

1 AN ACT relating to arts education.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) The General Assembly hereby finds and declares that:*

6 *(a) Standards-based, sequenced instruction in the visual and performing arts*
7 *contributes positively to student self-expression, artistic abilities, motivation*
8 *and academic performance, school climate, and social and emotional*
9 *learning;*

10 *(b) The Commonwealth's system of public education was created to allow and*
11 *assist students to acquire certain capacities, including sufficient grounding*
12 *in the arts as described in KRS 158.645;*

13 *(c) Goals for public schools established in KRS 158.6451 require schools to*
14 *develop their students' abilities to apply core concepts and principles from*
15 *the arts and express their creative talents and interests in visual arts, music,*
16 *dance, and dramatic arts; and*

17 *(d) Research supports that children who are highly engaged in the arts perform*
18 *better academically, are more engaged in school, achieve higher levels of*
19 *postsecondary education, and are more engaged in positive civic pursuits*
20 *beyond their school years.*

21 *(2) By the beginning of the 2020-2021 school year, all public schools shall:*

22 *(a) For schools containing grades kindergarten through five (5), or any*
23 *combination thereof, offer to all students a minimum of one hundred twenty*
24 *(120) minutes per week of sequenced, standards-based instruction in the*
25 *visual and performing arts, such as music, visual arts, theater, and dance;*

26 *(b) For schools containing grades six (6) through eight (8), or any combination*
27 *thereof, offer to all students sequenced, standards-based visual and*

1 performance arts instruction, which includes the opportunity for students to
2 develop their creative talents and interests in the visual and performing
3 arts;

4 (c) Submit an annual visual and performing arts program data report to the
5 Kentucky Department of Education in a manner as required by the
6 department under paragraph (e) of subsection (3) of this section; and

7 (d) Implement school policies that:

8 1. Include visual and performing arts instruction as part of the
9 instructional day;

10 2. Prohibit discipline options from including revoking participation in
11 arts instruction; and

12 3. Prohibit reducing visual and performing arts instructional time for the
13 remediation of student deficiencies in other subjects.

14 (3) The Kentucky Department of Education shall:

15 (a) In consultation with certified visual and performing arts specialist teachers,
16 develop and disseminate to schools program standards for the visual and
17 performing arts;

18 (b) Develop and disseminate to schools guidelines on visual and performing
19 arts model programs and additional arts enrichment activities for visual and
20 performing arts instruction that occur during the school day, including co-
21 curricular instruction. The guidelines may include extra-curricular
22 activities but these activities shall not be considered a substitute for
23 instruction during regular school hours;

24 (c) Encourage school councils to develop their own visual and performing art
25 program models and to utilize and consult with certified visual and
26 performing arts specialist teachers in the development of their plans;

27 (d) Make available a list of accessible resources and assessment tools to assist

- 1 *schools in meeting the requirements of this section;*
- 2 *(e) Provide to schools an easy-to-use checklist for reporting visual and*
- 3 *performing arts program data to be included in the school profile report*
- 4 *described in subsection (20) of Section 2 of this Act;*
- 5 *(f) Develop strategies and initiatives to publicly bring attention to efforts and*
- 6 *progress toward meeting the requirements of this section, such as public*
- 7 *recognition of outstanding visual and performing arts programs;*
- 8 *(g) Share aggregate school district data submitted under this section with the*
- 9 *Office for Education and Workforce Statistics for use in analyzing the*
- 10 *impact of visual and performing arts study on student success, emotional*
- 11 *health, career readiness, academic achievement, and other desirable student*
- 12 *outcomes; and*
- 13 *(h) By December 1, 2020, and by December 1 of each year thereafter, report to*
- 14 *the Interim Joint Committee on Education on the status of schools meeting*
- 15 *the requirements of this section. The report shall be posted on the*
- 16 *department's Web site in the same location as the school accountability*
- 17 *system reports.*

18 ➔Section 2. KRS 158.6453 is amended to read as follows:

