

AN ACT relating to public education and declaring an emergency.

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

➔Section 1. KRS 156.557 is amended to read as follows:

(1) As used in this section:

(a) "Formative evaluation" means a continuous cycle of collecting evaluation information and providing feedback with suggestions regarding the certified employee's professional growth and performance; ***and***

~~[(b) "Local formative growth measures" means measures that are rigorous and comparable across schools in a local district;~~

~~(c) "Student growth" means the change in student achievement for an individual student between two (2) or more points in time including achievement on state assessments required per KRS 158.6453; and]~~

***(b)***~~[(d)]~~ "Summative evaluation" means the summary of, and conclusions from, the evaluation data, including formative evaluation data that:

1. Occur at the end of an evaluation cycle; and
2. Include a conference between the evaluator and the evaluated certified employee and a written evaluation report.

(2) ***For the purposes of supporting and improving the performance of all certified school personnel, each local school district shall develop and implement a professional growth and effectiveness system that is based on a statewide framework established by*** ~~[Prior to the beginning of the 2014-2015 school year,] the Kentucky Department of Education[, in consultation with the Kentucky teacher and principal steering committees and other groups deemed appropriate by the commissioner of education, shall develop a framework for a statewide personnel evaluation system. The Kentucky Board of Education shall promulgate administrative regulations to establish a statewide professional growth and effectiveness system for the purposes of supporting and improving the performance~~

~~of all certified school personnel].~~ **No reporting requirements related to the professional growth and effectiveness system shall be imposed upon the local school districts by the Kentucky Department of Education.** ~~Each~~<sup>The</sup> system shall promote the continuous professional growth and development of skills needed to be a highly effective teacher or a highly effective administrator in a school or district. **Each system may**~~The Kentucky Board of Education shall~~ include parent surveys as a source of data once a valid and reliable survey tool becomes available for this purpose.

- (3) The professional growth and effectiveness system **developed and implemented by each school district** shall:
- (a) **Align with standards within the statewide framework established by the Kentucky Department of Education, which shall not include**~~Use multiple measures of effectiveness, including~~ student growth data **to determine**~~as a significant factor in determining~~ the effectiveness of teachers and administrators~~, that utilize both state standardized tests and local formative growth measures that are rigorous and comparable across schools in a local district~~;
  - (b) Include both formative and summative evaluation components;
  - (c) Measure professional effectiveness;
  - (d) Support professional growth;
  - (e) Have at least three (3) performance levels;
  - (f) Be used to inform personnel decisions;
  - (g) Be considerate of the time requirements of evaluators at the local level and shall not require that all certified school personnel have a formal summative evaluation each year; and
  - (h) Rate teachers or administrators by multiple measures instead of a single measure.

- (4) The performance criteria by which teachers and administrators shall be evaluated shall include but not be limited to:
- (a) Performance of professional responsibilities related to his or her assignment, including attendance and punctuality and evaluating results;
  - (b) Demonstration of effective planning of curricula, classroom instruction, and classroom management, based on research-based instructional practices, or school management skills based on validated managerial practices;
  - (c) Demonstration of knowledge and understanding of subject matter content or administrative functions and effective leadership techniques;
  - (d) Promotion and incorporation of instructional strategies or management techniques that are fair and respect diversity and individual differences;
  - (e) Demonstration of effective interpersonal, communication, and collaboration skills among peers, students, parents, and others;
  - (f) Performance of duties consistent with the goals for Kentucky students and mission of the school, the local community, laws, and administrative regulations;
  - (g) Demonstration of the effective use of resources, including technology;
  - (h) Demonstration of professional growth;
  - (i) Adherence to the professional code of ethics; and
  - (j) Attainment of the teacher standards or the administrator standards as established by the Education Professional Standards Board that are not referenced in paragraphs (a) to (i) of this subsection.
- (5) The following provisions shall apply to the statewide ***framework for a*** professional growth and effectiveness system:
- (a) Certified school personnel, below the level of superintendent, shall be evaluated by ***a locally developed and implemented system based on the statewide framework***~~[using the system]~~ developed by the Kentucky

Department of Education;

- (b) The evaluation system shall include formative evaluation and summative evaluation components; and
- (c) The local school board~~[Kentucky Board of Education]~~ shall adopt~~[~~administrative regulations incorporating] written guidelines for its superintendent~~[a local school district]~~ to follow in implementing the professional growth and effectiveness system and shall require the following:
1. All evaluations of certified school personnel below the level of the district superintendent shall be in writing on evaluation forms and under evaluation procedures developed by a committee composed of an equal number of teachers and administrators;
  2. The immediate supervisor of the certified school personnel member shall be designated as the primary evaluator. At the request of a teacher, observations by other teachers trained in the teacher's content area or curriculum content specialists may be incorporated into the formative process for evaluating teachers;
  3. All monitoring or observation of performance of a certified school personnel member shall be conducted openly and with full knowledge of the personnel member;
  4. Evaluators shall be trained, tested, and approved in accordance with administrative regulations adopted by the Kentucky Board of Education in the proper techniques for effectively evaluating certified school personnel. Evaluators shall receive support and resources necessary to ensure consistent and reliable ratings;
  5. The professional growth and effectiveness system shall include a plan whereby the person evaluated is given assistance for professional growth as a teacher or administrator. The system shall also specify the processes

to be used when corrective actions are necessary in relation to the performance of one's assignment;~~and~~

**6. The system shall require annual summative evaluations for each teacher or other professional who has not attained continuing service status under KRS 161.740 or continuing status under KRS 156.800(7). The system shall require summative evaluations at least once every three (3) years for a teacher or other professional who has attained continuing service status under KRS 161.740 or continuing status under KRS 156.800(7), principals, assistant principals, and other certified administrators; and**

~~7.16.~~ The training requirement for evaluators contained in subparagraph 4. of this paragraph shall not apply to district board of education members.

- (6) (a) Each superintendent shall be evaluated according to a policy and procedures developed by the local board of education and approved by the department.
  - (b) The summative evaluation of the superintendent shall be in writing, discussed and adopted in an open meeting of the board and reflected in the minutes, and made available to the public upon request.
  - (c) Any preliminary discussions relating to the evaluation of the superintendent by the board or between the board and the superintendent prior to the summative evaluation shall be conducted in closed session.
- (7) Local districts may submit a written request to use an alternative effectiveness and evaluation framework~~system~~ to the Kentucky Board of Education. The Kentucky Board of Education shall consider and approve a local district's use of an alternative effectiveness and evaluation framework~~system~~ instead of the statewide framework~~system~~ only if the Kentucky Board of Education determines the alternative framework~~system~~:
- (a) Is as rigorous, reliable, valid, and educationally sound as the statewide

professional growth and effectiveness framework~~[system]~~;

(b) ~~[Uses multiple measures of effectiveness, including student growth data as a significant factor in determining the effectiveness of teachers and administrators, that utilize both state standardized tests and local formative growth measures that are rigorous and comparable across schools in a local district;~~

~~(c)~~—]Includes both formative and summative evaluation components;

(c)~~(d)~~ Measures professional effectiveness;

(d)~~(e)~~ Supports professional growth;

(e)~~(f)~~ Has at least three (3) performance levels;

(f)~~(g)~~ Is used to inform personnel decisions;

(g)~~(h)~~ Is considerate of the time requirements of evaluators at the local level and does not require that all certified school personnel have a formal summative evaluation each year; and

(h)~~(i)~~ Rates teachers and administrators by multiple measures instead of a single measure.

(8) The Kentucky Board of Education shall establish an appeals procedure for certified school personnel who believe that the local school district failed to properly implement an~~the~~ evaluation system in alignment with the statewide framework. The appeals procedure shall not involve requests from individual certified school personnel members for review of the judgmental conclusions of their personnel evaluations.

(9) The local board of education shall establish an evaluation appeals panel for certified school personnel that shall consist of two (2) members elected by the certified employees of the local district and one (1) member appointed by the board of education who is a certified employee of the local board of education. Certified school personnel who think they were not fairly evaluated may submit an appeal to

the panel for a timely review of their evaluation.

- (10) The Kentucky Department of Education shall ***offer technical support***~~annually provide for on-site visits by trained personnel to a minimum of fifteen (15) school districts to review and ensure appropriate implementation of the evaluation system by the local school district. The department shall provide technical assistance~~ to local districts ***that request assistance*** to eliminate deficiencies and to improve the effectiveness of ~~its~~~~the~~ evaluation system ***that is based on the statewide framework***~~. The department may implement the requirement in this subsection in conjunction with other requirements, including, but not limited to, the scholastic audit process required by KRS 158.6455.~~
- (11) The disclosure, pursuant to KRS Chapter 61, of any data or information~~, including student growth data,~~ that local school districts or the Department of Education collect on individual classroom teachers under the requirements of ***this section***~~[KRS 156.557]~~ is prohibited.

