

SENATE BILL 2160

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to literacy instruction.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding the following as a new part:

49-6-2801. Definitions.

As used in this part:

- (1) "Department" means the department of education;
- (2) "Diagnostic" means a tool that screens and monitors a student's progress in the foundational reading skills of phonemic awareness, phonics, fluency, vocabulary, oral reading, and comprehension;
- (3) "Evidence-based" means a practice or program that:
 - (A) Has a clear theoretical base that integrates research findings with practical implementation expertise that is relevant to the field;
 - (B) Matches the needs of, and desired outcomes for, the intended audience; and
 - (C) If properly implemented, demonstrates improved outcomes for the intended audience;
- (4) "Scientifically-based" means practices or programs that have been evaluated using the scientific method with rigorous data analyses and that have been accepted through general or majority consensus by independent experts through objective and scientific peer review; and

(5) "Significant reading deficiency" means student literacy results that do not meet the minimum skill levels of reading competency, as defined by the department of education, in the areas of phonemic awareness, phonics, vocabulary development, reading fluency, oral reading skills, and reading comprehension for the student's grade level.

49-6-2802. Literacy Instruction.

(a) A local education agency (LEA) that enrolls students in any of the grades kindergarten through two (K-2) shall provide to students in each grade kindergarten through two (K-2) the instruction necessary for the students to develop the reading skills required to meet the Tennessee academic standards and the developmental expectations for the student's respective grade level, as defined by the department. The department shall approve the instructional programming and services that must be used to provide evidence-based and scientifically-based systematic phonics instruction, and that are implemented with a focus on phonemic awareness, phonics, vocabulary development, fluency, oral reading, and reading comprehension.

(b) An LEA that enrolls students in any of the grades kindergarten through two (K-2) shall provide to students in each grade kindergarten through two (K-2) knowledge-based English language arts elementary curricula, as outlined in the state's adoption list for English language arts approved by the state board of education.

(c) Notwithstanding § 49-6-6002(a), an LEA that enrolls students in any of the grades kindergarten through two (K-2) shall administer to students in each grade kindergarten through two (K-2) a common reading diagnostic selected by the department to benchmark literacy skills and growth. An LEA shall administer the diagnostic to any student in the third-grade who is reading below grade level, as measured by the results of the last diagnostic administered to the student in second grade. The department shall establish three (3) administration windows each school year for the administration of the diagnostics. Except for the dyslexia screening required by the RTI² framework, as

provided in § 49-1-229, the diagnostics replace all literacy assessments administered at the LEA level. An LEA that seeks to implement additional literacy assessments to students must submit a written request to the department for approval. An LEA shall not administer literacy assessments that are not approved by the department.

(d) LEAs must submit the results of the common reading diagnostic required under subsection (c) to the department, in a manner specified by the department, no later than two (2) weeks after the close of the common administration window during which the diagnostic was administered.

(e) A student reading below grade level, as measured by the most recently administered diagnostic, must be provided with additional instructional supports that address the student's academic needs, and that are designed to move the student's individual reading performance towards proficiency at the appropriate grade level.

(f) The requirements of subsection (a) are mandatory for each LEA, except LEAs in which the percentage of third-grade students who are enrolled in the LEA and proficient in reading:

(1) Is at least fifteen (15) percentage points above the state average;

(2) Is more than fifty-five percent (55%) at each school, as measured by the Tennessee comprehensive assessment program (TCAP) tests; and

(3) For each student group, as defined pursuant to the accountability model established pursuant to § 49-1-602, is at least fifteen (15) percentage points above the percentage of the statewide peer group in reading proficiency.

(g) For each school year, the department shall publish a list of the LEAs that are eligible for the exemption described in subsection (f). The department may adjust the third-grade reading proficiency percentages required for an exemption under subsection (f) to reflect changes in statewide reading proficiency.

49-6-2803. Educator preparation programs.

(a) As used in this section, "a program approved or seeking approval as an educator preparation provider" means a program approved or seeking approval to provide educational preparation to persons seeking eligibility to teach reading.

(b) By August 1, 2021:

(1) A program approved or seeking approval as an educator preparation provider must provide teaching candidates with:

(A) Reading instruction in scientifically-based and evidence-based reading pedagogy and instructional techniques that incorporate scientifically-based and evidence-based literacy and systematic phonics instruction;

(B) Differentiated instruction for teaching advanced students and remediation for students performing below grade level in reading proficiency. A program approved or seeking approval as an educator preparation provider must include explicit instruction related to dyslexia identification, screening, and effective supports, as well as administration support and alignment of interventions to the needs identified in student diagnostics;

(C) Instruction on how to implement reading instruction utilizing high-quality instructional materials, as defined by the state's adoption list;

(D) Instruction on behavior management, trauma-informed principles and practices for the classroom, and other developmentally appropriate supports to assist in the implementation of this part; and

(E) Instruction on how to understand and utilize student data and assessments;

(2) The department shall develop additional guidance on requirements for educator preparation providers consistent with this section;

