

Kansas Blueprint for Literacy and Other Education Provisions; SB 438

SB 438 establishes the Kansas Blueprint for Literacy (Blueprint), creates the Literacy Advisory Committee (Committee or Advisory Committee), creates the position of Director of Literacy within the State Board of Regents, defines the powers and duties of the Advisory Committee, and makes appropriations to State Board of Regents; establishes a required report from the Kansas State Department of Education (KSDE) regarding student statewide assessment scores and postsecondary achievement; modifies the Accelerating Opportunity: Kansas (AO-K) career pathways assistance benefit; and makes various changes to the Kansas Education Opportunity Scholarship, Kansas Hero's Scholarship, and Kansas Nursing Service Scholarship, administered by the State Board of Regents.

Findings

The bill makes three findings regarding making literacy a priority as an investment to support families and businesses and to continue the advancement of the Kansas economy and prosperity for Kansans. The support of a comprehensive approach to equipping Kansas educators with training in the science of reading, structured literacy, and literacy screening and assessment tools is described as essential.

Kansas Blueprint for Literacy

Appropriations to the State Board of Regents

The bill appropriates \$10.0 million in FY 2025 to the State Board of Regents for purposes of implementing the Blueprint. This appropriation includes a proviso establishing the following restrictions:

- Failure by a postsecondary educational institution to meet the deadline of August 2024 for the creation and implementation of two three-credit hour applied application courses, to include such courses within the approved graduation requirements to earn a degree in elementary education, and to implement a common performance-based assessment for such courses will result in the lapsing of the following funding amounts for each institution that fail to meet the deadline:
 - \$1.0 million for Kansas State University, University of Kansas, or Wichita State University; and
 - \$500,000 for Emporia State University, Fort Hays State University, or Pittsburg State University;
- No expenditures shall be made for the purposes of developing said required courses and assessments.

Citation of Blueprint; Appropriations; Definitions

The bill designates New Sections 1–8 as the Blueprint and provides that each section’s provisions requiring expenditure of moneys is subject to legislative appropriations.

Definitions. The bill establishes definitions for the following:

- “In-service” means a licensed individual who is employed by a school district or accredited nonpublic school as a teacher;
- “Postsecondary education institution” means:
 - A state educational institution, as defined in law pertaining to the State Board of Regents and management and operation of state educational institutions: University of Kansas, Kansas State University of Agriculture and Applied Science, Wichita State University, Emporia State University, Pittsburg State University, and Fort Hays State University;
 - A municipal university (*i.e.*, Washburn University); and
 - Any not-for-profit institution of postsecondary education that has its main campus or principal place of operation in Kansas, is operated independently and not controlled or administered by a state agency or subdivision of this state, maintains open enrollment, and is accredited by a nationally recognized accrediting agency for higher education in the United States;
- “Pre-service” means an individual who is receiving the education and training to become a licensed teacher but is not yet licensed;
- “Science of reading” means the teaching of reading using evidence-based research that includes phonemic awareness, phonics, fluency, vocabulary, and comprehension; and
- “Structured literacy” means the application of knowledge from the science of reading that teaches reading in an evidence-based and systematic way.

Literacy Advisory Committee

The Blueprint creates the Advisory Committee. The Committee is assigned duties and responsibilities including the submission of a plan to the State Board of Regents on the establishment of Centers of Excellence in Reading on or before January 1, 2025. [*Note:* Additional duties and responsibilities are detailed following membership information.]