**(12) The results of evaluations conducted under this section shall not be included in the accountability system described in Section 5 of this Act.**

➔Section 2. KRS 156.160 is amended to read as follows:

- (1) With the advice of the Local Superintendents Advisory Council, the Kentucky Board of Education shall promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. These regulations shall comply with the expected outcomes for students and schools set forth in KRS 158.6451. Administrative regulations shall be promulgated for the following:
- (a) Courses of study for the different grades and kinds of common schools identifying the common curriculum content directly tied to the goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453 and distributed to local school districts and schools.

The administrative regulations shall provide that:

1. If a school offers American sign language, the course shall be accepted as meeting the foreign language requirements in common schools notwithstanding other provisions of law;~~and~~
  2. If a school offers the Reserve Officers Training Corps program, the course shall be accepted as meeting the physical education requirement for high school graduation notwithstanding other provisions of law; and
  3. *If a high school offers a foreign language course, career and technical education course, or a computer technology or programming course that incorporates standards of design, creativity, interpretation, and personal meaning, the course shall be accepted as meeting the arts and humanities requirement for high school graduation, notwithstanding other provisions of law;*
- (b) Courses of study or educational experiences available to students in all middle and high schools to fulfill the prerequisites for courses in advanced science and mathematics as defined in KRS 158.845;
  - (c) The acquisition and use of educational equipment for the schools as recommended by the Council for Education Technology;
  - (d) The minimum requirements for high school graduation in light of the expected outcomes for students and schools set forth in KRS 158.6451. Student scores from any assessment administered under KRS 158.6453 that are determined by the National Technical Advisory Panel to be valid and reliable at the individual level shall be included on the student transcript. The National Technical Advisory Panel shall submit its determination to the commissioner of education and the Legislative Research Commission;
  - (e) The requirements for an alternative high school diploma for students with disabilities whose individualized education program indicates that, in



accordance with 20 U.S.C. sec. 1414(d)(1)(A):

1. The student cannot participate in the regular statewide assessment; and
  2. An appropriate alternate assessment has been selected for the student based upon a modified curriculum and an individualized course of study;
- (f) Taking and keeping a school census, and the forms, blanks, and software to be used in taking and keeping the census and in compiling the required reports. The board shall create a statewide student identification numbering system based on students' Social Security numbers. The system shall provide a student identification number similar to, but distinct from, the Social Security number, for each student who does not have a Social Security number or whose parents or guardians choose not to disclose the Social Security number for the student;
- (g) Sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings, and classrooms. With respect to physical standards of sanitary and protective construction for school buildings, the Kentucky Board of Education shall adopt the Uniform State Building Code;
- (h) Medical inspection, physical and health education and recreation, and other regulations necessary or advisable for the protection of the physical welfare and safety of the public school children. The administrative regulations shall set requirements for student health standards to be met by all students in grades four (4), eight (8), and twelve (12) pursuant to the outcomes described in KRS 158.6451. The administrative regulations shall permit a student who received a physical examination no more than six (6) months prior to his initial admission to Head Start to substitute that physical examination for the physical examination required by the Kentucky Board of Education of all students upon initial admission to the public schools, if the physical

- examination given in the Head Start program meets all the requirements of the physical examinations prescribed by the Kentucky Board of Education;
- (i) A vision examination by an optometrist or ophthalmologist that shall be required by the Kentucky Board of Education. The administrative regulations shall require evidence that a vision examination that meets the criteria prescribed by the Kentucky Board of Education has been performed. This evidence shall be submitted to the school no later than January 1 of the first year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a public school, public preschool, or Head Start program;
  - (j)
    1. Beginning with the 2010-2011 school year, a dental screening or examination by a dentist, dental hygienist, physician, registered nurse, advanced practice registered nurse, or physician assistant that shall be required by the Kentucky Board of Education. The administrative regulations shall require evidence that a dental screening or examination that meets the criteria prescribed by the Kentucky Board of Education has been performed. This evidence shall be submitted to the school no later than January 1 of the first year that a five (5) or six (6) year-old child is enrolled in a public school.
    2. A child shall be referred to a licensed dentist if a dental screening or examination performed by anyone other than a licensed dentist identifies the possibility of dental disease;
  - (k) The transportation of children to and from school;
  - (l) The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;
  - (m) The preparation of budgets and salary schedules for the several school districts under the management and control of the Kentucky Board of Education;

- (n) A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts; and
  - (o) The disposal of real and personal property owned by local boards of education.
- (2) (a) At the request of a local board of education or a school council, a local school district superintendent shall request that the Kentucky Board of Education waive any administrative regulation promulgated by that board. Beginning in the 1996-97 school year, a request for waiver of any administrative regulation shall be submitted to the Kentucky Board of Education in writing with appropriate justification for the waiver. The Kentucky Board of Education may approve the request when the school district or school has demonstrated circumstances that may include but are not limited to the following:
- 1. An alternative approach will achieve the same result required by the administrative regulation;
  - 2. Implementation of the administrative regulation will cause a hardship on the school district or school or jeopardize the continuation or development of programs; or
  - 3. There is a finding of good cause for the waiver.
- (b) The following shall not be subject to waiver:
- 1. Administrative regulations relating to health and safety;
  - 2. Administrative regulations relating to civil rights;
  - 3. Administrative regulations required by federal law; and
  - 4. Administrative regulations promulgated in accordance with KRS 158.6451, 158.6453, 158.6455, 158.685, and this section, relating to measurement of performance outcomes and determination of successful districts or schools, except upon issues relating to the grade configuration of schools.

- (c) Any waiver granted under this subsection shall be subject to revocation upon a determination by the Kentucky Board of Education that the school district or school holding the waiver has subsequently failed to meet the intent of the waiver.
- (3) Any private, parochial, or church school may voluntarily comply with curriculum, certification, and textbook standards established by the Kentucky Board of Education and be certified upon application to the board by such schools.
- (4) Any public school that violates the provisions of KRS 158.854 shall be subject to a penalty to be assessed by the commissioner of education as follows:
  - (a) The first violation shall result in a fine of no less than one (1) week's revenue from the sale of the competitive food;
  - (b) Subsequent violations shall result in a fine of no less than one (1) month's revenue from the sale of the competitive food;
  - (c) "Habitual violations," which means five (5) or more violations within a six (6) month period, shall result in a six (6) month ban on competitive food sales for the violating school; and
  - (d) Revenue collected as a result of the fines in this subsection shall be transferred to the food service fund of the local school district.

➔Section 3. KRS 158.305 is amended to read as follows:

- (1) As used in this section:
  - (a) "Aphasia" means a condition characterized by either partial or total loss of the ability to communicate verbally or through written words. A person with aphasia may have difficulty speaking, reading, writing, recognizing the names of objects, or understanding what other people have said. The condition may be temporary or permanent and does not include speech problems caused by loss of muscle control;
  - (b) "Dyscalculia" means the inability to understand the meaning of numbers, the

basic operations of addition and subtraction, the complex operations of multiplication and division, or to apply math principles to solve practical or abstract problems;

- (c) "Dysgraphia" means difficulty in automatically remembering and mastering the sequence of muscle motor movements needed to accurately write letters or numbers;
  - (d) "Dyslexia" means a language processing disorder that is neurological in origin, impedes a person's ability to read, write, and spell, and is characterized by difficulties with accuracy or fluency in word recognition and by poor spelling and decoding abilities;
  - (e) "Phonemic awareness" means the ability to recognize that a spoken word consists of a sequence of individual sounds and the ability to manipulate individual sounds in speaking; and
  - (f) "Scientifically based research" has the same meaning as in 20 U.S.C. sec. 7801(37).
- (2) Notwithstanding any other statute or administrative regulation to the contrary, the Kentucky Board of Education shall promulgate administrative regulations for district-wide use of a response-to-intervention system for students in kindergarten through grade three (3), that includes a tiered continuum of interventions with varying levels of intensity and duration and which connects general, compensatory, and special education programs to provide interventions implemented with fidelity to scientifically based research and matched to individual student strengths and needs. At a minimum, evidence of implementation shall be submitted by the district to the department for:
- (a) Reading and writing by August 1, 2013;
  - (b) Mathematics by August 1, 2014; and
  - (c) Behavior by August 1, 2015.