(3) The department, in consultation with the state board of education, shall develop a policy for approving programs as educator preparation providers in accordance with this section. The policy must establish a method of monitoring instruction by educator preparation providers for quality and compliance with this section;

(4) A candidate for an elementary school teaching position in any of the grades kindergarten through three (K-3), or any grade for which the teaching credential covers any of the grades kindergarten through three (K-3), must pass a test developed or identified by the department that tests the candidate's knowledge of evidence-based and scientifically-based reading instruction in order to receive a teacher license. The department shall determine the score that constitutes passage of the test required under this subdivision (b)(4). The test should limit or prevent any additional cost or assessments for applicants for teacher licenses;

(5) An instructor for an educator preparation provider teaching coursework related to reading instruction in accordance with this section must have an active Tennessee teacher license, unless the licensure requirement is waived by the commissioner, or the commissioner's designee. If the instructor's teacher license has expired, then the instructor must pass the licensure test required in subdivision (b)(4); and

(6) An education leadership preparation provider must include instruction on evidence-based and scientifically-based reading programs, and program participants must pass the licensure test required in subdivision (b)(4). In

addition, education leadership preparation programs must include instruction in understanding and responding to student data and assessments, trauma-informed principles and practices for the classroom, and developmentally appropriate supports through evidence-based research, as defined by the department.

(c) By July 1, 2023, the department, in partnership with the state board of education 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) No later than December 31, 2020, the department shall complete a study of the following:

(A) A landscape analysis of literacy in Tennessee, including current practices, student achievement, instructional programming, and remediation services provided in schools and LEAs randomly selected through an audit model;

(B) The effectiveness and relevance of current coursework related to literacy instruction, including guiding standards and course sequences, instruction regarding serving the educational needs of special student populations, and instructional and pedagogical expertise generally; and

(C) A joint analysis with the Tennessee higher education commission regarding affordability of educator preparation providers, including 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 high school graduates and career changers from pursuing teaching as a profession, and the ability to reduce the costs of offering educator preparation and credentials.

(2) Any program whose educator preparation providers are approved by the state must participate in the study.

(3) The results of the study and any resulting recommendations must be reported to the commissioner and presented to the state board of education.

(4) By March 1, 2021, the department, in partnership with 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 findings of the study.

49-6-2804. Accountability.

(a) By June 30, 2020, the department shall convene an advisory group of stakeholders to advise the department on the meaningful integration of third-grade reading proficiency into the performance goals and measures established pursuant to § 49-1-602 for schools and LEAs.

(b) In consultation with the advisory group convened under subsection (a), the department shall review changes to the accountability performance designations required by § 49-1-602 for schools and LEAs serving students in any of the grades kindergarten through three (K-3) regarding the weight attributed to the third-grade reading proficiency levels demonstrated by student performance on TCAP tests. Upon completing the review, if the department, after consultation with the advisory group, believes that revisions to the accountability performance designations under § 49-1-602

are warranted, then the department shall submit the revisions to the state board of education for approval and to the United States department of education, if required.

49-6-2805. Professional development and support.

(a) As used in this section, "educator" means any person who provides literacy instruction to a public school student.

(b)

(1) By June 30, 2022, the department shall provide two (2) separate literacy-related trainings that are required for all educators serving any student in any of the grades kindergarten through five (K-5). These trainings may be provided at the regional or local level, as determined by the department.

(2) The first training required under this subsection (b) must focus on evidence-based and scientifically-based literacy instruction.

(3) The second training required under this subsection (b) must focus on the implementation of programmatic and instructional materials concerning literacy. The training must address how to teach the identified reading programs, as well as the instructional materials required for implementation.

(c) At the conclusion of the training required in subsection (b), an educator who is the credentialed teacher of record earns an additional literacy endorsement upon demonstrating proficiency in the topics of the training, or proficiency on the test provided pursuant to § 49-6-2803(b)(4). The literacy endorsement is based on the level of mastery demonstrated, as determined by the department. For a credentialed educator who does not earn the literacy endorsement, a mentor teacher with this literacy endorsement must be assigned by the LEA to support the teacher. The mentor teacher must receive a stipend as outlined by the department. A credentialed educator who

does not earn the literacy endorsement after participating in the training required under subsection (b) may be required to participate in the training the following year.

(d) An educator who demonstrates prior training in, and implementation of, an approved reading program may, in lieu of participating in the training required in subsection (b), take the test provided pursuant to § 49-6-2803(b)(4) or participate in an abbreviated version of the educator trainings listed in subsection (b), or alternative trainings, as determined by the department.

(e) An LEA may apply for and receive literacy-related implementation and coaching support from service providers approved by the department. Implementation and coaching support must be awarded through a competitive grant process established by the department. The department shall evaluate each service provider based upon work outcomes measured by student achievement. LEAs shall cooperate with the service provider to measure teacher implementation and student achievement. The department shall not award a grant 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 2. The headings in this act are for reference purposes only and do not constitute part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication that contains this act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.