

1 AN ACT relating to reading and language arts instruction.

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

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

5 (1) As used in this section:

6 (a) "Curriculum" means the content and plan for instruction, including
7 materials, instructional programs, texts, lesson plans, and assessments
8 needed to help students develop critical skills, knowledge, and meet or
9 exceed proficiency in required academic standards;

10 (b) "Educator preparation program" means a program approved by the
11 Education Professional Standards Board that prepares individuals for
12 licensure as teachers, school leaders, or other school or district
13 administrators;

14 (c) "Reading intervention" means curriculum, activities, and evidence-based
15 strategies used to accelerate student progress toward proficiency in reading,
16 including but not limited to individual instruction, small groups,
17 multisensory approaches, tutoring, mentoring, and the use of technology
18 that targets specific reading skills and abilities; and

19 (d) "Three-cueing system" means any model of teaching students to read based
20 on meaning, structure and syntax, and visual cues, which may also be
21 known as "MSV."

22 (2) The Kentucky Department of Education shall establish an approved list of
23 reading curriculum and interventions that are scientifically researched and
24 evidence-based that may be used by schools to meet the requirements of
25 subsection (3)(b) of this section and that do not include instructional strategies
26 that employ the three-cueing system of reading.

27 (3) (a) A public school district shall not use any curriculum, reading intervention,

1 or program of instruction that utilizes the three-cueing system of teaching
2 students to read.

3 (b) Each public school district shall:

- 4 1. Ensure that all curriculum, reading interventions, and programs of
5 instruction utilized to teach students to read are high-quality, fully
6 aligned to state content standards, and based on literacy strategies that
7 are scientifically researched with proven results in teaching phonemic
8 awareness, phonics, fluency, vocabulary, and comprehension; and
9 2. Ensure that no school in the district is utilizing a three-cueing system
10 of teaching students to read.

11 (4) Beginning with the 2027-2028 school year, if the Kentucky Board of Education
12 determines that a public school district has violated subsection (3) of this section,
13 the board shall notify the public school district of the violation.

14 (5) The department, the Educational Professional Standards Board, educational
15 cooperatives, special education cooperatives, early childhood regional training
16 centers, and local school districts are prohibited from providing or utilizing any
17 professional development that uses a three-cueing system of teaching students to
18 read.

19 (6) The Education Professional Standards Board shall promulgate administrative
20 regulations in accordance with KRS Chapter 13A to establish criteria for reading
21 curriculum for each state-approved educator preparation program.

22 ➔Section 2. KRS 158.307 is amended to read as follows:

23 (1) As used in this section:

24 (a) "Dyslexia" means a specific learning disability that is neurological in origin. It
25 is characterized by difficulties with accurate or fluent word recognition and by
26 poor spelling and decoding abilities. These difficulties typically result from a
27 deficit in the phonological component of language that is often unexpected in

1 relation to other cognitive abilities and the provision of effective classroom
2 instruction. Secondary consequences may include problems in reading
3 comprehension and reduced reading experience that can impede the growth of
4 vocabulary and background knowledge;

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

6 (c) "Phonemic awareness" means the ability to recognize that a spoken word
7 consists of a sequence of individual sounds and the ability to manipulate
8 individual sounds in speaking.

9 (2) ~~[By January 1, 2019,]~~The Department of Education shall make available a dyslexia
10 toolkit that includes guidance, technical assistance, and training to assist all local
11 school districts in the implementation of evidence-based practices for instructing
12 students identified with or displaying characteristics of dyslexia.

13 (3) The dyslexia toolkit shall include but not be limited to the following guidance for
14 local districts targeting students in kindergarten through grade three (3) who have
15 been identified with or displaying characteristics of dyslexia:

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

17 (b) Characteristics of targeted instruction for dyslexia;

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

19 (d) Best practices toward meaning-centered reading and writing;

20 (e) Structured multisensory and literacy approaches to teaching language and
21 reading skills; and

22 (f) Suggested professional development activities.