- (3) The Department of Education shall provide~~[make available]~~ technical assistance and training, if requested by a local district, to assist~~[all local school districts]~~ in the implementation of the district-wide, response-to-intervention system as a means to identify and assist any student experiencing difficulty in reading, writing, mathematics, or behavior.
- (4) The technical assistance and training shall be designed to improve:
- (a) The use of specific screening processes and programs to identify student strengths and needs;
  - (b) The use of screening data for designing instructional interventions;
  - (c) The use of multisensory instructional strategies and other interventions validated for effectiveness by scientifically based research;
  - (d) Progress monitoring of student performance; and
  - (e) Accelerated, intensive, direct instruction that addresses students' individual differences and enables them to catch up with typically performing peers.
- (5) The department shall develop and maintain a Web-based resource providing teachers access to:
- (a) Information on the use of specific screening processes and programs to identify student strengths and needs; and
  - (b) Current, scientifically based research and age-appropriate instructional tools that may be used for substantial, steady improvement in:
    - 1. Reading when a student is experiencing difficulty with phonemic awareness, phonics, vocabulary, fluency, general reading comprehension, or reading in specific content areas, or is exhibiting characteristics of dyslexia, aphasia, or other reading difficulties;
    - 2. Writing when a student is experiencing difficulty with consistently producing letters or numbers with accuracy or is exhibiting characteristics of dysgraphia;

3. Mathematics when a student is experiencing difficulty with basic math facts, calculations, or application through problem solving, or is exhibiting characteristics of dyscalculia or other mathematical difficulties; or
  4. Behavior when a student is exhibiting behaviors that interfere with his or her learning or the learning of other students.
- (6) The department shall encourage districts to utilize both state and federal funds as appropriate to implement a district-wide system of interventions.
  - (7) The department is encouraged to coordinate technical assistance and training on current best practice interventions with state postsecondary education institutions.
  - (8) The department shall collaborate with the Kentucky Collaborative Center for Literacy Development, the Kentucky Center for Mathematics, the Kentucky Center for Instructional Discipline, the Education Professional Standards Board, the Council on Postsecondary Education, postsecondary teacher education programs, and other agencies and organizations as deemed appropriate to ensure that teachers are prepared to utilize scientifically based interventions in reading, writing, mathematics, and behavior.
  - (9) In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services and nothing in this section shall limit a school district from completing an initial evaluation of a student suspected of having a disability.
  - (10) By November 30, 2013, and annually thereafter, the department shall provide a report to the Interim Joint Committee on Education that includes:
    - (a) Data on the number of school districts implementing response-to-intervention systems and scientifically based research practices in reading, writing, mathematics, and behavior;

- (b) Information on the types of scientifically based research interventions implemented; and
- (c) Data on the effectiveness of interventions in improving student performance in Kentucky schools.

➔Section 4. 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) "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) **Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the Kentucky Board 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 postsecondary readiness standards necessary for global competitiveness.**
- (b) **1. The Kentucky Board of Education shall establish four (4) standards and assessments review and development committees, with each committee composed of six (6) Kentucky public school teachers and two (2) representatives from Kentucky institutions of higher**

education, including at least one (1) representative from a public institution of higher education. 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.

(c) 1. The Kentucky Board of Education 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 one (1) representative from a Kentucky institution of higher education and 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.

(d) The standards and assessments recommendation committee is hereby established and shall be composed of ten (10) members, including:

1. Three (3) members appointed by the Governor;
  2. Three (3) members of the Senate appointed by the President of the Senate;
  3. Three (3) members of the House of Representatives appointed by the Speaker of the House of Representatives; and
  4. The commissioner of education.
- (e) 1. The review process implemented under this subsection shall be an open, transparent process that allows all Kentuckians an opportunity to participate. The Kentucky Board of Education 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 board to collect and transmit the comments to the board 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 recommendation 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 committee, shall subsequently present the recommendations and the public feedback to the Interim Joint Committee on Education.
  5. After providing adequate opportunity for stakeholder input and feedback on the proposed recommendations, the standards and assessments recommendation committee shall either concur with the recommendations or find them deficient. If 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. Otherwise, the recommendations shall be forwarded to the Kentucky Board of Education.
  6. 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.
- (f) 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 (b) and (c) of this subsection. ~~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.]~~

~~(g)~~~~(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.

~~(h)~~~~(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.

~~(i)~~~~(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 ***Every Student Succeeds Act of 2015, Pub. L. No. 114-95***~~[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.~~

- ~~(e)~~—]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 statewide assessment program~~[ to be implemented in the 2011-2012 academic year]~~ shall be composed of annual student summative tests ~~that~~~~[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~~:
- ~~(a)~~~~[1.]~~ Measure individual student achievement in the academic core content areas of language, reading, English, mathematics, science, and social studies at designated grades;
- ~~(b)~~~~[2.]~~ Provide teachers and parents a valid and reliable comprehensive analysis of skills mastered by individual students;
- ~~(c)~~~~[3.]~~ Provide diagnostic information that identifies strengths and academic deficiencies of individual students in the content areas;
- ~~(d)~~~~[4.]~~ Provide comparisons with national norms for mathematics, reading, social studies, and science and, where available, comparisons to other states;
- ~~(e)~~~~[5.]~~ Provide information to teachers that can enable them to improve instruction for current and future students;



~~(f)~~[6.] Provide longitudinal profiles for students; and

~~(g)~~[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.}~~ **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 **Every Student Succeeds Act of 2015, Pub. L. No. 114-95**~~[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 **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) ~~{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.

~~(8)~~~~(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.

~~(9)~~~~(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.

~~(10)~~~~(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*~~[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."]~~

~~(11)~~~~[(15)]~~ Kentucky teachers shall have a significant role in 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~~[-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.

~~(12)[(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. **Assessment reports provided to the school districts and schools shall include a 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.**

~~(13)[(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.

~~(14)~~~~(18)~~ The Department of Education and the state board shall **offer optional assistance to**~~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.

~~(15)~~~~(19)~~ ~~[No later than sixty (60) days after March 25, 2009, the state board shall revise]~~The Administration Code for Kentucky's Assessment Program **shall**~~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 **code**~~revisions~~ shall include disciplinary sanctions that may be taken toward a school or individuals.

~~(16)~~~~(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, *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~~[- 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; *and*
  5. *Any other school performance data included by the local school district.*
- (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.~~

*(17) 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 content standards in arts and humanities and practical living skills and career studies.*

*(18) The Kentucky Department of Education shall provide to all schools recommendations for integrating arts and humanities, practical living and career studies, and an effective writing program within the curriculum.*

*(19) (a) The Kentucky Department of Education shall develop a standards assurance form to be used by schools to describe the integration of state-mandated academic standards in arts and humanities, practical living and career studies, and writing in the school's curriculum.*

*(b) By October 1 of each year, each school principal shall complete the standards assurance form, which shall be signed by the members of the school council, or the principal if no school council exists, and the superintendent. The form shall be maintained on file at the local board office and made available to the public upon request.*

*(c) If a school staff member, student, or a student's parent has concerns regarding deficiencies in a school's integration of the state-mandated standards described in this subsection, he or she may submit a written inquiry to the school council.*

*(d) If the concerns identified in the written inquiry are not addressed by the*

school council to the satisfaction of the person submitting the inquiry, the inquiry may be submitted to the Kentucky Department of Education. The department shall investigate the concerns and, if warranted, make recommendations to the school for adjustments to the integration of the standards. The principal shall be required to revise the standards assurance form within forty-five (45) days of receiving the recommendations. The revised form shall be submitted to the department and the local board office.

(e) If the department receives a subsequent inquiry for a school and determines that deficiencies continue in the same subject area, the department may perform a thorough review of the school's integration of state standards in the deficient subject area, mandate the method of integration for standards in the deficient area, provide technical assistance, and monitor ongoing progress.

