HB 3198-3 (LC 2088) 3/30/23 (HRL/ps)

Requested by Representative KROPF (at the request of Governor Tina Kotek)

## PROPOSED AMENDMENTS TO HOUSE BILL 3198

On page 1 of the printed bill, line 2, delete "327.254 and". 1 Delete lines 5 through 28 and delete pages 2 through 8 and insert: 2 3 **"EARLY LITERACY SUCCESS INITIATIVE** 4 5 "SECTION 1. Definitions. As used in sections 1 to 14 of this 2023 6 Act: 7 **"(1)** elementary 'Early grades' grade from 8 means any prekindergarten through grade three. 9 "(2) 'Elementary school' means a school of a school district, or a 10 public charter school, with students in early elementary grades. 11 12 "(3) 'High-dosage tutoring' means one-on-one tutoring or tutoring in small groups, as determined by rule of the State Board of Educa-13 tion, that: 14 "(a) Is provided in addition to daily instruction; 15"(b) Is provided two or more times each week over at least a 16 10-week period; and 17 "(c) Uses a research-aligned tutoring model that is administered in 18 a culturally responsive manner and that is combined with the training 19 necessary for tutors to implement the model effectively. 20 "(4) 'Prekindergarten' means a preschool or prekindergarten pro-21

1 gram that is:

"(a) Provided by a school district or public charter school; or
"(b) Delivered in partnership between a school district and another

4 organization.

5 "(5) 'Preschool' means a high-quality program that serves children
6 at least three years of age but not older than five years of age.

7 "(6) 'Public charter school' means a public charter school that:

8 "(a) Is established under ORS chapter 338; and

9 "(b) Is not a virtual public charter school, as defined in ORS 338.005.

"(7) 'Qualified tutor' means an individual who is trained to imple ment a program providing high-dosage tutoring.

12 "(8) 'Research-aligned literacy strategies' means strategies that:

13 "(a) Are literacy focused;

14 "(b) Are culturally responsive and relevant to diverse learners;

"(c) Are based on long-term research derived from the science of
 reading and writing; and

"(d) Apply instructional practices that are developmentally appro priate and specifically designed for students with disabilities and stu dents who are English language learners.

20 "(9) 'Science of reading and writing' means:

"(a) The convergence of findings from research on reading and
 writing processes, development and instruction; and

"(b) The teaching of phonemic awareness, phonics, fluency, vocab ulary and comprehension through explicit and systematic instruction
 that can be differentiated to meet the needs of individual learners
 through developmentally appropriate practices.

27 "(10) 'Student groups that have historically experienced academic
 28 disparities' means:

"(a) Economically disadvantaged students, as determined under
 rules adopted by the State Board of Education;

"(b) Students from racial or ethnic groups that have historically
experienced academic disparities, as determined under rules adopted
by the State Board of Education;

4 "(c) Students with disabilities;

5 "(d) Students who are English language learners;

6 "(e) Students who are foster children, as defined in ORS 30.297;

7 "(f) Students who are homeless, as determined under rules adopted

8 by the State Board of Education;

9 "(g) Students who attend an elementary school that:

"(A) Is identified for comprehensive support and improvement or
 for targeted support and improvement under the federal Every Student
 Succeeds Act (P.L. 114-95, 129 Stat. 1802); or

"(B) Qualifies for assistance under Title I of the federal Elementary
 and Secondary Education Act of 1965; or

"(h) Any other student groups that have historically experienced
 academic disparities, as determined under rules adopted by the State
 Board of Education by rule.

"SECTION 2. Early Literacy Success Initiative. (1) The Early Lit eracy Success Initiative is established by sections 1 to 14 of this 2023
 Act.

21 **"(2) The purposes of the initiative are to:** 

22 "(a) Increase early literacy for children from birth to grade three;

23 "(b) Reduce early literacy academic disparities for student groups
 24 that have historically experienced academic disparities;

"(c) Increase support to parents and guardians to enable them to
be partners in the development of their children's literacy skills and
knowledge; and

28 "(d) Increase access to early literacy support that is research-29 aligned, culturally responsive, student-centered and family-centered.

