

1 AN ACT relating to early literacy education and making an appropriation therefor.

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

3 ➔Section 1. KRS 158.791 is amended to read as follows:

4 (1) The General Assembly hereby finds that reading proficiency is a gateway skill
5 necessary for all of Kentucky students to achieve the academic goals established in
6 KRS 158.6451. It is Kentucky's goal that all children learn to read well before
7 exiting the primary program and that all middle and high school students have the
8 skills necessary to read complex materials in specific core subjects and comprehend
9 and constructively apply the information.

10 (2) It is the intent of the General Assembly that:

11 (a) Every elementary school:

12 1. Provide~~[-a]~~ comprehensive schoolwide reading ***instruction aligned to***
13 ***reading and writing standards required by KRS 158.6453 and outlined***
14 ***in administrative regulation as promulgated by the Kentucky Board of***
15 ***Education***~~[program];~~

16 2. Provide ***a multi-tiered system of supports, as defined under and***
17 ***required by Section 2 of this Act, to support and engage all students in***
18 ***learning***~~[diagnostic reading assessments and intervention services for~~
19 ~~those students who need them to learn]~~ to read at the proficient level,
20 ***meaning a level that reflects developmentally appropriate grade-level***
21 ***performance, by the end of grade three (3);***

22 3. Ensure quality instruction by highly trained teachers ***and intervention by***
23 ***individuals most qualified to provide the intervention;*** and

24 4. Provide high quality library media programs;

25 (b) Every middle and high school:

26 1. Provide direct, explicit instruction to students lacking skills in how to
27 read, learn, and analyze information in key subjects, including language,

1 reading, English, mathematics, science, social studies, arts and
 2 humanities, practical living skills, and career studies; and

3 2. Ensure that teachers have the skills to help all students develop critical
 4 strategies and skills for subject-based reading;

5 (c) The Kentucky Department of Education provide technical assistance to local
 6 school districts in the identification of professional development activities,
 7 including teaching strategies to help teachers in each subject area to:

8 1. Implement evidence-based reading, intervention, and instructional
 9 strategies that emphasize phonemic awareness, phonics, fluency,
 10 vocabulary, comprehension, and connections between reading and
 11 writing acquisition, and motivation to read to address the diverse
 12 needs of students;

13 2. Identify and teach the skills that students need to comprehend the
 14 concepts and content of each subject area; and

15 3.~~2.~~ Use activities and materials that will help the students comprehend and
 16 constructively apply information based on the unique content of each
 17 subject area;~~and~~

18 (d) The Education Professional Standards Board review and revise when deemed
 19 necessary the teacher certification and licensure requirements to ensure that all
 20 teachers, regardless of the subject area taught, are prepared to improve
 21 students' subject reading skills; and

22 (e) The department shall collaborate with the Department for Libraries and
 23 Archives, the Governor's Office of Early Childhood, and Kentucky
 24 Educational Television to establish and maintain a partnership to support
 25 the use of high quality, evidence-based year-round programming, materials,
 26 and activities for elementary-aged children in the areas of reading.

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

1 (1) As used in this section:

2 (a) **"Accelerated learning" has the same meaning as in KRS 158.6453;**

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

9 **(c) "Comprehensive reading program" has the same meaning as in Section 5**
10 **of this Act;**

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

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

18 **(f)**~~(d)~~ "Dyslexia" has the same meaning as in KRS 158.307;

19 **(g) "Enrichment program" means accelerated intervention within the school**
20 **day or outside of the school day or school calendar led by individuals most**
21 **qualified to provide the intervention that includes evidence-based reading**
22 **instructional programming related to reading instruction in the areas of**
23 **phonemic awareness, phonics, fluency, vocabulary, and comprehension,**
24 **and other instructional strategies aligned to reading and writing standards**
25 **required by KRS 158.6453 and outlined in administrative regulation as**
26 **promulgated by the Kentucky Board of Education;**

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

- 1 (i) "Formative assessment" has the same meaning as in KRS 158.6453;
- 2 ~~(j)(e)~~ "Phonemic awareness" has the same meaning as in KRS 158.307;~~and~~
- 3 (k) "Reading diagnostic assessment" has the same meaning as in Section 4 of
- 4 this Act;
- 5 (l) "Reading improvement plan" means an accelerated intervention plan for a
- 6 student in kindergarten through grade four (4) that is developed to increase
- 7 a student's rate of progress toward proficient performance in reading that is
- 8 identified as necessary based on the student's results on an approved
- 9 reading diagnostic assessment. This plan should be developed in
- 10 collaboration and accordance with any existing Program Services Plan,
- 11 Individualized Education Program, or 504 Plan unless the Program
- 12 Services Plan, Individualized Education Program, or 504 Plan already
- 13 addresses improving reading;
- 14 (m) "Reading improvement team" means a team that develops and oversees the
- 15 progress of a reading improvement plan and includes:
- 16 1. The parent or guardian of the student that is the subject of the reading
- 17 improvement plan;
- 18 2. No less than one (1) regular education teacher of the student to
- 19 provide information about the general curriculum for same-aged
- 20 peers;
- 21 3. A representative of the local education agency who is knowledgeable
- 22 about the reading curriculum and the availability of the evidence-
- 23 based literacy resources of the local education agency; and
- 24 4. Any specialized certified school employees for students receiving
- 25 language instruction educational programming or special education
- 26 services; and
- 27 (n) "Universal screener" means a process of providing a brief assessment to all

1 *students within a grade level to assess the students' performance on the*
 2 *essential components of reading*]

3 (f) ~~—"Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21)].~~

4 (2) Notwithstanding any other statute or administrative regulation to the contrary, the
 5 Kentucky Board of Education shall promulgate administrative regulations *to further*
 6 *define a multi-tiered system of supports* for district-wide use of a ~~response-to-~~
 7 ~~intervention]~~ system for students in kindergarten through grade three (3), that
 8 includes a tiered continuum of interventions with varying levels of intensity and
 9 duration and which connects general, compensatory, and special education
 10 programs to provide interventions implemented with fidelity to evidence-based
 11 research and matched to individual student strengths and needs. At a minimum,
 12 evidence of implementation shall be submitted by the district to the department *by*
 13 *October 1 of each year and shall include but not be limited to the activities*
 14 *required under KRS 158.649* ~~for:~~

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

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

17 (c) ~~Behavior by August 1, 2015].~~

18 (3) The Department of Education shall provide technical assistance and training, if
 19 requested by a local district, to assist in the implementation of the district-wide,
 20 *multi-tiered system of supports* ~~response-to-intervention-system]~~ as a means to
 21 identify and assist any student experiencing difficulty in reading, writing,
 22 mathematics, or behavior and to determine appropriate instructional modifications
 23 needed by advanced learners to make continuous progress.

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

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

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

- 1 (c) The use of multisensory instructional strategies and other interventions
2 validated for effectiveness by evidence-based research;
- 3 (d) Progress monitoring of student performance; and
- 4 (e) Accelerated, intensive, direct instruction that addresses students' individual
5 differences, including advanced learners, and enables students that are
6 experiencing difficulty to catch up with typically performing peers.