~~[(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 5. 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 **in accordance with the academic standards and student assessment program developed pursuant to Section 4 of this Act.**
- (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. ~~1.~~ Student assessment results, except the college admissions examinations referenced in subsection (5)(b)5. of Section 4 of this Act shall not be used as a measure of academic growth after the 2015-2016 academic year;
  2. ~~3.~~ School improvement results, including a component carrying the greatest accountability weight that measures growth over three (3) consecutive years as compared to the average growth of the school's band of schools. For purposes of this section, "band of schools" means a group of Kentucky schools at the same level that have similar student demographics, percentages of exceptional children and youth under KRS 157.200(1)(a) to (m), percentages of limited English proficiency students, and mobility rates;~~and~~
  3. ~~4.~~ Progress toward achieving English proficiency by limited English proficiency students;
  4. Quality of school climate and safety in elementary and middle schools;
  5. High school graduation rates;
  6. 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 4 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~~[Other factors deemed appropriate by the board.]~~

7. Any other factor mandated by the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor.

(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) **A student shall be counted as a graduate in the school's graduation rate calculation, based on a formula approved by the Kentucky Board of Education, if the student:**
- (a) Is identified as an exceptional child or youth under KRS 157.200(1)(a) to (m);**
  - (b) Participates in an alternate state assessment; and**
  - (c) Receives an alternative high school diploma under KRS 158.140(2).**
- (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 *described in subsection (8) of Section 13 of this Act*~~[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;
- and*
- (e) *Observation*~~[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 **three (3)**~~[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 **one (1) or more schools in the district fail to exit priority status after four (4) consecutive years of implementing the turnaround intervention process provided in subsection (6) of Section 13 of this Act**~~[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 **three (3) year**~~[biennial]~~ assessment period which are beyond the control of the school.

➔Section 6. KRS 158.6458 is amended to read as follows:

The Department of Education shall develop a plan for implementing the state assessment

and accountability system created under KRS 158.6453 and 158.6455 and shall report quarterly to the Interim Joint Committee on Education on its progress in the following areas:

- (1) Establishing a consistent structure of test components, grade-level testing distribution, and test administration procedures;
- (2) Beginning a new cycle of equating procedures for which their adequacy and precision can be tested rigorously and conducting appropriate equating analyses to accommodate the new accountability system;
- (3) Publishing more complete and informative guides for interpreting school accountability changes;
- (4) Reviewing school accountability classifications to assure their construct validity in all cases where they are applied;
- (5) ~~Maintaining and strengthening the assessment of schools' program reviews;~~
- ~~(6)~~ Developing and implementing a validity research plan as required under KRS 158.6453;
- ~~(6)~~~~(7)~~ Establishing additional routine audits of key processes in the assessment and accountability program;
- ~~(7)~~~~(8)~~ Maintaining and cataloging a library of technical documents related to the assessment and accountability program for internal and external review purposes. In addition, the department shall produce an annual technical report for audiences that include educators, testing coordinators, parents, and legislators; and
- ~~(8)~~~~(9)~~ Maintaining a vigorous ongoing program of research and documentation of the effects of the assessment and accountability system on Kentucky schools.

➔Section 7. 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 4 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 8. KRS 158.649 is amended to read as follows:

- (1) "Achievement gap" means a substantive performance difference on each of the tested areas by grade level of the state assessment program between the various groups of students including male and female students, students with and without disabilities, students with and without English proficiency, minority and nonminority students, and students who are eligible for free and reduced lunch and those who are not eligible for free and reduced lunch.
- (2) By November 1 of each year, the Department of Education shall provide each school council, or the principal if a school council does not exist, data on its students' performance as shown by the state assessment program described in KRS 158.6453. The data shall include, but not be limited to, information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, English proficiency, and participation in the federal free and reduced price lunch program. The information from the department shall include an equity analysis that shall identify the substantive differences among the various groups of students identified in subsection (1) of this section. Beginning with the 2012-2013 school year, the reporting requirement in this subsection shall be no later than seventy-five (75) days following the first day the assessment can be administered.
- (3) Each local board of education upon the recommendation of the local district superintendent shall adopt a policy for reviewing the academic performance on the state assessments required under KRS 158.6453 for various groups of students, including major racial groups, gender, disability, free and reduced price school lunch eligibility, and limited English proficiency. The local board policy shall be consistent with Kentucky Board of Education administrative regulations. Upon agreement of the school-based decision making council, or the principal if there is not a council, and the superintendent, the local board shall establish a ~~biennial~~ target for each school for reducing identified gaps in achievement as set out in



subsection (4) of this section.

- (4) By February 1, 2017~~[2003]~~, and each February 1 every three (3)~~[in odd-numbered]~~ years thereafter, the school-based decision making council, or the principal if there is not a council, with the involvement of parents, faculty, and staff shall set the school's~~[biennial]~~ targets for eliminating any achievement gap and submit them to the superintendent for consideration. The superintendent and the school-based decision making council, or the principal if there is not a council, shall agree on the~~[biennial]~~ targets before they are submitted to the local board of education for adoption. Beginning with the 2012-2013 school year, the reporting requirement in this subsection shall be October 1 of each year.
- (5) By April 1, 2017~~[2003]~~, and each April 1 every three (3)~~[in odd-numbered]~~ years thereafter, the school council, or the principal if a school council does not exist, with the involvement of parents, faculty, and staff, shall review the data and revise the school improvement~~[consolidated]~~ plan to include the~~[biennial]~~ targets, strategies, activities, and a time schedule calculated to eliminate the achievement gap among various groups of students to the extent it may exist. The plan shall include but not be limited to activities designed to address the following areas:
- (a) Curriculum alignment within the school and with schools that send or receive the school's students;
  - (b) Evaluation and assessment strategies to continuously monitor and modify instruction to meet student needs and support proficient student work;
  - (c) Professional development to address the goals of the plan;
  - (d) Parental communication and involvement;
  - (e) Attendance improvement and dropout prevention; and
  - (f) Technical assistance that will be accessed.

Beginning with the 2012-2013 school year, the reporting requirement in this subsection shall be October 1 of each year.

- (6) The principal shall convene a public meeting at the school to present and discuss the plan prior to submitting it to the superintendent and the local board of education for review, in the public meeting required under KRS 160.340.
- (7) Based on the disaggregated assessment results, the local board shall determine if each school achieved its targets for each group of students. Only data for a group of students including ten (10) or more students shall be considered.
- (8) Notwithstanding KRS 160.345(8) and 158.070(8), if a local board determines that a school has not met its target to reduce the identified gap in student achievement for a group of students, the local board shall require the council, or the principal if no council exists, to submit its revisions to the school improvement plan describing the use of professional development funds and funds allocated for continuing education to reduce the school's achievement gap for review and approval by the superintendent. The plan shall address how the school will meet the academic needs of the students in the various groups identified in subsection (1) of this section.
- (9) The superintendent shall report to the commissioner of education if a school fails to meet its targets to reduce the gap in student achievement for any student group for three (3)~~two (2)~~ consecutive years. The school's improvement plan shall be subject to review and approval by the Kentucky Department of Education and the school shall submit an annual status report. The Department of Education may recommend~~provide~~ assistance to schools as it deems necessary to assist the school in meeting its goals.
- (10) The school-based decision making council, or the principal if there is not a council, shall no longer be required to seek approval of the plan under subsections (8) and (9) of this section when it meets its ~~biennial~~ target for reducing the gap in student achievement for the various groups of students identified in subsection (1) of this section.

➔Section 9. KRS 158.782 is amended to read as follows:

- (1) 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 set forth the guidelines for providing highly skilled education assistance to *school districts and their schools that are identified as priority schools as defined in Section 13 of this Act and fail to exit priority status after four (4) consecutive years of implementing the turnaround intervention process provided in subsection (6) of Section 13 of this Act. Schools and districts receiving highly skilled assistance from the Kentucky Department of Education prior to the effective date of this Act shall continue to receive assistance in accordance with the established assistance plan*~~and school districts~~. The program shall be designed to support improved teaching and learning and may include, but not be limited to, establishing the following:
  - (a) Criteria for identifying successful strategies of assistance;
  - (b) Policies and procedures for providing education assistance, which may include training, making assignments, employing certified personnel, and setting salaries that may include supplements; and
  - (c) Duties of those providing education assistance, which may include personnel *observation*~~evaluation~~ and recommendations concerning retention, dismissal, or transfer of personnel.
- (2) A district employee selected to provide assistance shall be granted professional leave pursuant to KRS 161.770 though the time may exceed two (2) years if determined by the state board to be necessary. A certified employee shall not lose any employee benefits as a result of a special assignment.
- (3) The Department of Education shall provide appropriate training for the persons selected to provide assistance that shall include but not be limited to training to

strengthen the school-based decision making process.

- (4) The Kentucky Board of Education shall annually review the paperwork required of schools receiving highly skilled certified education assistance. It shall assure that paperwork requirements are kept to a minimum, relevant to the needs of the school, and are directly related to improving teaching and learning.

