

1       AN ACT relating to reading and language arts instruction.

2       *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3       ➔ SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO  
4       READ AS FOLLOWS:

5       (1) As used in this section:

6       (a) "Curriculum" means the content and plan for instruction, including  
7       materials, instructional programs, texts, lesson plans, and assessments  
8       needed to help students develop critical skills, knowledge, and meet or  
9       exceed proficiency in required academic standards;

10       (b) "Educator preparation program" means a program approved by the  
11       Education Professional Standards Board that prepares individuals for  
12       licensure as teachers, school leaders, or other school or district  
13       administrators;

14       (c) "Reading intervention" means curriculum, activities, and evidence-based  
15       strategies used to accelerate student progress toward proficiency in reading,  
16       including but not limited to individual instruction, small groups,  
17       multisensory approaches, tutoring, mentoring, and the use of technology  
18       that targets specific reading skills and abilities; and

19       (d) "Three-cueing system" means any model of teaching students to read based  
20       on meaning, structure and syntax, and visual cues, which may also be  
21       known as "MSV."

22       (2) The Kentucky Department of Education shall establish an approved list of  
23       reading curriculum and interventions that are scientifically researched and  
24       evidence-based that may be used by schools to meet the requirements of  
25       subsection (3)(b) of this section and that do not include instructional strategies  
26       that employ the three-cueing system of reading.

27       (3) (a) By the 2029-2030 school year, no public school district shall use any

1                   curriculum, reading intervention, or program of instruction that utilizes the  
2                   three-cueing system of teaching students to read.

3                   **(b) Each public school district shall ensure that:**

4                   **1. All curriculum, reading interventions, and programs of instruction**  
5                   utilized to teach students to read are high-quality, fully aligned to state  
6                   content standards, and based on literacy strategies that are  
7                   scientifically researched with proven results in teaching phonemic  
8                   awareness, phonics, fluency, vocabulary, and comprehension;

9                   **2. Beginning with the 2029-2030 school year, no school in the district is**  
10                   utilizing a three-cueing system of teaching students to read; and

11                   **3. By June 30, 2029, all interdisciplinary early childhood through grade**  
12                   five (5) educators have completed a science of reading professional  
13                   learning program approved by the department.

14                   **(4) Beginning with the 2030-2031 school year, if the Kentucky Board of Education**  
15                   determines that a public school district has violated subsection (3) of this section,  
16                   the board shall notify the public school district of the violation.

17                   **(5) The department, the Education Professional Standards Board, educational**  
18                   cooperatives, special education cooperatives, early childhood regional training  
19                   centers, and local school districts are prohibited from providing or utilizing any  
20                   professional development that uses the three-cueing system of teaching students  
21                   to read.

22                   **(6) The Education Professional Standards Board shall promulgate administrative**  
23                   regulations in accordance with KRS Chapter 13A to establish criteria for reading  
24                   curriculum for each state-approved educator preparation program.

25                   ➔ Section 2. KRS 158.307 is amended to read as follows:

26                   (1) As used in this section:

27                   (a) "Dyslexia" means a specific learning disability that is neurological in origin. It

1       is characterized by difficulties with accurate or fluent word recognition and by  
2       poor spelling and decoding abilities. These difficulties typically result from a  
3       deficit in the phonological component of language that is often unexpected in  
4       relation to other cognitive abilities and the provision of effective classroom  
5       instruction. Secondary consequences may include problems in reading  
6       comprehension and reduced reading experience that can impede the growth of  
7       vocabulary and background knowledge;

8       (b) "Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21); and  
9       (c) "Phonemic awareness" means the ability to recognize that a spoken word  
10      consists of a sequence of individual sounds and the ability to manipulate  
11      individual sounds in speaking.

12      (2) ~~[By January 1, 2019, ]~~The Department of Education shall make available a dyslexia  
13      toolkit that includes guidance, technical assistance, and training to assist all local  
14      school districts in the implementation of evidence-based practices for instructing  
15      students identified with or displaying characteristics of dyslexia.

16      (3) The dyslexia toolkit shall include but not be limited to the following guidance for  
17      local districts targeting students in kindergarten through grade three (3) who have  
18      been identified with or displaying characteristics of dyslexia:

19       (a) Evidence-based practices designed specifically for students with dyslexia;  
20       (b) Characteristics of targeted instruction for dyslexia;  
21       (c) Guidance on developing instructional plans for students with dyslexia;  
22       (d) Best practices toward meaning-centered reading and writing;  
23       (e) Structured multisensory and literacy approaches to teaching language and  
24       reading skills; and  
25       (f) Suggested professional development activities.