23 (4) The department shall collaborate with the Education Professional Standards Board,
24 Council on Postsecondary Education, and other groups as necessary to improve and
25 update professional development opportunities for teachers specifically related to
26 dyslexia. Professional development opportunities may focus on:

27 (a) Development and ongoing implementation of training and coaching for

- 1 teachers;
- 2 (b) Identifying high-quality trainers to provide support to local districts utilizing a
- 3 coaching model to develop building level dyslexia experts;
- 4 (c) Developing awareness training modules for all instructional staff to include
- 5 information about characteristics of dyslexia; and
- 6 (d) Evidence-based interventions, structured multisensory and literacy approaches
- 7 to teach language and reading skills, and accommodations for dyslexia and
- 8 other specific learning disabilities.
- 9 (5) Each local board of education shall~~may~~ develop a policy addressing the
- 10 implementation of a program for the identification of and strategies for assisting
- 11 students in kindergarten through grade three (3) with dyslexia.
- 12 (6) The local board policies shall~~may~~ include but not be limited to:
- 13 (a) The definition and characteristics of dyslexia;
- 14 (b) A process for identifying students who are displaying characteristics of
- 15 dyslexia;
- 16 (c) A process for the utilization of evaluation tools to accurately identify students
- 17 who are displaying characteristics of dyslexia. Any qualified dyslexia
- 18 evaluation tool utilized by a local district shall address but not be limited to
- 19 the following components:
- 20 1. Phonological awareness and phonemic awareness;
- 21 2. Sound symbol recognition;
- 22 3. Alphabet knowledge;
- 23 4. Decoding skills;
- 24 5. Encoding skills; and
- 25 6. Rapid naming;
- 26 (d) A process for how evaluation tools are administered and evaluated by trained
- 27 district personnel or licensed professionals;

- 1 (e) A process for outreach to parents of students identified with or displaying the
2 characteristics of dyslexia with information and resource materials and how
3 dyslexia may be addressed in the student's educational setting;
- 4 (f) Identification of evidence-based interventions, structured multisensory and
5 literacy approaches to teach language and reading skills, and accommodations
6 that schools may utilize to provide services to students identified as having
7 dyslexia; and
- 8 (g) A process for monitoring a student's progress after the positive identification,
9 including assessments to ascertain whether the intervention services improve
10 the student's language processing and reading skills.
- 11 (7) By June 30 of each year, each local school district ~~that developed a policy~~
12 ~~addressing the implementation of a program for the identification of and strategies~~
13 ~~for assisting students in kindergarten through grade three (3) with dyslexia~~ shall
14 provide the department the following data for the current school year:
- 15 (a) The number of students in kindergarten through grade three (3) that were
16 identified as displaying characteristics of dyslexia;
- 17 (b) The number of students in paragraph (a) of this subsection that were identified
18 through the response-to-intervention process;
- 19 (c) The number of students in kindergarten through grade three (3) that were
20 evaluated for dyslexia;
- 21 (d) The number of students in kindergarten through grade three (3) that were
22 identified with dyslexia;
- 23 (e) The dyslexia evaluation tools used to identify students;
- 24 (f) The number of students in kindergarten through grade three (3) that were
25 participating in interventions within the school setting;
- 26 (g) The process or tools used to evaluate student progress; and
- 27 (h) The number of trained district personnel or licensed professionals used to

1 administer the dyslexia evaluation tools.

2 (8) (a) The department shall establish a study project to gather information on early
3 screening and intervention services for children with characteristics of
4 dyslexia. The commissioner of education shall select three (3) school districts
5 to participate in the study project, one (1) of which shall be located in an
6 urban setting, one (1) of which shall be located in a suburban setting, and one
7 (1) of which shall be located in a rural setting.

8 (b) The department shall establish guidelines and procedures for the study
9 project.

10 (c) The study project shall operate for three (3) full school years, beginning with
11 the school year that begins at least three (3) months after July 14, 2018.

12 (d) The goal of the study project shall be to evaluate the effectiveness of early
13 reading assistance programs for children with characteristics of dyslexia.

14 (e) The commissioner may consult with recognized organizations that specialize
15 in structured literacy programs for the treatment of dyslexia in establishing
16 and operating the study project.

17 (f) The department shall submit a final report outlining the findings of the study
18 to the Interim Joint Committee on Education by November 1 after the final
19 academic year of the study project.