- 19 (1) As used in this section:
- 20 (a) "Accelerated learning" means an organized way of helping students meet
- 21 individual academic goals by providing direct instruction to eliminate student
- 22 performance deficiencies or enable students to move more quickly through
- 23 course requirements and pursue higher level skill development;
- 24 (b) "Constructed-response items" or "performance-based items" means individual
- 25 test items that require the student to create an answer rather than select a
- 26 response and may include fill-in-the-blank, short-answer, extended-answer,
- 27 open-response, and writing-on-demand formats;

- 1 (c) "Criterion-referenced test" means a test that is aligned with defined academic
2 content standards and measures an individual student's level of performance
3 against the standards;
- 4 (d) "End-of-course examination" means the same as defined in KRS 158.860;
- 5 (e) "Formative assessment" means a process used by teachers and students during
6 instruction to adjust ongoing teaching and learning to improve students'
7 achievement of intended instructional outcomes. Formative assessments may
8 include the use of commercial assessments, classroom observations, teacher-
9 designed classroom tests and assessments, and other processes and
10 assignments to gain information about individual student learning;
- 11 (f) "Interim assessments" means assessments that are given periodically
12 throughout the year to provide diagnostic information and to show individual
13 student performance against content standards;
- 14 (g) "Summative assessment" means an assessment given at the end of the school
15 year, semester, or other period of time to evaluate students' performance
16 against content standards within a unit of instruction or a course; and
- 17 (h) "Writing" means a purposeful act of thinking and expression that uses
18 language to explore ideas and communicate meaning to others. Writing is a
19 complex, multifaceted act of communication.
- 20 (2) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the
21 Kentucky Department of Education shall implement a process for reviewing
22 Kentucky's academic standards and the alignment of corresponding
23 assessments for possible revision or replacement to ensure alignment with
24 postsecondary readiness standards necessary for global competitiveness and
25 with state career and technical education standards.
- 26 (b) The revisions to the content standards shall:
- 27 1. Focus on critical knowledge, skills, and capacities needed for success in

- 1 the global economy;
- 2 2. Result in fewer but more in-depth standards to facilitate mastery
- 3 learning;
- 4 3. Communicate expectations more clearly and concisely to teachers,
- 5 parents, students, and citizens;
- 6 4. Be based on evidence-based research;
- 7 5. Consider international benchmarks; and
- 8 6. Ensure that the standards are aligned from elementary to high school to
- 9 postsecondary education so that students can be successful at each
- 10 education level.
- 11 (c) 1. The department shall establish four (4) standards and assessments
- 12 review and development committees, with each committee composed of
- 13 a minimum of six (6) Kentucky public school teachers and a minimum
- 14 of two (2) representatives from Kentucky institutions of higher
- 15 education, including at least one (1) representative from a public
- 16 institution of higher education. Each committee member shall teach in
- 17 the subject area that his or her committee is assigned to review and have
- 18 no prior or current affiliation with a curriculum or assessment resources
- 19 vendor.
- 20 2. One (1) of the four (4) committees shall be assigned to focus on the
- 21 review of language arts and writing academic standards and
- 22 assessments, one (1) on the review of mathematics academic standards
- 23 and assessments, one (1) on the review of science academic standards
- 24 and assessments, and one (1) on the review of social studies academic
- 25 standards and assessments.
- 26 (d) 1. The department shall establish twelve (12) advisory panels to advise and
- 27 assist each of the four (4) standards and assessments review and

- 1 development committees.
- 2 2. Three (3) advisory panels shall be assigned to each standards and
3 assessments review and development committee. One (1) panel shall
4 review the standards and assessments for kindergarten through grade
5 five (5), one (1) shall review the standards and assessments for grades
6 six (6) through eight (8), and one (1) shall review the standards and
7 assessments for grades nine (9) through twelve (12).
- 8 3. Each advisory panel shall be composed of at least one (1) representative
9 from a Kentucky institution of higher education and a minimum of six
10 (6) Kentucky public school teachers who teach in the grade level and
11 subject reviewed by the advisory panel to which they are assigned and
12 have no prior or current affiliation with a curriculum or assessment
13 resources vendor.
- 14 (e) The commissioner of education and the president of the Council on
15 Postsecondary Education shall also provide consultants for the standards and
16 assessments review and development committees and the advisory panels who
17 are business and industry professionals actively engaged in career fields that
18 depend on the various content areas.
- 19 (f) 1. The standards and assessments process review committee is hereby
20 established and shall be composed of ten (10) members, including:
- 21 a. Three (3) members appointed by the Governor;
- 22 b. Three (3) members of the Senate appointed by the President of the
23 Senate;
- 24 c. Three (3) members of the House of Representatives appointed by
25 the Speaker of the House of Representatives; and
- 26 d. The commissioner of education.
- 27 2. The review of the committee shall be limited to the procedural aspects

