



SENATE BILL 387: Excellent Public Schools Act of 2021.

2021-2022 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: March 31, 2021
Introduced by: Sens. Berger, Ballard, Lee	Prepared by: Samantha Yarborough
Analysis of: First Edition	Staff Attorney

OVERVIEW: *SB 387 would make various changes to the North Carolina Read to Achieve Program, including the following:*

- *Create a definition of the "Science of Reading."*
- *Establish the Early Literacy Program within the Department of Public Instruction (DPI).*
- *Require certain early literacy educators to participate in a training program grounded in the Science of Reading.*
- *Require for Educator Preparation Programs (EPPs) seeking approval or renewal on or after July 1, 2022, to include coursework grounded in the Science of Reading.*
- *Require the literacy curriculum and instruction provided by local school administrative units (LEAs) to be aligned with standards developed by the State Board of Education (SBE) and a model implementation plan developed by DPI as soon as possible, but at least beginning with the 2024-2025 school year.*
- *Create a definition of "literacy interventions."*
- *Modify the definition of "reading camp," which must be offered to certain 2nd and 3rd grade students.*
- *Require the SBE and DPI to develop literacy intervention standards by December 15, 2021.*
- *For the 2022-2023 school year, require that LEAs develop literacy intervention plans that outline the interventions that will be offered. Beginning with plans developed for the 2023-2024 school year, require that plans be approved by DPI.*
- *Establish Individual Reading Plans (IRPs), beginning with the 2022-2023 school year.*
- *Create two bonus programs for teachers providing instruction during a reading camp, beginning with reading camps associated with the 2021-2022 school year.*
- *Provide for continuing education credits related to literacy for certain reading camp instructors.*
- *Establish a Digital Children's Reading Initiative.*
- *Require SBE to analyze alternative assessments and recommend one for use.*
- *Beginning with the 2021-2022 school year, create a uniform reporting structure for Read to Achieve data.*

CURRENT LAW and BILL ANALYSIS:

Part 1A of Article 8 of Chapter 115C of the General Statutes establishes the NC Read to Achieve Program (RtA). The program requires the State Board of Education (SBE) to create a comprehensive plan for reading achievement. All students entering kindergarten are required to receive a developmental screening in early language, literacy, and math skills, and students in grades K-3 must be assessed with valid, reliable, formative and diagnostic reading assessments. These assessments are to be used to identify and assist students

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demonstrating difficulty with reading development, including offering reading camps as an option to students in grades first through third. A student must be retained in the third grade if not demonstrating reading proficiency on the third grade standardized test of reading comprehension but may be promoted if the student qualifies under certain exemptions or if the student demonstrates reading comprehension on an alternative assessment. RtA requires specific interventions for students retained in third grade, including the option of a reading camp, accelerated reading classes or transitional third-fourth grade classes, and the possibility of mid-year promotion upon demonstration of reading comprehension.

Part II: Definition of Science of Reading

Sec. 2 would define the "Science of Reading" as "evidenced-based reading instruction practices that address the acquisition of language, phonological and phonemic awareness, phonics and spelling, fluency, vocabulary, oral language, and comprehension that can be differentiated to meet the needs of individual students."

Part III: Early Literacy Program and Literacy Professional Development

Sec. 3(a) would establish the Early Literacy Program within the Department of Public Instruction (DPI). DPI, in consultation with the Department of Health and Human Services would use the Early Literacy Program to build strong foundational early literacy skills for children in the North Carolina Prekindergarten (NC Pre-K) program. The Early Literacy Program would be required to focus on at least the following components:

- Providing a training program to NC Pre-K educators and administrators to ensure developmentally appropriate instruction. DPI would contract with a third-party independent teacher training program to deliver early literacy professional development.
- Providing integration of age-appropriate resources so that children in the NC Pre-K program meet reading achievement goals.
- Ensuring administration of a formative assessment at the end of a child's participation in NC Pre-K to determine kindergarten readiness. The results of the assessment must be shared with the child's kindergarten teacher at the beginning of the next school year.

G.S. 115C-270.30(b)(2) requires that elementary school teachers earn at least three continuing education credits related to literacy. Sec. 3(b) would require that these continuing education credits be grounded in the Science of Reading.

Sec. 3(c) would require that educators working with children in the NC Pre-K program and educators working with K-5 students participate in the Language Essentials for Teachers of Reading and Spelling training program contracted for as required by S.L. 2021-1. Completion of this training program would satisfy the literacy continuing education credits for elementary school teachers.

Sec. 3(d) would require DPI to report on the establishment of the Early Literacy Program to the Joint Legislative Education Oversight Committee (JLEOC) by September 15, 2022.

All of Sec. 3 would apply beginning with the 2021-2022 school year.

Part IV: Literacy Training Coursework for Educator Preparation Program Approval

Sec. 4 would require Educator Preparation Programs (EPPs) for elementary education and special educator teacher training to include coursework grounded in the Science of Reading. This requirement would apply to EPPs applying for or renewing approval on or after July 1, 2022.