7 **(5) (a) By January 1, 2022, each local school board or public charter school board**
8 **of directors shall adopt:**

9 **1. At least one (1) universal screener for reading that is determined by**
10 **the department to be reliable and valid to be administered to all**
11 **students in kindergarten through grade three (3); and**

12 **2. At least one (1) reading diagnostic assessment for reading that is**
13 **determined by the department to be reliable and valid to be**
14 **administered as part of a multi-tiered system of supports for students**
15 **in kindergarten through grade three (3).**

16 **(b) Notwithstanding KRS 158.6453(19) and 160.345, each local school board or**
17 **public charter school board may adopt a common comprehensive reading**
18 **program that is determined by the department to be reliable, valid, and**
19 **aligned to reading and writing standards required by KRS 158.6453 and**
20 **outlined in administrative regulation as promulgated by the Kentucky**
21 **Board of Education for kindergarten through grade three (3) for all schools**
22 **or a subset of schools.**

23 **(c) All teachers for students in kindergarten through grade three (3), including**
24 **public charter school teachers, shall be trained on any reading diagnostic**
25 **assessment and universal screener adopted by the local board or public**
26 **charter school board prior to administration of the assessment. The training**
27 **shall address:**

- 1 1. How to properly administer the reading diagnostic assessment;
- 2 2. How to interpret the results of the reading diagnostic assessment to
- 3 identify students needing interventions;
- 4 3. How to use the assessment results to design instruction and
- 5 interventions;
- 6 4. The use the assessment to monitor the progress of student
- 7 performance; and
- 8 5. The use of accelerated, intensive, and direct instruction that addresses
- 9 students' individual differences and enables students to achieve
- 10 proficiency in reading, including but not limited to daily, one-on-one
- 11 instruction.
- 12 (6) Beginning with the 2022-2023 school year, a universal screener approved by the
- 13 Department of Education shall be:
- 14 (a) Given in the first forty-five (45) days of the school year for all kindergarten
- 15 students at a public school or public charter school; and
- 16 (b) Given in the first thirty (30) days of the school year for grades one (1)
- 17 through three (3) at a public school or public charter school.
- 18 (7) A reading improvement plan shall be developed and implemented by a reading
- 19 improvement team for any student in kindergarten through grade three (3)
- 20 identified as needing accelerated interventions to progress toward proficient
- 21 performance in reading. The reading improvement plan shall require:
- 22 (a) Intensive intervention that includes effective instructional strategies and
- 23 appropriate instructional materials necessary to help the student make
- 24 accelerated progress toward proficient performance in reading and become
- 25 ready for the next grade, including but not limited to daily, one-on-one
- 26 instruction with students the most in need provided by certified teachers
- 27 specifically trained to provide one-on-one instruction;

- 1 (b) A school to provide a written quarterly progress report containing the
2 information required by paragraph (a) of this subsection to a parent or
3 guardian of any student subject to a reading improvement plan. The written
4 quarterly progress report for the reading improvement plan may be included
5 in the school's existing quarterly progress report; and
- 6 (c) Individual placement decisions for children who are eligible for special
7 education and related services to be determined by the appropriate
8 admissions and release committee in accordance with administrative
9 regulations promulgated by the Kentucky Board of Education.
- 10 (8) Beginning in the 2022-2023 school year, if a student's rate of progress toward
11 proficient performance in reading needs accelerated interventions as
12 demonstrated by the results of an approved reading diagnostic assessment, the
13 local school district shall provide:
- 14 (a) Enrichment programs through grade three (3) using evidence-based
15 reading instruction and other strategies;
- 16 (b) Intensive instructional services, progress monitoring measures, and
17 supports to students through grade three (3); and
- 18 (c) Parents and legal guardians of students identified for accelerated
19 interventions in reading in kindergarten through grade three (3) with a
20 "Read at Home" plan, including information on how to participate in
21 regular parent-guided home reading.
- 22 (9) Beginning in the 2023-2024 school year, if a student does not score in the
23 proficient performance level or higher in reading, as defined in subsection (2) of
24 Section 1 of this Act, on the state annually required grade three (3) assessment,
25 the local school district shall provide:
- 26 (a) 1. Enrichment programs in grade four (4) using evidence-based reading
27 instruction and other strategies; or

1 2. Intensive instructional services, progress monitoring measures, and
 2 supports to students in grade four (4); and

3 (b) Written notification of the interventions and supports described in
 4 paragraph (a) of this subsection to the parent or legal guardian of the
 5 student, including a description of proposed interventions and supports to
 6 be provided.

7 (10) By September 1, 2022, if funds are appropriated, the department shall establish
 8 required teacher academies or coaching models for teachers of students in pre-
 9 kindergarten through grade three (3). The teacher academies or coaching models
 10 shall be related to evidence-based practices in instruction, instructional materials,
 11 and assessment in reading.

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

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

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

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

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

25 3. Mathematics when a student is experiencing difficulty with basic math
 26 facts, calculations, or application through problem solving, or is
 27 exhibiting characteristics of dyscalculia or other mathematical

1 difficulties; or

2 4. Behavior when a student is exhibiting behaviors that interfere with his or
3 her learning or the learning of other students; and

4 (c) Current, evidence-based research and age-appropriate instructional tools that
5 may be used for continuous progress of advanced learners.

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

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

12 ~~(14)~~~~(8)~~ The department shall collaborate with the Kentucky Collaborative Center for
13 Literacy Development, the Kentucky Center for Mathematics, the Kentucky Center
14 for Instructional Discipline, the Education Professional Standards Board, the
15 Council on Postsecondary Education, postsecondary teacher education programs,
16 and other agencies and organizations as deemed appropriate to ensure that teachers
17 are prepared to utilize evidence-based interventions in reading, writing,
18 mathematics, and behavior.

19 ~~(15)~~~~(9)~~ In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to
20 determine appropriate instructional strategies for curriculum implementation shall
21 not be considered to be an evaluation for eligibility for special education and related
22 services and nothing in this section shall limit a school district from completing an
23 initial evaluation of a student suspected of having a disability.

24 ~~[(10) By November 30, 2013, and annually thereafter, the department shall provide a~~
25 ~~report to the Interim Joint Committee on Education that includes survey data on the~~
26 ~~types of evidence-based research interventions being implemented by districts in~~
27 ~~reading, writing, mathematics, and behavior in kindergarten through grade three~~

1 ~~(3).~~

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

4 (1) Beginning in the 2021-2022 school year, postsecondary institutions offering
5 teacher preparation programs for interdisciplinary early childhood education or
6 elementary regular education shall include evidence-based reading instructional
7 programming related to reading instruction in the areas of phonemic awareness,
8 phonics, fluency, vocabulary, and comprehension and on:

9 (a) The administration of specific assessment processes and programs used to
10 identify student strengths and needs and that are approved by the
11 Department of Education in accordance with subsection (4) of Section 2 of
12 this Act;

13 (b) The use of assessment data for designing instruction and interventions;

14 (c) Progress monitoring of student performance; and

15 (d) Instructional strategies that address students' individual differences.

16 (2) By January 1, 2023, the Education Professional Standards Board shall develop
17 and maintain a list of approved teacher preparation tests that are determined by
18 the board to be an effective evaluation of reading instruction knowledge and
19 skills.

20 (3) Beginning in the 2023-2024 school year, all new teachers seeking certification in
21 Interdisciplinary Early Childhood Education or Elementary School shall
22 successfully pass an approved teacher preparation test that includes an
23 evaluation of reading instruction knowledge and skills.

