

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 ***by***
20 ***the end of grade three (3);***

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

23 4. Provide high quality library media programs;

24 (b) Every middle and high school:

25 1. Provide direct, explicit instruction to students lacking skills in how to
26 read, learn, and analyze information in key subjects, including language,
27 reading, English, mathematics, science, social studies, arts and

- 1 humanities, practical living skills, and career studies; and
- 2 2. Ensure that teachers have the skills to help all students develop critical
- 3 strategies and skills for subject-based reading;
- 4 (c) The Kentucky Department of Education provide technical assistance to local
- 5 school districts in the identification of professional development activities,
- 6 including teaching strategies to help teachers in each subject area to:
- 7 1. Implement evidence-based reading, intervention, and instructional
- 8 strategies that emphasize phonemic awareness, phonics, fluency,
- 9 vocabulary, comprehension, and connections between reading and
- 10 writing acquisition, and motivation to read to address the diverse
- 11 needs of students;
- 12 2. Identify and teach the skills that students need to comprehend the
- 13 concepts and content of each subject area; and
- 14 3.~~[2.]~~ Use activities and materials that will help the students comprehend and
- 15 constructively apply information based on the unique content of each
- 16 subject area;~~[and]~~
- 17 (d) The Education Professional Standards Board review and revise when deemed
- 18 necessary the teacher certification and licensure requirements to ensure that all
- 19 teachers, regardless of the subject area taught, are prepared to improve
- 20 students' subject reading skills; and
- 21 (e) The department shall collaborate with the Department for Libraries and
- 22 Archives, the Governor's Office of Early Childhood, and Kentucky
- 23 Educational Television to establish and maintain a partnership to support
- 24 the use of high quality, evidence-based year-round programming, materials,
- 25 and activities for elementary-aged children in the areas of reading.

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

- 27 (1) As used in this section:

- 1 (a) **"Accelerated learning" has the same meaning as in KRS 158.6453;**
- 2 **(b)** "Aphasia" means a condition characterized by either partial or total loss of the
3 ability to communicate verbally or through written words. A person with
4 aphasia may have difficulty speaking, reading, writing, recognizing the names
5 of objects, or understanding what other people have said. The condition may
6 be temporary or permanent and does not include speech problems caused by
7 loss of muscle control;
- 8 **(c) "Comprehensive reading program" has the same meaning as in Section 5**
9 **of this Act;**
- 10 **(d)**~~(b)~~ "Dyscalculia" means the inability to understand the meaning of numbers,
11 the basic operations of addition and subtraction, the complex operations of
12 multiplication and division, or to apply math principles to solve practical or
13 abstract problems;
- 14 **(e)**~~(c)~~ "Dysgraphia" means difficulty in automatically remembering and
15 mastering the sequence of muscle motor movements needed to accurately
16 write letters or numbers;
- 17 **(f)**~~(d)~~ "Dyslexia" has the same meaning as in KRS 158.307;
- 18 **(g) "Enrichment program" means accelerated intervention outside of the**
19 **school day or school calendar led by individuals most qualified to provide**
20 **the intervention that includes evidence-based reading instructional**
21 **programming related to reading instruction in the areas of phonemic**
22 **awareness, phonics, fluency, vocabulary, and comprehension, and other**
23 **instructional strategies aligned to reading and writing standards required by**
24 **KRS 158.6453 and outlined in administrative regulation as promulgated by**
25 **the Kentucky Board of Education;**
- 26 **(h) "Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21);**
- 27 **(i) "Formative assessment" has the same meaning as in KRS 158.6453;**

- 1 ~~(j)(e)}~~ "Phonemic awareness" has the same meaning as in KRS 158.307;~~and~~
- 2 (k) "Reading diagnostic assessment" has the same meaning as in Section 4 of
- 3 this Act;
- 4 (l) "Reading improvement plan" means an accelerated intervention plan for a
- 5 student in kindergarten through grade four (4) that is developed to remedy a
- 6 deficiency in reading identified by the student's results on an approved
- 7 reading diagnostic assessment. This plan should be developed in
- 8 collaboration with any existing Program Services Plan, Individualized
- 9 Education Program, or 504 Plan unless the Program Services Plan,
- 10 Individualized Education Program, or 504 Plan already addresses a
- 11 deficiency in reading;
- 12 (m) "Reading improvement team" means a team that develops and oversees the
- 13 progress of a reading improvement plan and includes:
- 14 1. The parent or guardian of the student that is the subject of the reading
- 15 improvement plan;
- 16 2. No less than one (1) regular education teacher of the child to provide
- 17 information about the general curriculum for same-aged peers;
- 18 3. A representative of the local education agency who is knowledgeable
- 19 about the reading curriculum and the availability of the evidence-
- 20 based literacy resources of the local education agency; and
- 21 4. Any specialized certified school employees for students receiving
- 22 language instruction educational programming or special education
- 23 services; and
- 24 (n) "Universal screener" means a process of providing a brief assessment to all
- 25 students within a grade level to assess the students' performance on the
- 26 essential components of reading~~;~~
- 27 ~~(f) "Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21)}.~~

- 1 (2) Notwithstanding any other statute or administrative regulation to the contrary, the
2 Kentucky Board of Education shall promulgate administrative regulations **to further**
3 **define a multi-tiered system of supports** for district-wide use of a ~~response-to-~~
4 ~~intervention~~ system for students in kindergarten through grade three (3), that
5 includes a tiered continuum of interventions with varying levels of intensity and
6 duration and which connects general, compensatory, and special education
7 programs to provide interventions implemented with fidelity to evidence-based
8 research and matched to individual student strengths and needs. At a minimum,
9 evidence of implementation shall be submitted by the district to the department **by**
10 **October 1 of each year and shall include but not be limited to the activities**
11 **required under KRS 158.649**~~for:~~
- 12 (a) ~~Reading and writing by August 1, 2013;~~
13 (b) ~~Mathematics by August 1, 2014; and~~
14 (c) ~~Behavior by August 1, 2015~~.
- 15 (3) The Department of Education shall provide technical assistance and training, if
16 requested by a local district, to assist in the implementation of the district-wide,
17 **multi-tiered system of supports**~~response-to-intervention-system~~ as a means to
18 identify and assist any student experiencing difficulty in reading, writing,
19 mathematics, or behavior and to determine appropriate instructional modifications
20 needed by advanced learners to make continuous progress.
- 21 (4) **The Department of Education shall develop and maintain a list of approved:**
- 22 (a) **Universal screeners for reading that are determined by the department to be**
23 **reliable and valid;**
- 24 (b) **Reading diagnostic assessments for reading that are determined by the**
25 **department to be reliable, valid, and appropriate for use as part of a multi-**
26 **tiered system of supports for students in kindergarten through grade three**
27 **(3); and**