30 "(3) The purposes of the initiative shall be accomplished through:

1 "(a) The Early Literacy Success School Grant, as provided by 2 sections 3 to 7 of this 2023 Act;

"(b) The Birth Through Five Literacy Plan, as provided by sections
9 and 11 of this 2023 Act; and

5 "(c) The Early Literacy Success Community Grant, as provided by
6 sections 13 and 14 of this 2023 Act.

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## **"EARLY LITERACY SUCCESS SCHOOL GRANT**

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"SECTION 3. Uses of Early Literacy Success School Grants. (1) As
 part of the Early Literacy Success Initiative, the Department of Edu cation shall establish and administer the Early Literacy Success
 School Grant program.

"(2) Under the program, the department shall award annual grants
to school districts and to public charter schools that are elementary
schools. The grants must be used to implement the purposes of the
Early Literacy Success Initiative, as identified in section 2 of this 2023
Act, by funding the following:

"(a) The provision of professional development and coaching in
 research-aligned literacy strategies to teachers and administrators in
 early elementary grades to improve early literacy instruction.

"(b) The provision of extended learning programs that use research-aligned literacy strategies and that are made available to students in early elementary grades by licensed teachers or by qualified tutors. The extended learning programs may include:

"(A) Home-based summer reading activities for students who need
 additional support and enrichment; and

"(B) An intensive summer school program for students who need
 the most additional support and who receive at least 60 hours of direct
 literacy instruction by an instructional assistant or a licensed teacher

1 trained in research-aligned literacy strategies.

"(c) The provision of high-dosage tutoring to students in early elementary grades that integrates reading and writing and that is delivered by a qualified tutor using developmentally appropriate practices.
"(d) The adoption of curricula that uses research-aligned literacy

6 strategies and the implementation of that curricula. Funding under
7 this paragraph may be used to:

8 "(A) Purchase curricula and materials that are culturally relevant;
9 or

"(B) Provide professional development and time for teachers and
 administrators to attend training related to the curricula.

12 "(e) The employment of literacy specialists, coaches or
 13 interventionists.

"(3) A grant received under section 5 of this 2023 Act may be used
 only for purposes identified in subsection (2) of this section for the
 benefit of children and students in prekindergarten through grade
 three.

"(4) The State Board of Education may adopt any rules necessary
for the administration of grants under sections 3 to 7 of this 2023 Act.
Rules shall, to the greatest extent practicable, assist in the operational
alignment of grant programs and improvement strategies administered
by the Department of Education, including:

"(a) Grants distributed from the Student Investment Account, as
provided by ORS 327.175 to 327.235;

"(b) Apportionments made under the High School Graduation and
College and Career Readiness Act, as provided by ORS 327.853 to
327.895;

"(c) District continuous improvement plans, as described in ORS
 329.095.

30 "SECTION 4. Eligibility for grants. (1) Any school district or public

charter school that is an elementary school may apply for a noncompetitive grant under the Early Literacy Success School Grant program
as provided by sections 3 to 7 of this 2023 Act.

"(2) Grants awarded under section 5 of this 2023 Act are not competitive, but a school district or public charter school must comply
with the requirements prescribed by sections 3 to 7 of this 2023 Act and
by rules adopted by the State Board of Education under sections 3 to
7 of this 2023 Act.

9 "(3) To be eligible for a grant under section 5 of this 2023 Act, a
10 school district or public charter school must submit to the Department
11 of Education an application that includes:

"(a) An early literacy success plan. The plan must be updated every
two years and must establish four-year goals for the school district
or public charter school to achieve for making progress in satisfying
the purposes of the Early Literacy Success Initiative, as described in
section 2 of this 2023 Act. The plan must include:

"(A) A review of the early literacy program, including the English
language arts curricula used by elementary schools of the school district or by the public charter school, using criteria established by the
department; and

"(B) A student growth assessment for all students and disaggre gated by student groups that have historically experienced academic
 disparities.