➔Section 10. KRS 158.805 is amended to read as follows:

- (1) There is hereby created the Commonwealth school improvement fund to assist local schools in pursuing new and innovative strategies to meet the educational needs of the school's students and raise a school's performance level. The Kentucky Board of Education shall utilize the Commonwealth school improvement fund to provide grants to schools for the following purposes:
  - (a) To support teachers and administrators in the development of sound and innovative approaches to improve instruction or management, including better use of formative and summative, performance-based assessments;
  - (b) To assist in replicating successful programs developed in other districts including those calculated to reduce achievement gaps as defined in KRS 158.649;
  - (c) To encourage cooperative instructional or management approaches to specific school educational problems; and
  - (d) To encourage teachers and administrators to conduct experimental programs to test concepts and applications being advanced as solutions to specific educational problems.
- (2) The Kentucky Board of Education shall develop criteria for awards of grants from the Commonwealth school improvement fund to schools identified by the board as needing assistance under KRS 158.6455.
- (3) The Kentucky Board of Education shall have the sole authority to approve grants from the fund.

- (4) The Kentucky Board of Education may establish priorities for the use of the funds and, through the Department of Education, shall provide assistance to schools in preparing their grant proposals. The board shall require that no funds awarded under the Commonwealth school improvement fund are used to supplant funds from any other source. **Requests may include funding for personnel costs.** Requests for necessary equipment may be approved at the discretion of the state board, however the cost of equipment purchased by any grantee shall not exceed twenty percent (20%) of the total amount of money awarded for each proposal and shall be matched by local funds on a dollar for dollar basis.
- (5) The Kentucky Board of Education shall establish maximums for specific grant awards. All fund recipients shall provide the board with an accounting of all money received from the fund and shall report the results and conclusions of any funded projects to the Kentucky Board of Education. All fund recipients shall provide the board with adequate documentation of all projects to enable replication of successful projects in other areas of the state.

➔Section 11. KRS 158.840 is amended to read as follows:

- (1) The General Assembly hereby finds that reading and mathematics proficiency are gateway skills necessary for all Kentucky students to achieve the academic goals established in KRS 158.6451. It is the General Assembly's intent that:
- (a) All students in the primary program having difficulty in reading and mathematics receive early diagnosis and intervention services from highly trained teachers;
- (b) All students demonstrate proficiency in reading and mathematics as they progress through the relevant curricula and complete each assessment level required by the Kentucky Board of Education for the state assessment program established under KRS 158.6453 and in compliance with the requirements of the federal **Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its**

successor [~~"No Child Left Behind Act of 2001," 20 U.S.C. sec. 6301 et seq.~~];  
and

- (c) Students who are struggling in reading and mathematics or are not at the proficient level on statewide assessments be provided research-based and developmentally appropriate diagnostic and intervention services, and instructional modifications necessary to learn.

The General Assembly, the Kentucky Board of Education, the Kentucky Department of Education, the Council on Postsecondary Education, colleges and universities, local boards of education, school administrators, school councils, teachers, parents, and other educational entities, such as the Education Professional Standards Board, P-16 councils, the Collaborative Center for Literacy Development, and the Center for Middle School Achievement must collaborate if the intentions specified in this subsection are to be met. Intensive focus on student achievement in reading and mathematics does not negate the responsibility of any entity to help students obtain proficiency in other core curriculum content areas.

- (2) The General Assembly's role is to set policies that address the achievement levels of all students and provide resources for the professional growth of teachers and administrators, assessing students' academic achievement, including diagnostic assessment and instructional interventions, technology innovations, targeted reading and mathematics statewide initiatives, research and the distribution of research findings, services for students beyond the regular school day, and other services needed to help struggling learners.
- (3) The Kentucky Board of Education shall regularly review and modify, when appropriate, its statewide assessment policies and practices to enable local school districts and schools to carry out the provisions of the statewide assessment and accountability system, required under KRS 158.6453 to improve student achievement in mathematics and reading.

- (4) The Kentucky Department of Education shall:
- (a) Provide assistance to schools and teachers, including publicizing professional development opportunities, methods of measuring effective professional development, the availability of high quality instructional materials, and developmentally appropriate screening and diagnostic assessments of student competency in mathematics and reading. The department shall provide access to samples of units of study, annotated student work, diagnostic instruments, and research findings, and give guidance on parental engagement;
  - (b) Work with state and national educators and subject-matter experts to identify student reading skills in each subject area that align with the state content standards adopted under KRS 158.6453 and identify teaching strategies in each subject area that can be used explicitly to develop the identified reading skills under this paragraph;
  - (c) Encourage the development of comprehensive middle and high school adolescent reading plans to be incorporated into the curricula of each subject area to improve the reading comprehension of all students;
  - (d) Conduct an annual review of the state grant programs it manages and make recommendations, when needed, to the Interim Joint Committee on Education for changes to statutory requirements that are necessary to gain a greater return on investment;~~and~~
  - (e) Provide administrative support and oversight to programs to train classroom coaches and mentors to help teachers with reading and mathematics instruction; and
  - (f) Require no reporting of instructional plans, formative assessment results, staff effectiveness processes, or interventions implemented in the classroom, except for interventions implemented under subsection (2) of Section 3 of this Act or with funds provided under KRS 158.792 or 158.844.

- (5) The Council on Postsecondary Education, in cooperation with the Education Professional Standards Board, shall exercise its duties and functions under KRS 164.020 to ensure that teacher education programs are fulfilling the needs of Kentucky for highly skilled teachers. The council shall coordinate the federal and state grant programs it administers with other statewide initiatives relating to improving student achievement in reading and mathematics to avoid duplication of effort and to make efficient use of resources.
- (6) The Education Professional Standards Board shall exercise its duties and responsibilities under KRS 161.030 and 161.048 to ensure highly qualified teachers.
- (7) Colleges and universities shall:
  - (a) Utilize institution-wide resources to work with elementary and secondary educators and other entities to align curriculum content to ensure that students who achieve proficiency on standards established at the prekindergarten through secondary levels will require no remediation to successfully enter a postsecondary education program;
  - (b) Provide quality undergraduate teacher preparation programs to ensure that those preparing to teach reading or mathematics at all grade levels have the necessary content knowledge, assessment and diagnostic skills, and teaching methodologies and that teachers in all subject areas have the requisite skills for helping students at all grade levels develop critical strategies and skills for reading and comprehending subject matter;
  - (c) Deliver appropriate continuing education for teachers in reading and mathematics through institutes, graduate level courses, and other professional development activities that support a statewide agenda for improving student achievement in reading and mathematics;
  - (d) Conduct or assist with research on best practices in assessment, intervention strategies, teaching methodologies, costs and effectiveness of instructional



- models, and other factors as appropriate to reading and mathematics;
- (e) Provide staff to consult and provide technical assistance to teachers, staff, and administrators at elementary, middle, and secondary school sites;
  - (f) Assume active roles in the statewide initiatives referenced in KRS 156.553 and 158.842; and
  - (g) Develop written procedures for measuring the effectiveness of activities outlined in paragraphs (a) to (e) of this subsection.
- (8) School councils at all school levels are encouraged to identify and allocate resources to qualified teachers to become coaches or mentors in mathematics or coaches or mentors in reading with a focus on improving student achievement in their respective schools.
- (9) Local school boards and superintendents shall provide local resources, whenever possible, to supplement or match state and federal resources to support teachers, school administrators, and school councils in helping students achieve proficiency in reading and mathematics.
- (10) Local school superintendents shall provide leadership and resources to the principals of all schools to facilitate curriculum alignment, communications, and technical support among schools to ensure that students are academically prepared to move to the next level of schooling.

