

CHAPTER 88

(HB 187)

AN ACT relating to dyslexia.

WHEREAS, frequent formative assessment enables teachers to better identify students who are not reading on grade level, provide additional interventions and support, and monitor their progress toward meeting grade-level goals; and

WHEREAS, assessment and evidence-based screening assist teachers to adjust instruction to better meet students' individual needs with appropriate interventions; and

WHEREAS, effective intervention is essential for struggling readers; and

WHEREAS, helping struggling readers reach grade-level expectations is not as simple as providing more of the same type of instruction; and

WHEREAS, these students need high-quality interventions that are evidence-based and designed specifically for struggling readers; and

WHEREAS, dyslexia is a barrier to learning to read; and

WHEREAS, researchers estimate that dyslexia affects at least one in ten people, although the true rate could be as high as one in five; and

WHEREAS, schools should be prepared to offer additional support and appropriate interventions for children with dyslexia to be successful; and

WHEREAS, teachers need to be able to recognize characteristics of dyslexia and use structured, multisensory approaches to teach and assist students to develop language and reading skills; and

WHEREAS, an investment in appropriate and effective interventions can provide significant return on investment to schools and to society over the course of a child's lifetime;

NOW, THEREFORE,

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

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

(1) *As used in this section:*

(a) *"Dyslexia" means a specific learning disability that is neurological in origin. It is characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede the growth of vocabulary and background knowledge;*

(b) *"Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21); and*

(c) *"Phonemic awareness" means the ability to recognize that a spoken word consists of a sequence of individual sounds and the ability to manipulate individual sounds in speaking.*

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

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

(a) *Evidence-based practices designed specifically for students with dyslexia;*

(b) *Characteristics of targeted instruction for dyslexia;*

(c) *Guidance on developing instructional plans for students with dyslexia;*

- (d) *Best practices toward meaning-centered reading and writing;*
 - (e) *Structured multisensory and literacy approaches to teaching language and reading skills; and*
 - (f) *Suggested professional development activities.*
- (4) *The department shall collaborate with the Education Professional Standards Board, Council on Postsecondary Education, and other groups as necessary to improve and update professional development opportunities for teachers specifically related to dyslexia. Professional development opportunities may focus on:*
- (a) *Development and ongoing implementation of training and coaching for teachers;*
 - (b) *Identifying high quality trainers to provide support to local districts utilizing a coaching model to develop building level dyslexia experts;*
 - (c) *Developing awareness training modules for all instructional staff to include information about characteristics of dyslexia; and*
 - (d) *Evidence-based interventions, structured multisensory and literacy approaches to teach language and reading skills, and accommodations for dyslexia and other specific learning disabilities.*
- (5) *Each local board of education may develop a policy addressing the implementation of a program for the identification of and strategies for assisting students in kindergarten through grade three (3) with dyslexia.*
- (6) *The local board policies may include but not be limited to:*
- (a) *The definition and characteristics of dyslexia;*
 - (b) *A process for identifying students who are displaying characteristics of dyslexia;*
 - (c) *A process for the utilization of evaluation tools to accurately identify students who are displaying characteristics of dyslexia. Any qualified dyslexia evaluation tool utilized by a local district shall address but not be limited to the following components:*
 1. *Phonological awareness and phonemic awareness;*
 2. *Sound symbol recognition;*
 3. *Alphabet knowledge;*
 4. *Decoding skills;*
 5. *Encoding skills; and*
 6. *Rapid naming;*
 - (d) *A process for how evaluation tools are administered and evaluated by trained district personnel or licensed professionals;*
 - (e) *A process for outreach to parents of students identified with or displaying the characteristics of dyslexia with information and resource materials and how dyslexia may be addressed in the student's educational setting;*
 - (f) *Identification of evidence-based interventions, structured multisensory and literacy approaches to teach language and reading skills, and accommodations that schools may utilize to provide services to students identified as having dyslexia; and*
 - (g) *A process for monitoring a student's progress after the positive identification, including assessments to ascertain whether the intervention services improve the student's language processing and reading skills.*
- (7) *By June 30 of each year, each local school district that developed a policy addressing the implementation of a program for the identification of and strategies for assisting students in kindergarten through grade three (3) with dyslexia shall provide the department the following data for the current school year:*
- (a) *The number of students in kindergarten through grade three (3) that were identified as displaying characteristics of dyslexia;*
 - (b) *The number of students in paragraph (a) of this subsection that were identified through the response-to-intervention process;*

