

1 AN ACT relating to public education and declaring an emergency.

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

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

4 (1) As used in this section:

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

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

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

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

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

18 (2) ~~[(Prior to the beginning of the 2014-2015 school year,]The Kentucky Department of
19 Education, in consultation with the Kentucky teacher and principal steering
20 committees and other groups deemed appropriate by the commissioner of education,
21 shall develop a ***statewide*** framework ***for teaching that***~~for a statewide personnel
22 evaluation system. The Kentucky Board of Education shall promulgate
23 administrative regulations to establish a statewide professional growth and
24 effectiveness system for the purposes of supporting and improving the performance
25 of all certified school personnel. The system]~~ shall promote the continuous
26 professional growth and development of skills needed to be a highly effective
27 teacher or a highly effective administrator in a school or district. ~~[The Kentucky~~~~

1 ~~Board of Education shall include parent surveys as a source of data once a valid and~~
2 ~~reliable survey tool becomes available for this purpose.]~~

3 (3) **Each district shall develop and implement a personnel evaluation system aligned**
4 **with the statewide framework for teaching established in subsection (2) of this**
5 **section that shall**[The professional growth and effectiveness system shall]:

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

11 (b) Include both formative and summative evaluation components;

12 (c) Measure professional effectiveness;

13 (d) Support professional growth;

14 (e) Have at least **four (4)**~~[three (3)]~~ performance levels;

15 (f) Be used to inform personnel decisions;

16 (g) Be considerate of the time requirements of evaluators at the local level and
17 shall not require that all certified school personnel have a formal summative
18 evaluation each year; and

19 (h) Rate teachers or administrators by multiple measures instead of a single
20 measure.

21 (4) The performance criteria by which teachers and administrators shall be evaluated
22 shall include but not be limited to:

23 (a) Performance of professional responsibilities related to his or her assignment,
24 including attendance and punctuality and evaluating results;

25 (b) Demonstration of effective planning of curricula, classroom instruction, and
26 classroom management, based on research-based instructional practices, or
27 school management skills based on validated managerial practices;

- 1 (c) Demonstration of knowledge and understanding of subject matter content or
 2 administrative functions and effective leadership techniques;
- 3 (d) Promotion and incorporation of instructional strategies or management
 4 techniques that are fair and respect diversity and individual differences;
- 5 (e) Demonstration of effective interpersonal, communication, and collaboration
 6 skills among peers, students, parents, and others;
- 7 (f) Performance of duties consistent with the goals for Kentucky students and
 8 mission of the school, the local community, laws, and administrative
 9 regulations;
- 10 (g) Demonstration of the effective use of resources, including technology;
- 11 (h) Demonstration of professional growth;
- 12 (i) Adherence to the professional code of ethics; and
- 13 (j) Attainment of the teacher standards or the administrator standards as
 14 established by the Education Professional Standards Board that are not
 15 referenced in paragraphs (a) to (i) of this subsection.
- 16 (5) The following provisions shall apply to each school district's personnel
 17 evaluation~~[the statewide professional growth and effectiveness]~~ system:
- 18 (a) Certified school personnel, below the level of superintendent, shall be
 19 evaluated~~[by using the system developed by the Kentucky Department of~~
 20 ~~Education]~~;
- 21 (b) The evaluation system shall include formative evaluation and summative
 22 evaluation components; and
- 23 (c) The Kentucky Board of Education shall adopt administrative regulations
 24 incorporating written guidelines for a local school district to follow in
 25 implementing the personnel evaluation~~[professional growth and~~
 26 ~~effectiveness]~~ system and shall require the following:
- 27 1. All evaluations of certified school personnel below the level of the

- 1 district superintendent shall be in writing on evaluation forms and under
2 evaluation procedures developed by a committee composed of an equal
3 number of teachers and administrators;
- 4 2. The immediate supervisor of the certified school personnel member
5 shall be designated as the primary evaluator. At the request of a teacher,
6 observations by other teachers trained in the teacher's content area or
7 curriculum content specialists may be incorporated into the formative
8 process for evaluating teachers;
- 9 3. All monitoring or observation of performance of a certified school
10 personnel member shall be conducted openly and with full knowledge of
11 the personnel member;
- 12 4. Evaluators shall be trained, tested, and approved in accordance with
13 administrative regulations adopted by the Kentucky Board of Education
14 in the proper techniques for effectively evaluating certified school
15 personnel. Evaluators shall receive support and resources necessary to
16 ensure consistent and reliable ratings;
- 17 5. The personnel evaluation~~[professional growth and effectiveness]~~
18 system shall include a plan whereby the person evaluated is given
19 assistance for professional growth as a teacher or administrator. The
20 system shall also specify the processes to be used when corrective
21 actions are necessary in relation to the performance of one's
22 assignment;~~[and]~~
- 23 **6. The system shall require annual summative evaluations for each**
24 **teacher or other professional who has not attained continuing service**
25 **status under KRS 161.740 or continuing status under KRS 156.800(7).**
26 **The system shall require summative evaluations at least once every**
27 **three (3) years for a teacher or other professional who has attained**

1 continuing service status under KRS 161.740 or continuing status
 2 under KRS 156.800(7), principals, assistant principals, and other
 3 certified administrators; and

4 ~~Z.16.~~The training requirement for evaluators contained in subparagraph 4. of
 5 this paragraph shall not apply to district board of education members.

6 (6) (a) Each superintendent shall be evaluated according to a policy and procedures
 7 developed by the local board of education and approved by the department.

8 (b) The summative evaluation of the superintendent shall be in writing, discussed
 9 and adopted in an open meeting of the board and reflected in the minutes, and
 10 made available to the public upon request.

11 (c) Any preliminary discussions relating to the evaluation of the superintendent
 12 by the board or between the board and the superintendent prior to the
 13 summative evaluation shall be conducted in closed session.

14 (7) ~~{Local districts may submit a written request to use an alternative effectiveness and~~
 15 ~~evaluation system to the Kentucky Board of Education. The Kentucky Board of~~
 16 ~~Education shall consider and approve a local district's use of an alternative~~
 17 ~~effectiveness and evaluation system instead of the statewide system only if the~~
 18 ~~Kentucky Board of Education determines the alternative system:~~

19 ~~(a) Is as rigorous, reliable, valid, and educationally sound as the statewide~~
 20 ~~professional growth and effectiveness system;~~

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

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

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

- 1 ~~(e) Supports professional growth;~~
 2 ~~(f) Has at least three (3) performance levels;~~
 3 ~~(g) Is used to inform personnel decisions;~~
 4 ~~(h) Is considerate of the time requirements of evaluators at the local level and~~
 5 ~~does not require that all certified school personnel have a formal summative~~
 6 ~~evaluation each year; and~~
 7 ~~(i) Rates teachers and administrators by multiple measures instead of a single~~
 8 ~~measure.~~

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

14 ~~(8)~~~~(9)~~ The local board of education shall establish an evaluation appeals panel for
 15 certified school personnel that shall consist of two (2) members elected by the
 16 certified employees of the local district and one (1) member appointed by the board
 17 of education who is a certified employee of the local board of education. Certified
 18 school personnel who think they were not fairly evaluated may submit an appeal to
 19 the panel for a timely review of their evaluation.

20 ~~(9)~~~~(10)~~ The Kentucky Department of Education may~~shall~~ annually provide for on-
 21 site visits by trained personnel ~~to a minimum of fifteen (15) school districts~~ to
 22 review and ensure appropriate implementation of the evaluation system by the local
 23 school district. The department shall provide technical assistance to local districts to
 24 eliminate deficiencies and to improve the effectiveness of the evaluation system~~.~~
 25 ~~The department may implement the requirement in this subsection in conjunction~~
 26 ~~with other requirements, including, but not limited to, the scholastic audit process~~
 27 ~~required by KRS 158.6455].~~

1 ~~(10)~~~~(11)~~ The disclosure, pursuant to KRS Chapter 61, of any data or information,
 2 including student growth data, that local school districts or the Department of
 3 Education collect on individual classroom teachers~~[under the requirements of KRS~~
 4 ~~156.557]~~ is prohibited.

5 **(11) The results of evaluations conducted under this section shall not be included in**
 6 **the accountability system described in Section 5 of this Act and no reporting**
 7 **requirements related to these results shall be imposed upon the local school**
 8 **districts by the Department of Education.**

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

10 (1) With the advice of the Local Superintendents Advisory Council, the Kentucky
 11 Board of Education shall promulgate administrative regulations establishing
 12 standards which school districts shall meet in student, program, service, and
 13 operational performance. These regulations shall comply with the expected
 14 outcomes for students and schools set forth in KRS 158.6451. Administrative
 15 regulations shall be promulgated for the following:

16 (a) Courses of study for the different grades and kinds of common schools
 17 identifying the common curriculum content directly tied to the goals,
 18 outcomes, and assessment strategies developed under KRS 158.645,
 19 158.6451, and 158.6453 and distributed to local school districts and schools.

20 The administrative regulations shall provide that:

21 1. If a school offers American sign language, the course shall be accepted
 22 as meeting the foreign language requirements in common schools
 23 notwithstanding other provisions of law;~~and]~~

24 2. If a school offers the Reserve Officers Training Corps program, the
 25 course shall be accepted as meeting the physical education requirement
 26 for high school graduation notwithstanding other provisions of law; **and**

27 **3. If a high school offers a foreign language course, career and**

1 *technical education course, or a computer technology or*
2 *programming course that incorporates standards of design, creativity,*
3 *interpretation, and personal meaning, the course shall be accepted as*
4 *meeting the visual and performing arts requirement for high school*
5 *graduation if approved as meeting the requirement by the local school*
6 *district, notwithstanding other provisions of law. The administrative*
7 *regulations shall incorporate written guidelines for a local school*
8 *district to follow for approving courses that shall be accepted as*
9 *meeting the requirement;*

- 10 (b) Courses of study or educational experiences available to students in all middle
11 and high schools to fulfill the prerequisites for courses in advanced science
12 and mathematics as defined in KRS 158.845;
- 13 (c) The acquisition and use of educational equipment for the schools as
14 recommended by the Council for Education Technology;
- 15 (d) The minimum requirements for high school graduation in light of the expected
16 outcomes for students and schools set forth in KRS 158.6451. Student scores
17 from any assessment administered under KRS 158.6453 that are determined
18 by the National Technical Advisory Panel to be valid and reliable at the
19 individual level shall be included on the student transcript. The National
20 Technical Advisory Panel shall submit its determination to the commissioner
21 of education and the Legislative Research Commission;
- 22 (e) The requirements for an alternative high school diploma for students with
23 disabilities whose individualized education program indicates that, in
24 accordance with 20 U.S.C. sec. 1414(d)(1)(A):
- 25 1. The student cannot participate in the regular statewide assessment; and
 - 26 2. An appropriate alternate assessment has been selected for the student
27 based upon a modified curriculum and an individualized course of study;

- 1 (f) Taking and keeping a school census, and the forms, blanks, and software to be
2 used in taking and keeping the census and in compiling the required reports.
3 The board shall create a statewide student identification numbering system
4 based on students' Social Security numbers. The system shall provide a
5 student identification number similar to, but distinct from, the Social Security
6 number, for each student who does not have a Social Security number or
7 whose parents or guardians choose not to disclose the Social Security number
8 for the student;
- 9 (g) Sanitary and protective construction of public school buildings, toilets,
10 physical equipment of school grounds, school buildings, and classrooms. With
11 respect to physical standards of sanitary and protective construction for school
12 buildings, the Kentucky Board of Education shall adopt the Uniform State
13 Building Code;
- 14 (h) Medical inspection, physical and health education and recreation, and other
15 regulations necessary or advisable for the protection of the physical welfare
16 and safety of the public school children. The administrative regulations shall
17 set requirements for student health standards to be met by all students in
18 grades four (4), eight (8), and twelve (12) pursuant to the outcomes described
19 in KRS 158.6451. The administrative regulations shall permit a student who
20 received a physical examination no more than six (6) months prior to his
21 initial admission to Head Start to substitute that physical examination for the
22 physical examination required by the Kentucky Board of Education of all
23 students upon initial admission to the public schools, if the physical
24 examination given in the Head Start program meets all the requirements of the
25 physical examinations prescribed by the Kentucky Board of Education;
- 26 (i) A vision examination by an optometrist or ophthalmologist that shall be
27 required by the Kentucky Board of Education. The administrative regulations

1 shall require evidence that a vision examination that meets the criteria
2 prescribed by the Kentucky Board of Education has been performed. This
3 evidence shall be submitted to the school no later than January 1 of the first
4 year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a
5 public school, public preschool, or Head Start program;

6 (j) 1. Beginning with the 2010-2011 school year, a dental screening or
7 examination by a dentist, dental hygienist, physician, registered nurse,
8 advanced practice registered nurse, or physician assistant that shall be
9 required by the Kentucky Board of Education. The administrative
10 regulations shall require evidence that a dental screening or examination
11 that meets the criteria prescribed by the Kentucky Board of Education
12 has been performed. This evidence shall be submitted to the school no
13 later than January 1 of the first year that a five (5) or six (6) year-old
14 child is enrolled in a public school.

15 2. A child shall be referred to a licensed dentist if a dental screening or
16 examination performed by anyone other than a licensed dentist identifies
17 the possibility of dental disease;

18 (k) The transportation of children to and from school;

19 (l) The fixing of holidays on which schools may be closed and special days to be
20 observed, and the pay of teachers during absence because of sickness or
21 quarantine or when the schools are closed because of quarantine;

22 (m) The preparation of budgets and salary schedules for the several school districts
23 under the management and control of the Kentucky Board of Education;

24 (n) A uniform series of forms and blanks, educational and financial, including
25 forms of contracts, for use in the several school districts; and

26 (o) The disposal of real and personal property owned by local boards of
27 education.

- 1 (2) (a) At the request of a local board of education or a school council, a local school
2 district superintendent shall request that the Kentucky Board of Education
3 waive any administrative regulation promulgated by that board. Beginning in
4 the 1996-97 school year, a request for waiver of any administrative regulation
5 shall be submitted to the Kentucky Board of Education in writing with
6 appropriate justification for the waiver. The Kentucky Board of Education
7 may approve the request when the school district or school has demonstrated
8 circumstances that may include but are not limited to the following:
- 9 1. An alternative approach will achieve the same result required by the
10 administrative regulation;
 - 11 2. Implementation of the administrative regulation will cause a hardship on
12 the school district or school or jeopardize the continuation or
13 development of programs; or
 - 14 3. There is a finding of good cause for the waiver.
- 15 (b) The following shall not be subject to waiver:
- 16 1. Administrative regulations relating to health and safety;
 - 17 2. Administrative regulations relating to civil rights;
 - 18 3. Administrative regulations required by federal law; and
 - 19 4. Administrative regulations promulgated in accordance with KRS
20 158.6451, 158.6453, 158.6455, 158.685, and this section, relating to
21 measurement of performance outcomes and determination of successful
22 districts or schools, except upon issues relating to the grade
23 configuration of schools.
- 24 (c) Any waiver granted under this subsection shall be subject to revocation upon a
25 determination by the Kentucky Board of Education that the school district or
26 school holding the waiver has subsequently failed to meet the intent of the
27 waiver.

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

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

- 16 (1) As used in this section:
- 17 (a) "Aphasia" means a condition characterized by either partial or total loss of the
18 ability to communicate verbally or through written words. A person with
19 aphasia may have difficulty speaking, reading, writing, recognizing the names
20 of objects, or understanding what other people have said. The condition may
21 be temporary or permanent and does not include speech problems caused by
22 loss of muscle control;
- 23 (b) "Dyscalculia" means the inability to understand the meaning of numbers, the
24 basic operations of addition and subtraction, the complex operations of
25 multiplication and division, or to apply math principles to solve practical or
26 abstract problems;
- 27 (c) "Dysgraphia" means difficulty in automatically remembering and mastering

1 the sequence of muscle motor movements needed to accurately write letters or
2 numbers;

3 (d) "Dyslexia" means a language processing disorder that is neurological in
4 origin, impedes a person's ability to read, write, and spell, and is characterized
5 by difficulties with accuracy or fluency in word recognition and by poor
6 spelling and decoding abilities;

7 (e) "Phonemic awareness" means the ability to recognize that a spoken word
8 consists of a sequence of individual sounds and the ability to manipulate
9 individual sounds in speaking; and

10 (f) "Scientifically based research" has the same meaning as in 20 U.S.C. sec.
11 7801(37).

12 (2) Notwithstanding any other statute or administrative regulation to the contrary, the
13 Kentucky Board of Education shall promulgate administrative regulations for
14 district-wide use of a response-to-intervention system for students in kindergarten
15 through grade three (3), that includes a tiered continuum of interventions with
16 varying levels of intensity and duration and which connects general, compensatory,
17 and special education programs to provide interventions implemented with fidelity
18 to scientifically based research and matched to individual student strengths and
19 needs. At a minimum, evidence of implementation shall be submitted by the district
20 to the department for:

21 (a) Reading and writing by August 1, 2013;

22 (b) Mathematics by August 1, 2014; and

23 (c) Behavior by August 1, 2015.

24 (3) The Department of Education shall provide~~make available~~ technical assistance
25 and training, if requested by a local district, to assist~~all local school districts~~ in
26 the implementation of the district-wide, response-to-intervention system as a means
27 to identify and assist any student experiencing difficulty in reading, writing,

- 1 mathematics, or behavior.
- 2 (4) The technical assistance and training shall be designed to improve:
- 3 (a) The use of specific screening processes and programs to identify student
4 strengths and needs;
- 5 (b) The use of screening data for designing instructional interventions;
- 6 (c) The use of multisensory instructional strategies and other interventions
7 validated for effectiveness by scientifically based research;
- 8 (d) Progress monitoring of student performance; and
- 9 (e) Accelerated, intensive, direct instruction that addresses students' individual
10 differences and enables them to catch up with typically performing peers.
- 11 (5) The department shall develop and maintain a Web-based resource providing
12 teachers access to:
- 13 (a) Information on the use of specific screening processes and programs to
14 identify student strengths and needs; and
- 15 (b) Current, scientifically based research and age-appropriate instructional tools
16 that may be used for substantial, steady improvement in:
- 17 1. Reading when a student is experiencing difficulty with phonemic
18 awareness, phonics, vocabulary, fluency, general reading
19 comprehension, or reading in specific content areas, or is exhibiting
20 characteristics of dyslexia, aphasia, or other reading difficulties;
- 21 2. Writing when a student is experiencing difficulty with consistently
22 producing letters or numbers with accuracy or is exhibiting
23 characteristics of dysgraphia;
- 24 3. Mathematics when a student is experiencing difficulty with basic math
25 facts, calculations, or application through problem solving, or is
26 exhibiting characteristics of dyscalculia or other mathematical
27 difficulties; or

- 1 4. Behavior when a student is exhibiting behaviors that interfere with his or
2 her learning or the learning of other students.
- 3 (6) The department shall encourage districts to utilize both state and federal funds as
4 appropriate to implement a district-wide system of interventions.
- 5 (7) The department is encouraged to coordinate technical assistance and training on
6 current best practice interventions with state postsecondary education institutions.
- 7 (8) The department shall collaborate with the Kentucky Collaborative Center for
8 Literacy Development, the Kentucky Center for Mathematics, the Kentucky Center
9 for Instructional Discipline, the Education Professional Standards Board, the
10 Council on Postsecondary Education, postsecondary teacher education programs,
11 and other agencies and organizations as deemed appropriate to ensure that teachers
12 are prepared to utilize scientifically based interventions in reading, writing,
13 mathematics, and behavior.
- 14 (9) In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to
15 determine appropriate instructional strategies for curriculum implementation shall
16 not be considered to be an evaluation for eligibility for special education and related
17 services and nothing in this section shall limit a school district from completing an
18 initial evaluation of a student suspected of having a disability.
- 19 (10) By November 30, 2013, and annually thereafter, the department shall provide a
20 report to the Interim Joint Committee on Education that includes:
- 21 (a) Data on the number of school districts implementing response-to-intervention
22 systems and scientifically based research practices in reading, writing,
23 mathematics, and behavior;
- 24 (b) Information on the types of scientifically based research interventions
25 implemented; and
- 26 (c) Data on the effectiveness of interventions in improving student performance
27 in Kentucky schools.