20 ➔Section 3. KRS 164.304 is amended to read as follows:

21 By the 2027-2028~~[2019-2020]~~ academic year, postsecondary institutions offering teacher
22 preparation programs for elementary and secondary regular education shall~~[, subject to~~
23 ~~available funds,]~~ include instruction on:

24 (1) The definition and characteristics of dyslexia;

25 (2) Processes for identifying dyslexia;

26 (3) Evidence-based interventions and accommodations for dyslexia and other disorders
27 defined in KRS 158.305 and related literacy and learning challenges; and

- 1 (4) Core elements of a response-to-intervention framework addressing reading, writing,
2 mathematics, and behavior, including;
- 3 (a) Universal screening;
- 4 (b) Evidence-based research interventions;
- 5 (c) Progress monitoring of the effectiveness of interventions on student
6 performance;
- 7 (d) Data-based decision-making procedures related to:
- 8 1. Determining intervention effectiveness on student performance; and
- 9 2. Determining the need to continue, alter, or discontinue interventions or
10 conduct further evaluation of student needs; and
- 11 (e) Application and implementation of response-to-intervention and dyslexia
12 instructional practices in the classroom setting.

13 ➔Section 4. KRS 164.306 is amended to read as follows:

- 14 (1) ~~{Beginning in the 2022-2023 school year, }~~Postsecondary institutions offering
15 teacher preparation programs for interdisciplinary early childhood education or
16 elementary regular education shall include evidence-based reading instructional
17 programming related to reading instruction in the areas of phonemic awareness,
18 phonics, fluency, vocabulary, and comprehension and on:
- 19 (a) The administration of specific assessment processes, ~~and~~ programs, and
20 interventions used to identify student strengths and needs and that are
21 determined by the Department of Education to be reliable and valid;
- 22 (b) The use of assessment data for designing instruction and interventions;
- 23 (c) Progress monitoring of student performance; and
- 24 (d) Instructional strategies that address students' individual differences.

25 **(2) Postsecondary institutions offering teacher preparation programs shall:**

- 26 **(a) Provide instruction on how to teach reading and language arts using**
27 **scientifically researched and evidence-based reading instruction and**

- 1 reading intervention programs as defined in Section 1 of this Act;
2 (b) Prohibit instruction on teaching reading and language arts that
3 incorporates a three-cueing system as defined in Section 1 of this Act; and
4 (c) Align to the academic standards established by the Department of
5 Education, and the approved list of reading curriculum and interventions
6 that are utilized by local districts under Section 1 of this Act.

7 ~~(3)(2)~~ ~~[By January 1, 2024,]~~The Education Professional Standards Board shall
8 develop and maintain a list of approved teacher preparation tests that are
9 determined by the board to be an effective evaluation of reading instruction
10 knowledge and skills.

11 ~~(4)(3)~~ ~~[Beginning in the 2024-2025 school year,]~~All new teachers seeking
12 certification in interdisciplinary early childhood education or elementary education
13 shall successfully pass an approved teacher preparation test that includes an
14 evaluation of reading instruction knowledge and skills.

15 ~~(5)(4)~~ The Education Professional Standards Board shall report program data to an
16 external evaluator for analysis of postsecondary teacher preparation programs for
17 interdisciplinary early childhood education or elementary regular education for the
18 goal of increasing the success of new teacher candidates in demonstrating reading
19 instruction knowledge and skills.

20 ➔Section 5. KRS 161.028 is amended to read as follows:

21 (1) The Education Professional Standards Board is recognized to be a public body
22 corporate and politic and an agency and instrumentality of the Commonwealth, in
23 the performance of essential governmental functions. The Education Professional
24 Standards Board has the authority and responsibility to:

- 25 (a) Establish standards and requirements for obtaining and maintaining a teaching
26 certificate;
27 (b) Set standards for, approve, and evaluate college, university, and school district

1 programs for the preparation of teachers and other professional school
2 personnel. College or university programs may be approved by the board for a
3 college or university with regional institutional level accreditation or national
4 institutional level accreditation that is recognized by the United States
5 Department of Education and is eligible to receive federal funding under 20
6 U.S.C. secs. 1061 to 1063. Program standards shall reflect national standards
7 and shall address, at a minimum, the following:

- 8 1. The alignment of programs with the state's core content for assessment
9 as defined in KRS 158.6457;
- 10 2. Research-based classroom practices, including effective classroom
11 management techniques;
- 12 3. Emphasis on subject matter competency of teacher education students;
- 13 4. Methodologies to meet diverse educational needs of all students;
- 14 5. The consistency and quality of classroom and field experiences,
15 including early practicums and student teaching experiences;
- 16 6. The amount of college-wide or university-wide involvement and support
17 during the preparation as well as the induction of new teachers;
- 18 7. The diversity of faculty;
- 19 8. The effectiveness of partnerships with local school districts; and
- 20 9. The performance of graduates on various measures as determined by the
21 board;

22 (c) *Include in the standards established for programs for the preparation of*
23 *teachers under subsection (1)(b) of this section the requirement that*
24 *programs:*

- 25 *1. Shall provide instruction on how to teach reading and language arts*
26 *using scientifically researched and evidence-based reading instruction*
27 *and reading intervention programs as defined in Section 1 of this Act;*

1 and

2 2. Shall not provide instruction on teaching reading and language arts
3 that incorporates a three-cueing system as defined in Section 1 of this

4 Act;

5 (d) Conduct an annual review of diversity in teacher preparation programs;

6 (e)~~[(d)]~~ Provide assistance to universities and colleges in addressing diversity,
7 which may include researching successful strategies and disseminating the
8 information, encouraging the development of nontraditional avenues of
9 recruitment and providing incentives, waiving administrative regulations
10 when needed, and other assistance as deemed necessary;

11 (f)~~[(e)]~~ Discontinue approval of programs that do not meet standards or whose
12 graduates do not perform according to criteria set by the board;

13 (g)~~[(f)]~~ Issue, renew, revoke, suspend, or refuse to issue or renew; impose
14 probationary or supervisory conditions upon; issue a written reprimand or
15 admonishment; or any combination of actions regarding any certificate;

16 (h)~~[(g)]~~ Develop specific guidelines to follow upon receipt of an allegation of
17 sexual misconduct by an employee certified by the Education Professional
18 Standards Board. The guidelines shall include investigation, inquiry, and
19 hearing procedures which ensure the process does not revictimize the alleged
20 victim or cause harm if an employee is falsely accused;

21 (i)~~[(h)]~~ Receive, along with investigators hired by the Education Professional
22 Standards Board, training on the dynamics of sexual misconduct of
23 professionals, including the nature of this abuse of authority, characteristics of
24 the offender, the impact on the victim, the possibility and the impact of false
25 accusations, investigative procedures in sex offense cases, and effective
26 intervention with victims and offenders;

27 (j)~~[(i)]~~ Recommend to the Kentucky Board of Education the essential data

1 elements relating to teacher preparation and certification, teacher supply and
2 demand, teacher attrition, teacher diversity, and employment trends to be
3 included in a state comprehensive data and information system and
4 periodically report data to the appropriate Interim Joint Committee on
5 Education;

6 ~~(k)~~~~(j)~~ Submit reports to the Governor and the Legislative Research
7 Commission and inform the public on the status of teaching in Kentucky;

8 ~~(l)~~~~(k)~~ Devise a credentialing system that provides alternative routes to gaining
9 certification and greater flexibility in staffing local schools while maintaining
10 standards for teacher competence;

11 ~~(m)~~~~(l)~~ Develop a professional code of ethics;

12 ~~(n)~~~~(m)~~ Charge reasonable fees for the issuance, reissuance, and renewal of
13 certificates that are established by administrative regulation. The proceeds
14 shall be used to meet a portion of the costs of the issuance, reissuance, and
15 renewal of certificates, and the costs associated with disciplinary action
16 against a certificate holder under KRS 161.120;

17 ~~(o)~~~~(n)~~ Waive a requirement that may be established in an administrative
18 regulation promulgated by the board. A request for a waiver shall be
19 submitted to the board, in writing, by an applicant for certification, a
20 postsecondary institution, or a superintendent of a local school district, with
21 appropriate justification for the waiver. The board may approve the request if
22 the person or institution seeking the waiver has demonstrated extraordinary
23 circumstances justifying the waiver. Any waiver granted under this subsection
24 shall be subject to revocation if the person or institution falsifies information
25 or subsequently fails to meet the intent of the waiver;

26 ~~(p)~~~~(o)~~ Promote the development of one (1) or more innovative, nontraditional
27 or alternative administrator or teacher preparation programs through public or

