

**CHAPTER 199**  
**( SB 175 )**

AN ACT relating to public school assessments and accountability.

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

➔Section 1. KRS 158.6453 is amended to read as follows:

- (1) As used in this section:
- (a) "Accelerated learning" means an organized way of helping students meet individual academic goals by providing direct instruction to eliminate student performance deficiencies or enable students to move more quickly through course requirements and pursue higher level skill development;
  - (b) "Constructed-response items" or "performance-based items" means individual test items that require the student to create an answer rather than select a response and may include fill-in-the-blank, short-answer, extended-answer, open-response, and writing-on-demand formats;
  - (c) "Criterion-referenced test" means a test that is aligned with defined academic content standards and measures an individual student's level of performance against the standards;
  - (d) "End-of-course examination" means the same as defined in KRS 158.860;
  - (e) "Formative assessment" means a process used by teachers and students during instruction to adjust ongoing teaching and learning to improve students' achievement of intended instructional outcomes. Formative assessments may include the use of commercial assessments, classroom observations, teacher-designed classroom tests and assessments, and other processes and assignments to gain information about individual student learning;
  - (f) "Interim assessments" means assessments that are given periodically throughout the year to provide diagnostic information and to show individual student performance against content standards;
  - (g) "Summative assessment" means an assessment given at the end of the school year, semester, or other period of time to evaluate students' performance against content standards within a unit of instruction or a course; and
  - (h) "Writing" means a purposeful act of thinking and expression that uses language to explore ideas and communicate meaning to others. Writing is a complex, multifaceted act of communication.
- (2) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the Kentucky Department of Education shall implement a process for reviewing Kentucky's academic standards and the alignment of corresponding assessments for possible revision or replacement to ensure alignment with **transition**~~(postsecondary)~~ readiness standards necessary for global competitiveness and with state career and technical education standards.
- (b) The revisions to the content standards shall:
- 1. Focus on critical knowledge, skills, and capacities needed for success in the global economy;
  - 2. Result in fewer but more in-depth standards to facilitate mastery learning;
  - 3. Communicate expectations more clearly and concisely to teachers, parents, students, and citizens;
  - 4. Be based on evidence-based research;
  - 5. Consider international benchmarks; and
  - 6. Ensure that the standards are aligned from elementary to high school to postsecondary education so that students can be successful at each education level.
- (c) 1. The department shall establish four (4) standards and assessments review ~~and development~~ committees, with each committee composed of a minimum of six (6) Kentucky public school teachers and a minimum of two (2) representatives from Kentucky institutions of higher education, including at least one (1) representative from a public institution of higher education.

## ACTS OF THE GENERAL ASSEMBLY

Each committee member shall teach in the subject area that his or her committee is assigned to review and have no prior or current affiliation with a curriculum or assessment resources vendor.

2. One (1) of the four (4) committees shall be assigned to focus on the review of language arts and writing academic standards and assessments, one (1) on the review of mathematics academic standards and assessments, one (1) on the review of science academic standards and assessments, and one (1) on the review of social studies academic standards and assessments.
- (d)
1. The department shall establish twelve (12) advisory panels to advise and assist each of the four (4) standards and assessments review~~and development~~ committees.
  2. Three (3) advisory panels shall be assigned to each standards and assessments review~~and development~~ committee. One (1) panel shall review the standards and assessments for kindergarten through grade five (5), one (1) shall review the standards and assessments for grades six (6) through eight (8), and one (1) shall review the standards and assessments for grades nine (9) through twelve (12).
  3. Each advisory panel shall be composed of at least one (1) representative from a Kentucky institution of higher education and a minimum of six (6) Kentucky public school teachers who teach in the grade level and subject reviewed by the advisory panel to which they are assigned and have no prior or current affiliation with a curriculum or assessment resources vendor.
- (e) The commissioner of education and the president of the Council on Postsecondary Education shall also provide consultants for the standards and assessments review~~and development~~ committees and the advisory panels who are business and industry professionals actively engaged in career fields that depend on the various content areas.
- (f)
1. The standards and assessments process review committee is hereby established and shall be composed of *the commissioner of education or designee as a nonvoting member and nine (9) voting representatives of public schools, of whom at least two (2) shall be parents of public school students, appointed by the Governor and confirmed by the Senate in accordance with KRS 11.160 as follows*~~ten (10) members, including~~:
    - a. *One (1) language arts teacher*~~Three (3) members appointed by the Governor~~;
    - b. *One (1) math teacher*~~Three (3) members of the Senate appointed by the President of the Senate~~;
    - c. *One (1) science teacher*~~Three (3) members of the House of Representatives appointed by the Speaker of the House of Representatives; and~~
    - d. *One (1) social studies teacher*;
    - e. *Two (2) school principals*;
    - f. *Two (2) school superintendents; and*
    - g. *One (1) school board member*~~The commissioner of education~~.
  2. *On making appointments to the committee, the Governor shall ensure broad geographical urban and rural representation and representation of elementary, middle, and high school levels; ensure equal representation of the two (2) sexes, inasmuch as possible; and ensure that appointments reflect the minority racial composition of the Commonwealth.*
  3. The review of the committee shall be limited to the procedural aspects of the review process undertaken prior to its consideration.
  4. *Notwithstanding KRS 12.028, the committee shall not be subject to reorganization by the Governor.*
- (g)
1. The review process implemented under this subsection shall be an open, transparent process that allows all Kentuckians an opportunity to participate. The department shall ensure the public's assistance in reviewing and suggesting changes to the standards and alignment adjustments to corresponding state assessments by establishing a Web site dedicated to collecting comments by the public and educators. An independent third party, which has no prior or current affiliation with a curriculum or assessment resources vendor, shall be selected by the department to collect