➔Section 12. KRS 160.345 is amended to read as follows:

- (1) For the purpose of this section:
- (a) "Minority" means American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin; Pacific islander; or other ethnic group underrepresented in the school;
  - (b) "School" means an elementary or secondary educational institution that is under the administrative control of a principal and is not a program or part of

another school. The term "school" does not include district-operated schools that are:

1. Exclusively vocational-technical, special education, or preschool programs;
  2. Instructional programs operated in institutions or schools outside of the district; or
  3. Alternative schools designed to provide services to at-risk populations with unique needs;
- (c) "Teacher" means any person for whom certification is required as a basis of employment in the public schools of the state, with the exception of principals and assistant principals; and
- (d) "Parent" means:
1. A parent, stepparent, or foster parent of a student; or
  2. A person who has legal custody of a student pursuant to a court order and with whom the student resides.
- (2) Each local board of education shall adopt a policy for implementing school-based decision making in the district which shall include, but not be limited to, a description of how the district's policies, including those developed pursuant to KRS 160.340, have been amended to allow the professional staff members of a school to be involved in the decision making process as they work to meet educational goals established in KRS 158.645 and 158.6451. The policy may include a requirement that each school council make an annual report at a public meeting of the board describing the school's progress in meeting the educational goals set forth in KRS 158.6451 and district goals established by the board. The policy shall also address and comply with the following:
- (a) Except as provided in paragraph (b)2. of this subsection, each participating school shall form a school council composed of two (2) parents, three (3)

teachers, and the principal or administrator. The membership of the council may be increased, but it may only be increased proportionately. A parent representative on the council shall not be an employee or a relative of an employee of the school in which that parent serves, nor shall the parent representative be an employee or a relative of an employee in the district administrative offices. A parent representative shall not be a local board member or a board member's spouse. None of the members shall have a conflict of interest pursuant to KRS Chapter 45A, except the salary paid to district employees;

- (b) 1. The teacher representatives shall be elected for one (1) year terms by a majority of the teachers. A teacher elected to a school council shall not be involuntarily transferred during his or her term of office. The parent representatives shall be elected for one (1) year terms. The parent members shall be elected by the parents of students preregistered to attend the school during the term of office in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected. The principal shall be the chair of the school council.
2. School councils in schools having eight percent (8%) or more minority students enrolled, as determined by the enrollment on the preceding October 1, shall have at least one (1) minority member. If the council formed under paragraph (a) of this subsection does not have a minority member, the principal, in a timely manner, shall be responsible for carrying out the following:
  - a. Organizing a special election to elect an additional member. The

principal shall call for nominations and shall notify the parents of the students of the date, time, and location of the election to elect a minority parent to the council by ballot; and

- b. Allowing the teachers in the building to select one (1) minority teacher to serve as a teacher member on the council. If there are no minority teachers who are members of the faculty, an additional teacher member shall be elected by a majority of all teachers. Term limitations shall not apply for a minority teacher member who is the only minority on faculty;
- (c)
  1. The school council shall have the responsibility to set school policy consistent with district board policy which shall provide an environment to enhance the students' achievement and help the school meet the goals established by KRS 158.645 and 158.6451. The principal shall be the primary administrator and the instructional leader of the school, and with the assistance of the total school staff shall administer the policies established by the school council and the local board.
  2. If a school council establishes committees, it shall adopt a policy to facilitate the participation of interested persons, including, but not limited to, classified employees and parents. The policy shall include the number of committees, their jurisdiction, composition, and the process for membership selection;
- (d) The school council and each of its committees shall determine the frequency of and agenda for their meetings. Matters relating to formation of school councils that are not provided for by this section shall be addressed by local board policy;
- (e) The meetings of the school council shall be open to the public and all interested persons may attend. However, the exceptions to open meetings

- provided in KRS 61.810 shall apply;
- (f) After receiving notification of the funds available for the school from the local board, the school council shall determine, within the parameters of the total available funds, the number of persons to be employed in each job classification at the school. The council may make personnel decisions on vacancies occurring after the school council is formed but shall not have the authority to recommend transfers or dismissals;
  - (g) The school council shall determine which textbooks, instructional materials, and student support services shall be provided in the school. Subject to available resources, the local board shall allocate an appropriation to each school that is adequate to meet the school's needs related to instructional materials and school-based student support services, as determined by the school council. The school council shall consult with the school media librarian on the maintenance of the school library media center, including the purchase of instructional materials, information technology, and equipment;
  - (h) Personnel decisions at the school level shall be as follows:
    - 1. From a list of qualified applicants submitted by the local superintendent, the principal at the participating school shall select personnel to fill vacancies, after consultation with the school council, consistent with paragraph (i)11. of this subsection. The superintendent shall provide additional applicants to the principal upon request when qualified applicants are available. The superintendent may forward to the school council the names of qualified applicants who have pending certification from the Education Professional Standards Board based on recent completion of preparation requirements, out-of-state preparation, or alternative routes to certification pursuant to KRS 161.028 and 161.048. Requests for transfer shall conform to any employer-employee bargained

- contract which is in effect;
2. If the vacancy to be filled is the position of principal, the outgoing principal shall not serve on the council during the principal selection process. The superintendent or the superintendent's designee shall serve as the chair of the council for the purpose of the hiring process and shall have voting rights during the selection process. The council shall have access to the applications of all persons certified for the position. The principal shall be elected on a majority vote of the membership of the council. No principal who has been previously removed from a position in the district for cause may be considered for appointment as principal. The school council shall receive training in recruitment and interviewing techniques prior to carrying out the process of selecting a principal. The council shall select the trainer to deliver the training;
  3. Personnel decisions made at the school level under the authority of subparagraphs 1. and 2. ~~and 4.~~ of this paragraph shall be binding on the superintendent who completes the hiring process;
  4. ~~If the vacancy for the position of principal occurs in a school that has an index score that places it in the lowest one-third (1/3) of all schools below the assistance line and the school has completed a scholastic audit under KRS 158.6455 that includes findings of lack of effectiveness of the principal and school council, the superintendent shall appoint the principal after consulting with the school council;~~
  5. ~~Applicants subsequently employed shall provide evidence that they are certified prior to assuming the duties of a position in accordance with KRS 161.020; and~~
  5. ~~6.~~ Notwithstanding other provisions of this paragraph, if the applicant is the spouse of the superintendent and the applicant meets the service

requirements of KRS 160.380(2)(e), the applicant shall only be employed upon the recommendation of the principal and the approval of a majority vote of the school council;

- (i) The school council shall adopt a policy to be implemented by the principal in the following additional areas:
1. Determination of curriculum~~[, including needs assessment, curriculum development and responsibilities under KRS 158.6453(7)]~~;
  2. Assignment of all instructional and noninstructional staff time;
  3. Assignment of students to classes and programs within the school;
  4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board;
  5. Determination of use of school space during the school day ***related to improving classroom teaching and learning***;
  6. Planning and resolution of issues regarding instructional practices;
  7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and principal;
  8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision;
  9. Adoption of an emergency plan as required in KRS 158.162;
  10. Procedures, consistent with local school board policy, for determining alignment with state standards, technology utilization, and program appraisal; and
  11. Procedures to assist the council with consultation in the selection of personnel by the principal, including but not limited to meetings,

timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation; and

- (j) Each school council shall annually review data as shown on state and local student assessments~~[and program assessments]~~ required under KRS 158.6453. The data shall include but not be limited to information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, and participation in the federal free and reduced price lunch program. After completing the review of data, each school council, with the involvement of parents, faculty, and staff, shall develop and adopt a plan to ensure that each student makes progress toward meeting the goals set forth in KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan to the superintendent and local board of education for review as described in KRS 160.340. The Kentucky Department of Education shall provide each school council the data needed to complete the review required by this paragraph no later than November 1 of each year. If a school does not have a council, the review shall be completed by the principal with the involvement of parents, faculty, and staff.
- (3) The policies adopted by the local board to implement school-based decision making shall also address the following:
  - (a) School budget and administration, including: discretionary funds; activity and other school funds; funds for maintenance, supplies, and equipment; and procedures for authorizing reimbursement for training and other expenses;
  - (b) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state;
  - (c) School improvement plans, including the form and function of strategic



- planning and its relationship to district planning, as well as the school safety plan and requests for funding from the Center for School Safety under KRS 158.446;
- (d) Professional development plans developed pursuant to KRS 156.095;
  - (e) Parent, citizen, and community participation including the relationship of the council with other groups;
  - (f) Cooperation and collaboration within the district, with other districts, and with other public and private agencies;
  - (g) Requirements for waiver of district policies;
  - (h) Requirements for record keeping by the school council; and
  - (i) A process for appealing a decision made by a school council.
- (4) In addition to the authority granted to the school council in this section, the local board may grant to the school council any other authority permitted by law. The board shall make available liability insurance coverage for the protection of all members of the school council from liability arising in the course of pursuing their duties as members of the council.
- (5) All schools shall implement school-based decision making in accordance with this section and with the policy adopted by the local board pursuant to this section. Upon favorable vote of a majority of the faculty at the school and a majority of at least twenty-five (25) voting parents of students enrolled in the school, a school meeting its goal as determined by the Department of Education pursuant to KRS 158.6455 may apply to the Kentucky Board of Education for exemption from the requirement to implement school-based decision making, and the state board shall grant the exemption. The voting by the parents on the matter of exemption from implementing school-based decision making shall be in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. Notwithstanding the provisions of

this section, a local school district shall not be required to implement school-based decision making if the local school district contains only one (1) school.