26      (4) The department shall collaborate with the Education Professional Standards Board,  
27      Council on Postsecondary Education, and other groups as necessary to improve and

1 update professional development opportunities for teachers specifically related to  
2 dyslexia. Professional development opportunities may focus on:

3 (a) Development and ongoing implementation of training and coaching for  
4 teachers;

5 (b) Identifying high-quality trainers to provide support to local districts utilizing a  
6 coaching model to develop building level dyslexia experts;

7 (c) Developing awareness training modules for all instructional staff to include  
8 information about characteristics of dyslexia; and

9 (d) Evidence-based interventions, structured multisensory and literacy approaches  
10 to teach language and reading skills, and accommodations for dyslexia and  
11 other specific learning disabilities.

12 (5) Each local board of education shall~~may~~ develop a policy addressing the  
13 implementation of a program for the identification of and strategies for assisting  
14 students in kindergarten through grade three (3) with dyslexia.

15 (6) The local board policies shall~~may~~ include but not be limited to:

16 (a) The definition and characteristics of dyslexia;

17 (b) A process for identifying students who are displaying characteristics of  
18 dyslexia;

19 (c) A process for the utilization of evaluation tools to accurately identify students  
20 who are displaying characteristics of dyslexia. Any qualified dyslexia  
21 evaluation tool utilized by a local district shall address but not be limited to  
22 the following components:

23 1. Phonological awareness and phonemic awareness;

24 2. Sound symbol recognition;

25 3. Alphabet knowledge;

26 4. Decoding skills;

27 5. Encoding skills; and

1                   6. Rapid naming;

2                   (d) A process for how evaluation tools are administered and evaluated by trained

3                   district personnel or licensed professionals;

4                   (e) A process for outreach to parents of students identified with or displaying the

5                   characteristics of dyslexia with information and resource materials and how

6                   dyslexia may be addressed in the student's educational setting;

7                   (f) Identification of evidence-based interventions, structured multisensory and

8                   literacy approaches to teach language and reading skills, and accommodations

9                   that schools may utilize to provide services to students identified as having

10                  dyslexia; and

11                  (g) A process for monitoring a student's progress~~after the positive~~

12                  ~~identification~~, including assessments to ascertain whether the intervention

13                  services improve the student's language processing and reading skills.

14                  (7) By June 30, **2028, and June 30** of each year **thereafter for five (5) years**, each local

15                  school district ~~that developed a policy addressing the implementation of a program~~

16                  ~~for the identification of and strategies for assisting students in kindergarten through~~

17                  ~~grade three (3) with dyslexia~~] shall provide the department the following data for

18                  the current school year:

19                  (a) The number of students in kindergarten through grade three (3) that were

20                  identified **through the approved universal screener and reading diagnostic**

21                  **assessment as defined in KRS 158.305** as displaying characteristics of

22                  dyslexia;

23                  (b) The number of students in paragraph (a) of this subsection that were identified

24                  **as needing enrichment programs as defined in KRS 158.305**~~through the~~

25                  ~~response to intervention process~~];

26                  (c) ~~[The number of students in kindergarten through grade three (3) that were~~

27                  ~~evaluated for dyslexia;~~

1                     (d) The number of students in kindergarten through grade three (3) that were  
2                     identified with dyslexia;

3                     (e) The dyslexia evaluation tools used to identify students;

4                     (f) [The number of students in kindergarten through grade three (3) that were  
5                     participating in literacy interventions within the school setting; and

6                     (g) The process or tools used to evaluate student progress]; and

7                     (h) The number of trained district personnel or licensed professionals used to  
8                     administer the dyslexia evaluation tools.

9                     (8) (a) The department shall establish a study project to gather information on early  
10                     screening and intervention services for children with characteristics of  
11                     dyslexia. The commissioner of education shall select three (3) school districts  
12                     to participate in the study project, one (1) of which shall be located in an  
13                     urban setting, one (1) of which shall be located in a suburban setting, and one  
14                     (1) of which shall be located in a rural setting.

15                     (b) The department shall establish guidelines and procedures for the study  
16                     project.

17                     (c) The study project shall operate for three (3) full school years, beginning with  
18                     the school year that begins at least three (3) months after July 14, 2018.