1 ➔Section 4. KRS 158.6453 is amended to read as follows:

2 (1) As used in this section:

3 (a) "Accelerated learning" means an organized way of helping students meet
4 individual academic goals by providing direct instruction to eliminate student
5 performance deficiencies or enable students to move more quickly through
6 course requirements and pursue higher level skill development;

7 (b) "Constructed-response items" or "performance-based items" means individual
8 test items that require the student to create an answer rather than select a
9 response and may include fill-in-the-blank, short-answer, extended-answer,
10 open-response, and writing-on-demand formats;

11 (c) "Criterion-referenced test" means a test that is aligned with defined academic
12 content standards and measures an individual student's level of performance
13 against the standards;

14 (d) "End-of-course examination" means the same as defined in KRS 158.860;

15 (e) "Formative assessment" means a process used by teachers and students during
16 instruction to adjust ongoing teaching and learning to improve students'
17 achievement of intended instructional outcomes. Formative assessments may
18 include the use of commercial assessments, classroom observations, teacher-
19 designed classroom tests and assessments, and other processes and
20 assignments to gain information about individual student learning;

21 (f) "Interim assessments" means assessments that are given periodically
22 throughout the year to provide diagnostic information and to show individual
23 student performance against content standards;

24 (g) "National norm-referenced test" means a type of test interpretation in which
25 the performance of student scores are reported by comparing performance to
26 how other students in a national sample performed;

27 (h) ~~["Program audit" means a form of program review that is a systematic method~~

1 of analyzing components of an instructional program, and areas for
 2 improvement that is conducted as a result of a program review that indicates a
 3 more in-depth process of analysis and assistance is needed;

4 (i) ~~"Program review" means a systematic method of analyzing components of an~~
 5 ~~instructional program, including instructional practices, aligned and enacted~~
 6 ~~curriculum, student work samples, formative and summative assessments,~~
 7 ~~professional development and support services, and administrative support~~
 8 ~~and monitoring;~~

9 (j) ~~"Summative assessment" means an assessment given at the end of the school~~
 10 ~~year, semester, or other period of time to evaluate students' performance~~
 11 ~~against content standards within a unit of instruction or a course; and~~

12 ~~(i)(k)~~ "Writing" means a purposeful act of thinking and expression that uses
 13 language to explore ideas and communicate meaning to others. Writing is a
 14 complex, multifaceted act of communication.

15 (2) (a) **Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the**
 16 **Kentucky Board of Education shall implement a process for reviewing**
 17 **Kentucky's academic standards and the alignment of corresponding**
 18 **assessments for possible revision or replacement to ensure alignment with**
 19 **postsecondary readiness standards necessary for global competitiveness and**
 20 **with state career and technical education standards.**

21 **(b) The revisions to the content standards shall:**

22 **1. Focus on critical knowledge, skills, and capacities needed for success**
 23 **in the global economy;**

24 **2. Result in fewer but more in-depth standards to facilitate mastery**
 25 **learning;**

26 **3. Communicate expectations more clearly and concisely to teachers,**
 27 **parents, students, and citizens;**

- 1 4. Be based on evidence-based research;
2 5. Consider international benchmarks; and
3 6. Ensure that the standards are aligned from elementary to high school
4 to postsecondary education so that students can be successful at each
5 education level.

6 (c) 1. The Kentucky Board of Education shall establish four (4) standards
7 and assessments review and development committees, with each
8 committee composed of a minimum of six (6) Kentucky public school
9 teachers and a minimum of two (2) representatives from Kentucky
10 institutions of higher education, including at least one (1)
11 representative from a public institution of higher education. Each
12 committee member shall teach in the subject area that his or her
13 committee is assigned to review and have no prior or current
14 affiliation with a curriculum or assessment resources vendor.

15 2. One (1) of the four (4) committees shall be assigned to focus on the
16 review of language arts and writing academic standards and
17 assessments, one (1) on the review of mathematics academic standards
18 and assessments, one (1) on the review of science academic standards
19 and assessments, and one (1) on the review of social studies academic
20 standards and assessments.

21 (d) 1. The Kentucky Board of Education shall establish twelve (12) advisory
22 panels to advise and assist each of the four (4) standards and
23 assessments review and development committees.

24 2. Three (3) advisory panels shall be assigned to each standards and
25 assessments review and development committee. One (1) panel shall
26 review the standards and assessments for kindergarten through grade
27 five (5), one (1) shall review the standards and assessments for grades

1 six (6) through eight (8), and one (1) shall review the standards and
2 assessments for grades nine (9) through twelve (12).

3 3. Each advisory panel shall be composed of one (1) representative from
4 a Kentucky institution of higher education and six (6) Kentucky public
5 school teachers who teach in the grade level and subject reviewed by
6 the advisory panel to which they are assigned and have no prior or
7 current affiliation with a curriculum or assessment resources vendor.

8 (e) The commissioner of education and the president of the Council on
9 Postsecondary Education shall also provide consultants for the standards
10 and assessments review and development committees and the advisory
11 panels who are business and industry professionals actively engaged in
12 career fields that depend on the various content areas.

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

15 1. Three (3) members appointed by the Governor;

16 2. Three (3) members of the Senate appointed by the President of the
17 Senate;

18 3. Three (3) members of the House of Representatives appointed by the
19 Speaker of the House of Representatives; and

20 4. The commissioner of education.

21 (g) 1. The review process implemented under this subsection shall be an
22 open, transparent process that allows all Kentuckians an opportunity
23 to participate. The Kentucky Board of Education shall ensure the
24 public's assistance in reviewing and suggesting changes to the
25 standards and alignment adjustments to corresponding state
26 assessments by establishing a Web site dedicated to collecting
27 comments by the public and educators. An independent third party,

- 1 which has no prior or current affiliation with a curriculum or
2 assessment resources vendor, shall be selected by the board to collect
3 and transmit the comments to the board for dissemination to the
4 appropriate advisory panel for review and consideration.
- 5 2. Each advisory panel shall review the standards and assessments for its
6 assigned subject matter and grade level and the suggestions made by
7 the public and educators. After completing its review, each advisory
8 panel shall make recommendations for changes to the standards and
9 alignment adjustments for assessments to the appropriate standards
10 and assessments review and development committee.
- 11 3. Each standards and assessments review and development committee
12 shall review the findings and make recommendations to revise or
13 replace existing standards and to adjust alignment of assessments to
14 the standards and assessments recommendation committee.
- 15 4. The recommendations shall be published on the Web site established
16 in this subsection for the purpose of gathering additional feedback
17 from the public. The commissioner, on behalf of the standards and
18 assessments recommendation committee, shall subsequently present
19 the recommendations and the public feedback to the Interim Joint
20 Committee on Education.
- 21 5. The commissioner shall subsequently provide a report to the standards
22 and assessments recommendation committee summarizing the process
23 conducted under this subsection and the resulting recommendations.
24 The report shall include but not be limited to the timeline of the review
25 process, public feedback, and responses from the Interim Joint
26 Committee on Education.
- 27 6. After receiving the commissioner's report, the standards and

1 assessments recommendation committee shall either concur that
 2 stakeholders have had adequate opportunity to provide input on
 3 standards and the corresponding alignment of state assessments or
 4 find the input process deficient. If the process is found deficient, the
 5 recommendations may be returned to the appropriate standards and
 6 assessments review and development committee for review as
 7 described in subparagraph 3. of this paragraph. Otherwise, the
 8 recommendations shall be forwarded to the Kentucky Board of
 9 Education.

10 (h) The Kentucky Board of Education shall promulgate administrative
 11 regulations in accordance with KRS Chapter 13A as may be needed for the
 12 administration of the review process, including staggering the timing and
 13 sequence of the review process by subject area and remuneration of the
 14 review and development committees and advisory panels described in
 15 paragraphs (c) and (d) of this subsection.

16 ~~Within thirty (30) days of March~~
 17 ~~25, 2009, the Kentucky Department of Education in collaboration with the~~
 18 ~~Council on Postsecondary Education shall plan and implement a~~
 19 ~~comprehensive process for revising the academic content standards in reading,~~
 20 ~~language arts including writing, mathematics, science, social studies, arts and~~
 21 ~~humanities, and practical living skills and career studies. The revision process~~
 22 ~~shall include a graduated timetable to ensure that all revisions are completed~~
 23 ~~to allow as much time as possible for teachers to adjust their instruction before~~
 24 ~~new assessments are administered.~~

24 ~~(b) The revisions to the content standards shall:~~

- 25 ~~1. Focus on critical knowledge, skills, and capacities needed for success in~~
 26 ~~the global economy;~~
- 27 ~~2. Result in fewer but more in-depth standards to facilitate mastery~~

1 learning;

2 ~~3.—Communicate expectations more clearly and concisely to teachers,~~
3 ~~parents, students, and citizens;~~

4 ~~4.—Be based on evidence-based research;~~

5 ~~5.—Consider international benchmarks; and~~

6 ~~6.—Ensure that the standards are aligned from elementary to high school to~~
7 ~~postsecondary education so that students can be successful at each~~
8 ~~education level.~~

9 ~~(c)—The revision process, jointly organized by the commissioner of education and~~
10 ~~the president of the Council on Postsecondary Education, shall engage~~
11 ~~practicing teachers from elementary and secondary education in discussions~~
12 ~~and negotiations with content faculty and staff from postsecondary education~~
13 ~~institutions. The process shall also include business and industry professionals~~
14 ~~who are actively engaged in career fields that depend on the various content~~
15 ~~areas, and others as deemed appropriate by the commissioner and the~~
16 ~~president.~~

17 ~~(d)—During the revision process, the department shall consider standards that have~~
18 ~~been adopted by national content advisory groups and professional education~~
19 ~~consortia.~~

20 ~~(e)—Using a variety of strategies and technologies, the proposed revisions to the~~
21 ~~academic content standards shall be widely disseminated throughout the state~~
22 ~~to elementary, secondary, and postsecondary education faculty and~~
23 ~~administrators, parents, citizens, private professionals in the content areas, and~~
24 ~~others for comment and recommendations. The results of the revision process~~
25 ~~shall ensure that the specifications in paragraph (b) of this subsection are met.~~

26 ~~(f)—The commissioner of education and the president of the Council on~~
27 ~~Postsecondary Education shall ensure that the revised academic standards that~~

1 are recommended to the Kentucky Board of Education for approval are
 2 aligned with postsecondary education course and assessment standards for the
 3 gateway areas of reading and mathematics. The council shall also review the
 4 proposed academic standards in all other content areas and provide written
 5 recommendations as needed to ensure those areas are aligned with
 6 postsecondary education requirements.]

7 ~~(i)~~^(g) 1. The Kentucky Board of Education shall consider for approval the
 8 revisions to academic~~[-content]~~ standards for a content area **and the**
 9 **alignment of the corresponding state assessment once**
 10 **recommendations are received from the standards and assessments**
 11 **recommendation committee. Existing state academic standards shall**
 12 **remain in place until the board approves new standards**~~[as they are~~
 13 ~~completed].~~

14 2. **Any revision to, or replacement of, the academic standards and**
 15 **assessments as a result of the review process conducted under this**
 16 **subsection shall be implemented in Kentucky public schools no later**
 17 **than the second academic year following the review process. Existing**
 18 **academic standards shall be used until new standards are**
 19 **implemented.**

20 **3.** The Department of Education shall disseminate the academic content
 21 standards to the schools and teacher preparation programs~~[no later than~~
 22 ~~thirty (30) days after approval by the state board.~~

23 ~~3.~~ All academic content standards revisions shall be completed and
 24 approved by the state board no later than December 15, 2010, and
 25 disseminated by the Department of Education to elementary and
 26 secondary schools, postsecondary education faculty in the respective
 27 content areas, and to all teacher preparation programs no later than

1 ~~January 15, 2011~~].

2 ~~(j)(h)~~ The Department of Education shall provide or facilitate statewide
3 training sessions for existing teachers and administrators on how to:

- 4 1. Integrate the revised content standards into classroom instruction;
- 5 2. Better integrate performance assessment of students within their
6 instructional practices; and
- 7 3. Help all students use higher-order thinking and communication skills.

8 ~~(k)(i)~~ The Education Professional Standards Board in cooperation with the
9 Kentucky Board of Education and the Council on Postsecondary Education
10 shall coordinate information and training sessions for faculty and staff in all of
11 the teacher preparation programs in the use of the revised academic content
12 standards. The Education Professional Standards Board shall ensure that each
13 teacher preparation program includes use of the academic standards in the pre-
14 service education programs and that all teacher interns~~[after March 25, 2009,]~~
15 will have experience planning classroom instruction based on the revised
16 standards.

17 ~~(l)(j)~~ The Council on Postsecondary Education in cooperation with the
18 Kentucky Department of Education and the postsecondary education
19 institutions in the state shall coordinate information sessions regarding the
20 academic content standards for faculty who teach in the various content areas.

21 (3) (a) The Kentucky Board of Education shall be responsible for creating and
22 implementing a balanced statewide assessment program that measures the
23 students', schools', and districts' achievement of the goals set forth in KRS
24 158.645 and 158.6451, to ensure compliance with the federal ***Every Student***
25 ***Succeeds Act of 2015, Pub. L. No. 114-95***~~[No Child Left Behind Act of 2001,~~
26 ~~20 U.S.C. sees. 6301 et seq.]~~, or its successor, and to ensure school
27 accountability.

1 (b) *The board shall revise the annual statewide assessment program as needed*
 2 *in accordance with revised academic standards and corresponding*
 3 *assessment alignment adjustments approved by the board under* [Using the
 4 revised academic standards developed pursuant to] subsection (2) of this
 5 section[, the board shall revise the annual statewide assessment program for
 6 implementation in the 2011-2012 academic year].

7 (c) *The statewide assessments shall not include any academic standards not*
 8 *approved by the board under subsection (2) of this section.*

9 (d) The board shall seek the advice of the Office of Education Accountability; the
 10 School Curriculum, Assessment, and Accountability Council; the Education
 11 Assessment and Accountability Review Subcommittee, and the National
 12 Technical Advisory Panel on Assessment and Accountability in the
 13 development of the assessment program. The statewide assessment program
 14 shall not include measurement of a student's ability to become a self-sufficient
 15 individual or to become a responsible member of a family, work group, or
 16 community.

17 (4) (a) The *academic components of the statewide* assessment program [to be
 18 implemented in the 2011-2012 academic year] shall be composed of annual
 19 student *summative tests, which may include a combination of multiple*
 20 *competency-based assessment and performance measures approved by the*
 21 *Kentucky Board of Education* [assessments and state and local program
 22 reviews and audits in selected content areas].

23 (b) The *annual student summative tests shall* [state student assessments may
 24 include formative and summative tests that]:

25 1. Measure individual student achievement in [the academic core content
 26 areas of] language, reading, English, mathematics, science, and social
 27 studies at designated grades;

- 1 2. Provide teachers and parents a valid and reliable comprehensive analysis
2 of skills mastered by individual students;
- 3 3. Provide diagnostic information that identifies strengths and academic
4 deficiencies of individual students in the content areas;
- 5 4. ~~Provide comparisons with national norms for mathematics, reading,~~
6 ~~social studies, and science and, where available, comparisons to other~~
7 ~~states;~~
- 8 5. ~~Provide information to teachers that can enable them to improve~~
9 ~~instruction for current and future students;~~
- 10 5.6. ~~Provide longitudinal profiles for students; and~~
- 11 6.7. ~~Ensure school and district accountability for student achievement of the~~
12 ~~goals set forth in KRS 158.645 and 158.6451, except the statewide~~
13 ~~assessment program shall not include measurement of a student's ability~~
14 ~~to become a self-sufficient individual or to become a responsible~~
15 ~~member of a family, work group, or community.~~
- 16 ~~{(c) The state and local program reviews and audits shall provide annual feedback~~
17 ~~to each school relating to selected programs and serve as indicators of the~~
18 ~~quality of educational experiences available to students. Program reviews and~~
19 ~~audits shall provide recommendations for improving program components in~~
20 ~~order to better teach and assess students within these programs. Program~~
21 ~~reviews shall ensure school and district accountability for student achievement~~
22 ~~of the capacities set forth in KRS 158.645 and the goals set forth in KRS~~
23 ~~158.6451.}~~
- 24 (5) The state student assessments ~~[to be implemented in the 2011-2012 academic year]~~
25 shall include the following components:
- 26 (a) Elementary and middle grades requirements are:
- 27 1. A criterion-referenced test *each* in mathematics and reading in grades

- 1 three (3) through eight (8) that is valid and reliable for an individual
2 student and that measures the depth and breadth of Kentucky's academic
3 content standards~~[- augmented with a customized or commercially
4 available norm-referenced test to provide national profiles];~~
- 5 2. A criterion-referenced test ***each*** in science and social studies that is valid
6 and reliable for an individual student as necessary to measure the depth
7 and breadth of Kentucky's academic content standards~~[- augmented with
8 a customized or commercially available norm-referenced test to provide
9 national profiles]~~ to be administered one (1) time within the elementary
10 and middle grades, respectively;
- 11 3. An on-demand assessment of student writing to be administered one (1)
12 time within the elementary grades and ***one (1) time***~~[two (2) times]~~
13 within the middle grades; ***and***
- 14 4. An editing and mechanics test relating to writing, using multiple choice
15 and constructed response items, to be administered one (1) time within
16 the elementary and the middle grades, respectively~~[- and~~
- 17 ~~5. A high school readiness examination to assess English, reading,
18 mathematics, and science in grade eight (8) as provided in subsection
19 (11) of this section; except the readiness examination may be moved to
20 grade nine (9) by the Kentucky Board of Education based on compelling
21 evidence that moving the test would be in the best interests of Kentucky
22 students];~~
- 23 (b) High school requirements are:
- 24 1. A criterion-referenced test in mathematics, reading, and science that is
25 valid and reliable for an individual student and that measures the depth
26 and breadth of Kentucky's academic content standards~~[- that are not
27 covered in the assessment under subparagraph 6. of this paragraph]~~ to be

- 1 administered one (1) time within the high school grades;
- 2 2. A criterion-referenced test in social studies that is valid and reliable for
- 3 an individual student as necessary to measure the depth and breadth of
- 4 Kentucky's academic content standards, augmented with a customized or
- 5 commercially available norm-referenced test to provide national profiles
- 6 and to be administered one (1) time within the high school grades;
- 7 3. An on-demand assessment of student writing to be administered **one (1)**
- 8 **time**~~[two (2) times]~~ within the high school grades;
- 9 4. An editing and mechanics test relating to writing, using multiple choice
- 10 and constructed response items, to be administered one (1) time within
- 11 the high school grades;
- 12 ~~[5. A college readiness examination to assess English, reading,~~
- 13 ~~mathematics, and science in grade ten (10) as provided in subsection~~
- 14 ~~(11) of this section;]~~ and
- 15 ~~5.~~~~[6.]~~A college admissions examination to assess English, reading,
- 16 mathematics, and science in **the fall of grade ten (10) and the spring of**
- 17 ~~grade eleven (11)~~~~[as provided in subsection (11) of this section];~~
- 18 (c) The Kentucky Board of Education shall add any other component necessary to
- 19 comply with the **Every Student Succeeds Act of 2015, Pub. L. No. 114-95**~~[No~~
- 20 ~~Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq.]~~, or its successor,
- 21 as determined by the United States Department of Education;
- 22 (d) The criterion-referenced components required in this subsection shall be
- 23 composed of constructed response items and multiple choice items and the
- 24 national norm-referenced components shall be composed of multiple choice
- 25 items;
- 26 (e) The Kentucky Board of Education may incorporate end-of-course
- 27 examinations into the assessment program to be used in lieu of requirements

1 for criterion-referenced tests required under paragraph (b) of this subsection;
2 and

3 (f) The results of the assessment program developed under this subsection shall
4 be used **by schools and districts** to determine appropriate instructional
5 modifications for all students in order for students to make continuous
6 progress, including that needed by advanced learners.

