

## CHAPTER 40

## ( SB 9 )

AN ACT relating to early literacy education, making an appropriation therefor, and declaring an emergency.

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

➔Section 1. KRS 158.791 is amended to read as follows:

- (1) The General Assembly hereby finds that reading proficiency is a gateway skill necessary for all of Kentucky students to achieve the academic goals established in KRS 158.6451. It is Kentucky's goal that all children learn to read well before exiting ~~the~~ **grade three (3)** ~~primary program~~ and that all middle and high school students have the skills necessary to read complex materials in specific core subjects and comprehend and constructively apply the information.
- (2) It is the intent of the General Assembly that:
  - (a) Every elementary school:
    1. Provide ~~a~~ comprehensive schoolwide reading *instruction aligned to reading and writing standards required by KRS 158.6453 and outlined in administrative regulation promulgated by the Kentucky Board of Education* ~~program~~;
    2. Provide *a multitiered system of supports, as set forth in and required by Section 2 of this Act, to support and engage all students in learning* ~~diagnostic reading assessments and intervention services for those students who need them to learn~~ to read at the proficient level, *meaning a level that reflects developmentally appropriate grade-level performance, by the end of grade three (3)*;
    3. Ensure quality instruction by highly trained teachers *and intervention by individuals most qualified to provide the intervention*; and
    4. Provide high quality library media programs;
  - (b) Every middle and high school:
    1. Provide direct, explicit instruction to students lacking skills in how to read, learn, and analyze information in key subjects, including language, reading, English, mathematics, science, social studies, arts and humanities, practical living skills, and career studies; and
    2. Ensure that teachers have the skills to help all students develop critical strategies and skills for subject-based reading;
  - (c) The Kentucky Department of Education provide technical assistance to local school districts in the identification of professional development activities, including teaching strategies to help teachers in each subject area to:
    1. *Implement evidence-based reading, intervention, and instructional strategies that emphasize phonemic awareness, phonics, fluency, vocabulary, comprehension, and connections between reading and writing acquisition, and motivation to read to address the diverse needs of students*;
    2. Identify and teach the skills that students need to comprehend the concepts and content of each subject area; and
    3. ~~2.~~ Use activities and materials that will help the students comprehend and constructively apply information based on the unique content of each subject area; ~~and~~
  - (d) The Education Professional Standards Board review and revise when deemed necessary the teacher certification and licensure requirements to ensure that all teachers, regardless of the subject area taught, are prepared to improve students' subject reading skills; *and*
  - (e) *The department shall collaborate with the Department for Libraries and Archives, the Governor's Office of Early Childhood, and Kentucky Educational Television to establish and maintain a*

*partnership to support the use of high quality, evidence-based year-round programming, materials, and activities for elementary-aged children in the areas of reading.*

➔Section 2. 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)~~(e)~~ "Phonemic awareness" has the same meaning as in KRS 158.307;~~and~~
- (h) *"Reading diagnostic assessment" has the same meaning as in Section 5 of this Act;*
- (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;*
- ~~(f) "Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21)).~~

(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 ~~response to intervention~~ 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*~~for:~~

- ~~(a) Reading and writing by August 1, 2013;~~
  - ~~(b) Mathematics by August 1, 2014; and~~
  - ~~(c) Behavior by August 1, 2015].~~
- (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*~~response to intervention system~~ 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 may 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 subsection (2) of Section 1 of this Act, 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 pre-kindergarten 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)(5)~~ The department shall develop and maintain a 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)(6)~~ The department shall encourage districts to utilize both state and federal funds as appropriate to implement a district-wide *multitiered system of supports* ~~[system of interventions]~~.
- ~~(13)(7)~~ The department is encouraged to coordinate technical assistance and training on current best practice interventions with state postsecondary education institutions.
- ~~(14)(8)~~ The department shall collaborate with the 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)(9)~~ 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.
- ~~[(10) By November 30, 2013, and annually thereafter, the department shall provide a report to the Interim Joint Committee on Education that includes survey data on the types of evidence based research interventions being implemented by districts in reading, writing, mathematics, and behavior in kindergarten through grade three (3).]~~