24 (4) The Education Professional Standards Board shall report program data to an
25 external evaluator for analysis of postsecondary teacher preparation programs
26 for interdisciplinary early childhood education or elementary regular education
27 for the goal of increasing the success of new teacher candidates in demonstrating

1 *reading instruction knowledge and skills.*

2 ➔Section 4. KRS 158.840 is amended to read as follows:

3 (1) The General Assembly hereby finds that reading and mathematics proficiency are
4 gateway skills necessary for all Kentucky students to achieve the academic goals
5 established in KRS 158.6451. It is the General Assembly's intent that:

6 (a) All students in the primary program having difficulty in reading and
7 mathematics receive early diagnosis and intervention services from highly
8 trained teachers;

9 (b) All students demonstrate proficiency in reading and mathematics as they
10 progress through the relevant curricula and complete each assessment level
11 required by the Kentucky Board of Education for the state assessment program
12 established under KRS 158.6453 and in compliance with the requirements of
13 the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its
14 successor; and

15 (c) Students who are struggling in reading and mathematics or are not at the
16 proficient level on statewide assessments be provided research-based and
17 developmentally appropriate diagnostic and intervention services, and
18 instructional modifications necessary to learn.

19 The General Assembly, the Kentucky Board of Education, the Kentucky
20 Department of Education, the Council on Postsecondary Education, colleges and
21 universities, local boards of education, school administrators, school councils,
22 teachers, parents, and other educational entities, such as the Education Professional
23 Standards Board, P-16 councils, the Collaborative Center for Literacy Development,
24 and the Center for Middle School Achievement must collaborate if the intentions
25 specified in this subsection are to be met. Intensive focus on student achievement in
26 reading and mathematics does not negate the responsibility of any entity to help
27 students obtain proficiency in other core curriculum content areas.

- 1 (2) The General Assembly's role is to set policies that address the achievement levels of
2 all students and provide resources for the professional growth of teachers and
3 administrators, assessing students' academic achievement, including diagnostic
4 assessment and instructional interventions, technology innovations, targeted reading
5 and mathematics statewide initiatives, research and the distribution of research
6 findings, services for students beyond the regular school day, and other services
7 needed to help struggling learners.
- 8 (3) The Kentucky Board of Education shall regularly review and modify, when
9 appropriate, its statewide assessment policies and practices to enable local school
10 districts and schools to carry out the provisions of the statewide assessment and
11 accountability system, required under KRS 158.6453 to improve student
12 achievement in mathematics and reading.
- 13 (4) The Kentucky Department of Education shall:
- 14 (a) Provide assistance to schools and teachers, including publicizing professional
15 development opportunities, methods of measuring effective professional
16 development, the availability of high quality instructional materials, and
17 developmentally appropriate screening and diagnostic assessments of student
18 competency in mathematics and reading. The department shall provide access
19 to samples of units of study, annotated student work, diagnostic instruments,
20 and research findings, and give guidance on parental engagement;
- 21 (b) Work with state and national educators and subject-matter experts to identify
22 student reading skills in each subject area that align with the state content
23 standards adopted under KRS 158.6453 and identify teaching strategies in
24 each subject area that can be used explicitly to develop the identified reading
25 skills under this paragraph;
- 26 (c) Encourage the development of comprehensive middle and high school
27 adolescent reading plans to be incorporated into the curricula of each subject

- 1 area to improve the reading comprehension of all students;
- 2 (d) Conduct an annual review of the state grant programs it manages and make
3 recommendations, when needed, to the Interim Joint Committee on Education
4 for changes to statutory requirements that are necessary to gain a greater return
5 on investment;
- 6 (e) Provide administrative support and oversight to programs to train classroom
7 coaches and mentors to help teachers with reading and mathematics
8 instruction; and
- 9 (f) Require no reporting of instructional plans, formative assessment results, staff
10 effectiveness processes, or interventions implemented in the classroom,
11 except for:
- 12 1. Interventions implemented under KRS 158.305(2);
 - 13 2. Funds provided under KRS 158.792 or 158.844; or
 - 14 3. Schools that are identified for comprehensive support and improvement
15 and fail to exit comprehensive support and improvement status after
16 three (3) consecutive years of implementing the turnaround intervention
17 process as described in KRS 160.346.
- 18 (5) The Council on Postsecondary Education, in cooperation with the Education
19 Professional Standards Board, shall exercise its duties and functions under KRS
20 164.020 to ensure that teacher education programs are fulfilling the needs of
21 Kentucky for highly skilled teachers. The council shall:
- 22 (a) Coordinate the federal and state grant programs it administers with other
23 statewide initiatives relating to improving student achievement in reading and
24 mathematics to avoid duplication of effort and to make efficient use of
25 resources; ~~and~~
- 26 (b) *Submit a report to the Interim Joint onee on Education no later than*
27 *November 1 of each year summarizing the compliance of each teacher*

1 preparation program for interdisciplinary early childhood education or
2 elementary regular education to the instructional requirements set forth in
3 subsection (1) of Section 3 of this Act; and
4 (c) Regularly report program data to an external evaluator for an analysis of
5 the progress of teacher preparation programs for interdisciplinary early
6 childhood education and elementary regular education to increase the
7 success of new teacher candidates in demonstrating reading instruction
8 knowledge and skills.

9 (6) The Education Professional Standards Board shall exercise its duties and
10 responsibilities under KRS 161.030 and 161.048 to ensure highly qualified teachers.

11 (7) Colleges and universities shall:

12 (a) Utilize institution-wide resources to work with elementary and secondary
13 educators and other entities to align curriculum content to ensure that students
14 who achieve proficiency on standards established at the prekindergarten
15 through secondary levels will require no remediation to successfully enter a
16 postsecondary education program;

17 (b) Provide quality undergraduate teacher preparation programs to ensure that
18 those preparing to teach reading or mathematics at all grade levels have the
19 necessary content knowledge, assessment and diagnostic skills, and teaching
20 methodologies and that teachers in all subject areas have the requisite skills
21 for helping students at all grade levels develop critical strategies and skills for
22 reading and comprehending subject matter;

23 (c) Deliver appropriate continuing education for teachers in reading and
24 mathematics through institutes, graduate level courses, and other professional
25 development activities that support a statewide agenda for improving student
26 achievement in reading and mathematics;

27 (d) Conduct or assist with research on best practices in assessment, intervention

- 1 strategies, teaching methodologies, costs and effectiveness of instructional
 2 models, and other factors as appropriate to reading and mathematics;
- 3 (e) Provide staff to consult and provide technical assistance to teachers, staff, and
 4 administrators at elementary, middle, and secondary school sites;
- 5 (f) Assume active roles in the statewide initiatives referenced in KRS 156.553
 6 and 158.842; and
- 7 (g) Develop written procedures for measuring the effectiveness of activities
 8 outlined in paragraphs (a) to (e) of this subsection.
- 9 (8) School councils at all school levels are encouraged to identify and allocate resources
 10 to qualified teachers to become coaches or mentors in mathematics or coaches or
 11 mentors in reading with a focus on improving student achievement in their
 12 respective schools.
- 13 (9) Local school boards and superintendents shall provide local resources, whenever
 14 possible, to supplement or match state and federal resources to support teachers,
 15 school administrators, and school councils in helping students achieve proficiency
 16 in reading and mathematics.
- 17 (10) Local school superintendents shall provide leadership and resources to the
 18 principals of all schools to facilitate curriculum alignment, communications, and
 19 technical support among schools to ensure that students are academically prepared
 20 to move to the next level of schooling.

