

## CHAPTER 55

## ( SB 156 )

AN ACT relating to a statewide reading research center.

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

➔Section 1. KRS 164.0207 is amended to read as follows:

- (1) ***A statewide reading research center shall be established under this section to support educators in implementing***~~The Collaborative Center for Literacy Development: Early Childhood through Adulthood is created to make available professional development for educators in~~ reliable, replicable evidence-based reading programs, and to promote literacy development, including cooperating with other entities that provide family literacy services. The center shall be responsible for:
- (a) Developing and implementing a clearinghouse for information about programs addressing reading and literacy from early childhood and the elementary grades (P-5) through adult education;
  - (b) Providing advice to the Kentucky Board of Education regarding ~~evidence-based comprehensive reading instruction and in other~~ matters relating to reading;
  - (c) ~~Collaborating with public and private institutions of postsecondary education and adult education providers to provide for teachers and administrators quality preservice and professional development relating to reading diagnostic assessments and intervention and to the essential components of successful reading: phonemic awareness, phonics, fluency, vocabulary, comprehension, and the connections between writing and reading acquisition and motivation to read;~~
  - ~~(d)~~ Collaborating with the Kentucky Department of Education to assist districts with students functioning at low levels of reading skills to assess and address identified literacy needs;
  - ~~(d)~~~~(e)~~ Providing ***research and data on evidence-based, high-yield instructional practices and coaching strategies***~~professional development and coaching~~ for early childhood educators and classroom teachers, including adult education teachers, implementing selected reliable, replicable evidence-based reading programs~~. The professional development shall utilize technology when appropriate~~;
  - ~~(e)~~~~(f)~~ Developing and implementing a comprehensive research agenda evaluating ***early reading models, instructional resources, and evidence-based practices needed to accelerate student performance toward proficiency in reading***~~comprehensive reading programs and reading intervention programs implemented in accordance with KRS 158.792~~;
  - ~~(g)~~ ~~Maintaining a demonstration and training site for early literacy located at each of the public universities~~;
  - ~~(f)~~~~(h)~~ Assisting middle and high schools in the development of comprehensive adolescent reading plans and maintaining a repository of instructional materials or summary materials that identify comprehension best practices in the teaching of each subject area and a list of classroom-based diagnostic reading comprehension assessments that measure student progress in developing students' reading comprehension skills; and
  - ~~(g)~~~~(i)~~ Evaluating the reading and literacy components of the model adult education programs funded under the adult education and literacy initiative fund created under KRS 151B.409.
- (2) The center shall review national research and disseminate appropriate research abstracts, when appropriate, as well as conduct ongoing research of reading programs throughout the state. Research activities undertaken by the center shall consist of descriptive as well as empirical studies.
- (a) The center may contract for research studies to be conducted on its behalf.
  - (b) The research agenda should, at a minimum, consider the impact of various reading and intervention programs:
    1. In eliminating academic achievement gaps among students with differing characteristics, including subpopulations of students with disabilities, students with low socioeconomic status,

students from racial minority groups, students with limited English proficiency, and students of different gender;

2. In schools with differing characteristics, such as urban versus rural schools, poverty versus nonpoverty schools, schools with strong library media center programs versus schools with weak library media center programs, and schools in different geographic regions of the state;
  3. In terms of their costs and effectiveness; and
  4. In maintaining positive student progress over a sustained period of time.
- (3) ***The center, in conjunction with the Kentucky Department of Education, shall establish annual goals and performance objectives related to the functions described in this section.*** The center shall submit an annual report of its activities, ***the effects of those activities on state performance levels in reading and writing, and the outcomes of all annual goals and performance objectives*** to the Kentucky Department of Education~~, the Governor, and the Legislative Research Commission~~ no later than September 1 of each year. ***Based on the annual outcomes, the Kentucky Department of Education shall make programming and funding recommendations to the Governor, the Legislative Research Commission, and the Interim Joint Committee on Education by October 1 of each year.***
- (4) ***The Kentucky Department of Education shall, through a competitive request for proposals process, select the administrator of the statewide reading research center for approval by the Kentucky Board of Education. The selected administrator shall be contracted for five (5) years, unless funding is not available or the administrator requests to discontinue the contract. For each five (5) year period thereafter, contingent upon funding, the Kentucky Department of Education shall issue a new request for proposals for the administration of the center.***~~With advice from the Department of Education, the Council on Postsecondary Education shall develop a process to solicit, review, and approve a proposal for locating the Collaborative Center for Literacy Development at a public institution of postsecondary education. The Council on Postsecondary Education shall approve the location. The center, in conjunction with the council, shall establish goals and performance objectives related to the functions described in this section.~~

➔Section 2. KRS 151B.406 is amended to read as follows:

- (1) The Office of Adult Education is created within the Department of Workforce Development in the Education and Labor Cabinet to carry out the statewide adult education mission. The office shall implement a twenty (20) year state strategy to reduce the number of adults who are at the lowest levels of literacy and most in need of adult education and literacy services. The office shall have responsibility for all functions related to adult education and literacy. The office shall:
  - (a) Promote coordination of programs and responsibilities linked to the issue of adult education with other agencies and institutions;
  - (b) Facilitate the development of strategies to increase the knowledge and skills of adults in all counties by promoting the efficient and effective coordination of all available education and training resources;
  - (c) Lead a statewide public information and marketing campaign to convey the critical nature of Kentucky's adult literacy challenge and to reach adults and employers with practical information about available education and training opportunities;
  - (d) Establish standards for adult literacy and monitor progress in achieving the state's adult literacy goals, including existing standards that may have been developed to meet requirements of federal law in conjunction with the ***statewide reading research center established under Section 1 of this Act***~~Collaborative Center for Literacy Development: Early Childhood through Adulthood~~; and
  - (e) Administer the adult education and literacy initiative fund created under KRS 151B.409.
- (2) The Office of Adult Education shall be organized in a manner as directed by the secretary of the Education and Labor Cabinet. The office shall be headed by an executive director appointed by the secretary of the Education and Labor Cabinet.
- (3) The Office of Adult Education shall be the agency solely designated for the purpose of developing and approving state plans required by state or federal laws or regulations.

➔Section 3. KRS 151B.409 is amended to read as follows:

- (1) There is created in the Education and Labor Cabinet a special fund to be known as the adult education and literacy initiative fund, which shall consist of moneys appropriated by the General Assembly, gifts, grants,

other sources of funding, public and private, and interest accrued by the fund. This fund shall not lapse at the end of a fiscal year but shall be carried forward to be used only for the purposes specified in this section. Moneys accumulated in this fund on June 27, 2019, shall remain in the fund and be transferred to the Education and Labor Cabinet to be used for purposes stated in this section.

- (2) The purpose of the adult education and literacy initiative fund shall be to support strategies for adult education, to provide statewide initiatives for excellence, and to provide funds for research and development activities.
- (3) The cabinet shall establish the guidelines for the use, distribution, and administration of the fund, financial incentives, technical assistance, and other support for strategic planning; and guidelines for fiscal agents to assess county and area needs and to develop strategies to meet those needs.
- (4) The fund shall include the following strategies:
  - (a) Statewide initiatives. Funds shall be used to encourage collaboration with other organizations, stimulate development of models of adult education programs that may be replicated elsewhere in the state, provide incentives for adults, employers, and providers to encourage adults to establish and accomplish learning contracts, provide incentives to encourage participation in adult education, assist providers of county and area programs in areas of highest need, and for other initiatives of regional or statewide significance as determined by the cabinet. The ***statewide reading research center established under Section 1 of this Act*** [~~Collaborative Center for Literacy Development: Early Childhood through Adulthood created under KRS 164.0207~~] shall evaluate the reading and literacy components of model programs funded under this paragraph.
  - (b) Research and demonstration. The funds shall be used to develop:
    1. Standards for the preparation, professional development, and support for adult educators with the advice of the Office of Adult Education and as compatible with funds provided under Title II of the Federal Workforce Investment Act;
    2. A statewide competency-based certification for transferable skills in the workplace; and
    3. A statewide public information and marketing campaign.

➔Section 4. KRS 154A.130 is amended to read as follows:

- (1) All money received by the corporation from the sale of lottery tickets and all other sources shall be deposited into a corporate operating account. The corporation is authorized to use all money in the corporate operating account for the purposes of paying prizes and the necessary expenses of the corporation and dividends to the state. The corporation shall allocate the amount to be paid by the corporation to prize winners. The amount in the corporate operating account which the corporation anticipates will be available for the payment of prizes on an annuity basis may be invested in direct United States Treasury obligations. These instruments may be in varying maturities with respect to payment of annuities and may be in book-entry form. Monthly, no later than the last business day of the succeeding month, the corporation shall transfer to a lottery trust fund the amount of net revenues which the corporation determines are surplus to its needs. These funds shall be held in trust until 1990 at which time the General Assembly shall determine the manner in which the funds will be allocated and appropriated. The net revenues shall be determined by deducting from gross revenues the payment costs incurred in the operation and administration of the lottery, including the expenses of the corporation and the costs resulting from any contract or contracts entered into for promotional, advertising, or operational services or for the purchase or lease of lottery equipment and materials, fixed capital outlays, and the payment of prizes to the holders of winning tickets. After the start-up costs are paid, it is the intent of the Legislature that it shall be the goal of the corporation to transfer each year thirty-five percent (35%) of gross revenues to the general fund for the purposes stated above.
- (2) A Kentucky lottery trust account is established in the State Treasury. Net lottery revenues shall be credited to this restricted account as provided in subsection (1) of this section. Moneys credited to the Kentucky lottery trust account shall be invested by the state in accordance with state investment practices and all earnings from the investments shall accrue to this account. No moneys shall be allotted or expended from this account unless pursuant to an appropriation by the General Assembly, except that moneys as are needed shall be transferred to the general fund pursuant to the provisions of the Acts of the Extraordinary Session of the 1988 General Assembly. Moneys in the Kentucky lottery trust account shall not lapse at the close of the state fiscal year.
- (3) Each fiscal year, three million dollars (\$3,000,000) from net lottery revenues from the sale of lottery tickets shall be credited from the general fund as follows:

- (a) To the ~~statewide reading research center established under Section 1 of this Act~~ Collaborative Center for Literacy Development, one million two hundred thousand dollars (\$1,200,000); and
- (b) To the reading diagnostic and intervention fund, one million eight hundred thousand dollars (\$1,800,000).
- (4) After the allocation of three million dollars (\$3,000,000) to literacy development, as provided in subsection (3) of this section, net lottery revenues from the sale of lottery tickets shall be credited from the general fund as follows:
- (a) To the Wallace G. Wilkinson Kentucky educational excellence scholarship trust fund established in KRS 164.7877:
1. Forty percent (40%) in fiscal year 2003-2004; and
  2. Forty-five percent (45%) in fiscal year 2004-2005 and each fiscal year thereafter; and
- (b) To the College Access Program and the Kentucky Tuition Grants Program established in KRS Chapter 164:
1. Forty percent (40%) in fiscal year 2003-2004;
  2. Forty-five percent (45%) in fiscal year 2004-2005; and
  3. Fifty-five percent (55%) of net lottery revenues in fiscal year 2005-2006 and each fiscal year thereafter.
- (5) The Auditor of Public Accounts shall be responsible for a financial postaudit of the books and records of the corporation. The postaudit shall be conducted in accordance with generally accepted accounting principles, shall be paid for by the corporation, and shall be completed within ninety (90) days of the close of the corporation's fiscal year. The Auditor of Public Accounts shall contract with an independent, certified public accountant who meets the qualifications existing to do business within the Commonwealth of Kentucky to perform the corporation postaudit. The Auditor of Public Accounts shall remain responsible for the annual postaudit and the corporation shall pay all audit costs. The Auditor of Public Accounts may at any time conduct additional audits, including performance audits, of the corporation as he deems necessary or desirable. Contracts shall be entered into for audit services for a period not to exceed five (5) years and the same firm shall not receive two (2) consecutive audit contracts. All audits shall be filed with the Governor, the President of the Senate, and the Speaker of the House of Representatives. The corporation shall reimburse the Auditor of Public Accounts for the reasonable costs of any audits performed by him *or her*. The corporation shall cooperate with the Auditor of Public Accounts by giving employees designated by any of them access to facilities of the corporation for the purpose of efficient compliance with their respective responsibilities. With respect to any reimbursement that the corporation is required to pay to any agency, the corporation shall enter into an agreement with that agency under which the corporation shall pay to the agency an amount reasonably anticipated to cover the reimbursable expenses in advance of the expenses being incurred.
- (6) By no later than December 31 of each year, in an advertisement at least one-fourth (1/4) of a page in size, the Kentucky Lottery Corporation shall publish the following information in every general-circulation daily newspaper published in Kentucky:
- (a) The statements of revenue, expenses, and changes in retained earnings as shown in the most recent annual audit report. It shall be explained that the transfer of dividends is the amount of lottery earnings transferred to the general fund;
  - (b) A statement identifying the auditing firm;
  - (c) A telephone number which citizens may call to obtain a complete copy of the annual audit report; and
  - (d) The name of the president/chief executive officer of the Kentucky Lottery Corporation and a complete list of board members.

The Kentucky Lottery Corporation shall pay for the cost of the advertisement.

➔Section 5. KRS 156.553 is amended to read as follows:

- (1) The teachers' professional growth fund is hereby created to provide teachers with high quality professional development in content knowledge in mathematics, reading, science, language arts, social studies, arts and humanities, practical living, vocational studies, and foreign languages; classroom-based screening, diagnostic, assessment, and intervention strategies; and teaching methodologies, including professional development that

may lead to additional certification endorsements or renewal of certification. Based on available funds, student achievement data, and teacher data, the Kentucky Board of Education shall annually determine the priority for content emphasis based on the greatest needs.

- (2) (a) The fund may provide moneys to teachers for:
    1. Tuition reimbursement for successful completion of college or university level courses, including **online**~~on-line~~ courses and seminars, approved for this purpose by the Education Professional Standards Board;
    2. Stipends for participation in and successful completion of:
      - a. College or university courses, including **online**~~on-line~~ courses and seminars, approved for this purpose by the Education Professional Standards Board;
      - b. Teacher institutes developed for core content instructors by the Department of Education in compliance with KRS 156.095; and
      - c. Other professional development programs approved by the Kentucky Department of Education, including professional development for teachers participating in grants awarded by the Middle School Mathematics and Science Scholars Program established under KRS 158.848;
    3. Reimbursement for the purchase of materials required for professional development programs; and
    4. Reimbursement for other approved professional development activities throughout the school year, including reimbursement for:
      - a. Travel to and from professional development workshops; and
      - b. Travel to and from other schools for the observation of, and consultation with, peer mentors; or
  - (b) The fund may be used to provide grants to local school districts to support staff participation in specific, statewide initiatives for the professional development of teachers and administrators in specific content areas as established by the Kentucky Department of Education and the Kentucky Board of Education under the provisions of subsections (4), (5), and (6) of this section and referenced in KRS 158.842.
  - (c) The fund may be used to provide grants to colleges and universities to plan and develop statewide professional development institutes and other professional development services.
  - (d) The fund may be used to provide grants to local school districts, to colleges and universities, or other entities to assist the Kentucky Department of Education in evaluating costs and the effectiveness of activities and initiatives established under this section.
- (3) The Education Professional Standards Board shall determine the college and university courses, including **online**~~on-line~~ courses and seminars, for which teachers may receive reimbursement from the fund.
  - (4) The Department of Education shall:
    - (a) Administer the fund. In order to process reimbursements to teachers promptly, the reimbursements shall not be subject to KRS 45A.690 to 45A.725;
    - (b) Determine the professional development programs for which teachers may receive reimbursement, or districts or colleges and universities may receive grants, from the fund;
    - (c) Determine the level of stipend or reimbursement, subject to the availability of appropriated funds, for particular courses and programs, under subsection (2) of this section; and
    - (d) Provide an accounting of fund expenditures and results of the use of the funds for each biennium to the Interim Joint Committee on Education by November 1 of each odd-numbered year.
  - (5) The professional development programs approved by the Department of Education for which teachers may receive support from the fund shall:
    - (a) Focus on improving the content knowledge of teachers;