Voting membership. The Advisory Committee will consist of the following 15 voting members:

- The Director of Literacy Education (Director), who is appointed by the Executive Officer of the State Board of Regents, and will serve as chairperson of the Advisory Committee;
- One member appointed by the Governor;
- One member of the House of Representatives, or a literacy expert, appointed by the Speaker of the House;
- One member of the House of Representatives, or a literacy expert, appointed by the Minority Leader of the House of Representatives;
- One member of the Senate, or a literacy expert, appointed by the President of the Senate;
- One member of the Senate, or a literacy expert, appointed by the Minority Leader of the Senate;
- One member appointed by and representing the Kansas National Education Association;
- One member appointed by and representing a school of education from Emporia State University, Fort Hays State University, or Pittsburg State University;
- One member appointed by and representing a school of education from the University of Kansas, Kansas State University, or Wichita State University;
- One member appointed by and representing the Washburn University School of Education;
- One member appointed by the Kansas Association of Community Colleges to represent community colleges;
- One member appointed by the Kansas Independent Colleges Association to represent a not-for-profit institution of postsecondary education school or college of education;
- One member appointed by the State Board of Education;
- One member of the State Board of Regents appointed by the State Board of Regents; and
- One member who is an expert in English for speakers of other languages (ESOL) literacy appointed by the United School Administrators of Kansas.

Nonvoting membership. The Blueprint also designates the following nonvoting members:

- The Commissioner of Education, or the Commissioner’s designee; and
- Any number of members appointed by the Director.

Terms of membership and meetings. The bill authorizes the Committee to meet at any time and any place within the state upon the call of the chairperson.

The bill requires members to be appointed on or before July 1, 2024, and voting members, except the Director, will serve four-year terms.

Any vacancy in the membership of the Committee will be filled by appointment in the same manner as the original appointment. The bill further specifies that any member of the Committee who misses three meetings in a 12-month period will be terminated and a new member appointed.

The bill also provides that any legislative member, or member appointed by a legislative member to the Committee, will receive compensation, subsistence allowances, mileage, and other expenses as provided under KSA 75-3223. Any other member will be reimbursed by that member’s appointing authority.

The bill states that staff of the State Board of Regents, Office of Revisor of Statutes, Legislative Research Department, and Division of Legislative Administrative Services will provide assistance as may be requested by the Committee.

Duties and responsibilities. The Blueprint requires the Committee to:

- Monitor progress of literacy training for in-service and pre-service teachers and literacy education of elementary and secondary students;
- Designate best practices for literacy training for in-service and pre-service teachers and literacy education of elementary and secondary students;
- Be responsible for achieving the goal to have 100.0 percent of the Kansas elementary teacher workforce achieve a micro-credential in the science of reading and structured literacy by 2030, leading to 50.0 percent or more of 3rd through 8th graders achieving level 3 or above and at least 90.0 percent of 3rd through 8th graders achieving level 2 or above on the English language arts state assessment by 2033;
- Make recommendations to the Director;
- Make recommendations to the State Board of Education, State Board of Regents, and the postsecondary educational institution presidents or chancellors on:

- Literacy training for in-service and pre-service teachers and literacy education of elementary and secondary students; and
- Reading instruction methods based on the science of reading;
- Make recommendations to the House Committee on Education and Senate Committee on Education on the implementation and any changes necessary to achieve of the goals of the Blueprint;
- Submit a plan to the State Board of Regents on the establishment of the Centers of Excellence in Reading, as outlined in New Section 8 of the bill, on or before January 1, 2025; and
- Annually report Committee progress to the Legislature on state assessment progress for each grade level and all defined subgroups including, but not limited to, English language learners, students who received free meals pursuant to the National School Lunch Act, students in the custody of the Secretary for Children and Families, and race and ethnicity subgroups, at these time intervals:
 - Once on or before February 1 to the House Committee on Education and Senate Committee on Education;
 - Once on or before May 1 to the House Committee on Education and Senate Committee on Education; and
 - Once on or before December 1 to any interim, special, or select committee, task force, or commission that has membership that includes legislators, is related to education, has been approved by the Legislative Coordinating Council, and requests such report.

The bill requires the Committee to be subject to the Kansas Open Meetings Act and the Kansas Open Records Act and publish each meeting agenda and available meeting documents online prior to each scheduled meeting.

