

A-Engrossed
House Bill 3198

Ordered by the House April 7
Including House Amendments dated April 7

Sponsored by Representative KROPF, Senator DEMBROW, Representatives NGUYEN H, BOWMAN, RUIZ, Senator SOLLMAN; Representatives EVANS, FAHEY, HUDSON, LEVY B, LIVELY, MARSH, MCINTIRE, OWENS, REYNOLDS, WRIGHT, Senators MEEK, PATTERSON, WEBER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes Early Literacy Success Initiative. Prescribes purposes and requirements under initiative, **including establishment of Early Literacy Success School Grants, Birth Through Five Literacy Plan and Early Literacy Success Community Grants.**

[Authorizes Department of Education to use moneys from Statewide Education Initiatives Account for Early Literacy Success Initiative.]

Repeals Oregon Early Reading Program and Early Success Reading Initiative.

Establishes Birth Through Five Literacy Fund and Early Literacy Success Community Grant Fund.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to early literacy; creating new provisions; amending ORS 327.800; repealing ORS 327.810
3 and 329.834; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5
6 **EARLY LITERACY SUCCESS INITIATIVE**

7
8 **SECTION 1. Definitions. As used in sections 1 to 14 of this 2023 Act:**

9 (1) **“Early elementary grades” means any grade from prekindergarten through grade**
10 **three.**

11 (2) **“Elementary school” means a school of a school district, or a public charter school,**
12 **with students in early elementary grades.**

13 (3) **“High-dosage tutoring” means one-on-one tutoring or tutoring in small groups, as**
14 **determined by rule of the State Board of Education, that:**

15 (a) **Is provided in addition to daily instruction;**

16 (b) **Is provided two or more times each week over at least a 10-week period; and**

17 (c) **Uses a research-aligned tutoring model that is administered in a culturally responsive**
18 **manner and that is combined with the training necessary for tutors to implement the model**
19 **effectively.**

20 (4) **“Prekindergarten” means a preschool or prekindergarten program that is:**

21 (a) **Provided by a school district or public charter school; or**

22 (b) **Delivered in partnership between a school district and another organization.**

23 (5) **“Preschool” means a high-quality program that serves children at least three years**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 of age but not older than five years of age.

2 (6) “Public charter school” means a public charter school that:

3 (a) Is established under ORS chapter 338; and

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

5 (7) “Qualified tutor” means an individual who is trained to implement a program provid-
6 ing high-dosage tutoring.

7 (8) “Research-aligned literacy strategies” means strategies that:

8 (a) Are literacy focused;

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

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

11 (d) Apply instructional practices that are developmentally appropriate and specifically
12 designed for students with disabilities and students who are English language learners.

13 (9) “Science of reading and writing” means:

14 (a) The convergence of findings from research on reading and writing processes, devel-
15 opment and instruction; and

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

19 (10) “Student groups that have historically experienced academic disparities” means:

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

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

24 (c) Students with disabilities;

25 (d) Students who are English language learners;

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

27 (f) Students who are homeless, as determined under rules adopted by the State Board
28 of Education;

29 (g) Students who attend an elementary school that:

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

32 (B) Qualifies for assistance under Title I of the federal Elementary and Secondary Edu-
33 cation Act of 1965; or

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

36 **SECTION 2. Early Literacy Success Initiative.** (1) The Early Literacy Success Initiative
37 is established by sections 1 to 14 of this 2023 Act.

38 (2) The purposes of the initiative are to:

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

40 (b) Reduce early literacy academic disparities for student groups that have historically
41 experienced academic disparities;

42 (c) Increase support to parents and guardians to enable them to be partners in the de-
43 velopment of their children’s literacy skills and knowledge; and

44 (d) Increase access to early literacy support that is research-aligned, culturally respon-
45 sive, student-centered and family-centered.

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

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

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

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

8
9 EARLY LITERACY SUCCESS SCHOOL GRANT

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11 **SECTION 3. Uses of Early Literacy Success School Grants.** (1) As part of the Early Lit-
12 eracy Success Initiative, the Department of Education shall establish and administer the
13 Early Literacy Success School Grant program.

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

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

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

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

26 (B) An intensive summer school program for students who need the most additional
27 support and who receive at least 60 hours of direct literacy instruction by an instructional
28 assistant or a licensed teacher trained in research-aligned literacy strategies.

29 (c) The provision of high-dosage tutoring to students in early elementary grades that
30 integrates reading and writing and that is delivered by a qualified tutor using develop-
31 mentally appropriate practices.

32 (d) The adoption of curricula that uses research-aligned literacy strategies and the im-
33 plementation of that curricula. Funding under this paragraph may be used to:

34 (A) Purchase curricula and materials that are culturally relevant; or

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

37 (e) The employment of literacy specialists, coaches or interventionists.

