

1 AN ACT relating to education.

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

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

4 (1) As used in this section:

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

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

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

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

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

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

26 (g) "Summative assessment" means an assessment given at the end of the school
27 year, semester, or other period of time to evaluate students' performance

1 against content standards within a unit of instruction or a course; and

2 (h) "Writing" means a purposeful act of thinking and expression that uses
3 language to explore ideas and communicate meaning to others. Writing is a
4 complex, multifaceted act of communication.

5 (2) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the
6 Kentucky Department of Education shall implement a process for reviewing
7 Kentucky's academic standards and the alignment of corresponding
8 assessments for possible revision or replacement to ensure alignment with
9 postsecondary readiness standards necessary for global competitiveness and
10 with state career and technical education standards.

11 (b) The revisions to the content standards shall:

- 12 1. Focus on critical knowledge, skills, and capacities needed for success in
13 the global economy;
- 14 2. Result in fewer but more in-depth standards to facilitate mastery
15 learning;
- 16 3. Communicate expectations more clearly and concisely to teachers,
17 parents, students, and citizens;
- 18 4. Be based on evidence-based research;
- 19 5. Consider international benchmarks; and
- 20 6. Ensure that the standards are aligned from elementary to high school to
21 postsecondary education so that students can be successful at each
22 education level.

23 (c) 1. The department shall establish four (4) standards and assessments
24 review and development committees, with each committee composed of
25 a minimum of six (6) Kentucky public school teachers and a minimum
26 of two (2) representatives from Kentucky institutions of higher
27 education, including at least one (1) representative from a public

- 1 institution of higher education. Each committee member shall teach in
2 the subject area that his or her committee is assigned to review and have
3 no prior or current affiliation with a curriculum or assessment resources
4 vendor.
- 5 2. One (1) of the four (4) committees shall be assigned to focus on the
6 review of language arts and writing academic standards and
7 assessments, one (1) on the review of mathematics academic standards
8 and assessments, one (1) on the review of science academic standards
9 and assessments, and one (1) on the review of social studies academic
10 standards and assessments.
- 11 (d) 1. The department shall establish twelve (12) advisory panels to advise and
12 assist each of the four (4) standards and assessments review and
13 development committees.
- 14 2. Three (3) advisory panels shall be assigned to each standards and
15 assessments review and development committee. One (1) panel shall
16 review the standards and assessments for kindergarten through grade
17 five (5), one (1) shall review the standards and assessments for grades
18 six (6) through eight (8), and one (1) shall review the standards and
19 assessments for grades nine (9) through twelve (12).
- 20 3. Each advisory panel shall be composed of at least one (1) representative
21 from a Kentucky institution of higher education and a minimum of six
22 (6) Kentucky public school teachers who teach in the grade level and
23 subject reviewed by the advisory panel to which they are assigned and
24 have no prior or current affiliation with a curriculum or assessment
25 resources vendor.
- 26 (e) The commissioner of education and the president of the Council on
27 Postsecondary Education shall also provide consultants for the standards and

1 assessments review and development committees and the advisory panels who
2 are business and industry professionals actively engaged in career fields that
3 depend on the various content areas.

4 (f) 1. The standards and assessments process review committee is hereby
5 established and shall be composed of ten (10) members, including:

6 a. Three (3) members appointed by the Governor;

7 b. Three (3) members of the Senate appointed by the President of the
8 Senate;

9 c. Three (3) members of the House of Representatives appointed by
10 the Speaker of the House of Representatives; and

11 d. The commissioner of education.

12 2. The review of the committee shall be limited to the procedural aspects
13 of the review process undertaken prior to its consideration.

14 (g) 1. The review process implemented under this subsection shall be an open,
15 transparent process that allows all Kentuckians an opportunity to
16 participate. The department shall ensure the public's assistance in
17 reviewing and suggesting changes to the standards and alignment
18 adjustments to corresponding state assessments by establishing a Web
19 site dedicated to collecting comments by the public and educators. An
20 independent third party, which has no prior or current affiliation with a
21 curriculum or assessment resources vendor, shall be selected by the
22 department to collect and transmit the comments to the department for
23 dissemination to the appropriate advisory panel for review and
24 consideration.