7 (6) ~~[Beginning in the 2011-2012 academic year,]~~Each school district shall administer
8 the statewide student assessment during the last fourteen (14) days of school in the
9 district's instructional calendar.~~[Testing shall be limited to no more than five (5)~~
10 ~~days.]~~ The Kentucky Board of Education **may change the testing window to allow**
11 **for innovative assessment systems or other online test administration and** shall
12 promulgate administrative regulations **that minimize the number of days of testing**
13 **and outline**~~[outlining]~~ the procedures to be used during the testing process to
14 ensure test security, including procedures for testing makeup days, and to comply
15 with federal assessment requirements.

16 (7) **A student enrolled in a district-operated or district-contracted alternative**
17 **program shall participate in the appropriate assessments required by this**
18 **section.**~~[Beginning in the 2011-2012 academic year, the Kentucky assessment~~
19 ~~program shall include program reviews and program audits for arts and humanities,~~
20 ~~practical living skills and career studies, and the writing programs. The results of~~
21 ~~the program reviews and audits of arts and humanities, practical living skills and~~
22 ~~career studies, and writing required under this subsection shall be included in the~~
23 ~~accountability system as required by KRS 158.6455.~~

24 (a) ~~Arts and humanities.~~

25 1. ~~The Kentucky Department of Education shall provide guidelines for arts~~
26 ~~and humanities programs and for integration of these within the~~
27 ~~curriculum to all schools.~~

1 2.—~~The Kentucky Board of Education shall establish criteria to use in the~~
2 ~~program review and audit processes, and the procedures recommended~~
3 ~~for local district and department program reviews and program audits as~~
4 ~~defined in subsection (1)(h) and (i) of this section. The department shall~~
5 ~~distribute the criteria and procedures for program reviews and audits to~~
6 ~~all schools and teacher preparation programs.~~

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

12 4.—~~Each school based decision making council shall analyze the findings~~
13 ~~from program reviews for its school and determine how it will address~~
14 ~~program recommendations to improve the program for students.~~

15 (b)—~~Practical living skills and career studies.~~

16 1.—~~The Kentucky Department of Education shall provide guidelines for~~
17 ~~practical living skills and career studies and integration of these within~~
18 ~~the curriculum to all schools and teacher preparation programs.~~

19 2.—~~The Kentucky Board of Education shall establish criteria to use in the~~
20 ~~program review and audit processes, and the procedures recommended~~
21 ~~for local district and department program reviews and program audits as~~
22 ~~defined in subsection (1)(h) and (i) of this section. The department shall~~
23 ~~distribute the criteria and procedures for program reviews and audits to~~
24 ~~all schools and teacher preparation programs.~~

25 3.—~~Each local district shall do an annual program review and the~~
26 ~~Department of Education shall conduct a program review of every~~
27 ~~school's program within a two (2) year period. The frequency of program~~

1 ~~audits shall be determined by the Department of Education in~~
2 ~~compliance with the requirements established by the state board.~~

3 ~~4. Each school-based decision-making council shall analyze the findings~~
4 ~~from programs reviews for its school and determine how it will address~~
5 ~~program recommendations to improve the program for students.~~

6 ~~(c) Writing.~~

7 ~~1. The Kentucky Department of Education shall provide guidelines for an~~
8 ~~effective writing program and establish criteria to use in the program~~
9 ~~review and program audit process as defined in subsection (1)(h) and (i)~~
10 ~~of this section. The department shall distribute the guidelines and criteria~~
11 ~~for program reviews within the curriculum to all schools and teacher~~
12 ~~preparation programs.~~

13 ~~2. Each school-based decision-making council or, if there is no school~~
14 ~~council, a committee appointed by the principal, shall adopt policies that~~
15 ~~determine the writing program for its school and submit it to the~~
16 ~~Department of Education for review and comment. The writing program~~
17 ~~shall incorporate a variety of language resources, technological tools,~~
18 ~~and multiple opportunities for students to develop complex~~
19 ~~communication skills for a variety of purposes.~~

20 ~~3. Writing portfolios, consisting of samples of individual student work that~~
21 ~~represent the interests and growth of the student over time, shall be a~~
22 ~~required part of any writing program in primary through grade twelve~~
23 ~~(12). Portfolios shall be part of the required criteria for the program~~
24 ~~review and audit process relating to the writing program under this~~
25 ~~paragraph. Individual student scores on portfolios shall not be included~~
26 ~~in the accountability system.~~

27 ~~4. A writing portfolio shall be maintained for each student and follow each~~

1 student from grade to grade and to any school in which the student may
2 enroll.

3 5. ~~A school's policies for the writing program shall address the use of the~~
4 ~~portfolio for determining a student's performance in:~~

5 a. ~~Communication;~~

6 b. ~~Grading procedures and feedback to students regarding their~~
7 ~~writing and communication skills;~~

8 c. ~~The responsibility for review of the portfolios and feedback to~~
9 ~~students; and~~

10 d. ~~Other policies to improve the quality of an individual student's~~
11 ~~writing and communications skills.~~

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

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

22 (8) A local school ~~*district*~~~~[districts]~~ may select and use commercial interim or formative
23 assessments or develop and use ~~*its*~~~~[their]~~ own formative assessments to provide data
24 on how well ~~*its*~~~~[their]~~ students are growing toward mastery of Kentucky academic
25 *standards, so long as the district's local school board develops a policy*
26 *minimizing the reduction in instructional time related to the administration of the*
27 *interim assessments*~~[core content]~~. Nothing in this section precludes teachers from

1 using ongoing teacher-developed formative processes.

2 (9) ~~{Beginning with the 2010-2011 school year, }~~Each school that enrolls primary
3 students shall use diagnostic assessments and prompts that measure readiness in
4 reading and mathematics for its primary students as determined by the school to be
5 developmentally appropriate. The schools may use commercial products, use
6 products and procedures developed by the district, or develop their own diagnostic
7 procedures. The results shall be used to inform the teachers and parents or guardians
8 of each student's skill level.

9 (10) ~~{In revising the state assessment program for implementation in 2011-2012~~
10 ~~academic year, }~~The state board shall ensure that a technically sound longitudinal
11 comparison of the assessment results for the same students shall be made available.

12 (11) The following provisions shall apply to the college admissions examination
13 described in subsection (5)(b)5. of this section~~{assessment requirements for middle~~
14 ~~and high schools}~~:

15 (a) ~~{The assessment program shall include:~~

16 1. ~~A high school readiness examination to assess English, reading,~~
17 ~~mathematics, and science in grade eight (8);~~

18 2. ~~A college readiness examination to assess English, reading,~~
19 ~~mathematics, and science in grade ten (10);~~

20 3. ~~A college admissions examination to assess English, reading,~~
21 ~~mathematics, and science, to be taken by all students in grade eleven~~
22 ~~(11); and~~

23 4. ~~Any other component necessary to comply with the No Child Left~~
24 ~~Behind Act of 2001, 20 U.S.C. sec. 6301 et seq., as determined by the~~
25 ~~United States Department of Education;~~

26 (b) 1. ~~A student whose scores on the high school readiness examination~~
27 ~~administered in grade eight (8) or as determined by the Kentucky Board~~

1 of Education under subsection (5) of this section indicate a high degree
 2 of readiness for high school shall be counseled to enroll in accelerated
 3 courses; and

4 2. A student whose scores on the college readiness examination
 5 administered in grade ten (10) or the college admissions examination
 6 administered in grade eleven (11) indicate a high degree of readiness for
 7 college shall be counseled to enroll in accelerated courses;

8 (e) The cost of ***both college admissions examinations*** [the initial college
 9 admissions examination] administered to students in ***high school*** [grade
 10 eleven (11)] shall be paid for by the Kentucky Department of Education. The
 11 costs of additional college admissions examinations shall be the responsibility
 12 of the student;

13 (b) [(d)] If funds are available, the Kentucky Department of Education shall
 14 provide a college admissions examination preparation program to all public
 15 high school juniors. The department may contract for necessary services; [f
 16 and]

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

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

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

27 (b) A student whose scores on the WorkKeys assessments indicate that additional

1 assistance is required in reading for information, locating information, or
 2 applied mathematics shall have intervention strategies for accelerated learning
 3 incorporated into his or her learning plan.

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

7 ~~(d)[(13)]~~ Accommodations provided to a student with a disability taking the
 8 college admissions assessments under *this* subsection~~[(11)(a)3. of this~~
 9 ~~section]~~ shall consist of:

10 ~~1.[(a)]~~ Accommodations provided in a manner allowed by the college
 11 admissions assessment provider when results in test scores are
 12 reportable to a postsecondary institution for admissions and placement
 13 purposes, except as provided in *subparagraph 2. of this* paragraph~~[(b)~~
 14 ~~of this subsection];~~ or

15 ~~2.[(b)]~~ Accommodations provided in a manner allowed by a student's
 16 individualized education program as defined in KRS 158.281 for a
 17 student whose disability precludes valid assessment of his or her
 18 academic abilities using the accommodations provided under
 19 *subparagraph 1. of this* paragraph~~[(a) of this subsection]~~ when the
 20 student's scores are not reportable to a postsecondary institution for
 21 admissions and placement purposes.

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

25 ~~(12)[(15)]~~ Kentucky teachers shall have a significant role in the design of the
 26 assessments, *except for the college admissions exams described in subsection*
 27 *(5)(b)5. of this section.* The assessments shall be designed to:

1 (a) Measure grade appropriate core academic content, basic skills, and higher-
 2 order thinking skills and their application~~[-The assessment shall measure the~~
 3 ~~core content for assessment used by the Department of Education during the~~
 4 ~~1997-98 school year until the 2011-2012 academic year. The revised academic~~
 5 ~~content standards developed as required by subsection (2) of this section shall~~
 6 ~~be used in the revised assessment program for implementation in the 2011-~~
 7 ~~2012 academic year as required by subsection (3) of this section. Any future~~
 8 ~~revisions to the core content for assessment shall be developed through a~~
 9 ~~public process involving parents; educators at the elementary, secondary, and~~
 10 ~~postsecondary education levels; professional education advocacy groups and~~
 11 ~~organizations; and business and civic leaders and shall be distributed to all~~
 12 ~~public schools];~~

13 (b) Provide valid and reliable scores for schools. If scores are reported for
 14 students individually, they shall be valid and reliable;~~[-and]~~

15 (c) Minimize the time spent by teachers and students on assessment; **and**

16 **(d) Assess Kentucky academic standards only.**

17 **(13)**~~[(16)]~~ (a) ~~Through the fall of 2011, results from the state assessment under this~~
 18 ~~section shall be reported to the school districts and schools no later than one~~
 19 ~~hundred fifty (150) days following the first day the assessment can be administered.~~

20 ~~(b) Beginning in the fall of 2012,]~~The results from assessment under subsections
 21 (3) and (5) of this section shall be reported to the school districts and schools
 22 no later than seventy-five (75) days following the ~~last~~**last**~~[first]~~ day the
 23 assessment can be administered. **Assessment reports provided to the school**
 24 **districts and schools shall include an electronic copy of an operational**
 25 **subset of test items from each assessment administered to their students and**
 26 **the results for each of those test items by student and by school.**

27 **(14)**~~[(17)]~~ The Department of Education shall gather information to establish the validity

1 of the assessment and accountability program. It shall develop a biennial plan for
2 validation studies that shall include but not be limited to the consistency of student
3 results across multiple measures, the congruence of school scores with documented
4 improvements in instructional practice and the school learning environment, and the
5 potential for all scores to yield fair, consistent, and accurate student performance
6 level and school accountability decisions. Validation activities shall take place in a
7 timely manner and shall include a review of the accuracy of scores assigned to
8 students and schools, as well as of the testing materials. The plan shall be submitted
9 to the Commission by July 1 of the first year of each biennium. A summary of the
10 findings shall be submitted to the Legislative Research Commission by September 1
11 of the second year of the biennium.

12 ~~(15)~~~~(18)~~ The Department of Education and the state board shall **offer optional**
13 **assistance to**~~have the responsibility of assisting~~ local school districts and schools
14 in developing and using continuous assessment strategies needed to assure student
15 progress. The continuous assessment shall provide diagnostic information to
16 improve instruction to meet the needs of individual students.

17 ~~(16)~~~~(19)~~ ~~[No later than sixty (60) days after March 25, 2009, the state board shall~~
18 ~~revise]~~The Administration Code for Kentucky's Assessment Program **shall**~~to~~
19 include prohibitions of inappropriate test preparation activities by school district
20 employees charged with test administration and oversight, including but not limited
21 to the issue of teachers being required to do test practice in lieu of regular classroom
22 instruction and test practice outside the normal work day. The **code**~~revisions~~ shall
23 include disciplinary sanctions that may be taken toward a school or individuals.

24 ~~(17)~~~~(20)~~ The Kentucky Board of Education, after the Department of Education has
25 received advice from the Office of Education Accountability; the School
26 Curriculum, Assessment, and Accountability Council; and the National Technical
27 Advisory Panel on Assessment and Accountability, shall promulgate an

1 administrative regulation under KRS Chapter 13A to establish the components of a
2 reporting structure for assessments administered under this section. The reporting
3 structure shall include the following components:

4 (a) A school report card that clearly communicates with parents and the public
5 about school performance. The school report card shall be sent to the parents
6 of the students of the districts, and information on electronic access to a
7 summary of the results for the district shall be published in the newspaper
8 with the largest circulation in the county. It shall include but not be limited to
9 the following components reported by race, gender, and disability when
10 appropriate:

- 11 1. Student academic achievement, including the results from each of the
12 assessments administered under this section;
- 13 2. For Advanced Placement, Cambridge Advanced International, and
14 International Baccalaureate, the courses offered, the number of students
15 enrolled, completing, and taking the examination for each course, and
16 the percentage of examinees receiving a score of three (3) or better on
17 AP examinations, a score of "e" or better on Cambridge Advanced
18 International examinations, or a score of five (5) or better on IB
19 examinations. The data shall be disaggregated by gender, race, students
20 with disabilities, and economic status~~[- This data shall be included in the~~
21 ~~report card beginning with the 2009-2010 academic year];~~
- 22 3. Nonacademic achievement, including the school's attendance, retention,
23 graduation rates, and student transition to postsecondary~~[- adult life;~~
24 ~~and]~~
- 25 4. School learning environment, including measures of parental
26 involvement; and
- 27 5. Any other school performance data required by the Every Student

1 *Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;*

2 (b) An individual student report to parents for each student in grades three (3)
3 through eight (8) summarizing the student's skills in reading, *science, social*
4 *studies,* and mathematics. The school's staff shall develop a plan for
5 accelerated learning for any student with identified deficiencies or strengths;
6 *and*

7 ~~(c) [An individual report for each student who takes a high school or college~~
8 ~~readiness examination administered under subsection (11)(a) of this section~~
9 ~~that:~~

10 1. ~~Provides the student's test scores;~~

11 2. ~~Provides a judgment regarding whether or not a student has met,~~
12 ~~exceeded, or failed to meet the expectations for each standard assessed;~~
13 ~~and~~

14 3. ~~Is designed to assist students, parents, and teachers to identify, assess,~~
15 ~~and remedy academic deficiencies prior to high school graduation; and~~

16 ~~(d)]A student's *highest* scores on the college admissions[~~examination or~~~~
17 ~~WorkKeys] assessments administered under *subsection (5)(b)5. of this*~~
18 ~~*section*[subsections (11) and (12) of this section and the college admissions~~
19 ~~examination under KRS 158.6459(5) shall be recorded on his or her official~~
20 ~~high school transcript].~~

21 *(18) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the*
22 *Kentucky Department of Education shall implement a comprehensive*
23 *process for reviewing and revising the academic standards in visual and*
24 *performing arts and practical living skills and career studies for all levels*
25 *and in foreign language for middle and high schools. The department shall*
26 *develop review committees for the standards for each of the content areas*
27 *that include representation from certified specialist public school teachers*

1 and postsecondary teachers in those subject areas.

2 (b) The department shall provide to all schools recommendations for including
3 programs in visual and performing arts and practical living and career
4 studies. The department shall provide to middle and high schools
5 recommendations for including a foreign language program. The
6 recommendations shall address program length and time, courses offered,
7 staffing, resources, and facilities.

8 (19) The department shall provide to all schools recommendations for including an
9 effective writing program within the curriculum.

10 (20) (a) The Kentucky Department of Education shall develop a school profile
11 report to be used by schools to describe how they will address the state-
12 mandated standards in their implementation of the programs as described
13 in subsection (18) of this section, which may include student opportunities
14 and experiences in extracurricular activities.