1 (c) *Comprehensive reading programs that are determined by the department to*
 2 *be reliable, valid, and aligned to reading and writing standards required by*
 3 *KRS 158.6453 and outlined in administrative regulation as promulgated by*
 4 *the Kentucky Board of Education.*

5 (5) 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 evidence-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 (6) (a) *By January 1, 2022, each local school board or public charter school board*
 16 *of directors shall adopt:*

17 1. *At least one (1) approved universal screener for reading to be*
 18 *administered to all students in kindergarten through grade three (3);*
 19 *and*

20 2. *At least one (1) approved reading diagnostic assessment for reading to*
 21 *be administered as part of a multi-tiered system of supports for*
 22 *students in kindergarten through grade three (3).*

23 (b) *Notwithstanding KRS 158.6453(19) and 160.345, each local school board or*
 24 *public charter school board may adopt a common comprehensive reading*
 25 *program for kindergarten through grade three (3).*

26 (c) *All teachers for students in kindergarten through grade three (3), including*
 27 *public charter school teachers, shall be trained on any reading diagnostic*

1 assessment and universal screener adopted by the local board or public
2 charter school board prior to administration of the assessment. The training
3 shall address:

- 4 1. How to properly administer the reading diagnostic assessment;
- 5 2. How to interpret the results of the reading diagnostic assessment to
6 identify students with a deficiency;
- 7 3. How to use the assessment results to design instruction and
8 interventions;
- 9 4. How to use the assessment to monitor the progress of student
10 performance; and
- 11 5. Accelerated, intensive, and direct instruction that addresses students'
12 individual differences and enables students identified with a deficiency
13 in reading to achieve proficiency.

14 (7) Beginning with the 2022-2023 school year, a universal screener approved by the
15 Department of Education shall be:

- 16 (a) Given in the first forty-five (45) days of the school year for all kindergarten
17 students at a public school or public charter school; and
- 18 (b) Given in the first thirty (30) days of the school year for grades one (1)
19 through three (3) at a public school or public charter school.

20 (8) A reading improvement plan shall be developed and implemented by a reading
21 improvement team for any student in kindergarten through grade three (3)
22 identified with a deficiency in reading. The reading improvement plan shall
23 require:

- 24 (a) Intensive intervention that includes effective instructional strategies and
25 appropriate instructional materials necessary to help the student remedy a
26 deficiency in reading and become ready for the next grade;
- 27 (b) A school to provide a written quarterly progress report containing the

1 information required by paragraph (a) of this subsection to a parent or
2 guardian of any student subject to a reading improvement plan. The written
3 quarterly progress report for the reading improvement plan may be included
4 in the school's existing quarterly progress report; and

5 (c) Individual placement decisions for children who are eligible for special
6 education and related services to be determined by the appropriate
7 admissions and release committee in accordance with administrative
8 regulations promulgated by the Kentucky Board of Education.

9 (9) Beginning in the 2023-2024 school year, if a student's deficiency in reading is not
10 remedied as demonstrated by the results of an approved reading diagnostic
11 assessment or by the student scoring in the apprentice student performance level
12 or higher in reading on the state annually required grade three (3) assessment,
13 the local school district shall provide:

14 (a) Enrichment programs prior to grade three (3) and grade four (4) using
15 evidence-based reading instruction and other strategies;

16 (b) Intensive instructional services, progress monitoring measures, and
17 supports to students in grade three (3) and grade four (4) that have been
18 identified with deficiencies in reading by the results of an approved
19 diagnostic tool;

20 (c) Written notification of the intensive remediation described in paragraphs
21 (a) and (b) of this subsection to the parent or legal guardian of any student
22 who did not score in the apprentice student performance level or higher in
23 reading on the state annually required grade three (3) assessment or by the
24 diagnostic as referenced in this subsection. The notification shall include a
25 description of proposed interventions and supports that will be provided to
26 the student; and

27 (d) Provide parents and legal guardians of students identified with deficiencies

1 *in reading in kindergarten through grade three (3) with a "Read at Home"*
2 *plan, including participation in regular parent-guided home reading.*

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

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

- 10 (a) Information on the use of specific screening processes and programs to
11 identify student strengths and needs, including those for advanced learners;
- 12 (b) Current, evidence-based research and age-appropriate instructional tools that
13 may be used for substantial, steady improvement in:
- 14 1. Reading when a student is experiencing difficulty with phonemic
15 awareness, phonics, vocabulary, fluency, general reading
16 comprehension, or reading in specific content areas, or is exhibiting
17 characteristics of dyslexia, aphasia, or other reading difficulties;
- 18 2. Writing when a student is experiencing difficulty with consistently
19 producing letters or numbers with accuracy or is exhibiting
20 characteristics of dysgraphia;
- 21 3. Mathematics when a student is experiencing difficulty with basic math
22 facts, calculations, or application through problem solving, or is
23 exhibiting characteristics of dyscalculia or other mathematical
24 difficulties; or
- 25 4. Behavior when a student is exhibiting behaviors that interfere with his or
26 her learning or the learning of other students; and
- 27 (c) Current, evidence-based research and age-appropriate instructional tools that

1 may be used for continuous progress of advanced learners.

2 ~~(12)~~~~(6)~~ The department shall encourage districts to utilize both state and federal funds
3 as appropriate to implement a district-wide ***multi-tiered system of supports***~~[system~~
4 ~~of interventions]~~.

5 ~~(13)~~~~(7)~~ The department is encouraged to coordinate technical assistance and training
6 on current best practice interventions with state postsecondary education
7 institutions.

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

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

20 ~~[(10) By November 30, 2013, and annually thereafter, the department shall provide a~~
21 ~~report to the Interim Joint Committee on Education that includes survey data on the~~
22 ~~types of evidence-based research interventions being implemented by districts in~~
23 ~~reading, writing, mathematics, and behavior in kindergarten through grade three~~
24 ~~(3).]~~

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

27 **(1) Beginning in the 2021-2022 school year, postsecondary institutions offering**

1 teacher preparation programs for interdisciplinary early childhood education or
2 elementary regular education shall include evidence-based reading instructional
3 programming related to reading instruction in the areas of phonemic awareness,
4 phonics, fluency, vocabulary, and comprehension and on:

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

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

10 (c) Progress monitoring of student performance; and

11 (d) Instructional strategies that addresses students' individual differences.