- (6) The Department of Education shall provide professional development activities to assist schools in implementing school-based decision making. School council members elected for the first time shall complete a minimum of six (6) clock hours of training in the process of school-based decision making, no later than thirty (30) days after the beginning of the service year for which they are elected to serve. School council members who have served on a school council at least one (1) year shall complete a minimum of three (3) clock hours of training in the process of school-based decision making no later than one hundred twenty (120) days after the beginning of the service year for which they are elected to serve. Experienced members may participate in the training for new members to fulfill their training requirement. School council training required under this subsection shall be conducted by trainers endorsed by the Department of Education. By November 1 of each year, the principal through the local superintendent shall forward to the Department of Education the names and addresses of each council member and verify that the required training has been completed. School council members elected to fill a vacancy shall complete the applicable training within thirty (30) days of their election.
- (7) A school that chooses to have school-based decision making but would like to be exempt from the administrative structure set forth by this section may develop a model for implementing school-based decision making, including but not limited to a description of the membership, organization, duties, and responsibilities of a school council. The school shall submit the model through the local board of education to the commissioner of education and the Kentucky Board of Education, which shall have final authority for approval. The application for approval of the model shall show evidence that it has been developed by representatives of the

parents, students, certified personnel, and the administrators of the school and that two-thirds (2/3) of the faculty have agreed to the model.

- (8) The Kentucky Board of Education, upon recommendation of the commissioner of education, shall adopt by administrative regulation a formula by which school district funds shall be allocated to each school council. Included in the school council formula shall be an allocation for professional development that is at least sixty-five percent (65%) of the district's per pupil state allocation for professional development for each student in average daily attendance in the school. The school council shall plan professional development in compliance with requirements specified in KRS 156.095, except as provided in KRS 158.649. School councils of small schools shall be encouraged to work with other school councils to maximize professional development opportunities.
- (9) (a) No board member, superintendent of schools, district employee, or member of a school council shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members of a school and parents to be involved in the decision making process in working toward meeting the educational goals established in KRS 158.645 and 158.6451 or to make decisions in areas of policy assigned to a school council pursuant to paragraph (i) of subsection (2) of this section.
- (b) An affected party who believes a violation of this subsection has occurred may file a written complaint with the Office of Education Accountability. The office shall investigate the complaint and resolve the conflict, if possible, or forward the matter to the Kentucky Board of Education.
- (c) The Kentucky Board of Education shall conduct a hearing in accordance with KRS Chapter 13B for complaints referred by the Office of Education Accountability.

- (d) If the state board determines a violation has occurred, the party shall be subject to reprimand. A second violation of this subsection may be grounds for removing a superintendent, a member of a school council, or school board member from office or grounds for dismissal of an employee for misconduct in office or willful neglect of duty.
- (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or maintain a school-based decision making council and the powers, duties, and authority granted to a school council may be rescinded or the school council's role may be advisory if the commissioner of education or the Kentucky Board of Education takes action under KRS 160.346.
- (11) Each school council of a school containing grades K-5 or any combination thereof, or if there is no school council, the principal, shall develop and implement a wellness policy that includes moderate to vigorous physical activity each day and encourages healthy choices among students. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. Each school council, or if there is no school council, the principal, shall adopt an assessment tool to determine each child's level of physical activity on an annual basis. The council or principal may utilize an existing assessment program. The Kentucky Department of Education shall make available a list of available resources to carry out the provisions of this subsection. The department shall report to the Legislative Research Commission no later than November 1 of each year on how the schools are providing physical activity under this subsection and on the types of physical activity being provided. The policy developed by the school council or principal shall comply with provisions required by federal law, state law, or local board policy.

➔Section 13. KRS 160.346 is amended to read as follows:

(1) For purposes of this section:

(a) **"Focus school" means a school that:**

**1. Is identified by the Kentucky Department of Education for comprehensive support and improvement based on three (3) consecutive years of low performance by one (1) or more student groups as described in Section 8 of this Act; or**

**2. Is a high school with a graduation rate, based on a formula approved by the Kentucky Board of Education, that has been less than sixty-eight percent (68%) for three (3) consecutive years;**

(b) **"Initial intervention school" means a school that is in the lowest-performing twenty-five percent (25%) of schools in its level that fails to meet the achievement targets of the state accountability system under Section 5 of this Act for three (3) consecutive years;**

(c) **"Priority**~~[Persistently low-achieving]~~ **school" means:**

**1. A school that has an overall score in the bottom five percent (5%) of overall scores by level for all schools that have failed to meet the achievement targets of the state accountability system under Section 5 of this Act for at least three (3) or more consecutive years; or**

**2. A school that was designated as a persistently low-achieving school prior to July 1, 2016, and has not exited that status;**~~[For school years 2009-2010 and 2010-2011, based on averaging the percentage of proficient or higher in reading and mathematics on the state assessments under KRS 158.6455:~~

~~a. A Title I school in the group of Title I schools that contains a minimum of the lowest five (5) or the lowest five percent (5%), whichever is greater, of the Title I schools identified collectively in any school improvement category under the federal No Child Left Behind Act of~~

- ~~2001, 20 U.S.C. secs. 6301 et seq., or its successor, that have failed to make adequate yearly progress for three (3) consecutive years; or~~
- b. ~~A non Title I school in the group of non Title I schools that contains a minimum of the lowest five (5) or the lowest five percent (5%), whichever is greater, of the non Title I schools that contain grades seven (7) through twelve (12), or any combination thereof, and has at least thirty five percent (35%) or greater poverty as identified in the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, that have failed to make adequately yearly progress for three (3) consecutive years;~~
2. ~~A high school whose graduation rate, based on the state's approved graduation rate calculation, has been sixty percent (60%) for three (3) or more consecutive years; or~~
3. ~~Beginning with the state assessment results for the school year 2011-2012, a school that is in the lowest five percent (5%) of all schools that fail to meet the achievement targets of the state accountability system under KRS 158.6455 for at least three (3) or more consecutive years. For school years 2011-2012 and 2012-2013, the three (3) consecutive years shall be evaluated based on the status of the school under this subparagraph and subparagraph 1. of this paragraph; and]~~
- ~~(d)(b)] "School intervention" means a process to turn around a priority[persistently low-achieving] school that is chosen by a[ school council, a] superintendent and a local board of education;[, or the commissioner of education, or the commissioner's designee with approval of the Kentucky Board of Education.]~~
- ~~(e) "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;

(f) "Turnaround plan" means a mandatory plan to assist a school that is designed to improve student learning and performance with new or creative alternatives to existing instructional and administrative practices and is implemented by the superintendent, in collaboration with school personnel and parents; and

(g) "Turnaround team" means the turnaround training and support team selected by the local board of education as described in subsection (6)(a) of this section.

(2) If a school is identified as an initial intervention school and a principal vacancy occurs, the superintendent shall provide a list of all qualified applicants to the school council. The council shall have access to the applications of all persons certified for the position. Notwithstanding subsection (2)(h) of Section 12 of this Act, the superintendent shall select a new principal from a minimum of three (3) applicants recommended by the school council. If the school council does not recommend at least three (3) applicants, the superintendent may consider additional qualified applicants to meet a combined minimum of three (3).

Personnel actions shall comply with KRS Chapter 161.~~[(a) A school with a school council identified as needing improvement under KRS 158.6455 shall include in its school improvement plan actions to strengthen the school council and the school-based decision-making process at the school.~~

~~(b) The local school district shall include in its assistance plan for a school identified in paragraph (a) of this subsection actions to strengthen the functioning of the school council and the school-based decision-making process at the school.]~~

(3) If a school is identified as a focus school, the local school district personnel shall

assist the school in revising its school improvement plan. Each revised plan shall include components of turnaround leadership development and support.

