

1 AN ACT relating to dyslexia and response-to-interventions that improve student
2 learning.

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

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

8 WHEREAS, effective intervention is essential for struggling readers; and

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

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

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

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

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

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

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

24 NOW, THEREFORE,

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

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

1 (1) As used in this section:

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

11 (b) "Phonemic awareness" has the same meaning as in Section 2 of this Act;
12 and

13 (c) "Qualified dyslexia screening tool" means an assessment that measures a
14 student's ability to demonstrate phonological awareness skills, phonemic
15 decoding efficiency skills, sight word reading efficiency skills, rapid
16 automatic naming skills, and accuracy of word reading on grade-level text.

17 (2) By September 1, 2018, the Department of Education shall make available a
18 dyslexia toolkit that includes guidance, technical assistance, and training to assist
19 all local school districts in the implementation of evidence-based practices for
20 instructing students identified with or displaying characteristics of dyslexia.

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

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

26 (b) Characteristics of targeted instruction for dyslexia;

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

- 1 (d) Best practices toward meaning-centered reading and writing;
- 2 (e) Developmentally appropriate curricula and engaging instructional
- 3 materials and practices;
- 4 (f) Using structured multisensory approaches to teach language and reading
- 5 skills; and
- 6 (g) Suggested training programs.
- 7 (4) The department shall collaborate with the Kentucky Collaborative Center for
- 8 Literacy Development to improve and update professional development
- 9 opportunities for teachers specifically related to dyslexia. The training shall focus
- 10 on:
- 11 (a) Development and ongoing implementation of training and coaching for
- 12 teachers, including the definition and characteristics of all the disorders
- 13 defined in subsection (1) of Section 2 of this Act;
- 14 (b) Identifying high quality trainers to provide support to local districts utilizing
- 15 a coaching model to develop building level dyslexia experts;
- 16 (c) Developing awareness training modules for all instructional staff to include
- 17 information about characteristics of dyslexia;
- 18 (d) Evidence-based interventions, structured multisensory approaches to teach
- 19 language and reading skills, and accommodations for dyslexia and other
- 20 specific learning disabilities, not limited to those defined in subsection (1)
- 21 Section 2 of this Act; and
- 22 (e) School and district policies and procedures related to the response-to-
- 23 intervention framework addressing reading, writing, mathematics, and
- 24 behavior. Teachers shall be notified annually of any changes in policy,
- 25 procedures, and specific instructional methodologies.
- 26 (5) By January 1, 2019, each local board of education shall develop policies for
- 27 addressing the identification of and strategies for assisting students in

1 kindergarten through grade three (3) with dyslexia and other learning
2 disabilities, including but not limited to those defined in subsection (1) of Section
3 2 of this Act.

4 (6) The local board policies shall include but not be limited to:

5 (a) The definition and characteristics of dyslexia and other learning
6 disabilities, including but not limited to those defined in subsection (1) of
7 Section 2 of this Act;

8 (b) The process for screening students identified as having displayed dyslexic
9 characteristics of dyslexia or referred for further screening in collaboration
10 with the districts response-to-intervention programs as described in Section
11 2 of this Act;

12 (c) A process for the utilization of screening tools or diagnostics to accurately
13 identify students who are displaying characteristics of dyslexia
14 characteristics. Any qualified dyslexia screening tool utilized by a local
15 district shall address the following components:

16 1. Phonological awareness and phonemic awareness;

17 2. Sound symbol recognition;

18 3. Alphabet knowledge;

19 4. Decoding skills;

20 5. Encoding skills; and

21 6. Rapid naming;

22 (d) A process by which a qualified dyslexia screening tool shall be administered
23 and evaluated by trained district personnel or licensed professionals in
24 administering the qualified screening tool;

25 (e) A process for parents to provide informed consent for use of a qualified
26 dyslexia screening tool and notification of the results of the screening. If the
27 student is identified as having dyslexia, the school shall provide the parent

1 with information and resource material regarding dyslexia and how the
2 student's learning disability will be addressed by the school;

3 (f) Identification of evidence-based interventions, structured multisensory
4 approaches to teach language and reading skills, and accommodations that
5 schools may utilize to provide services to students identified as having
6 dyslexia; and

7 (g) A process for monitoring a student's progress after the positive
8 identification, including assessments to ascertain whether the intervention
9 services improve the student's language processing and reading skills.

