

Unofficial Document

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2016 REGULAR SESSION

Amend printed copy of HB 15/SCS 1

On page 23, line 9, through page 46, line 22, delete Sections 6 through 8 in their entirety and replace in lieu thereof:

"Section 6. 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

Amendment No. SFA 2

Sponsor: Sen. Mike Wilson

Committee Amendment: _____

Signed: _____

Floor Amendment: _____

LRC Drafter: Ells Jo Carole

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXXX

Not for Filing

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) "National norm-referenced test" means a type of test interpretation in which the performance of student scores are reported by comparing performance to how other students in a national sample performed;
- (h) "Program audit" means a form of program review that is a systematic method of analyzing components of an instructional program, and areas for improvement that is conducted as a result of a program review that indicates a more in-depth process of analysis and assistance is needed;
- (i) "Program review" means a systematic method of analyzing components of an instructional program, including instructional practices, aligned and enacted curriculum, student work samples, formative and summative assessments, professional development and support services, and administrative support and monitoring;
- (j) "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
- (k) "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) Within thirty (30) days of March 25, 2009, the Kentucky Department of Education in collaboration with the Council on Postsecondary Education shall plan and implement a comprehensive process for revising the academic content standards in reading, language arts including writing, mathematics, science, social studies, arts and humanities, and practical living skills and career studies. The revision process shall include a graduated timetable to ensure that all revisions are completed to allow as much time as possible for teachers to adjust their instruction before new assessments are administered.
- (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) The revision process, jointly organized by the commissioner of education and the president of the Council on Postsecondary Education, shall engage practicing teachers from elementary and secondary education in discussions and negotiations with content faculty and staff from postsecondary education institutions. The process shall also include business and industry professionals who are actively engaged in career

fields that depend on the various content areas, and others as deemed appropriate by the commissioner and the president.

- (d) During the revision process, the department shall consider standards that have been adopted by national content advisory groups and professional education consortia.
- (e) Using a variety of strategies and technologies, the proposed revisions to the academic content standards shall be widely disseminated throughout the state to elementary, secondary, and postsecondary education faculty and administrators, parents, citizens, private professionals in the content areas, and others for comment and recommendations. The results of the revision process shall ensure that the specifications in paragraph (b) of this subsection are met.
- (f) The commissioner of education and the president of the Council on Postsecondary Education shall ensure that the revised academic standards that are recommended to the Kentucky Board of Education for approval are aligned with postsecondary education course and assessment standards for the gateway areas of reading and mathematics. The council shall also review the proposed academic standards in all other content areas and provide written recommendations as needed to ensure those areas are aligned with postsecondary education requirements.
- (g)
 - 1. The Kentucky Board of Education shall consider for approval the revisions to academic content standards for a content area as they are completed.
 - 2. The Department of Education shall disseminate the academic content standards to the schools and teacher preparation programs no later than thirty (30) days after approval by the state board.
 - 3. All academic content standards revisions shall be completed and approved by the state board no later than December 15, 2010, and disseminated by the Department of Education to elementary and secondary schools, postsecondary

education faculty in the respective content areas, and to all teacher preparation programs no later than January 15, 2011.

- (h) 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.
 - (i) 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 after March 25, 2009, will have experience planning classroom instruction based on the revised standards.
 - (j) 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 No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, and to ensure school accountability.

- (b) Using the revised academic standards developed pursuant to subsection (2) of this section, the board shall revise the annual statewide assessment program for implementation in the 2011-2012 academic year.
 - (c) 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 assessment program to be implemented in the 2011-2012 academic year shall be composed of annual student assessments and state and local program reviews and audits in selected content areas.
- (b) The state student assessments may include formative and summative tests that:
 1. Measure individual student achievement in the academic core content areas of 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 comparisons with national norms for mathematics, reading, social studies, and science and, where available, comparisons to other states;
 5. Provide information to teachers that can enable them to improve instruction for current and future students;

6. Provide longitudinal profiles for students; and
 7. 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.
- (c) The state and local program reviews and audits shall provide annual feedback to each school relating to selected programs and serve as indicators of the quality of educational experiences available to students. Program reviews and audits shall provide recommendations for improving program components in order to better teach and assess students within these programs. Program reviews shall ensure school and district accountability for student achievement of the capacities set forth in KRS 158.645 and the goals set forth in KRS 158.6451.
- (5) The state student assessments~~[to be implemented in the 2011-2012 academic year]~~ shall include the following components:
- (a) Elementary and middle grades requirements are:
 1. A criterion-referenced test 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, augmented with a customized or commercially available norm-referenced test to provide national profiles;
 2. A criterion-referenced test 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, augmented with a customized or commercially available norm-referenced test to provide national profiles 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 two (2) times 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~~]; and~~
5. ~~A high school readiness examination to assess English, reading, mathematics, and science in grade eight (8) as provided in subsection (11) of this section; except the readiness examination may be moved to grade nine (9) by the Kentucky Board of Education based on compelling evidence that moving the test would be in the best interests of Kentucky students];~~