25 2. Each advisory panel shall review the standards and assessments for its
26 assigned subject matter and grade level and the suggestions made by the
27 public and educators. After completing its review, each advisory panel

- 1 shall make recommendations for changes to the standards and alignment
2 adjustments for assessments to the appropriate standards and
3 assessments review and development committee.
- 4 3. Each standards and assessments review and development committee
5 shall review the findings and make recommendations to revise or replace
6 existing standards and to adjust alignment of assessments to the
7 standards and assessments process review committee.
- 8 4. The recommendations shall be published on the Web site established in
9 this subsection for the purpose of gathering additional feedback from the
10 public. The commissioner, on behalf of the standards and assessments
11 process review committee, shall subsequently present the
12 recommendations and the public feedback to the Interim Joint
13 Committee on Education.
- 14 5. The commissioner shall subsequently provide a report to the standards
15 and assessments process review committee summarizing the process
16 conducted under this subsection and the resulting recommendations. The
17 report shall include but not be limited to the timeline of the review
18 process, public feedback, and responses from the Interim Joint
19 Committee on Education.
- 20 6. After receiving the commissioner's report, the standards and assessments
21 process review committee shall either concur that stakeholders have had
22 adequate opportunity to provide input on standards and the
23 corresponding alignment of state assessments or find the input process
24 deficient. If the process is found deficient, the recommendations may be
25 returned to the appropriate standards and assessments review and
26 development committee for review as described in subparagraph 3. of
27 this paragraph. If the process is found sufficient, the recommendations

1 shall be forwarded without amendment to the Kentucky Board of
2 Education.

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

9 (i) 1. The Kentucky Board of Education shall consider for approval the
10 revisions to academic standards for a content area and the alignment of
11 the corresponding state assessment once recommendations are received
12 from the standards and assessments process review committee. Existing
13 state academic standards shall remain in place until the board approves
14 new standards.

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

20 3. The Department of Education shall disseminate the academic content
21 standards to the schools and teacher preparation programs.

22 (j) The Department of Education shall provide or facilitate statewide training
23 sessions for existing teachers and administrators on how to:

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

- 1 (k) The Education Professional Standards Board in cooperation with the
2 Kentucky Board of Education and the Council on Postsecondary Education
3 shall coordinate information and training sessions for faculty and staff in all of
4 the teacher preparation programs in the use of the revised academic content
5 standards. The Education Professional Standards Board shall ensure that each
6 teacher preparation program includes use of the academic standards in the pre-
7 service education programs and that all teacher interns will have experience
8 planning classroom instruction based on the revised standards.
- 9 (l) The Council on Postsecondary Education in cooperation with the Kentucky
10 Department of Education and the postsecondary education institutions in the
11 state shall coordinate information sessions regarding the academic content
12 standards for faculty who teach in the various content areas.
- 13 (3) (a) The Kentucky Board of Education shall be responsible for creating and
14 implementing a balanced statewide assessment program that measures the
15 students', schools', and districts' achievement of the goals set forth in KRS
16 158.645 and 158.6451, to ensure compliance with the federal Every Student
17 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure
18 school accountability.
- 19 (b) The board shall revise the annual statewide assessment program as needed in
20 accordance with revised academic standards and corresponding assessment
21 alignment adjustments approved by the board under subsection (2) of this
22 section.
- 23 (c) The statewide assessments shall not include any academic standards not
24 approved by the board under subsection (2) of this section.
- 25 (d) The board shall seek the advice of the Office of Education Accountability; the
26 School Curriculum, Assessment, and Accountability Council; the Education
27 Assessment and Accountability Review Subcommittee, and the National

1 Technical Advisory Panel on Assessment and Accountability in the
2 development of the assessment program. The statewide assessment program
3 shall not include measurement of a student's ability to become a self-sufficient
4 individual or to become a responsible member of a family, work group, or
5 community.

6 (4) (a) The academic components of the statewide assessment program shall be
7 composed of annual student summative tests, which may include a
8 combination of multiple competency-based assessment and performance
9 measures approved by the Kentucky Board of Education.

10 (b) The annual student summative tests shall:

- 11 1. Measure individual student achievement in language, reading, English,
12 mathematics, science, and social studies at designated grades;
- 13 2. Provide teachers and parents a valid and reliable comprehensive analysis
14 of skills mastered by individual students;
- 15 3. Provide diagnostic information that identifies strengths and academic
16 deficiencies of individual students in the content areas;
- 17 4. Provide information to teachers that can enable them to improve
18 instruction for current and future students;
- 19 5. Provide longitudinal profiles for students; and
- 20 6. Ensure school and district accountability for student achievement of the
21 goals set forth in KRS 158.645 and 158.6451, except the statewide
22 assessment program shall not include measurement of a student's ability
23 to become a self-sufficient individual or to become a responsible
24 member of a family, work group, or community.

