

ACT #2019- 523

1 HB388  
2 200613-3  
3 By Representatives Collins and Baker  
4 RFD: Education Policy  
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ENROLLED, An Act,

Relating to public education; to establish the Alabama Literacy Act; to implement steps to improve the reading proficiency of public school kindergarten to third grade students and ensure that those students are able to read at or above grade level by the end of the third grade by monitoring the progression of each student from one grade to another, in part, by his or her proficiency in reading.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Alabama Literacy Act.

Section 2. For the purposes of this act, the following terms shall have the following meanings:

(1) ALPHABETIC PRINCIPLE. The ability to accurately apply knowledge of the relationship between letters and sounds during the acts of encoding and decoding.

(2) COMPREHENSION. The ability to read and process text and understand its meaning.

(3) DECODING. The act of applying knowledge of the alphabetic principle to correctly pronounce written words.

(4) DYSLEXIA. A specific learning challenge that is neurological in origin. It is characterized by difficulties with accurate or fluent, or both, word recognition and by poor spelling and decoding abilities, which typically result from a

1 deficit in the phonological component of language that is  
2 often unexpected in relation to other cognitive abilities and  
3 the provision of effective classroom instruction.

4 (5) ENCODING. The act and process of using knowledge  
5 of the relationships between sounds and letters to spell and  
6 write words.

7 (6) FLUENCY. The ability to read with accuracy,  
8 appropriate rate, and proper expression.

9 (7) PHONEMIC AWARENESS. The ability to hear,  
10 identify, and manipulate individual sounds. Phonemic awareness  
11 is an auditory activity.

12 (8) PHONICS. The relationships between the letters  
13 of written language and the individual sounds of spoken  
14 language including syllable types, morphology of Greek and  
15 Latin roots, and multisyllabic words.

16 (9) PHONOLOGICAL AWARENESS. The general  
17 understanding of the sound structure of words and sentences.

18 (10) VOCABULARY. The body of written or oral  
19 language known to an individual.

20 Section 3. (a) The State Superintendent of Education  
21 shall convene a standing task force, within three months after  
22 the effective date of this act, to provide recommendations for  
23 comprehensive core reading and reading intervention programs,  
24 a state continuum of teacher development for approved science  
25 of reading pursuant to subsection (e) of Section 6, and an

1 annual list of vetted and approved assessments which are valid  
2 and reliable reading screening, formative, and diagnostic  
3 assessment systems for selection and use by local education  
4 agencies. The task force shall meet in regular session at  
5 least twice a year. All appointing authorities shall  
6 coordinate their appointments so that diversity of gender,  
7 race, and geographical areas is reflective of the makeup of  
8 this state. The membership of the task force shall include all  
9 of the following appointees, each of whom shall have at least  
10 three years of experience with scientifically based reading  
11 instruction:

12 (1) Two public K-12 teachers appointed by the  
13 Executive Director of the Alabama Education Association.

14 (2) One public K-12 special education teacher  
15 appointed by the State Superintendent of Education.

16 (3) ~~One~~ Three Certified Academic Dyslexia Therapist,  
17 who has been so certified for a minimum of three years,  
18 appointed by the Alabama branch of the International Dyslexia  
19 Association.

20 (4) Two public school principals appointed by the  
21 Executive Director of the Council for Leaders in Alabama  
22 Schools.

23 (5) One local superintendent of education appointed  
24 by the Executive Director of the School Superintendents of  
25 Alabama.

1                   (6) One local board of education member appointed by  
2 the Alabama Association of School Boards.

3                   (7) One Regional Education Lab member appointed by  
4 the State Superintendent of Education.

5                   (8) One early childhood educator appointed by the  
6 Secretary of the Alabama Department of Early Childhood  
7 Education.

8                   (9) One dean of a college of education appointed by  
9 the Alabama Commission on Higher Education.

10                   (b) Each approved assessment system shall do all of  
11 the following:

12                   (1) Provide screening and diagnostic capabilities  
13 for monitoring student progress.

14                   (2) Measure, at a minimum, phonological awareness,  
15 the alphabetic principle, decoding, encoding, accuracy,  
16 vocabulary, and comprehension.

17                   (3) Identify students who have a reading deficiency,  
18 including identifying students with characteristics of  
19 dyslexia.

20                   (c) In determining which assessment systems to  
21 approve for use by local education agencies, the task force,  
22 at a minimum, shall also consider all of the following  
23 factors:

1           (1) The time required to conduct the assessments,  
2 with the intention of minimizing the impact on instructional  
3 time.

4           (2) The level of integration of assessment results  
5 with instructional support for teachers and students.

6           (3) The timeliness in reporting assessment results  
7 to teachers, administrators, and parents.

8           Section 4. (a) Funds appropriated by the Legislature  
9 in support of the Alabama Reading Initiative shall be  
10 allocated to support the following:

11           (1) Local education agencies to support local  
12 reading specialists.

