonics, fluency, vocabulary, and comprehension;

(2) How to differentiate instruction for teaching students with advanced reading skills and students with significant reading deficiencies;

(3) Dyslexia identification and providing effective instruction for teaching students with dyslexia using appropriate scientific research and brain-based multisensory intervention methods and strategies in alignment with the training required in § 49-6-3004(c)(1)(A);

(4) How to implement reading instruction using high-quality instructional materials;

(5) Behavior management, trauma-informed principles and practices for the classroom, and other developmentally appropriate supports to ensure that students can effectively access literacy instruction; and

(6) How to understand and use student reading data.

(b)

(1) Effective August 1, 2022, a candidate seeking a teaching license or endorsement that authorizes the candidate to teach students in grades kindergarten through three (K-3) must provide a certificate documenting passage of a Tennessee reading instruction test developed or identified by the state board that tests the candidate's knowledge of systematic foundational skills instruction.

(2) Subject to available funding, the test developed or identified by the state board pursuant to this section must be provided at no cost to the candidate.

(c) The state board, in consultation with the department, shall promulgate revisions to the state board rules regarding the approval of educator preparation providers and rules regarding educator licensure to effectuate this section.

SECTION 5. Tennessee Code Annotated, Section 49-6-3115, is amended by deleting the section.

SECTION 6. The state board may promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.