Director of Literacy

The Blueprint requires the Executive Officer of the State Board of Regents to appoint the Director on or before July 1, 2024. In addition to the previously mentioned duties assigned to the Committee and role of this appointee, the Director is required to:

- Implement and administer the Blueprint;
- Provide executive support to the Committee;
- Work with the State Board of Education and the State Board of Regents to ensure:

- Progress on the initiatives, objectives, and desired outcomes in the Blueprint;
 - The development and utilization of the comprehensive assessment system; and
 - Postsecondary educational institutions and elementary and secondary schools are using tier I literacy methodologies;
- Encourage independent institutions to use tier 1 methodologies;
 - Establish a program to track the science of reading and structured literacy training progression of in-service and pre-service early childhood and elementary teachers, special education teachers and paraprofessionals, reading specialists, and early childhood and elementary administrators for all school districts in the state;
 - Annually report, on or before January 15, to the House Committee on Education and the Senate Committee on Education on the implementation and administration of the Blueprint, including an implementation timeline, progress of initiatives, development and utilization of the comprehensive assessment system, progress toward the established goals, use of tier I methodologies, outcomes, and any proposed changes; and
 - Report, on or before January 31, 2025, to the House Committee on Education and the Senate Committee on Education on the State Board of Regents' progress on utilization of the science of reading, elimination of discredited methodologies, use of universal screening measures, and assessments in elementary and secondary schools in the state.

Postsecondary Education Institutions; Comprehensive Reading and Literacy Assessment System

The bill requires postsecondary educational institutions to designate practices based on the science of reading through structured literacy as the official tier I literacy methodology and prohibits the use or teaching of any discredited methodologies, such as the three-cueing system.

Comprehensive reading and literacy assessment system. The Blueprint directs the State Board of Regents, in collaboration with postsecondary educational institutions and research experts, to establish a comprehensive reading and literacy assessment system (comprehensive assessment system) with universal screening measures and diagnostic, formative, and summative assessments to be used in teacher preparation programs in this state. The bill requires the comprehensive assessment system to allow teachers to adjust instruction to meet the specific needs of students, including with regard to reading difficulties and the remediation of reading and literacy skill gaps. The bill requires the State Board of Regents to make recommendations to the State Board of Education on the comprehensive assessment system and ensure that the system is available on or before May 1, 2025.

The bill further directs the State Board of Regents to:

- Develop training modules for the assessments on or before July 1, 2025;
- Support State Board of Education action to officially designate the science of reading as the official tier I literacy methodology;
- Support elementary and secondary schools as necessary to eliminate any discredited methodologies;
- Recommend literacy-specific universal screening measures and diagnostic, formative, and summative assessments to the State Board of Education; and
- Approve reading instruction methodologies recommended by the Advisory Committee for state educational institutions.

The bill further prohibits, on or after July 1, 2025, school districts from using any textbooks or instructional materials that utilize:

- The three-cueing system model of reading as the primary basis for teaching word recognition;
- Visual memory as the primary basis for teaching word recognition; or
- The three-cueing system model of reading based on meaning, structure, and syntax and visual cues (MVS).

The bill also states that nothing included within this section shall be construed to include the English language arts statewide assessments.

Professional Development; Micro-credential or Certification Requirements

The Blueprint requires the State Board of Regents and the State Board of Education to collaborate to:

- Jointly approve micro-credential requirements for in-service teachers or certification requirements for pre-service teachers at state educational institutions in the science of reading and structured literacy;
- Develop or make accessible professional development programs and micro-credential courses for all in-service early childhood teachers, general education teachers, and special education teachers at low or no cost to such teachers. The bill requires such programs and courses to be delivered by national online learning programs or accredited postsecondary educational institutions;

- Ensure all pre-service teacher preparation programs at state educational institutions are based on the science of reading and structured literacy;
- Publish standards and course progressions to achieve transparency of Kansas reading education programs; and
- Provide data for the program to the Director that tracks the science of reading and structured literacy training progression of in-service and pre-service early childhood and elementary teachers, special education teachers and paraprofessionals, reading specialists, and early childhood and elementary administrators for all school districts in the state.