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

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

20 (4) The Education Professional Standards Board shall report program data to an
21 external evaluator for analysis of postsecondary teacher preparation programs
22 for interdisciplinary early childhood education or elementary regular education
23 for the goal of increasing the success of new teacher candidates in demonstrating
24 reading instruction knowledge and skills.

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

26 (1) The General Assembly hereby finds that reading and mathematics proficiency are
27 gateway skills necessary for all Kentucky students to achieve the academic goals

1 established in KRS 158.6451. It is the General Assembly's intent that:

- 2 (a) All students in the primary program having difficulty in reading and
3 mathematics receive early diagnosis and intervention services from highly
4 trained teachers;
- 5 (b) All students demonstrate proficiency in reading and mathematics as they
6 progress through the relevant curricula and complete each assessment level
7 required by the Kentucky Board of Education for the state assessment program
8 established under KRS 158.6453 and in compliance with the requirements of
9 the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its
10 successor; and
- 11 (c) Students who are struggling in reading and mathematics or are not at the
12 proficient level on statewide assessments be provided research-based and
13 developmentally appropriate diagnostic and intervention services, and
14 instructional modifications necessary to learn.

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

- 24 (2) The General Assembly's role is to set policies that address the achievement levels of
25 all students and provide resources for the professional growth of teachers and
26 administrators, assessing students' academic achievement, including diagnostic
27 assessment and instructional interventions, technology innovations, targeted reading

1 and mathematics statewide initiatives, research and the distribution of research
2 findings, services for students beyond the regular school day, and other services
3 needed to help struggling learners.

4 (3) The Kentucky Board of Education shall regularly review and modify, when
5 appropriate, its statewide assessment policies and practices to enable local school
6 districts and schools to carry out the provisions of the statewide assessment and
7 accountability system, required under KRS 158.6453 to improve student
8 achievement in mathematics and reading.

9 (4) The Kentucky Department of Education shall:

10 (a) Provide assistance to schools and teachers, including publicizing professional
11 development opportunities, methods of measuring effective professional
12 development, the availability of high quality instructional materials, and
13 developmentally appropriate screening and diagnostic assessments of student
14 competency in mathematics and reading. The department shall provide access
15 to samples of units of study, annotated student work, diagnostic instruments,
16 and research findings, and give guidance on parental engagement;

17 (b) Work with state and national educators and subject-matter experts to identify
18 student reading skills in each subject area that align with the state content
19 standards adopted under KRS 158.6453 and identify teaching strategies in
20 each subject area that can be used explicitly to develop the identified reading
21 skills under this paragraph;

22 (c) Encourage the development of comprehensive middle and high school
23 adolescent reading plans to be incorporated into the curricula of each subject
24 area to improve the reading comprehension of all students;

25 (d) Conduct an annual review of the state grant programs it manages and make
26 recommendations, when needed, to the Interim Joint Committee on Education
27 for changes to statutory requirements that are necessary to gain a greater return

1 on investment;

2 (e) Provide administrative support and oversight to programs to train classroom
3 coaches and mentors to help teachers with reading and mathematics
4 instruction; and

5 (f) Require no reporting of instructional plans, formative assessment results, staff
6 effectiveness processes, or interventions implemented in the classroom,
7 except for:

8 1. Interventions implemented under KRS 158.305(2);

9 2. Funds provided under KRS 158.792 or 158.844; or

10 3. Schools that are identified for comprehensive support and improvement
11 and fail to exit comprehensive support and improvement status after
12 three (3) consecutive years of implementing the turnaround intervention
13 process as described in KRS 160.346.

14 (5) The Council on Postsecondary Education, in cooperation with the Education
15 Professional Standards Board, shall exercise its duties and functions under KRS
16 164.020 to ensure that teacher education programs are fulfilling the needs of
17 Kentucky for highly skilled teachers. The council shall:

18 (a) Coordinate the federal and state grant programs it administers with other
19 statewide initiatives relating to improving student achievement in reading and
20 mathematics to avoid duplication of effort and to make efficient use of
21 resources; ~~and~~

22 (b) *Submit a report to the Interim Joint Committee on Education no later than*
23 *November 1 of each year summarizing the compliance of each teacher*
24 *preparation program for interdisciplinary early childhood education or*
25 *elementary regular education to the instructional requirements set forth in*
26 *subsection (1) of Section 3 of this Act; and*

27 (c) *Regularly report program data to an external evaluator for an analysis of*

1 *the progress of teacher preparation programs for interdisciplinary early*
2 *childhood education and elementary regular education to increase the*
3 *success of new teacher candidates in demonstrating reading instruction*
4 *knowledge and skills.*

- 5 (6) The Education Professional Standards Board shall exercise its duties and
6 responsibilities under KRS 161.030 and 161.048 to ensure highly qualified teachers.
- 7 (7) Colleges and universities shall:
- 8 (a) Utilize institution-wide resources to work with elementary and secondary
9 educators and other entities to align curriculum content to ensure that students
10 who achieve proficiency on standards established at the prekindergarten
11 through secondary levels will require no remediation to successfully enter a
12 postsecondary education program;
- 13 (b) Provide quality undergraduate teacher preparation programs to ensure that
14 those preparing to teach reading or mathematics at all grade levels have the
15 necessary content knowledge, assessment and diagnostic skills, and teaching
16 methodologies and that teachers in all subject areas have the requisite skills
17 for helping students at all grade levels develop critical strategies and skills for
18 reading and comprehending subject matter;
- 19 (c) Deliver appropriate continuing education for teachers in reading and
20 mathematics through institutes, graduate level courses, and other professional
21 development activities that support a statewide agenda for improving student
22 achievement in reading and mathematics;
- 23 (d) Conduct or assist with research on best practices in assessment, intervention
24 strategies, teaching methodologies, costs and effectiveness of instructional
25 models, and other factors as appropriate to reading and mathematics;
- 26 (e) Provide staff to consult and provide technical assistance to teachers, staff, and
27 administrators at elementary, middle, and secondary school sites;

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

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

- 18 (1) As used in this section and KRS 164.0207, unless the context requires otherwise:
- 19 (a) "Comprehensive reading program" means any print, nonprint, or electronic
 20 medium of reading instruction designed to assist students. For students in
 21 kindergarten through grade three (3),^[a] program instructional resources
 22 shall include instruction in five (5) key areas^{[that emphasizes the essential}
 23 ^{components of reading]: phonemic awareness, phonics, fluency, vocabulary,}
 24 and comprehension;[;]~~and connections between writing and reading~~
 25 ~~acquisition and motivation to read.]~~
- 26 (b) "Reading diagnostic assessment" means an assessment that measures a
 27 student's skills against established performance levels in essential

1 *components of reading and identifies students that require intervention in*
 2 *order for the student to remedy a deficiency in reading;*~~means an~~
 3 ~~assessment that identifies a struggling reader and measures the reader's skills~~
 4 ~~against established performance levels in the essential components of reading.~~
 5 ~~The purpose is to screen for areas that require intervention in order for the~~
 6 ~~student to learn to read proficiently.]~~

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

12 (d) "Reliable, replicable research" means objective, valid, scientific studies that:
 13 1. Include rigorously defined samples of subjects that are sufficiently large
 14 and representative to support the general conclusions drawn;
 15 2. Rely on measurements that meet established standards of reliability and
 16 validity;
 17 3. Test competing theories, where multiple theories exist;
 18 4. Are subjected to peer review before their results are published; and
 19 5. Discover effective strategies for improving reading skills.