- (b) Provide training in the use of research-based and developmentally appropriate classroom-based screening, diagnostic, assessment, and intervention strategies;
  - (c) Provide instruction on teaching methods to effectively impart content knowledge to all students;
  - (d) Include intensive training institutes and workshops during the summer;
  - (e) Provide programs for the ongoing support of teacher participants throughout the year, which may include:
    - 1. A peer coaching or mentoring, and assessment program; and
    - 2. Planned activities, including:
      - a. Follow-up workshops; and
      - b. Support networks of teachers of the core disciplines using technologies, including but not limited to telephone, video, and ~~online~~~~{on-line}~~ computer networks;
  - (f) Provide teacher participants with professional development credit toward renewal of certification under the provisions of KRS 161.095, relating to continuing education for teachers; and
  - (g) Provide teacher participants with the opportunity to obtain certificate endorsements or extensions in critical shortage areas, with priority given to mathematics and science through 2016, and in core content areas to their existing certifications through the TC-HQ process, established by the Education Professional Standards Board to meet the requirements of the No Child Left Behind Act of 2001, 20 U.S.C. sec. 6301 et seq.
- (6) The Kentucky Board of Education shall specify through promulgation of administrative regulations:
- (a) The application and approval process for receipt of funds;
  - (b) The requirements and process for the disbursement of funds; and
  - (c) The number of each kind of approved course for which applicants may receive funds.
- (7) Notwithstanding any other provisions to the contrary, a local school board may advance the funds necessary for its teachers to participate in a college course or professional development seminar or activity approved by the Kentucky Department of Education and the Education Professional Standards Board under provisions of this section and receive reimbursement from the department at the conclusion of the activity or course by the teacher. If funds are advanced for the benefit of a teacher under this subsection, but the teacher does not fulfill his or her obligation, the teacher shall reimburse the school district for the funds expended by the district on the teacher's behalf.
- (8) Notwithstanding the provisions of KRS 45.229, unexpended funds in the teachers' professional growth fund in the 2000-2001 fiscal year or in any subsequent fiscal year shall not lapse but shall carry forward to the next fiscal year and shall be used for the purposes established in subsections (1) and (2) of this section.
- (9) Notwithstanding any provisions of this section to the contrary, beginning June 1, 2006, through the 2009-2010 school year, priority for the use of funds from the teachers' professional growth fund shall be used to train and support teams of teachers from all school levels to be trained as reading coaches and mentors or as mathematics coaches and mentors in statewide institutes referenced in KRS 158.840 and 158.842, and for selected teachers to be highly trained in providing diagnostic assessment and intervention services for students in the primary program struggling with mathematics.
- (a) The design of the statewide mathematics institutes to train mathematics coaches and mentors shall be developed by the Committee for Mathematics Achievement established in KRS 158.842. The committee shall provide recommendations to the Kentucky Department of Education and the Kentucky Board of Education in the preparation of administrative regulations that may be promulgated by the board to implement the provisions of this subsection relating to mathematics.
  - (b) The design of the professional development program to provide highly trained mathematics intervention teachers in the primary program shall be developed by the Center for Mathematics in collaboration with public and private institutions of postsecondary education.
  - (c) The development of the statewide program to train reading coaches and mentors shall be coordinated by the Kentucky Department of Education with recommendations from the *statewide reading research center established under Section 1 of this Act*~~{Collaborative Center for Literacy Development,~~

~~established in KRS 164.0207,~~ and the reading steering committee established in KRS 158.794. The design of the program shall reflect a consensus of the agencies involved in the development of the program. The training program for reading coaches and mentors shall complement other statewide reading initiatives, funded with state and federal funds, and shall give priority to teachers in grades four (4) through twelve (12). The program shall be implemented no later than June 1, 2006. The board shall promulgate administrative regulations required to implement the provisions of this subsection relating to reading.