25 (5) The state student assessments 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;
- 4 2. A criterion-referenced test each in science and social studies that is valid
5 and reliable for an individual student as necessary to measure the depth
6 and breadth of Kentucky's academic content standards to be
7 administered one (1) time within the elementary and middle grades,
8 respectively;
- 9 3. An on-demand assessment of student writing to be administered one (1)
10 time within the elementary grades and one (1) time within the middle
11 grades; and
- 12 4. An editing and mechanics test relating to writing, using multiple choice
13 and constructed response items, to be administered one (1) time within
14 the elementary and the middle grades, respectively;
- 15 (b) High school requirements are:
- 16 1. A criterion-referenced test in mathematics, reading, and science that is
17 valid and reliable for an individual student and that measures the depth
18 and breadth of Kentucky's academic content standards to be
19 administered one (1) time within the high school grades;
- 20 2. A criterion-referenced test in social studies that is valid and reliable for
21 an individual student as necessary to measure the depth and breadth of
22 Kentucky's academic content standards to be administered one (1) time
23 within the high school grades;
- 24 3. An on-demand assessment of student writing to be administered one (1)
25 time within the high school grades;
- 26 4. An editing and mechanics test relating to writing, using multiple choice
27 and constructed response items, to be administered one (1) time within

- 1 the high school grades; and
- 2 5. A college admissions examination to assess English, reading,
- 3 mathematics, and science in the spring of grade ten (10) and the spring
- 4 of grade eleven (11);
- 5 (c) The Kentucky Board of Education shall add any other component necessary to
- 6 comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or
- 7 its successor, as determined by the United States Department of Education;
- 8 (d) The criterion-referenced components required in this subsection shall be
- 9 composed of constructed response items and multiple choice items;
- 10 (e) The Kentucky Board of Education may incorporate end-of-course
- 11 examinations into the assessment program to be used in lieu of requirements
- 12 for criterion-referenced tests required under paragraph (b) of this subsection;
- 13 and
- 14 (f) The results of the assessment program developed under this subsection shall
- 15 be used by schools and districts to determine appropriate instructional
- 16 modifications for all students in order for students to make continuous
- 17 progress, including that needed by advanced learners.
- 18 (6) Each school district shall administer the statewide student assessment during the
- 19 last fourteen (14) days of school in the district's instructional calendar. The
- 20 Kentucky Board of Education may change the testing window to allow for
- 21 innovative assessment systems or other online test administration and shall
- 22 promulgate administrative regulations that minimize the number of days of testing
- 23 and outline the procedures to be used during the testing process to ensure test
- 24 security, including procedures for testing makeup days, and to comply with federal
- 25 assessment requirements.
- 26 (7) A student enrolled in a district-operated or district-contracted alternative program
- 27 shall participate in the appropriate assessments required by this section.

- 1 (8) (a) The Kentucky Board of Education shall promulgate administrative
2 regulations relating to a parent's or legal guardian's ability to choose that
3 his or her student not participate in statewide student assessments as set
4 forth in this section and as required by the Every Student Succeeds Act of
5 2015, Pub. L. No. 114-95, or its successor. The regulation shall address:
- 6 1. How the local board of education shall communicate to parents and
7 legal guardians the option to choose that his or her student not
8 participate in statewide student assessments;
- 9 2. The process by which a parent or legal guardian may notify the school
10 that his or her student will not participate in statewide student
11 assessments;
- 12 3. The supervision of students who are not participating in statewide
13 student assessments, including:
- 14 a. The use of alternative meaningful and engaging learning
15 activities during assessments; and
- 16 b. The placement of non-participating students in an appropriate
17 learning location separate from students participating in
18 statewide student assessments; and
- 19 4. How the local board of education will report information about
20 students who chose to not participate in statewide student assessments
21 to the Kentucky Department of Education.
- 22 (b) No state agency, local board of education, school district, school, or teacher
23 shall take punitive action against a student, parent, or legal guardian for a
24 student not participating in statewide student assessments.
- 25 (c) No state agency, local board of education, school district, or school shall
26 take punitive action against any individual who provides information to
27 students, parents, or legal guardians regarding the ability to choose that a

1 student not participate in statewide student assessments.

2 (d) A student shall not receive an unexcused absence on any day statewide
 3 student assessments are given due to the decision to not participate, if the
 4 student is in attendance on that day.

5 (e) A student's non-participation in statewide student assessments shall not
 6 affect the aggregate score of the district, school, class, educator, or student
 7 for state-, district-, school-, or teacher-level accountability purposes.