21 ➔Section 5. KRS 158.792 is amended to read as follows:

- 22 (1) As used in this section and KRS 164.0207, unless the context requires otherwise:
- 23 (a) "Comprehensive reading program" means *any print, nonprint, or electronic*
 24 *medium of reading instruction designed to assist students. For students in*
 25 *kindergarten through grade three (3),^[a] program instructional resources*
 26 *shall include instruction in five (5) key areas*~~[that emphasizes the essential~~
 27 ~~components of reading]: phonemic awareness, phonics, fluency, vocabulary,~~

1 and comprehension; ~~and connections between writing and reading~~
2 ~~acquisition and motivation to read.~~

3 (b) "Reading diagnostic assessment" means an assessment that measures a
4 student's skills against established performance levels in essential
5 components of reading and identifies students that require intervention in
6 at least one (1) of those components to accelerate the student's progress
7 toward proficient performance in reading; ~~means an assessment that~~
8 ~~identifies a struggling reader and measures the reader's skills against~~
9 ~~established performance levels in the essential components of reading. The~~
10 ~~purpose is to screen for areas that require intervention in order for the student~~
11 ~~to learn to read proficiently.~~

12 (c) "Reading intervention program" means short-term intensive instruction in the
13 essential skills necessary to read proficiently that is provided to a student by a
14 highly trained teacher. This instruction may be conducted one-on-one or in
15 small groups; shall be evidence ~~research~~-based, reliable, and replicable; and
16 shall be based on the ongoing assessment of individual student needs; and ~~.~~

17 (d) "Reliable, replicable evidence ~~research~~" means objective, valid, scientific
18 studies that:

- 19 1. Include rigorously defined samples of subjects that are sufficiently large
20 and representative to support the general conclusions drawn;
- 21 2. Rely on measurements that meet established standards of reliability and
22 validity;
- 23 3. Test competing theories, where multiple theories exist;
- 24 4. Are subjected to peer review before their results are published; and
- 25 5. Discover effective strategies for improving reading skills.

26 (2) (a) The reading diagnostic and intervention fund is created to help teachers and
27 library media specialists improve the reading skills of struggling readers in the

1 primary program. Prior to the 2022-2023 school year, the Department of
 2 Education, upon the recommendation of the Read to Succeed
 3 Council~~Reading Diagnostic and Intervention Grant Steering Committee~~,
 4 shall provide renewable, two (2) year grants to schools to support teachers in
 5 the implementation of reliable, replicable evidence~~research~~-based reading
 6 intervention programs that use a balance of diagnostic tools and instructional
 7 strategies that emphasize phonemic awareness, phonics, fluency, vocabulary,
 8 comprehension, and connections between writing and reading acquisition and
 9 motivation to read to address the diverse learning needs of those students
 10 reading at low levels. Any moneys in the fund at the close of the fiscal year
 11 shall not lapse but shall be carried forward to be used for the purposes
 12 specified in this section.

13 ~~(3)~~(b) Beginning in the 2022-2023 school year, the purpose of the reading
 14 diagnostic and intervention fund shall be to train and support teachers and
 15 library media specialists to improve the reading skills of students in
 16 kindergarten through grade three (3) as set forth in subsection (5) of
 17 Section 2 of this Act.

18 (3) ~~(a)~~ The Department of Education shall create a literacy coaching program. The
 19 program shall:

20 (a) Use data coaches to improve reading and literacy;

21 (b) Determine the effectiveness of intensive data-focused professional
 22 development; and

23 (c) Provide expert support in literacy and early reading instruction and
 24 intervention.

25 (4) The Kentucky Board of Education shall promulgate administrative regulations,
 26 based on recommendations from the Department of Education that shall include
 27 but not be limited to a school selection process with a focus on those with the

1 most need, professional learning supports in literacy, and early reading
 2 instruction, and ~~secretary of the Education and Workforce Development Cabinet,~~
 3 ~~the Reading Diagnostic and Intervention Grant Steering Committee established in~~
 4 ~~KRS 158.794, and the Collaborative Center for Literacy Development established~~
 5 ~~in KRS 164.0207 to:~~

6 1. ~~Identify eligible grant applicants, taking into consideration how the grant program~~
 7 ~~described in this section will relate to other grant programs;~~

8 2. ~~Specify~~ the criteria for acceptable reading and literacy diagnostic assessments and
 9 intervention programs. ~~;~~

10 3. ~~Specify the criteria for acceptable ongoing assessment of each child to~~
 11 ~~determine his or her reading progress;~~

12 4. ~~Establish the minimum evaluation process for an annual review of each~~
 13 ~~grant recipient's program and progress;~~

14 5. ~~Identify the annual data that must be provided from grant recipients;~~

15 6. ~~Define the application review and approval process;~~

16 7. ~~Establish matching requirements deemed necessary;~~

17 8. ~~Define the professional development and continuing education~~
 18 ~~requirements for teachers, library media specialists, administrators, and~~
 19 ~~staff of grant recipients;~~

20 9. ~~Establish the conditions for renewal of a two (2) year grant; and~~

21 10. ~~Specify other conditions necessary to implement the purposes of this~~
 22 ~~section.~~

23 (b) ~~The board shall require that a grant applicant provide assurances that the~~
 24 ~~following principles will be met if the applicant's request for funding is~~
 25 ~~approved:~~

26 1. ~~A research-based comprehensive schoolwide reading program will be~~
 27 ~~available;~~

- 1 2. ~~Intervention services will supplement, not replace, regular classroom~~
2 ~~instruction;~~
- 3 3. ~~Intervention services will be provided to struggling primary program~~
4 ~~readers within the school based upon ongoing assessment of their needs;~~
5 ~~and~~
- 6 4. ~~A system for informing parents of struggling readers of the available~~
7 ~~family literacy services within the district will be established.~~
- 8 ~~(4) In order to qualify for funding, the school council, or if none exists, the principal or~~
9 ~~the superintendent of schools, shall allocate matching funds required by grant~~
10 ~~recipients under subsection (3) of this section. Funding for professional~~
11 ~~development allocated to the school council under KRS 160.345 and for continuing~~
12 ~~education under KRS 158.070 may be used as part of the school's match.]~~
- 13 (5) The Department of Education shall make available to schools:
- 14 (a) Information concerning successful, evidence~~[research]~~-based comprehensive
15 reading programs, diagnostic tools for pre- and post-assessment, and
16 intervention programs, from the Collaborative Center for Literacy
17 Development created under KRS 164.0207;
- 18 (b) Strategies for successfully implementing early reading programs, including
19 professional development support and the identification of funding sources;
20 and
- 21 (c) A list of professional development providers offering teacher training related
22 to reading that emphasizes the essential components for successful reading:
23 phonemic awareness, phonics, fluency, vocabulary, comprehension, and
24 connections between writing and reading acquisition and motivation to read.
- 25 (6) The Department of Education shall submit a report to the Interim Joint Committee
26 on Education no later than November~~[September]~~ 1 of each year outlining the use
27 of grant funds.~~[The report shall also include comparisons of the overall costs and~~

1 ~~effectiveness of intervention programs.]~~ The annual report for an odd-numbered
 2 year shall include an estimate of the cost to expand the reading diagnostic and
 3 intervention fund~~[grant program]~~.