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

➔Section 6. KRS 158.305 is amended to read as follows:

- (1) As used in this section:

- (a) "Aphasia" means a condition characterized by either partial or total loss of the ability to communicate verbally or through written words. A person with aphasia may have difficulty speaking, reading, writing, recognizing the names of objects, or understanding what other people have said. The condition may be temporary or permanent and does not include speech problems caused by loss of muscle control;
- (b) "Dyscalculia" means the inability to understand the meaning of numbers, the basic operations of addition and subtraction, the complex operations of multiplication and division, or to apply math principles to solve practical or abstract problems;
- (c) "Dysgraphia" means difficulty in automatically remembering and mastering the sequence of muscle motor movements needed to accurately write letters or numbers;
- (d) "Dyslexia" has the same meaning as in KRS 158.307;
- (e) "Enrichment program" means accelerated intervention within the school day or outside of the school day or school calendar led by individuals most qualified to provide the intervention that includes evidence-based reading instructional programming related to reading instruction in the areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension, and other instructional strategies aligned to reading and writing standards required by KRS 158.6453 and outlined in administrative regulation promulgated by the Kentucky Board of Education;
- (f) "Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21);
- (g) "Phonemic awareness" has the same meaning as in KRS 158.307;
- (h) "Reading diagnostic assessment" has the same meaning as in KRS 158.792;
- (i) "Reading improvement plan" means an accelerated intervention plan for a student in kindergarten through grade four (4) that is developed to increase a student's rate of progress toward proficient performance in reading that is identified as necessary based on the student's results on an approved reading diagnostic assessment. This plan should be developed in collaboration and accordance with any existing program services plan, individualized education program, or Section 504 Plan unless the program services plan, individualized education program, or Section 504 Plan already addresses improving reading;
- (j) "Reading improvement team" means a team that develops and oversees the progress of a reading improvement plan and includes:
  1. The parent or guardian of the student that is the subject of the reading improvement plan;
  2. No less than one (1) regular education teacher of the student to provide information about the general curriculum for same-aged peers;
  3. A representative of the local education agency who is knowledgeable about the reading curriculum and the availability of the evidence-based literacy resources of the local education agency; and

4. Any specialized certified school employees for students receiving language instruction educational programming or special education services; and
  - (k) "Universal screener" means a process of providing a brief assessment to all students within a grade level to assess the students' performance on the essential components of reading.
- (2) Notwithstanding any other statute or administrative regulation to the contrary, the Kentucky Board of Education shall promulgate administrative regulations to further define a multitiered system of supports for district-wide use of a system for students in kindergarten through grade three (3), that includes a tiered continuum of interventions with varying levels of intensity and duration and which connects general, compensatory, and special education programs to provide interventions implemented with fidelity to evidence-based research and matched to individual student strengths and needs. At a minimum, evidence of implementation shall be submitted by the district to the department by October 1 of each year and shall include but not be limited to the activities required under KRS 158.649.
- (3) The Department of Education shall provide technical assistance and training, if requested by a local district, to assist in the implementation of the district-wide, multitiered system of supports as a means to identify and assist any student experiencing difficulty in reading, writing, mathematics, or behavior and to determine appropriate instructional modifications needed by advanced learners to make continuous progress.
- (4) The technical assistance and training shall be designed to improve:
  - (a) The use of specific screening processes and programs to identify student strengths and needs;
  - (b) The use of screening data for designing instructional interventions;
  - (c) The use of multisensory instructional strategies and other interventions validated for effectiveness by evidence-based research;
  - (d) Progress monitoring of student performance; and
  - (e) Accelerated, intensive, direct instruction that addresses students' individual differences, including advanced learners, and enables students that are experiencing difficulty to catch up with typically performing peers.
- (5) (a) By January 1, 2023, each superintendent or public charter school board of directors shall select:
  1. At least one (1) universal screener for reading that is determined by the department to be reliable and valid to be administered to all students in kindergarten through grade three (3); and
  2. At least one (1) reading diagnostic assessment for reading that is determined by the department to be reliable and valid to be administered as part of a multitiered system of supports for students in kindergarten through grade three (3).
- (b) Notwithstanding KRS 158.6453(19) and 160.345, each superintendent or public charter school board ~~shall~~<sup>may</sup> adopt a common comprehensive reading program that is determined by the department to be reliable, valid, and aligned to reading and writing standards required by KRS 158.6453 and outlined in administrative regulation promulgated by the Kentucky Board of Education for kindergarten through grade three (3) for all schools or a subset of schools, with consultation of all affected elementary school councils.
- (c) All teachers of students in kindergarten through grade three (3), including public charter school teachers, shall be trained on any reading diagnostic assessment and universal screener selected by the superintendent or public charter school board prior to administration of the assessment. The training shall address:
  1. How to properly administer the reading diagnostic assessment;
  2. How to interpret the results of the reading diagnostic assessment to identify students needing interventions;
  3. How to use the assessment results to design instruction and interventions;
  4. The use of the assessment to monitor the progress of student performance; and
  5. The use of accelerated, intensive, and direct instruction that addresses students' individual differences and enables students to achieve proficiency in reading, including but not limited to daily, one-on-one instruction.