13           (2) The Alabama Summer Achievement Program.

14           (3) Regional literacy specialists.

15           (4) Preservice and inservice teacher professional  
16 learning activities for elementary school teachers in reading.

17           (5) Curricula to support student interventions.

18           (6) State administration.

19           (b) Funds dedicated to the Alabama Reading  
20 Initiative shall be expended on local and regional reading  
21 specialists, professional learning activities, and  
22 administrative activities that support all of the following  
23 activities for kindergarten through third grade students in  
24 public K-12 schools; continued funding shall be contingent on

1 measurable performance growth, as determined by the task force  
2 established under subsection (a) of Section 3:

3 (1) Administration and analysis of reading  
4 screening, formative, and diagnostic assessments to guide  
5 instruction.

6 (2) Scientifically based reading instruction,  
7 multisensory language instruction, including oral language  
8 development, phonological awareness, phonics instruction that  
9 includes decoding and encoding, fluency, writing, vocabulary,  
10 and comprehension, and the Alabama course of study, English  
11 Language Arts.

12 (3) Explicit and systematic instruction with more  
13 detailed explanations, more extensive opportunities for guided  
14 practice, and more opportunities for error correction and  
15 feedback.

16 (4) Differentiated reading instruction and intensive  
17 intervention based on student need, including students  
18 exhibiting the characteristics of dyslexia.

19 (c) Alabama Reading Initiative regional literacy  
20 specialists shall provide support to local education agencies  
21 through a gradual release model, whereby the regional reading  
22 specialist shall support a struggling school until that school  
23 has improved core instruction to the extent that it is no  
24 longer among the lowest five percent of elementary schools in  
25 reading proficiency, as determined by annual results of the

1 state summative assessment for federal and statewide  
2 accountability.

3 (1) Regional literacy specialists shall provide  
4 intensive support for elementary schools that are among the  
5 lowest performing five percent of elementary schools. Each  
6 school among the lowest five percent performing elementary  
7 schools shall be assigned a regional literacy specialist who  
8 shall serve as a resource for professional development  
9 throughout the school to improve literacy instruction and  
10 student achievement. A regional literacy specialist who is  
11 assigned to a school shall primarily serve only that school.

12 (2) Elementary schools that are not among the lowest  
13 five percent performing schools shall receive limited literacy  
14 support from an Alabama Reading Initiative regional literacy  
15 specialist, who shall be assigned to multiple schools. All  
16 other regional literacy specialists shall be assigned to serve  
17 multiple elementary schools and shall provide ongoing  
18 professional development for teachers in analyzing students'  
19 reading data to impact instruction, administering and  
20 analyzing instructional assessments, differentiating  
21 instruction and intensive intervention, and monitoring the  
22 reading progress of all students a minimum of three times per  
23 year, and make instruction adjustment recommendations  
24 according to student specific need. Distance and need shall be  
25 considered by local superintendents of education when



1 selecting the schools where a regional literacy specialist  
2 shall serve. There shall be two levels of limited literacy  
3 support provided by a regional literacy specialist. The local  
4 superintendent of education of a local education agency  
5 subject to this subdivision shall determine the level of  
6 limited support that each regional literacy specialist shall  
7 provide.

8 a. Limited support 1. An Alabama Reading Initiative  
9 regional literacy specialist shall make monthly onsite visits  
10 to the school and shall monitor the reading progress of all  
11 students a minimum of three times per year and adjust  
12 instruction according to student specific need.

13 b. Limited support 2. An Alabama Reading Initiative  
14 regional literacy specialist shall make quarterly onsite  
15 visits to the school and shall monitor the reading progress of  
16 all students a minimum of three times per year and make  
17 instruction adjustment recommendations according to student  
18 specific need.

19 (3) An Alabama Reading Initiative regional literacy  
20 specialist shall have all of the following minimum  
21 qualifications:

22 a. The required Alabama Professional Educator  
23 Certificate.

24 b. A bachelor's degree and advanced coursework or  
25 professional development in the science of reading,

1 multisensory language instruction, such as Language Essentials  
2 for Teachers of Reading and Spelling, or a comparable  
3 alternative training approved by the State Board of Education.

4 c. A minimum of four years of experience as a  
5 successful elementary or literacy teacher.

6 d. A knowledge of scientifically based reading  
7 research, special expertise in quality reading instruction and  
8 intervention, dyslexia specific interventions, and data  
9 analysis.

10 e. A strong knowledge base in the science of  
11 learning to read and the science of early childhood education.

12 f. Excellent communication skills with outstanding  
13 presentation, interpersonal, and time management skills.

14 (d) An Alabama Reading Initiative local reading  
15 specialist shall be assigned to provide intensive, targeted  
16 professional development for elementary school teachers at one  
17 school.

18 (1) An Alabama Reading Initiative local reading  
19 specialist shall have all of the following minimum  
20 qualifications:

21 a. The required Alabama Professional Educator  
22 Certificate.