8 (f) No school district, school, educator, student, parent, or legal guardian shall
 9 be penalized by the state when parents or legal guardians choose for their
 10 student to not participate in statewide student assessments.

11 (g) School districts, schools, and educators shall not selectively encourage any
 12 parent or legal guardian of a student or group of students to choose not to
 13 participate in statewide student assessments as an attempt to improve scores
 14 for any district, school, class, or educator.

15 (9) A local school district may select and use commercial interim or formative
 16 assessments or develop and use its own formative assessments to provide data on
 17 how well its students are growing toward mastery of Kentucky academic standards,
 18 so long as the district's local school board develops a policy minimizing the
 19 reduction in instructional time related to the administration of the interim
 20 assessments. Nothing in this section precludes teachers from using ongoing teacher-
 21 developed formative processes.

22 (10)~~(9)~~ Each school that enrolls primary students shall use diagnostic assessments and
 23 prompts that measure readiness in reading and mathematics for its primary students
 24 as determined by the school to be developmentally appropriate. The schools may
 25 use commercial products, use products and procedures developed by the district, or
 26 develop their own diagnostic procedures. The results shall be used to inform the
 27 teachers and parents or guardians of each student's skill level.

1 ~~(11)~~~~(10)~~ The state board shall ensure that a technically sound longitudinal comparison
2 of the assessment results for the same students shall be made available.

3 ~~(12)~~~~(11)~~ The following provisions shall apply to the college admissions examinations
4 described in subsection (5)(b)5. of this section:

5 (a) The cost of both college admissions examinations administered to students in
6 high school shall be paid for by the Kentucky Department of Education. The
7 costs of additional college admissions examinations shall be the responsibility
8 of the student;

9 (b) If funds are available, the Kentucky Department of Education shall provide a
10 college admissions examination preparation program to all public high school
11 juniors. The department may contract for necessary services; and

12 (c) Accommodations provided to a student with a disability taking the college
13 admissions assessments under this subsection shall consist of:

14 1. Accommodations provided in a manner allowed by the college
15 admissions assessment provider when results in test scores are
16 reportable to a postsecondary institution for admissions and placement
17 purposes, except as provided in subparagraph 2. of this paragraph; or

18 2. Accommodations provided in a manner allowed by a student's
19 individualized education program as defined in KRS 158.281 for a
20 student whose disability precludes valid assessment of his or her
21 academic abilities using the accommodations provided under
22 subparagraph 1. of this paragraph when the student's scores are not
23 reportable to a postsecondary institution for admissions and placement
24 purposes.

25 ~~(13)~~~~(12)~~ 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;
- 3 (b) Provide valid and reliable scores for schools. If scores are reported for
4 students individually, they shall be valid and reliable;
- 5 (c) Minimize the time spent by teachers and students on assessment; and
- 6 (d) Assess Kentucky academic standards only.

7 ~~(14)~~~~(13)~~ The results from assessment under subsections (3) and (5) of this section shall
8 be reported to the school districts and schools no later than seventy-five (75) days
9 following the last day the assessment can be administered. Assessment reports
10 provided to the school districts and schools shall include an electronic copy of an
11 operational subset of test items from each assessment administered to their students
12 and the results for each of those test items by student and by school.

13 ~~(15)~~~~(14)~~ The Department of Education shall gather information to establish the validity
14 of the assessment and accountability program. It shall develop a biennial plan for
15 validation studies that shall include but not be limited to the consistency of student
16 results across multiple measures, the congruence of school scores with documented
17 improvements in instructional practice and the school learning environment, and the
18 potential for all scores to yield fair, consistent, and accurate student performance
19 level and school accountability decisions. Validation activities shall take place in a
20 timely manner and shall include a review of the accuracy of scores assigned to
21 students and schools, as well as of the testing materials. The plan shall be submitted
22 to the Commission by July 1 of the first year of each biennium. A summary of the
23 findings shall be submitted to the Legislative Research Commission by September 1
24 of the second year of the biennium.

25 ~~(16)~~~~(15)~~ The Department of Education and the state board shall offer optional
26 assistance to local school districts and schools in developing and using continuous
27 assessment strategies needed to assure student progress. The continuous assessment

1 shall provide diagnostic information to improve instruction to meet the needs of
2 individual students.

3 ~~(17)~~[(16)] The Administration Code for Kentucky's Assessment Program shall include
4 prohibitions of inappropriate test preparation activities by school district employees
5 charged with test administration and oversight, including but not limited to the issue
6 of teachers being required to do test practice in lieu of regular classroom instruction
7 and test practice outside the normal work day. The code shall include disciplinary
8 sanctions that may be taken toward a school or individuals.