and transmit the comments to the department for dissemination to the appropriate advisory panel for review and consideration.

2. Each advisory panel shall review the standards and assessments for its assigned subject matter and grade level and the suggestions made by the public and educators. After completing its review, each advisory panel shall make recommendations for changes to the standards and alignment adjustments for assessments to the appropriate standards and assessments review ~~and development~~ committee.
  3. Each standards and assessments review ~~and development~~ committee shall review the findings and make recommendations to revise or replace existing standards and to adjust alignment of assessments ~~to the standards and assessments process review committee~~.
  4. The recommendations shall be published on the Web site established in this subsection for the purpose of gathering additional feedback from the public. The commissioner~~, on behalf of the standards and assessments process review committee,~~ shall subsequently present the recommendations and the public feedback to the Interim Joint Committee on Education.
  5. The commissioner shall subsequently provide a report to the standards and assessments process review committee summarizing the process conducted under this subsection and the resulting recommendations. The report shall include but not be limited to the timeline of the review process, public feedback, and responses from the Interim Joint Committee on Education.
  6. After receiving the commissioner's report, the standards and assessments process review committee shall either concur that stakeholders have had adequate opportunity to provide input on standards and the corresponding alignment of state assessments or find the input process deficient. If the process is found deficient, the recommendations may be returned to the appropriate standards and assessments review ~~and development~~ committee for review as described in subparagraph 3. of this paragraph. If the process is found sufficient, the recommendations shall be forwarded without amendment to the Kentucky Board of Education.
- (h) The Kentucky Board of Education shall promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed for the administration of the review process, including staggering the timing and sequence of the review process by subject area and remuneration of the review ~~and development~~ committees and advisory panels described in paragraphs (c) and (d) of this subsection.
- (i)
1. The Kentucky Board of Education shall consider for approval the revisions to academic standards for a content area and the alignment of the corresponding state assessment once recommendations are received from the standards and assessments process review committee. Existing state academic standards shall remain in place until the board approves new standards.
  2. Any revision to, or replacement of, the academic standards and assessments as a result of the review process conducted under this subsection shall be implemented in Kentucky public schools no later than the second academic year following the review process. Existing academic standards shall be used until new standards are implemented.
  3. The Department of Education shall disseminate the academic content standards to the schools and teacher preparation programs.
- (j) The Department of Education shall provide or facilitate statewide training sessions for existing teachers and administrators on how to:
1. Integrate the revised content standards into classroom instruction;
  2. Better integrate performance assessment of students within their instructional practices; and
  3. Help all students use higher-order thinking and communication skills.
- (k) The Education Professional Standards Board in cooperation with the Kentucky Board of Education and the Council on Postsecondary Education shall coordinate information and training sessions for faculty and staff in all of the teacher preparation programs in the use of the revised academic content standards. The Education Professional Standards Board shall ensure that each teacher preparation program includes use of the academic standards in the pre-service education programs and that all teacher interns will have experience planning classroom instruction based on the revised standards.