- 1 of the review process undertaken prior to its consideration.
- 2 (g) 1. The review process implemented under this subsection shall be an open,
3 transparent process that allows all Kentuckians an opportunity to
4 participate. The department shall ensure the public's assistance in
5 reviewing and suggesting changes to the standards and alignment
6 adjustments to corresponding state assessments by establishing a Web
7 site dedicated to collecting comments by the public and educators. An
8 independent third party, which has no prior or current affiliation with a
9 curriculum or assessment resources vendor, shall be selected by the
10 department to collect and transmit the comments to the department for
11 dissemination to the appropriate advisory panel for review and
12 consideration.
- 13 2. Each advisory panel shall review the standards and assessments for its
14 assigned subject matter and grade level and the suggestions made by the
15 public and educators. After completing its review, each advisory panel
16 shall make recommendations for changes to the standards and alignment
17 adjustments for assessments to the appropriate standards and
18 assessments review and development committee.
- 19 3. Each standards and assessments review and development committee
20 shall review the findings and make recommendations to revise or replace
21 existing standards and to adjust alignment of assessments to the
22 standards and assessments process review committee.
- 23 4. The recommendations shall be published on the Web site established in
24 this subsection for the purpose of gathering additional feedback from the
25 public. The commissioner, on behalf of the standards and assessments
26 process review committee, shall subsequently present the
27 recommendations and the public feedback to the Interim Joint

1 Committee on Education.

2 5. The commissioner shall subsequently provide a report to the standards
3 and assessments process review committee summarizing the process
4 conducted under this subsection and the resulting recommendations. The
5 report shall include but not be limited to the timeline of the review
6 process, public feedback, and responses from the Interim Joint
7 Committee on Education.

8 6. After receiving the commissioner's report, the standards and assessments
9 process review committee shall either concur that stakeholders have had
10 adequate opportunity to provide input on standards and the
11 corresponding alignment of state assessments or find the input process
12 deficient. If the process is found deficient, the recommendations may be
13 returned to the appropriate standards and assessments review and
14 development committee for review as described in subparagraph 3. of
15 this paragraph. If the process is found sufficient, the recommendations
16 shall be forwarded without amendment to the Kentucky Board of
17 Education.

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

24 (i) 1. The Kentucky Board of Education shall consider for approval the
25 revisions to academic standards for a content area and the alignment of
26 the corresponding state assessment once recommendations are received
27 from the standards and assessments process review committee. Existing

- 1 state academic standards shall remain in place until the board approves
2 new standards.
- 3 2. Any revision to, or replacement of, the academic standards and
4 assessments as a result of the review process conducted under this
5 subsection shall be implemented in Kentucky public schools no later
6 than the second academic year following the review process. Existing
7 academic standards shall be used until new standards are implemented.
- 8 3. The Department of Education shall disseminate the academic content
9 standards to the schools and teacher preparation programs.
- 10 (j) The Department of Education shall provide or facilitate statewide training
11 sessions for existing teachers and administrators on how to:
- 12 1. Integrate the revised content standards into classroom instruction;
13 2. Better integrate performance assessment of students within their
14 instructional practices; and
15 3. Help all students use higher-order thinking and communication skills.
- 16 (k) The Education Professional Standards Board in cooperation with the
17 Kentucky Board of Education and the Council on Postsecondary Education
18 shall coordinate information and training sessions for faculty and staff in all of
19 the teacher preparation programs in the use of the revised academic content
20 standards. The Education Professional Standards Board shall ensure that each
21 teacher preparation program includes use of the academic standards in the pre-
22 service education programs and that all teacher interns will have experience
23 planning classroom instruction based on the revised standards.
- 24 (l) The Council on Postsecondary Education in cooperation with the Kentucky
25 Department of Education and the postsecondary education institutions in the
26 state shall coordinate information sessions regarding the academic content
27 standards for faculty who teach in the various content areas.