10 (7) By June 30 of each year local school districts shall provide the department the
11 following data:

12 (a) The number of students in kindergarten through grade three (3) that were
13 identified through response to intervention as displaying characteristics of
14 dyslexia;

15 (b) The number of students in kindergarten through grade three (3) that were
16 screened for dyslexia in a school year;

17 (c) The number of students in kindergarten through grade three (3) that were
18 newly identified with dyslexia in a school year;

19 (d) The qualified dyslexia screening tool used to identify students;

20 (e) The process or tool used to evaluate student progress;

21 (f) The number of students in kindergarten through grade three (3) that were
22 participating in interventions within the school setting and the number
23 participating in interventions outside the school setting; and

24 (g) The number of trained district personnel or licensed professionals used to
25 administer the qualified dyslexia screening tool.

26 (8) By the 2019-2020 academic year, postsecondary institutions offering teacher
27 preparation programs for elementary and secondary education shall include

1 instruction on:

2 (a) The definition and characteristics of dyslexia and other disorders defined in
3 subsection (1) of Section 2 of this Act;

4 (b) Evidence-based interventions and accommodations for dyslexia and other
5 disorders defined in subsection (1) of Section 2 of this Act and related
6 learning challenges; and

7 (c) Core elements of a response-to-intervention framework addressing reading,
8 writing, mathematics, and behavior, including:

9 1. Universal screening;

10 2. Scientific, research-based interventions;

11 3. Progress monitoring of the effectiveness of interventions on student
12 performance;

13 4. Data-based decision-making procedures related to:

14 a. Determining intervention effectiveness on student performance;
15 and

16 b. Determining the need to continue, alter, or discontinue
17 interventions or conduct further evaluation of student needs;
18 and

19 5. Application and implementation of response-to-intervention and
20 dyslexia instructional practices in the classroom setting.

21 (9) (a) By July 1, 2018, the commissioner of education shall select three (3) school
22 districts to serve as dynamic laboratories of learning, one (1) of which shall
23 be located in an urban setting, one (1) of which shall be located in a
24 suburban setting, and one (1) of which shall be located in a rural setting.
25 The commissioner may consult with recognized organizations that
26 specialize in structured literacy programs for the instruction of students
27 with characteristics of dyslexia in establishing and operating the dynamic

1 laboratories of learning program.

2 (b) The districts identified as having dynamic laboratories of learning
3 programs shall demonstrate and evaluate the effectiveness of early reading
4 assistance programs for children with risk factors for dyslexia. Dynamic
5 laboratories of learning programs shall serve as a resource for ongoing and
6 updated methodology for serving students with characteristics of dyslexia.

7 (c) The department shall establish guidelines and procedures for the dynamic
8 laboratories of learning.

9 (d) To be considered by the commissioner for a dynamic laboratory of learning,
10 a school district shall submit a proposal to the department that:

11 1. Identifies a method of screening children for low phonemic awareness
12 and characteristics of dyslexia;

13 2. Provides for the enrollment of children identified as having risk
14 factors for dyslexia in a reading program staffed by teachers trained in
15 structured literacy programs; and

16 3. Includes a methodology for evaluating the effects of the reading
17 program on the children's identified characteristics.

18 (e) As a dynamic laboratory of learning, each participating school district,
19 through early childhood reading instruction and reading assistance
20 programs, shall screen children kindergarten through grade three (3) who
21 are displaying characteristics of dyslexia, provide appropriate reading
22 intervention services for those children, and administer assessments to
23 ascertain whether the intervention services improve those students'
24 language processing and reading skills.

25 (f) The district shall comply with all applicable state and federal laws and
26 require the parent or guardian to indicate in writing that the parent or
27 guardian voluntarily and knowingly consents to the child's participation in

1 the dynamic laboratory of learning for the provision of reading intervention
 2 services. Each district shall provide to the parents of children suspected of
 3 having dyslexia information about the learning disability and recommended
 4 interventions.

5 (g) Each participating school district shall report to the department data about
 6 the operation and results of the dynamic laboratory of learning, as required
 7 by the department's guidelines and procedures.

8 (h) Not later than the first day of December of the third school year in which
 9 the dynamic laboratory of learning is operating and every year thereafter,
 10 the commissioner shall submit a report to the Interim Joint Committee on
 11 Education and the Interim Joint Committee on Health and Welfare and
 12 Family Services that contains the superintendent's evaluation of the results
 13 of the dynamic laboratories of learning and any legislative
 14 recommendations regarding the identification of and interventions for
 15 students with dyslexic characteristics of dyslexia.