- (1) The Council on Postsecondary Education in cooperation with the Kentucky Department of Education and the postsecondary education institutions in the state shall coordinate information sessions regarding the academic content standards for faculty who teach in the various content areas.
- (3)
  - (a) The Kentucky Board of Education shall be responsible for creating and implementing a balanced statewide assessment program that measures the students', schools', and districts' achievement of the goals set forth in KRS 158.645 and 158.6451, to ensure compliance with the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure school accountability.
  - (b) The board shall revise the annual statewide assessment program as needed in accordance with revised academic standards and corresponding assessment alignment adjustments approved by the board under subsection (2) of this section.
  - (c) The statewide assessments shall not include any academic standards not approved by the board under subsection (2) of this section.
  - (d) The board shall seek the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; the Education Assessment and Accountability Review Subcommittee, and the National Technical Advisory Panel on Assessment and Accountability in the development of the assessment program. The statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.
- (4)
  - (a) The academic components of the statewide assessment program shall be composed of annual student summative tests, which may include a combination of multiple competency-based assessment and performance measures approved by the Kentucky Board of Education.
  - (b) The annual student summative tests shall:
    1. Measure individual student achievement in language, reading, English, mathematics, science, and social studies at designated grades;
    2. Provide teachers and parents a valid and reliable comprehensive analysis of skills mastered by individual students;
    3. Provide diagnostic information that identifies strengths and academic deficiencies of individual students in the content areas;
    4. Provide information to teachers that can enable them to improve instruction for current and future students;
    5. Provide longitudinal profiles for students; and
    6. Ensure school and district accountability for student achievement of the goals set forth in KRS 158.645 and 158.6451, except the statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.
- (5) The state student assessments shall include the following components:
  - (a) Elementary and middle grades requirements are:
    1. A criterion-referenced test each in mathematics and reading in grades three (3) through eight (8) that is valid and reliable for an individual student and that measures the depth and breadth of Kentucky's academic content standards;
    2. A criterion-referenced test each in science and social studies that is valid and reliable for an individual student as necessary to measure the depth and breadth of Kentucky's academic content standards to be administered one (1) time within the elementary and middle grades, respectively;
    3. An on-demand assessment of student writing to be administered one (1) time within the elementary grades and one (1) time within the middle grades; and
    4. An editing and mechanics test relating to writing, using multiple choice and constructed response items, to be administered one (1) time within the elementary and the middle grades, respectively;
  - (b) High school requirements are:

1. A criterion-referenced test in mathematics, reading, and science that is valid and reliable for an individual student and that measures the depth and breadth of Kentucky's academic content standards to be administered one (1) time within the high school grades;
  2. A criterion-referenced test in social studies that is valid and reliable for an individual student as necessary to measure the depth and breadth of Kentucky's academic content standards to be administered one (1) time within the high school grades;
  3. An on-demand assessment of student writing to be administered one (1) time within the high school grades;
  4. An editing and mechanics test relating to writing, using multiple choice and constructed response items, to be administered one (1) time within the high school grades; and
  5. A college admissions examination to assess English, reading, mathematics, and science in the spring of grade ten (10) and the spring of grade eleven (11);
- (c) The Kentucky Board of Education shall add any other component necessary to comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, as determined by the United States Department of Education;
- (d) The criterion-referenced components required in this subsection shall be composed of constructed response items and multiple choice items;
- (e) The Kentucky Board of Education may incorporate end-of-course examinations into the assessment program to be used in lieu of requirements for criterion-referenced tests required under paragraph (b) of this subsection; and
- (f) The results of the assessment program developed under this subsection shall be used by schools and districts to determine appropriate instructional modifications for all students in order for students to make continuous progress, including that needed by advanced learners.
- (6) Each school district shall administer the statewide student assessment during the last fourteen (14) days of school in the district's instructional calendar. The Kentucky Board of Education may change the testing window to allow for innovative assessment systems or other online test administration and shall promulgate administrative regulations that minimize the number of days of testing and outline the procedures to be used during the testing process to ensure test security, including procedures for testing makeup days, and to comply with federal assessment requirements.
- (7) A student enrolled in a district-operated or district-contracted alternative program shall participate in the appropriate assessments required by this section.
- (8) A local school district may select and use commercial interim or formative assessments or develop and use its own formative assessments to provide data on how well its students are growing toward mastery of Kentucky academic standards, so long as the district's local school board develops a policy minimizing the reduction in instructional time related to the administration of the interim assessments. Nothing in this section precludes teachers from using ongoing teacher-developed formative processes.
- (9) Each school that enrolls primary students shall use diagnostic assessments and prompts that measure readiness in reading and mathematics for its primary students as determined by the school to be developmentally appropriate. The schools may use commercial products, use products and procedures developed by the district, or develop their own diagnostic procedures. The results shall be used to inform the teachers and parents or guardians of each student's skill level.
- (10) The state board shall ensure that a technically sound longitudinal comparison of the assessment results for the same students shall be made available.
- (11) The following provisions shall apply to the college admissions examinations described in subsection (5)(b)5. of this section:
- (a) The cost of both college admissions examinations administered to students in high school shall be paid for by the Kentucky Department of Education. The costs of additional college admissions examinations shall be the responsibility of the student;

