

AN ACT relating to school accountability.

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

➔Section 1. 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 The student has withdrawn from school and is awarded a General Educational Development (GED) diploma by October 1 of the following school year.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;
 3. School improvement results; and
 4. Other factors deemed appropriate by the board.
 - (c) 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) 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) **Notwithstanding subsection (3)(a) of this section, a student's test scores shall not be counted in the accountability measure of a school if the student is enrolled in the school but has attended an alternative education program as a result of local school district policies or procedures for the three (3) months prior to testing.**
- (5)** 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.
- (6)**~~(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.

~~(7)(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.

~~(8)(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.

~~(9)(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.