

1 AN ACT relating to implementation of screening and interventions to improve  
2 student learning.

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

4 ➔Section 1. KRS 158.305 is amended to read as follows:

5 (1) As used in this section:

6 (a) "Aphasia" means a condition characterized by either partial or total loss of the  
7 ability to communicate verbally or through written words. A person with  
8 aphasia may have difficulty speaking, reading, writing, recognizing the names  
9 of objects, or understanding what other people have said. The condition may  
10 be temporary or permanent and does not include speech problems caused by  
11 loss of muscle control;

12 (b) "Dyscalculia" means the inability to understand the meaning of numbers, the  
13 basic operations of addition and subtraction, the complex operations of  
14 multiplication and division, or to apply math principles to solve practical or  
15 abstract problems;

16 (c) "Dysgraphia" means difficulty in automatically remembering and mastering  
17 the sequence of muscle motor movements needed to accurately write letters or  
18 numbers;

19 (d) "Dyslexia" means ***a distinct learning disability that is neurobiological in***  
20 ***origin. Dyslexia is characterized by difficulties with accurate or fluent word***  
21 ***recognition and by poor spelling and decoding abilities. These difficulties***  
22 ***typically result from a deficit in the phonological component of language***  
23 ***that is often unexpected in relation to other cognitive abilities and the***  
24 ***provision of effective classroom instruction. Secondary consequences may***  
25 ***include problems in reading comprehension and reduced reading***  
26 ***experience that can impede growth of vocabulary and background***  
27 ***knowledge***~~[ a language processing disorder that is neurological in origin,~~

1 impedes a person's ability to read, write, and spell, and is characterized by  
 2 difficulties with accuracy or fluency in word recognition and by poor spelling  
 3 and decoding abilities];

4 (e) "Phonemic awareness" means the ability to recognize that a spoken word  
 5 consists of a sequence of individual sounds and the ability to manipulate  
 6 individual sounds in speaking; ~~and~~

7 **(f) "Qualified screening tool" means a screening tool for dyslexia that**  
 8 **explicitly measures a student's ability to demonstrate phonological**  
 9 **awareness skills, phonemic decoding efficiency skills, sight word reading**  
 10 **efficiency skills, and accuracy of word reading on grade-level text; and**

11 ~~(g)~~ ~~(f)~~ "Scientifically based research" has the same meaning as in 20 U.S.C.  
 12 sec. 7801(37).

13 (2) Notwithstanding any other statute or administrative regulation to the contrary, the  
 14 Kentucky Board of Education shall promulgate administrative regulations for  
 15 district-wide use of a response-to-intervention system for students in kindergarten  
 16 through grade three (3), that includes a tiered continuum of interventions with  
 17 varying levels of intensity and duration and which connects general, compensatory,  
 18 and special education programs to provide interventions implemented with fidelity  
 19 to scientifically based research and matched to individual student strengths and  
 20 needs. **By December 31, 2017, evidence of implementation of a response-to-**  
 21 **intervention system addressing reading, writing, mathematics, and behavior** ~~At a~~  
 22 ~~minimum, evidence of implementation~~ shall be submitted by the district to the  
 23 department ~~for~~:

24 ~~(a) Reading and writing by August 1, 2013;~~

25 ~~(b) Mathematics by August 1, 2014; and~~

26 ~~(c) Behavior by August 1, 2015}.~~

27 (3) The Department of Education shall make available technical assistance and training

1 to assist all local school districts in the implementation of the district-wide,  
2 response-to-intervention system as a means to identify and assist any student  
3 experiencing difficulty in reading, writing, mathematics, or behavior.

4 (4) The technical assistance and training shall be designed to improve:

5 (a) The use of specific screening processes and programs to identify student  
6 strengths and needs;

7 (b) The use of screening data for designing instructional interventions;

8 (c) The use of multisensory instructional strategies and other interventions  
9 validated for effectiveness by scientifically based research;

10 (d) Progress monitoring of student performance; and

11 (e) Accelerated, intensive, direct instruction that addresses students' individual  
12 differences and enables them to catch up with typically performing peers.