Postsecondary Educational Institutions

The bill provides that the president or chancellor, provost, and dean of the college or school of education of each postsecondary educational institution jointly have oversight and supervision of undergraduate- and graduate-level reading and literacy courses at their respective institutions and must:

- Ensure explicit courses in the science of reading and structured literacy, including the five pillars of reading for all undergraduate early childhood and elementary teacher preparation programs at state educational institutions;
- Appoint one representative from each postsecondary educational institution to conduct an annual systemwide analysis of the curriculum maps across all literacy courses;
- Require such analysis to include identifying clear evidence of instructional approaches and the core components of reading development; and
- Present a report on such systemwide analysis and any results from such analysis to the Advisory Committee;
- Design and implement two three-credit-hour applied application courses that the bill would require to be included within the approved graduation requirements to earn a degree in elementary education on or before August 2024;
- Implement a common performance-based assessment for such courses to be used by all postsecondary educational institutions on or before August 2024;
- Assist in the development of a science of reading and structured literacy micro-credential for early childhood teachers, elementary education teachers, ESOL teachers, reading specialists, special education teachers and paraprofessionals, and early childhood and elementary administrators that focuses on research-based fundamentals of reading instruction; and

- Provide information to the Advisory Committee.

Centers of Excellence in Reading

The Blueprint also directs the Advisory Committee to develop a plan to establish six regional centers of excellence in reading (Centers). The bill requires that such plan:

- Provide evaluation and identification of reading difficulties and reading disabilities;
- Collaborate with school districts to develop strategic literacy plans for individual students;
- Collaborate with the KSDE, State Board of Regents, and postsecondary educational institutions to support pre-service and in-service teacher training;
- Support the professional development and training of school-based instructional coaches;
- Pilot structured reading applied learning simulation laboratories for pre-service and in-service teachers;
- Pilot a literacy education simulation training laboratory for pre-service elementary teachers as a controlled environment for the application of the science of reading;
- Identify projected costs, staffing, and budget impacts to develop, expand, and sustain the Centers and reading simulation laboratories; and
- Make recommendations and provide progress reports to the Advisory Committee.

Annual Report on Postsecondary Success

The bill requires the State Board of Education, on or before January 15 of each year, to prepare and submit a report to the Legislature on students who have taken the statewide assessments. The report must include the following:

- The number and percentage of students who took the statewide assessments during the prior school year broken down by core academic area (English language arts, mathematics, and science) by grade level; and
- The percentage of students who took the statewide assessment in grade 10 and who obtained some postsecondary education two years after graduation from high school, broken down by statewide achievement level.

The bill also requires the State Board of Education to publish the information required for the report on the KSDE website and include such information in the performance accountability reports and longitudinal achievement reports required under continuing law.

The provisions of the bill requiring this report will expire on July 1, 2029.

Kansas Education Opportunity Scholarship Program Act

The bill replaces the Kansas Ethnic Minority Scholarship Program with the Kansas Education Opportunity Scholarship Program Act.

Student Eligibility

To be eligible for a Kansas Education Opportunity Scholarship, the bill requires a student to:

- Be a Kansas resident;
- Have been accepted for admission to or is enrolled full-time in an educational program at an eligible institution;
- Have established financial need; and
- Meet one of the following criteria:
 - Be a first generation student as defined by the bill;
 - Have a parent who is employed in Kansas as a teacher or paraprofessional for any of the grades pre-K through 12; or
 - Have previously qualified and remains qualified for the renewal of a Kansas Education Opportunity Scholarship on the basis of maintaining full-time enrollment in an educational program at an eligible institution, remaining in good standing, and making satisfactory progress toward completion of the requirements for the award of a degree or certificate of completion.

Technical and Conforming Amendments

The bill removes all references to the Kansas Ethnic Minority Program and makes additional technical and conforming changes.

Nursing Service Scholarship Program

Nursing Service Scholarship Limit and Allocation

The bill removes the limit on the number of nursing service scholarships that may be awarded each year. The bill also removes provisions requiring a certain number of the scholarships to be awarded to nursing students whose sponsors are located in rural areas, who are enrolled in a course of instruction leading to licensure as a registered professional nurse, and who are enrolled in a course of instruction leading to licensure as a licensed practical nurse. The bill changes the priority for awarding scholarships to be those qualified applicants with the greatest financial need.

