

2021 Regular Session

SENATE BILL NO. 222

BY SENATOR HEWITT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SCHOOLS. Provides relative to early literacy. (8/1/21)

AN ACT

To amend and reenact R.S. 17:24.9, to enact R.S. 17:24.10 and 3996(B)(59) and (60), and to repeal R.S. 17:24.11 and 182, relative to early literacy; to provide for a comprehensive early literacy initiative; to require early literacy instruction for grades kindergarten to three; to provide for annual literacy assessment of certain students; to provide literacy support for certain students; to provide for professional development and teacher training; to require school literacy plans; to require annual literacy reporting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:24.9 is hereby amended and reenacted and R.S. 17:24.10 and 3996(B)(59) and (60) are hereby enacted to read as follows:

§24.9. Quality early ~~reading~~ **literacy** initiative; legislative findings; development; criteria; implementation; ~~evaluation~~ **limitations**

A. The legislature recognizes that reading is the most important academic skill and the foundation for all academic learning. The legislature further recognizes that if our children cannot read then they are on the road to failure. It is for these reasons that the legislature finds that teaching children to read **on or above grade**

1 level must be the highest priority of the ~~state~~ state's educational system. It is
 2 therefore the purpose of this initiative to provide for and enhance quality reading
 3 programs for the young students in our state.

4 B. The state Department of Education shall develop a comprehensive and
 5 balanced evidence-based early childhood reading literacy initiative for students in
 6 kindergarten through third grade. The department shall ~~provide criteria that are~~
 7 ~~research-based and which provide, at a minimum, for the following:~~

8 (1) ~~A~~ **Develop a program for early literacy** that is applicable for all students
 9 in kindergarten through third grade including special education students.

10 (2) ~~A method for selecting schools having students who are economically~~
 11 ~~disadvantaged as defined by the State Board of Elementary and Secondary Education~~
 12 ~~and low-performing students in kindergarten through third grade.~~

13 (3) ~~A plan for the coordination of this initiative with existing programs and~~
 14 ~~funding sources within the schools and school systems.~~

15 (4) ~~A valid evaluation process.~~

16 (5) ~~A program that provides phonics as a component.~~

17 ~~D. This initiative shall be evaluated through the state-level assessment system~~
 18 ~~that identifies those schools and school systems which are meeting state standards~~
 19 ~~of school accountability.~~

20 ~~E. This program shall be implemented when funds are allocated for this~~
 21 ~~purpose. Such funding shall be allocated to every city and parish school system.~~

22 **Develop a literacy assessment to assess the literacy level of each public**
 23 **school student in kindergarten through third grade.**

24 **(a) In developing the literacy assessment, the department shall consider:**

25 **(i) The scientific validity and reliability of the literacy assessment.**

26 **(ii) The time required to conduct the literacy assessment, with the**
 27 **intention to minimize the impact on instructional time.**

28 **(iii) The cost of administering the literacy assessment.**

29 **(iv) The timeliness and ease in reporting the results to teachers,**

1 administrators, and parents.

2 (v) The integration of the literacy assessment with instruction.

3 (b) The literacy assessment shall:

4 (i) Measure, at a minimum, age appropriate phonological awareness,
5 phonics, decoding, fluency, and comprehension.

6 (ii) Identify students whose literacy skills are below grade level.

7 (iii) Be a tool to assist in identifying students for further evaluation for
8 specific programming, including students who display characteristics of being
9 dyslexic or gifted.

10 (3) Provide the literacy assessment, at no cost, to each public school for
11 use in identifying a student's foundational literacy skill level pursuant to R.S.
12 17:24.10.

13 (4) Establish the scores on the literacy assessment to determine whether
14 a student's literacy skills are above grade level, on grade level, or below grade
15 level.

16 (5) Require, beginning with the 2022-2023 school year, each public school
17 to administer the literacy assessment to each student in kindergarten through
18 third grade, within the first thirty days of each school year.