(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~~]; that are not covered in the assessment under subparagraph 6. of this paragraph]~~ 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, augmented with a customized or commercially available norm-referenced test to provide national profiles and to be administered one (1) time within the high school grades;
3. An on-demand assessment of student writing to be administered two (2) times 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;{
5. ~~A college readiness examination to assess English, reading, mathematics, and science in grade ten (10) as provided in subsection (11) of this section;}~~ and
- 5.{~~6.~~} A college admissions{~~The ACT~~} examination to assess English, reading, mathematics, and science in the fall of grade nine (9) and the spring of grade eleven (11){~~as provided in subsection (11) of this section~~};
- (c) The Kentucky Board of Education shall add any other component necessary to comply with the No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., 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 and the national norm-referenced components shall be composed of 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) *Beginning with scores calculated for the 2016-2017 academic year, norm-referenced examinations, including college admissions examinations, shall not be used as a measure of academic growth in a school's accountability score for purposes of school assessment and accountability; and*
- (g) The results of the assessment program developed under this subsection shall be used to determine appropriate instructional modifications for all students in order for students to make continuous progress, including that needed by advanced learners.
- (6) Beginning in the 2011-2012 academic year, each school district shall administer the

statewide student assessment during the last fourteen (14) days of school in the district's instructional calendar. Testing shall be limited to no more than five (5) days. The Kentucky Board of Education shall promulgate administrative regulations outlining 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) Beginning in the 2011-2012 academic year, the Kentucky assessment program shall include program reviews and program audits for arts and humanities, practical living skills and career studies, and the writing programs. The results of the program reviews and audits of arts and humanities, practical living skills and career studies, and writing required under this subsection shall be included in the accountability system as required by KRS 158.6455.

(a) Arts and humanities.

1. The Kentucky Department of Education shall provide guidelines for arts and humanities programs and for integration of these within the curriculum to all schools.
2. The Kentucky Board of Education shall establish criteria to use in the program review and audit processes, and the procedures recommended for local district and department program reviews and program audits as defined in subsection (1)(h) and (i) of this section. The department shall distribute the criteria and procedures for program reviews and audits to all schools and teacher preparation programs.
3. Each local district shall do an annual program review and the Department of Education shall conduct a program review of every school's program within a two (2) year period. The frequency of program audits shall be determined by the Department of Education in compliance with the requirements established by the state board.

4. Each school-based decision making council shall analyze the findings from program reviews for its school and determine how it will address program recommendations to improve the program for students.
- (b) Practical living skills and career studies.
1. The Kentucky Department of Education shall provide guidelines for practical living skills and career studies and integration of these within the curriculum to all schools and teacher preparation programs.
 2. The Kentucky Board of Education shall establish criteria to use in the program review and audit processes, and the procedures recommended for local district and department program reviews and program audits as defined in subsection (1)(h) and (i) of this section. The department shall distribute the criteria and procedures for program reviews and audits to all schools and teacher preparation programs.
 3. Each local district shall do an annual program review and the Department of Education shall conduct a program review of every school's program within a two (2) year period. The frequency of program audits shall be determined by the Department of Education in compliance with the requirements established by the state board.
 4. Each school-based decision making council shall analyze the findings from programs reviews for its school and determine how it will address program recommendations to improve the program for students.
- (c) Writing.
1. The Kentucky Department of Education shall provide guidelines for an effective writing program and establish criteria to use in the program review and program audit process as defined in subsection (1)(h) and (i) of this section. The

department shall distribute the guidelines and criteria for program reviews within the curriculum to all schools and teacher preparation programs.

2. 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.
3. Writing portfolios, consisting of samples of individual student work that represent the interests and growth of the student over time, shall be a required part of any writing program in primary through grade twelve (12). Portfolios shall be part of the required criteria for the program review and audit process relating to the writing program under this paragraph. Individual student scores on portfolios shall not be included in the accountability system.
4. A writing portfolio shall be maintained for each student and follow each student from grade to grade and to any school in which the student may enroll.
5. A school's policies for the writing program shall address the use of the portfolio for determining a student's performance in:
 - a. Communication;
 - b. Grading procedures and feedback to students regarding their writing and communication skills;
 - c. The responsibility for review of the portfolios and feedback to students; and
 - d. Other policies to improve the quality of an individual student's writing and communications skills.