- (6) Beginning with the 2023-2024 school year, a universal screener determined by the Department of Education to be reliable and valid shall be:
- (a) Given in the first forty-five (45) days of the school year for all kindergarten students at a public school or public charter school; and
  - (b) Given in the first thirty (30) days of the school year for grades one (1) through three (3) at a public school or public charter school.
- (7) A reading improvement plan shall be developed and implemented by a reading improvement team for any student in kindergarten through grade three (3) identified as needing accelerated interventions to progress toward proficient performance in reading. The reading improvement plan shall require:
- (a) Intensive intervention that includes effective instructional strategies and appropriate instructional materials necessary to help the student make accelerated progress toward proficient performance in reading and become ready for the next grade, including but not limited to daily, one-on-one instruction with students the most in need provided by certified teachers specifically trained to provide one-on-one instruction;
  - (b) A school to provide a written quarterly progress report containing the information required by paragraph (a) of this subsection to a parent or guardian of any student subject to a reading improvement plan. The written quarterly progress report for the reading improvement plan may be included in the school's existing quarterly progress report; and
  - (c) Individual placement decisions for children who are eligible for special education and related services to be determined by the appropriate admissions and release committee in accordance with administrative regulations promulgated by the Kentucky Board of Education.
- (8) Beginning in the 2023-2024 school year, if a student's rate of progress toward proficient performance in reading needs accelerated interventions as demonstrated by the results of an approved reading diagnostic assessment, the local school district shall provide:
- (a) Enrichment programs through grade three (3) using evidence-based reading instruction and other strategies;
  - (b) Intensive instructional services, progress monitoring measures, and supports to students through grade three (3); and
  - (c) Parents and legal guardians of students identified for accelerated interventions in reading in kindergarten through grade three (3) with a "Read at Home" plan, including information on how to participate in regular parent-guided home reading.
- (9) Beginning in the 2024-2025 school year, if a student does not score in the proficient performance level or higher in reading, as defined in KRS 158.791(2), on the state annually required grade three (3) assessment, the local school district shall provide:
- (a)
    - 1. Enrichment programs in grade four (4) using evidence-based reading instruction and other strategies; or
    - 2. Intensive instructional services, progress monitoring measures, and supports to students in grade four (4); and
  - (b) Written notification of the interventions and supports described in paragraph (a) of this subsection to the parent or legal guardian of the student, including a description of proposed interventions and supports to be provided.
- (10) By September 1, 2023, if funds are appropriated, the department shall establish required teacher academies or coaching models for teachers of students in prekindergarten through grade three (3). The teacher academies or coaching models shall be related to evidence-based practices in instruction, instructional materials, and assessment in reading.
- (11) The department shall develop and maintain a ~~web-based~~ ~~[Web-based]~~ resource providing teachers access to:
- (a) Information on the use of specific screening processes and programs to identify student strengths and needs, including those for advanced learners;

- (b) Current, evidence-based research and age-appropriate instructional tools that may be used for substantial, steady improvement in:
    1. Reading when a student is experiencing difficulty with phonemic awareness, phonics, vocabulary, fluency, general reading comprehension, or reading in specific content areas, or is exhibiting characteristics of dyslexia, aphasia, or other reading difficulties;
    2. Writing when a student is experiencing difficulty with consistently producing letters or numbers with accuracy or is exhibiting characteristics of dysgraphia;
    3. Mathematics when a student is experiencing difficulty with basic math facts, calculations, or application through problem solving, or is exhibiting characteristics of dyscalculia or other mathematical difficulties; or
    4. Behavior when a student is exhibiting behaviors that interfere with his or her learning or the learning of other students; and
  - (c) Current, evidence-based research and age-appropriate instructional tools that may be used for continuous progress of advanced learners.
- (12) The department shall encourage districts to utilize both state and federal funds as appropriate to implement a district-wide multitiered system of supports.
- (13) The department is encouraged to coordinate technical assistance and training on current best practice interventions with state postsecondary education institutions.
- (14) The department shall collaborate with the *statewide reading research center established under Section 1 of this Act* ~~Kentucky Collaborative Center for Literacy Development~~, the Kentucky Center for Mathematics, the Kentucky Center for Instructional Discipline, the Education Professional Standards Board, the Council on Postsecondary Education, postsecondary teacher education programs, and other agencies and organizations as deemed appropriate to ensure that teachers are prepared to utilize evidence-based interventions in reading, writing, mathematics, and behavior.
- (15) In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services and nothing in this section shall limit a school district from completing an initial evaluation of a student suspected of having a disability.

➔Section 7. KRS 158.792 is amended to read as follows:

- (1) As used in this section and KRS 164.0207, unless the context requires otherwise:
- (a) "Comprehensive reading program" means any print, nonprint, or electronic medium of reading instruction designed to assist students. For students in kindergarten through grade three (3), program instructional resources shall include instruction in five (5) key areas: phonemic awareness, phonics, fluency, vocabulary, and comprehension;
  - (b) "Reading diagnostic assessment" means an assessment that measures a student's skills against established performance levels in essential components of reading and identifies students that require intervention in at least one (1) of those components to accelerate the student's progress toward proficient performance in reading;
  - (c) "Reading intervention program" means short-term intensive instruction in the essential skills necessary to read proficiently that is provided to a student by a highly trained teacher. This instruction may be conducted one-on-one or in small groups; shall be evidence-based, reliable, and replicable; and shall be based on the ongoing assessment of individual student needs; and
  - (d) "Reliable, replicable evidence" means objective, valid, scientific studies that:
    1. Include rigorously defined samples of subjects that are sufficiently large and representative to support the general conclusions drawn;
    2. Rely on measurements that meet established standards of reliability and validity;
    3. Test competing theories, where multiple theories exist;
    4. Are subjected to peer review before their results are published; and
    5. Discover effective strategies for improving reading skills.