- (4) (a) Beginning July 1, 2016, when a school is identified as a priority school, an audit shall be performed. The local board of education shall select a turnaround audit team that consists of qualified educators with documented expertise in diagnosing the causes of a school'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 Kentucky Department of Education 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 priority status as described in subsection (8) of this section or exits priority status but subsequently repeats as a priority school.
- ~~(5)(3)~~ (a) An audit team established under subsection (4) of this section to audit a priority school~~[KRS 158.6455(4) and (5), auditing a persistently low-achieving school,]~~ shall include in the review and report:
1. A diagnosis of the causes of the school's low performance~~[The functioning of the school and the school council];~~
  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*~~[A determination of the school council and principal's ability to lead the intervention in the persistently low-achieving school];
3. ~~*An assessment of*~~ the interaction and relationship ~~*among*~~[between] the superintendent, central office personnel, and the ~~*school principal*~~[council];[and]
  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.*~~[A recommendation to the commissioner of education concerning whether the school council should retain the authority granted to it under KRS 160.345, whether the council should be replaced, and whether the current principal should remain as principal in the school. If the recommendation is to transfer the authority of the school council, the team shall also recommend whether:
    - a. The authority should be transferred to the superintendent or to the commissioner of education, who shall designate staff to manage the school;
    - b. The school council should continue to act in an advisory capacity until all authority has been restored under subsection (8) of this section; and
    - c. The members of the school council shall be replaced by the commissioner of education.]
- (b) ~~*The report of an audit conducted under this subsection shall be provided to the superintendent, local board of education, the school principal, the commissioner of education, and the Kentucky Board of Education.*~~[An audit

~~team established under KRS 158.6455(4) and (5), auditing a district of a school subject to paragraph (a) of this subsection, shall include in its review and report:~~

- ~~1. The overall functioning of the school district;~~
- ~~2. The interaction and relationship between the superintendent, central office personnel, school board members, and the council; and~~
- ~~3. A determination of the district's ability to manage the intervention in the persistently low achieving school.]~~

~~[(4) Within thirty (30) days of receiving the reports of the school and district audits, the commissioner shall act on the recommendations in the reports and other relevant data that the commissioner considers to have bearing on his or her determination of actions to be taken.~~

~~(5) Within thirty (30) days of the commissioner's action on the audit teams' recommendations, the school council or local board of education may appeal the commissioner's action to the Kentucky Board of Education by submitting a written request, including any supporting information. The Kentucky Board of Education shall consider the audit reports, the commissioner's decision, and the request for consideration with any supporting information, and make a final determination. If the state board is not scheduled to meet within thirty (30) days following the receipt of an appeal of the commissioner's decision, the board chair shall call a special meeting for action upon the appeal.~~

~~(6) If a decision is made to transfer powers, duties, and authority under subsection (4) of this section, the local superintendent, subject to the policies adopted for the district by the local board of education, or the commissioner or the commissioner's designee shall assume all powers, duties, and authority granted to a school council under KRS 160.345 thirty (30) days following the commissioner's action on the audit teams' recommendations if no appeal to the Kentucky Board of Education is~~

submitted or following the final determination of the Kentucky Board of Education on an appeal, whichever is appropriate.

~~(7) Within thirty (30) days after assuming the powers, duties, and authority under subsection (6) of this section, the superintendent or the commissioner or the commissioner's designee shall consult with the council, if the council has been given an advisory role under subsection (4) of this section, and with stakeholders at the school, including parents, the principal, certified staff, and classified staff, and prepare a plan for developing capacity for sound school-based decision making at the school. The commissioner of education shall review the proposed plan and approve it or identify specific areas for improvement before giving final approval. The superintendent shall report to the commissioner every six (6) months on the implementation and results of the approved plan.~~

~~(8) The school's right to establish a council or the school's right for the council to assume the full authority granted under KRS 160.345 shall be restored if the school is not classified as persistently low achieving for two (2) consecutive years.]~~

~~(6)~~<sup>(9)</sup> **After completion of the audit described in subsection (4) of this section,** each **priority**~~[persistently low achieving]~~ school shall engage in~~[one (1) of]~~ the following **turnaround** intervention **process**~~[options]~~:

**(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 priority school. 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 priority school; 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 Section 12 of this Act 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 staff and parents;
- (h) 1. The principal shall collaborate with the turnaround team and the advisory leadership team to propose a short-term and a five (5) year turnaround plan.
2. The turnaround plan shall include requests to the Kentucky Department of Education 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 approved by the Kentucky Board of Education;

(i) The turnaround plan shall be fully implemented by the end of the academic year following the year the school was designated as a priority school; and

(j) 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.

(7) To assist with funding the audit and turnaround intervention process described in subsections (4) and (6) of this section and not provided by the Kentucky Department of Education, the department shall annually reimburse the school district, for a maximum of four (4) years, an amount not to exceed the amount budgeted by the department to provide support and assistance to a school under subsection (8) of this section, including Commonwealth school improvement funds under Section 10 of this Act and assistance personnel;

(8) A school shall be subject to the consequences described in subsection (5) of Section 5 of this Act and shall engage in an intervention option approved by the Kentucky Board of Education if the school:

(a) Is designated as a priority school prior to July 1, 2016~~["External management option" which requires that the day-to-day management of the school is transferred to an education management organization that may be a for-profit or nonprofit organization that has been selected by a local board of education from a list of management organizations. The management organization may be approved by the Kentucky Board of Education after a~~

~~rigorous review process, which shall be developed by the state board by the promulgation of administrative regulations. The management organization's authority shall include the right to make personnel decisions that comply with KRS Chapter 161 and any employee-employer bargained contract that is in effect};~~

- (b) *Is a priority school that does not exit priority status after receiving four (4) years of accountability scores following the academic year in which the turnaround intervention described in subsection (6) of this section is implemented*~~["Restaffing option" which requires the replacement of the principal and the existing school-based decision-making council unless the audit reports under subsection (3) of this section recommended otherwise, screening of existing faculty and staff with the retention of no more than fifty percent (50%) of the faculty and staff at the school, development and implementation of a plan of action that uses research-based school improvement initiatives designed to turn around student performance. Personnel actions shall comply with KRS Chapter 161 and notwithstanding KRS 160.380(1)(d) relating to filling vacant positions and KRS 160.345(2)(h)1. relating to transfers]; or~~
- (c) *Is a focus school that does not exit focus school status after receiving four (4) years of accountability scores following implementation of its revised school improvement plan as described in subsection (3) of this section.*~~["School closure option" which requires the closure of an existing school and the transfer of its students to other schools within the district that are meeting their accountability measures, reassignment of the school's faculty and staff to available positions within the district, and which may result in nonrenewal of contracts, dismissal, demotion, or a combination of these personnel actions which shall comply with KRS Chapter 161 and notwithstanding KRS~~

~~160.380(1)(d) relating to filling vacant positions and KRS 160.345(2)(h)1. relating to transfers;~~

~~(d) "Transformation option" means a school intervention option that begins with replacing the school principal who led the school prior to commencement of the transformation option and replacing the school council members unless the audit reports under subsection (3) of this section recommended otherwise and instituting an extensive set of specified strategies designed to turn around the identified school which shall comply with KRS Chapter 161 and notwithstanding KRS 160.380(1)(d) relating to filling vacant positions and KRS 160.345(2)(h)1. relating to transfers; or~~

~~(e) Any other model recognized by the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor.~~

~~—The Kentucky Board of Education shall promulgate administrative regulations to establish the process and procedures for implementing the intervention options identified in paragraphs (a) to (e) of this subsection available to local boards of education and the commissioner of education.]~~

**(9) If a priority school subject to the provisions of subsection (8) of this section remains classified as a priority school after receiving four (4) years of accountability scores, the priority school shall implement the audit and turnaround intervention process described in subsections (4) and (6) of this section.**

~~(10) [Professionally negotiated contracts by a local board of education shall not take precedence over the requirements of paragraphs (b), (c), and (d) of subsection (9) of this section.~~

~~(11) The Department of Education shall provide services and support to assist **schools subject to the provisions of subsection (8) of this section**[the schools identified as persistently low-achieving].~~

~~(11)~~~~(12)~~ If, in the course of a school ~~or district~~ 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.

**(12) A school's right to establish a council granted under Section 12 of this Act may be restored by the local board of education if the school is not classified as a priority school for two (2) consecutive years.**

**(13) If a district has a school that exits priority status after implementing the turnaround intervention process described in subsection (6) of this section using a turnaround team that is not the Kentucky Department of Education, the district shall continue to receive school improvement funding but may replace assistance, oversight, and personnel support from the department with the turnaround team's assistance and personnel in any of its other priority schools that previously adopted an intervention option described in subsection (8) of this section.**

➔Section 14. 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 priority~~[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 15. 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 4 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 16. Whereas public education is of vital importance to the future of the Commonwealth and its families, and the timely implementation of provisions to support



improvement in public education is essential to the success of our students and the Commonwealth, an emergency is declared to exist, and this Act takes effect on July 1, 2016.