- (b) If funds are available, the Kentucky Department of Education shall provide a college admissions examination preparation program to all public high school juniors. The department may contract for necessary services; and
  - (c) Accommodations provided to a student with a disability taking the college admissions assessments under this subsection shall consist of:
    - 1. Accommodations provided in a manner allowed by the college admissions assessment provider when results in test scores are reportable to a postsecondary institution for admissions and placement purposes, except as provided in subparagraph 2. of this paragraph; or
    - 2. Accommodations provided in a manner allowed by a student's individualized education program as defined in KRS 158.281 for a student whose disability precludes valid assessment of his or her academic abilities using the accommodations provided under subparagraph 1. of this paragraph when the student's scores are not reportable to a postsecondary institution for admissions and placement purposes.
- (12) Kentucky teachers shall have a significant role in *providing feedback about* the design of the assessments, except for the college admissions exams described in subsection (5)(b)5. of this section. The assessments shall be designed to:
- (a) Measure grade appropriate core academic content, basic skills, and higher-order thinking skills and their application;
  - (b) Provide valid and reliable scores for schools. If scores are reported for students individually, they shall be valid and reliable;
  - (c) Minimize the time spent by teachers and students on assessment; and
  - (d) Assess Kentucky academic standards only.
- (13) The results from assessment under subsections (3) and (5) of this section shall be reported to the school districts and schools no later than seventy-five (75) days following the last day the assessment can be administered. Assessment reports provided to the school districts and schools shall include an electronic copy of an operational subset of test items from each assessment administered to their students and the results for each of those test items by student and by school.
- (14) The Department of Education shall gather information to establish the validity of the assessment and accountability program. It shall develop a biennial plan for validation studies that shall include but not be limited to the consistency of student results across multiple measures, the congruence of school scores with documented improvements in instructional practice and the school learning environment, and the potential for all scores to yield fair, consistent, and accurate student performance level and school accountability decisions. Validation activities shall take place in a timely manner and shall include a review of the accuracy of scores assigned to students and schools, as well as of the testing materials. The plan shall be submitted to the Commission by July 1 of the first year of each biennium. A summary of the findings shall be submitted to the Legislative Research Commission by September 1 of the second year of the biennium.
- (15) The Department of Education and the state board shall offer optional assistance to local school districts and schools in developing and using continuous assessment strategies needed to assure student progress. The continuous assessment shall provide diagnostic information to improve instruction to meet the needs of individual students.
- (16) The Administration Code for Kentucky's Assessment Program shall include prohibitions of inappropriate test preparation activities by school district employees charged with test administration and oversight, including but not limited to the issue of teachers being required to do test practice in lieu of regular classroom instruction and test practice outside the normal work day. The code shall include disciplinary sanctions that may be taken toward a school or individuals.
- (17) The Kentucky Board of Education, after the Department of Education has received advice from the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, shall promulgate an administrative regulation under KRS Chapter 13A to establish the components of a reporting structure for assessments administered under this section. The reporting structure shall include the following components:
- (a) A school report card that clearly communicates with parents and the public about school performance. The school report card shall be sent to the parents of the students of the districts, and information on

electronic access to a summary of the results for the district shall be published in the newspaper with the largest circulation in the county. It shall include but not be limited to the following components reported by race, gender, and disability when appropriate:

1. Student academic achievement, including the results from each of the assessments administered under this section;
  2. For Advanced Placement, Cambridge Advanced International, and International Baccalaureate, the courses offered, the number of students enrolled, completing, and taking the examination for each course, and the percentage of examinees receiving a score of three (3) or better on AP examinations, a score of "e" or better on Cambridge Advanced International examinations, or a score of five (5) or better on IB examinations. The data shall be disaggregated by gender, race, students with disabilities, and economic status;
  3. Nonacademic achievement, including the school's attendance, retention, graduation rates, and student transition to postsecondary;
  4. School learning environment, including measures of parental involvement; and
  5. Any other school performance data required by the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;
- (b) An individual student report to parents for each student in grades three (3) through eight (8) summarizing the student's skills in reading, science, social studies, and mathematics. The school's staff shall develop a plan for accelerated learning for any student with identified deficiencies or strengths; and
- (c) A student's highest scores on the college admissions assessments administered under subsection (5)(b)5. of this section.
- (18) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the Kentucky Department of Education shall implement a comprehensive process for reviewing and revising the academic standards in visual and performing arts and practical living skills and career studies for all levels and in foreign language for middle and high schools. The department shall develop review committees for the standards for each of the content areas that include representation from certified specialist public school teachers and postsecondary teachers in those subject areas.
- (b) The academic standards in practical living skills for elementary, middle, and high school levels shall include a focus on drug abuse prevention, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin and synthetic drugs.
- (c) The department shall provide to all schools guidelines for programs that incorporate the adopted academic standards in visual and performing arts and practical living and career studies. The department shall provide to middle and high schools guidelines for including a foreign language program. The guidelines shall address program length and time, courses offered, staffing, resources, and facilities.
- (d) The Kentucky Department of Education, in consultation with certified public school teachers of visual and performing arts, may develop program standards for the visual and performing arts.
- (19) The Kentucky Department of Education shall provide to all schools guidelines for including an effective writing program within the curriculum. Each school-based decision making council or, if there is no school council, a committee appointed by the principal, shall adopt policies that determine the writing program for its school and submit it to the Department of Education for review and comment. The writing program shall incorporate a variety of language resources, technological tools, and multiple opportunities for students to develop complex communication skills for a variety of purposes.
- (20) (a) The Kentucky Department of Education, in consultation with the review committees described in subsection (18) of this section, shall develop a school profile report to be used by all schools to document how they will address the adopted academic standards in their implementation of the programs as described in subsection (18) of this section, which may include student opportunities and experiences in extracurricular activities. The department shall include the essential workplace ethics program on the school profile report.

- (b) By October 1 of each year, each school principal shall complete the school profile report, which shall be signed by the members of the school council, or the principal if no school council exists, and the superintendent. The report shall be electronically transmitted to the Kentucky Department of Education, and the original shall be maintained on file at the local board office and made available to the public upon request. The department shall include a link to each school's profile report on its Web site.
- (c) If a school staff member, student, or a student's parent has concerns regarding deficiencies in a school's implementation of the programs described in subsection (18) of this section, he or she may submit a written inquiry to the school council.

➔Section 2. KRS 158.6455 is amended to read as follows:

It is the intent of the General Assembly that schools succeed with all students and receive the appropriate consequences in proportion to that success.

- (1) (a) The Kentucky Board of Education shall create an accountability system to classify districts and schools in accordance with the academic standards and student assessment program developed pursuant to KRS 158.6453.
- (b) The accountability system shall include:
  1. An annual overall summative performance evaluation of each school and district compared to goals established by the Kentucky Department of Education. The evaluation for each school and district shall:
    - a. Not consist of a single summative numerical score that ranks schools against each other; and
    - b. Be based on a combination of academic and school quality indicators and measures, with greater weight assigned to the academic measures;
  2. Student assessment results;
  3. Progress toward achieving English proficiency by limited English proficiency students;
  4. Quality of school climate and safety;
  5. High school graduation rates;
  6. Postsecondary readiness for each high school student, which shall be included as an academic indicator, and shall be measured by:
    - a. Meeting or exceeding a college readiness benchmark score on the college admissions examination used as the statewide assessment in KRS 158.6453(5)(b)5 *or a college placement examination approved by the Council on Postsecondary Education*. The college readiness benchmark score shall be established by the Council on Postsecondary Education; or
    - b. Achievement of college credit, postsecondary articulated credit, apprenticeship time toward a credential or associate degree, or any industry-recognized certifications, licensures, or credentials, with more weight in accountability for industry-recognized certifications, licensures, or credentials identified as high demand in accordance with the process described in paragraph (c) of this subsection. Eligible industry-recognized certifications, licensures, or credentials shall not be limited to those earned in conjunction with a minimum sequence of courses. Each high school shall publicly report the credits, hours, and credentials on an annual basis; and
  7. Any other factor mandated by the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor.
- (c) Based on data from the Kentucky Center for Education and Workforce Statistics, each local workforce investment board, in conjunction with local economic development organizations from its state regional sector, shall annually compile a list of industry-recognized certifications, licensures, and credentials specific to the state and regional workforce area, rank them by demand for the state and regional area, and provide the list to the Kentucky Workforce Innovation Board. The Kentucky Workforce Innovation Board, in conjunction with the Kentucky Department of Education, may revise the lists before the



Kentucky Department of Education disseminates the lists to all school districts to be used as postsecondary readiness indicators.