6. Each local district shall do an annual program review and the Department of Education shall conduct a program review of every school's program within a two (2) year period. The frequency of program audits shall be determined by the Department of Education in compliance with the requirements established by the state board.

The Department of Education shall ensure that all schools and districts understand how the results of the program reviews and audits of arts and humanities, practical living skills and career studies, and writing are included in the accountability system under KRS 158.6455 and shall provide assistance to schools to improve the quality of the programs under this subsection.

- (8) Local school districts may select and use commercial interim or formative assessments or develop and use their own formative assessments to provide data on how well their students are growing toward mastery of Kentucky academic core content. Nothing in this section precludes teachers from using ongoing teacher-developed formative processes.
- (9) Beginning with the 2010-2011 school year, 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) In revising the state assessment program for implementation in 2011-2012 academic year, 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 examination described in subsection (5)(b)5. of this section~~[assessment requirements for middle and high schools]~~:

- (a) ~~{The assessment program shall include:~~
1. ~~— A high school readiness examination to assess English, reading, mathematics, and science in grade eight (8);~~
 2. ~~— A college readiness examination to assess English, reading, mathematics, and science in grade ten (10);~~
 3. ~~— The ACT college admissions and placement examination to assess English, reading, mathematics, and science, to be taken by all students in grade eleven (11); and~~
 4. ~~— Any other component necessary to comply with the No Child Left Behind Act of 2001, 20 U.S.C. sec. 6301 et seq., as determined by the United States Department of Education;~~
- (b) ~~1. — A student whose scores on the high school readiness examination administered in grade eight (8) or as determined by the Kentucky Board of Education under subsection (5) of this section indicate a high degree of readiness for high school shall be counseled to enroll in accelerated courses; and~~
2. ~~— A student whose scores on the college readiness examination administered in grade ten (10) or the ACT college admissions and placement examination administered in grade eleven (11) indicate a high degree of readiness for college shall be counseled to enroll in accelerated courses, with an emphasis on Advanced Placement classes;~~
- (c) ~~—}The cost of ***both college admissions examinations***~~{the initial ACT examination}~~ administered to students in ***high school***~~{grade eleven (11)}~~ shall be paid for by the Kentucky Department of Education. The costs of additional ***college admissions***~~{ACT}~~ examinations shall be the responsibility of the student;~~
- ~~(b){(d)}~~ If funds are available, the Kentucky Department of Education shall provide ***a***

college admissions examination~~[an ACT]~~ preparation program to all public high school juniors. The department may contract for necessary services;~~[and]~~

~~(c)(e)~~ The components of the college admissions examination~~[middle and high school assessment program set forth in paragraph (a) of this subsection]~~ shall be administered in lieu of a customized or commercially available norm-referenced test under subsection (5)~~(a) and (b)~~ of this section; and~~[.]~~

~~(12)~~ Students in grades ten (10), eleven (11), and twelve (12) may take the WorkKeys assessments from ACT, Inc. in reading for information, locating information, and applied mathematics.

~~(a)~~ The costs of the initial WorkKeys assessments shall be paid by the Kentucky Department of Education if funds are available for this purpose. The cost of additional WorkKeys assessments shall be the responsibility of the student.

~~(b)~~ A student whose scores on the WorkKeys assessments indicate that additional assistance is required in reading for information, locating information, or applied mathematics shall have intervention strategies for accelerated learning incorporated into his or her learning plan.

~~(c)~~ A student meeting the WorkKeys threshold established by the Department of Workforce Investment shall be issued the appropriate Kentucky employability certificate.~~]~~

~~(d)(13)~~ Accommodations provided~~[by ACT, Inc.]~~ to a student with a disability taking the college admissions assessments under this subsection~~[(11)(a)3. of this section]~~ shall consist of:

1.~~(a)~~ Accommodations provided in a manner allowed by the college admissions assessment provider~~[ACT, Inc.]~~ 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~~[(b) of this subsection]~~; or

~~2.[(b)]~~ 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~~[(a) of this subsection]~~ when the student's scores are not reportable to a postsecondary institution for admissions and placement purposes.