23 b. A bachelor's degree and advanced coursework or  
24 professional development in the science of reading, such as

1 multisensory language instruction, or comparable alternative  
2 training approved by the State Board of Education.

3 c. A minimum of two years of experience as a  
4 successful elementary or literacy teacher.

5 d. A knowledge of scientifically based reading  
6 research, special expertise in quality reading instruction and  
7 intervention, dyslexia specific interventions, and data  
8 analysis.

9 e. A strong knowledge base in the science of  
10 learning to read and the science of early childhood education.

11 f. Excellent communication skills with outstanding  
12 presentation, interpersonal, and time management skills.

13 (2) The duties and responsibilities of an Alabama  
14 Reading Initiative local reading specialist shall include all  
15 of the following:

16 a. Collaborating with the principal to create a  
17 strategic plan for coaching.

18 b. Facilitating schoolwide professional development  
19 and study groups.

20 c. Modeling effective reading instructional  
21 strategies for teachers.

22 d. Coaching and mentoring teachers daily.

23 e. Facilitating data analysis discussions and  
24 support teachers by using data to differentiate instruction  
25 according to the needs of students.

1           f. Fostering multiple areas of teacher professional  
2 learning, including exceptional student education and content  
3 area knowledge.

4           g. Prioritizing time for those teachers, activities,  
5 and roles that will have the greatest impact on student  
6 reading achievement, such as coaching and mentoring in  
7 classrooms.

8           h. Monitoring the reading progress of all students a  
9 minimum of three times per year and making recommendations for  
10 adjustment of instruction according to student specific need.

11           i. An Alabama Reading Initiative local reading  
12 specialist may not perform administrative functions such as  
13 serving as an evaluator, substitute teacher, assessment  
14 coordinator, or school administrator.

15           (e) The State Superintendent of Education and local  
16 education agencies shall monitor the implementation and  
17 effectiveness of the Alabama Reading Initiative regional  
18 literacy specialist and local reading specialist model, and  
19 the State Superintendent of Education and each local education  
20 agency being served by a regional literacy specialist or a  
21 local reading specialist shall maintain communication among  
22 the district, school administration, and the Alabama Reading  
23 Initiative state administration staff throughout the academic  
24 year.

1           (1) The State Superintendent of Education, or his or  
2 her designee, shall certify that each Alabama Reading  
3 Initiative regional literacy specialist or local reading  
4 specialist satisfies the minimum qualifications provided by  
5 this act before coaches are hired with funds appropriated by  
6 the Legislature to support the Alabama Reading Initiative.

7           (2) The State Superintendent of Education shall  
8 develop an evidence-based accountability reporting system for  
9 the Alabama Reading Initiative that shall measure student  
10 growth and proficiency towards teacher professional learning  
11 goals and student performance on state approved formative and  
12 summative assessments.

13           (3) The State Superintendent of Education shall  
14 submit a report to the Governor, the Lieutenant Governor, the  
15 Speaker of the House of Representatives, the President Pro  
16 Tempore of the Senate, and the Chairs of the House Ways and  
17 Means Education Committee, Senate Finance and Taxation  
18 Education Committee, House Education Policy Committee, and  
19 Senate Education Policy Committee, no later than December 31,  
20 annually, on the status of teacher professional learning,  
21 student growth and proficiency against grade level standards  
22 in K-3 reading.

23           Section 5. (a) To ensure that public school students  
24 are able to read at or above grade level by the end of third  
25 grade, each local education agency shall offer a comprehensive

1 core reading program to all students based on the science of  
2 ~~reading which develops foundational reading skills.~~ reading  
3 which develops foundational reading skills. In addition, no  
4 school district may use any curriculum for public K-3 students  
5 that does not have instructional time included

6 ~~In addition, no school district may apply for or~~  
7 ~~receive any grant to be used for any public school K-3 student~~  
8 ~~curriculum that does not have instructional time included.~~

9 (b) Based on the results of the reading assessment  
10 in Section 3, each K-3 student who exhibits a reading  
11 deficiency, or the characteristics of dyslexia, shall be  
12 provided an appropriate reading intervention program to  
13 address his or her specific deficiencies. Additionally,  
14 students shall be evaluated after every grading period and, if  
15 a student is determined to have a reading deficiency, the  
16 school shall provide the student with additional tutorial  
17 support. The State Superintendent of Education shall provide a  
18 list of vetted and approved comprehensive reading and  
19 intervention programs with the advice of the task force  
20 established under subsection (a) of Section 3. The  
21 intervention program shall be provided in addition to the  
22 comprehensive core reading instruction that is provided to all  
23 students in the general education classroom. Dyslexia specific  
24 intervention, as defined by rule of the State Board of  
25 Education, shall be provided to students who have the

1 characteristics of dyslexia and all struggling readers. The  
2 reading intervention program shall do all of the following:

3 (1) Provide explicit, direct instruction that is  
4 systematic, sequential, and cumulative in language  
5 development, phonological awareness, phonics, fluency,  
6 vocabulary, and comprehension, as applicable.

