

158.8402 Administrative regulations -- Multitiered system of supports for mathematics -- Implementation status report -- Technical assistance and training to local districts -- Requirements for superintendent of public charter school board of directors -- Mathematics diagnostic assessment -- Improvement plan and accelerated interventions -- Resources.

- (1) Notwithstanding any other statute or administrative regulation to the contrary, the Kentucky Board of Education shall promulgate administrative regulations in accordance with KRS Chapter 13A to define and establish a multitiered system of supports that shall include evidence-based mathematics instruction, intervention, and instructional strategies for district-wide use for students in kindergarten through grade three (3).
- (2) By November 1, 2027, and each year thereafter, the department shall submit the implementation status of the multitiered system of supports required pursuant to subsection (1) of this section for all school districts to the Legislative Research Commission for referral to the Interim Joint Committee on Education.
- (3) The department shall provide technical assistance and training to local districts 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 mathematics.
- (4) The technical assistance and training shall be designed to improve:
 - (a) The use of specific screening processes and diagnostic assessments to identify student strengths and needs;
 - (b) The use of universal screening and diagnostic data for implementing instruction and intervention, as needed;
 - (c) The use of valid and reliable evidence-based instructional strategies and interventions for mathematics education;
 - (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, 2026, each superintendent or public charter school board of directors shall select:
 1. At least one (1) universal screener for mathematics that is determined by the department to be valid and reliable to be administered to all students in kindergarten through grade three (3); and
 2. At least one (1) diagnostic assessment for mathematics 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) Each superintendent or public charter school board of directors shall adopt an evidence-based curriculum along with high-quality instructional resources for mathematics that is determined by the department to be reliable, valid, and aligned to Kentucky academic standards for mathematics required by KRS 158.6453 for kindergarten through grade three (3).

- (c) All teachers of students in kindergarten through grade three (3), including public charter school teachers, shall be trained on any mathematics universal screener and diagnostic assessment 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 mathematics universal screener and diagnostic assessment;
 - 2. How to interpret the results of the mathematics universal screener and 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 mathematics, including but not limited to daily, one-on-one instruction.
- (6) Beginning with the 2026-2027 school year, a universal screener determined by the department to be valid and reliable shall be given in the first thirty (30) calendar days of the school year to each student in kindergarten through grade three (3) at a public school or public charter school.
- (7) Those students determined to be at risk for not meeting grade-level benchmarks in mathematics for kindergarten through grade three (3) based on the universal screener shall be given a mathematics diagnostic assessment determined by the department to be valid and reliable to identify the individual student deficits in numeracy and other mathematical content and practices as listed in subsection (1) of this section in the first forty-five (45) calendar days of the school year.
- (8) A mathematics improvement plan shall be developed and implemented in the first sixty (60) calendar days of the school year by a mathematics improvement team for any student in kindergarten through grade three (3) identified as needing accelerated interventions to progress toward proficient performance in mathematics. The mathematics improvement plan shall require:
 - (a) Intensive intervention that includes effective instructional strategies and high-quality instructional resources necessary to help the student make accelerated progress toward proficient performance in mathematics 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 and most qualified to provide one-on-one instruction in numeracy; and
 - (b) Written quarterly progress reports provided by the school to a parent or guardian of any student subject to a mathematics improvement plan. The written quarterly progress report for the mathematics improvement plan may be included in the school's existing quarterly student progress report.
- (9) Beginning in the 2026-2027 school year, if a student's rate of progress toward proficient performance in mathematics needs accelerated interventions as

demonstrated by the results of an approved universal screener and mathematics diagnostic assessment, the local school district shall provide:

- (a) Enrichment programs using evidence-based mathematics instruction and other strategies;
 - (b) Intensive instructional services, progress monitoring measures, and supports; and
 - (c) Parents and legal guardians of students identified for accelerated interventions in mathematics with information on how to encourage mathematics success at home.
- (10) By September 1, 2025, if funds are available, the department shall establish teacher academies or coaching models for teachers of students in kindergarten through grade eight (8). The teacher academies or coaching models shall be related to evidence-based practices in instruction, instructional materials, and assessment in mathematics.
- (11) The department shall develop and maintain a web-based resource providing teachers access to:
- (a) Screening and diagnostic tools, universal screeners, screening processes, and diagnostic assessments;
 - (b) Evidence-based curriculum;
 - (c) High quality instructional resources; and
 - (d) General supports and lesson plans.
- (12) The department shall encourage districts to utilize both state and federal funds, as appropriate, to implement a district-wide multitiered system of supports, including high-quality mathematics instruction and instructional resources, evidence-based intervention strategies and materials, aligned curriculum-based professional learning, and ongoing, job-embedded coaching supports.
- (13) 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 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.

Effective: July 15, 2024

History: Created 2024 Ky. Acts ch. 222, sec. 4, effective July 15, 2024.

Legislative Research Commission Note (7/15/2024). 2024 Ky. Acts ch. 222, sec. 8, provides that the Act, which created this statute and KRS 158.8401, 158.843, and 164.3061 and amended KRS 158.791, 158.840, and 158.842, may be cited as the Kentucky Numeracy Counts Act.