

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

\_\_\_\_\_  
Signature of Sponsor

**AMEND Senate Bill No. 2160**

**House Bill No. 2229\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

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) "Foundational literacy skills" means a method of teaching students to read using systematic phonics instruction, with a focus on phonemic awareness, phonics, vocabulary development, fluency, and oral language, and when taught with knowledge-based reading comprehension, enables students to develop the skills required to meet the Tennessee English language arts standards, as adopted by the state board;

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

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



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phonemic awareness, phonics, vocabulary development, reading fluency, and oral language 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 foundational literacy skills for teaching students in grades kindergarten through two (K-2) to read. The department may review 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 foundational literacy skills.

(b) To ensure all textbooks and instructional materials used to teach students to read are based on foundational literacy skills, LEAs shall provide students in grades kindergarten through two (K-2) with 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, or the LEA is currently using a research-based or evidence-based curriculum that reflects above average growth for each of the previous two (2) school years, and may continue to use such curriculum so long as the LEA maintains above average growth for three (3) consecutive school years, as measured by fourth grade results on the Tennessee comprehensive assessment program (TCAP) tests. Subject to available funding, the department is authorized to issue grants to LEAs for the purpose of providing 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) or any other law to the contrary, LEAs shall administer to students in grades kindergarten through two (K-2) a reading diagnostic to benchmark literacy skills and growth. LEAs shall utilize the reading diagnostic selected and provided by the department. LEAs shall have the option to continue using additional

assessments to enhance reading proficiency. A reading diagnostic shall not be used for state accountability purposes. 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. An LEA that seeks to implement additional literacy assessments to students must submit written notification to 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. All information must be maintained in accordance with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), § 10-7-504, and all other relevant state and federal privacy laws.

(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 foundational literacy skills before the beginning of the next school year. Nothing in this subsection (e) supersedes an LEA's obligations to comply with the Individuals with Disabilities Education Act, (20 U.S.C. § 1400, et seq.), or Section 504 of the Rehabilitation Act, (29 U.S.C. § 794) with regard to students with disabilities.

(f) LEAs may request an exemption from subsections (a) and (b) 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).

(h) Nothing in this section shall be interpreted to require the use of instructional materials based on the common core state standards, or to re-establish the common core state standards replaced under § 49-1-310.

**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 foundational literacy skills;

(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 educator preparation providers to effectuate the provisions of this section; and

(3) The department may develop additional guidance 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, and approved by the state board, that tests the candidate's knowledge of foundational literacy skills before receiving the teacher license or endorsement. The department shall recommend the score that constitutes passage of the Tennessee reading instruction test required under this subdivision (b)(1) to the state board for approval. The Tennessee reading instruction test shall not constitute any additional cost for applicants for a teacher license;

(2) An instructor for an educator preparation provider teaching coursework, related to reading instruction, 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 does not have a teacher license, or the instructor's teacher license

has expired, then the instructor must provide documentation of the instructor's passage of the Tennessee reading instruction test required in subdivision (b)(1);

(3) An education preparation provider with an instructional leadership specialty area program must include instruction on foundational literacy skills. Program participants must pass the Tennessee reading instruction test required in subdivision (b)(1) before completing the program;

(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 hold an initial license and have demonstrated content knowledge in accordance with state board rule and policy must document the candidate's passage of a Tennessee reading instruction test, or must earn a literacy certificate pursuant to § 49-6-2805(b), 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 the applicant's passage of a Tennessee reading instruction test, or must earn a literacy certificate pursuant to § 49-6-2805(b), 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, for purposes of consolidating existing information for the general assembly, the department shall submit a review 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) A landscape analysis of literacy instruction, including instructional programming and pedagogical practices utilized by educator preparation providers; 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 review.

(3) By March 1, 2021, the results of the review must be reported to the commissioner and provided to the state board and to the chairs of the education committees of the senate and house of representatives. The report must be posted on the department's website.

**49-6-2804. Accountability.**

(a) By June 30, 2021, 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 foundational literacy skills.

(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 shall earn 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 school or 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 foundational literacy skills, 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. 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.

**49-6-2806. Procurement of goods and services.**

Any good or service that is selected, approved, or procured by the department and mandated for use by LEAs to effectuate this part, shall be conducted competitively and in compliance with all state laws and administrative regulations regarding the procurement of goods and services by state agencies, including §§ 12-3-101 – 12-3-104.

**49-6-2807. Rule promulgation.**

The state board is authorized to promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 2, to effectuate any provision of this part.

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.