~~[(14) The assessments under subsections (11) and (12) of this section shall be known as the "Kentucky Work and College Readiness Examination" or "Readiness Examination."]~~

~~(12)[(15)]~~ Kentucky teachers shall have a significant role in the design of the assessments, except for the college admissions examinations 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. The assessment shall measure the core content for assessment used by the Department of Education during the 1997-98 school year until the 2011-2012 academic year. The revised academic content standards developed as required by subsection (2) of this section shall be used in the revised assessment program for implementation in the 2011-2012 academic year as required by subsection (3) of this section. Any future revisions to the core content for assessment shall be developed through a public process involving parents; educators at the elementary, secondary, and postsecondary education levels; professional education advocacy groups and organizations; and business and civic leaders and shall be distributed to all public schools;
- (b) Provide valid and reliable scores for schools. If scores are reported for students

individually, they shall be valid and reliable; and

(c) Minimize the time spent by teachers and students on assessment.

~~(13)~~~~(16)~~ (a) Through the fall of 2011, results from the state assessment under this section shall be reported to the school districts and schools no later than one hundred fifty (150) days following the first day the assessment can be administered.

(b) Beginning in the fall of 2012, 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 first day the assessment can be administered.

~~(14)~~~~(17)~~ 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)~~~~(18)~~ The Department of Education and the state board shall have the responsibility of assisting 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)~~~~(19)~~ No later than sixty (60) days after March 25, 2009, the state board shall revise the Administration Code for Kentucky's Assessment Program to 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 revisions shall include disciplinary sanctions that may be taken toward a school or individuals.

~~(17)~~~~(20)~~ 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 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 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 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. This data shall be included in the report card beginning with

the 2009-2010 academic year;

3. Nonacademic achievement, including the school's attendance, retention, graduation rates, and student transition to adult life; and
 4. School learning environment, including measures of parental involvement;
- (b) An individual student report to parents for each student in grades three (3) through eight (8) summarizing the student's skills in reading and mathematics. The school's staff shall develop a plan for accelerated learning for any student with identified deficiencies or strengths; and
- (c) ~~[An individual report for each student who takes a high school or college readiness examination administered under subsection (11)(a) of this section that:~~
1. ~~Provides the student's test scores;~~
 2. ~~Provides a judgment regarding whether or not a student has met, exceeded, or failed to meet the expectations for each standard assessed; and~~
 3. ~~Is designed to assist students, parents, and teachers to identify, assess, and remedy academic deficiencies prior to high school graduation; and~~
- (d) ~~]A student's highest scores on the college admissions[ACT examination or WorkKeys] assessments administered under subsection (5)(b)5, [subsections (11) and (12)] of this section [~~and the ACT examination under KRS 158.6459(5)~~] shall be recorded on his or her official high school transcript.~~

~~(18)~~~~(21)~~ The Kentucky Board of Education shall conduct periodic alignment studies that compare the norm-referenced tests required under subsection (5) of this section with the standards in the different content areas to determine how well the norm-referenced tests align and adequately measure the depth of knowledge and breadth of Kentucky's academic content standards. Based on its findings from the studies, the board may decrease the number of required criterion-referenced items required under subsection (5) of this section.

Section 7. 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) 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 system for identifying successful schools. The Kentucky Board of Education shall identify reports, paperwork requirements, and administrative regulations from which high performing schools shall be exempt.
- (b) The Kentucky Board of Education shall recognize schools that exceed their improvement goal and have an annual average dropout rate below five percent (5%). A student shall be included in the annual average dropout rate if the student was enrolled in the school of record for at least thirty (30) days during the school year prior to the day he or she was recorded as dropping out of school. A student shall not be included in a school's annual average dropout rate if:
 1. The student is enrolled in a district-operated or district-contracted alternative program leading to a certificate of completion or a General Educational Development (GED) diploma; or
 2. The student has withdrawn from school and is awarded a General Educational Development (GED) diploma by October 1 of the following school year.
- (c) A student enrolled in a district-operated or district-contracted alternative program shall participate in the appropriate assessments required by the assessment program established in KRS 158.6453.

- (2) (a) After the academic standards are revised and a new student assessment program is developed pursuant to KRS 158.6453, the Kentucky Board of Education shall create an accountability system to classify districts and schools.
- (b) The accountability system shall include:
1. The results of program assessments of arts and humanities, practical living skills and career studies, and writing programs;
 2. Student assessment results, except the college admissions examinations referenced in subsection (5)(b)5. of Section 6 of this Act shall not be used as a measure of academic growth after the 2015-2016 academic year;
 3. School improvement results; ~~and~~
 4. Postsecondary readiness for each high school measured by:
 - a. The increase in the percentage of students meeting a college readiness benchmark score based on the average of the students' highest composite scores on the college admissions examination used as the statewide assessment in subsection (5)(b)5. of Section 6 of this Act. The college readiness benchmark score shall be established by the Council on Postsecondary Education;
 - b. Student achievement of dual credit, postsecondary articulated credit, or apprenticeship time toward a credential or associate degree, and any industry-recognized certifications, licensures, or credentials, with more weight in accountability scoring 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; and

c. The percentage of graduates who matriculate into an accredited postsecondary school or program, with more weight in accountability scoring for federal Pell Grant-eligible students. The Kentucky Department of Education shall annually provide schools and districts with individual student matriculation data including Pell Grant eligibility; and