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

41 (4) The State Board of Education may adopt any rules necessary for the administration
42 of grants under sections 3 to 7 of this 2023 Act. Rules shall, to the greatest extent practica-
43 ble, assist in the operational alignment of grant programs and improvement strategies ad-
44 ministered by the Department of Education, including:

45 (a) Grants distributed from the Student Investment Account, as provided by ORS 327.175

1 to 327.235;

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

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

5 **SECTION 4. Eligibility for grants.** (1) Any school district or public charter school that is
6 an elementary school may apply for a noncompetitive grant under the Early Literacy Success
7 School Grant program as provided by sections 3 to 7 of this 2023 Act.

8 (2) Grants awarded under section 5 of this 2023 Act are not competitive, but a school
9 district or public charter school must comply with the requirements prescribed by sections
10 3 to 7 of this 2023 Act and by rules adopted by the State Board of Education under sections
11 3 to 7 of this 2023 Act.

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

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

18 (A) A review of the early literacy program, including the English language arts curricula
19 used by elementary schools of the school district or by the public charter school, using cri-
20 teria established by the department; and

21 (B) A student growth assessment for all students and disaggregated by student groups
22 that have historically experienced academic disparities.

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

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

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

27 (iii) High-dosage tutoring, as described in section 3 (2)(c) of this 2023 Act.

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

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

34 (B) Include in the inventory the date of adoption of the literacy assessment, tool, cur-
35 riculum or digital resource.

36 (c) A plan for communication efforts to support engagement between:

37 (A) School districts;

38 (B) Elementary schools of the school district;

39 (C) Families of the school district; and

40 (D) Members of the school district community.

41 (4) An application described in subsection (3) of this section must be presented and ap-
42 proved by the school district board or the governing body of the public charter school at an
43 open meeting following:

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

1 school; and

2 (b) Opportunity for the public to comment on the application.

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

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

7 (a) Establish timelines and forms for applications submitted under this section;

8 (b) Evaluate applications before awarding grant funds;

9 (c) Assist school districts and public charter schools in prioritizing early literacy invest-
10 ments with funds received under this section; and

11 (d) Provide technical assistance to school districts and public charter schools in devel-
12 oping and implementing the early literacy success plan required for the application.

13 **SECTION 5. Grant awards.** (1) The Department of Education shall award an Early Lit-
14 eracy Success School Grant to an eligible school district or public charter school that applies
15 for a grant as provided by section 4 of this 2023 Act. Moneys received under this section must
16 be used as described in section 3 (2) of this 2023 Act.

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

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

21 **SECTION 6. Reporting requirements.** (1) Each recipient of a Early Literacy Success
22 School Grant under section 5 of this 2023 Act must submit an annual report to the Depart-
23 ment of Education.

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

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

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

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

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

36 (e) The number and percentage of teachers for early elementary grades receiving pro-
37 fessional development and coaching as described in section 3 (2)(a) of this 2023 Act, disag-
38 gregated by grade level;

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

42 (g) The number and percentage of students participating in high-dosage tutoring, as de-
43 scribed in section 3 (2)(c) of this 2023 Act, and their outcomes disaggregated by student group
44 and by grade level; and

45 (h) The curricula being used by the school district or public charter school.

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

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

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

7 **SECTION 7. Monitoring and support.** (1) Based on the reports submitted under section 6
8 of this 2023 Act, the Department of Education shall monitor a school district's or a public
9 charter school's progress toward achieving the goals established in the early literacy success
10 plan, as described in section 4 (3) of this 2023 Act.

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

13 (3) When the department intervenes, as provided by subsection (2) of this section, the
14 department:

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

17 (b) May retain any or all of the amount the school district or public charter school would
18 have received as a distribution under section 5 of this 2023 Act and may use a portion of the
19 amount retained to prepare and assist the school district or the public charter school in
20 implementing the corrective action plan.

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

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

29 **SECTION 8. Administration.** (1) The Department of Education shall establish timelines
30 for the submission of applications for an Early Literacy Success School Grant under section
31 4 of this 2023 Act. The timelines must allow for the first distributions of grants to school
32 districts and public charter schools under section 5 of this 2023 Act to be made for the
33 2023-2024 school year.

34 (2) Notwithstanding section 3 (3) of this 2023 Act, for the 2023-2024 and 2024-2025 school
35 years only, a grant received under section 5 of this 2023 Act for the purposes described in
36 section 3 (2) of this 2023 Act may be used for the benefit of students in grades four and five
37 in addition to being used for the benefit of children and students in prekindergarten through
38 grade three. For the purpose of this subsection, grant moneys used for the benefit of stu-
39 dents in grades four and five must be:

40 (a) Limited as follows:

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

44 (B) For the 2024-2025 school year, no more than 10 percent of the total amount received
45 under section 5 of this 2023 Act for the 2024-2025 school year may be used for the benefit of

1 students in grades four and five.