19 (6) Provide, within thirty days after the administration of the literacy
20 assessment, a literacy assessment report to each public school governing
21 authority, each public school, and each public school teacher who teaches
22 students in kindergarten through third grade, the number and percentage of
23 students with literacy skills determined to be above grade level, on grade level,
24 or below grade level. The number of students identified for referral for gifted
25 evaluation or targeted for literacy intervention shall also be reported.

26 (7)(a) Submit a report, not later than ninety days after the beginning of
27 each school year, to the Senate Committee on Education and the House
28 Committee on Education detailing the results of the literacy assessment for each
29 public elementary school, each public school system, and the state as a whole.

1 **(b) The report shall include:**

2 **(i) The number and percentage of students in kindergarten through third**
3 **grade with literacy skills identified at each proficiency level.**

4 **(ii) The number of students identified for referral for gifted evaluation**
5 **or targeted for literacy intervention.**

6 **(iii) Literacy levels by student subgroups.**

7 **(c)The data reported shall be submitted in the aggregate and shall not**
8 **include any personally identifiable information pursuant to R.S. 17:3914.**

9 **(8) Report the data for each school, for each school system, and the state**
10 **as a whole, in the school progress profiles provided pursuant to R.S. 17:3911**
11 **and 3912.**

12 **C. Not later than July 31, 2022, the State Board of Elementary and**
13 **Secondary Education shall revise teacher certification requirements and the**
14 **requirements of teacher education programs to require foundational literacy**
15 **skills standards in all educator preparation program of all candidates seeking**
16 **certification to teach students in kindergarten through third grade. The**
17 **foundational literacy skills standards shall include:**

18 **(1) How to effectively teach the foundational literacy skills of phonemic**
19 **awareness, phonics, fluency, vocabulary, and comprehension.**

20 **(2) How to differentiate instruction for teaching students with advanced**
21 **literacy skills and students with significant literacy deficiencies, including**
22 **dyslexia.**

23 **(3) How to implement effective literacy instruction using high-quality**
24 **instructional materials.**

25 **(4) Behavior management, trauma-informed principles and practices for**
26 **the classroom, and other developmentally appropriate supports to ensure that**
27 **students can effectively access literacy instruction.**

28 **(5) How to administer literacy assessments to students and use the**
29 **resulting data to improve literacy instruction for students.**

1 D. The results from the literacy assessment shall be used in determining
2 school and district performance scores pursuant to the state's school and
3 district accountability system.

4 E. The State Board of Elementary and Secondary Education shall adopt
5 rules in accordance with the Administrative Procedure Act to implement the
6 provisions of this Section.

7 F. The board shall plan for the coordination of this initiative with
8 existing programs and funding sources within schools and school systems.

9 §24.10. Early literacy instruction and assessment; parental notification;
10 reporting

11 A. Each public school shall:

12 (1) Provide each student in kindergarten through third grade age-
13 appropriate, systematic foundational literacy skills with instruction based on
14 scientifically researched methods proven to provide a strong literacy
15 foundation.

16 (2) Within the first thirty days of each school year, administer the
17 literacy assessment developed and provided by the state Department of
18 Education pursuant to R.S. 17:24.9 to each student in kindergarten through
19 third grade to determine each student's literacy level.

20 (3) Provide literacy interventions and supports designed to improve the
21 foundational literacy skills of any student identified as having literacy skills
22 below grade level. The supports may include daily targeted small-group
23 interventions, before and after school literacy intervention provided by a
24 teacher or tutor with specialized literacy training, and at-home literacy
25 programs that include literacy workshops for the parents and legal guardians
26 of students and web-based or parent-guided home literacy activities.

27 (4) Ensure, pursuant to R.S. 17:351.1, that all textbooks and instructional
28 materials used to teach students to read are high-quality, fully aligned to state
29 content standards, and based on literacy strategies that are scientifically

1 researched with proven results in teaching phonological awareness, letter
2 formation, phonics, decoding, fluency, vocabulary, and comprehension.

3 B.(1) Within fifteen days of identifying that a student in kindergarten
4 through third grade is below grade level, based on the results of the annual
5 literacy assessment, the school shall notify the student's parent or legal guardian
6 in writing that the student has been identified as being below grade level, and
7 shall provide the student's parent with the following:

8 (a) Information regarding the importance of being able to read
9 proficiently by the end of the third grade.