15 (b) By October 1 of each year, each school principal shall complete the school
16 profile report, which shall be signed by the members of the school council,
17 or the principal if no school council exists, and the superintendent. The
18 report shall be electronically transmitted to the Kentucky Department of
19 Education, and the original shall be maintained on file at the local board
20 office and made available to the public upon request.

21 (c) If a school staff member, student, or a student's parent has concerns
22 regarding deficiencies in a school's implementation of the programs
23 described in subsection (18) of this section, he or she may submit a written
24 inquiry to the school council.

25 ~~{(21) The Kentucky Board of Education shall conduct periodic alignment studies that~~
26 ~~compare the norm-referenced tests required under subsection (5) of this section with~~
27 ~~the standards in the different content areas to determine how well the norm-~~

1 ~~referenced tests align and adequately measure the depth of knowledge and breadth~~
2 ~~of Kentucky's academic content standards. Based on its findings from the studies,~~
3 ~~the board may decrease the number of required criterion-referenced items required~~
4 ~~under subsection (5) of this section.]~~

5 ➔Section 5. KRS 158.6455 is amended to read as follows:

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

8 (1) (a) ~~[After receiving the advice of the Office of Education Accountability; the~~
9 ~~School Curriculum, Assessment, and Accountability Council; and the~~
10 ~~National Technical Advisory Panel on Assessment and Accountability, the~~
11 ~~Kentucky Board of Education shall promulgate administrative regulations in~~
12 ~~conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A to~~
13 ~~establish a system for identifying successful schools. The Kentucky Board of~~
14 ~~Education shall identify reports, paperwork requirements, and administrative~~
15 ~~regulations from which high-performing schools shall be exempt.~~

16 ~~(b) The Kentucky Board of Education shall recognize schools that exceed their~~
17 ~~improvement goal and have an annual average dropout rate below five percent~~
18 ~~(5%). A student shall be included in the annual average dropout rate if the~~
19 ~~student was enrolled in the school of record for at least thirty (30) days during~~
20 ~~the school year prior to the day he or she was recorded as dropping out of~~
21 ~~school. A student shall not be included in a school's annual average dropout~~
22 ~~rate if:~~

23 1. ~~The student is enrolled in a district-operated or district-contracted~~
24 ~~alternative program leading to a certificate of completion or a General~~
25 ~~Educational Development (GED) diploma; or~~

26 2. ~~The student has withdrawn from school and is awarded a General~~
27 ~~Educational Development (GED) diploma by October 1 of the following~~

1 school year.

2 ~~(c) A student enrolled in a district operated or district contracted alternative~~
 3 ~~program shall participate in the appropriate assessments required by the~~
 4 ~~assessment program established in KRS 158.6453.~~

5 ~~(2) (a) After the academic standards are revised and a new student assessment~~
 6 ~~program is developed pursuant to KRS 158.6453,]The Kentucky Board of~~
 7 ~~Education shall create an accountability system to classify districts and~~
 8 ~~schools in accordance with the academic standards and student assessment~~
 9 ~~program developed pursuant to Section 4 of this Act.~~

10 (b) The accountability system shall include:

11 1. a. An annual overall summative performance evaluation of each
 12 school and district compared to goals established by the
 13 Kentucky Department of Education.

14 b. The annual summative performance evaluation for each school
 15 and district shall not consist of a single summative numerical
 16 score that ranks schools against each other.

17 c. The summative performance evaluation shall be based on a
 18 combination of academic and school quality indicators and
 19 measures, with greater weight assigned to the academic
 20 measures~~[The results of program assessments of arts and~~
 21 ~~humanities, practical living skills and career studies, and writing~~
 22 ~~programs];~~

23 2. Student assessment results;

24 3. School improvement results, including a component that measures
 25 growth over three (3) consecutive years toward its goals established by
 26 the department for moving all students to proficient achievement as
 27 compared to the average growth of the school's band of schools. For

- 1 purposes of this section, "band of schools" means a group of
2 Kentucky schools at the same level of elementary, middle, or high
3 school that have similar percentages of exceptional children and
4 youth under KRS 157.200(1)(a) to (m), similar percentages of limited
5 English proficiency students, and similar student mobility rates;~~and~~
6 4. Progress toward achieving English proficiency by limited English
7 proficiency students;
8 5. Quality of school climate and safety;
9 6. High school graduation rates;
10 7. Postsecondary readiness for each high school measured by:
11 a. The increase in the percentage of students meeting a college
12 readiness benchmark score based on the average of the students'
13 highest composite scores on the college admissions examination
14 used as the statewide assessment in subsection (5)(b)5. of Section
15 4 of this Act. The college readiness benchmark score shall be
16 established by the Council on Postsecondary Education; and
17 b. Student achievement of dual credit, postsecondary articulated
18 credit, or apprenticeship time toward a credential or associate
19 degree, and any industry-recognized certifications, licensures, or
20 credentials, with more weight in accountability scoring for
21 industry-recognized certifications, licensures, or credentials
22 identified as high demand in accordance with the process
23 described in paragraph (c) of this subsection. Eligible industry-
24 recognized certifications, licensures, or credentials shall not be
25 limited to those earned in conjunction with a minimum sequence
26 of courses. Each high school shall publicly report the credits,
27 hours, and credentials on an annual basis; and

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

4 (c) **Based on data from the Kentucky Center for Education and Workforce**
 5 **Statistics, each local workforce investment board, in conjunction with local**
 6 **economic development organizations from its state regional sector, shall**
 7 **annually compile a list of industry-recognized certifications, licensures, and**
 8 **credentials specific to its local workforce area, rank them by demand for its**
 9 **area, and provide the list to the Kentucky Department of Education for**
 10 **dissemination to all school districts to be used as postsecondary readiness**
 11 **indicators** ~~[The board shall determine how student assessment and program~~
 12 ~~assessment data from the 2011-2012 and 2012-2013 school years shall be~~
 13 ~~used and reported within the new accountability system].~~

14 (d) **The cost of initial assessments taken by high school students for attaining**
 15 **industry-recognized certifications, credentials, and licensures shall be paid**
 16 **by the Kentucky Department of Education.**

17 (e) Prior to promulgating administrative regulations to revise the accountability
 18 system, the board shall seek advice from the School Curriculum, Assessment,
 19 and Accountability Council; the Office of Education Accountability; the
 20 Education Assessment and Accountability Review Subcommittee; and the
 21 National Technical Advisory Panel on Assessment and Accountability.

22 ~~(2)~~~~(3)~~ A student's test scores shall be counted in the accountability measure of:

- 23 (a) 1. The school in which the student is currently enrolled if the student has
 24 been enrolled in that school for at least a full academic year as defined
 25 by the Kentucky Board of Education; or
 26 2. The school in which the student was previously enrolled if the student
 27 was enrolled in that school for at least a full academic year as defined by

- 1 the Kentucky Board of Education; and
- 2 (b) The school district if the student is enrolled in the district for at least a full
- 3 academic year as defined by the Kentucky Board of Education; and
- 4 (c) The state if the student is enrolled in a Kentucky public school prior to the
- 5 beginning of the statewide testing period.

6 ~~(3)~~~~(4)~~ After receiving the advice of the Office of Education Accountability; the

7 School Curriculum, Assessment, and Accountability Council; and the National

8 Technical Advisory Panel on Assessment and Accountability, the Kentucky Board

9 of Education shall promulgate an administrative regulation in conformity with KRS

10 158.6471 and 158.6472 and KRS Chapter 13A to establish **more rigorous action,**

11 **intervention, and** appropriate consequences for schools **that fail to exit**

12 **comprehensive support and improvement status described in Section 13 of this**

13 **Act**~~[failing to meet their accountability measures].~~ The consequences shall be

14 designed to improve the academic performance and learning environment of

15 identified schools and may include but not be limited to:

- 16 (a) A review and audit process~~[under subsection (5) of this section]~~ to determine
- 17 the appropriateness of a school's or district's classification and to recommend
- 18 needed assistance;
- 19 (b) School and district improvement plans;
- 20 (c) Eligibility to receive Commonwealth school improvement funds under KRS
- 21 158.805;
- 22 (d) Education assistance from highly skilled certified staff~~[under KRS 158.782]~~;
- 23 **and**
- 24 (e) **Observation**~~[Evaluation]~~ of school personnel~~[; and~~
- 25 (f)~~[Student transfer to successful schools].~~

26 ~~[(5) The Kentucky Board of Education shall promulgate an administrative regulation in~~

27 ~~conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A establishing~~

1 ~~the guidelines for conducting program reviews and audits.]~~

2 ~~(4)(6)~~ All students who drop out of school during a school year shall be included in a
3 school's annual average school graduation rate calculation~~[, except as provided in~~
4 ~~subsection (1)(b) of this section].~~

5 ~~(5)(7)~~ After receiving the advice of the Education Assessment and Accountability
6 Review Subcommittee, the Office of Education Accountability; the School
7 Curriculum, Assessment, and Accountability Council; and the National Technical
8 Advisory Panel on Assessment and Accountability, the Kentucky Board of
9 Education may promulgate by administrative regulation, in conformity with KRS
10 158.6471 and 158.6472 and KRS Chapter 13A, a system of district accountability
11 that includes establishing a formula for accountability, goals for improvement over
12 a three (3)~~two (2)~~ year period, rewards for leadership in improving teaching and
13 learning in the district, and consequences that address the problems and provide
14 assistance when one (1) or more schools in the district fail to exit comprehensive
15 support and improvement status after three (3) consecutive years of implementing
16 the turnaround intervention process described in Section 13 of this Act~~[the~~
17 ~~district fails to achieve its goals set by the board. The board shall revise the district~~
18 ~~accountability system based on the revised assessment program, including program~~
19 ~~and student assessments, to be implemented in the 2011-2012 school year as~~
20 ~~required in KRS 158.6453].~~

21 ~~(6)(8)~~ After receiving the advice of the Office of Education Accountability; the
22 School Curriculum, Assessment, and Accountability Council; and the National
23 Technical Advisory Panel on Assessment and Accountability, the Kentucky Board
24 of Education shall promulgate administrative regulations in conformity with KRS
25 158.6471 and 158.6472 and KRS Chapter 13A, to establish a process whereby a
26 school shall be allowed to appeal a performance judgment which it considers
27 grossly unfair. Upon appeal, an administrative hearing shall be conducted in

1 accordance with KRS Chapter 13B. The state board may adjust a performance
 2 judgment on appeal when evidence of highly unusual circumstances warrants the
 3 conclusion that the performance judgment is based on fraud or a mistake in
 4 computations, is arbitrary, is lacking any reasonable basis, or when there are
 5 significant new circumstances occurring during the three (3) year~~[biennial]~~
 6 assessment period which are beyond the control of the school.

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

8 The Department of Education shall develop a plan for implementing the state assessment
 9 and accountability system created under KRS 158.6453 and 158.6455 and shall report
 10 quarterly to the Interim Joint Committee on Education on its progress in the following
 11 areas:

- 12 (1) Establishing a consistent structure of test components, grade-level testing
 13 distribution, and test administration procedures;
- 14 (2) Beginning a new cycle of equating procedures for which their adequacy and
 15 precision can be tested rigorously and conducting appropriate equating analyses to
 16 accommodate the new accountability system;
- 17 (3) Publishing more complete and informative guides for interpreting school
 18 accountability changes;
- 19 (4) Reviewing school accountability classifications to assure their construct validity in
 20 all cases where they are applied;
- 21 ~~(5) Maintaining and strengthening the assessment of schools' program reviews;~~
- 22 ~~(6)~~ Developing and implementing a validity research plan as required under KRS
 23 158.6453;
- 24 ~~(6)~~~~(7)~~ Establishing additional routine audits of key processes in the assessment and
 25 accountability program;
- 26 ~~(7)~~~~(8)~~ Maintaining and cataloging a library of technical documents related to the
 27 assessment and accountability program for internal and external review purposes. In

1 addition, the department shall produce an annual technical report for audiences that
2 include educators, testing coordinators, parents, and legislators; and

3 ~~(8)~~~~(9)~~ Maintaining a vigorous ongoing program of research and documentation of
4 the effects of the assessment and accountability system on Kentucky schools.

5 ➔Section 7. KRS 158.6459 is amended to read as follows:

6 (1) ~~[A high school student whose scores on the high school readiness examination~~
7 ~~administered in grade eight (8), on the college readiness examination administered~~
8 ~~in grade ten (10), or on the WorkKeys indicate that additional assistance or~~
9 ~~advanced work is required in English, reading, or mathematics shall have~~
10 ~~intervention strategies for accelerated learning incorporated into his or her learning~~
11 ~~plan.~~

12 ~~(2)~~—]A high school student whose ***highest*** score on the college admissions examination
13 under ***subsection (5)(b)5. of Section 4 of this Act***~~[KRS 158.6453(11)(a)3.]~~ in
14 English, reading, or mathematics is below the systemwide standard established by
15 the Council on Postsecondary Education for entry into a credit-bearing course at a
16 public postsecondary institution without placement in a remedial course or an entry-
17 level course with supplementary academic support shall be provided the opportunity
18 to participate in accelerated learning designed to address his or her identified
19 academic deficiencies prior to high school graduation.

20 ~~(2)~~~~(3)~~ A high school, in collaboration with its school district, shall develop and
21 implement accelerated learning that:

22 (a) ***Meets***~~[Allows a student's learning plan to be individualized to meet]~~ the
23 student's academic needs based on an assessment of test results and
24 consultation among parents, teachers, and the student; and

25 (b) May include changes in a student's class schedule.

26 ~~(3)~~~~(4)~~ The Kentucky Department of Education, the Council on Postsecondary
27 Education, and public postsecondary institutions shall offer support and technical

1 assistance to schools and school districts in the development of accelerated learning.
2 ~~[(5) A student who participates in accelerated learning under this section shall be~~
3 ~~permitted to take the college admissions examination a second time prior to high~~
4 ~~school graduation at the expense of the Kentucky Department of Education. The~~
5 ~~cost of any subsequent administrations of the achievement test shall be the~~
6 ~~responsibility of the student.]~~

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

- 8 (1) "Achievement gap" means a substantive performance difference on each of the
9 tested areas by grade level of the state assessment program between the various
10 subgroups~~[groups]~~ of students as described in the Every Student Succeeds Act of
11 2015, Pub. L. No. 114-95, or its successor, including male and female students,
12 students with and without disabilities, students with and without English
13 proficiency, minority and nonminority students, and students who are eligible for
14 free and reduced lunch and those who are not eligible for free and reduced lunch.
- 15 (2) By October~~[November]~~ 1 of each year, the Department of Education shall provide
16 each school council, or the principal if a school council does not exist, data on its
17 students' performance as shown by the state assessment program described in KRS
18 158.6453. The data shall include, but not be limited to, information on performance
19 levels of all students tested, and information on the performance of students
20 disaggregated by race, gender, disability, English proficiency, and participation in
21 the federal free and reduced price lunch program, and any other subgroups as
22 described in the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its
23 successor. The information from the department shall include an equity analysis
24 that shall identify the substantive differences among the various groups of students
25 identified in subsection (1) of this section. Beginning with the 2012-2013 school
26 year, the reporting requirement in this subsection shall be no later than seventy-five
27 (75) days following the first day the assessment can be administered.

1 (3) Each local board of education upon the recommendation of the local district
2 superintendent shall adopt a policy for reviewing the academic performance on the
3 state assessments required under KRS 158.6453 for various groups of students,
4 including major racial groups, gender, disability, free and reduced price school
5 lunch eligibility, and limited English proficiency. The local board policy shall be
6 consistent with Kentucky Board of Education administrative regulations. Upon
7 agreement of the school-based decision making council, or the principal if there is
8 not a council, and the superintendent, the local board shall establish an annual~~a~~
9 ~~biennial~~ target for each school for reducing identified gaps in achievement as set
10 out in subsection (4) of this section.

11 (4) By October~~February~~ 1, 2017~~2003~~, and each October~~February~~ 1 ~~in odd-~~
12 ~~numbered years~~ thereafter, the school-based decision making council, or the
13 principal if there is not a council, with the involvement of parents, faculty, and staff
14 shall set the school's ~~biennial~~ targets for eliminating any achievement gap and
15 submit them to the superintendent for consideration. The superintendent and the
16 school-based decision making council, or the principal if there is not a council, shall
17 agree on the ~~biennial~~ targets before they are submitted to the local board of
18 education for adoption. ~~Beginning with the 2012-2013 school year, the reporting~~
19 ~~requirement in this subsection shall be October 1 of each year.~~

20 (5) By January~~April~~ 1, 2018~~2003~~, and each January~~April~~ 1 ~~in odd-numbered~~
21 ~~years~~ thereafter, the school council, or the principal if a school council does not
22 exist, with the involvement of parents, faculty, and staff, shall review the data and
23 revise the school improvement~~consolidated~~ plan to include the ~~biennial~~ targets,
24 strategies, activities, and a time schedule calculated to eliminate the achievement
25 gap among various groups of students to the extent it may exist. The plan shall
26 include but not be limited to activities designed to address the following areas:

27 (a) Curriculum alignment within the school and with schools that send or receive

1 the school's students;

2 (b) Evaluation and assessment strategies to continuously monitor and modify
3 instruction to meet student needs and support proficient student work;

4 (c) Professional development to address the goals of the plan;

5 (d) Parental communication and involvement;

6 (e) Attendance improvement and dropout prevention; and

7 (f) Technical assistance that will be accessed.

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

10 (6) The principal shall convene a public meeting at the school to present and discuss the
11 plan prior to submitting it to the superintendent and the local board of education for
12 review, in the public meeting required under KRS 160.340.

13 (7) Based on the disaggregated assessment results, the local board shall determine if
14 each school achieved its targets for each group of students. Only data for a group of
15 students including ten (10) or more students shall be considered.

16 (8) Notwithstanding KRS 160.345(8) and 158.070(8), if a local board determines that a
17 school has not met its target to reduce the identified gap in student achievement for
18 a group of students, the local board shall require the council, or the principal if no
19 council exists, to submit its revisions to the school improvement plan describing the
20 use of professional development funds and funds allocated for continuing education
21 to reduce the school's achievement gap for review and approval by the
22 superintendent. The plan shall address how the school will meet the academic needs
23 of the students in the various groups identified in subsection (1) of this section.

24 (9) The superintendent shall report to the **local school board and the** commissioner of
25 education if a school fails to meet its targets **in any academic content area** to
26 reduce the gap in student achievement for any student group for two (2) consecutive
27 years. The school's improvement plan shall be subject to review and approval by the

1 Kentucky Department of Education and the school shall submit an annual status
 2 report. The Department of Education may provide assistance **as defined in Section**
 3 **13 of this Act** to schools as it deems necessary to assist the school in meeting its
 4 goals.