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

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

7 (4) Notwithstanding section 6 (3)(a) of this 2023 Act, the first report required to be sub-
8 mitted by the Department of Education under section 6 (3)(a) of this 2023 Act must be sub-
9 mitted no later than December 31, 2024.

10
11 **BIRTH THROUGH FIVE LITERACY PLAN**

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13 **SECTION 9. Birth Through Five Literacy Plan.** (1) As part of the Early Literacy Success
14 Initiative, the Department of Early Learning and Care shall establish and implement the
15 Birth Through Five Literacy Plan.

16 (2) The purposes of the plan are to:

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

19 (A) Encouraging family and caregiver engagement; and

20 (B) Providing research-aligned, developmentally appropriate professional training and
21 coaching for direct service staff in early literacy.

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

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

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

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

32 **SECTION 10.** Notwithstanding section 9 (4) of this 2023 Act, the first report required to
33 be submitted by the Department of Early Learning and Care under section 9 (4) of this 2023
34 Act must be submitted no later than December 31, 2024.

35 **SECTION 11. Birth Through Five Literacy Fund.** (1) The Birth Through Five Literacy
36 Fund is established in the State Treasury, separate and distinct from the General Fund.

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

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

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

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

44 **SECTION 12.** In addition to and not in lieu of any other appropriation, there is appro-
45 priated to the Department of Early Learning and Care, for the biennium beginning July 1,

1 2023, out of the General Fund, the amount of \$_____, which shall be deposited into the
2 Birth Through Five Literacy Fund.

3
4 **EARLY LITERACY SUCCESS COMMUNITY GRANT**

5
6 **SECTION 13. Early Literacy Success Community Grant.** (1) As part of the Early Literacy
7 Success Initiative, the Department of Education shall establish and administer the Early
8 Literacy Success Community Grant program.

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

10 (a) Expand culturally and linguistically responsive early literacy programs for children
11 in early elementary grades by:

12 (A) Encouraging family and caregiver engagement; and

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

15 (b) Develop and implement programs that engage parents and children in early elemen-
16 tary grades in early literacy and that are available equitably and statewide.

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

19 (d) Expand and develop language revitalization efforts by federally recognized Indian
20 tribes in this state.

21 (3) Under the program, the department shall distribute grants from the Early Literacy
22 Success Community Grant Fund in accordance with rules adopted by the State Board of
23 Education. Rules adopted under this section must:

24 (a) Establish metrics of success;

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

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

28 (A) The purposes of the Early Literacy Success School Grant program established by
29 sections 3 to 7 of this 2023 Act;

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

31 (C) Programs related to culturally-specific parent and child support.

32 **SECTION 14. Early Literacy Success Community Grant Fund.** (1) The Early Literacy
33 Success Community Grant Fund is established in the State Treasury, separate and distinct
34 from the General Fund.

35 (2) The Early Literacy Success Community Grant Fund shall consist of:

36 (a) Moneys appropriated or otherwise transferred to the Early Literacy Success Com-
37 munity Grant Fund by the Legislative Assembly; and

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

39 (3) Moneys in the Early Literacy Success Community Grant Fund are continuously ap-
40 propriated to the Department of Education for the Early Literacy Success Community Grant
41 program established under section 13 of this 2023 Act.

42 **SECTION 15.** In addition to and not in lieu of any other appropriation, there is approp-
43 riated to the Department of Education, for the biennium beginning July 1, 2023, out of the
44 General Fund, the amount of \$_____, which shall be deposited into the Early Literacy
45 Success Community Grant Fund.

CONFORMING AMENDMENTS

SECTION 16. Repeals. ORS 327.810 and 329.834 are repealed.

SECTION 17. ORS 327.800 is amended to read:

327.800. (1) The State Board of Education shall identify and make recommendations to the Legislative Assembly about programs that make strategic investments to:

(a) Advance the educational goals of this state, as described in ORS 350.014;

(b) Improve the employability of graduates from Oregon public schools;

(c) Close the achievement gap that exists between historically underserved student groups, as defined by the board by rule;

(d) Assist public education in all regions of this state;

(e) Promote collaboration and alignment among early childhood service providers, school districts, community colleges, public universities and employers;

(f) Leverage private, public and community resources;

(g) Engage parents and child care providers, support families and motivate students;

(h) Develop and disseminate evidence-based models and best practices that are likely to improve student outcomes;

(i) Collect data to monitor student progress; and

(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 section 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.

MISCELLANEOUS

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.

SECTION 19. This 2023 Act being necessary for the immediate preservation of the public

1 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
2 **on its passage.**

3