10 (b) Activities that may be used at home to improve literacy proficiency.

11 (c) Information regarding the specific interventions and supports that
12 the school will provide to improve the literacy proficiency of the student.

13 (2) Each school shall provide mid-year and end-of-the-year updates to
14 the parent or legal guardian of each student identified as having literacy skills
15 below grade level detailing the student's progress in gaining foundational
16 literacy skills and providing the parent with additional tools to use at home to
17 improve the student's literacy proficiency.

18 C.(1) Beginning June 1, 2023, and triennially thereafter, each school shall
19 develop, and submit to the department, a foundational literacy skills plan for
20 students in kindergarten through third grade.

21 (2) Each foundational literacy skills plan shall include:

22 (a) The amount of time to be devoted daily to foundational literacy skills
23 instruction and a description of how the instructional time will be utilized.

24 (b) A list of English language arts textbooks and instructional materials
25 adopted by the school.

26 (c) A description of the interventions and supports available to students
27 identified as having literacy skills below grade level.

28 (d) A description of the professional development in foundational
29 literacy skills instruction provided to teachers who teach kindergarten through

1 **third grade.**

2 **D. Each school shall post its foundational literacy skills plan and the**
3 **latest report on the literacy assessment on its website.**

4 **E. The results of the early literacy assessment shall not be used in**
5 **determining school and district performance scores prior to the 2023-2024**
6 **school year.**

7 **F. The State Board of Elementary and Secondary Education shall adopt**
8 **rules in accordance with the Administrative Procedure Act to implement the**
9 **provisions of this Section.**

10 * * *

11 §3996. Charter schools; exemptions; requirements

12 * * *

13 B. Notwithstanding any state law, rule, or regulation to the contrary and
14 except as may be otherwise specifically provided for in an approved charter, a
15 charter school established and operated in accordance with the provisions of this
16 Chapter and its approved charter and the school's officers and employees shall be
17 exempt from all statutory mandates or other statutory requirements that are
18 applicable to public schools and to public school officers and employees except for
19 the following laws otherwise applicable to public schools with the same grades:

20 * * *

21 **(59) Quality early literacy initiative, R.S. 17:24.9.**

22 **(60) Early literacy instruction, R.S. 17:24.10.**

23 * * *

24 Section 2. R.S. 17:24.11 and 182 are hereby repealed.

25 Section 3. This Act shall become effective on August 1, 2021; if vetoed by the
26 governor and subsequently approved by the legislature, this Act shall become effective on
27 August 1, 2021, or on the day following such approval by the legislature, whichever is later.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Serrett.

DIGEST

SB 222 Engrossed 2021 Regular Session Hewitt

Present law recognizes the importance of reading in early childhood and requires the state Department of Education(DOE) to provide criteria for all students in grades K-3 and provides general requirements of the initiative.

Proposed law expands present law and requires DOE to:

- (1) Develop a literacy assessment to assess the literacy level of each public school each K-3 student.
- (2) Provide the literacy assessment, at no cost, to each public school.
- (3) Establish the scores on the literacy assessment to determine whether a student's literacy skills are above grade level, on grade level, or below grade level.
- (4) Require, beginning with the 2022-2023 school year, each public school to administer the literacy assessment to each student in kindergarten through third grade, within the first thirty days of each school year.
- (5) Provide, within thirty days after the administration of the literacy assessment, a literacy assessment report to each public school governing authority, each public school, and each public school teacher who teaches students in kindergarten through third grade, the number and percentage of students with literacy skills determined to be above grade level, on grade level, or below grade level. The number of students identified for referral for gifted evaluation or targeted for literacy intervention shall also be reported.
- (6) Submit a report, not later than ninety days after the beginning of each school year, to the Senate Committee on Education and the House Committee on Education detailing the results of the literacy assessment for each public elementary school, each public school system, and the state as a whole.
- (7) Report the data for each school, school system, and the state as a whole, in the school progress profiles required by present law.

Proposed law requires the use of the results from the literacy assessment in determining school and district performance scores pursuant to the state accountability system. But prohibits such use prior to the 2023-2024 school year.