- 1 (3) (a) The Kentucky Board of Education shall be responsible for creating and
2 implementing a balanced statewide assessment program that measures the
3 students', schools', and districts' achievement of the goals set forth in KRS
4 158.645 and 158.6451, to ensure compliance with the federal Every Student
5 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure
6 school accountability.
- 7 (b) The board shall revise the annual statewide assessment program as needed in
8 accordance with revised academic standards and corresponding assessment
9 alignment adjustments approved by the board under subsection (2) of this
10 section.
- 11 (c) The statewide assessments shall not include any academic standards not
12 approved by the board under subsection (2) of this section.
- 13 (d) The board shall seek the advice of the Office of Education Accountability; the
14 School Curriculum, Assessment, and Accountability Council; the Education
15 Assessment and Accountability Review Subcommittee, and the National
16 Technical Advisory Panel on Assessment and Accountability in the
17 development of the assessment program. The statewide assessment program
18 shall not include measurement of a student's ability to become a self-sufficient
19 individual or to become a responsible member of a family, work group, or
20 community.
- 21 (4) (a) The academic components of the statewide assessment program shall be
22 composed of annual student summative tests, which may include a
23 combination of multiple competency-based assessment and performance
24 measures approved by the Kentucky Board of Education.
- 25 (b) The annual student summative tests shall:
- 26 1. Measure individual student achievement in language, reading, English,
27 mathematics, science, and social 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 information to teachers that can enable them to improve
- 6 instruction for current and future students;
- 7 5. Provide longitudinal profiles for students; and
- 8 6. Ensure school and district accountability for student achievement of the
- 9 goals set forth in KRS 158.645 and 158.6451, except the statewide
- 10 assessment program shall not include measurement of a student's ability
- 11 to become a self-sufficient individual or to become a responsible
- 12 member of a family, work group, or community.
- 13 (5) The state student assessments shall include the following components:
- 14 (a) Elementary and middle grades requirements are:
- 15 1. A criterion-referenced test each in mathematics and reading in grades
- 16 three (3) through eight (8) that is valid and reliable for an individual
- 17 student and that measures the depth and breadth of Kentucky's academic
- 18 content standards;
- 19 2. A criterion-referenced test each in science and social studies that is valid
- 20 and reliable for an individual student as necessary to measure the depth
- 21 and breadth of Kentucky's academic content standards to be
- 22 administered one (1) time within the elementary and middle grades,
- 23 respectively;
- 24 3. An on-demand assessment of student writing to be administered one (1)
- 25 time within the elementary grades and one (1) time within the middle
- 26 grades; and
- 27 4. An editing and mechanics test relating to writing, using multiple choice

- 1 and constructed response items, to be administered one (1) time within
2 the elementary and the middle grades, respectively;
- 3 (b) High school requirements are:
- 4 1. A criterion-referenced test in mathematics, reading, and science that is
5 valid and reliable for an individual student and that measures the depth
6 and breadth of Kentucky's academic content standards to be
7 administered one (1) time within the high school grades;
 - 8 2. A criterion-referenced test in social studies that is valid and reliable for
9 an individual student as necessary to measure the depth and breadth of
10 Kentucky's academic content standards to be administered one (1) time
11 within the high school grades;
 - 12 3. An on-demand assessment of student writing to be administered one (1)
13 time within the high school grades;
 - 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 high school grades; and
 - 17 5. A college admissions examination to assess English, reading,
18 mathematics, and science in the spring of grade ten (10) and the spring
19 of grade eleven (11);
- 20 (c) The Kentucky Board of Education shall add any other component necessary to
21 comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or
22 its successor, as determined by the United States Department of Education;
- 23 (d) The criterion-referenced components required in this subsection shall be
24 composed of constructed response items and multiple choice items;
- 25 (e) The Kentucky Board of Education may incorporate end-of-course
26 examinations into the assessment program to be used in lieu of requirements
27 for criterion-referenced tests required under paragraph (b) of this subsection;

1 and

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

6 (6) Each school district shall administer the statewide student assessment during the
7 last fourteen (14) days of school in the district's instructional calendar. The
8 Kentucky Board of Education may change the testing window to allow for
9 innovative assessment systems or other online test administration and shall
10 promulgate administrative regulations that minimize the number of days of testing
11 and outline the procedures to be used during the testing process to ensure test
12 security, including procedures for testing makeup days, and to comply with federal
13 assessment requirements.

