

House Bill 307 (AS PASSED HOUSE AND SENATE)

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

19 to provide for the Georgia Literacy Coach Coordinating Committee within the Office of
20 Student Achievement; to provide for duties and responsibilities for such council; to expand
21 the purposes of the Georgia Council on Literacy to improving literacy outcomes for Georgia
22 adults as well as students; to revise provisions for compensation of members of the Georgia
23 Council on Literacy; to extend the automatic repealer on the Georgia Council on Literacy
24 from 2026 to 2030; to provide for and revise definitions; to make conforming changes; to
25 amend Code Section 45-7-21 of the Official Code of Georgia Annotated, relating to expense
26 allowance and travel cost reimbursement for members of certain boards and commissions,
27 so as to include the Georgia Council on Literacy in the list of boards and commissions that
28 receive certain expense allowance and reimbursement; to provide for related matters; to
29 provide for an effective date; to repeal conflicting laws; and for other purposes.

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

31 **PART I**

32 **SECTION 1-1.**

33 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
34 Part 3 of Article 6 of Chapter 2, relating to educational programs under the "Quality Basic
35 Education Act," by revising subsection (c) of Code Section 20-2-153, relating to early
36 intervention program for students at risk of not reaching or maintaining academic grade level,
37 as follows:

38 "(c) The State Board of Education shall describe by rules and regulations such additional
39 services, resources, support, or strategies as may be provided by the local school system.
40 The specifications for delivery of early intervention services shall be the responsibility of
41 local boards of education except that the program rules and regulations adopted by the
42 State Board of Education shall be followed in designing the program delivery models.

43 ~~Delivery models may include, but are not limited to, class augmentation, pull-out or~~
44 ~~self-contained classes, and the Reading Recovery Program delivered by certificated~~
45 ~~personnel."~~

46 **SECTION 1-2.**

47 Said title is further amended in said part by revising Code Section 20-2-153.1, relating to
48 Georgia Early Literacy, uniform grade appropriate metrics to measure literacy, universal
49 reading screeners, high-quality instructional materials aligned with the science of reading,
50 support for literacy instruction, and reading intervention plans, as follows:

51 "20-2-153.1.

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

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

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

56 ~~(1.1)~~(2) 'Center' means the Sandra Dunagan Deal Center for Early Language and
57 Literacy.

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

61 ~~(1.2)~~(4) 'Council' means the Georgia Council on Literacy.

62 ~~(2)~~(5) 'Department' means the Department of Education.

63 ~~(3)~~(6) 'Dyslexia' means a specific learning disability that is neurological in origin.
64 Dyslexia is characterized by difficulties with accurate or fluent word recognition and by
65 poor spelling and decoding abilities. These difficulties typically result from a deficit in
66 the phonological component of language that is often unexpected in relation to other
67 cognitive abilities and the provision of effective classroom instruction. Secondary

consequences may include problems in reading comprehension and reduced reading experience that can impede the growth of vocabulary and background knowledge.

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

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

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

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

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

(7)(12) 'Significantly at risk of not attaining grade level reading proficiency' 'Significant reading deficiency' means for students in kindergarten through third grade that such student's score on a universal reading screener is within the range of scores determined by the department to demonstrate a lack of proficiency in foundational literacy skills foundational literacy skills, as measured by scores on a universal reading screener and

other quantitative and qualitative data, indicate that the student is at high risk of not attaining grade level reading proficiency.

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

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

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

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

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

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

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

(B) Establish a procedure for each public school and local school system to annually certify to the department that such school or school system's locally approved

instructional materials and content, as defined in subsection (a) of Code Section 20-2-1017, constitute high-quality instructional materials.

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

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

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

(4)(A) ~~As soon as practicable but not later than~~ By July 15, 2025 each year, the department shall publish on its public website the free universal reading screener and the list of other approved universal reading screeners, one of which each public school

and local school system shall adopt and administer in order to comply with the requirements of subparagraph ~~(d)(3)(C) of this Code section~~ (B) of paragraph (3) of this subsection.

