

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 ten (10) instructional days of the school year to all**  
10 **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 make adequate progress in reading while in kindergarten as**  
19 **determined by grade level norms on the universal screener given**  
20 **pursuant to subsection (6) of this section;**

21 **2. Would not be entering the first grade reading at or above the**  
22 **benchmark for kindergarten; and**

23 **3. Is not properly prepared to be successful in the first grade.**

24 **(b) No student who turns seven (7) years of age by August 1 shall be required to**  
25 **remain in kindergarten pursuant to paragraph (a) of this subsection.**

26 **(c) The school shall reevaluate and make necessary changes to the reading**  
27 **improvement plan of any student remaining in kindergarten and shall**

1 continue to provide all programs and services required under subsection (8)  
 2 of this section during the additional year of kindergarten.

3 (d) A student who was provided an additional year of kindergarten under  
 4 paragraph (a) of this subsection may advance through the primary program  
 5 when it is determined by the school to be in the best interest of the student  
 6 pursuant to KRS 158.031.

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

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

18 (11) [~~(10)~~] By September 1, 2023, if funds are appropriated, the department shall  
 19 establish required teacher academies or coaching models for teachers of students in  
 20 prekindergarten through grade three (3). The teacher academies or coaching models  
 21 shall be related to evidence-based practices in instruction, instructional materials,  
 22 and assessment in reading.

23 (12) [~~(11)~~] The department shall develop and maintain a web-based resource providing  
 24 teachers access to:

- 25 (a) Information on the use of specific screening processes and programs to  
 26 identify student strengths and needs, including those for advanced learners;  
 27 (b) Current, evidence-based research and age-appropriate instructional tools that

1 may be used for substantial, steady improvement in:

- 2 1. Reading when a student is experiencing difficulty with phonemic  
3 awareness, phonics, vocabulary, fluency, general reading  
4 comprehension, or reading in specific content areas, or is exhibiting  
5 characteristics of dyslexia, aphasia, or other reading difficulties;
- 6 2. Writing when a student is experiencing difficulty with consistently  
7 producing letters or numbers with accuracy or is exhibiting  
8 characteristics of dysgraphia;
- 9 3. Mathematics when a student is experiencing difficulty with basic math  
10 facts, calculations, or application through problem solving, or is  
11 exhibiting characteristics of dyscalculia or other mathematical  
12 difficulties; or
- 13 4. Behavior when a student is exhibiting behaviors that interfere with his  
14 or her learning or the learning of other students; and

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

17 ~~(13)~~~~(12)~~ The department shall encourage districts to utilize both state and federal funds  
18 as appropriate to implement a district-wide multitiered system of supports.

19 ~~(14)~~~~(13)~~ The department is encouraged to coordinate technical assistance and training  
20 on current best practice interventions with state postsecondary education  
21 institutions.

22 ~~(15)~~~~(14)~~ The department shall collaborate with the statewide reading research center  
23 established under KRS 164.0207, the Kentucky Center for Mathematics, the  
24 Kentucky Center for Instructional Discipline, the Education Professional Standards  
25 Board, the Council on Postsecondary Education, postsecondary teacher education  
26 programs, and other agencies and organizations as deemed appropriate to ensure  
27 that teachers are prepared to utilize evidence-based interventions in reading,



1 writing, mathematics, and behavior.  
2 ~~(16)~~~~(15)~~ In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to  
3 determine appropriate instructional strategies for curriculum implementation shall  
4 not be considered to be an evaluation for eligibility for special education and related  
5 services and nothing in this section shall limit a school district from completing an  
6 initial evaluation of a student suspected of having a disability.