

1 AN ACT relating to reading and language arts instruction.

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

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

5 (1) As used in this section:

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

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

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

19 (d) "Science of reading" means an interdisciplinary collection of scientifically  
20 based research about reading that informs how children learn to read and  
21 write and how to most effectively assess and teach reading; and

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

25 (2) The Kentucky Department of Education shall establish an approved list of  
26 reading curriculum that is scientifically researched and evidence-based that may  
27 be used by schools to meet the requirements of subsection (3)(b) of this section

1 and that shall not include instructional strategies that employ the three-cueing  
2 system of reading.

3 (3) (a) A public school district shall not use any curriculum, reading intervention,  
4 or program of instruction that utilizes the three-cueing system of teaching  
5 students to read.

6 (b) Each public school district shall:

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

14 (4) Beginning with the 2025-2026 school year, if the state board of education  
15 determines that a public school district has violated subsection (3) of this section,  
16 the state board shall notify the public school district of the violation.

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

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

25 ➔ Section 2. KRS 164.306 is amended to read as follows:

26 (1) ~~{Beginning in the 2022-2023 school year, }~~Postsecondary institutions offering  
27 teacher preparation programs for interdisciplinary early childhood education or

1 elementary regular education shall include evidence-based reading instructional  
2 programming related to reading instruction in the areas of phonemic awareness,  
3 phonics, fluency, vocabulary, and comprehension and on:

- 4 (a) The administration of specific assessment processes and programs used to  
5 identify student strengths and needs and that are determined by the  
6 Department of Education to be reliable and valid;  
7 (b) The use of assessment data for designing instruction and interventions;  
8 (c) Progress monitoring of student performance; and  
9 (d) Instructional strategies that address students' individual differences.

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

- 11 **(a) Provide instruction on how to teach reading and language arts using**  
12 **scientifically researched and evidence-based reading instruction and**  
13 **intervention programs;**  
14 **(b) Prohibit instruction on teaching reading and language arts that**  
15 **incorporates a three-cueing system; and**  
16 **(c) Align to the academic standards established by the Department of**  
17 **Education and approved list of reading curriculum and instructional**  
18 **materials that are utilized by local districts.**

19 ~~(3)(2)~~ ~~[By January 1, 2024, ]~~ The Education Professional Standards Board shall  
20 develop and maintain a list of approved teacher preparation tests that are  
21 determined by the board to be an effective evaluation of reading instruction  
22 knowledge and skills.

23 ~~(4)(3)~~ Beginning in the 2024-2025 school year, all new teachers seeking certification  
24 in interdisciplinary early childhood education or elementary education shall  
25 successfully pass an approved teacher preparation test that includes an evaluation of  
26 reading instruction knowledge and skills.

27 ~~(5)(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 3. KRS 161.028 is amended to read as follows:

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

(a) Establish standards and requirements for obtaining and maintaining a teaching certificate;

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

1. The alignment of programs with the state's core content for assessment as defined in KRS 158.6457;
2. Research-based classroom practices, including effective classroom management techniques;
3. Emphasis on subject matter competency of teacher education students;
4. Methodologies to meet diverse educational needs of all students;
5. The consistency and quality of classroom and field experiences, including early practicums and student teaching experiences;

6. The amount of college-wide or university-wide involvement and support during the preparation as well as the induction of new teachers;
  7. The diversity of faculty;
  8. The effectiveness of partnerships with local school districts; and
  9. The performance of graduates on various measures as determined by the board;
- (c) *Include in the standards established for programs for the preparation of teachers under subsection (1)(b) of this section the requirement that programs:*
- 1. Shall provide instruction on how to teach reading and language arts using scientifically researched and evidence-based reading instruction and intervention programs; and*
  - 2. Shall not provide instruction on teaching reading and language arts that incorporates a three-cueing system of instruction;*
- (d)* Conduct an annual review of diversity in teacher preparation programs;
- (e)*~~*(d)*~~ Provide assistance to universities and colleges in addressing diversity, which may include researching successful strategies and disseminating the information, encouraging the development of nontraditional avenues of recruitment and providing incentives, waiving administrative regulations when needed, and other assistance as deemed necessary;
- (f)*~~*(e)*~~ Discontinue approval of programs that do not meet standards or whose graduates do not perform according to criteria set by the board;
- (g)*~~*(f)*~~ Issue, renew, revoke, suspend, or refuse to issue or renew; impose probationary or supervisory conditions upon; issue a written reprimand or admonishment; or any combination of actions regarding any certificate;
- (h)*~~*(g)*~~ Develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by an employee certified by the Education Professional