(B) The council, in collaboration with the center and the Office of Planning and Budget, shall identify a free universal reading screener that meets the criteria established by the board as provided in subparagraph (B) of paragraph (3) of this subsection. The council shall enter into a memorandum of agreement with the department to make such universal reading screener available for use free of charge to public schools and local school systems.

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

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

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

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

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

(6) The department shall, in consultation with the University System of Georgia, the Professional Standards Commission, the Office of Student Achievement, Georgia's Regional Education Service Agencies regional education service agencies, and literacy experts, develop or procure one or more training programs for kindergarten through third

grade teachers on the science of reading, structured literacy, and foundational literacy skills that enable students to develop reading skills required to meet state standards in literacy. Such training programs shall be developed or procured to promote teachers' knowledge and skills for teaching all students to read, including students with dyslexia, and to ensure teachers have the knowledge and skills necessary to use approved universal reading screeners and to use assessment data to inform instruction based on student needs.

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

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

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

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

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

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

(B) Such report shall also include analyses of the impact of use of universal reading screeners, the use of high-quality instructional materials, and instructional practices grounded in the science of reading. Such report shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairperson of the House Committee on Education, the Senate Education and Youth Committee, the House Committee on Higher Education, the Senate Higher Education Committee, and

the board, and shall be made available on the department's public website for access by the public.

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

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

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

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

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

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

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

(ii) Demonstrated lessons; and

(iii) Prompt feedback for improving instruction.

(B)(i) Any public school or local school system claiming that a lack of sufficient funding prevents such public school or local school system from providing instructional support as required in subparagraph (A) of this paragraph shall promptly

and in writing notify the ~~Department of Education~~ department and shall describe all efforts such school or school system has undertaken to secure sufficient funding from local, state, federal, and private sources.

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

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

(B) ~~Reserved.~~

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

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

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

(4)(A) Beginning August 1, 2024, public schools and local school systems shall implement tiered reading intervention plans for public school students in kindergarten through third grade who at any time during the school year ~~exhibit a significant reading deficiency~~ are determined to be significantly at risk of not attaining grade level reading

proficiency, as measured by performance on a universal reading screener approved by the board and other qualitative and quantitative data. Each such tiered reading intervention plan shall be implemented no later than 30 school days after ~~a student such~~ determination has been made ~~identified as exhibiting a significant reading deficiency~~ and shall describe the evidence based reading intervention services the student will receive to ~~remedy the reading deficit~~ address the student's difficulties and ensure the student becomes proficient in foundational literacy skills. Such tiered reading intervention plans ~~may~~ should be incorporated into and included as part of the school's existing ~~multi-tiered~~ multitiered system of supports or response to intervention frameworks.

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

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

- (i) That the student has been ~~identified as exhibiting a significant reading deficiency~~ determined to be significantly at risk of not attaining grade level reading proficiency;
- (ii) That a tiered reading intervention plan will be implemented by ~~the student's teacher~~ an educator at the student's school;
- (iii) Results of the student's performance on the universal reading screeners administered to date and other data used to make such determination;

(iv) A description of the current services provided to the student;

(v) A description of proposed evidence based reading interventions and supplemental instructional services and supports to be provided to the student that are designed to remedy the identified area or areas of significant reading deficiency in which the student is significantly at risk of not attaining grade level reading proficiency to ensure the student becomes proficient in foundational literacy skills;

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

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

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

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

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

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

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

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

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

(F) Information and resource material regarding dyslexia;

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

(H) Notification that the parent or guardian shall have the right to elect, in writing, that the student not receive the support plan and the proposed changes or additions to the evidence based reading interventions and supplemental instructional services and supports.

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

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

(i) Are high-quality instructional materials; and

(ii) Do not utilize the three-cueing system model for teaching word reading.

(C) Instruction in public schools and local school systems shall not employ the three-cueing system or visual memory as a basis for teaching word reading. Instruction may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but shall not be used to teach word reading.

335 ~~(5)(7)~~ By ~~July~~ August 1, 2025, all kindergarten through third grade teachers shall
336 complete a training program developed or procured pursuant to paragraph ~~(c)(5)~~ (6) of
337 subsection (c) of this Code section.