19                     (d) The goal of the study project shall be to evaluate the effectiveness of early  
20                     reading assistance programs for children with characteristics of dyslexia.

21                     (e) The commissioner may consult with recognized organizations that specialize  
22                     in structured literacy programs for the treatment of dyslexia in establishing  
23                     and operating the study project.

24                     (f) The department shall submit a final report outlining the findings of the study  
25                     to the Interim Joint Committee on Education by November 1 after the final  
26                     academic year of the study project].

27                     ➔ Section 3. KRS 164.304 is amended to read as follows:

1     1 By the 2027-2028~~2019-2020~~ academic year, postsecondary institutions offering teacher  
2     preparation programs for elementary and secondary regular education shall~~, subject to~~  
3     available funds, include instruction on:  
4         4 (1) The definition and characteristics of dyslexia;  
5         5 (2) Processes for identifying dyslexia;  
6         6 (3) Evidence-based interventions and accommodations for dyslexia and other disorders  
7                 defined in KRS 158.305 and related literacy and learning challenges; and  
8         8 (4) Core elements of a response-to-intervention framework addressing reading, writing,  
9                 mathematics, and behavior, including;  
10                 10 (a) Universal screening;  
11                 11 (b) Evidence-based research interventions;  
12                 12 (c) Progress monitoring of the effectiveness of interventions on student  
13                 13 performance;  
14                 14 (d) Data-based decision-making procedures related to:  
15                         15     1. Determining intervention effectiveness on student performance; and  
16                         16     2. Determining the need to continue, alter, or discontinue interventions or  
17                         17     conduct further evaluation of student needs; and  
18                 18 (e) Application and implementation of a multitiered system of  
19                 19     supports~~response to intervention~~ and dyslexia instructional practices in the  
20                 20 classroom setting.

21     ➔ Section 4. KRS 164.306 is amended to read as follows:

22     22 (1) ~~[Beginning in the 2022 2023 school year, ]~~Postsecondary institutions offering  
23     teacher preparation programs for interdisciplinary early childhood education or  
24     elementary regular education shall include evidence-based reading instructional  
25     programming related to reading instruction in the areas of phonemic awareness,  
26     phonics, fluency, vocabulary, and comprehension and on:  
27         27 (a) The administration of specific assessment processes~~, [and ]~~programs, and

1                   interventions used to identify student strengths and needs and that are  
2                   determined by the Department of Education to be reliable and valid;  
3                   (b) The use of assessment data for designing instruction and interventions;  
4                   (c) Progress monitoring of student performance; and  
5                   (d) Instructional strategies that address students' individual differences.

6                   (2) Postsecondary institutions offering teacher preparation programs for  
7                   interdisciplinary early childhood education or elementary regular education  
8                   shall:

9                   (a) Provide instruction on how to teach reading and language arts using  
10                   scientifically researched and evidence-based reading instruction and  
11                   reading intervention programs as defined in Section 1 of this Act;  
12                   (b) Prohibit instruction on teaching reading and language arts that  
13                   incorporates a three-cueing system as defined in Section 1 of this Act; and  
14                   (c) Align to the academic standards established by the Department of  
15                   Education, and the approved list of reading curriculum and interventions  
16                   that are utilized by local districts under Section 1 of this Act.

17                   (3) (2) [By January 1, 2024, ]The Education Professional Standards Board shall  
18                   develop and maintain a list of approved teacher preparation tests that are  
19                   determined by the board to be an effective evaluation of reading instruction  
20                   knowledge and skills.

21                   (4) (3) [Beginning in the 2024 2025 school year, ]All new teachers seeking  
22                   certification in interdisciplinary early childhood education or elementary education  
23                   shall successfully pass an approved teacher preparation test that includes an  
24                   evaluation of reading instruction knowledge and skills.

25                   (5) (4) The Education Professional Standards Board shall report program data to an  
26                   external evaluator for analysis of postsecondary teacher preparation programs for  
27                   interdisciplinary early childhood education or elementary regular education for the

1 goal of increasing the success of new teacher candidates in demonstrating reading  
2 instruction knowledge and skills.