20 (2) *(a)* The reading diagnostic and intervention fund is created to help teachers and
 21 library media specialists improve the reading skills of struggling readers in the
 22 primary program. *Prior to the 2022-2023 school year,* the Department of
 23 Education, upon the recommendation of the *Read to Succeed*
 24 *Council*~~[Reading Diagnostic and Intervention Grant Steering Committee]~~,
 25 shall provide renewable, two (2) year grants to schools to support teachers in
 26 the implementation of reliable, replicable *evidence*~~[research]~~-based reading
 27 intervention programs that use a balance of diagnostic tools and instructional

1 strategies that emphasize phonemic awareness, phonics, fluency, vocabulary,
 2 comprehension, and connections between writing and reading acquisition and
 3 motivation to read to address the diverse learning needs of those students
 4 reading at low levels. Any moneys in the fund at the close of the fiscal year
 5 shall not lapse but shall be carried forward to be used for the purposes
 6 specified in this section.

7 ~~{(3)}~~(b) *Beginning in the 2022-2023 school year, the purpose of the reading*
 8 *diagnostic and intervention fund shall be to train and support teachers and*
 9 *library media specialists to improve the reading skills of students in*
 10 *kindergarten through grade three (3).*

11 (3) ~~{(a)}~~ *The Department of Education shall create a literacy coaching program. The*
 12 *program shall:*

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

14 *(b) Determine the effectiveness of intensive data-focused professional*
 15 *development; and*

16 *(c) Provide expert support in literacy and early reading instruction and*
 17 *intervention.*

18 (4) The Kentucky Board of Education shall promulgate administrative regulations,
 19 based on recommendations from the *Department of Education that shall include*
 20 *but not be limited to a school selection process with a focus on those with the*
 21 *most need, professional learning supports in literacy, and early reading*
 22 *instruction, and*~~{secretary of the Education and Workforce Development Cabinet,~~
 23 ~~the Reading Diagnostic and Intervention Grant Steering Committee established in~~
 24 ~~KRS 158.794, and the Collaborative Center for Literacy Development established~~
 25 ~~in KRS 164.0207 to:~~

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

- 1 ~~2.—Specify} the criteria for acceptable reading and literacy diagnostic assessments and~~
2 ~~intervention programs.};~~
- 3 ~~3.—Specify the criteria for acceptable ongoing assessment of each child to~~
4 ~~determine his or her reading progress;~~
- 5 ~~4.—Establish the minimum evaluation process for an annual review of each~~
6 ~~grant recipient's program and progress;~~
- 7 ~~5.—Identify the annual data that must be provided from grant recipients;~~
- 8 ~~6.—Define the application review and approval process;~~
- 9 ~~7.—Establish matching requirements deemed necessary;~~
- 10 ~~8.—Define the professional development and continuing education~~
11 ~~requirements for teachers, library media specialists, administrators, and~~
12 ~~staff of grant recipients;~~
- 13 ~~9.—Establish the conditions for renewal of a two (2) year grant; and~~
- 14 ~~10.—Specify other conditions necessary to implement the purposes of this~~
15 ~~section.~~
- 16 ~~(b) The board shall require that a grant applicant provide assurances that the~~
17 ~~following principles will be met if the applicant's request for funding is~~
18 ~~approved:~~
- 19 ~~1.—A research-based comprehensive schoolwide reading program will be~~
20 ~~available;~~
- 21 ~~2.—Intervention services will supplement, not replace, regular classroom~~
22 ~~instruction;~~
- 23 ~~3.—Intervention services will be provided to struggling primary program~~
24 ~~readers within the school based upon ongoing assessment of their needs;~~
25 ~~and~~
- 26 ~~4.—A system for informing parents of struggling readers of the available~~
27 ~~family literacy services within the district will be established.~~

- 1 ~~(4) In order to qualify for funding, the school council, or if none exists, the principal or~~
 2 ~~the superintendent of schools, shall allocate matching funds required by grant~~
 3 ~~recipients under subsection (3) of this section. Funding for professional~~
 4 ~~development allocated to the school council under KRS 160.345 and for continuing~~
 5 ~~education under KRS 158.070 may be used as part of the school's match.]~~
- 6 (5) The Department of Education shall make available to schools:
- 7 (a) Information concerning successful, evidence~~[research]~~-based comprehensive
 8 reading programs, diagnostic tools for pre- and post-assessment, and
 9 intervention programs, from the Collaborative Center for Literacy
 10 Development created under KRS 164.0207;
- 11 (b) Strategies for successfully implementing early reading programs, including
 12 professional development support and the identification of funding sources;
 13 and
- 14 (c) A list of professional development providers offering teacher training related
 15 to reading that emphasizes the essential components for successful reading:
 16 phonemic awareness, phonics, fluency, vocabulary, comprehension, and
 17 connections between writing and reading acquisition and motivation to read.
- 18 (6) The Department of Education shall submit a report to the Interim Joint Committee
 19 on Education no later than November~~[September]~~ 1 of each year outlining the use
 20 of grant funds.~~[The report shall also include comparisons of the overall costs and~~
 21 ~~effectiveness of intervention programs.]~~ The annual report for an odd-numbered
 22 year shall include an estimate of the cost to expand the reading diagnostic and
 23 intervention fund~~[grant program]~~.
- 24 **(7) The Department of Education shall report program data to an external evaluator**
 25 **for analysis of the program's success in meeting the goal of increasing early**
 26 **literacy student outcomes.**
- 27 ➔Section 6. KRS 158.794 is amended to read as follows:

- 1 (1) The **Read to Succeed Council**~~[Reading Diagnostic and Intervention Grant Steering~~
 2 ~~Committee]~~ is hereby created for the purpose of advising the Kentucky Board of
 3 Education and the Department of Education concerning the implementation and
 4 administration of **universal screeners, reading diagnostic assessments, and a**
 5 **statewide professional development program for early literacy**~~[the reading~~
 6 ~~diagnostic and intervention fund created in KRS 158.792]~~. The **council**~~[committee]~~
 7 shall be composed of sixteen (16) members, including the commissioner of
 8 education or the commissioner's designee, the executive director of the
 9 Collaborative Center for Literacy Development, the president of the Council on
 10 Postsecondary Education or the president's designee, and the following members, to
 11 be appointed by the Governor:
- 12 (a) Four (4) primary program teachers with a specialty or background in reading
 13 and literacy **or reading intervention**;
 - 14 (b) Four (4) university or college professors with a specialty or background in
 15 reading and literacy representing universities;
 - 16 (c) One (1) elementary school principal;
 - 17 (d) One (1) certified library media specialist; and
 - 18 (e) Three (3) individuals from the state at large with an interest in reading and
 19 literacy.
- 20 (2) Each member of the **council**~~[committee]~~, other than **the commissioner of education**
 21 **or the commissioner's designee**~~[members who serve by virtue of their position]~~,
 22 shall serve for a term of three (3) years or until a successor is appointed, except that
 23 upon initial appointment, five (5) members shall serve a one (1) year term, four (4)
 24 members shall serve a two (2) year term, and four (4) members shall serve a three
 25 (3) year term.
- 26 (3) A majority of the full authorized membership shall constitute a quorum.
- 27 (4) The **council**~~[committee]~~ shall elect, by majority vote, a chair, who shall be the

1 presiding officer of the council~~[committee]~~, preside at all meetings, and coordinate
 2 the functions and activities of the council~~[committee]~~. The chair shall be elected or
 3 reelected each calendar year.

4 (5) The council~~[committee]~~ shall be attached to the Department of Education for
 5 administrative purposes.

6 (6) The council~~[committee]~~ shall:

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

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

11 ~~(c) [Recommend approval of grant applications based upon the provisions of~~
 12 ~~KRS 158.792 and administrative regulations promulgated by the Kentucky~~
 13 ~~Board of Education as required under KRS 158.792; and~~

14 ~~(d)]Advise the Kentucky Board of Education and the Department of Education~~
 15 ~~regarding costs and effectiveness of various reading intervention programs;~~
 16 ~~and[.]~~

17 (d) Advise the Department of Education on:

18 1. Suggested universal screeners for reading to be administered to
 19 students in kindergarten through grade three (3) as required by
 20 Section 1 of this Act;

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

24 3. The development, implementation, and outcomes of a statewide
 25 professional development program to include early literacy skills
 26 instruction and student engagement.

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

- 1 (1) The Collaborative Center for Literacy Development: Early Childhood through
2 Adulthood is created to make available professional development for educators in
3 reliable, replicable evidence~~[research]~~-based reading programs, and to promote
4 literacy development, including cooperating with other entities that provide family
5 literacy services. The center shall be responsible for:
- 6 (a) Developing and implementing a clearinghouse for information about
7 programs addressing reading and literacy from early childhood and the
8 elementary grades (P-5) through adult education;
- 9 (b) Providing advice to the Kentucky Board of Education regarding evidence-
10 based comprehensive reading instruction~~[the Reading Diagnostic and~~
11 ~~Intervention Grant Program established in KRS 158.792]~~ and in other matters
12 relating to reading;
- 13 (c) Collaborating with public and private institutions of postsecondary education
14 and adult education providers to provide for teachers and administrators
15 quality preservice and professional development relating to reading diagnostic
16 assessments and intervention and to the essential components of successful
17 reading: phonemic awareness, phonics, fluency, vocabulary, comprehension,
18 and the connections between writing and reading acquisition and motivation
19 to read;
- 20 (d) Collaborating with the Kentucky Department of Education to assist districts
21 with students functioning at low levels of reading skills to assess and address
22 identified literacy needs;
- 23 (e) Providing professional development and coaching for early childhood
24 educators and classroom teachers, including adult education teachers,
25 implementing selected reliable, replicable evidence~~[research]~~-based reading
26 programs. The professional development shall utilize technology when
27 appropriate;

- 1 (f) Developing and implementing a comprehensive research agenda evaluating
2 the comprehensive reading programs and reading intervention
3 programs~~early reading models~~ implemented in accordance with~~Kentucky~~
4 ~~under~~ KRS 158.792;
- 5 (g) Maintaining a demonstration and training site for early literacy located at each
6 of the public universities;
- 7 (h) Assisting middle and high schools in the development of comprehensive
8 adolescent reading plans and maintaining a repository of instructional
9 materials or summary materials that identify comprehension best practices in
10 the teaching of each subject area and a list of classroom-based diagnostic
11 reading comprehension assessments that measure student progress in
12 developing students' reading comprehension skills; and
- 13 (i) Evaluating the reading and literacy components of the model adult education
14 programs funded under the adult education and literacy initiative fund created
15 under KRS 151B.409.
- 16 (2) The center shall review national research and disseminate appropriate research
17 abstracts, when appropriate, as well as conduct ongoing research of reading
18 programs throughout the state. Research activities undertaken by the center shall
19 consist of descriptive as well as empirical studies.
- 20 (a) The center may contract for research studies to be conducted on its behalf.
- 21 (b) The research agenda should, at a minimum, consider the impact of various
22 reading and intervention programs:
- 23 1. In eliminating academic achievement gaps among~~for~~ students with
24 differing characteristics, including subpopulations of students with
25 disabilities, students with low socioeconomic status, students from racial
26 minority groups, students with limited English proficiency, and students
27 of different gender;

- 1 2. In schools with differing characteristics, such as urban versus rural
- 2 schools, poverty versus nonpoverty schools, schools with strong library
- 3 media center programs versus schools with weak library media center
- 4 programs, and schools in different geographic regions of the state;
- 5 3. In terms of their costs and effectiveness; and
- 6 4. In maintaining positive student progress over a sustained period of time.

7 (3) The center shall submit an annual report of its activities to the Kentucky
8 Department of Education, the Governor, and the Legislative Research Commission
9 no later than September 1 of each year.

10 (4) With advice from the Department of Education, the Council on Postsecondary
11 Education shall develop a process to solicit, review, and approve a proposal for
12 locating the Collaborative Center for Literacy Development at a public institution of
13 postsecondary education. The Council on Postsecondary Education shall approve
14 the location. The center, in conjunction with the council, shall establish goals and
15 performance objectives related to the functions described in this section.