4 **(7) The Department of Education shall report program data to an external evaluator**
 5 **for analysis of the program's success in meeting the goal of increasing early**
 6 **literacy student outcomes.**

7 ➔Section 6. KRS 158.794 is amended to read as follows:

- 8 (1) The **Read to Succeed Council**~~[Reading Diagnostic and Intervention Grant Steering~~
 9 ~~Committee]~~ is hereby created for the purpose of advising the Kentucky Board of
 10 Education and the Department of Education concerning the implementation and
 11 administration of **universal screeners, reading diagnostic assessments, and a**
 12 **statewide professional development program for early literacy**~~[the reading~~
 13 ~~diagnostic and intervention fund created in KRS 158.792]~~. The **council**~~[committee]~~
 14 shall be composed of **fourteen (14)**~~[sixteen (16)]~~ members, including the
 15 commissioner of education or the commissioner's designee~~[, the executive director~~
 16 ~~of the Collaborative Center for Literacy Development, the president of the Council~~
 17 ~~on Postsecondary Education or the president's designee,]~~ and the following
 18 members, to be appointed by the Governor:

- 19 (a) Four (4) **elementary school**~~[primary program]~~ teachers with a specialty or
 20 background in reading and literacy **or reading intervention**;
- 21 (b) **One (1) elementary school parent**~~[Four (4) university or college professors~~
 22 ~~with a specialty or background in reading and literacy representing~~
 23 ~~universities];~~
- 24 (c) One (1) elementary school principal;
- 25 (d) One (1) **elementary special education teacher**~~[certified library media~~
 26 ~~specialist]; [and]~~
- 27 (e) **One (1) postsecondary educator who trains and prepares elementary**

1 reading teachers; ~~Three (3) individuals from the state at large with an interest~~
 2 ~~in reading and literacy.]~~

3 (f) One (1) speech-language pathologist;

4 (g) One (1) elementary librarian or certified media specialist;

5 (h) One (1) elementary reading intervention teacher;

6 (i) One (1) teacher with experience assisting children who are deaf or hearing-
 7 impaired; and

8 (j) One (1) private sector member with reading intervention experience.

9 (2) Each member of the council~~committee~~, other than the commissioner of education
 10 or the commissioner's designee~~members who serve by virtue of their position~~,
 11 shall serve for a term of three (3) years or until a successor is appointed, except that
 12 upon initial appointment, five (5) members shall serve a one (1) year term, four (4)
 13 members shall serve a two (2) year term, and four (4) members shall serve a three
 14 (3) year term.

15 (3) A majority of the full authorized membership shall constitute a quorum.

16 (4) The council~~committee~~ shall elect, by majority vote, a chair, who shall be the
 17 presiding officer of the council~~committee~~, preside at all meetings, and coordinate
 18 the functions and activities of the council~~committee~~. The chair shall be elected or
 19 reelected each calendar year.

20 (5) The council~~committee~~ shall be attached to the Department of Education for
 21 administrative purposes.

22 (6) The council~~committee~~ shall:

23 (a) Identify needs, trends, and issues in schools throughout the state regarding
 24 reading and literacy programs;

25 (b) Make recommendations regarding the content of administrative regulations to
 26 be promulgated by the Kentucky Board of Education under KRS 158.792;

27 (c) ~~Recommend approval of grant applications based upon the provisions of~~

1 ~~KRS 158.792 and administrative regulations promulgated by the Kentucky~~
 2 ~~Board of Education as required under KRS 158.792; and~~

3 ~~(d) Advise the Kentucky Board of Education and the Department of Education~~
 4 ~~regarding costs and effectiveness of various reading intervention programs;~~
 5 ~~and~~

6 **(d) Advise the Department of Education on:**

7 **1. Suggested universal screeners for reading to be administered to**
 8 **students in kindergarten through grade three (3) as required by**
 9 **Section 1 of this Act;**

10 **2. Suggested criteria for reading diagnostic assessments to be**
 11 **administered to students in kindergarten through grade three (3) as**
 12 **required by Section 1 of this Act; and**

13 **3. The development, implementation, and outcomes of a statewide**
 14 **professional development program to include early literacy skills**
 15 **instruction and student engagement.**

16 ➔Section 7. KRS 164.0207 is amended to read as follows:

17 (1) The Collaborative Center for Literacy Development: Early Childhood through
 18 Adulthood is created to make available professional development for educators in
 19 reliable, replicable **evidence**~~[research]~~-based reading programs, and to promote
 20 literacy development, including cooperating with other entities that provide family
 21 literacy services. The center shall be responsible for:

22 (a) Developing and implementing a clearinghouse for information about
 23 programs addressing reading and literacy from early childhood and the
 24 elementary grades (P-5) through adult education;

25 (b) Providing advice to the Kentucky Board of Education regarding **evidence-**
 26 **based comprehensive reading instruction**~~[the Reading Diagnostic and~~
 27 ~~Intervention Grant Program established in KRS 158.792]~~ and in other matters

- 1 relating to reading;
- 2 (c) Collaborating with public and private institutions of postsecondary education
3 and adult education providers to provide for teachers and administrators
4 quality preservice and professional development relating to reading diagnostic
5 assessments and intervention and to the essential components of successful
6 reading: phonemic awareness, phonics, fluency, vocabulary, comprehension,
7 and the connections between writing and reading acquisition and motivation
8 to read;
- 9 (d) Collaborating with the Kentucky Department of Education to assist districts
10 with students functioning at low levels of reading skills to assess and address
11 identified literacy needs;
- 12 (e) Providing professional development and coaching for early childhood
13 educators and classroom teachers, including adult education teachers,
14 implementing selected reliable, replicable evidence~~[research]~~-based reading
15 programs. The professional development shall utilize technology when
16 appropriate;
- 17 (f) Developing and implementing a comprehensive research agenda evaluating~~[~~
18 ~~the]~~ comprehensive reading programs and reading intervention
19 programs~~[early reading models]~~ implemented in accordance with~~[~~Kentucky
20 ~~under]~~ KRS 158.792;
- 21 (g) Maintaining a demonstration and training site for early literacy located at each
22 of the public universities;
- 23 (h) Assisting middle and high schools in the development of comprehensive
24 adolescent reading plans and maintaining a repository of instructional
25 materials or summary materials that identify comprehension best practices in
26 the teaching of each subject area and a list of classroom-based diagnostic
27 reading comprehension assessments that measure student progress in

- 1 developing students' reading comprehension skills; and
- 2 (i) Evaluating the reading and literacy components of the model adult education
3 programs funded under the adult education and literacy initiative fund created
4 under KRS 151B.409.
- 5 (2) The center shall review national research and disseminate appropriate research
6 abstracts, when appropriate, as well as conduct ongoing research of reading
7 programs throughout the state. Research activities undertaken by the center shall
8 consist of descriptive as well as empirical studies.
- 9 (a) The center may contract for research studies to be conducted on its behalf.
- 10 (b) The research agenda should, at a minimum, consider the impact of various
11 reading and intervention programs:
- 12 1. In eliminating academic achievement gaps among ~~for~~ students with
13 differing characteristics, including subpopulations of students with
14 disabilities, students with low socioeconomic status, students from racial
15 minority groups, students with limited English proficiency, and students
16 of different gender;
- 17 2. In schools with differing characteristics, such as urban versus rural
18 schools, poverty versus nonpoverty schools, schools with strong library
19 media center programs versus schools with weak library media center
20 programs, and schools in different geographic regions of the state;
- 21 3. In terms of their costs and effectiveness; and
- 22 4. In maintaining positive student progress over a sustained period of time.
- 23 (3) The center shall submit an annual report of its activities to the Kentucky
24 Department of Education, the Governor, and the Legislative Research Commission
25 no later than September 1 of each year.
- 26 (4) With advice from the Department of Education, the Council on Postsecondary
27 Education shall develop a process to solicit, review, and approve a proposal for

1 locating the Collaborative Center for Literacy Development at a public institution of
2 postsecondary education. The Council on Postsecondary Education shall approve
3 the location. The center, in conjunction with the council, shall establish goals and
4 performance objectives related to the functions described in this section.