9 ~~(18)~~[(17)] The Kentucky Board of Education, after the Department of Education has
10 received advice from the Office of Education Accountability; the School
11 Curriculum, Assessment, and Accountability Council; and the National Technical
12 Advisory Panel on Assessment and Accountability, shall promulgate an
13 administrative regulation under KRS Chapter 13A to establish the components of a
14 reporting structure for assessments administered under this section. The reporting
15 structure shall include the following components:

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

- 23 1. Student academic achievement, including the results from each of the
24 assessments administered under this section;
- 25 2. For Advanced Placement, Cambridge Advanced International, and
26 International Baccalaureate, the courses offered, the number of students
27 enrolled, completing, and taking the examination for each course, and

- 1 the percentage of examinees receiving a score of three (3) or better on
2 AP examinations, a score of "e" or better on Cambridge Advanced
3 International examinations, or a score of five (5) or better on IB
4 examinations. The data shall be disaggregated by gender, race, students
5 with disabilities, and economic status;
- 6 3. Nonacademic achievement, including the school's attendance, retention,
7 graduation rates, and student transition to postsecondary;
- 8 4. School learning environment, including measures of parental
9 involvement; and
- 10 5. Any other school performance data required by the Every Student
11 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;
- 12 (b) An individual student report to parents for each student in grades three (3)
13 through eight (8) summarizing the student's skills in reading, science, social
14 studies, and mathematics. The school's staff shall develop a plan for
15 accelerated learning for any student with identified deficiencies or strengths;
16 and
- 17 (c) A student's highest scores on the college admissions assessments administered
18 under subsection (5)(b)5. of this section.
- 19 ~~(19)~~~~(18)~~ (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter,
20 the Kentucky Department of Education shall implement a comprehensive
21 process for reviewing and revising the academic standards in visual and
22 performing arts and practical living skills and career studies for all levels and
23 in foreign language for middle and high schools. The department shall
24 develop review committees for the standards for each of the content areas that
25 include representation from certified specialist public school teachers and
26 postsecondary teachers in those subject areas.
- 27 (b) The academic standards in practical living skills for elementary, middle, and

1 high school levels shall include a focus on drug abuse prevention, with an
2 emphasis on the prescription drug epidemic and the connection between
3 prescription opioid abuse and addiction to other drugs, such as heroin and
4 synthetic drugs.

5 (c) The department shall provide to all schools guidelines for programs that
6 incorporate the adopted academic standards in visual and performing arts and
7 practical living and career studies. The department shall provide to middle and
8 high schools guidelines for including a foreign language program. The
9 guidelines shall address program length and time, courses offered, staffing,
10 resources, and facilities.

11 (d) The Kentucky Department of Education, in consultation with certified public
12 school teachers of visual and performing arts, may develop program standards
13 for the visual and performing arts.

14 ~~(20)~~~~(19)~~ The Kentucky Department of Education shall provide to all schools guidelines
15 for including an effective writing program within the curriculum. Each school-based
16 decision making council or, if there is no school council, a committee appointed by
17 the principal, shall adopt policies that determine the writing program for its school
18 and submit it to the Department of Education for review and comment. The writing
19 program shall incorporate a variety of language resources, technological tools, and
20 multiple opportunities for students to develop complex communication skills for a
21 variety of purposes.

22 ~~(21)~~~~(20)~~ (a) The Kentucky Department of Education, in consultation with the review
23 committees described in subsection ~~(19)~~~~(18)~~ of this section, shall develop a
24 school profile report to be used by all schools to document how they will
25 address the adopted academic standards in their implementation of the
26 programs as described in subsection ~~(19)~~~~(18)~~ of this section, which may
27 include student opportunities and experiences in extracurricular activities. The

1 department shall include the essential workplace ethics program on the school
2 profile report.

3 (b) By October 1 of each year, each school principal shall complete the school
4 profile report, which shall be signed by the members of the school council, or
5 the principal if no school council exists, and the superintendent. The report
6 shall be electronically transmitted to the Kentucky Department of Education,
7 and the original shall be maintained on file at the local board office and made
8 available to the public upon request. The department shall include a link to
9 each school's profile report on its Web site.

10 (c) If a school staff member, student, or a student's parent has concerns regarding
11 deficiencies in a school's implementation of the programs described in
12 subsection (19)~~[(18)]~~ of this section, he or she may submit a written inquiry to
13 the school council.