- (d)
    - 1. The Kentucky Department of Education shall pay for the cost of an assessment taken by a high school student for attaining an industry-recognized certification, credential, or licensure if the student consecutively completes at least two (2) related career pathway courses approved by the department prior to taking the assessment.
    - 2. If a high school student has not completed the two (2) course requirement described in subparagraph 1. of this paragraph but meets performance-based experience eligibility and passes an assessment, the department shall provide a weighted reimbursement amount to the school district for the cost of the assessment based on the level of demand of the certificate, credential, or license earned. The Kentucky Board of Education shall promulgate regulations establishing the performance-based experience eligibility requirements and weighted reimbursement amounts.
  - (e) Prior to promulgating administrative regulations to revise the accountability system, the board shall seek advice from the School Curriculum, Assessment, and Accountability Council; the Office of Education Accountability; the Education Assessment and Accountability Review Subcommittee; and the National Technical Advisory Panel on Assessment and Accountability.
- (2) A student's test scores shall be counted in the accountability measure of:
- (a)
    - 1. The school in which the student is currently enrolled if the student has been enrolled in that school for at least a full academic year as defined by the Kentucky Board of Education; or
    - 2. The school in which the student was previously enrolled if the student was enrolled in that school for at least a full academic year as defined by the Kentucky Board of Education; and
  - (b) The school district if the student is enrolled in the district for at least a full academic year as defined by the Kentucky Board of Education; and
  - (c) The state if the student is enrolled in a Kentucky public school prior to the beginning of the statewide testing period.
- (3) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate an administrative regulation in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A to establish more rigorous action, intervention, and appropriate consequences for schools that fail to exit comprehensive support and improvement status described in KRS 160.346. The consequences shall be designed to improve the academic performance and learning environment of identified schools and may include but not be limited to:
- (a) A review and audit process to determine the appropriateness of a school's or district's classification and to recommend needed assistance;
  - (b) School and district improvement plans;
  - (c) Eligibility to receive Commonwealth school improvement funds under KRS 158.805;
  - (d) Education assistance from highly skilled certified staff; and
  - (e) Observation of school personnel.
- (4) All students who drop out of school during a school year shall be included in a school's annual average school graduation rate calculation.
- (5) After receiving the advice of the Education Assessment and Accountability Review Subcommittee, the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education may promulgate by administrative regulation, in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A, a system of district accountability that includes establishing a formula for accountability, goals for improvement over a three (3) year period, rewards for leadership in improving teaching and learning in the district, and consequences that address the problems and provide assistance when one (1) or more schools in the district fail to exit comprehensive support and improvement status after three (3) consecutive years of implementing the turnaround intervention process described in KRS 160.346.

- (6) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate administrative regulations in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A, to establish a process whereby a school shall be allowed to appeal a performance judgment which it considers grossly unfair. Upon appeal, an administrative hearing shall be conducted in accordance with KRS Chapter 13B. The state board may adjust a performance judgment on appeal when evidence of highly unusual circumstances warrants the conclusion that the performance judgment is based on fraud or a mistake in computations, is arbitrary, is lacking any reasonable basis, or when there are significant new circumstances occurring during the three (3) year assessment period which are beyond the control of the school.

➔Section 3. KRS 160.346 is amended to read as follows:

- (1) For purposes of this section:
- (a) "Department" means the Kentucky Department of Education;
  - (b) "ESSA" means the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;
  - (c) "Level" means elementary, middle, or high school;
  - (d) "Turnaround" means a comprehensive transformation of a school to achieve accelerated, meaningful, and sustainable increases in student achievement through improved school leadership and school district support;
  - (e) "Turnaround plan" means a mandatory school plan that is designed to improve student learning and performance with evidence-based interventions as defined in ESSA and that is developed and implemented by the local school district in partnership with stakeholders, including the principal, other school leaders, teachers, and parents; and
  - (f) "Turnaround team" means the turnaround training and support team selected by the local board of education as described in subsection (7)(a) of this section.
- (2) (a) ~~Beginning with the 2018-2019 school year, or upon implementation of the provisions of ESSA by the department, whichever occurs first, the department shall identify a school for targeted support and improvement if the school has at least one (1) subgroup, as defined by ESSA, whose performance in the state accountability system by level is at or below the summative performance of all students, based on school performance, in any of the lowest performing five percent (5%) of all schools.~~
- (b) ~~Beginning with the 2019-2020 school year, and annually thereafter~~~~for upon the second year of the implementation of the provisions of ESSA by the department, whichever occurs first~~, the department shall identify a school for targeted support and improvement if the school has at least one (1) subgroup, as defined by ESSA, whose performance in the state accountability system by level is at or below that of all students~~, based on school performance,~~ in any of the lowest-performing **five percent (5%)**~~ten percent (10%)~~ of all schools for **three (3)**~~two (2)~~ consecutive years **and the school is in the lowest-performing ten percent (10%) of all schools by level.**
- (b) **Beginning with the 2020-2021 school year, and every three (3) years thereafter, the department shall identify a school for additional targeted support and improvement if the school has at least one (1) subgroup, as defined by ESSA, whose performance in the state accountability system by level is at or below the summative performance of all students in any of the lowest-performing five percent (5%) of all schools identified under subsection (3)(a) of this section and has been identified for targeted support and improvement as described in paragraph (a) of this subsection.**
- (3) Beginning with the 2018-2019 school year, or upon the department's implementation of the provisions of ESSA, whichever occurs first, a school shall be identified by the department for comprehensive support and improvement if the school is:
- (a) In the lowest-performing five percent (5%) of all schools in its level based on the school's performance in the state accountability system;
  - (b) A high school with a four (4) year cohort graduation rate that is less than eighty percent (80%); or
  - (c) Identified by the department for targeted support and improvement under subsection (2)(b)~~(a)~~ of this section and fails to exit targeted support and improvement status based on criteria established under subsection (9) of this section.