- (2) The reading diagnostic and intervention fund is created to help teachers and library media specialists improve the reading skills of struggling readers in kindergarten through grade three (3) and to assist schools in employing reading interventionists who specialize in providing those services. The Department of Education, upon the recommendation of the Reading Diagnostic and Intervention Grant Steering Committee, shall provide renewable, two (2) year grants to schools to support teachers and reading interventionists in the implementation of reliable, replicable evidence-based reading intervention programs that use a balance of diagnostic tools and instructional strategies that emphasize phonemic awareness, phonics, fluency, vocabulary, comprehension, and connections between writing and reading acquisition and motivation to read to address the diverse learning needs of those students reading at low levels. Any moneys in the fund at the close of the fiscal year shall not lapse but shall be carried forward to be used for the purposes specified in this section.
- (3) (a) The Kentucky Board of Education shall promulgate administrative regulations, based on recommendations from the Department of Education that shall include but not be limited to a school selection process with a focus on those with the most need, professional learning supports in literacy, and early reading instruction to:
1. Identify eligible grant applicants, taking into consideration how the grant program described in this section will relate to other grant programs;
  2. Specify the criteria for acceptable reading and literacy diagnostic assessments and intervention programs;
  3. Specify the criteria for acceptable ongoing assessment of each child to determine his or her reading progress;
  4. Establish the minimum evaluation process for an annual review of each grant recipient's program and progress;
  5. Identify the annual data that must be provided from grant recipients;
  6. Define the application review and approval process;
  7. Establish matching requirements deemed necessary;
  8. Define the professional development and continuing education requirements for teachers, library media specialists, administrators, and staff of grant recipients;
  9. Establish the conditions for renewal of a two (2) year grant; and
  10. Specify other conditions necessary to implement the purposes of this section.
- (b) The board shall require that a grant applicant provide assurances that the following principles will be met if the applicant's request for funding is approved:
1. An evidence-based comprehensive schoolwide reading program will be available;
  2. Intervention services will supplement, not replace, regular classroom instruction;
  3. Intervention services will be provided to struggling kindergarten through grade three (3) readers within the school based upon ongoing assessment of their needs; and
  4. A system for informing parents of struggling readers of the available family literacy services within the district will be established.
- (c) The board shall not restrict how a grant applicant utilizes grant funds as it relates to the applicant's use of funds for professional development, resources, tools, employment of reading interventionists, and other expenses authorized by this section. The grant applicant shall have discretion in allocating grant funds for purposes authorized by this section; however, the board may consider the effectiveness of those uses in reviewing the application.
- (4) In order to qualify for funding, the school council, or if none exists, the principal or the superintendent of schools, shall allocate matching funds required by grant recipients under subsection (3) of this section. Funding for professional development allocated to the school council under KRS 160.345 and for continuing education under KRS 158.070 may be used as part of the school's match.
- (5) The Department of Education shall make available to schools:

- (a) Information concerning successful, evidence-based comprehensive reading programs, diagnostic tools for pre- and post-assessment, and intervention programs, from the *statewide reading research center established under Section 1 of this Act* [~~Collaborative Center for Literacy Development created under KRS 164.0207~~];
  - (b) Strategies for successfully implementing early reading programs, including professional development support and the identification of funding sources; and
  - (c) A list of professional development providers offering teacher training related to reading that emphasizes the essential components for successful reading: phonemic awareness, phonics, fluency, vocabulary, comprehension, and connections between writing and reading acquisition and motivation to read.
- (6) The Department of Education shall submit a report to the Interim Joint Committee on Education no later than November 1 of each year outlining the use of grant funds. The annual report for an odd-numbered year shall include an estimate of the cost to expand the reading diagnostic and intervention fund.
- (7) The Department of Education shall report program data to an external evaluator for analysis of the program's success in meeting the goal of increasing early literacy student outcomes.

➔Section 8. KRS 158.840 is amended to read as follows:

- (1) The General Assembly hereby finds that reading and mathematics proficiency are gateway skills necessary for all Kentucky students to achieve the academic goals established in KRS 158.6451. It is the General Assembly's intent that:
- (a) All students in kindergarten through grade three (3) having difficulty in reading and mathematics receive early diagnosis and intervention services from highly trained teachers;
  - (b) All students demonstrate proficiency in reading and mathematics as they progress through the relevant curricula and complete each assessment level required by the Kentucky Board of Education for the state assessment program established under KRS 158.6453 and in compliance with the requirements of the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor; and
  - (c) Students who are struggling in reading and mathematics or are not at the proficient level on statewide assessments be provided evidence-based and developmentally appropriate diagnostic and intervention services, and instructional modifications necessary to learn.

The General Assembly, the Kentucky Board of Education, the Kentucky Department of Education, the Council on Postsecondary Education, colleges and universities, local boards of education, school administrators, school councils, teachers, parents, and other educational entities, such as the Education Professional Standards Board, P-16 councils, the *statewide reading research center established under Section 1 of this Act* [~~Collaborative Center for Literacy Development~~], and the Center for Middle School Achievement must collaborate if the intentions specified in this subsection are to be met. Intensive focus on student achievement in reading and mathematics does not negate the responsibility of any entity to help students obtain proficiency in other core curriculum content areas.