Part V: Align Literacy Curriculum and Instruction with Read to Achieve

Sec. 5(a) would require that the SBE develop literacy instruction standards to ensure that instruction methods are consistent and closely aligned with RtA. Only the most effective literacy instruction methods aligned with the Science of Reading would be incorporated into the standards. By May 15, 2022, the SBE would report to

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the JLEOC on the standards developed. By June 30, 2022, the SBE would provide the standards to local boards of education.

DPI would be required to develop a literacy implementation plan that implements the standards developed by the SBE. By June 30, 2022, DPI would provide this model and an example plan that does not implement the standards to local boards of education.

Each local school administrative unit (LEA) would be required to evaluate its literacy curriculum and instruction methods and modify as necessary to adhere to the standards and align with the model literacy implementation plan. By December 15, 2022, each LEA would submit to the SBE its literacy curriculum and instruction.

Sec. 5(b) would require Regional Case Managers, or other appropriate staff, to work to ensure that the standards developed by the SBE are implemented by conducting a statewide review of the curriculum and instruction methods of LEAs and providing consultation to LEAs as needed for compliance. By November 15, 2023, all review and modification of all literacy instruction statewide must be complete. Any modification would have to be made as soon as possible, and all modified curriculum and instruction would have to be in place by the 2024-2025 school year.

Part VI: Literacy Interventions and Individual Reading Plans

Sec. 6(a) would make a conforming change.

Sec. 6(b) would create the following definitions:

- Individual Reading Plan: a document outlining the specific reading skill deficiencies of a student who has demonstrated difficulty with reading development that includes the literacy interventions the student will receive.
- Literacy Interventions: intentional strategies used to facilitate reading development and remediate emerging difficulty with reading development grounded in the Science of Reading, including (i) individual or small group instruction throughout the school year, (ii) reduced teacher-student ratios, (iii) frequent progress monitoring, (iv) tutoring in addition to the regular school day, (v) reading camps, and (vi) extended learning time before or after the school day.

G.S. 115C-83.3(4a) requires that reading camps must be offered to any 3rd grade student not demonstrating reading proficiency and any 1st or 2nd grade student reading below grade level. Sec. 6(b) would modify the definition of "reading camp" to clarify that reading camps are literacy interventions that must be offered to 3rd grade students not demonstrating reading proficiency and 2nd grade students demonstrating difficulty with reading development. A reading camp may be offered to a 1st grade student demonstrating difficulty with reading development.

Sec. 6(c) would make conforming changes.

Sec. 6(d) would require, no later than October 1 each year, beginning with October 2022, each LEA submit to DPI a plan for the literacy interventions it will offer during the next school year, including specific information about its reading camps. By February 15, DPI would review each LEA's plan and approve only those that (i) provide instruction closely aligned with RtA and (ii) comply with literacy intervention standards published by the SBE. By February 15, DPI would report to the JLEOC on which LEAs plans were approved or denied.

Each LEA with a denied plan would be permitted to submit an amended plan by March 15. DPI would notify the LEA by April 15 if the amended plan has been approved or denied. State provided literacy intervention funds would not be released to any LEA that did not have an approved literacy intervention plan by April 15.

Sec. 6(e) would require, beginning with the 2022-2023 school year, that any K-3 student demonstrating difficulty with reading development have an Individual Reading Plan (IRP). The IRP would identify: (i) specific reading deficiencies, (ii) goals and benchmarks for growth, (iii) means to monitor progress, (iv)

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specific literacy interventions for the student, (v) the Science of Reading-based instructional programming that will be implemented, and (vi) any additional services that will be provided. The student's parent would be given notice regarding the IRP, including specific strategies to assist the student, encouragement to use strategies at home, and direction to literacy resources. A multi-tiered system of support intervention (MTSS) could be used to satisfy the IRP requirements. DPI would be required to develop model documentation for compliance, including an IRP checklist and an alternative document for use with a MTSS.

Secs. 6(f), (g), and (h) would make conforming changes.

Sec. 6(i) would require that LEAs report on the number of K-3 students with IRPs, beginning with reports developed based on the 2022-2023 school year. Local board of education would be required to report by November 15 of each year, beginning with November 2022, on the number and percentage of retained 3rd grade students placed in an accelerated reading class or transitional third and fourth class combination in the prior school year who were (i) promoted mid-year, or (ii) promoted directly to 5th grade for the school year following retention.

Sec. 6(j) would make conforming changes.

Sec. 6(k) would require the SBE and DPI to conduct an analysis of literacy interventions, including reading camps, provided throughout the State to determine which literacy intervention activities and instructional methods are most effective in furthering reading development. Based on this, SBE and DPI would develop literacy intervention standards. By December 15, 2021, the State Board would (i) report to the JLEOC on the standards and any recommended legislation to further improve the effectiveness of literacy interventions and (ii) publish the standards.

