

**CHAPTER 103****( HB 240 )**

AN ACT relating to primary school.

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

➔Section 1. 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 KRS 158.307;
- (e) "Enrichment program" means accelerated intervention within the school day or outside of the school day or school calendar led by individuals most qualified to provide the intervention that includes evidence-based reading instructional programming related to reading instruction in the areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension, and other instructional strategies aligned to reading and writing standards required by KRS 158.6453 and outlined in administrative regulation promulgated by the Kentucky Board of Education;
- (f) "Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21);
- (g) "Phonemic awareness" has the same meaning as in KRS 158.307;
- (h) "Reading diagnostic assessment" has the same meaning as in KRS 158.792;
- (i) "Reading improvement plan" means an accelerated intervention plan for a student in kindergarten through grade four (4) that is developed to increase a student's rate of progress toward proficient performance in reading that is identified as necessary based on the student's results on an approved reading diagnostic assessment. This plan should be developed in collaboration and accordance with any existing program services plan, individualized education program, or Section 504 Plan unless the program services plan, individualized education program, or Section 504 Plan already addresses improving reading;
- (j) "Reading improvement team" means a team that develops and oversees the progress of a reading improvement plan and includes:
  - 1. The parent or guardian of the student that is the subject of the reading improvement plan;
  - 2. No less than one (1) regular education teacher of the student to provide information about the general curriculum for same-aged peers;
  - 3. A representative of the local education agency who is knowledgeable about the reading curriculum and the availability of the evidence-based literacy resources of the local education agency; and
  - 4. Any specialized certified school employees for students receiving language instruction educational programming or special education services; and
- (k) "Universal screener" means a process of providing a brief assessment to all students within a grade level to assess the students' performance on the essential components of reading.

- (2) Notwithstanding any other statute or administrative regulation to the contrary, the Kentucky Board of Education shall promulgate administrative regulations to further define a multitiered system of supports for district-wide use of a 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 research and matched to individual student strengths and needs. At a minimum, evidence of implementation shall be submitted by the district to the department by October 1 of each year and shall include but not be limited to the activities required under KRS 158.649.
- (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, multitiered system of supports 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 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) (a) ~~By January 1, 2023,~~ Each superintendent or public charter school board of directors shall select:
  1. At least one (1) universal screener for reading that is determined by the department to be reliable and valid to be administered to all students in kindergarten through grade three (3); and
  2. At least one (1) reading diagnostic assessment for reading that is determined by the department to be reliable and valid to be administered as part of a multitiered system of supports for students in kindergarten through grade three (3).
- (b) Notwithstanding KRS 158.6453(19) and 160.345, each superintendent or public charter school board shall adopt a common comprehensive reading program that is determined by the department to be reliable, valid, and aligned to reading and writing standards required by KRS 158.6453 and outlined in administrative regulation promulgated by the Kentucky Board of Education for kindergarten through grade three (3) for all schools or a subset of schools, with consultation of all affected elementary school councils.
- (c) All teachers of students in kindergarten through grade three (3), including public charter school teachers, shall be trained on any reading diagnostic assessment and universal screener selected by the superintendent or public charter school board prior to administration of the assessment. The training shall address:
  1. How to properly administer the reading diagnostic assessment;
  2. How to interpret the results of the reading diagnostic assessment to identify students needing interventions;
  3. How to use the assessment results to design instruction and interventions;
  4. The use of the assessment to monitor the progress of student performance; and
  5. The use of accelerated, intensive, and direct instruction that addresses students' individual differences and enables students to achieve proficiency in reading, including but not limited to daily, one-on-one instruction.
- (6) ~~Beginning with the 2023-2024 school year,~~ A universal screener determined by the department ~~of Education~~ to be reliable and valid shall be:
  - (a) Given in the first forty-five (45) days of the school year for all kindergarten students at a public school or public charter school; ~~and~~