14 ➔Section 2. KRS 160.345 is amended to read as follows:

15 (1) For the purpose of this section:

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

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

- 24 1. Exclusively vocational-technical, special education, or preschool
25 programs;
- 26 2. Instructional programs operated in institutions or schools outside of the
27 district; or

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

1 member or a board member's spouse. None of the members shall have a
2 conflict of interest pursuant to KRS Chapter 45A, except the salary paid to
3 district employees;

- 4 (b) 1. The teacher representatives shall be elected for one (1) year terms by a
5 majority of the teachers. A teacher elected to a school council shall not
6 be involuntarily transferred during his or her term of office. The parent
7 representatives shall be elected for one (1) year terms. The parent
8 members shall be elected by the parents of students preregistered to
9 attend the school during the term of office in an election conducted by
10 the parent and teacher organization of the school or, if none exists, the
11 largest organization of parents formed for this purpose. A school
12 council, once elected, may adopt a policy setting different terms of
13 office for parent and teacher members subsequently elected. The
14 principal shall be the chair of the school council.
- 15 2. School councils in schools having eight percent (8%) or more minority
16 students enrolled, as determined by the enrollment on the preceding
17 October 1, shall have at least one (1) minority member. If the council
18 formed under paragraph (a) of this subsection does not have a minority
19 member, the principal, in a timely manner, shall be responsible for
20 carrying out the following:
- 21 a. Organizing a special election to elect an additional member. The
22 principal shall call for nominations and shall notify the parents of
23 the students of the date, time, and location of the election to elect a
24 minority parent to the council by ballot; and
- 25 b. Allowing the teachers in the building to select one (1) minority
26 teacher to serve as a teacher member on the council. If there are no
27 minority teachers who are members of the faculty, an additional

1 teacher member shall be elected by a majority of all teachers. Term
2 limitations shall not apply for a minority teacher member who is
3 the only minority on faculty;

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

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

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

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

23 (f) After receiving notification of the funds available for the school from the local
24 board, the school council shall determine, within the parameters of the total
25 available funds, the number of persons to be employed in each job
26 classification at the school. The council may make personnel decisions on
27 vacancies occurring after the school council is formed but shall not have the

1 authority to recommend transfers or dismissals;

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

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

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

23 2. a. i. If the vacancy to be filled is the position of principal, the
24 outgoing principal shall not serve on the council during the
25 principal selection process. The superintendent or the
26 superintendent's designee shall serve as the chair of the
27 council for the purpose of the hiring process and shall have

- 1 voting rights during the selection process.
- 2 ii. Except as provided in subdivision b. of this subparagraph,
- 3 the council shall have access to the applications of all
- 4 persons certified for the position. The principal shall be
- 5 elected on a majority vote of the membership of the council.
- 6 No principal who has been previously removed from a
- 7 position in the district for cause may be considered for
- 8 appointment as principal. The school council shall receive
- 9 training in recruitment and interviewing techniques prior to
- 10 carrying out the process of selecting a principal. The council
- 11 shall select the trainer to deliver the training;
- 12 b. An alternative principal selection process may be used by the
- 13 school council as follows:
- 14 i. Prior to a meeting called to select a principal, all school
- 15 council members shall receive informational materials
- 16 regarding Kentucky open records and open meetings laws
- 17 and sign a nondisclosure agreement forbidding the sharing of
- 18 information shared and discussions held in the closed
- 19 session;
- 20 ii. The superintendent shall convene the school council and
- 21 move into closed session as provided in KRS 61.810(1)(f) to
- 22 confidentially recommend a candidate;
- 23 iii. The council shall have the option to interview the
- 24 recommended candidate while in closed session; and
- 25 iv. After any discussion, at the conclusion of the closed session,
- 26 the council shall decide, in a public meeting by majority vote
- 27 of the membership of the council, whether to accept or reject

- 1 the recommended principal candidate;
- 2 c. If the recommended candidate is selected, and the recommended
- 3 candidate accepts the offer, the name of the candidate shall be
- 4 made public during the next meeting in open session;
- 5 d. i. If the recommended candidate is not accepted by the school
- 6 council under subdivision b. of this subparagraph, then the
- 7 process set forth in subdivision a. of this subparagraph shall
- 8 apply.
- 9 ii. The confidentially recommended candidate's name and the
- 10 discussions of the closed session shall remain confidential
- 11 under KRS 61.810(1)(f), and any documents used or
- 12 generated during the closed meeting shall not be subject to an
- 13 open records request as provided in KRS 61.878(1)(i) and (j).
- 14 iii. A recommended candidate who believes a violation of this
- 15 subdivision has occurred may file a written complaint with
- 16 the Kentucky Board of Education.
- 17 iv. A school council member who is found to have disclosed
- 18 confidential information regarding the proceeding of the
- 19 closed session shall be subject to removal from the school
- 20 council by the Kentucky Board of Education under
- 21 subsection (9)(e) of this section;
- 22 3. Personnel decisions made at the school level under the authority of
- 23 subparagraphs 1. and 2. of this paragraph shall be binding on the
- 24 superintendent who completes the hiring process;
- 25 4. Applicants subsequently employed shall provide evidence that they are
- 26 certified prior to assuming the duties of a position in accordance with
- 27 KRS 161.020; and