7 (2) Provide daily targeted small group reading  
8 interventions based on student need in phonological awareness,  
9 phonics including decoding and encoding, sight words,  
10 vocabulary, or comprehension.

11 (3) Be implemented during regular school hours.

12 (c) The parent or legal guardian of any K-3 student  
13 who exhibits a consistent deficiency in letter naming fluency,  
14 letter sound fluency, nonsense word reading, sight words, oral  
15 reading accuracy, vocabulary, or comprehension at any time  
16 during the school year shall be notified in writing no later  
17 than 15 school days after the identification. The written  
18 notification shall include all of the following:

19 (1) A statement that the student has been identified  
20 as having a deficiency in reading or exhibits the  
21 characteristics of dyslexia, and that a reading improvement  
22 plan shall be developed by the teacher, principal, other  
23 pertinent school personnel, and the parent or legal guardian.

24 (2) A description of the current services that are  
25 provided to the student.

1           (3) A description of the proposed evidence-based  
2 reading interventions and supplemental instructional services  
3 and supports that shall be proposed for discussion while  
4 establishing the student's reading improvement plan as  
5 provided in subsection (d).

6           (4) Notification that the parent or legal guardian  
7 shall be informed in writing at least monthly of the progress  
8 of the student towards grade level reading.

9           (5) Strategies and resources for the parent or legal  
10 guardian to use at home to help the student succeed in  
11 reading.

12           (6) A statement that if the reading deficiency of  
13 the student is not addressed by the end of third grade, the  
14 student will not be promoted to fourth grade unless a good  
15 cause exemption is satisfied.

16           (7) A statement that while the statewide reading  
17 assessment is the initial determinant for promotion, the  
18 assessment is not the sole determiner at the end of third  
19 grade. Additionally, students shall be provided with a  
20 test-based student portfolio option and an alternative reading  
21 assessment option to demonstrate sufficient reading skills for  
22 promotion to fourth grade.

23           (d) Any K-3 student who exhibits a reading  
24 deficiency at any time, as provided in subsection (b), shall



1 receive an individual reading improvement plan no later than  
2 30 days after the identification of the reading deficiency.

3 (1) The reading improvement plan shall be created by  
4 the teacher, principal, other pertinent school personnel, and  
5 the parent or legal guardian of the student, and shall  
6 describe the evidence-based reading intervention services,  
7 including dyslexia specific intervention services, that the  
8 student shall receive to improve the reading deficit.

9 (2) Each identified student shall receive intensive  
10 reading intervention until the student no longer has a  
11 deficiency in reading, as determined by a State Board of  
12 Education approved reading assessment.

13 (3) Funds allocated to procuring curricula for  
14 student interventions pursuant to subdivision (5) of  
15 subsection (a) of Section 4 shall be divided, based on a per  
16 pupil allocation determined by the number of students of each  
17 local education agency who are not proficient on a state  
18 approved reading assessment during the prior academic year,  
19 and distributed by the State Superintendent of Education.

20 (e) Each local education agency shall provide summer  
21 reading camps to all K-3 students identified with a reading  
22 deficiency as described in subsection (b).

23 (1) Summer reading camps shall be staffed with  
24 highly effective teachers of reading as demonstrated by  
25 student reading performance data, completion of multisensory

1 structured language education, and teacher performance  
2 evaluations.

3 (2) The highly effective teacher of reading shall  
4 provide direct, explicit, and systematic reading intervention  
5 services and supports to improve any identified area of  
6 reading deficiency.

7 (3) Summer reading camps, at a minimum, shall  
8 include 70 hours of time in scientifically based reading  
9 instruction and intervention.

10 (4) A State Board of Education approved reading  
11 assessment system shall be administered at the beginning and  
12 end of the summer reading camp to measure student progress.

13 (5) Summer reading camps may be held in conjunction  
14 with existing summer programs in the school district or in  
15 partnership with community-based summer programs, designated  
16 as effective by the State Superintendent of Education and the  
17 task force established under subsection (a) of Section 3.

18 (f) The Alabama Summer Achievement Program is  
19 established and shall be available to all K-3 students in  
20 public elementary schools that are among the lowest performing  
21 five percent of elementary schools.

22 (1) The program shall be administered and funded by  
23 the allocation provided in subdivision (2) of subsection (a)  
24 of Section 4.

1           (2) Funds allocated to the program in excess of the  
2 amount needed to fully fund summer programs in public  
3 elementary schools that are among the lowest five percent  
4 performing schools shall be divided, based on a per pupil  
5 allocation, and distributed by the State Superintendent of  
6 Education, to support high quality summer camps at elementary  
7 schools that are not among the lowest five percent performing  
8 elementary schools. The State Superintendent of Education  
9 shall award the funds to each local education agency based on  
10 the number of students who scored deficient, as determined by  
11 the task force established under subsection (a) of Section 3,  
12 on a state approved reading assessment used to determine  
13 reading proficiency during the administration of the  
14 assessment during the preceding academic year.