Proposed law requires, not later than July 31, 2022, that the State Board of Elementary and Secondary Education (BESE) revise teacher certification requirements and the requirements of teacher education programs to include foundational literacy skills standards in all educator preparation program of teachers in grades K-3. The foundational literacy skills standards shall include:

- (1) How to effectively teach the foundational literacy skills of phonemic awareness, phonics, fluency, and comprehension.
- (2) How to differentiate instruction for teaching students with advanced literacy skills and students with significant literacy deficiencies, including dyslexia.
- (3) How to implement effective literacy instruction using high-quality instructional

materials.

- (4) Behavior management, trauma-informed principles and practices for the classroom, and other developmentally appropriate supports to ensure that students can effectively access literacy instruction.
- (5) How to administer literacy assessments to students and use the resulting data to improve literacy instruction for students.

Proposed law requires BESE to adopt rules in accordance with the Administrative Procedure Act to implement the provisions of proposed law and to plan for the coordination of the initiative with existing programs and funding sources within schools and school systems.

Proposed law requires each public school to:

- (1) Provide each student in grades K-3 age-appropriate, systematic foundational literacy skills with instruction based on scientifically researched methods proven to provide a strong literacy foundation.
- (2) Administer the literacy assessment developed and provided by the department to each student in grades K-3 to determine each student's literacy level within the first 30 days of each school year.
- (3) Provide literacy interventions and supports designed to improve the foundational literacy skills of any student identified as having literacy skills below grade level.
- (4) Ensure that all textbooks and instructional materials used to teach students to read are high-quality, fully aligned to state content standards, and based on literacy strategies that are scientifically researched with proven results in teaching phonological awareness, letter formation, phonics, decoding, fluency, vocabulary, and comprehension.

Proposed law requires a school, within fifteen days of identifying that a student in grades K-3 is below grade level, to notify the student's parent or legal guardian, in writing, that the student has been identified as being below grade level, and provide the student's parent with the following:

- (1) Information regarding the importance of being able to read proficiently by the end of 3rd grade.
- (2) Activities that may be used at home to improve literacy proficiency.
- (3) Information regarding the specific interventions and supports that the school will provide to improve the literacy proficiency of the student.

Proposed law requires each school to provide mid-year and end-of-the-year updates to the parent or legal guardian of each student identified as having literacy skills below grade level detailing the student's progress in gaining foundational literacy skills and providing the parent with additional tools to use at home to improve the student's literacy proficiency.

Proposed law requires each school, beginning June 1, 2023, and triennially thereafter, to develop, and submit to the department, a foundational literacy skills plan for students in grades K-3.

Proposed law requires each foundational literacy skills plan to include:

- (1) The amount of time to be devoted daily to foundational literacy skills instruction and a description of how the instructional time will be utilized.

- (2) A list of English language arts textbooks and instructional materials adopted by the school.
- (3) A description of the interventions and supports available to students identified as having literacy skills below grade level.
- (4) A description of the professional development in foundational literacy skills instruction provided to teachers who teach grades K-3.

Proposed law requires each school post to its foundational literacy skills plan and the latest report on the literacy assessment provided to the department on the school's website.

Proposed law requires the BESE to adopt rules in accordance with the Administrative Procedure Act to implement the proposed law.

Present law (R.S. 17:24.11) provides for pilot projects for screening of students for dyslexia.

Proposed law repeals present law.

Present law (R.S. 17:182) provides for reading programs in elementary schools, literacy screenings, and reporting requirement.

Proposed law supersedes and repeals present law.

Effective August 1, 2021.

(Amends R.S. 17:24.9; adds R.S. 17:24.10 and 3996(B)(59) and (60); repeals R.S. 17:24.11 and 182)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Clarifies how the literacy assessment shall be developed and used.
2. Removes provisions relative to professional development.
3. Clarifies the reporting requirements.
4. Makes technical changes.
5. Requires the use of the assessment results in determining school and district performance scores, but not prior to the 2023-2024 school year.
6. Requires the textbooks and instruction materials used are high-quality and fully aligned to state content standards.