5. Any other factor mandated by the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor~~[Other factors deemed appropriate by the board].~~

- (c) The Kentucky Community and Technical College System, in coordination with the Kentucky Chamber of Commerce and members of local workforce investment boards from each state regional sector selected by the Kentucky Workforce Innovation Board, shall annually compile a list of industry-recognized certifications, licensures, and credentials specific to Kentucky, rank them by demand for each Kentucky local workforce area, and provide the list to the Kentucky Department of Education for dissemination to all school districts~~[The board shall determine how student assessment and program assessment data from the 2011-2012 and 2012-2013 school years shall be used and reported within the new accountability system].~~
- (d) The cost of initial assessments taken by high school students for attaining industry-recognized certifications, credentials, and licensures shall be paid by the Kentucky Department of Education.
- (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.

- (3) 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.
- (4) 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 appropriate consequences for schools failing to meet their accountability measures. 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 under subsection (5) of this section 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 under KRS 158.782;
 - (e) Evaluation of school personnel; and
 - (f) Student transfer to successful schools.
- (5) The Kentucky Board of Education shall promulgate an administrative regulation in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A establishing the guidelines for conducting program reviews and audits.
- (6) All students who drop out of school during a school year shall be included in a school's annual average school graduation rate calculation, except as provided in subsection (1)(b) of this section.
- (7) 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 two (2) year period, rewards for leadership in improving teaching and learning in the district, and consequences that address the problems and provide assistance when the district fails to achieve its goals set by the board. The board shall revise the district accountability system based on the revised assessment program, including program and student assessments, to be implemented in the 2011-2012 school year as required in KRS 158.6453.
- (8) 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 biennial assessment period which are beyond the control of the school.

Section 8. KRS 158.6459 is amended to read as follows:

- (1) ~~{A high school student whose scores on the high school readiness examination administered in grade eight (8), on the college readiness examination administered in grade ten (10), or on the WorkKeys indicate that additional assistance or advanced work is required in English, reading, or mathematics shall have intervention strategies for accelerated learning incorporated into his or her learning plan.~~
- (2) ~~{A high school student whose score on the *college admissions*{ACT} examination *in the spring of grade eleven (11)* under *subsection (5)(b)5. of Section 6 of this Act*{ KRS 158.6453 (11)(a)3.} in English, reading, or mathematics is below the systemwide standard established by the Council on Postsecondary Education for entry into a credit-bearing course at a public postsecondary institution without placement in a remedial course or an entry-level course with supplementary academic support shall be provided the opportunity to participate in accelerated learning designed to address his or her identified academic deficiencies prior to high school graduation.~~
- (2)~~(3)~~ A high school, in collaboration with its school district, shall develop and implement

accelerated learning that:

- (a) Meets~~[Allows a student's learning plan to be individualized to meet]~~ the student's academic needs based on an assessment of test results and consultation among parents, teachers, and the student; and
- (b) May include changes in a student's class schedule.

~~(3)~~~~(4)~~ The Kentucky Department of Education, the Council on Postsecondary Education, and public postsecondary institutions shall offer support and technical assistance to schools and school districts in the development of accelerated learning.

~~(5)~~ A student who participates in accelerated learning under this section shall be permitted to take the ACT examination a second time prior to high school graduation at the expense of the Kentucky Department of Education. The cost of any subsequent administrations of the achievement test shall be the responsibility of the student.

Section 9. KRS 160.107 is amended to read as follows:

- (1) A district which is an applicant to be designated as a district of innovation under KRS 156.108 shall:
 - (a) Establish goals and performance targets for the district of innovation proposal, which may include:
 1. Reducing achievement gaps among groups of public school students by expanding learning experiences for students who are identified as academically low-achieving;
 2. Increasing pupil learning through the implementation of high, rigorous standards for pupil performance;
 3. Increasing the participation of students in various curriculum components and instructional components within selected schools to enhance students' preparation at each grade level;