15           (3) The State Superintendent of Education shall  
16 provide guidelines for the administration of the Alabama  
17 Summer Achievement Program, and shall oversee all of the  
18 following:

19           a. The administration of the Alabama Summer  
20 Achievement Program in the lowest five percent performing  
21 elementary schools.

22           b. The response to instruction process in the lowest  
23 five percent performing elementary schools.

24           c. The Alabama Reading Initiative regional literacy  
25 specialists and local reading specialists.

1           d. All other aspects of implementation of this act  
2 including, but not limited to, collaboration among State  
3 Department of Education staff and the task force established  
4 under subsection (a) of Section 3 to improve the reading  
5 proficiency of public K-3 students and implementation of rules  
6 adopted by the State Board of Education.

7           e. The implementation of rules adopted by the State  
8 Board of Education pertaining to dyslexia.

9           f. Collaboration with the Alabama Reading Initiative  
10 state staff and the Alabama Department of Early Childhood  
11 Education for appropriate professional learning approved by  
12 the State Department of Education.

13           g. The development of guidelines for identifying the  
14 characteristics of dyslexia.

15           (g) Any incoming third grade student identified with  
16 a reading deficiency shall be provided more intensified  
17 reading interventions to improve his or her specific reading  
18 deficiency. Reading intervention services shall include  
19 effective instructional strategies to accelerate student  
20 progress. Each local education agency shall conduct a review  
21 of student reading improvement plans for all incoming third  
22 grade students identified with a reading deficiency. The  
23 review shall address additional supports and services, as  
24 described in this section, necessary to improve any identified  
25 area of reading deficiency. The local education agency shall

1 provide all of the following services for third grade students  
2 identified with a reading deficiency, and those services may  
3 be funded with funds received through the allocation provided  
4 in subdivision (2) of subsection (a) of Section 4:

5 (1) An effective or highly effective teacher of  
6 reading as demonstrated by student reading performance data  
7 and teacher performance evaluations.

8 (2) Reading intervention services and supports to  
9 improve any identified area of reading deficiency including,  
10 but not limited to, all of the following:

11 a. Additional instructional time devoted to  
12 scientifically based and evidence based reading instruction  
13 and intervention.

14 b. The use of evidence based reading strategies or  
15 programs, or both, that have been vetted and approved by the  
16 State Superintendent of Education and the task force  
17 established under subsection (a) of Section 3, that have  
18 demonstrated proven results in accelerating student reading  
19 achievement within the same school year.

20 c. Daily targeted small group reading intervention  
21 based on student need.

22 d. Explicit and systematic instruction with more  
23 detailed explanations, more extensive opportunities for guided  
24 practice, and more opportunities for error correction and  
25 feedback.

1 e. Frequent monitoring of the progress of the  
2 reading skills of each student throughout the school year and  
3 adjusting instruction according to student need.

4 (3) Before school or after school, or both,  
5 supplemental evidence-based reading intervention delivered by  
6 a teacher or tutor with specialized reading training.

7 (4) A read at home plan, including participation in  
8 parent training workshops or regular parent guided home  
9 reading activities.

10 (h) Commencing with the 2021-2022 school year, third  
11 grade students shall demonstrate sufficient reading skills for  
12 promotion to fourth grade. Students shall be provided all of  
13 the following options to demonstrate sufficient reading skills  
14 for promotion to fourth grade, and the State Superintendent of  
15 Education shall provide guidelines for the implementation of  
16 this subsection:

17 (1) Scoring above the lowest achievement level, as  
18 determined by rule of the State Board of Education, on a board  
19 approved assessment in reading as provided in Section 3.

20 (2) Earning an acceptable score on an alternative  
21 standardized reading assessment as determined and approved by  
22 the State Superintendent of Education.

23 (3) Demonstrating mastery of ~~all third grade~~ third  
24 grade minimum essential state reading standards as evidenced  
25 by a student reading portfolio. The State Superintendent of

1 Education and the task force established under subsection (a)  
2 of Section 3 shall establish criteria for ~~the~~ minimum  
3 essential standards and the student reading portfolios and a  
4 definition of what constitutes mastery of all third grade  
5 state reading standards.

6 (i) If a student does not demonstrate sufficient  
7 reading skills on one of the three options listed in  
8 subsection (h) and does not qualify for a good cause  
9 exemption, the student may not be promoted to fourth grade.