14 (7) A student enrolled in a district-operated or district-contracted alternative program
15 shall participate in the appropriate assessments required by this section.

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

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

1 teachers and parents or guardians of each student's skill level.

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

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

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

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

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

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

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

26 (12) Kentucky teachers shall have a significant role in the design of the assessments,
27 except for the college admissions exams described in subsection (5)(b)5. of this

1 section. The assessments shall be designed to:

2 (a) Measure grade appropriate core academic content, basic skills, and higher-
3 order thinking skills and their application;

4 (b) Provide valid and reliable scores for schools. If scores are reported for
5 students individually, they shall be valid and reliable;

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

7 (d) Assess Kentucky academic standards only.

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

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

26 (15) The Department of Education and the state board shall offer optional assistance to
27 local school districts and schools in developing and using continuous assessment

1 strategies needed to assure student progress. The continuous assessment shall
2 provide diagnostic information to improve instruction to meet the needs of
3 individual students.

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

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

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

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

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

1 representation from certified specialist public school teachers and
2 postsecondary teachers in those subject areas.

3 (b) The academic standards in practical living skills for elementary, middle, and
4 high school levels shall include a focus on drug abuse prevention, with an
5 emphasis on the prescription drug epidemic and the connection between
6 prescription opioid abuse and addiction to other drugs, such as heroin and
7 synthetic drugs.

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

14 ~~[(d) The Kentucky Department of Education, in consultation with certified public
15 school teachers of visual and performing arts, may develop program standards
16 for the visual and performing arts.]~~

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

25 (20) (a) The Kentucky Department of Education, in consultation with the review
26 committees described in subsection (18) of this section, shall develop a school
27 profile report to be used by all schools to document how they will address the

1 adopted academic standards in their implementation of the programs as
2 described in subsection (18) of this section, which may include student
3 opportunities and experiences in extracurricular activities. The department
4 shall include the visual and performing arts program data described in
5 subsection (3)(e) of Section 1 of this Act and the essential workplace ethics
6 program on the school profile report.

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

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

18 ➔Section 3. KRS 160.345 is amended to read as follows:

19 (1) For the purpose of this section:

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

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

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

1 representative on the council shall not be an employee or a relative of an
2 employee of the school in which that parent serves, nor shall the parent
3 representative be an employee or a relative of an employee in the district
4 administrative offices. A parent representative shall not be a local board
5 member or a board member's spouse. None of the members shall have a
6 conflict of interest pursuant to KRS Chapter 45A, except the salary paid to
7 district employees;

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

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

25 a. Organizing a special election to elect an additional member. The
26 principal shall call for nominations and shall notify the parents of
27 the students of the date, time, and location of the election to elect a

- 1 minority parent to the council by ballot; and
- 2 b. Allowing the teachers in the building to select one (1) minority
3 teacher to serve as a teacher member on the council. If there are no
4 minority teachers who are members of the faculty, an additional
5 teacher member shall be elected by a majority of all teachers. Term
6 limitations shall not apply for a minority teacher member who is
7 the only minority on faculty;
- 8 (c) 1. The school council shall have the responsibility to set school policy
9 consistent with district board policy which shall provide an environment
10 to enhance the students' achievement and help the school meet the goals
11 established by KRS 158.645 and 158.6451. The principal shall be the
12 primary administrator and the instructional leader of the school, and
13 with the assistance of the total school staff shall administer the policies
14 established by the school council and the local board.
- 15 2. If a school council establishes committees, it shall adopt a policy to
16 facilitate the participation of interested persons, including, but not
17 limited to, classified employees and parents. The policy shall include the
18 number of committees, their jurisdiction, composition, and the process
19 for membership selection;
- 20 (d) The school council and each of its committees shall determine the frequency
21 of and agenda for their meetings. Matters relating to formation of school
22 councils that are not provided for by this section shall be addressed by local
23 board policy;
- 24 (e) The meetings of the school council shall be open to the public and all
25 interested persons may attend. However, the exceptions to open meetings
26 provided in KRS 61.810 shall apply;
- 27 (f) After receiving notification of the funds available for the school from the local

