

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 screening 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 early ~~childhood reading~~ **literacy** initiative for students in kindergarten
6 through third grade. The department shall ~~provide criteria that are research-based and~~
7 ~~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 **Develop a literacy screening to assess the literacy level of each student**
18 **in kindergarten through third grade.**

19 **(a) In developing the literacy screening, the department shall consider:**

20 **(i) The scientific validity and reliability of the screening.**

21 **(ii) The time required to conduct the screening with the intention to**
22 **minimize the impact on instructional time.**

23 **(iii) The cost of administering the screening.**

24 **(iv) The timeliness and ease in reporting the results to teachers,**
25 **administrators, and parents.**

26 **(v) The integration of the screening with instruction.**

27 **(b) The literacy screening shall be provided, at no cost, to each public**
28 **school for use in identifying a student's foundational literacy skill level pursuant**
29 **to R.S. 17:24.10.**

1 (c) The literacy screening shall:

2 (i) Measure, at a minimum, phonological awareness, phonics, decoding,
3 fluency, vocabulary, and comprehension.

4 (ii) Be age appropriate.

5 (iii) Identify students who do not have literacy skills that are on grade
6 level.

7 (iv) Identify students with characteristics of dyslexia as defined in R.S.
8 17:7.

9 (v) Identify students to evaluate for gifted programming.

10 (3) Establish the scores to determine if a student's literacy skills are
11 above grade level, on grade level, or below grade level.

12 (4) Prohibit the use of the results from any literacy screening in teacher
13 performance evaluations, and in determining school and district performance
14 scores pursuant to the state's school and district accountability system.

15 C.(1) Not later than July 1, 2022, the department shall develop or
16 approve at least one professional development course on foundational literacy
17 skills instruction that is available, at no cost, to teachers teaching kindergarten
18 through third grade.

19 (2) Not later than August 1, 2023, the department shall require each
20 teacher who teaches kindergarten through third grade to provide
21 documentation to the department of completion of at least one professional
22 development course on foundational literacy skills instruction offered by, or
23 approved by, the department.

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

27 ~~E. This program shall be implemented when funds are allocated for this~~
28 ~~purpose. Such funding shall be allocated to every city and parish school system. Not~~
29 ~~later than July 31, 2022, the State Board of Elementary and Secondary~~

1 Education shall revise teacher certification requirements and the requirements
2 of teacher education programs to require foundational literacy skills standards
3 in all educator preparation program of all candidates seeking certification to
4 teach students in kindergarten through third grade. The foundational literacy
5 skills standards shall include:

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

8 (2) How to differentiate instruction for teaching students with advanced
9 literacy skills and students with significant literacy deficiencies.

10 (3) Dyslexia identification and how to provide effective instruction for
11 teaching students with dyslexia, using appropriate scientific research and brain-
12 based multisensory intervention methods and strategies.

13 (4) How to implement effective literacy instruction using high-quality
14 instructional materials.

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

18 (6) How to administer literacy screenings to students and use the
19 resulting data to improve literacy instruction for students.

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

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

25 G. Not later than ninety days after the beginning of each school year, the
26 board shall compile and submit a report to the Senate Committee on Education
27 and the House Committee on Education detailing for each public elementary
28 school, each school system, and for the state as a whole, the number of students
29 in kindergarten through third grade with literacy skills below grade level. The

1 data for each school, for each school system, and the state as a whole, shall be
2 reported in the school progress profiles provided pursuant to R.S. 17:3911 and
3 3912.

4 §24.10. Early Literacy Instruction and Screening; parental notification;
5 reporting

6 A. Each public school shall:

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

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

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

22 (4) Ensure that all textbooks and instructional materials used to teach
23 students to read are aligned to state content standards and based on literacy
24 strategies that are scientifically researched with proven results in teaching
25 phonological awareness, letter formation, phonics, decoding, fluency,
26 vocabulary, and comprehension.

27 (5) Not later than forty-five days after the beginning of each school year,
28 submit a literacy screening report regarding the number of students who were
29 determined to be below, on, and above grade level to teachers, the school

1 principal, and the local superintendent. The number of students referred for
2 gifted evaluation and targeted for literacy intervention shall also be reported.

3 (6) Not later than sixty days after the beginning of each school year,
4 submit the information required pursuant to Paragraph (5) of this Subsection
5 to the department. In addition to the student data, the number and percentage
6 of teachers who teach kindergarten through third grade who have completed
7 the foundational literacy skills professional development courses for the past
8 academic year shall also be reported.