10 (j) A local education agency may only exempt  
11 students from mandatory retention, as provided in subsection  
12 (i), for good cause. A student who is promoted to fourth grade  
13 with a good cause exemption shall continue to receive  
14 intensive reading intervention that includes specific reading  
15 strategies prescribed in the individual reading improvement  
16 plan of the student until the deficiency is improved. The  
17 local education agency shall assist schools and teachers with  
18 the implementation of reading strategies that research has  
19 shown to be successful in improving reading among students  
20 with reading difficulties. Good cause exemptions shall be  
21 limited to the following:

22 (1) Students with disabilities whose Individual  
23 Education Plan indicates that participation in the statewide  
24 assessment program is not appropriate, consistent with state  
25 law.

1           (2) Students identified as English language learners  
2 who have had less than two years of instruction in English as  
3 a second language.

4           (3) Students with disabilities who participate in  
5 the statewide English language arts reading assessment and who  
6 have an Individual Education Plan or a Section 504 plan that  
7 reflects that the student has received intensive reading  
8 intervention for more than two years and who still  
9 demonstrates a deficiency in reading and was previously  
10 retained in kindergarten, first grade, second grade, or third  
11 grade.

12           (4) Students who have received intensive reading  
13 intervention for two or more years and who still demonstrate a  
14 deficiency in reading and who were previously retained in  
15 kindergarten, first grade, second grade, or third grade for a  
16 total of two years.

17           (k) No student shall be retained more than twice in  
18 kindergarten through third grade.

19           (l) A request to exempt a student from the mandatory  
20 retention requirement using one of the good cause exemptions  
21 listed in subsection (j) shall be made consistent with the  
22 following:

23           (1) Documentation shall be submitted to the school  
24 principal from the teacher of the student that indicates that  
25 the promotion of the student is appropriate. Documentation



1 shall include a statement identifying which good cause  
2 exemption is requested, as well as the existing reading  
3 improvement plan or Individual Education Plan of the student,  
4 as applicable.

5 (2) The school principal shall review the  
6 recommendation of the teacher, determine if the student meets  
7 one of the good cause exemptions, and shall make his or her  
8 determination in writing to the local superintendent of  
9 education. The local superintendent of education, in writing,  
10 shall approve or reject the recommendation of the school  
11 principal.

12 (3) The local education agency shall assist schools  
13 under its jurisdiction in providing written notification to  
14 the parent of any student who is retained in third grade for  
15 not achieving the reading level required for promotion. Notice  
16 shall clearly state the reasons why the student is not  
17 eligible for a good cause exemption and shall include a  
18 description of the proposed interventions and supports that  
19 shall be provided to the student to improve any identified  
20 area of reading deficiency during the retained year.

21 (4) There shall be established at each school, as  
22 applicable, an intensive acceleration for any student retained  
23 in third grade. In addition to the criteria established in  
24 subdivisions (1) to (4), inclusive, of subsection (g), the  
25 intensive acceleration shall be taught by a highly effective

1 teacher of reading who has received training in the science of  
2 reading and multisensory language instruction, as demonstrated  
3 by student reading performance data and teacher performance  
4 evaluations; shall have a reduced teacher-student ratio; and  
5 shall provide explicit and systematic reading instruction and  
6 intervention for the majority of student contact time each  
7 day.

8 (m) Annually, on or before September 30, each local  
9 education agency shall report in writing to the State  
10 Superintendent of Education the following information on the  
11 previous school year:

12 (1) By grade, the number and percentage of all K-3  
13 students identified with a reading deficiency on a State  
14 Department of Education approved reading assessment.

15 (2) By grade, the number and percentage of students  
16 screened for dyslexia characteristics, the number and  
17 percentage of students identified as demonstrating the  
18 characteristics of dyslexia and receiving dyslexia specific  
19 intervention, and the name of the dyslexia specific  
20 intervention being provided.

21 (3) By grade, the number and percentage of all K-3  
22 students performing on grade level or above on a State Board  
23 of Education approved reading assessment.

1           (4) The total number and percentage of students  
2 starting third grade with a reading deficiency, which shall  
3 include the specific area of reading deficiency.

4           (5) The total number and percentage of third grade  
5 students who started third grade with a reading deficiency but  
6 completed third grade on grade level as determined by the  
7 third grade state standardized assessment in reading.

8           (6) By grade, the total number and percentage of  
9 eligible K-3 students who attended the Alabama Summer  
10 Achievement Program or other mandatory summer reading camp.

11           (7) By grade, pre and post Alabama Summer  
12 Achievement Program reading assessment scores and other  
13 mandatory summer camp data.

14           (8) By grade, the number and percentage of all  
15 students retained in grades K-3.

16           (9) The total number and percentage of students in  
17 third grade who demonstrated sufficient reading skills for  
18 promotion on the alternative reading assessment.

19           (10) The total number and percentage of students in  
20 third grade who were promoted for good cause, by each category  
21 of good cause specified in subsection (j).

22           (11) In succeeding years, the performance of  
23 students promoted with a good cause on the state standardized  
24 assessment in reading.

1           (12) By school, the number of teachers who are  
2 participating in or have completed professional development in  
3 the science of reading and who hold advanced certifications in  
4 those areas.