4. Increasing the number of students who are postsecondary~~[college and career]~~-ready; and
 5. Motivating students at different grade levels by offering more curriculum choices and student learning opportunities to parents and students within the district;
- (b) Identify changes needed in the district and schools to lead to better-prepared students for success in life and work;
 - (c) Have a district-wide plan of innovation that describes and justifies which schools and innovative practices will be incorporated;
 - (d) Provide documentation of community, educator, parental, and the local board's support of the proposed innovations;
 - (e) Provide detailed information regarding the rationale of requests for waivers from Kentucky Revised Statutes and administrative regulations, and exemptions for selected schools regarding waivers of local board of education policies;
 - (f) Document the fiscal and human resources the board will provide throughout the term of the implementation of the innovations within its plan; and
 - (g) Provide other materials as required by the Kentucky Department of Education in compliance with the state board's administrative regulations and application procedures.
- (2) The district and all schools participating in a district's innovation plan shall:
 - (a) Ensure the same health, safety, civil rights, and disability rights requirements as are applied to all public schools;
 - (b) Ensure students meet compulsory attendance requirements under KRS 158.030 and 158.100;
 - (c) Ensure that high school course offerings meet or exceed the minimum required under

KRS 156.160 for high school graduation or meet early graduation requirements that may be enacted by the General Assembly;

- (d) Ensure the student performance standards meet or exceed those adopted by the Kentucky Board of Education as required by KRS 158.685, including compliance with the statewide assessment system specified in KRS 158.6453;
 - (e) Adhere to the same financial audits, audit procedures, and audit requirements as are applied under KRS 156.265;
 - (f) Require state and criminal background checks for staff and volunteers as required of all public school employees and volunteers within the public schools and specified in KRS 160.380 and 161.148;
 - (g) Comply with open records and open meeting requirements under KRS Chapter 61;
 - (h) Comply with purchasing requirements and limitations under KRS Chapter 45A and KRS 156.074 and 156.480;
 - (i) Provide overall instructional time that is equivalent to or greater than that required under KRS 158.070, but which may include on-site instruction, distance or virtual learning, and work-based learning on nontraditional school days or hours; and
 - (j) Provide data to the Kentucky Department of Education as deemed necessary to generate school and district reports.
- (3) (a) Only schools that choose to be designated as schools of innovation shall be included in a district's application.
- (b) 1. As used in this paragraph, "eligible employees" means employees that are regularly employed at the school and those employees whose primary job duties will be affected by the plan.
 - 2. A vote shall be taken among eligible employees in a school to determine if the school shall be an applicant as a school of innovation in a district's proposal and

to approve the school's plan of innovation before it is submitted to the district.

At least seventy percent (70%) of those casting votes shall vote in the affirmative in order for the school to request inclusion in the district's plan and to approve the school's plan of innovation.

3. The school-based decision making council shall be responsible for conducting the vote provided for in subparagraph 2. of this paragraph, which shall be by secret ballot.
 - (c) Notwithstanding the provisions of paragraph (a) of this subsection, a local board of education may require a school that has been identified as a persistently low-achieving school under KRS 160.346 to participate in the district's plan of innovation.
- (4)
 - (a) With approval of the state board, a school of innovation may request and be granted waivers from all or selected provisions of KRS 160.345 relating to school-based decision making.
 - (b) To be exempt from KRS 160.345, a school-based decision making council shall vote by secret ballot to determine if it wishes to request a waiver from KRS 160.345 or specific provisions within that statute. Only a school that has seventy percent (70%) or more of the teachers and staff in the school voting to waive its rights and responsibilities under KRS 160.345 shall be eligible.
 - (c) No local board of education or superintendent nor the Kentucky Board of Education may compel a school to waive its rights under KRS 160.345, except as provided in KRS 160.346.
 - (d) Before the provisions of KRS 160.345 are waived by the Kentucky Board of Education for a specific school, there shall be assurances that teachers, parents, and staff in the affected school will be actively involved in the management and decision-making operations of the schools, including input into employment matters and

selection of personnel.

- (5) Notwithstanding any statutes to the contrary, the Kentucky Board of Education may approve the requests of districts of innovation to:
- (a) Use capital outlay funds for operational costs;
 - (b) Hire persons for classified positions in nontraditional school and district assignments who have bachelor's and advanced degrees from postsecondary education institutions accredited by a regional accrediting association as defined in KRS 164.740;
 - (c) Employ teachers on extended employment contracts or extra duty contracts and compensate them on a salary schedule other than the single salary schedule;
 - (d) Extend the school days as is appropriate within the district with compensation for the employees as determined locally;
 - (e) Establish alternative education programs and services that are delivered in nontraditional hours and which may be jointly provided in cooperation with another school district or consortia of districts;
 - (f) Establish a virtual school within the district for delivering alternative classes to meet high school graduation requirements;
 - (g) Use a flexible school calendar;
 - (h) Convert existing schools into schools of innovation; and
 - (i) Modify the formula under KRS 157.360(2) for distributing support education excellence in Kentucky funds for students in average daily attendance in nontraditional programming time, including alternative programs and virtual programs. Funds granted to a district shall not exceed those that would have otherwise been distributed based on average daily attendance during regular instructional days.