5 (10) The school-based decision making council, or the principal if there is not a council,
 6 shall no longer be required to seek approval of the plan under subsections (8) and
 7 (9) of this section when it meets its ~~biennial~~ target for reducing the gap in student
 8 achievement for the various groups of students identified in subsection (1) of this
 9 section.

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

11 (1) **To align with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its**
 12 **successor, the Kentucky Department of Education shall promulgate**
 13 **administrative regulations establishing the monitoring and periodic review of the**
 14 **implementation of a local school district's turnaround plan for a school identified**
 15 **for comprehensive support and improvement described in Section 13 of this Act.**
 16 **The monitoring and review process shall be limited to performing an annual**
 17 **review of the school's state assessment data and measures of school quality,**
 18 **periodic site visits, observation, and interviews of representative stakeholders and**
 19 **students.** ~~[After receiving the advice of the Office of Education Accountability; the~~
 20 ~~School Curriculum, Assessment, and Accountability Council; and the National~~
 21 ~~Technical Advisory Panel on Assessment and Accountability, the Kentucky Board~~
 22 ~~of Education shall promulgate administrative regulations in conformity with KRS~~
 23 ~~158.6471 and 158.6472 and KRS Chapter 13A, to set forth the guidelines for~~
 24 ~~providing highly skilled education assistance to schools and school districts. The~~
 25 ~~program shall be designed to support improved teaching and learning and may~~
 26 ~~include, but not be limited to, establishing the following:~~
 27 (a) ~~Criteria for identifying successful strategies of assistance;~~

1 ~~(b) Policies and procedures for providing education assistance, which may~~
 2 ~~include training, making assignments, employing certified personnel, and~~
 3 ~~setting salaries that may include supplements; and~~

4 ~~(c) Duties of those providing education assistance, which may include personnel~~
 5 ~~evaluation and recommendations concerning retention, dismissal, or transfer~~
 6 ~~of personnel.]~~

7 (2) *Schools and districts receiving highly skilled assistance from the Kentucky*
 8 *Department of Education prior to the effective date of this Act shall continue to*
 9 *receive assistance in accordance with the established assistance plan*~~[A district~~
 10 ~~employee selected to provide assistance shall be granted professional leave pursuant~~
 11 ~~to KRS 161.770 though the time may exceed two (2) years if determined by the~~
 12 ~~state board to be necessary. A certified employee shall not lose any employee~~
 13 ~~benefits as a result of a special assignment.~~

14 ~~(3) The Department of Education shall provide appropriate training for the persons~~
 15 ~~selected to provide assistance that shall include but not be limited to training to~~
 16 ~~strengthen the school-based decision-making process.~~

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

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

22 (1) There is hereby created the Commonwealth school improvement fund to assist local
 23 schools in pursuing new and innovative strategies to meet the educational needs of
 24 the school's students and raise a school's performance level. The Kentucky Board of
 25 Education shall utilize the Commonwealth school improvement fund to provide
 26 grants to schools for the following purposes:

27 (a) To support teachers and administrators in the development of sound and

- 1 innovative approaches to improve instruction or management, including better
2 use of formative and summative, performance-based assessments;
- 3 (b) To assist in replicating successful programs developed in other districts
4 including those calculated to reduce achievement gaps as defined in KRS
5 158.649;
- 6 (c) To encourage cooperative instructional or management approaches to specific
7 school educational problems; and
- 8 (d) To encourage teachers and administrators to conduct experimental programs
9 to test concepts and applications being advanced as solutions to specific
10 educational problems.
- 11 (2) The Kentucky Board of Education shall develop criteria for awards of grants from
12 the Commonwealth school improvement fund to schools identified by the board as
13 needing assistance under KRS 158.6455.
- 14 (3) The Kentucky Board of Education shall have the sole authority to approve grants
15 from the fund.
- 16 (4) The Kentucky Board of Education may establish priorities for the use of the funds
17 and, through the Department of Education, shall provide assistance to schools in
18 preparing their grant proposals. The board shall require that no funds awarded under
19 the Commonwealth school improvement fund are used to supplant funds from any
20 other source. **Requests may include funding for personnel costs, except funding**
21 **for personnel costs shall not continue after school improvement funds are no**
22 **longer provided.** Requests for necessary equipment may be approved at the
23 discretion of the state board, however the cost of equipment purchased by any
24 grantee shall not exceed twenty percent (20%) of the total amount of money
25 awarded for each proposal and shall be matched by local funds on a dollar for dollar
26 basis.
- 27 (5) The Kentucky Board of Education shall establish maximums for specific grant

1 awards. All fund recipients shall provide the board with an accounting of all money
2 received from the fund and shall report the results and conclusions of any funded
3 projects to the Kentucky Board of Education. All fund recipients shall provide the
4 board with adequate documentation of all projects to enable replication of
5 successful projects in other areas of the state.

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

7 (1) The General Assembly hereby finds that reading and mathematics proficiency are
8 gateway skills necessary for all Kentucky students to achieve the academic goals
9 established in KRS 158.6451. It is the General Assembly's intent that:

10 (a) All students in the primary program having difficulty in reading and
11 mathematics receive early diagnosis and intervention services from highly
12 trained teachers;

13 (b) All students demonstrate proficiency in reading and mathematics as they
14 progress through the relevant curricula and complete each assessment level
15 required by the Kentucky Board of Education for the state assessment program
16 established under KRS 158.6453 and in compliance with the requirements of
17 the federal *Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its*
18 *successor*~~["No Child Left Behind Act of 2001," 20 U.S.C. sec. 6301 et seq.];~~
19 and

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

24 The General Assembly, the Kentucky Board of Education, the Kentucky
25 Department of Education, the Council on Postsecondary Education, colleges and
26 universities, local boards of education, school administrators, school councils,
27 teachers, parents, and other educational entities, such as the Education Professional

1 Standards Board, P-16 councils, the Collaborative Center for Literacy Development,
2 and the Center for Middle School Achievement must collaborate if the intentions
3 specified in this subsection are to be met. Intensive focus on student achievement in
4 reading and mathematics does not negate the responsibility of any entity to help
5 students obtain proficiency in other core curriculum content areas.

6 (2) The General Assembly's role is to set policies that address the achievement levels of
7 all students and provide resources for the professional growth of teachers and
8 administrators, assessing students' academic achievement, including diagnostic
9 assessment and instructional interventions, technology innovations, targeted reading
10 and mathematics statewide initiatives, research and the distribution of research
11 findings, services for students beyond the regular school day, and other services
12 needed to help struggling learners.

13 (3) The Kentucky Board of Education shall regularly review and modify, when
14 appropriate, its statewide assessment policies and practices to enable local school
15 districts and schools to carry out the provisions of the statewide assessment and
16 accountability system, required under KRS 158.6453 to improve student
17 achievement in mathematics and reading.

18 (4) The Kentucky Department of Education shall:

19 (a) Provide assistance to schools and teachers, including publicizing professional
20 development opportunities, methods of measuring effective professional
21 development, the availability of high quality instructional materials, and
22 developmentally appropriate screening and diagnostic assessments of student
23 competency in mathematics and reading. The department shall provide access
24 to samples of units of study, annotated student work, diagnostic instruments,
25 and research findings, and give guidance on parental engagement;

26 (b) Work with state and national educators and subject-matter experts to identify
27 student reading skills in each subject area that align with the state content

- 1 standards adopted under KRS 158.6453 and identify teaching strategies in
2 each subject area that can be used explicitly to develop the identified reading
3 skills under this paragraph;
- 4 (c) Encourage the development of comprehensive middle and high school
5 adolescent reading plans to be incorporated into the curricula of each subject
6 area to improve the reading comprehension of all students;
- 7 (d) Conduct an annual review of the state grant programs it manages and make
8 recommendations, when needed, to the Interim Joint Committee on Education
9 for changes to statutory requirements that are necessary to gain a greater return
10 on investment;~~and~~
- 11 (e) Provide administrative support and oversight to programs to train classroom
12 coaches and mentors to help teachers with reading and mathematics
13 instruction; and
- 14 **(f) Require no reporting of instructional plans, formative assessment results,**
15 **staff effectiveness processes, or interventions implemented in the classroom,**
16 **except for:**
- 17 **1. Interventions implemented under subsection (2) of Section 3 of this**
18 **Act;**
- 19 **2. Funds provided under KRS 158.792 or 158.844; or**
- 20 **3. Schools that are identified for comprehensive support and**
21 **improvement and fail to exit comprehensive support and improvement**
22 **status after three (3) consecutive years of implementing the**
23 **turnaround intervention process as described in Section 13 of this Act.**
- 24 (5) The Council on Postsecondary Education, in cooperation with the Education
25 Professional Standards Board, shall exercise its duties and functions under KRS
26 164.020 to ensure that teacher education programs are fulfilling the needs of
27 Kentucky for highly skilled teachers. The council shall coordinate the federal and

1 state grant programs it administers with other statewide initiatives relating to
2 improving student achievement in reading and mathematics to avoid duplication of
3 effort and to make efficient use of resources.

4 (6) The Education Professional Standards Board shall exercise its duties and
5 responsibilities under KRS 161.030 and 161.048 to ensure highly qualified teachers.

6 (7) Colleges and universities shall:

7 (a) Utilize institution-wide resources to work with elementary and secondary
8 educators and other entities to align curriculum content to ensure that students
9 who achieve proficiency on standards established at the prekindergarten
10 through secondary levels will require no remediation to successfully enter a
11 postsecondary education program;

12 (b) Provide quality undergraduate teacher preparation programs to ensure that
13 those preparing to teach reading or mathematics at all grade levels have the
14 necessary content knowledge, assessment and diagnostic skills, and teaching
15 methodologies and that teachers in all subject areas have the requisite skills
16 for helping students at all grade levels develop critical strategies and skills for
17 reading and comprehending subject matter;

18 (c) Deliver appropriate continuing education for teachers in reading and
19 mathematics through institutes, graduate level courses, and other professional
20 development activities that support a statewide agenda for improving student
21 achievement in reading and mathematics;

22 (d) Conduct or assist with research on best practices in assessment, intervention
23 strategies, teaching methodologies, costs and effectiveness of instructional
24 models, and other factors as appropriate to reading and mathematics;

25 (e) Provide staff to consult and provide technical assistance to teachers, staff, and
26 administrators at elementary, middle, and secondary school sites;

27 (f) Assume active roles in the statewide initiatives referenced in KRS 156.553

1 and 158.842; and

2 (g) Develop written procedures for measuring the effectiveness of activities
3 outlined in paragraphs (a) to (e) of this subsection.

4 (8) School councils at all school levels are encouraged to identify and allocate resources
5 to qualified teachers to become coaches or mentors in mathematics or coaches or
6 mentors in reading with a focus on improving student achievement in their
7 respective schools.

8 (9) Local school boards and superintendents shall provide local resources, whenever
9 possible, to supplement or match state and federal resources to support teachers,
10 school administrators, and school councils in helping students achieve proficiency
11 in reading and mathematics.

12 (10) Local school superintendents shall provide leadership and resources to the
13 principals of all schools to facilitate curriculum alignment, communications, and
14 technical support among schools to ensure that students are academically prepared
15 to move to the next level of schooling.

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

17 (1) For the purpose of this section:

18 (a) "Minority" means American Indian; Alaskan native; African-American;
19 Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or
20 South American origin; Pacific islander; or other ethnic group
21 underrepresented in the school;

22 (b) "School" means an elementary or secondary educational institution that is
23 under the administrative control of a principal and is not a program or part of
24 another school. The term "school" does not include district-operated schools
25 that are:

26 1. Exclusively vocational-technical, special education, or preschool
27 programs;

- 1 2. Instructional programs operated in institutions or schools outside of the
2 district; or
- 3 3. Alternative schools designed to provide services to at-risk populations
4 with unique needs;
- 5 (c) "Teacher" means any person for whom certification is required as a basis of
6 employment in the public schools of the state, with the exception of principals
7 and assistant principals; and
- 8 (d) "Parent" means:
- 9 1. A parent, stepparent, or foster parent of a student; or
- 10 2. A person who has legal custody of a student pursuant to a court order
11 and with whom the student resides.
- 12 (2) Each local board of education shall adopt a policy for implementing school-based
13 decision making in the district which shall include, but not be limited to, a
14 description of how the district's policies, including those developed pursuant to
15 KRS 160.340, have been amended to allow the professional staff members of a
16 school to be involved in the decision making process as they work to meet
17 educational goals established in KRS 158.645 and 158.6451. The policy may
18 include a requirement that each school council make an annual report at a public
19 meeting of the board describing the school's progress in meeting the educational
20 goals set forth in KRS 158.6451 and district goals established by the board. The
21 policy shall also address and comply with the following:
- 22 (a) Except as provided in paragraph (b)2. of this subsection, each participating
23 school shall form a school council composed of two (2) parents, three (3)
24 teachers, and the principal or administrator. The membership of the council
25 may be increased, but it may only be increased proportionately. A parent
26 representative on the council shall not be an employee or a relative of an
27 employee of the school in which that parent serves, nor shall the parent

1 representative be an employee or a relative of an employee in the district
2 administrative offices. A parent representative shall not be a local board
3 member or a board member's spouse. None of the members shall have a
4 conflict of interest pursuant to KRS Chapter 45A, except the salary paid to
5 district employees;

6 (b) 1. The teacher representatives shall be elected for one (1) year terms by a
7 majority of the teachers. A teacher elected to a school council shall not
8 be involuntarily transferred during his or her term of office. The parent
9 representatives shall be elected for one (1) year terms. The parent
10 members shall be elected by the parents of students preregistered to
11 attend the school during the term of office in an election conducted by
12 the parent and teacher organization of the school or, if none exists, the
13 largest organization of parents formed for this purpose. A school
14 council, once elected, may adopt a policy setting different terms of
15 office for parent and teacher members subsequently elected. The
16 principal shall be the chair of the school council.

17 2. School councils in schools having eight percent (8%) or more minority
18 students enrolled, as determined by the enrollment on the preceding
19 October 1, shall have at least one (1) minority member. If the council
20 formed under paragraph (a) of this subsection does not have a minority
21 member, the principal, in a timely manner, shall be responsible for
22 carrying out the following:

23 a. Organizing a special election to elect an additional member. The
24 principal shall call for nominations and shall notify the parents of
25 the students of the date, time, and location of the election to elect a
26 minority parent to the council by ballot; and

27 b. Allowing the teachers in the building to select one (1) minority

1 teacher to serve as a teacher member on the council. If there are no
2 minority teachers who are members of the faculty, an additional
3 teacher member shall be elected by a majority of all teachers. Term
4 limitations shall not apply for a minority teacher member who is
5 the only minority on faculty;

6 (c) 1. The school council shall have the responsibility to set school policy
7 consistent with district board policy which shall provide an environment
8 to enhance the students' achievement and help the school meet the goals
9 established by KRS 158.645 and 158.6451. The principal shall be the
10 primary administrator and the instructional leader of the school, and
11 with the assistance of the total school staff shall administer the policies
12 established by the school council and the local board.

13 2. If a school council establishes committees, it shall adopt a policy to
14 facilitate the participation of interested persons, including, but not
15 limited to, classified employees and parents. The policy shall include the
16 number of committees, their jurisdiction, composition, and the process
17 for membership selection;

18 (d) The school council and each of its committees shall determine the frequency
19 of and agenda for their meetings. Matters relating to formation of school
20 councils that are not provided for by this section shall be addressed by local
21 board policy;

22 (e) The meetings of the school council shall be open to the public and all
23 interested persons may attend. However, the exceptions to open meetings
24 provided in KRS 61.810 shall apply;

25 (f) After receiving notification of the funds available for the school from the local
26 board, the school council shall determine, within the parameters of the total
27 available funds, the number of persons to be employed in each job

1 classification at the school. The council may make personnel decisions on
2 vacancies occurring after the school council is formed but shall not have the
3 authority to recommend transfers or dismissals;

4 (g) The school council shall determine which textbooks, instructional materials,
5 and student support services shall be provided in the school. Subject to
6 available resources, the local board shall allocate an appropriation to each
7 school that is adequate to meet the school's needs related to instructional
8 materials and school-based student support services, as determined by the
9 school council. The school council shall consult with the school media
10 librarian on the maintenance of the school library media center, including the
11 purchase of instructional materials, information technology, and equipment;

12 (h) Personnel decisions at the school level shall be as follows:

13 1. From a list of qualified applicants submitted by the local superintendent,
14 the principal at the participating school shall select personnel to fill
15 vacancies, after consultation with the school council, consistent with
16 paragraph (i)11. of this subsection. The superintendent shall provide
17 additional applicants to the principal upon request when qualified
18 applicants are available. The superintendent may forward to the school
19 council the names of qualified applicants who have pending certification
20 from the Education Professional Standards Board based on recent
21 completion of preparation requirements, out-of-state preparation, or
22 alternative routes to certification pursuant to KRS 161.028 and 161.048.
23 Requests for transfer shall conform to any employer-employee bargained
24 contract which is in effect;

25 2. a. i. If the vacancy to be filled is the position of principal, the
26 outgoing principal shall not serve on the council during the
27 principal selection process. The superintendent or the

- 1 superintendent's designee shall serve as the chair of the
2 council for the purpose of the hiring process and shall have
3 voting rights during the selection process.
- 4 ii. Except as provided in subdivision b. of this subparagraph,
5 the council shall have access to the applications of all
6 persons certified for the position. The principal shall be
7 elected on a majority vote of the membership of the council.
8 No principal who has been previously removed from a
9 position in the district for cause may be considered for
10 appointment as principal. The school council shall receive
11 training in recruitment and interviewing techniques prior to
12 carrying out the process of selecting a principal. The council
13 shall select the trainer to deliver the training;
- 14 b. ~~[If a school council is in a county school district in a county with a~~
15 ~~consolidated local government adopted under KRS Chapter 67C,~~
16 ~~then]~~An alternative principal selection process may be used **by the**
17 **school council** as follows:
- 18 i. Prior to a meeting called to select a principal, all school
19 council members shall receive informational materials
20 regarding Kentucky open records and open meetings laws
21 and sign a nondisclosure agreement forbidding the sharing of
22 information shared and discussions held in the closed
23 session;
- 24 ii. The superintendent shall convene the school council and
25 move into closed session as provided in KRS 61.810(1)(f) to
26 confidentially recommend a candidate;
- 27 iii. The council shall have the option to interview the

