

1 AN ACT relating to implementation of screening and interventions to improve
2 student learning.

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

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

5 (1) As used in this section:

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

12 (b) "Dyscalculia" means the inability to understand the meaning of numbers, the
13 basic operations of addition and subtraction, the complex operations of
14 multiplication and division, or to apply math principles to solve practical or
15 abstract problems;

16 (c) "Dysgraphia" means difficulty in automatically remembering and mastering
17 the sequence of muscle motor movements needed to accurately write letters or
18 numbers;

19 (d) "Dyslexia" means **a distinct learning disability that is neurobiological in**
20 **origin. Dyslexia is characterized by difficulties with accurate or fluent word**
21 **recognition and by poor spelling and decoding abilities. These difficulties**
22 **typically result from a deficit in the phonological component of language**
23 **that is often unexpected in relation to other cognitive abilities and the**
24 **provision of effective classroom instruction. Secondary consequences may**
25 **include problems in reading comprehension and reduced reading**
26 **experience that can impede growth of vocabulary and background**
27 **knowledge** ~~[a language processing disorder that is neurological in origin,~~

1 ~~impedes a person's ability to read, write, and spell, and is characterized by~~
 2 ~~difficulties with accuracy or fluency in word recognition and by poor spelling~~
 3 ~~and decoding abilities];~~

4 (e) "Phonemic awareness" means the ability to recognize that a spoken word
 5 consists of a sequence of individual sounds and the ability to manipulate
 6 individual sounds in speaking;~~and]~~

7 **(f) "Qualified screening tool" means a dyslexia screening tool that explicitly**
 8 **measures a student's ability to demonstrate phonological awareness skills,**
 9 **phonemic decoding efficiency skills, sight word reading efficiency skills,**
 10 **and accuracy of word reading on grade-level text; and**

11 ~~(g)~~~~(f)]~~ "Scientifically based research" has the same meaning as in 20 U.S.C.
 12 sec. 7801(37).

13 (2) Notwithstanding any other statute or administrative regulation to the contrary, the
 14 Kentucky Board of Education shall promulgate administrative regulations for
 15 district-wide use of a response-to-intervention system for students in kindergarten
 16 through grade three (3), that includes a tiered continuum of interventions with
 17 varying levels of intensity and duration and which connects general, compensatory,
 18 and special education programs to provide interventions implemented with fidelity
 19 to scientifically based research and matched to individual student strengths and
 20 needs. At a minimum, evidence of implementation shall be submitted by the district
 21 to the department for:

22 (a) Reading and writing by August 1, 2013;

23 (b) Mathematics by August 1, 2014; and

24 (c) Behavior by August 1, 2015.

25 **(3) By December 31, 2017, each school district shall develop a policy related to its**
 26 **response-to-intervention system addressing reading, writing, mathematics, and**
 27 **behavior, including:**

- 1 (a) Universal screening;
- 2 (b) Scientific, research-based interventions;
- 3 (c) Progress monitoring of the effectiveness of interventions on student
- 4 performance; and
- 5 (d) Data-based decision-making procedures related to:
- 6 1. Determining intervention effectiveness on student performance; and
- 7 2. Determining the need to continue, alter, or discontinue interventions
- 8 or conduct further evaluation of student needs.

9 ~~(4)~~~~(3)~~ The Department of Education shall make available technical assistance and

10 training to assist all local school districts in the implementation of the district-wide,

11 response-to-intervention system as a means to identify and assist any student

12 experiencing difficulty in reading, writing, mathematics, or behavior.

13 ~~(5)~~~~(4)~~ The technical assistance and training shall be designed to improve:

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

22 ~~(6)~~~~(5)~~ The department shall develop and maintain a Web-based resource providing

23 teachers access to:

- 24 (a) Information on the use of specific screening processes and programs to
- 25 identify student strengths and needs; and
- 26 (b) Current, scientifically based research and age-appropriate instructional tools
- 27 that may be used for substantial, steady improvement in:

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

14 **(7) By the 2018-2019 academic year, teacher preparation programs for elementary**
15 **and secondary education shall include:**

16 **(a) The definition and characteristics of dyslexia and other disorders defined in**
17 **subsection (1) of this section;**