Section 10. KRS 164.7874 is amended to read as follows:

As used in KRS 164.7871 to 164.7885:

- (1) "Academic term" means a semester or other time period specified in an administrative regulation promulgated by the authority;
- (2) "Academic year" means a period consisting of at least the minimum school term, as defined in KRS 158.070;
- (3) "ACT score" means the composite score achieved on the American College Test at a national test site on a national test date or the college admissions examination~~[ACT exam]~~ administered statewide under subsection (5)(b)5. of Section 6 of this Act if the exam is the ACT~~[KRS 158.6453(11)(a)3.]~~, or an equivalent score, as determined by the authority, on the SAT administered by the College Board, Inc.;
- (4) "Authority" means the Kentucky Higher Education Assistance Authority;
- (5) "Award period" means the fall and spring consecutive academic terms within one (1) academic year;
- (6) "Council" means the Council on Postsecondary Education created under KRS 164.011;
- (7) "Eligible high school student" means any person who:
 - (a) Is a citizen, national, or permanent resident of the United States and Kentucky resident;
 - (b) Was enrolled after July 1, 1998:
 1. In a Kentucky high school for at least one hundred forty (140) days of the minimum school term unless exempted by the authority's executive director upon documentation of extreme hardship, while meeting the KEES curriculum requirements, and was enrolled in a Kentucky high school at the end of the academic year;
 2. In a Kentucky high school for the fall academic term of the senior year and who:
 - a. Was enrolled during the entire academic term;

- b. Completed the high school's graduation requirements during the fall academic term; and
 - c. Was not enrolled in a secondary school during any other academic term of that academic year; or
3. In the Gatton Academy of Mathematics and Science in Kentucky or the Craft Academy for Excellence in Science and Mathematics while meeting the Kentucky educational excellence scholarship curriculum requirements;
- (c) Has a grade point average of 2.5 or above at the end of any academic year beginning after July 1, 1998, or at the end of the fall academic term for a student eligible under paragraph (b) 2. of this subsection; and
 - (d) Is not a convicted felon;
- (8) "Eligible postsecondary student" means a citizen, national, or permanent resident of the United States and Kentucky resident, as determined by the participating institution in accordance with criteria established by the council for the purposes of admission and tuition assessment, who:
- (a) Earned a KEES award;
 - (b) Has the required postsecondary GPA and credit hours required under KRS 164.7881;
 - (c) Has remaining semesters of eligibility under KRS 164.7881;
 - (d) Is enrolled in a participating institution as a part-time or full-time student; and
 - (e) Is not a convicted felon;
- (9) "Full-time student" means a student enrolled in a postsecondary program of study that meets the full-time student requirements of the participating institution in which the student is enrolled;
- (10) "Grade point average" or "GPA" means the grade point average earned by an eligible student and reported by the high school or participating institution in which the student was

- enrolled based on a scale of 4.0 or its equivalent if the high school or participating institution that the student attends does not use the 4.0 grade scale;
- (11) "High school" means any Kentucky public high school, the Gatton Academy of Mathematics and Science in Kentucky, the Craft Academy for Excellence in Science and Mathematics, and any private, parochial, or church school located in Kentucky that has been certified by the Kentucky Board of Education as voluntarily complying with curriculum, certification, and textbook standards established by the Kentucky Board of Education under KRS 156.160;
- (12) "KEES" or "Kentucky educational excellence scholarship" means a scholarship provided under KRS 164.7871 to 164.7885;
- (13) "KEES award" means:
- (a) For an eligible high school student, the sum of the KEES base amount for each academic year of high school plus any KEES supplemental amount, as adjusted pursuant to KRS 164.7881; and
 - (b) For a student eligible under KRS 164.7879(3)(e), the KEES supplemental amount as adjusted pursuant to KRS 164.7881;
- (14) "KEES award maximum" means the sum of the KEES base amount earned in each academic year of high school plus any KEES supplemental amount earned;
- (15) "KEES base amount" or "base amount" means the amount earned by an eligible high school student based on the student's GPA pursuant to KRS 164.7879;
- (16) "KEES curriculum" means five (5) courses of study, except for students who meet the criteria of subsection (7)(b)2. of this section, in an academic year as determined in accordance with an administrative regulation promulgated by the authority;
- (17) "KEES supplemental amount" means the amount earned by an eligible student based on the student's ACT score pursuant to KRS 164.7879;