338 (e)(1) There is established within the Office of Student Achievement the Georgia
339 Literacy Coach Coordinating Committee. Such committee shall comprise, at a minimum,
340 the Georgia Literacy Coach, the Coordinator of Georgia Literacy Coaching, a
341 representative of the Department of Education, at least one representative of Georgia's
342 regional education services agencies, a representative of a research based education
343 organization with subject matter expertise identified by the Georgia Council on Literacy,
344 and other subject matter experts identified by the Georgia Literacy Coach or the Georgia
345 Council on Literacy.

346 (2) The Office of Student Achievement shall employ:

347 (A) The Georgia Literacy Coach; and

348 (B) The Coordinator of Georgia Literacy Coaching, who shall be responsible for:

349 (i) Serving as the chairperson of the Georgia Literacy Coach Coordinating
350 Committee;

351 (ii) Coordinating state-wide literacy coaching efforts;

352 (iii) Serving as the primary liaison with the Department of Education with respect to
353 state-wide literacy coaching efforts;

354 (iv) Direction and oversight of literacy coaches affiliated with the Department of
355 Education or a regional education service agency whose positions are supported with
356 state or federal funds; and

357 (v) Coordinating with designated organizations affiliated with the Georgia Council
358 on Literacy with respect to research, best practices, and proactive intervention
359 strategies for birth to adult language and literacy learning.

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

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

SECTION 1-3.

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

PART II

SECTION 2-1.

Said title is further amended in Article 4 of Chapter 1, relating to Council on Literacy, by revising paragraph (2) of Code Section 20-1-40, relating to definitions, as follows:

"(2) 'Evidence based literacy instruction methods and curricula' means instructional materials, instructional practices, and curricula that are scientifically based ~~reading instruction, or multisensory language instruction,~~ including oral language development, phonological awareness, and phonics instruction that includes decoding and encoding, fluency, writing, vocabulary, reading, and comprehension. Instructional materials that feature or promote the use of the three-cueing system, as such term is defined in Code Section 20-2-153.1, shall not constitute high-quality instructional materials."

SECTION 2-2.

Said title is further amended in said article by revising Code Section 20-1-41, relating to council created, as follows:

"20-1-41.

There is established the Georgia Council on Literacy for the purpose of conducting comprehensive reviews of birth to postsecondary programs, the alignment of state support for such programs, and other issues related to improving the literacy outcomes of Georgia students and adults."

SECTION 2-3.

Said title is further amended in said article by revising subsection (c) of Code Section 20-1-43, relating to meetings, executive committee of voting members, and expenses, as follows:

"(c) Legislative members of the council shall receive the allowances provided for in Code Section 28-1-8. Nonlegislative members of the council shall receive a daily expense allowance in the amount specified in subsection ~~(b)~~ (a) of Code Section 45-7-21 as well as the mileage or transportation allowance authorized for state employees. Members of the council who are state officials, other than legislative members, or state employees shall receive no compensation for their services on the council, but shall be reimbursed for expenses incurred by them in the performance of their duties as members of the council in the same manner as they are reimbursed for expenses in their capacities as state officials or state employees. The funds necessary for the reimbursement of the expenses of state officials, other than legislative members, and state employees shall come from funds appropriated to or otherwise available to their respective departments. All other funds necessary to carry out the provisions of this article shall come from funds appropriated to the Senate and the House of Representatives."

SECTION 2-4.

Said title is further amended in said article by revising paragraph (1) of subsection (a) of Code Section 20-1-44, relating to duties and authority relative to the Georgia Council on Literacy, as follows:

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

SECTION 2-5.

Said title is further amended in said article by revising Code Section 20-1-45, relating to termination, as follows:

"20-1-45.

The council shall be abolished and this article shall stand repealed on December 31, ~~2026~~ 2030."

SECTION 2-6.

Code Section 45-7-21 of the Official Code of Georgia Annotated, relating expense allowance and travel cost reimbursement for members of certain boards and commissions, is amended by adding a new paragraph to subsection (a) to read as follows:

"(2.3) Georgia Council on Literacy:"

PART III**SECTION 3-1.**

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

430

SECTION 3-2.

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