Sponsorship

The bill makes the following amendments to the provisions of the Nursing Service Scholarship Program (Program) pertaining to sponsors:

- Amends the definition of the term “sponsor” to mean any of the following that is located in a rural opportunity zone (ROZ), as defined by continuing law:
 - An adult care home licensed under the Adult Care Licensure Act;
 - A licensed medical facility;
 - A licensed home health agency;
 - A local health department;
 - A mental health or treatment facility; or
 - A state agency that employs licensed practical nurses or licensed professional nurses;
- Makes sponsorship by a sponsor optional for an individual’s eligibility for the scholarship;
- Amends the amount of the scholarship a recipient, who has a sponsor, could receive to 125.0 percent of the amount established annually by the State Board of Regents; and
- Requires a scholarship recipient who has a sponsorship agreement to engage in the practice of nursing in the employment of such sponsor for the length of time the recipient received scholarship assistance or until fulfilled as otherwise required by law.

[*Note:* The maximum scholarship amounts for the Program are \$3,500 per school year for recipients enrolled full-time in a licensed practical nurse program and \$4,500 per school year for recipients enrolled full-time in a registered nurse program.]

Terms of the Scholarship Agreements with State Board of Regents

The bill makes changes to the scholarship agreement entered into by the State Board of Regents and the scholarship recipient by requiring the scholarship recipient to:

- Within six months of completing the required course of instruction, attain licensure with the Board of Nursing as a licensed professional nurse or licensed practical nurse;
- Complete the Free Application for Federal Student Aid (FAFSA) for each academic year in which scholarships funds are awarded under the agreement; and
- Within six months of attaining licensure, engage in the full-time or part-time practice of nursing in Kansas for the following durations:
 - For full-time practice, the total amount of time required under the agreement, which must be for a period of no less than the length of time the recipient received scholarship assistance; or
 - For part-time practice, the total amount of time required under the agreement, which must be for a period of time that is equal to full-time, as determined by the State Board of Regents, multiplied by the length of the time the recipient received scholarship assistance.

[*Note:* A scholarship recipient who has a sponsor is required to engage in the practice of nursing in the employment of the sponsor in accordance with the sponsorship agreement for the length of time the recipient received scholarship assistance or until fulfilled as otherwise required by law.]

Failure to satisfy the service requirement of the scholarship agreement with the State Board of Regents will result in a scholarship recipient having to pay the Board an amount equal to the scholarship amount received plus interest. The bill changes the interest rate to 5.0 percent per annum, and the interest would begin accruing on the date the obligation to repay commenced.

Nursing Service Scholarship Review Committee

The bill abolishes the Nursing Service Scholarship Committee (Scholarship Committee). The bill also removes the definition of the term “Committee.”

Rules and Regulations

The bill no longer requires the State Board of Regents to consult with the Scholarship Committee before adopting rules and regulations as necessary to administer the Program.

AO-K Program

The bill allows all students in an AO-K Program to receive the AO-K assistance benefit, rather than only those pursuing high school equivalency. The bill limits the payment provided for each student to no more than \$500 over the lifetime of the student. [*Note:* The AO-K Program is a career pathways program model that assists students in obtaining a high school equivalency, becoming ready for transferable college-level courses, and earning an industry credential.]

Kansas Hero's Scholarship Act

The bill amends the Kansas Hero's Scholarship Act to expand the number of eligible recipients who may receive financial assistance.

The bill makes the following changes to the eligibility requirements:

- Removes provisions limiting eligibility to dependents and spouses of those who served as a member of the military after September 11, 2001; and
- Clarifies provisions pertaining to military service members who died while in military service or sustained an injury or disability that rendered the service member incapable of continuing such service.

The bill also adds a provision requiring the State Board of Regents to establish an aggregate limit for financial assistance under this act each year based on the annual appropriated amounts for paid reimbursements. The bill removes the reimbursement limit of \$500,000 per year for educational institutions.