

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;**

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

13 **(h) "Universal screening tool" means a screening tool used as part of a**
 14 **school's response-to-intervention system to identify students who are at risk**
 15 **for learning difficulties.**

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

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

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

27 (c) Behavior by August 1, 2015.

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

4 **(a) Universal screening;**

5 **(b) Scientific, research-based interventions;**

6 **(c) Progress monitoring of the effectiveness of interventions on student**
 7 **performance; and**

8 **(d) Data-based decision-making procedures related to:**

9 **1. Determining intervention effectiveness on student performance; and**

10 **2. Determining the need to continue, alter, or discontinue interventions**
 11 **or conduct further evaluation of student needs.**

12 ~~**(4)**~~^{**(3)**} The Department of Education shall make available technical assistance and
 13 training to assist all local school districts in the implementation of the district-wide,
 14 response-to-intervention system as a means to identify and assist any student
 15 experiencing difficulty in reading, writing, mathematics, or behavior.

16 ~~**(5)**~~^{**(4)**} The technical assistance and training shall be designed to improve:

17 (a) The use of specific screening processes and programs to identify student
 18 strengths and needs;

19 (b) The use of screening data for designing instructional interventions;

20 (c) The use of multisensory instructional strategies and other interventions
 21 validated for effectiveness by scientifically based research;

22 (d) Progress monitoring of student performance; and

23 (e) Accelerated, intensive, direct instruction that addresses students' individual
 24 differences and enables them to catch up with typically performing peers.

25 ~~**(6)**~~^{**(5)**} The department shall develop and maintain a Web-based resource providing
 26 teachers access to:

27 (a) Information on the use of specific screening processes and programs to

- 1 identify student strengths and needs; and
- 2 (b) Current, scientifically based research and age-appropriate instructional tools
- 3 that may be used for substantial, steady improvement in:
- 4 1. Reading when a student is experiencing difficulty with phonemic
- 5 awareness, phonics, vocabulary, fluency, general reading
- 6 comprehension, or reading in specific content areas, or is exhibiting
- 7 characteristics of dyslexia, aphasia, or other reading difficulties;
- 8 2. Writing when a student is experiencing difficulty with consistently
- 9 producing letters or numbers with accuracy or is exhibiting
- 10 characteristics of dysgraphia;
- 11 3. Mathematics when a student is experiencing difficulty with basic math
- 12 facts, calculations, or application through problem solving, or is
- 13 exhibiting characteristics of dyscalculia or other mathematical
- 14 difficulties; or
- 15 4. Behavior when a student is exhibiting behaviors that interfere with his or
- 16 her learning or the learning of other students.

17 **(7) By the 2018-2019 academic year, teacher preparation programs for elementary**

18 **and secondary education shall include:**

19 **(a) The definition and characteristics of dyslexia and other disorders defined in**

20 **subsection (1) of this section;**

21 **(b) Evidence-based interventions and accommodations for dyslexia and other**

22 **disorders defined in subsection (1) of this section and related learning**

23 **challenges; and**

24 **(c) Instruction on core elements of a response-to-intervention framework**

25 **addressing reading, writing, mathematics, and behavior, including:**

26 **1. Universal screening;**

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

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

- 1 1. Use a universal screening tool approved by the department to screen
 2 each student at least one (1) time while the student is in kindergarten
 3 through grade three (3); and
 4 2. Use a qualified screening tool approved by the department to screen
 5 each student in kindergarten through grade three (3) who is identified
 6 for additional screening for dyslexia through the school's response-to-
 7 intervention system.

8 (10) If the qualified screening tool indicates that a student has characteristics of
 9 dyslexia, the school shall:

- 10 1. Notify the student's parent or legal guardian;
 11 2. Provide the student's parent or legal guardian with information and
 12 resource material regarding dyslexia;
 13 3. Provide the student with appropriate tiered dyslexia-specific
 14 intervention through its response-to-intervention framework; and
 15 4. Monitor the student's progress using a tool designed to measure the
 16 effectiveness of the intervention.

17 (11) The department shall develop dyslexia resources for teachers that include:

- 18 (a) Evidence-based practices for teaching students with dyslexia;
 19 (b) Characteristics of targeted instruction for dyslexia;
 20 (c) Guidance on developing instructional plans for students with dyslexia;
 21 (d) Best practices toward meaning-centered reading and writing;
 22 (e) Using systematic multisensory structured literacy; and
 23 (f) Suggested training programs.

24 (12)~~(6)~~ The department shall encourage districts to utilize both state and federal funds
 25 as appropriate to implement a district-wide system of interventions.

26 (13)~~(7)~~ The department is encouraged to coordinate technical assistance and training
 27 on current best practice interventions with state postsecondary education

1 institutions.

2 ~~(14)~~~~(8)~~ The department shall collaborate with the Kentucky Collaborative Center for
3 Literacy Development, the Kentucky Center for Mathematics, the Kentucky Center
4 for Instructional Discipline, the Education Professional Standards Board, the
5 Council on Postsecondary Education, postsecondary teacher education programs,
6 and other agencies and organizations as deemed appropriate to ensure that teachers
7 are prepared to utilize scientifically based interventions in reading, writing,
8 mathematics, and behavior.

9 ~~(15)~~~~(9)~~ In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to
10 determine appropriate instructional strategies for curriculum implementation shall
11 not be considered to be an evaluation for eligibility for special education and related
12 services and nothing in this section shall limit a school district from completing an
13 initial evaluation of a student suspected of having a disability.

14 ~~(16)~~~~(10)~~ By November 30, 2013, and annually thereafter, the department shall provide
15 a report to the Interim Joint Committee on Education that includes:

- 16 (a) Data on the number of school districts implementing response-to-intervention
17 systems and scientifically based research practices in reading, writing,
18 mathematics, and behavior;
- 19 (b) Information on the types of scientifically based research interventions
20 implemented; and
- 21 (c) Data on the effectiveness of interventions in improving student performance
22 in Kentucky schools.