- 1 5. Notwithstanding other provisions of this paragraph, if the applicant is
2 the spouse of the superintendent and the applicant meets the service
3 requirements of KRS 160.380(2)(e), the applicant shall only be
4 employed upon the recommendation of the principal and the approval of
5 a majority vote of the school council;
- 6 (i) The school council shall adopt a policy to be implemented by the principal in
7 the following additional areas:
- 8 1. Determination of curriculum, including needs assessment, curriculum
9 development and responsibilities under KRS 158.6453(20)~~[(19)]~~;
- 10 2. Assignment of all instructional and noninstructional staff time;
- 11 3. Assignment of students to classes and programs within the school;
- 12 4. Determination of the schedule of the school day and week, subject to the
13 beginning and ending times of the school day and school calendar year
14 as established by the local board;
- 15 5. Determination of use of school space during the school day related to
16 improving classroom teaching and learning;
- 17 6. Planning and resolution of issues regarding instructional practices;
- 18 7. Selection and implementation of discipline and classroom management
19 techniques as a part of a comprehensive school safety plan, including
20 responsibilities of the student, parent, teacher, counselor, and principal;
- 21 8. Selection of extracurricular programs and determination of policies
22 relating to student participation based on academic qualifications and
23 attendance requirements, program evaluation, and supervision;
- 24 9. Adoption of an emergency plan as required in KRS 158.162;
- 25 10. Procedures, consistent with local school board policy, for determining
26 alignment with state standards, technology utilization, and program
27 appraisal; and

- 1 11. Procedures to assist the council with consultation in the selection of
2 personnel by the principal, including but not limited to meetings,
3 timelines, interviews, review of written applications, and review of
4 references. Procedures shall address situations in which members of the
5 council are not available for consultation; and
- 6 (j) Each school council shall annually review data as shown on state and local
7 student assessments required under KRS 158.6453. The data shall include but
8 not be limited to information on performance levels of all students tested, and
9 information on the performance of students disaggregated by race, gender,
10 disability, and participation in the federal free and reduced price lunch
11 program. After completing the review of data, each school council, with the
12 involvement of parents, faculty, and staff, shall develop and adopt a plan to
13 ensure that each student makes progress toward meeting the goals set forth in
14 KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan
15 to the superintendent and local board of education for review as described in
16 KRS 160.340. The Kentucky Department of Education shall provide each
17 school council the data needed to complete the review required by this
18 paragraph no later than October 1 of each year. If a school does not have a
19 council, the review shall be completed by the principal with the involvement
20 of parents, faculty, and staff.
- 21 (3) The policies adopted by the local board to implement school-based decision making
22 shall also address the following:
- 23 (a) School budget and administration, including: discretionary funds; activity and
24 other school funds; funds for maintenance, supplies, and equipment; and
25 procedures for authorizing reimbursement for training and other expenses;
- 26 (b) Assessment of individual student progress, including testing and reporting of
27 student progress to students, parents, the school district, the community, and

- 1 the state;
- 2 (c) School improvement plans, including the form and function of strategic
3 planning and its relationship to district planning, as well as the school safety
4 plan and requests for funding from the Center for School Safety under KRS
5 158.446;
- 6 (d) Professional development plans developed pursuant to KRS 156.095;
- 7 (e) Parent, citizen, and community participation including the relationship of the
8 council with other groups;
- 9 (f) Cooperation and collaboration within the district, with other districts, and with
10 other public and private agencies;
- 11 (g) Requirements for waiver of district policies;
- 12 (h) Requirements for record keeping by the school council; and
- 13 (i) A process for appealing a decision made by a school council.
- 14 (4) In addition to the authority granted to the school council in this section, the local
15 board may grant to the school council any other authority permitted by law. The
16 board shall make available liability insurance coverage for the protection of all
17 members of the school council from liability arising in the course of pursuing their
18 duties as members of the council.
- 19 (5) All schools shall implement school-based decision making in accordance with this
20 section and with the policy adopted by the local board pursuant to this section.
21 Upon favorable vote of a majority of the faculty at the school and a majority of at
22 least twenty-five (25) voting parents of students enrolled in the school, a school
23 meeting its goal as determined by the Department of Education pursuant to KRS
24 158.6455 may apply to the Kentucky Board of Education for exemption from the
25 requirement to implement school-based decision making, and the state board shall
26 grant the exemption. The voting by the parents on the matter of exemption from
27 implementing school-based decision making shall be in an election conducted by