5           (13) By school, the number of teachers who have  
6 completed training in dyslexia awareness, multisensory  
7 strategies, and satisfy the definition of a dyslexia  
8 interventionist as defined by rule of the State Board of  
9 Education.

10           (n) The State Superintendent of Education shall  
11 establish a uniform format for local school systems to use in  
12 reporting the information required by subsection (m). The  
13 format shall be developed with input from local education  
14 agencies and shall be provided to each local education agency  
15 no later than 90 days before the annual due date. Annually, on  
16 or before December 1, the State Superintendent of Education  
17 shall compile the information received from the local  
18 education agencies into state level summary information and  
19 report the information to the State Board of Education, the  
20 public, the Governor, the Lieutenant Governor, the President  
21 Pro Tempore of the Senate, the Speaker of the House of  
22 Representatives, and the Chairs of the House Ways and Means  
23 Education Committee and Senate Finance and Taxation Education  
24 Committee.

1           (1) The State Superintendent of Education and the  
 2 task force established under subsection (a) of Section 3 shall  
 3 establish annual reading growth and proficiency targets based  
 4 on the information required to be reported to the  
 5 superintendent in subsection (m).

6           (2) Of the funds allocated to the Alabama Reading  
 7 Initiative pursuant to subdivision (6) of subsection (a) of  
 8 Section 4 for state administration, the State Superintendent  
 9 of Education may allocate such sums as he or she deems  
 10 appropriate to establish an Alabama Reading Initiative  
 11 Incentive Program that shall distribute monetary incentives to  
 12 schools based on a formula, approved by the State  
 13 Superintendent of Education with the Alabama Committee on  
 14 Grade Level Reading created in Section 7, that shall factor  
 15 the size and geography of the school, reading growth and  
 16 proficiency, and the composition of student subgroups.

17           Section 6. (a) The State Superintendent of Education  
 18 shall develop, and the State Board of Education shall approve,  
 19 a dyslexia therapist certification endorsement on or before  
 20 December 31, 2019.

21           (1) K-12 and Early Childhood teachers who have  
 22 completed an International Multisensory Structured Language  
 23 Education Council endorsed training course and have received a  
 24 passing score on the Academic Language Therapy Association's  
 25 Certified Academic Language Therapy assessment, or the

1 International Dyslexia Association's Knowledge and Practice  
2 Examination of Effective Reading Instruction, and who hold a  
3 valid Professional Educator Certificate shall be eligible for  
4 a dyslexia therapist endorsement.

5 (2) Teacher preparation programs at public colleges  
6 and universities in the state shall offer dyslexia therapy  
7 teacher preparation courses that are approved by the  
8 International Multisensory Structured Language Education  
9 Council or the International Dyslexia Association.  
10 Multi-institutional consortia or affiliations to assure access  
11 to these courses is acceptable.

12 (3) Subject to appropriations from the Legislature,  
13 the State Superintendent of Education and the Alabama  
14 Commission on Higher Education shall develop and approve a  
15 dyslexia therapist endorsement incentive, which shall be  
16 available to teachers who attain the dyslexia therapist  
17 endorsement, ~~with direct student contact~~. The State  
18 Superintendent of Education shall construct parameters for  
19 earning the dyslexia therapist endorsement incentive.

20 (b) All teacher preparation programs authorized to  
21 prepare students for state licensure shall seek accreditation  
22 by the council or association for the accreditation of  
23 educator preparation on or before December 31, 2020.

24 (c) The State Department of Education shall provide  
25 to public and private universities, on an annual basis, the

1 information required for those institutions to comply with  
2 council for the accreditation of educator preparation standard  
3 four requirements for accreditation. The Alabama Commission on  
4 Higher Education shall convene the public university deans of  
5 education to facilitate the development of a format for the  
6 data needed for accreditation compliance, and work with the  
7 State Superintendent of Education to establish effective and  
8 timely reporting processes.

9 (d) As a requirement of initial licensure, beginning  
10 with the 2020-2021 school year, candidates for initial  
11 elementary certification shall receive a passing score, as  
12 determined by the State Board of Education, which shall base  
13 its determination on the national score average during the  
14 preceding academic year, on ~~the Foundations of Reading a~~  
15 foundational reading assessment for entry level teachers of  
16 reading. Beginning with the graduating class of 2021, teachers  
17 seeking an initial ~~elementary certification who have passed~~  
18 ~~the EdTPA and Foundations of Reading Assessment may no longer~~  
19 ~~be required to pass the Praxis 5204 Teaching Reading~~  
20 assessment. elementary certification who have passed the EdTPA  
21 and a foundational reading assessment may no longer be  
22 required to pass an additional reading assessment.