3 ➔ Section 5. KRS 161.028 is amended to read as follows:

4 (1) The Education Professional Standards Board is recognized to be a public body  
5 corporate and politic and an agency and instrumentality of the Commonwealth, in  
6 the performance of essential governmental functions. The Education Professional  
7 Standards Board has the authority and responsibility to:

8 (a) Establish standards and requirements for obtaining and maintaining a teaching  
9 certificate;

10 (b) Set standards for, approve, and evaluate college, university, and school district  
11 programs for the preparation of teachers and other professional school  
12 personnel. College or university programs may be approved by the board for a  
13 college or university with regional institutional level accreditation or national  
14 institutional level accreditation that is recognized by the United States  
15 Department of Education and is eligible to receive federal funding under 20  
16 U.S.C. secs. 1061 to 1063. Program standards shall reflect national standards  
17 and shall address, at a minimum, the following:

18 1. The alignment of programs with the state's core content for assessment  
19 as defined in KRS 158.6457;

20 2. Research-based classroom practices, including effective classroom  
21 management techniques;

22 3. Emphasis on subject matter competency of teacher education students;

23 4. Methodologies to meet diverse educational needs of all students;

24 5. The consistency and quality of classroom and field experiences,  
25 including early practicums and student teaching experiences;

26 6. The amount of college-wide or university-wide involvement and support  
27 during the preparation as well as the induction of new teachers;

1       7. The diversity of faculty;  
2       8. The effectiveness of partnerships with local school districts; and  
3       9. The performance of graduates on various measures as determined by the  
4       board;

5       (c) *Include in the standards established for programs for the preparation of*  
6       *teachers under paragraph (b) of this subsection the requirement that*  
7       *interdisciplinary early childhood education or elementary regular education*  
8       *programs shall:*

9       1. *Provide instruction on how to teach reading and language arts using*  
10       *scientifically researched and evidence-based reading instruction and*  
11       *reading intervention programs as defined in Section 1 of this Act; and*  
12       2. *Not provide instruction on teaching reading and language arts that*  
13       *incorporates a three-cueing system as defined in Section 1 of this Act;*

14       (d) *Require all interdisciplinary early childhood through grade five (5)*  
15       *educators who receive certification pursuant to KRS 161.048(2) to (6) and*  
16       *(9) to complete within two (2) years of initial employment a science of*  
17       *reading professional learning program approved by the department;*

18       (e) Conduct an annual review of diversity in teacher preparation programs;

19       (f){(d)} Provide assistance to universities and colleges in addressing diversity,  
20       which may include researching successful strategies and disseminating the  
21       information, encouraging the development of nontraditional avenues of  
22       recruitment and providing incentives, waiving administrative regulations  
23       when needed, and other assistance as deemed necessary;

24       (g){(e)} Discontinue approval of programs that do not meet standards or whose  
25       graduates do not perform according to criteria set by the board;

26       (h){(f)} Issue, renew, revoke, suspend, or refuse to issue or renew; impose  
27       probationary or supervisory conditions upon; issue a written reprimand or

admonishment; or any combination of actions regarding any certificate;

**(i)(g)** Develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by an employee certified by the Education Professional Standards Board. The guidelines shall include investigation, inquiry, and hearing procedures which ensure the process does not revictimize the alleged victim or cause harm if an employee is falsely accused;

**(i)(h)** Receive, along with investigators hired by the Education Professional Standards Board, training on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedures in sex offense cases, and effective intervention with victims and offenders;

**(k)(i)** Recommend to the Kentucky Board of Education the essential data elements relating to teacher preparation and certification, teacher supply and demand, teacher attrition, teacher diversity, and employment trends to be included in a state comprehensive data and information system and periodically report data to the appropriate Interim Joint Committee on Education;

Submit reports to the Governor and the Legislative Research Commission and inform the public on the status of teaching in Kentucky;

**(m)-(k)** Devise a credentialing system that provides alternative routes to gaining certification and greater flexibility in staffing local schools while maintaining standards for teacher competence;

**(n)[1]** Develop a professional code of ethics;

**(o)** Charge reasonable fees for the issuance, reissuance, and renewal of certificates that are established by administrative regulation. The proceeds shall be used to meet a portion of the costs of the issuance, reissuance, and

1 renewal of certificates, and the costs associated with disciplinary action  
2 against a certificate holder under KRS 161.120;

3 **(p)** Waive a requirement that may be established in an administrative  
4 regulation promulgated by the board. A request for a waiver shall be  
5 submitted to the board, in writing, by an applicant for certification, a  
6 postsecondary institution, or a superintendent of a local school district, with  
7 appropriate justification for the waiver. The board may approve the request if  
8 the person or institution seeking the waiver has demonstrated extraordinary  
9 circumstances justifying the waiver. Any waiver granted under this subsection  
10 shall be subject to revocation if the person or institution falsifies information  
11 or subsequently fails to meet the intent of the waiver;