1 board, the school council shall determine, within the parameters of the total
2 available funds, the number of persons to be employed in each job
3 classification at the school. The council may make personnel decisions on
4 vacancies occurring after the school council is formed but shall not have the
5 authority to recommend transfers or dismissals;

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

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

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

27 2. a. i. If the vacancy to be filled is the position of principal, the

1 outgoing principal shall not serve on the council during the
2 principal selection process. The superintendent or the
3 superintendent's designee shall serve as the chair of the
4 council for the purpose of the hiring process and shall have
5 voting rights during the selection process.

6 ii. Except as provided in subdivision b. of this subparagraph,
7 the council shall have access to the applications of all
8 persons certified for the position. The principal shall be
9 elected on a majority vote of the membership of the council.
10 No principal who has been previously removed from a
11 position in the district for cause may be considered for
12 appointment as principal. The school council shall receive
13 training in recruitment and interviewing techniques prior to
14 carrying out the process of selecting a principal. The council
15 shall select the trainer to deliver the training;

16 b. 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. of this paragraph shall be binding on the

- 1 superintendent who completes the hiring process;
- 2 4. Applicants subsequently employed shall provide evidence that they are
3 certified prior to assuming the duties of a position in accordance with
4 KRS 161.020; and
- 5 5. Notwithstanding other provisions of this paragraph, if the applicant is
6 the spouse of the superintendent and the applicant meets the service
7 requirements of KRS 160.380(2)(e), the applicant shall only be
8 employed upon the recommendation of the principal and the approval of
9 a majority vote of the school council;
- 10 (i) The school council shall adopt a policy to be implemented by the principal in
11 the following additional areas:
- 12 1. Determination of curriculum, including needs assessment, curriculum
13 development and responsibilities under KRS 158.6453(19);
- 14 2. Assignment of all instructional and noninstructional staff time;
- 15 3. Assignment of students to classes and programs within the school;
- 16 4. Determination of the schedule of the school day and week, subject to the
17 beginning and ending times of the school day and school calendar year
18 as established by the local board;
- 19 5. Determination of use of school space during the school day related to
20 improving classroom teaching and learning;
- 21 6. Planning and resolution of issues regarding instructional practices;
- 22 7. Selection and implementation of discipline and classroom management
23 techniques as a part of a comprehensive school safety plan, including
24 responsibilities of the student, parent, teacher, counselor, and principal;
- 25 8. Selection of extracurricular programs and determination of policies
26 relating to student participation based on academic qualifications and
27 attendance requirements, program evaluation, and supervision;

- 1 9. Adoption of an emergency plan as required in KRS 158.162;
- 2 10. Procedures, consistent with local school board policy, for determining
- 3 alignment with state standards, technology utilization, and program
- 4 appraisal;~~and~~
- 5 11. Procedures to assist the council with consultation in the selection of
- 6 personnel by the principal, including but not limited to meetings,
- 7 timelines, interviews, review of written applications, and review of
- 8 references. Procedures shall address situations in which members of the
- 9 council are not available for consultation; and

10 **12. Instructional requirements for visual and performing arts as described**

11 **in subsection (2) of Section 1 of this Act; and**

- 12 (j) Each school council shall annually review data as shown on state and local
- 13 student assessments required under KRS 158.6453. The data shall include but
- 14 not be limited to information on performance levels of all students tested, and
- 15 information on the performance of students disaggregated by race, gender,
- 16 disability, and participation in the federal free and reduced price lunch
- 17 program. After completing the review of data, each school council, with the
- 18 involvement of parents, faculty, and staff, shall develop and adopt a plan to
- 19 ensure that each student makes progress toward meeting the goals set forth in
- 20 KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan
- 21 to the superintendent and local board of education for review as described in
- 22 KRS 160.340. The Kentucky Department of Education shall provide each
- 23 school council the data needed to complete the review required by this
- 24 paragraph no later than October 1 of each year. If a school does not have a
- 25 council, the review shall be completed by the principal with the involvement
- 26 of parents, faculty, and staff.