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

17 (1) As used in this section:

- 18 (a) "Election" has the same meaning as in KRS 121.015;
- 19 (b) "Minimum school term" or "school term" means not less than one hundred
20 eighty-five (185) days composed of the student attendance days, teacher
21 professional days, and holidays;
- 22 (c) "School calendar" means the document adopted by a local board of education
23 that establishes the minimum school term, student instructional year or
24 variable student instructional year, and days that school will not be in session;
- 25 (d) "School district calendar committee" means a committee that includes at least
26 the following:
 - 27 1. One (1) school district principal;

- 1 2. One (1) school district office administrator other than the
2 superintendent;
- 3 3. One (1) member of the local board of education;
- 4 4. Two (2) parents of students attending a school in the district;
- 5 5. One (1) school district elementary school teacher;
- 6 6. One (1) school district middle or high school teacher;
- 7 7. Two (2) school district classified employees; and
- 8 8. Two (2) community members from the local chamber of commerce,
9 business community, or tourism commission;
- 10 (e) "Student attendance day" means any day that students are scheduled to be at
11 school to receive instruction, and encompasses the designated start and
12 dismissal time;
- 13 (f) "Student instructional year" means at least one thousand sixty-two (1,062)
14 hours of instructional time for students delivered on not less than one hundred
15 seventy (170) student attendance days;
- 16 (g) "Teacher professional day" means any day teachers are required to report to
17 work as determined by a local board of education, with or without the
18 presence of students; and
- 19 (h) "Variable student instructional year" means at least one thousand sixty-two
20 (1,062) hours of instructional time delivered on the number of student
21 attendance days adopted by a local board of education which shall be
22 considered proportionally equivalent to one hundred seventy (170) student
23 attendance days and calendar days for the purposes of a student instructional
24 year, employment contracts that are based on the school term, service credit
25 under KRS 161.500, and funding under KRS 157.350.
- 26 (2) (a) Beginning with the 2018-2019 school year, and each year thereafter, the local
27 board of education, upon recommendation of the local school district

1 superintendent, shall annually appoint a school district calendar committee to
2 review, develop, and recommend school calendar options.

3 (b) The school district calendar committee, after seeking feedback from school
4 district employees, parents, and community members, shall recommend
5 school calendar options to the local school district superintendent for
6 presentation to the local board of education. The committee's
7 recommendations shall comply with state laws and regulations and consider
8 the economic impact of the school calendar on the community and the state.

9 (c) Prior to adopting a school calendar, the local board of education shall hear for
10 discussion the school district calendar committee's recommendations and the
11 recommendation of the superintendent at a meeting of the local board of
12 education.

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

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

27 (f) Beginning with the 2018-2019 school year, and each year thereafter, a local

1 school board of education that adopts a school calendar with the first student
2 attendance day in the school term starting no earlier than the Monday closest
3 to August 26 may use a variable student instructional year. Districts may set
4 the length of individual student attendance days in a variable student
5 instructional schedule, but no student attendance day shall contain more than
6 seven (7) hours of instructional time unless the district submitted and received
7 approval from the commissioner of education for an innovative alternative
8 calendar.

9 (3) (a) Each local board of education shall use four (4) days of the minimum school
10 term for professional development and collegial planning activities for the
11 professional staff without the presence of students pursuant to the
12 requirements of KRS 156.095. At the discretion of the superintendent, one (1)
13 day of professional development may be used for district-wide activities and
14 for training that is mandated by federal or state law. The use of three (3) days
15 shall be planned by each school council, except that the district is encouraged
16 to provide technical assistance and leadership to school councils to maximize
17 existing resources and to encourage shared planning.

18 (b) At least one (1) hour of self-study review of seizure disorder materials shall be
19 required for all principals, guidance counselors, and teachers hired after July
20 1, 2019.

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

- 1 2. A flexible schedule option shall be reflected in the school's professional
2 development component within the school improvement plan and
3 approved by the local board. Credit for approved professional
4 development activities may be accumulated in periods of time other than
5 full day segments.
- 6 3. No teacher or administrator shall be permitted to count participation in a
7 professional development activity under the flexible schedule option
8 unless the activity is related to the teacher's classroom assignment and
9 content area, or the administrator's job requirements, or is required by
10 the school improvement plan, or is tied to the teacher's or the
11 administrator's individual growth plan. The supervisor shall give prior
12 approval and shall monitor compliance with the requirements of this
13 paragraph. In the case of teachers, a professional development
14 committee or the school council by council policy may be responsible
15 for reviewing requests for approval.
- 16 (d) The local board of each school district may use up to a maximum of four (4)
17 days of the minimum school term for holidays; provided, however, any
18 holiday which occurs on Saturday may be observed on the preceding Friday.
- 19 (e) Each local board may use two (2) days for planning activities without the
20 presence of students.
- 21 (f) Each local board may close schools for the number of days deemed necessary
22 for:
- 23 1. National or state emergency or mourning when proclaimed by the
24 President of the United States or the Governor of the Commonwealth of
25 Kentucky;
- 26 2. Local emergency which would endanger the health or safety of children;
27 and

- 1 3. Mourning when so designated by the local board of education and
2 approved by the Kentucky Board of Education upon recommendation of
3 the commissioner of education.
- 4 (4) (a) The Kentucky Board of Education, upon recommendation of the
5 commissioner of education, shall adopt administrative regulations governing
6 the use of student attendance days as a result of a local emergency, as
7 described in subsection (3)(f)2. of this section, and regulations setting forth
8 the guidelines and procedures to be observed for the approval of waivers from
9 the requirements of a student instructional year in subsection (1)(f) of this
10 section for districts that wish to adopt innovative instructional calendars, or
11 for circumstances that would create extreme hardship.
- 12 (b) If a local board of education amends its school calendar after its adoption due
13 to an emergency, it may lengthen or shorten any remaining student attendance
14 days by thirty (30) minutes or more, as it deems necessary, provided the
15 amended calendar complies with the requirements of a student instructional
16 year in subsection (1)(f) of this section or a variable student instructional year
17 in subsection (1)(h) of this section. No student attendance day shall contain
18 more than seven (7) hours of instructional time unless the district submitted
19 and received approval from the commissioner of education for an innovative
20 alternative calendar.
- 21 (5) (a) 1. In setting the school calendar, school may be closed for two (2)
22 consecutive days for the purpose of permitting professional school
23 employees to attend statewide professional meetings.
- 24 2. These two (2) days for statewide professional meetings may be
25 scheduled to begin with the first Thursday after Easter, or upon request
26 of the statewide professional education association having the largest
27 paid membership, the commissioner of education may designate