12 **(q)** Promote the development of one (1) or more innovative, nontraditional  
13 or alternative administrator or teacher preparation programs through public or  
14 private colleges or universities, private contractors, the Department of  
15 Education, or the Kentucky Commonwealth Virtual University and waive  
16 administrative regulations if needed in order to implement the program;

17 **(r)** Grant approval, if appropriate, of a university's request for an alternative  
18 program that enrolls an administrator candidate in a postbaccalaureate  
19 administrator preparation program concurrently with employment as an  
20 assistant principal, principal, assistant superintendent, or superintendent in a  
21 local school district. An administrator candidate in the alternative program  
22 shall be granted a temporary provisional certificate and shall be a candidate in  
23 the Kentucky Principal Internship Program, notwithstanding provisions of  
24 KRS 161.030, or the Superintendent's Assessment process, notwithstanding  
25 provisions of KRS 156.111, as appropriate. The temporary certificate shall be  
26 valid for a maximum of two (2) years, and shall be contingent upon the  
27 candidate's continued enrollment in the preparation program and compliance

with all requirements established by the board. A professional certificate shall be issued upon the candidate's successful completion of the program, internship requirements, and assessments as required by the board;

(s) { (q) }      Employ consultants as needed;

**(t)(r)** Enter into contracts. Disbursements to professional educators who receive less than one thousand dollars (\$1,000) in compensation per fiscal year from the board for serving on an assessment validation panel or as a test scorer or proctor shall not be subject to KRS 45A.690 to 45A.725;

**(u)(s)** Sponsor studies, conduct research, conduct conferences, and publish information as appropriate; and

**(v) [t]** Issue orders as necessary in any administrative action before the board.

12 (2) (a) The board shall be composed of seventeen (17) members. The secretary of the  
13 Education and Labor Cabinet and the president of the Council on  
14 Postsecondary Education, or their designees, shall serve as ex officio voting  
15 members. The Governor shall make the following fifteen (15) appointments:

1. Nine (9) members who shall be teachers representative of elementary, middle or junior high, secondary, special education, and secondary vocational classrooms;

2. Two (2) members who shall be school administrators, one (1) of whom shall be a school principal;

3. One (1) member representative of local boards of education; and

4. Three (3) members representative of postsecondary institutions, two (2) of whom shall be deans of colleges of education at public universities and one (1) of whom shall be the chief academic officer or head of an educator preparation program of an independent not-for-profit college or university.

27 (b) The members appointed by the Governor shall be confirmed by the Senate

1                   under KRS 11.160. If the General Assembly is not in session at the time of the  
2                   appointment, persons appointed shall serve prior to confirmation, but the  
3                   Governor shall seek the consent of the Senate at the next regular session or at  
4                   an intervening extraordinary session if the matter is included in the call of the  
5                   General Assembly.

6                   (c) Each appointed member shall serve a three (3) year term. A vacancy on the  
7                   board shall be filled in the same manner as the original appointment within  
8                   sixty (60) days after it occurs. A member shall continue to serve until his or  
9                   her successor is named. Any member who, through change of employment  
10                   status or residence, or for other reasons, no longer meets the criteria for the  
11                   position to which he or she was appointed shall no longer be eligible to serve  
12                   in that position.

13                   (d) Members of the board shall serve without compensation but shall be permitted  
14                   to attend board meetings and perform other board business without loss of  
15                   income or other benefits.

16                   (e) A state agency or any political subdivision of the state, including a school  
17                   district, required to hire a substitute for a member of the board who is absent  
18                   from the member's place of employment while performing board business  
19                   shall be reimbursed by the board for the actual amount of any costs incurred.

20                   (f) A chairman shall be elected by and from the membership. A member shall be  
21                   eligible to serve no more than three (3) one (1) year terms in succession as  
22                   chairman. Regular meetings shall be held at least semiannually on call of the  
23                   chairman.

24                   (g) The commissioner of education shall serve as executive secretary to the board  
25                   and may designate staff to facilitate his or her duties.

26                   (h) To carry out the functions relating to its duties and responsibilities, the board  
27                   is empowered to receive donations and grants of funds; to appoint consultants

1           as needed; and to sponsor studies, conduct conferences, and publish  
2           information.