- (18) "KEES trust fund" means the Wallace G. Wilkinson Kentucky educational excellence scholarship trust fund;
- (19) "On track to graduate" means the number of cumulative credit hours earned as compared to the number of hours determined by the postsecondary education institution as necessary to complete a bachelor's degree by the end of eight (8) academic terms or ten (10) academic terms if a student is enrolled in an undergraduate program that requires five (5) years of study;
- (20) "Participating institution" means an "institution" as defined in KRS 164.001 that actively participates in the federal Pell Grant program, executes a contract with the authority on terms the authority deems necessary or appropriate for the administration of its programs, and:
- (a)
 - 1. Is publicly operated;
 - 2. Is licensed by the Commonwealth of Kentucky and has operated for at least ten (10) years, offers an associate or baccalaureate degree program of study not comprised solely of sectarian instruction, and admits as regular students only high school graduates or recipients of a General Educational Development (GED) diploma or students transferring from another accredited degree granting institution; or
 - 3. Is designated by the authority as an approved out-of-state institution that offers a degree program in a field of study that is not offered at any institution in the Commonwealth; and
 - (b) Continues to commit financial resources to student financial assistance programs; and
- (21) "Part-time student" means a student enrolled in a postsecondary program of study who does not meet the full-time student requirements of the participating institution in which the student is enrolled and who is enrolled for at least six (6) credit hours, or the equivalent for

an institution that does not use credit hours.

➔Section 11. KRS 164.821 is amended to read as follows:

- (1) The government of the University of Louisville is vested in a board of trustees appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The board shall consist of seventeen (17) members appointed by the Governor; one (1) member of the teaching faculty of the University of Louisville who shall be the chief executive of the ranking unit of faculty government; a member of the permanent staff of the University of Louisville who shall be the chief executive of the staff senate; and a student member who shall be the president of the student body during the appropriate academic year.
 - (a) All persons appointed after May 30, 1997, shall be required to attend and complete an orientation program prescribed by the council under KRS 164.020 as a condition of their service.
 - (b) Board members may be removed by the Governor for cause, which shall include neglect of duty or malfeasance in office, after being afforded a hearing with counsel before the Council on Postsecondary Education and a finding of fact by the council.
 - (c) New appointees to the board shall not serve more than two (2) consecutive terms. Board members serving as of May 30, 1997, may be reappointed at the end of their existing terms and may serve two (2) additional full consecutive terms.
- (2) If the student member does not maintain his position as student body president or his status as a full-time student at any time during that academic year a special election shall be held to select a full-time student member. The student member shall serve for a term of one (1) year beginning with the first meeting of the fiscal year which contains that academic year.
- (3) The faculty member, staff member, and student body member shall cease to be eligible for membership on the board of trustees upon termination of their respective relationships with the university, and vacancies occurring for this reason shall be filled for the remainder of

the respective terms in the same manner. The voting~~[seventeen (17) citizen]~~ members of the board shall select a chairperson annually~~[elect one (1) of their number to serve as chairperson of the board]~~.

- (4) The gubernatorial appointments shall serve a term of six (6) years and until their successors are appointed and qualified, except the initial terms shall be as follows:
 - (a) Two (2) members shall serve one (1) year terms;
 - (b) Three (3) members shall serve two (2) year terms;
 - (c) Three (3) members shall serve three (3) year terms, one (1) of whom shall be a graduate of the university, selected from a list of three (3) names submitted by the alumni of the university in the manner and according to rules prescribed by the board of trustees;
 - (d) Three (3) members shall serve four (4) year terms;
 - (e) Three (3) members shall serve five (5) year terms; and
 - (f) Three (3) members shall serve six (6) year terms, one (1) of whom shall be a graduate of the university, selected as under paragraph (c) of this subsection.
- (5) The Governor shall make his at-large appointments so as to divide the citizen representation upon the board to reflect proportional representation of the two (2) leading political parties in the Commonwealth based on the state's voter registration and shall reflect no less than proportional representation of the minority racial composition of the Commonwealth. The membership may include one (1) graduate of the institution who resides outside the Commonwealth, but he shall not be reimbursed for out-of-state travel.
- (6) Vacancies among the citizen members of the board occurring by death, resignation, or any other cause shall be filled by appointments made by the Governor for the expiration of the term, subject to the qualifications set forth in this section.
- (7) Unless specifically approved by the board of trustees under the provisions of KRS 164.367,

no member of the teaching or administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with the exception of compensation to the faculty, staff, and student members."