- (b) Given in the first thirty (30) days of the school year for grades one (1) through three (3) at a public school or public charter school; **and**
  - (c) ***Given within the final fourteen (14) instructional days of the school year to all students in kindergarten and first grade at a public school or public charter school.***
- (7) A reading improvement plan shall be developed and implemented by a reading improvement team for any student in kindergarten through grade three (3) identified as needing accelerated interventions to progress toward proficient performance in reading. The reading improvement plan shall require:
- (a) Intensive intervention that includes effective instructional strategies and appropriate instructional materials necessary to help the student make accelerated progress toward proficient performance in reading and become ready for the next grade, including but not limited to daily, one-on-one instruction with students the most in need provided by certified teachers specifically trained to provide one-on-one instruction;
  - (b) A school to provide a written quarterly progress report containing the information required by paragraph (a) of this subsection to a parent or guardian of any student subject to a reading improvement plan. The written quarterly progress report for the reading improvement plan may be included in the school's existing quarterly progress report; and
  - (c) Individual placement decisions for children who are eligible for special education and related services to be determined by the appropriate admissions and release committee in accordance with administrative regulations promulgated by the Kentucky Board of Education.
- (8) ~~Beginning in the 2023-2024 school year,~~ If a student's rate of progress toward proficient performance in reading needs accelerated interventions as demonstrated by the results of an approved reading diagnostic assessment, the local school district shall provide:
- (a) Enrichment programs through grade three (3) using evidence-based reading instruction and other strategies;
  - (b) Intensive instructional services, progress monitoring measures, and supports to students through grade three (3); and
  - (c) Parents and legal guardians of students identified for accelerated interventions in reading in kindergarten through grade three (3) with a "Read at Home" plan, including information on how to participate in regular parent-guided home reading.
- (9) (a) ***Beginning in the 2025-2026 school year:***
- 1. ***A kindergarten student who had a reading improvement plan for the school year may remain in kindergarten for an additional school year if a school determines that the student:***
    - a. ***Did not meet grade level benchmarks in reading while in kindergarten as determined by the universal screener given in accordance with subsection (6) of this section;***
    - b. ***Did not master the Kentucky reading academic standards for kindergarten students based on assessments given in accordance with KRS 158.6453(8); or***
    - c. ***Is not properly prepared to be successful in the first grade; and***
  - 2. ***A first-grade student who had a reading improvement plan for the school year shall remain in first grade for an additional school year if a school determines that the student:***
    - a. ***Did not meet grade level benchmarks in reading while in first grade as determined by the universal screener given in accordance with subsection (6) of this section;***
    - b. ***Did not master the Kentucky reading academic standards for first grade students based on assessments given in accordance with KRS 158.6453(8); or***
    - c. ***Is not properly prepared to be successful in the second grade.***
- (b) ***Notwithstanding paragraph (a) of this subsection, placement decisions for students eligible for special education and related services shall be determined by the admissions and release committee in accordance with administrative regulations promulgated by the Kentucky Board of Education.***

- (c) *Notwithstanding paragraph (a) of this subsection, a student who remained in kindergarten under this subsection shall not subsequently be required to remain in first grade, and a student shall not be required to remain in first grade for more than one (1) additional year.*
  - (d) *The school shall reevaluate and make necessary changes to the reading improvement plan of any student remaining in kindergarten or first grade and shall continue to provide all programs and services required under subsection (8) of this section during the additional year of kindergarten or first grade.*
  - (e) *A student provided an additional year of kindergarten or first grade under this subsection may advance through the primary school program when it is determined by the school to be in the best educational interest of the student pursuant to KRS 158.031.*
- (10) ~~Beginning in the 2024-2025 school year,~~ If a student does not score in the proficient performance level or higher in reading, as defined in KRS 158.791(2), on the state annually required grade three (3) assessment, the local school district shall provide:
- (a) 1. Enrichment programs in grade four (4) using evidence-based reading instruction and other strategies; or
  - 2. Intensive instructional services, progress monitoring measures, and supports to students in grade four (4); and
  - (b) Written notification of the interventions and supports described in paragraph (a) of this subsection to the parent or legal guardian of the student, including a description of proposed interventions and supports to be provided.
- (11)~~(10)~~ By September 1, 2023, if funds are appropriated, the department shall establish required teacher academies or coaching models for teachers of students in prekindergarten through grade three (3). The teacher academies or coaching models shall be related to evidence-based practices in instruction, instructional materials, and assessment in reading.
- (12)~~(11)~~ 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 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 research and age-appropriate instructional tools that may be used for continuous progress of advanced learners.
- (13)~~(12)~~ The department shall encourage districts to utilize both state and federal funds as appropriate to implement a district-wide multitiered system of supports.
- (14)~~(13)~~ The department is encouraged to coordinate technical assistance and training on current best practice interventions with state postsecondary education institutions.
- (15)~~(14)~~ The department shall collaborate with the statewide reading research center established under KRS 164.0207, 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 interventions in reading, writing, mathematics, and behavior.

~~(16)(15)~~ 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.

**Veto Overridden March 27, 2025.**