5 ➔Section 8. KRS 158.070 is amended to read as follows:

6 (1) As used in this section:

7 (a) "Election" has the same meaning as in KRS 121.015;

8 (b) "Minimum school term" or "school term" means not less than one hundred
9 eighty-five (185) days composed of the student attendance days, teacher
10 professional days, and holidays;

11 (c) "School calendar" means the document adopted by a local board of education
12 that establishes the minimum school term, student instructional year or
13 variable student instructional year, and days that school will not be in session;

14 (d) "School district calendar committee" means a committee that includes at least
15 the following:

16 1. One (1) school district principal;

17 2. One (1) school district office administrator other than the
18 superintendent;

19 3. One (1) member of the local board of education;

20 4. Two (2) parents of students attending a school in the district;

21 5. One (1) school district elementary school teacher;

22 6. One (1) school district middle or high school teacher;

23 7. Two (2) school district classified employees; and

24 8. Two (2) community members from the local chamber of commerce,
25 business community, or tourism commission;

26 (e) "Student attendance day" means any day that students are scheduled to be at
27 school to receive instruction, and encompasses the designated start and

1 dismissal time;

2 (f) "Student instructional year" means at least one thousand sixty-two (1,062)
3 hours of instructional time for students delivered on not less than one hundred
4 seventy (170) student attendance days;

5 (g) "Teacher professional day" means any day teachers are required to report to
6 work as determined by a local board of education, with or without the
7 presence of students; and

8 (h) "Variable student instructional year" means at least one thousand sixty-two
9 (1,062) hours of instructional time delivered on the number of student
10 attendance days adopted by a local board of education which shall be
11 considered proportionally equivalent to one hundred seventy (170) student
12 attendance days and calendar days for the purposes of a student instructional
13 year, employment contracts that are based on the school term, service credit
14 under KRS 161.500, and funding under KRS 157.350.

15 (2) (a) Beginning with the 2018-2019 school year, and each year thereafter, the local
16 board of education, upon recommendation of the local school district
17 superintendent, shall annually appoint a school district calendar committee to
18 review, develop, and recommend school calendar options.

19 (b) The school district calendar committee, after seeking feedback from school
20 district employees, parents, and community members, shall recommend
21 school calendar options to the local school district superintendent for
22 presentation to the local board of education. The committee's
23 recommendations shall comply with state laws and regulations and consider
24 the economic impact of the school calendar on the community and the state.

25 (c) Prior to adopting a school calendar, the local board of education shall hear for
26 discussion the school district calendar committee's recommendations and the
27 recommendation of the superintendent at a meeting of the local board of

1 education.

2 (d) During a subsequent meeting of the local board of education, the local board
3 shall adopt a school calendar for the upcoming school year that establishes the
4 opening and closing dates of the school term, beginning and ending dates of
5 each school month, student attendance days, and days on which schools shall
6 be dismissed. The local board may schedule days for breaks in the school
7 calendar that shall not be counted as a part of the minimum school term.

8 (e) For local board of education meetings described in paragraphs (c) and (d) of
9 this subsection, if the meeting is a regular meeting, notice shall be given to
10 media outlets that have requests on file to be notified of special meetings
11 stating the date of the regular meeting and that one (1) of the items to be
12 considered in the regular meeting will be the school calendar. The notice shall
13 be sent at least twenty-four (24) hours before the regular meeting. This
14 requirement shall not be deemed to make any requirements or limitations
15 relating to special meetings applicable to the regular meeting.

16 (f) Beginning with the 2018-2019 school year, and each year thereafter, a local
17 school board of education that adopts a school calendar with the first student
18 attendance day in the school term starting no earlier than the Monday closest
19 to August 26 may use a variable student instructional year. Districts may set
20 the length of individual student attendance days in a variable student
21 instructional schedule, but no student attendance day shall contain more than
22 seven (7) hours of instructional time unless the district submitted and received
23 approval from the commissioner of education for an innovative alternative
24 calendar.

25 (3) (a) Each local board of education shall use four (4) days of the minimum school
26 term for professional development and collegial planning activities for the
27 professional staff without the presence of students pursuant to the

1 requirements of KRS 156.095. At the discretion of the superintendent, one (1)
2 day of professional development may be used for district-wide activities and
3 for training that is mandated by federal or state law. The use of three (3) days
4 shall be planned by each school council, except that the district is encouraged
5 to provide technical assistance and leadership to school councils to maximize
6 existing resources and to encourage shared planning.

7 (b) At least one (1) hour of self-study review of seizure disorder materials shall be
8 required for all principals, guidance counselors, and teachers hired after July
9 1, 2019.

10 (c) 1. A local board may approve a school's flexible professional development
11 plan that permits teachers or other certified personnel within a school to
12 participate in professional development activities outside the days
13 scheduled in the school calendar or the regularly scheduled hours in the
14 school work day and receive credit towards the four (4) day professional
15 development requirement within the minimum one hundred eighty-five
16 (185) days that a teacher shall be employed.

17 2. A flexible schedule option shall be reflected in the school's professional
18 development component within the school improvement plan and
19 approved by the local board. Credit for approved professional
20 development activities may be accumulated in periods of time other than
21 full day segments.

22 3. No teacher or administrator shall be permitted to count participation in a
23 professional development activity under the flexible schedule option
24 unless the activity is related to the teacher's classroom assignment and
25 content area, or the administrator's job requirements, or is required by
26 the school improvement plan, or is tied to the teacher's or the
27 administrator's individual growth plan. The supervisor shall give prior

1 approval and shall monitor compliance with the requirements of this
2 paragraph. In the case of teachers, a professional development
3 committee or the school council by council policy may be responsible
4 for reviewing requests for approval.

5 (d) The local board of each school district may use up to a maximum of four (4)
6 days of the minimum school term for holidays; provided, however, any
7 holiday which occurs on Saturday may be observed on the preceding Friday.

8 (e) Each local board may use two (2) days for planning activities without the
9 presence of students.

10 (f) Each local board may close schools for the number of days deemed necessary
11 for:

12 1. National or state emergency or mourning when proclaimed by the
13 President of the United States or the Governor of the Commonwealth of
14 Kentucky;

15 2. Local emergency which would endanger the health or safety of children;
16 and

17 3. Mourning when so designated by the local board of education and
18 approved by the Kentucky Board of Education upon recommendation of
19 the commissioner of education.

20 (4) (a) The Kentucky Board of Education, upon recommendation of the
21 commissioner of education, shall adopt administrative regulations governing
22 the use of student attendance days as a result of a local emergency, as
23 described in subsection (3)(f)2. of this section, and regulations setting forth
24 the guidelines and procedures to be observed for the approval of waivers from
25 the requirements of a student instructional year in subsection (1)(f) of this
26 section for districts that wish to adopt innovative instructional calendars, or
27 for circumstances that would create extreme hardship.

- 1 (b) If a local board of education amends its school calendar after its adoption due
2 to an emergency, it may lengthen or shorten any remaining student attendance
3 days by thirty (30) minutes or more, as it deems necessary, provided the
4 amended calendar complies with the requirements of a student instructional
5 year in subsection (1)(f) of this section or a variable student instructional year
6 in subsection (1)(h) of this section. No student attendance day shall contain
7 more than seven (7) hours of instructional time unless the district submitted
8 and received approval from the commissioner of education for an innovative
9 alternative calendar.
- 10 (5) (a) 1. In setting the school calendar, school may be closed for two (2)
11 consecutive days for the purpose of permitting professional school
12 employees to attend statewide professional meetings.
- 13 2. These two (2) days for statewide professional meetings may be
14 scheduled to begin with the first Thursday after Easter, or upon request
15 of the statewide professional education association having the largest
16 paid membership, the commissioner of education may designate
17 alternate dates.
- 18 3. If schools are scheduled to operate during days designated for the
19 statewide professional meeting, the school district shall permit
20 employees who are delegates to attend as compensated professional
21 leave time and shall employ substitute teachers in their absence.
- 22 4. The commissioner of education shall designate one (1) additional day
23 during the school year when schools may be closed to permit
24 professional school employees to participate in regional or district
25 professional meetings.
- 26 5. These three (3) days so designated for attendance at professional
27 meetings may be counted as a part of the minimum school term.