Standards Board. The guidelines shall include investigation, inquiry, and hearing procedures which ensure the process does not revictimize the alleged victim or cause harm if an employee is falsely accused;

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

~~(i)(i)~~ Recommend to the Kentucky Board of Education the essential data elements relating to teacher preparation and certification, teacher supply and demand, teacher attrition, teacher diversity, and employment trends to be included in a state comprehensive data and information system and periodically report data to the Interim Joint Committee on Education;

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

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

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

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

~~(o)(n)~~ Waive a requirement that may be established in an administrative regulation promulgated by the board. A request for a waiver shall be

1 submitted to the board, in writing, by an applicant for certification, a  
2 postsecondary institution, or a superintendent of a local school district, with  
3 appropriate justification for the waiver. The board may approve the request if  
4 the person or institution seeking the waiver has demonstrated extraordinary  
5 circumstances justifying the waiver. Any waiver granted under this subsection  
6 shall be subject to revocation if the person or institution falsifies information  
7 or subsequently fails to meet the intent of the waiver;

8 ~~(p)(e)~~ Promote the development of one (1) or more innovative, nontraditional  
9 or alternative administrator or teacher preparation programs through public or  
10 private colleges or universities, private contractors, the Department of  
11 Education, or the Kentucky Commonwealth Virtual University and waive  
12 administrative regulations if needed in order to implement the program;

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

27 ~~(r)(e)~~ Employ consultants as needed;

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

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

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

8        (2) (a) The board shall be composed of seventeen (17) members. The secretary of the  
9                    Education and Labor Cabinet and the president of the Council on  
10                    Postsecondary Education, or their designees, shall serve as ex officio voting  
11                    members. The Governor shall make the following fifteen (15) appointments:

- 12                    1. Nine (9) members who shall be teachers representative of elementary,  
13                    middle or junior high, secondary, special education, and secondary  
14                    vocational classrooms;
- 15                    2. Two (2) members who shall be school administrators, one (1) of whom  
16                    shall be a school principal;
- 17                    3. One (1) member representative of local boards of education; and
- 18                    4. Three (3) members representative of postsecondary institutions, two (2)  
19                    of whom shall be deans of colleges of education at public universities  
20                    and one (1) of whom shall be the chief academic officer of an  
21                    independent not-for-profit college or university.

22                    (b) The members appointed by the Governor shall be confirmed by the Senate  
23                    under KRS 11.160. If the General Assembly is not in session at the time of the  
24                    appointment, persons appointed shall serve prior to confirmation, but the  
25                    Governor shall seek the consent of the Senate at the next regular session or at  
26                    an intervening extraordinary session if the matter is included in the call of the  
27                    General Assembly.

- 1 (c) Each appointed member shall serve a three (3) year term. A vacancy on the  
2 board shall be filled in the same manner as the original appointment within  
3 sixty (60) days after it occurs. A member shall continue to serve until his or  
4 her successor is named. Any member who, through change of employment  
5 status or residence, or for other reasons, no longer meets the criteria for the  
6 position to which he or she was appointed shall no longer be eligible to serve  
7 in that position.
- 8 (d) Members of the board shall serve without compensation but shall be permitted  
9 to attend board meetings and perform other board business without loss of  
10 income or other benefits.
- 11 (e) A state agency or any political subdivision of the state, including a school  
12 district, required to hire a substitute for a member of the board who is absent  
13 from the member's place of employment while performing board business  
14 shall be reimbursed by the board for the actual amount of any costs incurred.
- 15 (f) A chairman shall be elected by and from the membership. A member shall be  
16 eligible to serve no more than three (3) one (1) year terms in succession as  
17 chairman. Regular meetings shall be held at least semiannually on call of the  
18 chairman.
- 19 (g) The commissioner of education shall serve as executive secretary to the board  
20 and may designate staff to facilitate his or her duties.
- 21 (h) To carry out the functions relating to its duties and responsibilities, the board  
22 is empowered to receive donations and grants of funds; to appoint consultants  
23 as needed; and to sponsor studies, conduct conferences, and publish  
24 information.