1 private colleges or universities, private contractors, the Department of
2 Education, or the Kentucky Commonwealth Virtual University and waive
3 administrative regulations if needed in order to implement the program;

4 ~~(q)(p)~~ Grant approval, if appropriate, of a university's request for an alternative
5 program that enrolls an administrator candidate in a postbaccalaureate
6 administrator preparation program concurrently with employment as an
7 assistant principal, principal, assistant superintendent, or superintendent in a
8 local school district. An administrator candidate in the alternative program
9 shall be granted a temporary provisional certificate and shall be a candidate in
10 the Kentucky Principal Internship Program, notwithstanding provisions of
11 KRS 161.030, or the Superintendent's Assessment process, notwithstanding
12 provisions of KRS 156.111, as appropriate. The temporary certificate shall be
13 valid for a maximum of two (2) years, and shall be contingent upon the
14 candidate's continued enrollment in the preparation program and compliance
15 with all requirements established by the board. A professional certificate shall
16 be issued upon the candidate's successful completion of the program,
17 internship requirements, and assessments as required by the board;

18 ~~(r)(q)~~ Employ consultants as needed;

19 ~~(s)(r)~~ Enter into contracts. Disbursements to professional educators who
20 receive less than one thousand dollars (\$1,000) in compensation per fiscal
21 year from the board for serving on an assessment validation panel or as a test
22 scorer or proctor shall not be subject to KRS 45A.690 to 45A.725;

23 ~~(t)(s)~~ Sponsor studies, conduct research, conduct conferences, and publish
24 information as appropriate; and

25 ~~(u)(t)~~ Issue orders as necessary in any administrative action before the board.

26 (2) (a) The board shall be composed of seventeen (17) members. The secretary of the
27 Education and Labor Cabinet and the president of the Council on

1 Postsecondary Education, or their designees, shall serve as ex officio voting
2 members. The Governor shall make the following fifteen (15) appointments:

- 3 1. Nine (9) members who shall be teachers representative of elementary,
4 middle or junior high, secondary, special education, and secondary
5 vocational classrooms;
- 6 2. Two (2) members who shall be school administrators, one (1) of whom
7 shall be a school principal;
- 8 3. One (1) member representative of local boards of education; and
- 9 4. Three (3) members representative of postsecondary institutions, two (2)
10 of whom shall be deans of colleges of education at public universities
11 and one (1) of whom shall be the chief academic officer or head of an
12 educator preparation program of an independent not-for-profit college or
13 university.

14 (b) The members appointed by the Governor shall be confirmed by the Senate
15 under KRS 11.160. If the General Assembly is not in session at the time of the
16 appointment, persons appointed shall serve prior to confirmation, but the
17 Governor shall seek the consent of the Senate at the next regular session or at
18 an intervening extraordinary session if the matter is included in the call of the
19 General Assembly.

20 (c) Each appointed member shall serve a three (3) year term. A vacancy on the
21 board shall be filled in the same manner as the original appointment within
22 sixty (60) days after it occurs. A member shall continue to serve until his or
23 her successor is named. Any member who, through change of employment
24 status or residence, or for other reasons, no longer meets the criteria for the
25 position to which he or she was appointed shall no longer be eligible to serve
26 in that position.

27 (d) Members of the board shall serve without compensation but shall be permitted

- 1 to attend board meetings and perform other board business without loss of
2 income or other benefits.
- 3 (e) A state agency or any political subdivision of the state, including a school
4 district, required to hire a substitute for a member of the board who is absent
5 from the member's place of employment while performing board business
6 shall be reimbursed by the board for the actual amount of any costs incurred.
- 7 (f) A chairman shall be elected by and from the membership. A member shall be
8 eligible to serve no more than three (3) one (1) year terms in succession as
9 chairman. Regular meetings shall be held at least semiannually on call of the
10 chairman.
- 11 (g) The commissioner of education shall serve as executive secretary to the board
12 and may designate staff to facilitate his or her duties.
- 13 (h) To carry out the functions relating to its duties and responsibilities, the board
14 is empowered to receive donations and grants of funds; to appoint consultants
15 as needed; and to sponsor studies, conduct conferences, and publish
16 information.