

1 AN ACT relating to primary school.

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

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

4 (1) As used in this section:

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

11 (b) "Dyscalculia" means the inability to understand the meaning of numbers, the
12 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 (c) "Dysgraphia" means difficulty in automatically remembering and mastering
16 the sequence of muscle motor movements needed to accurately write letters or
17 numbers;

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

19 (e) "Enrichment program" means accelerated intervention within the school day
20 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, and
24 other instructional strategies aligned to reading and writing standards required
25 by KRS 158.6453 and outlined in administrative regulation promulgated by
26 the Kentucky Board of Education;

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

- 1 (g) "Phonemic awareness" has the same meaning as in KRS 158.307;
- 2 (h) "Reading diagnostic assessment" has the same meaning as in KRS 158.792;
- 3 (i) "Reading improvement plan" means an accelerated intervention plan for a
4 student in kindergarten through grade four (4) that is developed to increase a
5 student's rate of progress toward proficient performance in reading that is
6 identified as necessary based on the student's results on an approved reading
7 diagnostic assessment. This plan should be developed in collaboration and
8 accordance with any existing program services plan, individualized education
9 program, or Section 504 Plan unless the program services plan, individualized
10 education program, or Section 504 Plan already addresses improving reading;
- 11 (j) "Reading improvement team" means a team that develops and oversees the
12 progress of a reading improvement plan and includes:
- 13 1. The parent or guardian of the student that is the subject of the reading
14 improvement plan;
 - 15 2. No less than one (1) regular education teacher of the student to provide
16 information about the general curriculum for same-aged peers;
 - 17 3. A representative of the local education agency who is knowledgeable
18 about the reading curriculum and the availability of the evidence-based
19 literacy resources of the local education agency; and
 - 20 4. Any specialized certified school employees for students receiving
21 language instruction educational programming or special education
22 services; and
- 23 (k) "Universal screener" means a process of providing a brief assessment to all
24 students within a grade level to assess the students' performance on the
25 essential components of reading.
- 26 (2) Notwithstanding any other statute or administrative regulation to the contrary, the
27 Kentucky Board of Education shall promulgate administrative regulations to further

1 define a multitiered system of supports for district-wide use of a system for students
2 in kindergarten through grade three (3), that includes a tiered continuum of
3 interventions with varying levels of intensity and duration and which connects
4 general, compensatory, and special education programs to provide interventions
5 implemented with fidelity to evidence-based research and matched to individual
6 student strengths and needs. At a minimum, evidence of implementation shall be
7 submitted by the district to the department by October 1 of each year and shall
8 include but not be limited to the activities required under KRS 158.649.

9 (3) The department ~~[of Education]~~ shall provide technical assistance and training, if
10 requested by a local district, to assist in the implementation of the district-wide,
11 multitiered system of supports as a means to identify and assist any student
12 experiencing difficulty in reading, writing, mathematics, or behavior and to
13 determine appropriate instructional modifications needed by advanced learners to
14 make continuous progress.

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

- 16 (a) The use of specific screening processes and programs to identify student
17 strengths and needs;
- 18 (b) The use of screening data for designing instructional interventions;
- 19 (c) The use of multisensory instructional strategies and other interventions
20 validated for effectiveness by evidence-based research;
- 21 (d) Progress monitoring of student performance; and
- 22 (e) Accelerated, intensive, direct instruction that addresses students' individual
23 differences, including advanced learners, and enables students that are
24 experiencing difficulty to catch up with typically performing peers.

25 (5) (a) ~~[By January 1, 2023,]~~ Each superintendent or public charter school board of
26 directors shall select:

27 1. At least one (1) universal screener for reading that is determined by the

1 department to be reliable and valid to be administered to all students in
2 kindergarten through grade three (3); and

3 2. At least one (1) reading diagnostic assessment for reading that is
4 determined by the department to be reliable and valid to be administered
5 as part of a multitiered system of supports for students in kindergarten
6 through grade three (3).

7 (b) Notwithstanding KRS 158.6453(19) and 160.345, each superintendent or
8 public charter school board shall adopt a common comprehensive reading
9 program that is determined by the department to be reliable, valid, and aligned
10 to reading and writing standards required by KRS 158.6453 and outlined in
11 administrative regulation promulgated by the Kentucky Board of Education
12 for kindergarten through grade three (3) for all schools or a subset of schools,
13 with consultation of all affected elementary school councils.

14 (c) All teachers of students in kindergarten through grade three (3), including
15 public charter school teachers, shall be trained on any reading diagnostic
16 assessment and universal screener selected by the superintendent or public
17 charter school board prior to administration of the assessment. The training
18 shall address:

19 1. How to properly administer the reading diagnostic assessment;

20 2. How to interpret the results of the reading diagnostic assessment to
21 identify students needing interventions;

22 3. How to use the assessment results to design instruction and
23 interventions;

24 4. The use of the assessment to monitor the progress of student
25 performance; and

26 5. The use of accelerated, intensive, and direct instruction that addresses
27 students' individual differences and enables students to achieve

1 proficiency in reading, including but not limited to daily, one-on-one
2 instruction.

3 (6) ~~[Beginning with the 2023-2024 school year,]~~A universal screener determined by
4 the Department of Education to be reliable and valid shall be:

5 (a) Given in the first forty-five (45) days of the school year for all kindergarten
6 students at a public school or public charter school;~~[and]~~

7 (b) Given in the first thirty (30) days of the school year for grades one (1) through
8 three (3) at a public school or public charter school; and

9 (c) Given within the final fourteen (14) instructional days of the school year to
10 all students in kindergarten at a public school or public charter school.