"(C) A description of how the school district or the public charter
 school will provide:

"(i) Professional development and coaching, as described in section
3 (2)(a) of this 2023 Act;

"(ii) Extended learning programs, as described in section 3 (2)(b) of
 this 2023 Act; and

<sup>30</sup> "(iii) High-dosage tutoring, as described in section 3 (2)(c) of this

1 2023 Act.

"(b) An accurate, up-to-date inventory of literacy assessments,
tools, curricula and digital resources used by the school district or
public charter school to support literacy in early elementary grades.
The school district or public charter school must:

"(A) Ensure that the literacy assessments, tools, curricula and
digital resources of the inventory are based on research-aligned literacy strategies and are formative, diagnostic and culturally responsive;
and

"(B) Include in the inventory the date of adoption of the literacy
 assessment, tool, curriculum or digital resource.

"(c) A plan for communication efforts to support engagement be tween:

14 "(A) School districts;

15 **"(B) Elementary schools of the school district;** 

16 "(C) Families of the school district; and

17 "(D) Members of the school district community.

"(4) An application described in subsection (3) of this section must
 be presented and approved by the school district board or the govern ing body of the public charter school at an open meeting following:

"(a) Oral presentation of the application by an administrator of the
 school district or public charter school to the school district board or
 the governing body of the public charter school; and

<sup>24</sup> "(b) Opportunity for the public to comment on the application.

"(5) To the greatest extent practicable, a school district or public
charter school shall align an early literacy success plan developed
under this section with the plan developed for distributions from the
Student Investment Account as provided by ORS 327.185 (7).

29 "(6) For the purposes of this section, the department shall:

30 "(a) Establish timelines and forms for applications submitted under

1 this section;

2 "(b) Evaluate applications before awarding grant funds;

"(c) Assist school districts and public charter schools in prioritizing
early literacy investments with funds received under this section; and
"(d) Provide technical assistance to school districts and public
charter schools in developing and implementing the early literacy
success plan required for the application.

8 "<u>SECTION 5.</u> Grant awards. (1) The Department of Education shall 9 award an Early Literacy Success School Grant to an eligible school 10 district or public charter school that applies for a grant as provided 11 by section 4 of this 2023 Act. Moneys received under this section must 12 be used as described in section 3 (2) of this 2023 Act.

"(2) A school district with an average daily membership, as defined
 in ORS 327.006, of 50 or less shall receive a minimum grant award un der this section.

"(3) The State Board of Education shall adopt any rules necessary
 for the distribution of grants under this section.

"SECTION 6. Reporting requirements. (1) Each recipient of a Early
 Literacy Success School Grant under section 5 of this 2023 Act must
 submit an annual report to the Department of Education.

21 "(2) The report required under this section must include:

"(a) The school district's or public charter school's progress toward
achieving the goals established in the early literacy success plan, as
described in section 4 (3) of this 2023 Act;

"(b) An inventory of literacy assessments, tools, curricula and digital resources used by the school district or the public charter school
to support literacy;

"(c) Evidence that the literacy assessments, tools, curricula and
 digital resources in the inventory described in paragraph (b) of this
 subsection are used with fidelity to research-aligned literacy strate-

1 gies;

"(d) Evidence that teachers and administrators are provided with professional development plans for using and implementing, with fidelity to research-aligned literacy strategies, the literacy assessments, tools, curricula and digital resources in the inventory described in paragraph (b) of this subsection;

"(e) The number and percentage of teachers for early elementary
grades receiving professional development and coaching as described
in section 3 (2)(a) of this 2023 Act, disaggregated by grade level;

"(f) The number and percentage of students participating in early
 literacy extended learning programs, as described in section 3 (2)(b)
 of this 2023 Act, at the school and the school district level and their
 outcomes disaggregated by student group and by grade level;

"(g) The number and percentage of students participating in highdosage tutoring, as described in section 3 (2)(c) of this 2023 Act, and
their outcomes disaggregated by student group and by grade level; and
"(h) The curricula being used by the school district or public charter school.