- 1 alternate dates.
- 2 3. If schools are scheduled to operate during days designated for the
- 3 statewide professional meeting, the school district shall permit
- 4 employees who are delegates to attend as compensated professional
- 5 leave time and shall employ substitute teachers in their absence.
- 6 4. The commissioner of education shall designate one (1) additional day
- 7 during the school year when schools may be closed to permit
- 8 professional school employees to participate in regional or district
- 9 professional meetings.
- 10 5. These three (3) days so designated for attendance at professional
- 11 meetings may be counted as a part of the minimum school term.
- 12 (b) 1. If any school in a district is used as a polling place, the school district
- 13 shall be closed on the day of the election, and those days may be used
- 14 for professional development activities, professional meetings, or
- 15 parent-teacher conferences.
- 16 2. A district may be open on the day of an election if no school in the
- 17 district is used as a polling place.
- 18 (c) All schools shall be closed on the third Monday of January in observance of
- 19 the birthday of Martin Luther King, Jr. Districts may:
- 20 1. Designate the day as one (1) of the four (4) holidays permitted under
- 21 subsection (3)(d) of this section; or
- 22 2. Not include the day in the minimum school term specified in subsection
- 23 (1) of this section.
- 24 (6) (a) The Kentucky Board of Education, or the organization or agency designated
- 25 by the board to manage interscholastic athletics, shall be encouraged to
- 26 schedule athletic competitions outside the regularly scheduled student
- 27 attendance day.

- 1 (b) Beginning with the 2009-2010 school year, any member of a school-
2 sponsored interscholastic athletic team who competes in a regional
3 tournament or state tournament sanctioned by the Kentucky Board of
4 Education, or the organization or agency designated by the board to manage
5 interscholastic athletics, and occurring on a regularly scheduled student
6 attendance day may be counted present at school on the date or dates of the
7 competition, as determined by local board policy, for a maximum of two (2)
8 days per student per year. The student shall be expected to complete any
9 assignments missed on the date or dates of the competition.
- 10 (c) The school attendance record of any student for whom paragraph (b) of this
11 subsection applies shall indicate that the student was in attendance on the date
12 or dates of competition.
- 13 (7) Students applying for excused absence for attendance at the Kentucky State Fair
14 shall be granted one (1) day of excused absence.
- 15 (8) Schools shall provide continuing education for those students who are determined
16 to need additional time to achieve the outcomes defined in KRS 158.6451, and
17 schools shall not be limited to the minimum school term in providing this
18 education. Continuing education time may include extended days, extended weeks,
19 or extended years. A local board of education may adopt a policy requiring its
20 students to participate in continuing education. The local policy shall set out the
21 conditions under which attendance will be required and any exceptions which are
22 provided. The Kentucky Board of Education shall promulgate administrative
23 regulations establishing criteria for the allotment of grants to local school districts
24 and shall include criteria by which the commissioner of education may approve a
25 district's request for a waiver to use an alternative service delivery option, including
26 providing services during the student attendance day on a limited basis. These
27 grants shall be allotted to school districts to provide instructional programs for

1 pupils who are identified as needing additional time to achieve the outcomes
2 defined in KRS 158.6451. **During the 2021-2022 school year**, a school district that
3 has a school operating a **reading intervention**~~[model early reading]~~ program under
4 KRS 158.792 may use a portion of its grant money as part of the matching funds to
5 provide individualized or small group reading instruction to qualified students
6 outside of the regular classroom during the student attendance day.

7 (9) Notwithstanding any other statute, each school term shall include no less than the
8 equivalent of the student instructional year in subsection (1)(f) of this section, or a
9 variable student instructional year in subsection (1)(h) of this section, except that
10 the commissioner of education may grant up to the equivalent of ten (10) student
11 attendance days for school districts that have a nontraditional instruction plan
12 approved by the commissioner of education on days when the school district is
13 closed for health or safety reasons. The district's plan shall indicate how the
14 nontraditional instruction process shall be a continuation of learning that is
15 occurring on regular student attendance days. Instructional delivery methods,
16 including the use of technology, shall be clearly delineated in the plan. Average
17 daily attendance for purposes of Support Education Excellence in Kentucky
18 program funding during the student attendance days granted shall be calculated in
19 compliance with administrative regulations promulgated by the Kentucky Board of
20 Education.

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

- 26 (a) The application, plan review, approval, and amendment process;
- 27 (b) Reporting requirements for districts approved for the program, which may

- 1 include but are not limited to examples of student work, lesson plans, teacher
2 work logs, and student and teacher participation on nontraditional instruction
3 days. Documentation to support the use of nontraditional instruction days
4 shall include clear evidence of learning continuation;
- 5 (c) Timelines for initial approval as a nontraditional instruction district, length of
6 approval, the renewal process, and ongoing evaluative procedures required of
7 the district;
- 8 (d) Reporting and oversight responsibilities of the district and the Kentucky
9 Department of Education, including the documentation required to show clear
10 evidence of learning continuation during nontraditional instruction days; and
- 11 (e) Other components deemed necessary to implement this section.
- 12 (11) Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection
13 (2) of this section, a school district shall arrange bus schedules so that all buses
14 arrive in sufficient time to provide breakfast prior to the beginning of the student
15 attendance day. In the event of an unforeseen bus delay, the administrator of a
16 school that participates in the Federal School Breakfast Program may authorize up
17 to fifteen (15) minutes of the student attendance day if necessary to provide the
18 opportunity for children to eat breakfast not to exceed eight (8) times during the
19 school year within a school building.
- 20 (12) Notwithstanding any other statute to the contrary, the following provisions shall
21 apply to a school district that misses student attendance days due to emergencies,
22 including weather-related emergencies:
- 23 (a) A certified school employee shall be considered to have fulfilled the minimum
24 one hundred eighty-five (185) day contract with a school district under KRS
25 157.350 and shall be given credit for the purpose of calculating service credit
26 for retirement under KRS 161.500 for certified school personnel if:
- 27 1. State and local requirements under this section are met regarding the

1 equivalent of the number and length of student attendance days, teacher
2 professional days, professional development days, holidays, and days for
3 planning activities without the presence of students; and

4 2. The provisions of the district's school calendar to make up student
5 attendance days missed due to any emergency, as approved by the
6 Kentucky Department of Education when required, including but not
7 limited to a provision for additional instructional time per day, are met.

8 (b) Additional time worked by a classified school employee shall be considered as
9 equivalent time to be applied toward the employee's contract and calculation
10 of service credit for classified employees under KRS 78.615 if:

11 1. The employee works for a school district with a school calendar
12 approved by the Kentucky Department of Education that contains a
13 provision that additional instructional time per day shall be used to make
14 up full days missed due to an emergency;

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

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

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

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

25 (1) The teachers' professional growth fund is hereby created to provide teachers with
26 high quality professional development in content knowledge in mathematics,
27 reading, science, language arts, social studies, arts and humanities, practical living,

1 vocational studies, and foreign languages; classroom-based screening, diagnostic,
2 assessment, and intervention strategies; and teaching methodologies, including
3 professional development that may lead to additional certification endorsements or
4 renewal of certification. Based on available funds, student achievement data, and
5 teacher data, the Kentucky Board of Education shall annually determine the priority
6 for content emphasis based on the greatest needs.