- 1 recommended candidate while in closed session; and
- 2 iv. After any discussion, at the conclusion of the closed session,
- 3 the council shall decide, in a public meeting by majority vote
- 4 of the membership of the council, whether to accept or reject
- 5 the recommended principal candidate;
- 6 c. If the recommended candidate is selected, and the recommended
- 7 candidate accepts the offer, the name of the candidate shall be
- 8 made public during the next meeting in open session;
- 9 d. i. If the recommended candidate is not accepted by the school
- 10 council under subdivision b. of this subparagraph, then the
- 11 process set forth in subdivision a. of this subparagraph shall
- 12 apply.
- 13 ii. The confidentially recommended candidate's name and the
- 14 discussions of the closed session shall remain confidential
- 15 under KRS 61.810(1)(f), and any documents used or
- 16 generated during the closed meeting shall not be subject to an
- 17 open records request as provided in KRS 61.878(1)(i) and (j).
- 18 iii. A recommended candidate who believes a violation of this
- 19 subdivision has occurred may file a written complaint with
- 20 the Kentucky Board of Education.
- 21 iv. A school council member who is found to have disclosed
- 22 confidential information regarding the proceeding of the
- 23 closed session shall be subject to removal from the school
- 24 council by the Kentucky Board of Education under
- 25 subsection (9)(e) of this section;
- 26 3. Personnel decisions made at the school level under the authority of
- 27 subparagraphs 1. and 2. ~~[, 2., and 4.]~~ of this paragraph shall be binding

1 on the superintendent who completes the hiring process;

2 4. ~~If the vacancy for the position of principal occurs in a school that has an~~
 3 ~~index score that places it in the lowest one third (1/3) of all schools~~
 4 ~~below the assistance line and the school has completed a scholastic audit~~
 5 ~~under KRS 158.6455 that includes findings of lack of effectiveness of~~
 6 ~~the principal and school council, the superintendent shall appoint the~~
 7 ~~principal after consulting with the school council;~~

8 5. ~~—~~ Applicants subsequently employed shall provide evidence that they are
 9 certified prior to assuming the duties of a position in accordance with
 10 KRS 161.020; and

11 ~~5.16.~~ Notwithstanding other provisions of this paragraph, if the applicant is
 12 the spouse of the superintendent and the applicant meets the service
 13 requirements of KRS 160.380(2)(e), the applicant shall only be
 14 employed upon the recommendation of the principal and the approval of
 15 a majority vote of the school council;

16 (i) The school council shall adopt a policy to be implemented by the principal in
 17 the following additional areas:

- 18 1. Determination of curriculum, including needs assessment, curriculum
 19 development and responsibilities under **subsections (18) and (19) of**
 20 **Section 4 of this Act**~~[KRS 158.6453(7)]~~;
- 21 2. Assignment of all instructional and noninstructional staff time;
- 22 3. Assignment of students to classes and programs within the school;
- 23 4. Determination of the schedule of the school day and week, subject to the
 24 beginning and ending times of the school day and school calendar year
 25 as established by the local board;
- 26 5. Determination of use of school space during the school day **related to**
 27 **improving classroom teaching and learning**;

- 1 6. Planning and resolution of issues regarding instructional practices;
- 2 7. Selection and implementation of discipline and classroom management
- 3 techniques as a part of a comprehensive school safety plan, including
- 4 responsibilities of the student, parent, teacher, counselor, and principal;
- 5 8. Selection of extracurricular programs and determination of policies
- 6 relating to student participation based on academic qualifications and
- 7 attendance requirements, program evaluation, and supervision;
- 8 9. Adoption of an emergency plan as required in KRS 158.162;
- 9 10. Procedures, consistent with local school board policy, for determining
- 10 alignment with state standards, technology utilization, and program
- 11 appraisal; and
- 12 11. Procedures to assist the council with consultation in the selection of
- 13 personnel by the principal, including but not limited to meetings,
- 14 timelines, interviews, review of written applications, and review of
- 15 references. Procedures shall address situations in which members of the
- 16 council are not available for consultation; and
- 17 (j) Each school council shall annually review data as shown on state and local
- 18 student assessments~~[and program assessments]~~ required under KRS
- 19 158.6453. The data shall include but not be limited to information on
- 20 performance levels of all students tested, and information on the performance
- 21 of students disaggregated by race, gender, disability, and participation in the
- 22 federal free and reduced price lunch program. After completing the review of
- 23 data, each school council, with the involvement of parents, faculty, and staff,
- 24 shall develop and adopt a plan to ensure that each student makes progress
- 25 toward meeting the goals set forth in KRS 158.645 and 158.6451(1)(b) by
- 26 April 1 of each year and submit the plan to the superintendent and local board
- 27 of education for review as described in KRS 160.340. The Kentucky

1 Department of Education shall provide each school council the data needed to
2 complete the review required by this paragraph no later than November 1 of
3 each year. If a school does not have a council, the review shall be completed
4 by the principal with the involvement of parents, faculty, and staff.

- 5 (3) The policies adopted by the local board to implement school-based decision making
6 shall also address the following:
- 7 (a) School budget and administration, including: discretionary funds; activity and
8 other school funds; funds for maintenance, supplies, and equipment; and
9 procedures for authorizing reimbursement for training and other expenses;
 - 10 (b) Assessment of individual student progress, including testing and reporting of
11 student progress to students, parents, the school district, the community, and
12 the state;
 - 13 (c) School improvement plans, including the form and function of strategic
14 planning and its relationship to district planning, as well as the school safety
15 plan and requests for funding from the Center for School Safety under KRS
16 158.446;
 - 17 (d) Professional development plans developed pursuant to KRS 156.095;
 - 18 (e) Parent, citizen, and community participation including the relationship of the
19 council with other groups;
 - 20 (f) Cooperation and collaboration within the district, with other districts, and with
21 other public and private agencies;
 - 22 (g) Requirements for waiver of district policies;
 - 23 (h) Requirements for record keeping by the school council; and
 - 24 (i) A process for appealing a decision made by a school council.
- 25 (4) In addition to the authority granted to the school council in this section, the local
26 board may grant to the school council any other authority permitted by law. The
27 board shall make available liability insurance coverage for the protection of all

1 members of the school council from liability arising in the course of pursuing their
2 duties as members of the council.

3 (5) All schools shall implement school-based decision making in accordance with this
4 section and with the policy adopted by the local board pursuant to this section.
5 Upon favorable vote of a majority of the faculty at the school and a majority of at
6 least twenty-five (25) voting parents of students enrolled in the school, a school
7 meeting its goal as determined by the Department of Education pursuant to KRS
8 158.6455 may apply to the Kentucky Board of Education for exemption from the
9 requirement to implement school-based decision making, and the state board shall
10 grant the exemption. The voting by the parents on the matter of exemption from
11 implementing school-based decision making shall be in an election conducted by
12 the parent and teacher organization of the school or, if none exists, the largest
13 organization of parents formed for this purpose. Notwithstanding the provisions of
14 this section, a local school district shall not be required to implement school-based
15 decision making if the local school district contains only one (1) school.

16 (6) The Department of Education shall provide professional development activities to
17 assist schools in implementing school-based decision making. School council
18 members elected for the first time shall complete a minimum of six (6) clock hours
19 of training in the process of school-based decision making, no later than thirty (30)
20 days after the beginning of the service year for which they are elected to serve.
21 School council members who have served on a school council at least one (1) year
22 shall complete a minimum of three (3) clock hours of training in the process of
23 school-based decision making no later than one hundred twenty (120) days after the
24 beginning of the service year for which they are elected to serve. Experienced
25 members may participate in the training for new members to fulfill their training
26 requirement. School council training required under this subsection shall be
27 conducted by trainers endorsed by the Department of Education. By November 1 of

1 each year, the principal through the local superintendent shall forward to the
2 Department of Education the names and addresses of each council member and
3 verify that the required training has been completed. School council members
4 elected to fill a vacancy shall complete the applicable training within thirty (30)
5 days of their election.

6 (7) A school that chooses to have school-based decision making but would like to be
7 exempt from the administrative structure set forth by this section may develop a
8 model for implementing school-based decision making, including but not limited to
9 a description of the membership, organization, duties, and responsibilities of a
10 school council. The school shall submit the model through the local board of
11 education to the commissioner of education and the Kentucky Board of Education,
12 which shall have final authority for approval. The application for approval of the
13 model shall show evidence that it has been developed by representatives of the
14 parents, students, certified personnel, and the administrators of the school and that
15 two-thirds (2/3) of the faculty have agreed to the model.

16 (8) The Kentucky Board of Education, upon recommendation of the commissioner of
17 education, shall adopt by administrative regulation a formula by which school
18 district funds shall be allocated to each school council. Included in the school
19 council formula shall be an allocation for professional development that is at least
20 sixty-five percent (65%) of the district's per pupil state allocation for professional
21 development for each student in average daily attendance in the school. The school
22 council shall plan professional development in compliance with requirements
23 specified in KRS 156.095, except as provided in KRS 158.649. School councils of
24 small schools shall be encouraged to work with other school councils to maximize
25 professional development opportunities.

26 (9) (a) No board member, superintendent of schools, district employee, or member of
27 a school council shall intentionally engage in a pattern of practice which is

1 detrimental to the successful implementation of or circumvents the intent of
2 school-based decision making to allow the professional staff members of a
3 school and parents to be involved in the decision making process in working
4 toward meeting the educational goals established in KRS 158.645 and
5 158.6451 or to make decisions in areas of policy assigned to a school council
6 pursuant to paragraph (i) of subsection (2) of this section.

7 (b) An affected party who believes a violation of this subsection has occurred may
8 file a written complaint with the Office of Education Accountability. The
9 office shall investigate the complaint and resolve the conflict, if possible, or
10 forward the matter to the Kentucky Board of Education.

11 (c) The Kentucky Board of Education shall conduct a hearing in accordance with
12 KRS Chapter 13B for complaints referred by the Office of Education
13 Accountability.

14 (d) If the state board determines a violation has occurred, the party shall be
15 subject to reprimand. A second violation of this subsection may be grounds
16 for removing a superintendent, a member of a school council, or school board
17 member from office or grounds for dismissal of an employee for misconduct
18 in office or willful neglect of duty.

19 (e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the
20 state board determines a violation of the confidentiality requirements set forth
21 in subsection (2)(h)2. of this section by a school council member has
22 occurred, the state board shall remove the member from the school council,
23 and the member shall be permanently prohibited from serving on any school
24 council in the district.

25 (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or
26 maintain a school-based decision making council and the powers, duties, and
27 authority granted to a school council may be rescinded or the school council's role

1 may be advisory if the commissioner of education or the Kentucky Board of
2 Education takes action under KRS 160.346.

3 (11) Each school council of a school containing grades K-5 or any combination thereof,
4 or if there is no school council, the principal, shall develop and implement a
5 wellness policy that includes moderate to vigorous physical activity each day and
6 encourages healthy choices among students. The policy may permit physical activity
7 to be considered part of the instructional day, not to exceed thirty (30) minutes per
8 day, or one hundred and fifty (150) minutes per week. Each school council, or if
9 there is no school council, the principal, shall adopt an assessment tool to determine
10 each child's level of physical activity on an annual basis. The council or principal
11 may utilize an existing assessment program. The Kentucky Department of
12 Education shall make available a list of available resources to carry out the
13 provisions of this subsection. The department shall report to the Legislative
14 Research Commission no later than November 1 of each year on how the schools
15 are providing physical activity under this subsection and on the types of physical
16 activity being provided. The policy developed by the school council or principal
17 shall comply with provisions required by federal law, state law, or local board
18 policy.

19 (12) Discretionary authority exercised under subsection (2)(h)2.b. of this section~~[by a~~
20 ~~school council of a county school district in a county with a consolidated local~~
21 ~~government adopted under KRS Chapter 67C]~~ shall not violate provisions of any
22 employer-employee bargained contract existing between the district and its
23 employees.

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

25 (1) For purposes of this section:

26 (a) **"Department" means the Kentucky Department of Education;**

27 (b) **"ESSA" means the Every Student Succeeds Act of 2015, Pub. L. No. 114-**

1 95, or its successor;

2 (c) "Level" means elementary, middle, or high school;

3 (d) "Turnaround" means a comprehensive transformation of a school to
 4 achieve accelerated, meaningful, and sustainable increases in student
 5 achievement through improved school leadership and school district
 6 support;

7 (e) "Turnaround plan" means a mandatory school plan that is designed to
 8 improve student learning and performance with evidence-based
 9 interventions as defined in ESSA and that is developed and implemented by
 10 the local school district in partnership with stakeholders, including the
 11 principal, other school leaders, teachers, and parents; and

12 (f) "Turnaround team" means the turnaround training and support team
 13 selected by the local board of education as described in subsection (7)(a) of
 14 this section. ["Persistently low-achieving school" means:

15 ~~1. For school years 2009-2010 and 2010-2011, based on averaging the~~
 16 ~~percentage of proficient or higher in reading and mathematics on the state~~
 17 ~~assessments under KRS 158.6455:~~

18 ~~a. A Title I school in the group of Title I schools that contains a minimum of the~~
 19 ~~lowest five (5) or the lowest five percent (5%), whichever is greater, of the~~
 20 ~~Title I schools identified collectively in any school improvement category~~
 21 ~~under the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et~~
 22 ~~seq., or its successor, that have failed to make adequate yearly progress for~~
 23 ~~three (3) consecutive years; or~~

24 ~~b. A non-Title I school in the group of non-Title I schools that contains a~~
 25 ~~minimum of the lowest five (5) or the lowest five percent (5%), whichever is~~
 26 ~~greater, of the non-Title I schools that contain grades seven (7) through twelve~~
 27 ~~(12), or any combination thereof, and has at least thirty-five percent (35%) or~~

1 greater poverty as identified in the federal No Child Left Behind Act of 2001,
 2 20 U.S.C. secs. 6301 et seq., or its successor, that have failed to make
 3 adequately yearly progress for three (3) consecutive years;

4 ~~2. A high school whose graduation rate, based on the state's approved graduation~~
 5 ~~rate calculation, has been sixty percent (60%) for three (3) or more~~
 6 ~~consecutive years; or~~

7 ~~3. Beginning with the state assessment results for the school year 2011-2012, a~~
 8 ~~school that is in the lowest five percent (5%) of all schools that fail to meet~~
 9 ~~the achievement targets of the state accountability system under KRS~~
 10 ~~158.6455 for at least three (3) or more consecutive years. For school years~~
 11 ~~2011-2012 and 2012-2013, the three (3) consecutive years shall be evaluated~~
 12 ~~based on the status of the school under this subparagraph and subparagraph 1.~~
 13 ~~of this paragraph; and~~

14 ~~(b) "School intervention" means a process to turn around a persistently low-~~
 15 ~~achieving school that is chosen by a school council, a superintendent and a~~
 16 ~~local board of education, or the commissioner of education, or the~~
 17 ~~commissioner's designee with approval of the Kentucky Board of Education.]~~

18 (2) (a) **Beginning with the 2018-2019 school year, or upon implementation of the**
 19 **provisions of ESSA by the department, whichever occurs first, the**
 20 **department shall identify a school for targeted support and improvement if**
 21 **the school has at least one (1) subgroup, as defined by ESSA, whose**
 22 **performance in the state accountability system by level is at or below the**
 23 **summative performance of all students in a content area in any of the**
 24 **lowest-performing five percent (5%) of all schools.**

25 **(b) Beginning with the 2019-2020 school year, or upon the second year of the**
 26 **implementation of the provisions of ESSA by the department, whichever**
 27 **occurs first, the department shall identify a school for targeted support and**

1 improvement if the school has at least one (1) subgroup, as defined by
2 ESSA, whose performance in the state accountability system by level is
3 more than one (1) standard deviation below the overall state performance of
4 the same subgroup for two (2) consecutive years.

5 (3) Beginning with the 2018-2019 school year, or upon the department's
6 implementation of the provisions of ESSA, whichever occurs first, a school shall
7 be identified by the department for comprehensive support and improvement if
8 the school is:

9 (a) In the lowest-performing five percent (5%) of all schools in its level based
10 on the school's performance in the state accountability system;

11 (b) A high school with a four (4) year cohort graduation rate that is less than
12 eighty percent (80%); or

13 (c) Identified by the department for targeted support and improvement and fails
14 to exit targeted support and improvement status based on three (3) years of
15 data.

16 (4) (a) When a school is identified for targeted support and improvement, the local
17 school personnel, working with stakeholders, including the principal, other
18 school leaders, teachers, and parents, shall revise its school improvement
19 plan, which shall be subject to review and approval by the local board of
20 education.

21 (b) Each revised plan shall be informed by all available indicators, including
22 student performance compared to long-term goals, and shall include:

23 1. Components of turnaround leadership development and support;

24 2. Identification of critical resource inequities;

25 3. Evidence-based interventions; and

26 4. Additional actions that address the causes of consistently
27 underperforming subgroups of students.

1 (c) If adequate performance progress, as defined by the department, is not
2 made:

3 1. By a school identified under subsection (2)(b) of this section within
4 two (2) years, the local school district shall take additional action to
5 assist and support the school in reaching performance goals; and

6 2. By a school identified under subsection (2)(a) of this section within
7 three (3) years, the school shall be identified for comprehensive
8 support and improvement.

9 (5) (a) When a school is identified for comprehensive support and improvement,
10 an audit shall be performed. The local board of education shall select a
11 turnaround audit team with documented expertise in diagnosing the causes
12 of an organization's low performance and providing advice and strategies
13 resulting in effective turnaround leadership. The audit team shall not
14 include any of the district's employees.

15 (b) If the local board determines no suitable audit teams are available, the
16 board shall select the department to perform the audit.

17 (c) The Kentucky Board of Education shall recommend criteria to the local
18 board of education for a review process that a turnaround audit team may
19 utilize to assess the turnaround leadership capacity of the principal,
20 superintendent, and district.

21 (d) The audit conducted under this subsection shall be the only comprehensive
22 audit required for a school unless the school fails to exit comprehensive
23 support and improvement status as described in subsection (10) of this
24 section or exits comprehensive support and improvement status but
25 subsequently repeats as a school identified for comprehensive support and
26 improvement. ~~[A school with a school council identified as needing~~

27 ~~improvement under KRS 158.6455 shall include in its school improvement~~

1 plan actions to strengthen the school council and the school-based decision-
2 making process at the school.

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

7 ~~(6)~~~~(3)~~ (a) An audit team established under subsection (5) of this section to audit a
8 school identified for comprehensive support and improvement~~[KRS~~
9 ~~158.6455(4) and (5), auditing a persistently low-achieving school,]~~ shall
10 include in the review and report:

- 11 1. A diagnosis of the causes of the school's low performance, with an
12 emphasis on underperforming subgroups of students and
13 corresponding critical resource inequities~~[The functioning of the~~
14 ~~school and the school council];~~
- 15 2. An assessment and recommendation to the superintendent regarding
16 the principal's capacity to function or develop as a turnaround
17 specialist, including if the principal should be reassigned to a
18 comparable position in the school district~~[A determination of the~~
19 ~~school council and principal's ability to lead the intervention in the~~
20 ~~persistently low-achieving school];~~
- 21 3. An assessment of the interaction and relationship among~~[between]~~ the
22 superintendent, central office personnel, and the school
23 principal~~;~~~~[council; and]~~
- 24 4. A recommendation of the steps the school may implement to launch
25 and sustain a turnaround process; and
- 26 5. A recommendation to the local board of education of the turnaround
27 principles and strategies necessary for the superintendent to assist the

1 *school with turnaround*~~[A recommendation to the commissioner of~~
 2 education concerning whether the school council should retain the
 3 authority granted to it under KRS 160.345, whether the council should
 4 be replaced, and whether the current principal should remain as principal
 5 in the school. If the recommendation is to transfer the authority of the
 6 school council, the team shall also recommend whether:

7 a. ~~—The authority should be transferred to the superintendent or to the~~
 8 commissioner of education, who shall designate staff to manage
 9 the school;

10 b. ~~—The school council should continue to act in an advisory capacity~~
 11 until all authority has been restored under subsection (8) of this
 12 section; and

13 c. ~~—The members of the school council shall be replaced by the~~
 14 commissioner of education].