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

- (1) *Beginning in the 2022-2023 school year, postsecondary institutions offering teacher preparation programs for interdisciplinary early childhood education or elementary regular education shall include evidence-based reading instructional programming related to reading instruction in the areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension and on:*
  - (a) *The administration of specific assessment processes and programs used to identify student strengths and needs and that are determined by the Department of Education to be reliable and valid;*
  - (b) *The use of assessment data for designing instruction and interventions;*
  - (c) *Progress monitoring of student performance; and*
  - (d) *Instructional strategies that address students' individual differences.*
- (2) *By January 1, 2024, the Education Professional Standards Board shall develop and maintain a list of approved teacher preparation tests that are determined by the board to be an effective evaluation of reading instruction knowledge and skills.*
- (3) *Beginning in the 2024-2025 school year, all new teachers seeking certification in interdisciplinary early childhood education or elementary education shall successfully pass an approved teacher preparation test that includes an evaluation of reading instruction knowledge and skills.*
- (4) *The Education Professional Standards Board shall report program data to an external evaluator for analysis of postsecondary teacher preparation programs for interdisciplinary early childhood education or elementary regular education for the goal of increasing the success of new teacher candidates in demonstrating reading instruction knowledge and skills.*

➔Section 4. 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)*~~(the primary program)~~ 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*~~research~~-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 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 subsection (1) of Section 3 of this Act; 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 5. 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),~~the~~* program *instructional resources shall include instruction in five (5) key areas~~that emphasizes the essential components of reading~~*: phonemic awareness, phonics, fluency, vocabulary, *and* comprehension;~~and connections between writing and reading acquisition and motivation to read.~~
  - (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;*~~means an assessment that identifies a struggling reader and measures the reader's skills against established performance levels in the essential components of reading. The purpose is to screen for areas that require intervention in order for the student to learn to read proficiently.~~
  - (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~~research~~*-based, reliable, and replicable; and shall be based on the ongoing assessment of individual student needs;~~and~~
  - (d) "Reliable, replicable *evidence~~research~~*" 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 primary program~~*. 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~~research~~*-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~~secretary of the Education and Workforce Development Cabinet, the Reading Diagnostic and Intervention Grant Steering Committee established in KRS 158.794, and the Collaborative Center for Literacy Development established in KRS 164.0207~~* 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***~~[A research]~~-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)~~~~[primary program]~~ 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***~~[research]~~-based comprehensive reading programs, diagnostic tools for pre- and post-assessment, and intervention programs, from the 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***~~[September]~~ 1 of each year outlining the use of grant funds.~~[The report shall also include comparisons of the overall costs and effectiveness of intervention programs.]~~ The annual report for an odd-numbered year shall include an estimate of the cost to expand the reading diagnostic and intervention ***fund***~~[grant program]~~.
- (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 6. KRS 158.794 is amended to read as follows:
- (1) The Reading Diagnostic and Intervention Grant Steering Committee is hereby created for the purpose of advising the Kentucky Board of Education and the Department of Education concerning the implementation and administration of ***universal screeners, reading diagnostic assessments, and a statewide professional***

*development program for early literacy*~~[the reading diagnostic and intervention fund created in KRS 158.792].~~ The committee shall be composed of *fourteen (14)*~~[sixteen (16)]~~ members, including the commissioner of education or the commissioner's designee~~[, the executive director of the Collaborative Center for Literacy Development, the president of the Council on Postsecondary Education or the president's designee.]~~ and the following members, to be appointed by the Governor:

- (a) Four (4) *elementary school*~~[primary program]~~ teachers with a specialty or background in reading and literacy *or reading intervention*;
  - (b) *One (1) elementary school parent*~~[Four (4) university or college professors with a specialty or background in reading and literacy representing universities];~~
  - (c) One (1) elementary school principal;
  - (d) One (1) *elementary special education teacher*~~[certified library media specialist]; [and]~~
  - (e) *One (1) postsecondary educator who trains and prepares elementary reading teachers*~~;~~~~[Three (3) individuals from the state at large with an interest in reading and literacy.]~~
  - (f) *One (1) speech-language pathologist*;
  - (g) *One (1) elementary librarian or certified media specialist*;
  - (h) *One (1) elementary reading intervention teacher*;
  - (i) *One (1) teacher with experience assisting children who are deaf or hearing-impaired*; and
  - (j) *One (1) private sector member with reading intervention experience*.
- (2) Each member of the committee, other than *the commissioner of education or the commissioner's designee*~~[members who serve by virtue of their position]~~, shall serve for a term of three (3) years or until a successor is appointed, except that upon initial appointment, five (5) members shall serve a one (1) year term, four (4) members shall serve a two (2) year term, and four (4) members shall serve a three (3) year term.
- (3) A majority of the full authorized membership shall constitute a quorum.
- (4) The committee shall elect, by majority vote, a chair, who shall be the presiding officer of the committee, preside at all meetings, and coordinate the functions and activities of the committee. The chair shall be elected or reelected each calendar year.
- (5) The committee shall be attached to the Department of Education for administrative purposes.
- (6) The committee shall:
- (a) Identify needs, trends, and issues in schools throughout the state regarding reading and literacy programs;
  - (b) Make recommendations regarding the content of administrative regulations to be promulgated by the Kentucky Board of Education under KRS 158.792;
  - (c) ~~[Recommend approval of grant applications based upon the provisions of KRS 158.792 and administrative regulations promulgated by the Kentucky Board of Education as required under KRS 158.792; and~~
  - ~~(d) [Advise the Kentucky Board of Education and the Department of Education regarding costs and effectiveness of various reading intervention programs; and]~~
  - (d) *Advise the Department of Education on:*
    - 1. *Suggested universal screeners for reading to be administered to students in kindergarten through grade three (3) as required by Section 1 of this Act*;
    - 2. *Suggested criteria for reading diagnostic assessments to be administered to students in kindergarten through grade three (3) as required by Section 1 of this Act; and*
    - 3. *The development, implementation, and outcomes of a statewide professional development program to include early literacy skills instruction and student engagement.*

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

- (1) The Collaborative Center for Literacy Development: Early Childhood through Adulthood is created to make available professional development for educators in reliable, replicable *evidence*~~research~~-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*~~the Reading Diagnostic and Intervention Grant Program established in KRS 158.792~~ 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;
  - (e) Providing professional development and coaching for early childhood educators and classroom teachers, including adult education teachers, implementing selected reliable, replicable *evidence*~~research~~-based reading programs. The professional development shall utilize technology when appropriate;
  - (f) Developing and implementing a comprehensive research agenda evaluating~~the~~ *comprehensive reading programs and reading intervention programs*~~early reading models~~ implemented in *accordance with*~~Kentucky under~~ KRS 158.792;
  - (g) Maintaining a demonstration and training site for early literacy located at each of the public universities;
  - (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
  - (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*~~for~~ 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 shall submit an annual report of its activities to the Kentucky Department of Education, the Governor, and the Legislative Research Commission no later than September 1 of each year.

- (4) 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 8. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) *The read to succeed fund is hereby created to train and support teachers and library media specialists to improve the reading skills of students in kindergarten through grade three (3) as set forth in subsection (2) of this section and in subsection (5) of Section 2 of this Act. The fund shall consist of all moneys received from state appropriations, gifts, grants, and federal funds for this purpose. The Department of Education shall administer the fund.*
- (2) *The Department of Education shall implement teacher professional learning academies related to evidence-based practices in instruction, instructional materials, and assessment in reading using moneys appropriated or otherwise received by the read to succeed fund.*
- (3) *The department shall create a literacy coaching program using moneys appropriated or otherwise received by the read to succeed fund. The program shall:*
1. *Use data coaches to improve reading and literacy;*
  2. *Determine the effectiveness of intensive data-focused professional development; and*
  3. *Provide expert support in literacy and early reading instruction and intervention.*
- (4) *Notwithstanding the provisions of KRS 45.229, unexpended funds in the read to succeed fund in the 2022-2023 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.*
- (5) *Any interest earned on moneys in the read to succeed fund shall become part of the fund and shall not lapse.*

➔Section 9. Notwithstanding any regulation or rule adopted by the Kentucky Department of Education, any grant application submitted previously to the department in accordance with during the 2021-2022 school year under KRS 158.792 shall be subject to Section 5 of this Act.

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

➔Section 11. Whereas early literacy is a priority of the General Assembly and reading diagnostic and intervention grants are critical to helping Kentucky students achieve literacy and the grant approval process has already begun for the next two years, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

**Signed by Governor March 29, 2022.**