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

- 8 1. Tuition reimbursement for successful completion of college or
9 university level courses, including on-line courses and seminars,
10 approved for this purpose by the Education Professional Standards
11 Board;
- 12 2. Stipends for participation in and successful completion of:
 - 13 a. College or university courses, including on-line courses and
14 seminars, approved for this purpose by the Education Professional
15 Standards Board;
 - 16 b. Teacher institutes developed for core content instructors by the
17 Department of Education in compliance with KRS 156.095; and
 - 18 c. Other professional development programs approved by the
19 Kentucky Department of Education, including professional
20 development for teachers participating in grants awarded by the
21 Middle School Mathematics and Science Scholars Program
22 established under KRS 158.848;
- 23 3. Reimbursement for the purchase of materials required for professional
24 development programs; and
- 25 4. Reimbursement for other approved professional development activities
26 throughout the school year, including reimbursement for:
 - 27 a. Travel to and from professional development workshops; and

- 1 b. Travel to and from other schools for the observation of, and
2 consultation with, peer mentors; or
- 3 (b) The fund may be used to provide grants to local school districts to support
4 staff participation in specific, statewide initiatives for the professional
5 development of teachers and administrators in specific content areas as
6 established by the Kentucky Department of Education and the Kentucky
7 Board of Education under the provisions of subsections (4), (5), and (6) of this
8 section and referenced in KRS 158.842.
- 9 (c) The fund may be used to provide grants to colleges and universities to plan
10 and develop statewide professional development institutes and other
11 professional development services.
- 12 (d) The fund may be used to provide grants to local school districts, to colleges
13 and universities, or other entities to assist the Kentucky Department of
14 Education in evaluating costs and the effectiveness of activities and initiatives
15 established under this section.
- 16 (3) The Education Professional Standards Board shall determine the college and
17 university courses, including on-line courses and seminars, for which teachers may
18 receive reimbursement from the fund.
- 19 (4) The Department of Education shall:
- 20 (a) Administer the fund. In order to process reimbursements to teachers promptly,
21 the reimbursements shall not be subject to KRS 45A.690 to 45A.725;
- 22 (b) Determine the professional development programs for which teachers may
23 receive reimbursement, or districts or colleges and universities may receive
24 grants, from the fund;
- 25 (c) Determine the level of stipend or reimbursement, subject to the availability of
26 appropriated funds, for particular courses and programs, under subsection (2)
27 of this section; and

- 1 (d) Provide an accounting of fund expenditures and results of the use of the funds
2 for each biennium to the Interim Joint Committee on Education by November
3 1 of each odd-numbered year.
- 4 (5) The professional development programs approved by the Department of Education
5 for which teachers may receive support from the fund shall:
- 6 (a) Focus on improving the content knowledge of teachers;
- 7 (b) Provide training in the use of research-based and developmentally appropriate
8 classroom-based screening, diagnostic, assessment, and intervention
9 strategies;
- 10 (c) Provide instruction on teaching methods to effectively impart content
11 knowledge to all students;
- 12 (d) Include intensive training institutes and workshops during the summer;
- 13 (e) Provide programs for the ongoing support of teacher participants throughout
14 the year, which may include:
- 15 1. A peer coaching or mentoring, and assessment program; and
16 2. Planned activities, including:
- 17 a. Follow-up workshops; and
18 b. Support networks of teachers of the core disciplines using
19 technologies, including but not limited to telephone, video, and on-
20 line computer networks;
- 21 (f) Provide teacher participants with professional development credit toward
22 renewal of certification under the provisions of KRS 161.095, relating to
23 continuing education for teachers; and
- 24 (g) Provide teacher participants with the opportunity to obtain certificate
25 endorsements or extensions in critical shortage areas, with priority given to
26 mathematics and science through 2016, and in core content areas to their
27 existing certifications through the TC-HQ process, established by the

1 Education Professional Standards Board to meet the requirements of the No
2 Child Left Behind Act of 2001, 20 U.S.C. sec. 6301 et seq.

3 (6) The Kentucky Board of Education shall specify through promulgation of
4 administrative regulations:

5 (a) The application and approval process for receipt of funds;

6 (b) The requirements and process for the disbursement of funds; and

7 (c) The number of each kind of approved course for which applicants may receive
8 funds.

9 (7) Notwithstanding any other provisions to the contrary, a local school board may
10 advance the funds necessary for its teachers to participate in a college course or
11 professional development seminar or activity approved by the Kentucky Department
12 of Education and the Education Professional Standards Board under provisions of
13 this section and receive reimbursement from the department at the conclusion of the
14 activity or course by the teacher. If funds are advanced for the benefit of a teacher
15 under this subsection, but the teacher does not fulfill his or her obligation, the
16 teacher shall reimburse the school district for the funds expended by the district on
17 the teacher's behalf.

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

22 (9) Notwithstanding any provisions of this section to the contrary, beginning June 1,
23 2006, through the 2009-2010 school year, priority for the use of funds from the
24 teachers' professional growth fund shall be used to train and support teams of
25 teachers from all school levels to be trained as reading coaches and mentors or as
26 mathematics coaches and mentors in statewide institutes referenced in KRS 158.840
27 and 158.842, and for selected teachers to be highly trained in providing diagnostic

1 assessment and intervention services for students in the primary program struggling
2 with mathematics.

3 (a) The design of the statewide mathematics institutes to train mathematics
4 coaches and mentors shall be developed by the Committee for Mathematics
5 Achievement established in KRS 158.842. The committee shall provide
6 recommendations to the Kentucky Department of Education and the Kentucky
7 Board of Education in the preparation of administrative regulations that may
8 be promulgated by the board to implement the provisions of this subsection
9 relating to mathematics.

10 (b) The design of the professional development program to provide highly trained
11 mathematics intervention teachers in the primary program shall be developed
12 by the Center for Mathematics in collaboration with public and private
13 institutions of postsecondary education.

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

26 (10) Notwithstanding any provision of this section to the contrary, beginning June 1,
27 2010, through the 2015-2016 school year, priority for the use of funds from the

1 teachers' professional growth fund shall be for the purpose of increasing the number
2 of certified teachers with extensions or endorsements in mathematics and science as
3 described in subsection (5)(g) of this section.

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