19 "(3) Prior to December 31 of each year, the department shall:

"(a) Submit to the interim committees of the Legislative Assembly
related to education a summary of the Early Literacy Success School
Grant program, which must take into consideration the reports submitted under subsection (1) of this section; and

"(b) Publish an online, easily accessible inventory of literacy as sessments, tools, curricula and digital resources being used to support
 early literacy in early elementary grades.

27 "<u>SECTION 7.</u> <u>Monitoring and support.</u> (1) Based on the reports 28 submitted under section 6 of this 2023 Act, the Department of Educa-29 tion shall monitor a school district's or a public charter school's 30 progress toward achieving the goals established in the early literacy 1 success plan, as described in section 4 (3) of this 2023 Act.

"(2) The department shall intervene when a school district or public
charter school does not meet the goals established in the early literacy
success plan.

5 "(3) When the department intervenes, as provided by subsection (2)
6 of this section, the department:

"(a) Shall assist the school district or the public charter school in
developing a corrective action plan; and

9 "(b) May retain any or all of the amount the school district or 10 public charter school would have received as a distribution under sec-11 tion 5 of this 2023 Act and may use a portion of the amount retained 12 to prepare and assist the school district or the public charter school 13 in implementing the corrective action plan.

"(4) An intervention and corrective action plan shall continue until the school district or public charter school makes sufficient and sustained progress toward achieving the goals established in the early literacy success plan. The department shall determine when sufficient and sustained progress has been achieved.

"(5) If a school district or public charter school continues to fail to make progress toward achieving the goals established in the early literacy success plan, the department may take additional action, including not allowing for the distribution to the school district or public charter school of any additional moneys under section 5 of this 2023 Act.

"SECTION 8. Administration. (1) The Department of Education
shall establish timelines for the submission of applications for an
Early Literacy Success School Grant under section 4 of this 2023 Act.
The timelines must allow for the first distributions of grants to school
districts and public charter schools under section 5 of this 2023 Act to
be made for the 2023-2024 school year.

"(2) Notwithstanding section 3 (3) of this 2023 Act, for the 2023-2024 1 and 2024-2025 school years only, a grant received under section 5 of this  $\mathbf{2}$ 2023 Act for the purposes described in section 3 (2) of this 2023 Act may 3 be used for the benefit of students in grades four and five in addition 4 being used for the benefit of children and students in to  $\mathbf{5}$ prekindergarten through grade three. For the purpose of this sub-6 section, grant moneys used for the benefit of students in grades four 7 and five must be: 8

9 "(a) Limited as follows:

"(A) For the 2023-2024 school year, no more than 20 percent of the
 total amount received under section 5 of this 2023 Act for the 2023-2024
 school year may be used for the benefit of students in grades four and
 five; and

"(B) For the 2024-2025 school year, no more than 10 percent of the
total amount received under section 5 of this 2023 Act for the 2024-2025
school year may be used for the benefit of students in grades four and
five.

"(b) Matched by moneys otherwise available to the school district
 or the public charter school.

"(3) Notwithstanding section 4 (3)(a) of this 2023 Act, the requirement that an application include four-year goals first applies to applications submitted by a school district or a public charter school on
or after January 1, 2025.

"(4) Notwithstanding section 6 (3)(a) of this 2023 Act, the first report
required to be submitted by the Department of Education under section 6 (3)(a) of this 2023 Act must be submitted no later than December
31, 2024.

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**"BIRTH THROUGH FIVE LITERACY PLAN** 

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<u>"SECTION 9.</u> <u>Birth Through Five Literacy Plan.</u> (1) As part of the
 Early Literacy Success Initiative, the Department of Early Learning
 and Care shall establish and implement the Birth Through Five Lit eracy Plan.