- 1 (b) 1. If any school in a district is used as a polling place, the school district
2 shall be closed on the day of the election, and those days may be used
3 for professional development activities, professional meetings, or
4 parent-teacher conferences.
- 5 2. A district may be open on the day of an election if no school in the
6 district is used as a polling place.
- 7 (c) All schools shall be closed on the third Monday of January in observance of
8 the birthday of Martin Luther King, Jr. Districts may:
- 9 1. Designate the day as one (1) of the four (4) holidays permitted under
10 subsection (3)(d) of this section; or
- 11 2. Not include the day in the minimum school term specified in subsection
12 (1) of this section.
- 13 (6) (a) The Kentucky Board of Education, or the organization or agency designated
14 by the board to manage interscholastic athletics, shall be encouraged to
15 schedule athletic competitions outside the regularly scheduled student
16 attendance day.
- 17 (b) Beginning with the 2009-2010 school year, any member of a school-
18 sponsored interscholastic athletic team who competes in a regional
19 tournament or state tournament sanctioned by the Kentucky Board of
20 Education, or the organization or agency designated by the board to manage
21 interscholastic athletics, and occurring on a regularly scheduled student
22 attendance day may be counted present at school on the date or dates of the
23 competition, as determined by local board policy, for a maximum of two (2)
24 days per student per year. The student shall be expected to complete any
25 assignments missed on the date or dates of the competition.
- 26 (c) The school attendance record of any student for whom paragraph (b) of this
27 subsection applies shall indicate that the student was in attendance on the date

1 or dates of competition.

2 (7) Students applying for excused absence for attendance at the Kentucky State Fair
3 shall be granted one (1) day of excused absence.

4 (8) Schools shall provide continuing education for those students who are determined
5 to need additional time to achieve the outcomes defined in KRS 158.6451, and
6 schools shall not be limited to the minimum school term in providing this
7 education. Continuing education time may include extended days, extended weeks,
8 or extended years. A local board of education may adopt a policy requiring its
9 students to participate in continuing education. The local policy shall set out the
10 conditions under which attendance will be required and any exceptions which are
11 provided. The Kentucky Board of Education shall promulgate administrative
12 regulations establishing criteria for the allotment of grants to local school districts
13 and shall include criteria by which the commissioner of education may approve a
14 district's request for a waiver to use an alternative service delivery option, including
15 providing services during the student attendance day on a limited basis. These
16 grants shall be allotted to school districts to provide instructional programs for
17 pupils who are identified as needing additional time to achieve the outcomes
18 defined in KRS 158.6451. **During the 2021-2022 school year**, a school district that
19 has a school operating a **reading intervention**~~[model early reading]~~ program under
20 KRS 158.792 may use a portion of its grant money as part of the matching funds to
21 provide individualized or small group reading instruction to qualified students
22 outside of the regular classroom during the student attendance day.

23 (9) Notwithstanding any other statute, each school term shall include no less than the
24 equivalent of the student instructional year in subsection (1)(f) of this section, or a
25 variable student instructional year in subsection (1)(h) of this section, except that
26 the commissioner of education may grant up to the equivalent of ten (10) student
27 attendance days for school districts that have a nontraditional instruction plan

1 approved by the commissioner of education on days when the school district is
2 closed for health or safety reasons. The district's plan shall indicate how the
3 nontraditional instruction process shall be a continuation of learning that is
4 occurring on regular student attendance days. Instructional delivery methods,
5 including the use of technology, shall be clearly delineated in the plan. Average
6 daily attendance for purposes of Support Education Excellence in Kentucky
7 program funding during the student attendance days granted shall be calculated in
8 compliance with administrative regulations promulgated by the Kentucky Board of
9 Education.

10 (10) By December 31, 2018, the Kentucky Board of Education shall promulgate
11 administrative regulations to be effective beginning with the 2019-2020 school year
12 to prescribe the conditions and procedures for districts to be approved for the
13 nontraditional instruction program. Administrative regulations promulgated by the
14 board under this section shall specify:

- 15 (a) The application, plan review, approval, and amendment process;
- 16 (b) Reporting requirements for districts approved for the program, which may
17 include but are not limited to examples of student work, lesson plans, teacher
18 work logs, and student and teacher participation on nontraditional instruction
19 days. Documentation to support the use of nontraditional instruction days
20 shall include clear evidence of learning continuation;
- 21 (c) Timelines for initial approval as a nontraditional instruction district, length of
22 approval, the renewal process, and ongoing evaluative procedures required of
23 the district;
- 24 (d) Reporting and oversight responsibilities of the district and the Kentucky
25 Department of Education, including the documentation required to show clear
26 evidence of learning continuation during nontraditional instruction days; and
27 (e) Other components deemed necessary to implement this section.

- 1 (11) Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection
2 (2) of this section, a school district shall arrange bus schedules so that all buses
3 arrive in sufficient time to provide breakfast prior to the beginning of the student
4 attendance day. In the event of an unforeseen bus delay, the administrator of a
5 school that participates in the Federal School Breakfast Program may authorize up
6 to fifteen (15) minutes of the student attendance day if necessary to provide the
7 opportunity for children to eat breakfast not to exceed eight (8) times during the
8 school year within a school building.
- 9 (12) Notwithstanding any other statute to the contrary, the following provisions shall
10 apply to a school district that misses student attendance days due to emergencies,
11 including weather-related emergencies:
- 12 (a) A certified school employee shall be considered to have fulfilled the minimum
13 one hundred eighty-five (185) day contract with a school district under KRS
14 157.350 and shall be given credit for the purpose of calculating service credit
15 for retirement under KRS 161.500 for certified school personnel if:
- 16 1. State and local requirements under this section are met regarding the
17 equivalent of the number and length of student attendance days, teacher
18 professional days, professional development days, holidays, and days for
19 planning activities without the presence of students; and
- 20 2. The provisions of the district's school calendar to make up student
21 attendance days missed due to any emergency, as approved by the
22 Kentucky Department of Education when required, including but not
23 limited to a provision for additional instructional time per day, are met.
- 24 (b) Additional time worked by a classified school employee shall be considered as
25 equivalent time to be applied toward the employee's contract and calculation
26 of service credit for classified employees under KRS 78.615 if:
- 27 1. The employee works for a school district with a school calendar

1 approved by the Kentucky Department of Education that contains a
2 provision that additional instructional time per day shall be used to make
3 up full days missed due to an emergency;

4 2. The employee's contract requires a minimum six (6) hour work day; and

5 3. The employee's job responsibilities and work day are extended when the
6 instructional time is extended for the purposes of making up time.

7 (c) Classified employees who are regularly scheduled to work less than six (6)
8 hours per day and who do not have additional work responsibilities as a result
9 of lengthened student attendance days shall be excluded from the provisions
10 of this subsection. These employees may be assigned additional work
11 responsibilities to make up service credit under KRS 78.615 that would be
12 lost due to lengthened student attendance days.

13 ➔Section 9. KRS 156.553 is amended to read as follows:

14 (1) The teachers' professional growth fund is hereby created to provide teachers with
15 high quality professional development in content knowledge in mathematics,
16 reading, science, language arts, social studies, arts and humanities, practical living,
17 vocational studies, and foreign languages; classroom-based screening, diagnostic,
18 assessment, and intervention strategies; and teaching methodologies, including
19 professional development that may lead to additional certification endorsements or
20 renewal of certification. Based on available funds, student achievement data, and
21 teacher data, the Kentucky Board of Education shall annually determine the priority
22 for content emphasis based on the greatest needs.