- (c) *The number of students in kindergarten through grade three (3) that were evaluated for dyslexia;*
 - (d) *The number of students in kindergarten through grade three (3) that were identified with dyslexia;*
 - (e) *The dyslexia evaluation tools used to identify students;*
 - (f) *The number of students in kindergarten through grade three (3) that were participating in interventions within the school setting;*
 - (g) *The process or tools used to evaluate student progress; and*
 - (h) *The number of trained district personnel or licensed professionals used to administer the dyslexia evaluation tools.*
- (8) (a) *The department shall establish a study project to gather information on early screening and intervention services for children with characteristics of dyslexia. The commissioner of education shall select three (3) school districts to participate in the study project, one (1) of which shall be located in an urban setting, one (1) of which shall be located in a suburban setting, and one (1) of which shall be located in a rural setting.*
- (b) *The department shall establish guidelines and procedures for the study project.*
- (c) *The study project shall operate for three (3) full school years, beginning with the school year that begins at least three (3) months after the effective date of this Act.*
- (d) *The goal of the study project shall be to evaluate the effectiveness of early reading assistance programs for children with characteristics of dyslexia.*
- (e) *The commissioner may consult with recognized organizations that specialize in structured literacy programs for the treatment of dyslexia in establishing and operating the study project.*
- (f) *The department shall submit a final report outlining the findings of the study to the Interim Joint Committee on Education by November 1 after the final academic year of the study project.*

➔Section 2. KRS 158.305 is amended to read as follows:

- (1) As used in this section:
- (a) "Aphasia" means a condition characterized by either partial or total loss of the ability to communicate verbally or through written words. A person with aphasia may have difficulty speaking, reading, writing, recognizing the names of objects, or understanding what other people have said. The condition may be temporary or permanent and does not include speech problems caused by loss of muscle control;
 - (b) "Dyscalculia" means the inability to understand the meaning of numbers, the basic operations of addition and subtraction, the complex operations of multiplication and division, or to apply math principles to solve practical or abstract problems;
 - (c) "Dysgraphia" means difficulty in automatically remembering and mastering the sequence of muscle motor movements needed to accurately write letters or numbers;
 - (d) "Dyslexia" *has the same meaning as in Section 1 of this Act* ~~means a language processing disorder that is neurological in origin, impedes a person's ability to read, write, and spell, and is characterized by difficulties with accuracy or fluency in word recognition and by poor spelling and decoding abilities~~;
 - (e) "Phonemic awareness" *has the same meaning as in Section 1 of this Act* ~~means the ability to recognize that a spoken word consists of a sequence of individual sounds and the ability to manipulate individual sounds in speaking~~; and
 - (f) "**Evidence-based**" ~~Scientifically based research~~ has the same meaning as in 20 U.S.C. sec. 7801(21~~(37)~~).
- (2) Notwithstanding any other statute or administrative regulation to the contrary, the Kentucky Board of Education shall promulgate administrative regulations for district-wide use of a response-to-intervention system for students in kindergarten through grade three (3), that includes a tiered continuum of interventions with varying levels of intensity and duration and which connects general, compensatory, and special education programs to provide interventions implemented with fidelity to **evidence-based** ~~scientifically based~~ research

and matched to individual student strengths and needs. At a minimum, evidence of implementation shall be submitted by the district to the department for:

- (a) Reading and writing by August 1, 2013;
 - (b) Mathematics by August 1, 2014; and
 - (c) Behavior by August 1, 2015.
- (3) The Department of Education shall provide technical assistance and training, if requested by a local district, to assist in the implementation of the district-wide, response-to-intervention system as a means to identify and assist any student experiencing difficulty in reading, writing, mathematics, or behavior and to determine appropriate instructional modifications needed by advanced learners to make continuous progress.
- (4) The technical assistance and training shall be designed to improve:
- (a) The use of specific screening processes and programs to identify student strengths and needs;
 - (b) The use of screening data for designing instructional interventions;
 - (c) The use of multisensory instructional strategies and other interventions validated for effectiveness by **evidence-based**~~scientifically based~~ research;
 - (d) Progress monitoring of student performance; and
 - (e) Accelerated, intensive, direct instruction that addresses students' individual differences, including advanced learners, and enables students that are experiencing difficulty to catch up with typically performing peers.
- (5) The department shall develop and maintain a Web-based resource providing teachers access to:
- (a) Information on the use of specific screening processes and programs to identify student strengths and needs, including those for advanced learners;
 - (b) Current, **evidence-based**~~scientifically based~~ research and age-appropriate instructional tools that may be used for substantial, steady improvement in:
 - 1. Reading when a student is experiencing difficulty with phonemic awareness, phonics, vocabulary, fluency, general reading comprehension, or reading in specific content areas, or is exhibiting characteristics of dyslexia, aphasia, or other reading difficulties;
 - 2. Writing when a student is experiencing difficulty with consistently producing letters or numbers with accuracy or is exhibiting characteristics of dysgraphia;
 - 3. Mathematics when a student is experiencing difficulty with basic math facts, calculations, or application through problem solving, or is exhibiting characteristics of dyscalculia or other mathematical difficulties; or
 - 4. Behavior when a student is exhibiting behaviors that interfere with his or her learning or the learning of other students; and
 - (c) Current, **evidence-based**~~scientifically based~~ research and age-appropriate instructional tools that may be used for continuous progress of advanced learners.
- (6) The department shall encourage districts to utilize both state and federal funds as appropriate to implement a district-wide system of interventions.
- (7) The department is encouraged to coordinate technical assistance and training on current best practice interventions with state postsecondary education institutions.
- (8) The department shall collaborate with the Kentucky Collaborative Center for Literacy Development, the Kentucky Center for Mathematics, the Kentucky Center for Instructional Discipline, the Education Professional Standards Board, the Council on Postsecondary Education, postsecondary teacher education programs, and other agencies and organizations as deemed appropriate to ensure that teachers are prepared to utilize **evidence-based**~~scientifically based~~ interventions in reading, writing, mathematics, and behavior.
- (9) In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services and nothing in this section shall limit a school district from completing an initial evaluation of a student suspected of having a disability.

- (10) By November 30, 2013, and annually thereafter, the department shall provide a report to the Interim Joint Committee on Education that includes~~[-~~:
- ~~(a) Data on the number of school districts implementing response-to-intervention systems and scientifically based research practices in reading, writing, mathematics, and behavior;~~
 - ~~(b) Information ~~[-~~survey data on the types of *evidence-based* ~~[-~~scientifically based research interventions being implemented by districts in reading, writing, mathematics, and behavior in kindergarten through grade three (3) ~~[-~~]; and~~
 - ~~(c) Data on the effectiveness of interventions in improving student performance in Kentucky schools].~~

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

By the 2019-2020 academic year, postsecondary institutions offering teacher preparation programs for elementary and secondary regular education shall, subject to available funds, include instruction on:

- (1) *The definition and characteristics of dyslexia;*
- (2) *Processes for identifying dyslexia;*
- (3) *Evidence-based interventions and accommodations for dyslexia and other disorders defined in KRS 158.305 and related literacy and learning challenges; and*
- (4) *Core elements of a response-to-intervention framework addressing reading, writing, mathematics, and behavior, including:*
 - (a) *Universal screening;*
 - (b) *Evidence-based research interventions;*
 - (c) *Progress monitoring of the effectiveness of interventions on student performance;*
 - (d) *Data-based decision-making procedures related to:*
 - 1. *Determining intervention effectiveness on student performance; and*
 - 2. *Determining the need to continue, alter, or discontinue interventions or conduct further evaluation of student needs; and*
 - (e) *Application and implementation of response-to-intervention and dyslexia instructional practices in the classroom setting.*

➔Section 4. This Act shall be known and may be cited as the Ready to Read Act.

Signed by Governor April 2, 2018.