Sec. 6(l) would require each LEA to submit to DPI a plan for the literacy interventions it will offer during the 2022-2023 school year, including specific information about the reading camps it will offer, by March 1, 2022. DPI would review each LEA's plan and provide feedback as necessary by May 15, 2022, to ensure that literacy interventions provided throughout the State are closely aligned with RtA and comply with the literacy intervention standards published by the SBE. DPI may provide a form for LEAs to use to submit the literacy intervention plans.

Part VII: Reading Camps, Bonuses, and the Excellent Public Schools Act Fund

Sec. 7(a) and Sec. 7(b) would recodify certain reading camp requirements in a new statute.

Sec. 7(b) would also create two new bonus programs, beginning with the 2021-2022 school year, as follows:

- Signing bonus: LEAs would provide a signing bonus in an amount determined by the local board of education to any teacher who meets the following criteria:
 - Is associated with high growth in reading based on EVAAS data.
 - Was awarded a reading performance bonus during the current school year.
 - Accepts employment to provide instruction during a reading camp.
- Reading camp performance bonus: In a per-student amount determined by the local board of education, LEAs would be required to provide a reading camp performance bonus to a teacher who provides instruction at a third grade reading camp for each student assigned to that teacher who entered reading camp not demonstrating reading proficiency who becomes proficient after completing the reading camp.

Beginning with the 2021-2022 school year, a teacher providing instruction at a full reading camp who has earned a reading performance bonus would be deemed to have completed two of the required literacy continuing education credits required for licensure renewal.

Sec. 7(c) would require that reading camps be offered as outlined in the LEA's literacy intervention plan, beginning with the 2022-2023 school year.

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Sec. 7(d) would require LEAs to use Excellent Public Schools Act funds, other than funds provided for reading camps, to provide the signing bonus. A reading performance bonus for the purposes of receiving a signing bonus would refer to either the Third Grade Read to Achieve Teacher Bonus Program or the Fourth and Fifth Grade Teacher Bonus Program.

Sec. 7(e) would require LEAs to use Excellent Public Schools Act funds, other than the funds provided for reading camps, to provide the reading camp performance bonus.

Sec. 7(f) would require that LEAs use available funds, including federal funds received by the LEA for the purpose of responding to the impacts of COVID-19, to carry out the elements of RtA.

Sec. 7(g) would encourage DPI to maximize the use of Excellent Public School Act funds but would not allow funds provided for reading camps to be used for interventions other than reading camps.

Sec. 7(h) would allow LEAs to use Excellent Public Schools Act funds, other than funds provided for reading camps, to provide literacy interventions described in the LEA's literacy intervention plan, beginning with the 2022-2023 school year.

Sec. 7(i), for reading camps corresponding to the 2020-2021 school year, would award two continuing education credits for any teacher who both (i) earns a reading bonus and (ii) teaches a full reading camp.

Part VIII: Digital Children's Reading Initiative

Sec. 8 would require DPI to develop a Digital Children's Reading Initiative (Initiative) that provides selected links via DPI's website to high-quality resources for families categorized by skill deficiency and grade level. The Initiative would be aligned with the Science of Reading and reflect the standards taught in each grade level. The Initiative would be disseminated to LEAs by January 15, 2022. Each LEA would make the resources available prominently on its website by July 1, 2022. Each LEA can add additional high-quality resources. Printable activities would also be provided in hard copy to students without digital access at home.

Part IX: Phase Out Certain Alternative Assessments

G.S. 115C-83.3(2) requires the SBE to approve alternative assessments that are not the same test as the State-approved standardized test of reading comprehension administered to 3rd grade students. The SBE is required to provide several alternative assessments to LEAs upon request, approve alternative assessments submitted by LEAs, and establish achievement level ranges for each approved alternative assessment. The SBE is required to annually review all alternative assessments to ensure ongoing relevance, validity, and reliability.

Sec. 9(a) would require the SBE to approve one alternative assessment for use beginning with the 2022-2023 school year.

Sec. 9(b) would require the SBE to analyze the passage rates for all alternative assessments in order to determine the comparative utility of each assessment. By October 15, 2022, the SBE would submit a report to the JLEOC on the results of its analysis, along with the one alternative assessment it recommends using.

Part X: Enhance Data Collection

Sec. 10(a) would require DPI to create a uniform template for RtA data, beginning with data collected in 2013-2014. The template would require clear designations of each data component and identification of information suppressed to protect student privacy. Data compiled in the template for each school year would be reported to the JLEOC by April 15, 2022.

Sec. 10(b) would require that the uniform template be used each time data is provided, beginning with the 2021-2022 school year, and including the reporting of required data from the 2020-2021 school year.

EFFECTIVE DATE: Except as otherwise provided, SB 387 would become effective when it becomes law.