23 (e) Beginning with the 2020-2021 academic year,  
24 public teacher preparation programs leading to the attainment  
25 of an initial elementary teaching certification shall require

1 no less than nine credit hours of reading or literacy  
2 coursework, or both, based on the science of learning to read,  
3 including multisensory strategies in foundation reading  
4 skills. The nine credit hours of reading or literacy  
5 coursework shall be incorporated within the current credit  
6 hours currently approved for the degree program and not  
7 require additional credit hours for graduation.

8 (f) The standing task force created by Section 3,  
9 state public teacher preparation programs, and regional  
10 professional development inservice centers shall work together  
11 in establishing a state continuum of teacher development for  
12 approved science of reading that will reflect levels of  
13 literacy teacher development from preservice, reading  
14 specialist, to instructional leadership. The State  
15 Superintendent of Education and the regional inservice centers  
16 shall provide preservice and inservice elementary teachers  
17 with all of the following professional learning activities:

18 (1) Mentoring and shadowing with master teachers  
19 selected by Alabama Reading Initiative regional literacy  
20 specialists and local reading specialists.

21 (2) Job embedded, classroom-based coaching in the  
22 teaching of reading for the first five years of a teacher's  
23 career.

24 (3) Curricula and resources in all of the following  
25 reading content areas:



- 1 a. Oral language development.
- 2 b. Phonemic awareness.
- 3 c. Phonics.
- 4 d. Fluency.
- 5 e. Vocabulary.
- 6 f. Writing.
- 7 g. Comprehension.

8 Section 7. (a) The State Superintendent of Education  
 9 shall establish the Alabama Committee on Grade Level Reading.  
 10 The committee shall consist of three members appointed from  
 11 each State Board of Education district. The Governor, the  
 12 Lieutenant Governor, the Speaker of the House of  
 13 Representatives, and the President Pro Tempore of the Senate  
 14 shall each appoint one member from each district. The  
 15 appointing authorities shall coordinate their appointments so  
 16 that diversity of gender, race, and geographical areas is  
 17 reflective of the makeup of this state.

18 (b) Each member of the committee shall be a parent  
 19 or legal guardian of a state K-12 public school student, a  
 20 practicing teacher, a retired teacher, or employed in the  
 21 field of education.

22 (c) On or before June 30, 2020, the committee shall  
 23 revise the 2011 Alabama Action Plan for Literacy Birth Through  
 24 Grade 12 in consultation with the Campaign for Grade Level  
 25 Reading group, which shall be presented to the Governor, the

1 State Superintendent of Education, the State Board of  
2 Education, and the Chairs of the House Education Policy  
3 Committee and the Senate Education Policy Committee.

4 (d) The committee shall provide recommendations to  
5 the Governor, the Lieutenant Governor, and the Chairs of the  
6 House Education Policy Committee and the Senate Education  
7 Policy Committee on implementing this act and shall provide  
8 standing oversight over the quality of professional learning  
9 and program quality. The committee shall provide  
10 recommendations to the State Superintendent of Education, the  
11 Governor, the Lieutenant Governor, and the Chairs of the House  
12 Education Policy Committee and the Senate Education Policy  
13 Committee on adopting innovative strategies and programming to  
14 improve the effectiveness of this act.

15 (e) Each member of the committee shall receive the  
16 same travel expense allowance as is paid to state employees  
17 for travel in the service of the committee, subject to  
18 available appropriations.

19 Section 8. The State Superintendent of Education  
20 shall provide technical assistance to local education agencies  
21 in complying with this act. The State Board of Education shall  
22 adopt rules as necessary to implement and enforce this act.

23 Section 9. This act shall become effective on the  
24 first day of the third month following its passage and  
25 approval by the Governor, or its otherwise becoming law.

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*Mac McClatchey*

Speaker of the House of Representatives

*[Signature]*

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 15-MAY-19, as amended.

Jeff Woodard  
Clerk

Senate	<u>30-MAY-19</u>	Amended and Passed
House	<u>30-MAY-19</u>	Concurred in Senate Amendment

APPROVED 6-10-19

TIME 2:27

*Ray Iray*  
GOVERNOR

Alabama Secretary Of State

Act Num....: 2019-523  
Bill Num....: H-388

Recv'd 06/10/19 04:21pmSLF

Judy

SPONSOR

Wurst

SPONSORS

HOUSE ACTION

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 379

YEAS 75 NAYS 13

JEFF WOODARD, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. \_\_\_\_\_ AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SENATE ACTION

DATE: \_\_\_\_\_ 20\_\_

RD 1 RFD

This Bill was referred to the Standing Committee of the Senate on

JUDY

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) \_\_\_\_\_ w/sub \_\_\_\_\_ by a vote of yeas 10 nays 0 abstain 0

this 29 day of July 2019

Woodard, Chairperson

DATE: \_\_\_\_\_ 20\_\_

RF 4 RD 2 CAL

DATE: \_\_\_\_\_ 20\_\_

RE-REFERRED RE-COMMITTED  
Committee \_\_\_\_\_

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 379

YEAS 27 NAYS 0