13 (5) The department shall develop and maintain a Web-based resource providing  
14 teachers access to:

15 (a) Information on the use of specific screening processes and programs to  
16 identify student strengths and needs; and

17 (b) Current, scientifically based research and age-appropriate instructional tools  
18 that may be used for substantial, steady improvement in:

19 1. Reading when a student is experiencing difficulty with phonemic  
20 awareness, phonics, vocabulary, fluency, general reading  
21 comprehension, or reading in specific content areas, or is exhibiting  
22 characteristics of dyslexia, aphasia, or other reading difficulties;

23 2. Writing when a student is experiencing difficulty with consistently  
24 producing letters or numbers with accuracy or is exhibiting  
25 characteristics of dysgraphia;

26 3. Mathematics when a student is experiencing difficulty with basic math  
27 facts, calculations, or application through problem solving, or is

- 1 exhibiting characteristics of dyscalculia or other mathematical  
2 difficulties; or
- 3 4. Behavior when a student is exhibiting behaviors that interfere with his or  
4 her learning or the learning of other students.

5 **(6) By the 2018-2019 academic year, teacher preparation programs for elementary**  
6 **and secondary education shall include:**

7 **(a) The definition and characteristics of dyslexia and other disorders defined in**  
8 **subsection (1) of this section;**

9 **(b) Evidence-based interventions and accommodations for dyslexia and other**  
10 **disorders defined in subsection (1) of this section and related learning**  
11 **challenges; and**

12 **(c) Instruction on core elements of a response-to-intervention framework**  
13 **addressing reading, writing, mathematics, and behavior, including:**

14 **1. Universal screening;**

15 **2. Scientific, research-based interventions;**

16 **3. Progress monitoring of the effectiveness of interventions on student**  
17 **performance;**

18 **4. Data-based decision-making procedures related to:**

19 **a. Determining intervention effectiveness on student performance;**  
20 **and**

21 **b. Determining the need to continue, alter, or discontinue**  
22 **interventions or conduct further evaluation of student needs;**

23 **and**

24 **5. Application and implementation of response-to-intervention and**  
25 **dyslexia instructional practices in the classroom setting.**

26 **(7) (a) The department shall establish a list of approved qualified screening tools.**  
27 **A school district may submit to the department a screening tool for review.**

1           **If the screening tool meets the criteria for a qualified screening tool, it shall**  
2           **be included on the list.**

3           **(b) When, through the screening processes used in a school's response-to-**  
4           **intervention system, a student is identified as having known dyslexia**  
5           **characteristics, the school district shall provide additional screening for**  
6           **dyslexia using an approved qualified screening tool or shall refer the**  
7           **student for appropriate further testing in a timely manner.**

8           **(c) If the additional screening indicates that a student has characteristics of**  
9           **dyslexia, the school shall notify the student's parent or legal guardian and**  
10           **provide them with information and resource material regarding dyslexia.**

11       ~~(8)~~[(6)]    The department shall encourage districts to utilize both state and federal funds  
12           as appropriate to implement a district-wide system of interventions.

13       ~~(9)~~[(7)]    The department is encouraged to coordinate technical assistance and training  
14           on current best practice interventions with state postsecondary education  
15           institutions.

16       ~~(10)~~[(8)]   The department shall collaborate with the Kentucky Collaborative Center for  
17           Literacy Development, the Kentucky Center for Mathematics, the Kentucky Center  
18           for Instructional Discipline, the Education Professional Standards Board, the  
19           Council on Postsecondary Education, postsecondary teacher education programs,  
20           and other agencies and organizations as deemed appropriate to ensure that teachers  
21           are prepared to utilize scientifically based interventions in reading, writing,  
22           mathematics, and behavior.

23       ~~(11)~~[(9)]   In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to  
24           determine appropriate instructional strategies for curriculum implementation shall  
25           not be considered to be an evaluation for eligibility for special education and related  
26           services and nothing in this section shall limit a school district from completing an  
27           initial evaluation of a student suspected of having a disability.

- 1 **(12) The Kentucky Center for Education and Workforce Statistics, in collaboration**  
2 **with the department, shall report by November 30 of each year to the Interim**  
3 **Joint Committee on Education and the Interim Joint Committee on Health and**  
4 **Welfare on the implementation of school districts' response-to-intervention**  
5 **systems. The report shall include**~~[(10) By November 30, 2013, and annually~~  
6 ~~thereafter, the department shall provide a report to the Interim Joint Committee on~~  
7 ~~Education that includes]:~~
- 8 (a) Data on the number of **students identified for interventions in reading,**  
9 **writing, mathematics, and behavior, including the results of screenings**  
10 **used by the** school districts~~[implementing response to intervention systems~~  
11 ~~and scientifically based research practices in reading, writing, mathematics,~~  
12 ~~and behavior];~~
- 13 (b) Information on the types of scientifically based research interventions  
14 implemented; and
- 15 (c) Data on the effectiveness of interventions in improving student performance  
16 in Kentucky schools.