5 **"(2) The purposes of the plan are to:** 

6 "(a) Expand culturally specific early literacy programs for children
7 from birth through five years of age by:

8 "(A) Encouraging family and caregiver engagement; and

"(B) Providing research-aligned, developmentally appropriate pro fessional training and coaching for direct service staff in early liter acy.

"(b) Promote the capacity of programs that engage parents and
 children from birth through five years of age in early literacy and that
 are available equitably and statewide.

"(c) Expand and develop language revitalization efforts by federally
 recognized Indian tribes in this state.

"(3) Under the plan, the department shall distribute grants from the
 Birth Through Five Literacy Fund that align to the outcomes and in dicators that exist across kindergarten readiness and culturally specific parent and child support programs.

"(4) No later than December 31 of each year, the department shall
submit to the interim committees of the Legislative Assembly related
to early childhood a progress report on the Birth Through Five Literacy Plan.

<sup>25</sup> "<u>SECTION 10.</u> Notwithstanding section 9 (4) of this 2023 Act, the <sup>26</sup> first report required to be submitted by the Department of Early <sup>27</sup> Learning and Care under section 9 (4) of this 2023 Act must be sub-<sup>28</sup> mitted no later than December 31, 2024.

"<u>SECTION 11.</u> <u>Birth Through Five Literacy Fund.</u> (1) The Birth
 Through Five Literacy Fund is established in the State Treasury, sep-

1 arate and distinct from the General Fund.

2 "(2) The Birth Through Five Literacy Fund shall consist of:

"(a) Moneys appropriated or otherwise transferred to the Birth
 Through Five Literacy Fund by the Legislative Assembly; and

5 "(b) Other amounts deposited in the fund from any source.

"(3) Moneys in the Birth Through Five Literacy Fund are continuously appropriated to the Department of Early Learning and Care for
the Birth Through Five Literacy Plan established under section 9 of
this 2023 Act.

10 "SECTION 12. In addition to and not in lieu of any other appropri-11 ation, there is appropriated to the Department of Early Learning and 12 Care, for the biennium beginning July 1, 2023, out of the General Fund, 13 the amount of \$\_\_\_\_\_, which shall be deposited into the Birth 14 Through Five Literacy Fund.

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## **"EARLY LITERACY SUCCESS COMMUNITY GRANT**

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"SECTION 13. Early Literacy Success Community Grant. (1) As part
 of the Early Literacy Success Initiative, the Department of Education
 shall establish and administer the Early Literacy Success Community
 Grant program.

22 "(2) The purposes of the grant program are to:

23 "(a) Expand culturally and linguistically responsive early literacy
 24 programs for children in early elementary grades by:

<sup>25</sup> "(A) Encouraging family and caregiver engagement; and

"(B) Providing research-aligned professional training and coaching
 for direct service staff in early literacy.

"(b) Develop and implement programs that engage parents and
 children in early elementary grades in early literacy and that are
 available equitably and statewide.

"(c) Provide high-dosage tutoring programs and training to tutors
to qualify the tutors for instruction in a manner consistent with
research-aligned literacy strategies.

4 "(d) Expand and develop language revitalization efforts by federally
5 recognized Indian tribes in this state.

6 "(3) Under the program, the department shall distribute grants 7 from the Early Literacy Success Community Grant Fund in accord-8 ance with rules adopted by the State Board of Education. Rules 9 adopted under this section must:

10 "(a) Establish metrics of success;

"(b) Be adopted in consultation with the federally recognized Indian
 tribes of this state; and

13 "(c) Align, to the greatest extent practicable, with:

"(A) The purposes of the Early Literacy Success School Grant pro gram established by sections 3 to 7 of this 2023 Act;

"(B) District continuous improvement plans, as described in ORS
 329.095; and

"(C) Programs related to culturally-specific parent and child sup port.