- (4) (a) When a school is identified for targeted support and improvement, the local school personnel, working with stakeholders, including the principal, other school leaders, teachers, and parents, shall revise its school improvement plan, which shall be subject to review and approval by the local board of education.
- (b) Each revised plan shall be informed by all available indicators, including student performance compared to long-term goals, and shall include:
  - 1. Components of turnaround leadership development and support;
  - 2. Identification of critical resource inequities;
  - 3. Evidence-based interventions; and
  - 4. Additional actions that address the causes of consistently underperforming subgroups of students.
- (c) If adequate performance progress, as defined by the department, is not made:
  - 1. By a school identified under subsection (2)(b) of this section, the local school district shall take additional action to assist and support the school in reaching performance goals; and
  - 2. By a school identified under subsection (2)(a) of this section, the school shall be identified for comprehensive support and improvement.
- (5) (a) When a school is identified for comprehensive support and improvement, an audit shall be performed. The local board of education shall select a turnaround audit team with documented expertise in diagnosing the causes of an organization's low performance and providing advice and strategies resulting in effective turnaround leadership. The audit team shall not include any of the district's employees.
- (b) If the local board determines no suitable audit teams are available, the board shall select the department to perform the audit.
- (c) The Kentucky Board of Education shall recommend criteria to the local board of education for a review process that a turnaround audit team may utilize to assess the turnaround leadership capacity of the principal, superintendent, and district.
- (d) The audit conducted under this subsection shall be the only comprehensive audit required for a school unless the school fails to exit comprehensive support and improvement status as described in subsection (10) of this section or exits comprehensive support and improvement status but subsequently repeats as a school identified for comprehensive support and improvement.
- (6) (a) An audit team established under subsection (5) of this section to audit a school identified for comprehensive support and improvement shall include in the review and report:
  - 1. A diagnosis of the causes of the school's low performance, with an emphasis on underperforming subgroups of students and corresponding critical resource inequities;
  - 2. An assessment and recommendation to the superintendent regarding the principal's capacity to function or develop as a turnaround specialist, including if the principal should be reassigned to a comparable position in the school district;
  - 3. An assessment of the interaction and relationship among the superintendent, central office personnel, and the school principal;
  - 4. A recommendation of the steps the school may implement to launch and sustain a turnaround process; and
  - 5. A recommendation to the local board of education of the turnaround principles and strategies necessary for the superintendent to assist the school with turnaround.
- (b) The report of an audit conducted under this subsection shall be provided to the superintendent, local board of education, school principal, commissioner of education, and the Kentucky Board of Education.
- (7) After completion of the audit described in subsection (6) of this section, each school identified for comprehensive support and improvement shall engage in the following turnaround intervention process:

- (a) The local board of education shall:
    - 1. Issue a request for proposals for a private entity with documented success at turnaround diagnosis, training, and improved performance of organizations to provide a turnaround training and support team to the school identified for comprehensive support and improvement. The local board of education shall select the turnaround entity and negotiate the scope and duration of the entity's services;
    - 2. Utilize local staff and community partners to serve as the turnaround team for the school identified for comprehensive support and improvement; or
    - 3. Select the Kentucky Department of Education to serve as the turnaround team, if the local board determines the options provided in subparagraphs 1. and 2. of this paragraph are not viable alternatives;
  - (b) The authority of the school council granted under KRS 160.345 shall be transferred to the superintendent;
  - (c) The superintendent may either retain the principal or reassign him or her to a comparable position in the district;
  - (d) The superintendent shall select a principal for the school if a principal vacancy or reassignment occurs. The superintendent shall consult with the turnaround team, parents, certified staff, and classified staff before appointing a principal replacement;
  - (e) Upon recommendation of the principal, the superintendent may reassign certified staff members to a comparable position in the school district;
  - (f) The superintendent shall collaborate with the turnaround team to design ongoing turnaround training and support for the principal and a corresponding monitoring system of effectiveness and student achievement results;
  - (g) The principal shall collaborate with the turnaround team to establish an advisory leadership team representing school stakeholders including other school leaders, teachers, and parents;
  - (h)
    - 1. The local school board shall collaborate with the superintendent, principal, turnaround team, and the advisory leadership team to propose a three (3) year turnaround plan.
    - 2. The turnaround plan shall include requests to the department for exemptions from submitting documentation that are identified by the principal, advisory leadership team, and turnaround team as inhibitors to investing time in innovative instruction and accelerated student achievement of diverse learners including ongoing staff instructional plans, student interventions, formative assessment results, or staff effectiveness processes.
    - 3. The turnaround plan shall be reviewed for approval by the superintendent and the local board of education and shall be subject to review, approval, monitoring, and periodic review by the department as described in KRS 158.782;
  - (i) The school district may request technical assistance from the department for development and implementation of the turnaround plan, which may include conducting needs assessments, selecting evidence-based interventions, and reviewing and addressing resource inequities;
  - (j) The turnaround plan shall be fully implemented by the first full day of the school year following the school year the school was identified for comprehensive support and improvement; and
  - (k) The superintendent shall periodically report to the local school board, and at least annually to the commissioner of education, on the implementation and results of the turnaround plan.
- (8) To assist with funding the audit and turnaround intervention process described in subsections (5) and (7) of this section and not provided by the department, the department shall annually reimburse the school district, for a maximum of three (3) years, an amount not to exceed the amount budgeted by the department to serve as the turnaround team to a school under subsection (7)(a)3. of this section, including Commonwealth school improvement funds under KRS 158.805 and assistance personnel.
- (9) The Kentucky Board of Education shall establish statewide exit criteria for schools identified for targeted support and improvement and comprehensive support and improvement.

- (10) If a school enters comprehensive support and improvement status and does not make any annual improvement, as determined by the department, for two (2) consecutive years, or if the school does not exit the status after three (3) years, the school shall enter a school intervention process chosen by the commissioner of education that provides more rigorous support and action by the department to improve the school's performance.
- (11) For school districts that include a significant number of schools, as determined by the department, identified for targeted support and improvement:
  - (a) The department shall periodically review a local board's resource allocations to support school improvement and provide technical assistance to the local school board; and
  - (b) The department may provide a recommended list of turnaround or school intervention providers that have demonstrated success implementing evidence-based strategies.
- (12) If, in the course of a school audit, the audit team identifies information suggesting that a violation of KRS 160.345(9)(a) may have occurred, the commissioner of education shall forward the evidence to the Office of Education Accountability for investigation.
- (13) A school's right to establish a council granted under KRS 160.345 may be restored by the local board of education two (2) years after the school exits comprehensive support and improvement status.

➔Section 4. Based on the applicable state assessments administered during the 2018-2019 and 2019-2020 academic years, the Kentucky Department of Education shall report to the Interim Joint Committee on Education by December 1, 2019, and by December 1, 2020, regarding the assessment results as they pertain to the graduation requirement that will take effect with the 2023 graduating class. Each report shall include the minimum assessment score determined by the department to meet the graduation requirement and the basis for the determination, the number and percentage of students by district and by subgroup who did not achieve the minimum assessment score to satisfy the graduation requirement, the options for students not meeting the requirement, the actions expected to be taken by districts and schools to assist the students, and an analysis of the expected impact and outcomes resulting from the implementation of the assessment graduation requirement. Prior to presenting each report, the commissioner of education shall host a series of meetings across the state to gather feedback from educators, parents, and students regarding the assessment graduation requirement. The meetings shall be adequate in number and location to provide a broad geographic representation of Kentucky schools, and the reports shall include a summary of the meetings and feedback received.

➔Section 5. Following the 2018-2019 and 2019-2020 academic years, the commissioner of education shall convene a committee each year that includes but is not limited to school superintendents, school administrators, district assessment coordinators, a member of the Council on Postsecondary Education, a career and technical education educator, and a member of the business and industry community. The committee shall analyze state assessment results and examine and consider the expected impacts, unintended consequences, and potential for all schools to reach the highest ratings in the state accountability system. The Kentucky Department of Education shall report to the Interim Joint Committee on Education by December 1, 2019, and by December 1, 2020, regarding the findings of each committee.

**Signed by Governor April 9, 2019.**