9 (7) The data reported pursuant to this Subsection shall be submitted in
10 the aggregate and shall not include any personally identifiable information
11 pursuant to R.S. 17:3914.

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

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

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

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

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

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

1 **(2) Each foundational literacy skills plan shall include:**

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

4 **(b) A list of English language arts textbooks and instructional materials**
5 **adopted by the school.**

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

8 **(d) A description of the professional development in foundational**
9 **literacy skills instruction provided to teachers who teach kindergarten through**
10 **third grade.**

11 **D. Each school shall post its foundational literacy skills plan and the**
12 **latest report on the literacy screening on its website.**

13 **E. The State Board of Elementary and Secondary Education shall adopt**
14 **rules in accordance with the Administrative Procedure Act to implement the**
15 **provisions of this Section.**

16 * * *

17 §3996. Charter schools; exemptions; requirements

18 * * *

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

26 * * *

27 **(59) Quality early literacy initiative, R.S. 17:24.09.**

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

29 * * *

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

2 Section 3. This Act shall become effective on August 1, 2021; if vetoed by the
3 governor and subsequently approved by the legislature, this Act shall become effective on
4 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 Original 2021 Regular Session Hewitt

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

Proposed law revises present law to require the department to expand the initiative to include:

- (1) Developing a literacy screening to assess the literacy level of each K-3 student.
- (2) Providing the literacy screening at no cost to each public school.
- (3) Ensuring the literacy screening:
 - (a) Measures the phonological awareness, phonics, decoding, fluency, vocabulary, and comprehension of a student.
 - (b) Is age appropriate.
 - (c) Identifies students who do not have literacy skills that are on grade level.
 - (d) Identifies students with characteristics of dyslexia.
 - (e) Identifies students to evaluate for gifted programming.
- (4) Establishing scores to determine if a student is above grade level, on grade level, or below grade level.

Proposed law prohibits the use of the results from any literacy screening in teacher performance evaluations, and in determining school and district performance scores pursuant to the state accountability system.

Proposed law requires, that not later than July 1, 2022, the department shall develop or approve at least one professional development course on foundational literacy skills instruction that is available, at no cost, to teachers teaching grades K-3. Further requires, not later than August 1, 2023, that each teacher who teaches grades K-3 to provide documentation to the department of completion of at least one professional development course on foundational literacy skills instruction offered by, or approved by, the department.

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, vocabulary, and comprehension.
- (2) How to differentiate instruction for teaching students with advanced literacy skills and students with significant literacy deficiencies.
- (3) Dyslexia identification and how to provide effective instruction for teaching students with dyslexia, using appropriate scientific research and brain-based multisensory intervention methods and strategies.
- (4) How to implement effective literacy 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.
- (6) How to administer literacy screenings 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 BESE to, not later than ninety days after the beginning of each school year, compile and submit a report to the Senate Committee on Education and the House Committee on Education detailing for each public elementary school, each school system, and for the state as a whole, the number of students in grades K-3 with literacy skills below grade level. The data for each school, for each school system, and the state as a whole, shall be reported in the school progress profiles.

Proposed law also 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) To, within the first thirty days of each school year, administer the literacy screening developed and provided by the department to each student in grades K-3 to determine each student's literacy level.
- (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 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.
- (5) To, not later than forty-five days after the beginning of each school year, submit a literacy screening report regarding the number of students who were determined to be below, on, and above grade level to teachers, the school principal, and the local school superintendent. Further requires the report to include data on the number of students referred for gifted evaluation and the number targeted for literacy intervention.
- (6) To, not later than sixty days after the beginning of each school year, submit a report to the department and provide information on the number and percentage of teachers

who teach grades K-3 who have completed the foundational literacy skills professional development courses for the past academic year.

Proposed law further requires the data reported to be submitted in the aggregate and not include any personally identifiable information.

Proposed law requires the school to, within fifteen days of identifying that a student in grades K-3 is below grade level, 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 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 to, beginning June 1, 2023, and triennially thereafter, 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 further requires that each school post its foundational literacy skills plan and the latest report on the literacy screening 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 provides for charter schools and provides for requirements for those schools.

Proposed law requires charter schools to be comply with provisions of proposed law.

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

Proposed law repeals the pilot project law.

Present law (R.S. 17:182) provides for student reading skills reports.

Proposed law incorporates reporting requirements into proposed law and repeals existing provisions.

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)