

**158.792 Definitions for KRS 158.792 and 164.0207 -- Reading diagnostic and intervention fund -- Grants for reading intervention programs -- Administrative regulations -- Use of grant funds -- Information and reports provided by Department of Education.**

- (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 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.

**Effective:** July 1, 2022

**History:** Amended 2022 Ky. Acts ch. 40, sec. 5, effective March 29, 2022; and ch. 236, sec. 70, effective July 1, 2022. -- Amended 2009 Ky. Acts ch. 11, sec. 50, effective June 25, 2009. -- Amended 2005 Ky. Acts ch. 127, sec. 3, effective March 18, 2005. -- Created 1998 Ky. Acts ch. 580, sec. 1, effective July 15, 1998.

**Legislative Research Commission Note (7/1/2022).** This statute was amended by 2022 Ky. Acts chs. 40 and 236. Ch. 236 combined the Education and Workforce Development Cabinet and Labor Cabinet and amended all applicable statutes to remove each and every existing reference to either of those cabinets and insert the name of the successor agency, "Education and Labor Cabinet," in its place. One such replacement was made in this section, but the amendment of this section in ch. 40 removed the cabinet reference in its entirety, making the name update unnecessary.

**Legislative Research Commission Note (3/29/2022).** 2022 Ky. Acts ch. 40, sec. 9, reads as follows: "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 [this statute, as amended by 2022 Ky. Acts ch. 40, sec. 5]."

**Legislative Research Commission Note (3/29/2022).** 2022 Ky. Acts ch. 40, sec. 10, provides that the Act, which amended this statute, may be cited as the Read to Succeed Act.

**Legislative Research Commission Note (3/18/2005).** 2005 Ky. Acts ch. 127, which included an amendment to this section, KRS 158.792, provides that the Act shall be cited as the Read to Achieve Act of 2005.