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

17 (1) As used in this section:

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

24 (b) "Dyscalculia" means the inability to understand the meaning of numbers, the
 25 basic operations of addition and subtraction, the complex operations of
 26 multiplication and division, or to apply math principles to solve practical or
 27 abstract problems;

- 1 (c) "Dysgraphia" means difficulty in automatically remembering and mastering
 2 the sequence of muscle motor movements needed to accurately write letters or
 3 numbers;
- 4 (d) "Dyslexia" has the same meaning as in Section 1 of this Act~~[means a~~
 5 ~~language processing disorder that is neurological in origin, impedes a person's~~
 6 ~~ability to read, write, and spell, and is characterized by difficulties with~~
 7 ~~accuracy or fluency in word recognition and by poor spelling and decoding~~
 8 ~~abilities];~~
- 9 (e) "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; and
- 12 (f) "Scientifically based research" has the same meaning as in 20 U.S.C. sec.
 13 7801(37).
- 14 (2) Notwithstanding any other statute or administrative regulation to the contrary, the
 15 Kentucky Board of Education shall promulgate administrative regulations for
 16 district-wide use of a response-to-intervention system for students in kindergarten
 17 through grade three (3), that includes a tiered continuum of interventions with
 18 varying levels of intensity and duration and which connects general, compensatory,
 19 and special education programs to provide interventions implemented with fidelity
 20 to scientifically based research and matched to individual student strengths and
 21 needs. At a minimum, evidence of implementation shall be submitted by local
 22 districts~~[the district]~~ to the Department of Education for:
- 23 (a) Reading and writing by August 1, 2013;
- 24 (b) Mathematics by August 1, 2014; and
- 25 (c) Behavior by August 1, 2015.
- 26 (3) The Department of Education shall provide technical assistance and training, if
 27 requested by a local district, to assist in the implementation of the district-wide,

1 response-to-intervention system as a means to identify and assist any student
2 experiencing difficulty in reading, writing, mathematics, or behavior and to
3 determine appropriate instructional modifications needed by advanced learners to
4 make continuous progress.

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

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

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

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

11 (d) Progress monitoring of student performance; and

12 (e) Accelerated, intensive, direct instruction that addresses students' individual
13 differences, including advanced learners, and enables students that are
14 experiencing difficulty to catch up with typically performing peers.

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

17 (a) Information on the use of specific screening processes and programs to
18 identify student strengths and needs, including those for advanced learners;

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

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

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

- 1 3. Mathematics when a student is experiencing difficulty with basic math
2 facts, calculations, or application through problem solving, or is
3 exhibiting characteristics of dyscalculia or other mathematical
4 difficulties; or
- 5 4. Behavior when a student is exhibiting behaviors that interfere with his or
6 her learning or the learning of other students; and
- 7 (c) Current, scientifically based research and age-appropriate instructional tools
8 that may be used for continuous progress of advanced learners.
- 9 (6) The department shall encourage districts to utilize both state and federal funds as
10 appropriate to implement a district-wide system of interventions.
- 11 (7) The department is encouraged to coordinate technical assistance and training on
12 current best practice interventions with state postsecondary education institutions.
- 13 (8) The department shall collaborate with the Kentucky Collaborative Center for
14 Literacy Development, the Kentucky Center for Mathematics, the Kentucky Center
15 for Instructional Discipline, the Education Professional Standards Board, the
16 Council on Postsecondary Education, postsecondary teacher education programs,
17 and other agencies and organizations as deemed appropriate to ensure that teachers
18 are prepared to utilize scientifically based interventions in reading, writing,
19 mathematics, and behavior.
- 20 (9) In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to
21 determine appropriate instructional strategies for curriculum implementation shall
22 not be considered to be an evaluation for eligibility for special education and related
23 services and nothing in this section shall limit a school district from completing an
24 initial evaluation of a student suspected of having a disability.
- 25 (10) **By September 1, 2018, each local board of education shall develop a policy**
26 **related to the implementation of a response-to-intervention system as described in**
27 **subsection (2) of this section.**

1 **(11) The department, in collaboration with the Kentucky Center for Education and**
 2 **Workforce Statistics, 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**~~[By November 30, 2013, and annually thereafter,~~

6 ~~the department shall provide a report to the Interim Joint Committee on Education~~
 7 ~~that includes]:~~

8 (a) ~~[Data on the number of school districts implementing response to intervention~~
 9 ~~systems and scientifically based research practices in reading, writing,~~
 10 ~~mathematics, and behavior;~~

11 ~~(b) Information]~~ **Survey data** on the types of scientifically based research
 12 interventions **being** implemented **by districts in reading, writing,**
 13 **mathematics, and behavior in kindergarten through grade three (3);**~~[and]~~

14 ~~(b)(c)]~~ **The latest data on the effectiveness of training initiatives conducted by**
 15 **school districts in improving performance in kindergarten through grade**
 16 **three (3); and**~~[Data on the effectiveness of interventions in improving student~~
 17 ~~performance in Kentucky schools.]~~

18 **(c) The effectiveness of interventions on improving student performance.**

19 ➔Section 3. This Act shall be known and may be cited as the Ready to Read Act.