23 (2) (a) The fund may provide moneys to teachers for:

24 1. Tuition reimbursement for successful completion of college or
25 university level courses, including on-line courses and seminars,
26 approved for this purpose by the Education Professional Standards
27 Board;

- 1 2. Stipends for participation in and successful completion of:
- 2 a. College or university courses, including on-line courses and
- 3 seminars, approved for this purpose by the Education Professional
- 4 Standards Board;
- 5 b. Teacher institutes developed for core content instructors by the
- 6 Department of Education in compliance with KRS 156.095; and
- 7 c. Other professional development programs approved by the
- 8 Kentucky Department of Education, including professional
- 9 development for teachers participating in grants awarded by the
- 10 Middle School Mathematics and Science Scholars Program
- 11 established under KRS 158.848;
- 12 3. Reimbursement for the purchase of materials required for professional
- 13 development programs; and
- 14 4. Reimbursement for other approved professional development activities
- 15 throughout the school year, including reimbursement for:
- 16 a. Travel to and from professional development workshops; and
- 17 b. Travel to and from other schools for the observation of, and
- 18 consultation with, peer mentors; or
- 19 (b) The fund may be used to provide grants to local school districts to support
- 20 staff participation in specific, statewide initiatives for the professional
- 21 development of teachers and administrators in specific content areas as
- 22 established by the Kentucky Department of Education and the Kentucky
- 23 Board of Education under the provisions of subsections (4), (5), and (6) of this
- 24 section and referenced in KRS 158.842.
- 25 (c) The fund may be used to provide grants to colleges and universities to plan
- 26 and develop statewide professional development institutes and other
- 27 professional development services.

- 1 (d) The fund may be used to provide grants to local school districts, to colleges
2 and universities, or other entities to assist the Kentucky Department of
3 Education in evaluating costs and the effectiveness of activities and initiatives
4 established under this section.
- 5 (3) The Education Professional Standards Board shall determine the college and
6 university courses, including on-line courses and seminars, for which teachers may
7 receive reimbursement from the fund.
- 8 (4) The Department of Education shall:
- 9 (a) Administer the fund. In order to process reimbursements to teachers promptly,
10 the reimbursements shall not be subject to KRS 45A.690 to 45A.725;
- 11 (b) Determine the professional development programs for which teachers may
12 receive reimbursement, or districts or colleges and universities may receive
13 grants, from the fund;
- 14 (c) Determine the level of stipend or reimbursement, subject to the availability of
15 appropriated funds, for particular courses and programs, under subsection (2)
16 of this section; and
- 17 (d) Provide an accounting of fund expenditures and results of the use of the funds
18 for each biennium to the Interim Joint Committee on Education by November
19 1 of each odd-numbered year.
- 20 (5) The professional development programs approved by the Department of Education
21 for which teachers may receive support from the fund shall:
- 22 (a) Focus on improving the content knowledge of teachers;
- 23 (b) Provide training in the use of research-based and developmentally appropriate
24 classroom-based screening, diagnostic, assessment, and intervention
25 strategies;
- 26 (c) Provide instruction on teaching methods to effectively impart content
27 knowledge to all students;

- 1 (d) Include intensive training institutes and workshops during the summer;
- 2 (e) Provide programs for the ongoing support of teacher participants throughout
- 3 the year, which may include:
- 4 1. A peer coaching or mentoring, and assessment program; and
- 5 2. Planned activities, including:
- 6 a. Follow-up workshops; and
- 7 b. Support networks of teachers of the core disciplines using
- 8 technologies, including but not limited to telephone, video, and on-
- 9 line computer networks;
- 10 (f) Provide teacher participants with professional development credit toward
- 11 renewal of certification under the provisions of KRS 161.095, relating to
- 12 continuing education for teachers; and
- 13 (g) Provide teacher participants with the opportunity to obtain certificate
- 14 endorsements or extensions in critical shortage areas, with priority given to
- 15 mathematics and science through 2016, and in core content areas to their
- 16 existing certifications through the TC-HQ process, established by the
- 17 Education Professional Standards Board to meet the requirements of the No
- 18 Child Left Behind Act of 2001, 20 U.S.C. sec. 6301 et seq.
- 19 (6) The Kentucky Board of Education shall specify through promulgation of
- 20 administrative regulations:
- 21 (a) The application and approval process for receipt of funds;
- 22 (b) The requirements and process for the disbursement of funds; and
- 23 (c) The number of each kind of approved course for which applicants may receive
- 24 funds.
- 25 (7) Notwithstanding any other provisions to the contrary, a local school board may
- 26 advance the funds necessary for its teachers to participate in a college course or
- 27 professional development seminar or activity approved by the Kentucky Department

1 of Education and the Education Professional Standards Board under provisions of
2 this section and receive reimbursement from the department at the conclusion of the
3 activity or course by the teacher. If funds are advanced for the benefit of a teacher
4 under this subsection, but the teacher does not fulfill his or her obligation, the
5 teacher shall reimburse the school district for the funds expended by the district on
6 the teacher's behalf.

7 (8) Notwithstanding the provisions of KRS 45.229, unexpended funds in the teachers'
8 professional growth fund in the 2000-2001 fiscal year or in any subsequent fiscal
9 year shall not lapse but shall carry forward to the next fiscal year and shall be used
10 for the purposes established in subsections (1) and (2) of this section.

11 (9) Notwithstanding any provisions of this section to the contrary, beginning June 1,
12 2006, through the 2009-2010 school year, priority for the use of funds from the
13 teachers' professional growth fund shall be used to train and support teams of
14 teachers from all school levels to be trained as reading coaches and mentors or as
15 mathematics coaches and mentors in statewide institutes referenced in KRS 158.840
16 and 158.842, and for selected teachers to be highly trained in providing diagnostic
17 assessment and intervention services for students in the primary program struggling
18 with mathematics.

19 (a) The design of the statewide mathematics institutes to train mathematics
20 coaches and mentors shall be developed by the Committee for Mathematics
21 Achievement established in KRS 158.842. The committee shall provide
22 recommendations to the Kentucky Department of Education and the Kentucky
23 Board of Education in the preparation of administrative regulations that may
24 be promulgated by the board to implement the provisions of this subsection
25 relating to mathematics.

26 (b) The design of the professional development program to provide highly trained
27 mathematics intervention teachers in the primary program shall be developed

1 by the Center for Mathematics in collaboration with public and private
2 institutions of postsecondary education.

3 (c) The development of the statewide program to train reading coaches and
4 mentors shall be coordinated by the Kentucky Department of Education with
5 recommendations from the Collaborative Center for Literacy Development,
6 established in KRS 164.0207, and the Read to Succeed Council~~reading~~
7 ~~steering committee~~ established in KRS 158.794. The design of the program
8 shall reflect a consensus of the agencies involved in the development of the
9 program. The training program for reading coaches and mentors shall
10 complement other statewide reading initiatives, funded with state and federal
11 funds, and shall give priority to teachers in grades four (4) through twelve
12 (12). The program shall be implemented no later than June 1, 2006. The board
13 shall promulgate administrative regulations required to implement the
14 provisions of this subsection relating to reading.

15 (10) Notwithstanding any provision of this section to the contrary, beginning June 1,
16 2010, through the 2015-2016 school year, priority for the use of funds from the
17 teachers' professional growth fund shall be for the purpose of increasing the number
18 of certified teachers with extensions or endorsements in mathematics and science as
19 described in subsection (5)(g) of this section.

20 ➔Section 10. This Act shall be known and may be cited as the "Read to Succeed
21 Act."