11 (7) A reading improvement plan shall be developed and implemented by a reading
12 improvement team for any student in kindergarten through grade three (3) identified
13 as needing accelerated interventions to progress toward proficient performance in
14 reading. The reading improvement plan shall require:

15 (a) Intensive intervention that includes effective instructional strategies and
16 appropriate instructional materials necessary to help the student make
17 accelerated progress toward proficient performance in reading and become
18 ready for the next grade, including but not limited to daily, one-on-one
19 instruction with students the most in need provided by certified teachers
20 specifically trained to provide one-on-one instruction;

21 (b) A school to provide a written quarterly progress report containing the
22 information required by paragraph (a) of this subsection to a parent or
23 guardian of any student subject to a reading improvement plan. The written
24 quarterly progress report for the reading improvement plan may be included
25 in the school's existing quarterly progress report; and

26 (c) Individual placement decisions for children who are eligible for special
27 education and related services to be determined by the appropriate admissions

1 and release committee in accordance with administrative regulations
2 promulgated by the Kentucky Board of Education.

3 (8) ~~Beginning in the 2023-2024 school year,~~ If a student's rate of progress toward
4 proficient performance in reading needs accelerated interventions as demonstrated
5 by the results of an approved reading diagnostic assessment, the local school district
6 shall provide:

- 7 (a) Enrichment programs through grade three (3) using evidence-based reading
8 instruction and other strategies;
- 9 (b) Intensive instructional services, progress monitoring measures, and supports
10 to students through grade three (3); and
- 11 (c) Parents and legal guardians of students identified for accelerated interventions
12 in reading in kindergarten through grade three (3) with a "Read at Home"
13 plan, including information on how to participate in regular parent-guided
14 home reading.

15 (9) (a) *Beginning in the 2025-2026 school year, a kindergarten student who had a*
16 *reading improvement plan for the school year shall remain in kindergarten*
17 *for an additional school year if a school determines that the student:*

- 18 *1. Did not meet grade level benchmarks in reading while in kindergarten*
19 *as determined by the universal screener given pursuant to subsection*
20 *(6) of this section;*
- 21 *2. Did not master the Kentucky reading academic standards for*
22 *kindergarten students based on assessments given in accordance with*
23 *KRS 158.6453(8); or*
- 24 *3. Is not properly prepared to be successful in the first grade.*

25 (b) *Notwithstanding paragraph (a) of this subsection, placement decisions for*
26 *students eligible for special education and related services shall be*
27 *determined by the admissions and release committee in accordance with*

1 administrative regulations promulgated by the Kentucky Board of
 2 Education.

3 (c) No student who turns seven (7) years of age by August 1 shall be required to
 4 remain in kindergarten pursuant to paragraph (a) of this subsection.

5 (d) The school shall reevaluate and make necessary changes to the reading
 6 improvement plan of any student remaining in kindergarten and shall
 7 continue to provide all programs and services required under subsection (8)
 8 of this section during the additional year of kindergarten.

9 (e) A student who was provided an additional year of kindergarten under
 10 paragraph (a) of this subsection may advance through the primary program
 11 when it is determined by the school to be in the best interest of the student
 12 pursuant to KRS 158.031.

13 (10) ~~Beginning in the 2024-2025 school year,~~ If a student does not score in the
 14 proficient performance level or higher in reading, as defined in KRS 158.791(2), on
 15 the state annually required grade three (3) assessment, the local school district shall
 16 provide:

- 17 (a) 1. Enrichment programs in grade four (4) using evidence-based reading
 18 instruction and other strategies; or
 19 2. Intensive instructional services, progress monitoring measures, and
 20 supports to students in grade four (4); and
 21 (b) Written notification of the interventions and supports described in paragraph
 22 (a) of this subsection to the parent or legal guardian of the student, including a
 23 description of proposed interventions and supports to be provided.

24 (11)~~(10)~~ By September 1, 2023, if funds are appropriated, the department shall
 25 establish required teacher academies or coaching models for teachers of students in
 26 prekindergarten through grade three (3). The teacher academies or coaching models
 27 shall be related to evidence-based practices in instruction, instructional materials,

1 and assessment in reading.

2 ~~(12)~~~~(11)~~ The department shall develop and maintain a web-based resource providing
3 teachers access to:

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

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

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

12 2. Writing when a student is experiencing difficulty with consistently
13 producing letters or numbers with accuracy or is exhibiting
14 characteristics of dysgraphia;

15 3. Mathematics when a student is experiencing difficulty with basic math
16 facts, calculations, or application through problem solving, or is
17 exhibiting characteristics of dyscalculia or other mathematical
18 difficulties; or

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

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

23 ~~(13)~~~~(12)~~ The department shall encourage districts to utilize both state and federal funds
24 as appropriate to implement a district-wide multitiered system of supports.

25 ~~(14)~~~~(13)~~ The department is encouraged to coordinate technical assistance and training
26 on current best practice interventions with state postsecondary education
27 institutions.

1 ~~(15)~~~~(14)~~ The department shall collaborate with the statewide reading research center
2 established under KRS 164.0207, the Kentucky Center for Mathematics, the
3 Kentucky Center for Instructional Discipline, the Education Professional Standards
4 Board, the Council on Postsecondary Education, postsecondary teacher education
5 programs, and other agencies and organizations as deemed appropriate to ensure
6 that teachers are prepared to utilize evidence-based interventions in reading,
7 writing, mathematics, and behavior.

8 ~~(16)~~~~(15)~~ In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to
9 determine appropriate instructional strategies for curriculum implementation shall
10 not be considered to be an evaluation for eligibility for special education and related
11 services and nothing in this section shall limit a school district from completing an
12 initial evaluation of a student suspected of having a disability.