

Amendment No. \_\_\_\_\_

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**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, 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) "Educator preparation provider" means a Tennessee educator preparation provider, approved by the state board, responsible for managing, operating, or coordinating programs for the preparation and licensure of teachers and other school personnel;

(3) "Reading diagnostic" means a uniform tool that screens and monitors a student's progress in the foundational reading skills of, at a minimum, phonemic awareness, phonics, fluency, vocabulary, and oral reading;

(4) "Science of reading" means a method of teaching students to read that includes systematic phonics instruction, that is implemented with a focus on phonemic awareness, phonics, vocabulary development, fluency, and oral reading that enables 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;

(5) "Significant reading deficiency" means results of a student's reading diagnostic tests do not meet the minimum skill levels of reading competency, as defined by the department of education, in the areas of phonemic awareness,



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phonics, vocabulary development, reading fluency, and oral reading skills for the student's grade level; and

(6) "State board" means the state board of education.

**49-6-2802. Literacy Instruction.**

(a) Notwithstanding § 49-1-314, each local education agency (LEA) is responsible for implementing instructional programs based on the English language arts standards adopted by the state board that include the science of reading when teaching students in grades kindergarten through two (K-2) to read. The department may conduct reviews of the instructional programming used by each LEA to teach reading to students in grades kindergarten through two (K-2) to verify that the instructional programming is based on the science of reading.

(b) To ensure all textbooks and instructional materials used to teach students to read are based on the science of reading, LEAs shall provide students in grades kindergarten through two (K-2), textbooks and instructional materials from the list of textbooks and instructional materials approved for adoption by the state board as outlined in § 49-6-2202, unless a waiver is granted pursuant to § 49-6-2206. Subject to available funding, the department may provide funding for the purchase and utilization of textbooks and instructional materials to assist LEAs in implementing subsection (a) and this subsection (b).

(c) Notwithstanding § 49-6-6002(a), LEAs shall administer to students in grades kindergarten through two (K-2) a reading diagnostic selected by the department to benchmark literacy skills and growth. The reading diagnostic must be administered three (3) times each school year during the administration windows set by the department. An LEA shall administer the reading diagnostic to any student in the third grade who has a significant reading deficiency, as measured by the results of the last reading diagnostic administered to the student in second grade. Except for the screenings required by the RTI<sup>2</sup> framework adopted by the state board of education, the dyslexia screenings provided in § 49-1-229, and optional assessments offered by the

department, the reading diagnostic replaces literacy assessments mandated and administered at the LEA level in all grades kindergarten through two (K-2). 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 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 reading diagnostic was administered.

(e) A student with a significant reading deficiency, as measured by the most recently administered reading diagnostic, must be provided with additional instructional supports that address the student's academic needs and the student's significant reading deficiency. A student in the third grade shall not be promoted to the next grade level unless the student has shown a basic understanding of 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 a student may be promoted if the student participates in a reading intervention program that is based on the science of reading before the beginning of the next school year.

(f) LEAs may request an exemption from subsection (a) if the percentage of third-grade students who are enrolled in the LEA and proficient in English language arts, as measured by the Tennessee comprehensive assessment program (TCAP) tests:

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

(2) Is more than fifty-five percent (55%) at each school; and

(3) For each student group referenced in the state's accountability model, 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) By August 1, 2021:

(1) Educator preparation providers must provide teaching candidates seeking a license or endorsement authorizing the candidate to teach students in any of the grades kindergarten through two (K-2) with:

(A) Training on how to teach students to read based on the science of reading;

(B) Training on how to differentiate instruction for teaching students with advanced reading skills and students with significant reading deficiencies;

(C) Training on dyslexia identification and on 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);

(D) Training on how to implement reading instruction using high-quality instructional materials;

(E) Instruction on behavior management, trauma-informed principles and practices for the classroom, and other developmentally appropriate supports to ensure students can effectively access literacy instruction; and

(F) Instruction on how to understand and use student reading data;

(2) The state board, in consultation with the department, shall promulgate revisions to the current state board rules regarding the approval of educator preparation providers to effectuate the provisions of this section; and

(3) The department may develop additional policies for educator preparation providers consistent with this section.

(b) Effective August 1, 2022:

(1) A candidate seeking a teaching license or endorsement that authorizes the candidate to teach students in grades kindergarten through two (K-2) must provide a certificate documenting passage of a Tennessee reading instruction test developed or identified by the department that tests the candidate's knowledge of the science of reading before receiving a teacher license. The department shall determine the score that constitutes passage of the Tennessee reading instruction test required under this subdivision (b)(1). The Tennessee reading instruction test should be included in the educator preparation provider's program for any candidate seeking a teacher license or endorsement that authorizes the candidate to teach students in any of the grades kindergarten through two (K-2) and shall not constitute any additional cost for applicants for a teacher license;

(2) An instructor for an educator preparation provider teaching coursework in any program that includes candidates seeking a teacher license or endorsement that authorizes the candidate to teach students in any of the grades kindergarten through two (K-2) must have an active Tennessee teacher license, unless the licensure requirement is waived by the commissioner, or the commissioner's designee. If the instructor has no teacher license or the instructor's teacher license has expired, then the instructor must pass the Tennessee reading instruction test required in subdivision (b)(1);

(3) An education preparation provider's program that includes candidates seeking an instructional leader license must include instruction on the science of reading, and program participants must pass the Tennessee reading instruction test required in subdivision (b)(1);

(4) Subject to available funding, the department may issue competitive grants to education preparation providers to assist in the implementation of this section; and

(5) Notwithstanding subdivision (b)(1):

(A) Candidates enrolled in a state-board-approved post-baccalaureate educator preparation program who have demonstrated content knowledge in accordance with state board rule and policy must document passage of a Tennessee reading instruction test prior to renewal or advancement of the initial license; and

(B) Applicants for an initial Tennessee teacher or instructional leader license who possess an active professional-level license in a state that has a reciprocal agreement with the state board pursuant to § 49-5-109 must document passage of a Tennessee reading instruction test prior to renewal or advancement of the initial license.

(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 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 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 study.

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

(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 house of representatives regarding the findings of the study. The report must be posted on the department's website.

**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 the Tennessee

comprehensive assessment program (TCAP) tests or successor tests approved by the state board. 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 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, "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)

(1) By June 30, 2022, the department shall provide two (2) separate literacy-related trainings that are required for all literacy instructors serving any student in any of the grades pre-kindergarten through five (pre-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 instruction on the science of reading.

(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), a literacy instructor earns a literacy certificate upon demonstrating proficiency in the topics of the training, or proficiency on the Tennessee reading instruction test provided pursuant to § 49-6-2803(b)(1). The literacy certificate must be based on the level of mastery demonstrated, as determined by the department. For a licensed teacher who is a literacy instructor and does not earn the literacy certificate, a mentor teacher who has



earned the literacy certificate must be assigned by the LEA to support the teacher. Subject to available funding, the mentor teacher may receive a stipend as outlined by the department. A literacy instructor who does not earn the literacy certificate after participating in the training required under subsection (b) may be required to participate in the training the following year.

(d) A literacy instructor who demonstrates prior training in, and implementation of, a reading program based on the science of reading, may, in lieu of participating in the training required in subsection (b), take the Tennessee reading instruction test provided pursuant to § 49-6-2803(b)(1), or participate in an abbreviated version of the trainings listed in subsection (b), 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. Tennessee Code Annotated, Section 49-6-3115, is amended by deleting the section in its entirety.

SECTION 3. 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 4. This act shall take effect upon becoming a law, the public welfare requiring it.