15 (b) *The report of an audit conducted under this subsection shall be provided to*
 16 *the superintendent, local board of education, school principal,*
 17 *commissioner of education, and the Kentucky Board of Education*~~[An audit~~
 18 team established under KRS 158.6455(4) and (5), auditing a district of a
 19 school subject to paragraph (a) of this subsection, shall include in its review
 20 and report:

21 1. ~~—The overall functioning of the school district;~~

22 2. ~~—The interaction and relationship between the superintendent, central~~
 23 office personnel, school board members, and the council; and

24 3. ~~—A determination of the district's ability to manage the intervention in the~~
 25 persistently low-achieving school.

26 (4) ~~—Within thirty (30) days of receiving the reports of the school and district audits, the~~
 27 commissioner shall act on the recommendations in the reports and other relevant

1 data that the commissioner considers to have bearing on his or her determination of
2 actions to be taken.

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

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

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

1 ~~The superintendent shall report to the commissioner every six (6) months on the~~
 2 ~~implementation and results of the approved plan.~~

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

6 ~~(7)~~~~(9)~~ After completion of the audit described in subsection (6) of this section,
 7 each school identified for comprehensive support and improvement~~[Each~~
 8 ~~persistently low achieving school]~~ shall engage in~~[one (1) of]~~ the following
 9 turnaround intervention process~~[options]:~~

10 (a) The local board of education shall:

11 1. Issue a request for proposals for a private entity with documented
 12 success at turnaround diagnosis, training, and improved performance
 13 of organizations to provide a turnaround training and support team to
 14 the school identified for comprehensive support and improvement.

15 The local board of education shall select the turnaround entity and
 16 negotiate the scope and duration of the entity's services;

17 2. Utilize local staff and community partners to serve as the turnaround
 18 team for the school identified for comprehensive support and
 19 improvement; or

20 3. Select the Kentucky Department of Education to serve as the
 21 turnaround team, if the local board determines the options provided in
 22 subparagraphs 1. and 2. of this paragraph are not viable alternatives;

23 (b) The authority of the school council granted under Section 12 of this Act
 24 shall be transferred to the superintendent;

25 (c) The superintendent may either retain the principal or reassign him or her to
 26 a comparable position in the district;

27 (d) The superintendent shall select a principal for the school if a principal

- 1 vacancy or reassignment occurs. The superintendent shall consult with the
2 turnaround team, parents, certified staff, and classified staff before
3 appointing a principal replacement;
- 4 (e) Upon recommendation of the principal, the superintendent may reassign
5 certified staff members to a comparable position in the school district;
- 6 (f) The superintendent shall collaborate with the turnaround team to design
7 ongoing turnaround training and support for the principal and a
8 corresponding monitoring system of effectiveness and student achievement
9 results;
- 10 (g) The principal shall collaborate with the turnaround team to establish an
11 advisory leadership team representing school stakeholders including other
12 school leaders, teachers, and parents;
- 13 (h) 1. The local school board shall collaborate with the superintendent,
14 principal, turnaround team, and the advisory leadership team to
15 propose a three (3) year turnaround plan.
- 16 2. The turnaround plan shall include requests to the department for
17 exemptions from submitting documentation that are identified by the
18 principal, advisory leadership team, and turnaround team as
19 inhibitors to investing time in innovative instruction and accelerated
20 student achievement of diverse learners including ongoing staff
21 instructional plans, student interventions, formative assessment
22 results, or staff effectiveness processes.
- 23 3. The turnaround plan shall be reviewed for approval by the
24 superintendent and the local board of education and shall be subject
25 to review, approval, monitoring, and periodic review by the department
26 as described in Section 9 of this Act;
- 27 (i) The school district may request technical assistance from the department

- 1 for development and implementation of the turnaround plan, which may
2 include conducting needs assessments, selecting evidence-based
3 interventions, and reviewing and addressing resource inequities;
- 4 (j) The turnaround plan shall be fully implemented by the first full day of the
5 school year following the school year the school was identified for
6 comprehensive support and improvement; and
- 7 (k) The superintendent shall periodically report to the local school board, and
8 at least annually to the commissioner of education, on the implementation
9 and results of the turnaround plan.
- 10 (8) To assist with funding the audit and turnaround intervention process described in
11 subsections (5) and (7) of this section and not provided by the department, the
12 department shall annually reimburse the school district, for a maximum of three
13 (3) years, an amount not to exceed the amount budgeted by the department to
14 serve as the turnaround team to a school under subsection (7)(a)3. of this section,
15 including Commonwealth school improvement funds under Section 10 of this Act
16 and assistance personnel.
- 17 (9) The Kentucky Board of Education shall establish statewide exit criteria for
18 schools identified for targeted support and improvement and comprehensive
19 support and improvement.
- 20 (10) If a school does not exit comprehensive support and improvement status after
21 three (3) years, the school shall enter a school intervention process that is chosen
22 by the commissioner of education that provides more rigorous support and action
23 by the department to improve the school's performance.
- 24 (11) For school districts that include a significant number of schools, as determined
25 by the department, identified for targeted support and improvement:
- 26 (a) The department shall periodically review a local board's resource
27 allocations to support school improvement and provide technical assistance

1 to the local school board; and

2 (b) The department may provide a recommended list of turnaround or school

3 intervention providers that have demonstrated success implementing

4 evidence-based strategies.["External management option" which requires that

5 the day-to-day management of the school is transferred to an education

6 management organization that may be a for-profit or nonprofit organization

7 that has been selected by a local board of education from a list of management

8 organizations. The management organization may be approved by the

9 Kentucky Board of Education after a rigorous review process, which shall be

10 developed by the state board by the promulgation of administrative

11 regulations. The management organization's authority shall include the right to

12 make personnel decisions that comply with KRS Chapter 161 and any

13 employee-employer bargained contract that is in effect;

14 (b) "Restaffing option" which requires the replacement of the principal and the

15 existing school-based decision-making council unless the audit reports under

16 subsection (3) of this section recommended otherwise, screening of existing

17 faculty and staff with the retention of no more than fifty percent (50%) of the

18 faculty and staff at the school, development and implementation of a plan of

19 action that uses research-based school improvement initiatives designed to

20 turn around student performance. Personnel actions shall comply with KRS

21 Chapter 161 and notwithstanding KRS 160.380(1)(d) relating to filling vacant

22 positions and KRS 160.345(2)(h)1. relating to transfers;

23 (c) "School closure option" which requires the closure of an existing school and

24 the transfer of its students to other schools within the district that are meeting

25 their accountability measures, reassignment of the school's faculty and staff to

26 available positions within the district, and which may result in nonrenewal of

27 contracts, dismissal, demotion, or a combination of these personnel actions

1 ~~which shall comply with KRS Chapter 161 and notwithstanding KRS~~
2 ~~160.380(1)(d) relating to filling vacant positions and KRS 160.345(2)(h)1.~~
3 ~~relating to transfers;~~

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

12 ~~(e) Any other model recognized by the federal No Child Left Behind Act of 2001,~~
13 ~~20 U.S.C. secs. 6301 et seq., or its successor.~~

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

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

21 ~~(11) The Department of Education shall provide services and support to assist the~~
22 ~~schools identified as persistently low-achieving.]~~

23 (12) If, in the course of a school~~[or district]~~ audit, the audit team identifies information
24 suggesting that a violation of KRS 160.345(9)(a) may have occurred, the
25 commissioner of education shall forward the evidence to the Office of Education
26 Accountability for investigation.

27 **(13) A school's right to establish a council granted under Section 12 of this Act may**

1 *be restored by the local board of education two (2) years after the school exits*
2 *comprehensive support and improvement status.*

3 ➔Section 14. KRS 160.107 is amended to read as follows:

4 (1) A district which is an applicant to be designated as a district of innovation under
5 KRS 156.108 shall:

6 (a) Establish goals and performance targets for the district of innovation proposal,
7 which may include:

8 1. Reducing achievement gaps among groups of public school students by
9 expanding learning experiences for students who are identified as
10 academically low-achieving;

11 2. Increasing pupil learning through the implementation of high, rigorous
12 standards for pupil performance;

13 3. Increasing the participation of students in various curriculum
14 components and instructional components within selected schools to
15 enhance students' preparation at each grade level;

16 4. Increasing the number of students who are postsecondary~~college and~~
17 ~~career~~-ready; and

18 5. Motivating students at different grade levels by offering more
19 curriculum choices and student learning opportunities to parents and
20 students within the district;

21 (b) Identify changes needed in the district and schools to lead to better-prepared
22 students for success in life and work;

23 (c) Have a district-wide plan of innovation that describes and justifies which
24 schools and innovative practices will be incorporated;

25 (d) Provide documentation of community, educator, parental, and the local
26 board's support of the proposed innovations;

27 (e) Provide detailed information regarding the rationale of requests for waivers

1 from Kentucky Revised Statutes and administrative regulations, and
2 exemptions for selected schools regarding waivers of local board of education
3 policies;

4 (f) Document the fiscal and human resources the board will provide throughout
5 the term of the implementation of the innovations within its plan; and

6 (g) Provide other materials as required by the Kentucky Department of Education
7 in compliance with the state board's administrative regulations and application
8 procedures.

9 (2) The district and all schools participating in a district's innovation plan shall:

10 (a) Ensure the same health, safety, civil rights, and disability rights requirements
11 as are applied to all public schools;

12 (b) Ensure students meet compulsory attendance requirements under KRS
13 158.030 and 158.100;

14 (c) Ensure that high school course offerings meet or exceed the minimum
15 required under KRS 156.160 for high school graduation or meet early
16 graduation requirements that may be enacted by the General Assembly;

17 (d) Ensure the student performance standards meet or exceed those adopted by the
18 Kentucky Board of Education as required by KRS 158.685, including
19 compliance with the statewide assessment system specified in KRS 158.6453;

20 (e) Adhere to the same financial audits, audit procedures, and audit requirements
21 as are applied under KRS 156.265;

22 (f) Require state and criminal background checks for staff and volunteers as
23 required of all public school employees and volunteers within the public
24 schools and specified in KRS 160.380 and 161.148;

25 (g) Comply with open records and open meeting requirements under KRS
26 Chapter 61;

27 (h) Comply with purchasing requirements and limitations under KRS Chapter

- 1 45A and KRS 156.074 and 156.480;
- 2 (i) Provide overall instructional time that is equivalent to or greater than that
3 required under KRS 158.070, but which may include on-site instruction,
4 distance or virtual learning, and work-based learning on nontraditional school
5 days or hours; and
- 6 (j) Provide data to the Kentucky Department of Education as deemed necessary
7 to generate school and district reports.
- 8 (3) (a) Only schools that choose to be designated as schools of innovation shall be
9 included in a district's application.
- 10 (b) 1. As used in this paragraph, "eligible employees" means employees that
11 are regularly employed at the school and those employees whose
12 primary job duties will be affected by the plan.
- 13 2. A vote shall be taken among eligible employees in a school to determine
14 if the school shall be an applicant as a school of innovation in a district's
15 proposal and to approve the school's plan of innovation before it is
16 submitted to the district. At least seventy percent (70%) of those casting
17 votes shall vote in the affirmative in order for the school to request
18 inclusion in the district's plan and to approve the school's plan of
19 innovation.
- 20 3. The school-based decision making council shall be responsible for
21 conducting the vote provided for in subparagraph 2. of this paragraph,
22 which shall be by secret ballot.
- 23 (c) Notwithstanding the provisions of paragraph (a) of this subsection, a local
24 board of education may require a school that has been identified ***for***
25 ***comprehensive support and improvement under Section 13 of this Act*** ~~as a~~
26 ~~persistently low-achieving school under KRS 160.346~~ to participate in the
27 district's plan of innovation.

- 1 (4) (a) With approval of the state board, a school of innovation may request and be
2 granted waivers from all or selected provisions of KRS 160.345 relating to
3 school-based decision making.
- 4 (b) To be exempt from KRS 160.345, a school-based decision making council
5 shall vote by secret ballot to determine if it wishes to request a waiver from
6 KRS 160.345 or specific provisions within that statute. Only a school that has
7 seventy percent (70%) or more of the teachers and staff in the school voting to
8 waive its rights and responsibilities under KRS 160.345 shall be eligible.
- 9 (c) No local board of education or superintendent nor the Kentucky Board of
10 Education may compel a school to waive its rights under KRS 160.345, except
11 as provided in KRS 160.346.
- 12 (d) Before the provisions of KRS 160.345 are waived by the Kentucky Board of
13 Education for a specific school, there shall be assurances that teachers,
14 parents, and staff in the affected school will be actively involved in the
15 management and decision-making operations of the schools, including input
16 into employment matters and selection of personnel.
- 17 (5) Notwithstanding any statutes to the contrary, the Kentucky Board of Education may
18 approve the requests of districts of innovation to:
- 19 (a) Use capital outlay funds for operational costs;
- 20 (b) Hire persons for classified positions in nontraditional school and district
21 assignments who have bachelor's and advanced degrees from postsecondary
22 education institutions accredited by a regional accrediting association as
23 defined in KRS 164.740;
- 24 (c) Employ teachers on extended employment contracts or extra duty contracts
25 and compensate them on a salary schedule other than the single salary
26 schedule;
- 27 (d) Extend the school days as is appropriate within the district with compensation

- 1 for the employees as determined locally;
- 2 (e) Establish alternative education programs and services that are delivered in
3 nontraditional hours and which may be jointly provided in cooperation with
4 another school district or consortia of districts;
- 5 (f) Establish a virtual school within the district for delivering alternative classes
6 to meet high school graduation requirements;
- 7 (g) Use a flexible school calendar;
- 8 (h) Convert existing schools into schools of innovation; and
- 9 (i) Modify the formula under KRS 157.360(2) for distributing support education
10 excellence in Kentucky funds for students in average daily attendance in
11 nontraditional programming time, including alternative programs and virtual
12 programs. Funds granted to a district shall not exceed those that would have
13 otherwise been distributed based on average daily attendance during regular
14 instructional days.

15 ➔Section 15. KRS 164.020 is amended to read as follows:

16 The Council on Postsecondary Education in Kentucky shall:

- 17 (1) Develop and implement the strategic agenda with the advice and counsel of the
18 Strategic Committee on Postsecondary Education. The council shall provide for and
19 direct the planning process and subsequent strategic implementation plans based on
20 the strategic agenda as provided in KRS 164.0203;
- 21 (2) Revise the strategic agenda and strategic implementation plan with the advice and
22 counsel of the committee as set forth in KRS 164.004;
- 23 (3) Develop a system of public accountability related to the strategic agenda by
24 evaluating the performance and effectiveness of the state's postsecondary system.
25 The council shall prepare a report in conjunction with the accountability reporting
26 described in KRS 164.095, which shall be submitted to the committee, the
27 Governor, and the General Assembly by December 1 annually. This report shall

- 1 include a description of contributions by postsecondary institutions to the quality of
2 elementary and secondary education in the Commonwealth;
- 3 (4) Review, revise, and approve the missions of the state's universities and the
4 Kentucky Community and Technical College System. The Council on
5 Postsecondary Education shall have the final authority to determine the compliance
6 of postsecondary institutions with their academic, service, and research missions;
- 7 (5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively
8 provide for an integrated system of postsecondary education. The council shall
9 guard against inappropriate and unnecessary conflict and duplication by promoting
10 transferability of credits and easy access of information among institutions;
- 11 (6) Engage in analyses and research to determine the overall needs of postsecondary
12 education and adult education in the Commonwealth;
- 13 (7) Develop plans that may be required by federal legislation. The council shall for all
14 purposes of federal legislation relating to planning be considered the "single state
15 agency" as that term may be used in federal legislation. When federal legislation
16 requires additional representation on any "single state agency," the Council on
17 Postsecondary Education shall establish advisory groups necessary to satisfy federal
18 legislative or regulatory guidelines;
- 19 (8) Determine tuition and approve the minimum qualifications for admission to the
20 state postsecondary educational system. In defining residency, the council shall
21 classify a student as having Kentucky residency if the student met the residency
22 requirements at the beginning of his or her last year in high school and enters a
23 Kentucky postsecondary education institution within two (2) years of high school
24 graduation. In determining the tuition for non-Kentucky residents, the council shall
25 consider the fees required of Kentucky students by institutions in adjoining states,
26 the resident fees charged by other states, the total actual per student cost of training
27 in the institutions for which the fees are being determined, and the ratios of

- 1 Kentucky students to non-Kentucky students comprising the enrollments of the
2 respective institutions, and other factors the council may in its sole discretion deem
3 pertinent;
- 4 (9) Devise, establish, and periodically review and revise policies to be used in making
5 recommendations to the Governor for consideration in developing
6 recommendations to the General Assembly for appropriations to the universities,
7 the Kentucky Community and Technical College System, and to support strategies
8 for persons to maintain necessary levels of literacy throughout their lifetimes
9 including but not limited to appropriations to the Kentucky Adult Education
10 Program. The council has sole discretion, with advice of the Strategic Committee on
11 Postsecondary Education and the executive officers of the postsecondary education
12 system, to devise policies that provide for allocation of funds among the universities
13 and the Kentucky Community and Technical College System;
- 14 (10) Lead and provide staff support for the biennial budget process as provided under
15 KRS Chapter 48, in cooperation with the committee;
- 16 (11) (a) Except as provided in paragraph (b) of this subsection, review and approve all
17 capital construction projects covered by KRS 45.750(1)(f), including real
18 property acquisitions, and regardless of the source of funding for projects or
19 acquisitions. Approval of capital projects and real property acquisitions shall
20 be on a basis consistent with the strategic agenda and the mission of the
21 respective universities and the Kentucky Community and Technical College
22 System.
- 23 (b) The organized groups that are establishing community college satellites as
24 branches of existing community colleges in the counties of Laurel, Leslie, and
25 Muhlenberg, and that have substantially obtained cash, pledges, real property,
26 or other commitments to build the satellite at no cost to the Commonwealth,
27 other than operating costs that shall be paid as part of the operating budget of