- (2) The General Assembly's role is to set policies that address the achievement levels of all students and provide resources for the professional growth of teachers and administrators, assessing students' academic achievement, including diagnostic assessment and instructional interventions, technology innovations, targeted reading and mathematics statewide initiatives, research and the distribution of research findings, services for students beyond the regular school day, and other services needed to help struggling learners.
- (3) The Kentucky Board of Education shall regularly review and modify, when appropriate, its statewide assessment policies and practices to enable local school districts and schools to carry out the provisions of the statewide assessment and accountability system, required under KRS 158.6453 to improve student achievement in mathematics and reading.
- (4) The Kentucky Department of Education shall:
- (a) Provide assistance to schools and teachers, including publicizing professional development opportunities, methods of measuring effective professional development, the availability of high quality instructional materials, and developmentally appropriate screening and diagnostic assessments of student competency in mathematics and reading. The department shall provide access to samples of units of study, annotated student work, diagnostic instruments, and research findings, and give guidance on parental engagement;

- (b) Work with state and national educators and subject-matter experts to identify student reading skills in each subject area that align with the state content standards adopted under KRS 158.6453 and identify teaching strategies in each subject area that can be used explicitly to develop the identified reading skills under this paragraph;
  - (c) Encourage the development of comprehensive middle and high school adolescent reading plans to be incorporated into the curricula of each subject area to improve the reading comprehension of all students;
  - (d) Conduct an annual review of the state grant programs it manages and make recommendations, when needed, to the Interim Joint Committee on Education for changes to statutory requirements that are necessary to gain a greater return on investment;
  - (e) Provide administrative support and oversight to programs to train classroom coaches and mentors to help teachers with reading and mathematics instruction; and
  - (f) Require no reporting of instructional plans, formative assessment results, staff effectiveness processes, or interventions implemented in the classroom, except for:
    - 1. Interventions implemented under KRS 158.305(2);
    - 2. Funds provided under KRS 158.792 or 158.844; or
    - 3. Schools that are identified for comprehensive support and improvement and fail to exit comprehensive support and improvement status after three (3) consecutive years of implementing the turnaround intervention process as described in KRS 160.346.
- (5) The Council on Postsecondary Education, in cooperation with the Education Professional Standards Board, shall exercise its duties and functions under KRS 164.020 to ensure that teacher education programs are fulfilling the needs of Kentucky for highly skilled teachers. The council shall:
- (a) Coordinate the federal and state grant programs it administers with other statewide initiatives relating to improving student achievement in reading and mathematics to avoid duplication of effort and to make efficient use of resources;
  - (b) Submit a report to the Interim Joint Committee on Education no later than November 1 of each year summarizing the compliance of each teacher preparation program for interdisciplinary early childhood education or elementary regular education to the instructional requirements set forth in KRS 164.306(1); and
  - (c) Regularly report program data to an external evaluator for an analysis of the progress of teacher preparation programs for interdisciplinary early childhood education and elementary regular education to increase the success of new teacher candidates in demonstrating reading instruction knowledge and skills.
- (6) The Education Professional Standards Board shall exercise its duties and responsibilities under KRS 161.030 and 161.048 to ensure highly qualified teachers.
- (7) Colleges and universities shall:
- (a) Utilize institution-wide resources to work with elementary and secondary educators and other entities to align curriculum content to ensure that students who achieve proficiency on standards established at the prekindergarten through secondary levels will require no remediation to successfully enter a postsecondary education program;
  - (b) Provide quality undergraduate teacher preparation programs to ensure that those preparing to teach reading or mathematics at all grade levels have the necessary content knowledge, assessment and diagnostic skills, and teaching methodologies and that teachers in all subject areas have the requisite skills for helping students at all grade levels develop critical strategies and skills for reading and comprehending subject matter;
  - (c) Deliver appropriate continuing education for teachers in reading and mathematics through institutes, graduate level courses, and other professional development activities that support a statewide agenda for improving student achievement in reading and mathematics;

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

➔Section 9. KRS 164.035 is amended to read as follows:

The Council on Postsecondary Education, in consultation with the Office of Adult Education and the *statewide reading research center established under Section 1 of this Act*~~{Collaborative Center for Literacy Development: Early Childhood through Adulthood}~~, shall assess the need for technical assistance, training, and other support to assist in the development of adult education and workforce development that support the state strategic agenda and that include a comprehensive coordinated approach to education and training services. The council shall promote the involvement of universities; colleges; technical institutions; elementary and secondary educational agencies; labor, business, and industry representatives; community-based organizations; citizens' groups; and other policymakers in the development of the regional strategies.

➔Section 10. The Kentucky Department of Education shall, through a competitive bidding process, select the administrator of the statewide reading research center to be established under Section 1 of this Act for approval by the Kentucky Board of Education no later than July 1, 2024. The selected administrator shall be contracted for five years beginning July 1, 2024, as set forth in subsection (4) of Section 1 of this Act, unless funding is not available.

➔Section 11. Sections 1 to 9 of this Act take effect July 1, 2024.

**Signed by Governor March 22, 2023.**