<u>"SECTION 14. Early Literacy Success Community Grant Fund.</u> (1)
 The Early Literacy Success Community Grant Fund is established in
 the State Treasury, separate and distinct from the General Fund.

"(2) The Early Literacy Success Community Grant Fund shall con sist of:

"(a) Moneys appropriated or otherwise transferred to the Early
 Literacy Success Community Grant Fund by the Legislative Assembly;
 and

<sup>28</sup> "(b) Other amounts deposited in the fund from any source.

"(3) Moneys in the Early Literacy Success Community Grant Fund
 are continuously appropriated to the Department of Education for the

Early Literacy Success Community Grant program established under 1 section 13 of this 2023 Act.  $\mathbf{2}$ "SECTION 15. In addition to and not in lieu of any other appropri-3 ation, there is appropriated to the Department of Education, for the 4 biennium beginning July 1, 2023, out of the General Fund, the amount  $\mathbf{5}$ of \$\_\_\_\_\_, which shall be deposited into the Early Literacy Success 6 **Community Grant Fund.** 7 8 **"CONFORMING AMENDMENTS** 9 10 "SECTION 16. Repeals. ORS 327.810 and 329.834 are repealed. 11 "SECTION 17. ORS 327.800 is amended to read: 12 "327.800. (1) The State Board of Education shall identify and make rec-13 ommendations to the Legislative Assembly about programs that make stra-14 tegic investments to: 15"(a) Advance the educational goals of this state, as described in ORS 16 350.014;17 "(b) Improve the employability of graduates from Oregon public schools; 18 "(c) Close the achievement gap that exists between historically under-19 served student groups, as defined by the board by rule; 20"(d) Assist public education in all regions of this state; 21"(e) Promote collaboration and alignment among early childhood service 22providers, school districts, community colleges, public universities and em-23ployers; 24"(f) Leverage private, public and community resources; 25"(g) Engage parents and child care providers, support families and moti-26vate students; 27"(h) Develop and disseminate evidence-based models and best practices 28that are likely to improve student outcomes; 29 "(i) Collect data to monitor student progress; and 30

"(j) Establish networks that allow for the replication of successful practices across this state.

"(2) The Department of Education shall distribute any moneys received for strategic investments under this section. Distributions may be made to school districts, education service districts, post-secondary institutions of education, nonprofit organizations, providers of early childhood services, tribes of this state and other entities. Distributions of moneys must advance the purposes set forth in ORS [327.810,] 327.815 and 327.820 or other purposes that meet the goals specified in subsection (1) of this section.

"(3) Any recipient of moneys distributed as a strategic investment must provide separate accounting for the moneys and may use the moneys only for the purpose for which the moneys are provided.

"(4)(a) The State Board of Education shall establish requirements for the
 programs implemented under this section that are consistent with this sec tion and with ORS [327.810,] 327.815 and 327.820.

"(b) The board shall develop timelines, performance measures and other requirements related to the accumulation and evaluation of data collected in relation to a program that receives moneys as a strategic investment. The performance measures shall include progress toward the goals established in ORS 350.014 and other key student education outcomes established by the board.

"(5) The State Board of Education and the Early Learning Council may adopt any rules necessary for the agencies they oversee to perform any of the duties assigned to them under this section. Any rules adopted by the Early Learning Council must be consistent with this section and actions taken by the State Board of Education to implement this section.

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## **"MISCELLANEOUS**

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30 "SECTION 18. The unit and section captions used in this 2023 Act

are provided only for the convenience of the reader and do not become
part of the statutory law of this state or express any legislative intent
in the enactment of this 2023 Act.

<u>SECTION 19.</u> This 2023 Act being necessary for the immediate
preservation of the public peace, health and safety, an emergency is
declared to exist, and this 2023 Act takes effect on its passage.".

HB 3198-3 3/30/23 Proposed Amendments to HB 3198

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