- 1 the main community college of which the satellite is a branch, are authorized
2 to begin construction of the satellite on or after January 1, 1998;
- 3 (12) Require reports from the executive officer of each institution it deems necessary for
4 the effectual performance of its duties;
- 5 (13) Ensure that the state postsecondary system does not unnecessarily duplicate services
6 and programs provided by private postsecondary institutions and shall promote
7 maximum cooperation between the state postsecondary system and private
8 postsecondary institutions. Receive and consider an annual report prepared by the
9 Association of Independent Kentucky Colleges and Universities stating the
10 condition of independent institutions, listing opportunities for more collaboration
11 between the state and independent institutions and other information as appropriate;
- 12 (14) Establish course credit, transfer, and degree components as required in KRS
13 164.2951;
- 14 (15) Define and approve the offering of all postsecondary education technical, associate,
15 baccalaureate, graduate, and professional degree, certificate, or diploma programs in
16 the public postsecondary education institutions. The council shall expedite wherever
17 possible the approval of requests from the Kentucky Community and Technical
18 College System board of regents relating to new certificate, diploma, technical, or
19 associate degree programs of a vocational-technical and occupational nature.
20 Without the consent of the General Assembly, the council shall not abolish or limit
21 the total enrollment of the general program offered at any community college to
22 meet the goal of reasonable access throughout the Commonwealth to a two (2) year
23 course of general studies designed for transfer to a baccalaureate program. This
24 does not restrict or limit the authority of the council, as set forth in this section, to
25 eliminate or make changes in individual programs within that general program;
- 26 (16) Eliminate, in its discretion, existing programs or make any changes in existing
27 academic programs at the state's postsecondary educational institutions, taking into

- 1 consideration these criteria:
- 2 (a) Consistency with the institution's mission and the strategic agenda;
- 3 (b) Alignment with the priorities in the strategic implementation plan for
4 achieving the strategic agenda;
- 5 (c) Elimination of unnecessary duplication of programs within and among
6 institutions; and
- 7 (d) Efforts to create cooperative programs with other institutions through
8 traditional means, or by use of distance learning technology and electronic
9 resources, to achieve effective and efficient program delivery;
- 10 (17) Ensure the governing board and faculty of all postsecondary education institutions
11 are committed to providing instruction free of discrimination against students who
12 hold political views and opinions contrary to those of the governing board and
13 faculty;
- 14 (18) Review proposals and make recommendations to the Governor regarding the
15 establishment of new public community colleges, technical institutions, and new
16 four (4) year colleges;
- 17 (19) Postpone the approval of any new program at a state postsecondary educational
18 institution, unless the institution has met its equal educational opportunity goals, as
19 established by the council. In accordance with administrative regulations
20 promulgated by the council, those institutions not meeting the goals shall be able to
21 obtain a temporary waiver, if the institution has made substantial progress toward
22 meeting its equal educational opportunity goals;
- 23 (20) Ensure the coordination, transferability, and connectivity of technology among
24 postsecondary institutions in the Commonwealth including the development and
25 implementation of a technology plan as a component of the strategic agenda;
- 26 (21) Approve the teacher education programs in the public institutions that comply with
27 standards established by the Education Professional Standards Board pursuant to

1 KRS 161.028;

2 (22) Constitute the representative agency of the Commonwealth in all matters of
3 postsecondary education of a general and statewide nature which are not otherwise
4 delegated to one (1) or more institutions of postsecondary learning. The
5 responsibility may be exercised through appropriate contractual relationships with
6 individuals or agencies located within or without the Commonwealth. The authority
7 includes but is not limited to contractual arrangements for programs of research,
8 specialized training, and cultural enrichment;

9 (23) Maintain procedures for the approval of a designated receiver to provide for the
10 maintenance of student records of the public institutions of higher education and the
11 colleges as defined in KRS 164.945, and institutions operating pursuant to KRS
12 165A.310 which offer collegiate level courses for academic credit, which cease to
13 operate. Procedures shall include assurances that, upon proper request, subject to
14 federal and state laws and regulations, copies of student records shall be made
15 available within a reasonable length of time for a minimum fee;

16 (24) Monitor and transmit a report on compliance with KRS 164.351 to the director of
17 the Legislative Research Commission for distribution to the Health and Welfare
18 Committee;

19 (25) (a) Develop in cooperation with each public university and the Kentucky
20 Community and Technical College System a comprehensive orientation and
21 education program for new members of the council and the governing boards
22 and continuing education opportunities for all council and board members.
23 For new members of the council and institutional governing boards, the
24 council shall:

25 1. Ensure that the orientation and education program comprises six (6)
26 hours of instruction time and includes but is not limited to information
27 concerning the roles of the council and governing board members, the

- 1 strategic agenda and the strategic implementation plan, and the
2 respective institution's mission, budget and finances, strategic plans and
3 priorities, institutional policies and procedures, board fiduciary
4 responsibilities, legal considerations including open records and open
5 meetings requirements, and ethical considerations arising from board
6 membership;
- 7 2. Establish delivery methods by which the orientation and education
8 program can be completed in person or electronically by new members
9 within one (1) year of their appointment or election;
- 10 3. Provide an annual report to the Governor and Legislative Research
11 Commission of those new board members who do not complete the
12 required orientation and education program; and
- 13 4. Invite governing board members of private colleges and universities
14 licensed by the Council on Postsecondary Education to participate in the
15 orientation and education program described in this subsection;
- 16 (b) Offer, in cooperation with the public universities and the Kentucky
17 Community and Technical College System, continuing education
18 opportunities for all council and governing board members; and
- 19 (c) Review and approve the orientation programs of each public university and
20 the Kentucky Community and Technical College System for their governing
21 board members to ensure that all programs and information adhere to this
22 subsection;
- 23 (26) Develop a financial reporting procedure to be used by all state postsecondary
24 education institutions to ensure uniformity of financial information available to state
25 agencies and the public;
- 26 (27) Select and appoint a president of the council under KRS 164.013;
- 27 (28) Employ consultants and other persons and employees as may be required for the

- 1 council's operations, functions, and responsibilities;
- 2 (29) Promulgate administrative regulations, in accordance with KRS Chapter 13A,
3 governing its powers, duties, and responsibilities as described in this section;
- 4 (30) Prepare and present by January 31 of each year an annual status report on
5 postsecondary education in the Commonwealth to the Governor, the Strategic
6 Committee on Postsecondary Education, and the Legislative Research Commission;
- 7 (31) Consider the role, function, and capacity of independent institutions of
8 postsecondary education in developing policies to meet the immediate and future
9 needs of the state. When it is found that independent institutions can meet state
10 needs effectively, state resources may be used to contract with or otherwise assist
11 independent institutions in meeting these needs;
- 12 (32) Create advisory groups representing the presidents, faculty, nonteaching staff, and
13 students of the public postsecondary education system and the independent colleges
14 and universities;
- 15 (33) Develop a statewide policy to promote employee and faculty development in all
16 postsecondary institutions and in state and locally operated secondary area
17 technology centers through the waiver of tuition for college credit coursework in the
18 public postsecondary education system. Any regular full-time employee of a
19 postsecondary public institution or a state or locally operated secondary area
20 technology center may, with prior administrative approval of the course offering
21 institution, take a maximum of six (6) credit hours per term at any public
22 postsecondary institution. The institution shall waive the tuition up to a maximum
23 of six (6) credit hours per term;
- 24 (34) Establish a statewide mission for adult education and develop a twenty (20) year
25 strategy, in partnership with the Kentucky Adult Education Program, under the
26 provisions of KRS 164.0203 for raising the knowledge and skills of the state's adult
27 population. The council shall:

- 1 (a) Promote coordination of programs and responsibilities linked to the issue of
2 adult education with the Kentucky Adult Education Program and with other
3 agencies and institutions;
- 4 (b) Facilitate the development of strategies to increase the knowledge and skills
5 of adults in all counties by promoting the efficient and effective coordination
6 of all available education and training resources;
- 7 (c) Lead a statewide public information and marketing campaign to convey the
8 critical nature of Kentucky's adult literacy challenge and to reach adults and
9 employers with practical information about available education and training
10 opportunities;
- 11 (d) Establish standards for adult literacy and monitor progress in achieving the
12 state's adult literacy goals, including existing standards that may have been
13 developed to meet requirements of federal law in conjunction with the
14 Collaborative Center for Literacy Development: Early Childhood through
15 Adulthood; and
- 16 (e) Administer the adult education and literacy initiative fund created under KRS
17 164.041;
- 18 (35) Participate with the Kentucky Department of Education, the Kentucky Board of
19 Education, and postsecondary education institutions to ensure that academic content
20 requirements for successful entry into postsecondary education programs are
21 aligned with high school content standards and that students who master the high
22 school academic content standards shall not need remedial courses. The council
23 shall monitor the results on an ongoing basis;
- 24 (36) Cooperate with the Kentucky Department of Education and the Education
25 Professional Standards Board in providing information sessions to selected
26 postsecondary education content faculty and teacher educators of the high school
27 academic content standards as required under KRS 158.6453(2)(~~U~~);

1 (37) Cooperate with the Office for Education and Workforce Statistics and ensure the
2 participation of the public institutions as required in KRS 151B.133; and

3 (38) Exercise any other powers, duties, and responsibilities necessary to carry out the
4 purposes of this chapter. Nothing in this chapter shall be construed to grant the
5 Council on Postsecondary Education authority to disestablish or eliminate any
6 college of law which became a part of the state system of higher education through
7 merger with a state college.

8 ➔Section 16. KRS 164.7874 is amended to read as follows:

9 As used in KRS 164.7871 to 164.7885:

10 (1) "Academic term" means a semester or other time period specified in an
11 administrative regulation promulgated by the authority;

12 (2) "Academic year" means a period consisting of at least the minimum school term, as
13 defined in KRS 158.070;

14 (3) "ACT score" means the composite score achieved on the American College Test at
15 a national test site on a national test date or the college admissions examination
16 administered statewide under subsection (5)(b)5. of Section 4 of this Act~~KRS~~
17 ~~158.6453(11)(a)3.~~ if the exam is the ACT, or an equivalent score, as determined by
18 the authority, on the SAT administered by the College Board, Inc.;

19 (4) "Authority" means the Kentucky Higher Education Assistance Authority;

20 (5) "Award period" means the fall and spring consecutive academic terms within one
21 (1) academic year;

22 (6) "Council" means the Council on Postsecondary Education created under KRS
23 164.011;

24 (7) "Eligible high school student" means any person who:

25 (a) Is a citizen, national, or permanent resident of the United States and Kentucky
26 resident;

27 (b) Was enrolled after July 1, 1998:

- 1 1. In a Kentucky high school for at least one hundred forty (140) days of
2 the minimum school term unless exempted by the authority's executive
3 director upon documentation of extreme hardship, while meeting the
4 KEES curriculum requirements, and was enrolled in a Kentucky high
5 school at the end of the academic year;
- 6 2. In a Kentucky high school for the fall academic term of the senior year
7 and who:
- 8 a. Was enrolled during the entire academic term;
- 9 b. Completed the high school's graduation requirements during the
10 fall academic term; and
- 11 c. Was not enrolled in a secondary school during any other academic
12 term of that academic year; or
- 13 3. In the Gatton Academy of Mathematics and Science in Kentucky or the
14 Craft Academy for Excellence in Science and Mathematics while
15 meeting the Kentucky educational excellence scholarship curriculum
16 requirements;
- 17 (c) Has a grade point average of 2.5 or above at the end of any academic year
18 beginning after July 1, 1998, or at the end of the fall academic term for a
19 student eligible under paragraph (b) 2. of this subsection; and
- 20 (d) Is not a convicted felon;
- 21 (8) "Eligible postsecondary student" means a citizen, national, or permanent resident of
22 the United States and Kentucky resident, as determined by the participating
23 institution in accordance with criteria established by the council for the purposes of
24 admission and tuition assessment, who:
- 25 (a) Earned a KEES award;
- 26 (b) Has the required postsecondary GPA and credit hours required under KRS
27 164.7881;

- 1 (c) Has remaining semesters of eligibility under KRS 164.7881;
- 2 (d) Is enrolled in a participating institution as a part-time or full-time student; and
- 3 (e) Is not a convicted felon;
- 4 (9) "Full-time student" means a student enrolled in a postsecondary program of study
- 5 that meets the full-time student requirements of the participating institution in
- 6 which the student is enrolled;
- 7 (10) "Grade point average" or "GPA" means the grade point average earned by an
- 8 eligible student and reported by the high school or participating institution in which
- 9 the student was enrolled based on a scale of 4.0 or its equivalent if the high school
- 10 or participating institution that the student attends does not use the 4.0 grade scale;
- 11 (11) "High school" means any Kentucky public high school, the Gatton Academy of
- 12 Mathematics and Science in Kentucky, the Craft Academy for Excellence in
- 13 Science and Mathematics, and any private, parochial, or church school located in
- 14 Kentucky that has been certified by the Kentucky Board of Education as voluntarily
- 15 complying with curriculum, certification, and textbook standards established by the
- 16 Kentucky Board of Education under KRS 156.160;
- 17 (12) "KEES" or "Kentucky educational excellence scholarship" means a scholarship
- 18 provided under KRS 164.7871 to 164.7885;
- 19 (13) "KEES award" means:
- 20 (a) For an eligible high school student, the sum of the KEES base amount for
- 21 each academic year of high school plus any KEES supplemental amount, as
- 22 adjusted pursuant to KRS 164.7881; and
- 23 (b) For a student eligible under KRS 164.7879(3)(e), the KEES supplemental
- 24 amount as adjusted pursuant to KRS 164.7881;
- 25 (14) "KEES award maximum" means the sum of the KEES base amount earned in each
- 26 academic year of high school plus any KEES supplemental amount earned;
- 27 (15) "KEES base amount" or "base amount" means the amount earned by an eligible

- 1 high school student based on the student's GPA pursuant to KRS 164.7879;
- 2 (16) "KEES curriculum" means five (5) courses of study, except for students who meet
3 the criteria of subsection (7)(b)2. of this section, in an academic year as determined
4 in accordance with an administrative regulation promulgated by the authority;
- 5 (17) "KEES supplemental amount" means the amount earned by an eligible student
6 based on the student's ACT score pursuant to KRS 164.7879;
- 7 (18) "KEES trust fund" means the Wallace G. Wilkinson Kentucky educational
8 excellence scholarship trust fund;
- 9 (19) "On track to graduate" means the number of cumulative credit hours earned as
10 compared to the number of hours determined by the postsecondary education
11 institution as necessary to complete a bachelor's degree by the end of eight (8)
12 academic terms or ten (10) academic terms if a student is enrolled in an
13 undergraduate program that requires five (5) years of study;
- 14 (20) "Participating institution" means an "institution" as defined in KRS 164.001 that
15 actively participates in the federal Pell Grant program, executes a contract with the
16 authority on terms the authority deems necessary or appropriate for the
17 administration of its programs, and:
- 18 (a) 1. Is publicly operated;
- 19 2. Is licensed by the Commonwealth of Kentucky and has operated for at
20 least ten (10) years, offers an associate or baccalaureate degree program
21 of study not comprised solely of sectarian instruction, and admits as
22 regular students only high school graduates or recipients of a General
23 Educational Development (GED) diploma or students transferring from
24 another accredited degree granting institution; or
- 25 3. Is designated by the authority as an approved out-of-state institution that
26 offers a degree program in a field of study that is not offered at any
27 institution in the Commonwealth; and

1 (b) Continues to commit financial resources to student financial assistance
2 programs; and

3 (21) "Part-time student" means a student enrolled in a postsecondary program of study
4 who does not meet the full-time student requirements of the participating institution
5 in which the student is enrolled and who is enrolled for at least six (6) credit hours,
6 or the equivalent for an institution that does not use credit hours.

7 ➔Section 17. KRS 158.145 is amended to read as follows:

8 (1) The General Assembly hereby finds that:

- 9 (a) Little progress has been made in reducing the state's student dropout rate;
- 10 (b) The number of school dropouts in Kentucky is unacceptable;
- 11 (c) The factors, such as lack of academic success, poor school attendance, lack of
12 parental support and encouragement, low socioeconomic status, poor health,
13 child abuse, drug and alcohol addictions, alienation from school and
14 community, and other factors that are associated with an increased probability
15 of students dropping out of school, occur long before the end of compulsory
16 school age;
- 17 (d) Students who drop out of school before graduation are less likely to have the
18 basic capacities as defined in KRS 158.645 and the skills as defined in KRS
19 158.6451;
- 20 (e) The number of school dropouts seriously interferes with Kentucky's ability to
21 develop and maintain a well-educated and highly trained workforce;
- 22 (f) The effects of students dropping out of school can be felt throughout all levels
23 of society and generations in increased unemployment and underemployment,
24 reduced personal and family incomes, increased crime, decreased educational,
25 social, emotional, and physical well-being, and in increased needs for
26 government services; and
- 27 (g) The positive reduction in school dropouts can only be achieved by

1 comprehensive intervention and prevention strategies.

2 (2) The General Assembly declares on behalf of the people of the Commonwealth the
3 following goals to be achieved by the year 2006:

4 (a) The statewide annual average school dropout rate will be cut by fifty percent
5 (50%) of what it was in the year 2000. All students who drop out of a school
6 during a school year and all students who have not graduated, fail to enroll in
7 the school for the following school year, and do not transfer to another school,
8 shall be included in the statewide annual average school dropout rate~~[, except~~
9 ~~as provided in KRS 158.6455(1)(b)]~~;

10 (b) No school will have an annual dropout rate that exceeds five percent (5%);
11 and

12 (c) Each county will have thirty percent (30%) fewer adults between the ages of
13 sixteen (16) and twenty-four (24) without a high school diploma or GED than
14 the county had in the year 2000.

15 ➔Section 18. KRS 158.6457 is amended to read as follows:

16 As used in this section and KRS 158.6452, 158.6453, and 158.6455, unless the context
17 requires otherwise:

18 (1) "Accountability index" means the statistic, as provided by KRS 158.6455~~(1)~~~~(2)~~,
19 that combines a school's academic and nonacademic factors;

20 (2) "Core content for assessment" means the content identified for all students to know
21 that is to be included on the state assessment; and

22 (3) "Nonacademic factors" means the statistic that describes school success on:

23 (a) Increasing attendance and decreasing retention rates at the elementary school
24 level;

25 (b) Increasing attendance rates and decreasing retention and dropout rates at the
26 middle school level; and

27 (c) Increasing attendance rates and decreasing retention and dropout rates and

1 improving the transition to adult life at the secondary school level.

2 ➔Section 19. In adopting the amendments to KRS 158.6453 contained in Section
3 4 of this Act, the General Assembly intends, among other actions, to repeal the common
4 core standards.

5 ➔Section 20. Whereas public education is of vital importance to the future of the
6 Commonwealth and its families, and the timely implementation of provisions to support
7 improvement in public education is essential to the success of our students and the
8 Commonwealth, an emergency is declared to exist, and this Act takes effect upon its
9 passage and approval by the Governor or upon its otherwise becoming a law.