1 the parent and teacher organization of the school or, if none exists, the largest
2 organization of parents formed for this purpose. Notwithstanding the provisions of
3 this section, a local school district shall not be required to implement school-based
4 decision making if the local school district contains only one (1) school.

5 (6) The Department of Education shall provide professional development activities to
6 assist schools in implementing school-based decision making. School council
7 members elected for the first time shall complete a minimum of six (6) clock hours
8 of training in the process of school-based decision making, no later than thirty (30)
9 days after the beginning of the service year for which they are elected to serve.
10 School council members who have served on a school council at least one (1) year
11 shall complete a minimum of three (3) clock hours of training in the process of
12 school-based decision making no later than one hundred twenty (120) days after the
13 beginning of the service year for which they are elected to serve. Experienced
14 members may participate in the training for new members to fulfill their training
15 requirement. School council training required under this subsection shall be
16 conducted by trainers endorsed by the Department of Education. By November 1 of
17 each year, the principal through the local superintendent shall forward to the
18 Department of Education the names and addresses of each council member and
19 verify that the required training has been completed. School council members
20 elected to fill a vacancy shall complete the applicable training within thirty (30)
21 days of their election.

22 (7) A school that chooses to have school-based decision making but would like to be
23 exempt from the administrative structure set forth by this section may develop a
24 model for implementing school-based decision making, including but not limited to
25 a description of the membership, organization, duties, and responsibilities of a
26 school council. The school shall submit the model through the local board of
27 education to the commissioner of education and the Kentucky Board of Education,

1 which shall have final authority for approval. The application for approval of the
2 model shall show evidence that it has been developed by representatives of the
3 parents, students, certified personnel, and the administrators of the school and that
4 two-thirds (2/3) of the faculty have agreed to the model.

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

15 (9) (a) No board member, superintendent of schools, district employee, or member of
16 a school council shall intentionally engage in a pattern of practice which is
17 detrimental to the successful implementation of or circumvents the intent of
18 school-based decision making to allow the professional staff members of a
19 school and parents to be involved in the decision making process in working
20 toward meeting the educational goals established in KRS 158.645 and
21 158.6451 or to make decisions in areas of policy assigned to a school council
22 pursuant to paragraph (i) of subsection (2) of this section.

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

27 (c) The Kentucky Board of Education shall conduct a hearing in accordance with

1 KRS Chapter 13B for complaints referred by the Office of Education
2 Accountability.

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

8 (e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the
9 state board determines a violation of the confidentiality requirements set forth
10 in subsection (2)(h)2. of this section by a school council member has
11 occurred, the state board shall remove the member from the school council,
12 and the member shall be permanently prohibited from serving on any school
13 council in the district.

14 (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or
15 maintain a school-based decision making council and the powers, duties, and
16 authority granted to a school council may be rescinded or the school council's role
17 may be advisory if the commissioner of education or the Kentucky Board of
18 Education takes action under KRS 160.346.

19 (11) Each school council of a school containing grades K-5 or any combination thereof,
20 or if there is no school council, the principal, shall develop and implement a
21 wellness policy that includes moderate to vigorous physical activity each day and
22 encourages healthy choices among students. The policy may permit physical activity
23 to be considered part of the instructional day, not to exceed thirty (30) minutes per
24 day, or one hundred and fifty (150) minutes per week. Each school council, or if
25 there is no school council, the principal, shall adopt an assessment tool to determine
26 each child's level of physical activity on an annual basis. The council or principal
27 may utilize an existing assessment program. The Kentucky Department of

1 Education shall make available a list of available resources to carry out the
2 provisions of this subsection. The department shall report to the Legislative
3 Research Commission no later than November 1 of each year on how the schools
4 are providing physical activity under this subsection and on the types of physical
5 activity being provided. The policy developed by the school council or principal
6 shall comply with provisions required by federal law, state law, or local board
7 policy.

8 (12) Discretionary authority exercised under subsection (2)(h)2.b. of this section shall
9 not violate provisions of any employer-employee bargained contract existing
10 between the district and its employees.