18 **(b) Evidence-based interventions and accommodations for dyslexia and other**
19 **disorders defined in subsection (1) of this section and related learning**
20 **challenges; and**

21 **(c) Instruction on core elements of a response-to-intervention framework**
22 **addressing reading, writing, mathematics, and behavior, including:**

23 **1. Universal screening;**

24 **2. Scientific, research-based interventions;**

25 **3. Progress monitoring of the effectiveness of interventions on student**
26 **performance;**

27 **4. Data-based decision-making procedures related to:**

- 1 a. Determining intervention effectiveness on student performance;
2 and
3 b. Determining the need to continue, alter, or discontinue
4 interventions or conduct further evaluation of student needs;
5 and
6 5. Application and implementation of response-to-intervention and
7 dyslexia instructional practices in the classroom setting.
- 8 (8) Professional development shall be provided for all teachers for kindergarten
9 through grade three (3) that includes training on:
- 10 (a) The definition and characteristics of dyslexia and other disorders defined in
11 subsection (1) of this section;
- 12 (b) Evidence-based interventions and accommodations for dyslexia and other
13 disorders defined in subsection (1) of this section and related learning
14 challenges; and
- 15 (c) School and district policies and procedures related to the response-to-
16 intervention framework addressing reading, writing, mathematics, and
17 behavior. Teachers shall be notified annually of any changes in the policies
18 and procedures.
- 19 (9) (a) By July 1, 2018, the department shall establish a list of approved qualified
20 screening tools. A school district may submit to the department a screening
21 tool for review. If the screening tool meets the criteria for a qualified
22 screening tool, it shall be included on the list.
- 23 (b) Beginning with the 2018-2019 academic year, each school district shall use
24 a qualified screening tool approved by the department to screen each
25 student in kindergarten through grade three (3) at least once per school
26 year for dyslexia.
- 27 (c) If the qualified screening tool indicates that a student has characteristics of

- 1 *dyslexia, the school shall:*
- 2 *1. Notify the student's parent or legal guardian;*
- 3 *2. Provide the student's parent or legal guardian with information and*
- 4 *resource material regarding dyslexia;*
- 5 *3. Provide the student with appropriate tiered dyslexia-specific*
- 6 *intervention through its response-to-intervention framework; and*
- 7 *4. Monitor the student's progress using a tool designed to measure the*
- 8 *effectiveness of the intervention.*

9 *(10) The department shall develop dyslexia resources for teachers that include:*

- 10 *(a) Evidence-based practices for teaching students with dyslexia;*
- 11 *(b) Characteristics of targeted instruction for dyslexia;*
- 12 *(c) Guidance on developing instructional plans for students with dyslexia;*
- 13 *(d) Best practices toward meaning-centered reading and writing;*
- 14 *(e) Using systematic multisensory structured literacy; and*
- 15 *(f) Suggested training programs.*

16 ~~(11)~~⁽⁶⁾ The department shall encourage districts to utilize both state and federal funds

17 as appropriate to implement a district-wide system of interventions.

18 ~~(12)~~⁽⁷⁾ The department is encouraged to coordinate technical assistance and training

19 on current best practice interventions with state postsecondary education

20 institutions.

21 ~~(13)~~⁽⁸⁾ The department shall collaborate with the Kentucky Collaborative Center for

22 Literacy Development, the Kentucky Center for Mathematics, the Kentucky Center

23 for Instructional Discipline, the Education Professional Standards Board, the

24 Council on Postsecondary Education, postsecondary teacher education programs,

25 and other agencies and organizations as deemed appropriate to ensure that teachers

26 are prepared to utilize scientifically based interventions in reading, writing,

27 mathematics, and behavior.

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

6 ~~(15)~~⁽¹⁰⁾ By November 30, 2013, and annually thereafter, the department shall provide
7 a report to the Interim Joint Committee on Education that includes:

- 8 (a) Data on the number of school districts implementing response-to-intervention
9 systems and scientifically based research practices in reading, writing,
10 mathematics, and behavior;
- 11 (b) Information on the types of scientifically based research interventions
12 implemented; and
- 13 (c) Data on the effectiveness of interventions in improving student performance
14 in Kentucky schools.