- 27 (3) The policies adopted by the local board to implement school-based decision making

1 shall also address the following:

- 2 (a) School budget and administration, including: discretionary funds; activity and
3 other school funds; funds for maintenance, supplies, and equipment; and
4 procedures for authorizing reimbursement for training and other expenses;
- 5 (b) Assessment of individual student progress, including testing and reporting of
6 student progress to students, parents, the school district, the community, and
7 the state;
- 8 (c) School improvement plans, including the form and function of strategic
9 planning and its relationship to district planning, as well as the school safety
10 plan and requests for funding from the Center for School Safety under KRS
11 158.446;
- 12 (d) Professional development plans developed pursuant to KRS 156.095;
- 13 (e) Parent, citizen, and community participation including the relationship of the
14 council with other groups;
- 15 (f) Cooperation and collaboration within the district, with other districts, and with
16 other public and private agencies;
- 17 (g) Requirements for waiver of district policies;
- 18 (h) Requirements for record keeping by the school council; and
- 19 (i) A process for appealing a decision made by a school council.

20 (4) In addition to the authority granted to the school council in this section, the local
21 board may grant to the school council any other authority permitted by law. The
22 board shall make available liability insurance coverage for the protection of all
23 members of the school council from liability arising in the course of pursuing their
24 duties as members of the council.

25 (5) All schools shall implement school-based decision making in accordance with this
26 section and with the policy adopted by the local board pursuant to this section.
27 Upon favorable vote of a majority of the faculty at the school and a majority of at

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

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

- 1 (7) A school that chooses to have school-based decision making but would like to be
2 exempt from the administrative structure set forth by this section may develop a
3 model for implementing school-based decision making, including but not limited to
4 a description of the membership, organization, duties, and responsibilities of a
5 school council. The school shall submit the model through the local board of
6 education to the commissioner of education and the Kentucky Board of Education,
7 which shall have final authority for approval. The application for approval of the
8 model shall show evidence that it has been developed by representatives of the
9 parents, students, certified personnel, and the administrators of the school and that
10 two-thirds (2/3) of the faculty have agreed to the model.
- 11 (8) The Kentucky Board of Education, upon recommendation of the commissioner of
12 education, shall adopt by administrative regulation a formula by which school
13 district funds shall be allocated to each school council. Included in the school
14 council formula shall be an allocation for professional development that is at least
15 sixty-five percent (65%) of the district's per pupil state allocation for professional
16 development for each student in average daily attendance in the school. The school
17 council shall plan professional development in compliance with requirements
18 specified in KRS 156.095, except as provided in KRS 158.649. School councils of
19 small schools shall be encouraged to work with other school councils to maximize
20 professional development opportunities.
- 21 (9) (a) No board member, superintendent of schools, district employee, or member of
22 a school council shall intentionally engage in a pattern of practice which is
23 detrimental to the successful implementation of or circumvents the intent of
24 school-based decision making to allow the professional staff members of a
25 school and parents to be involved in the decision making process in working
26 toward meeting the educational goals established in KRS 158.645 and
27 158.6451 or to make decisions in areas of policy assigned to a school council

- 1 pursuant to paragraph (i) of subsection (2) of this section.
- 2 (b) An affected party who believes a violation of this subsection has occurred may
3 file a written complaint with the Office of Education Accountability. The
4 office shall investigate the complaint and resolve the conflict, if possible, or
5 forward the matter to the Kentucky Board of Education.
- 6 (c) The Kentucky Board of Education shall conduct a hearing in accordance with
7 KRS Chapter 13B for complaints referred by the Office of Education
8 Accountability.
- 9 (d) If the state board determines a violation has occurred, the party shall be
10 subject to reprimand. A second violation of this subsection may be grounds
11 for removing a superintendent, a member of a school council, or school board
12 member from office or grounds for dismissal of an employee for misconduct
13 in office or willful neglect of duty.
- 14 (e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the
15 state board determines a violation of the confidentiality requirements set forth
16 in subsection (2)(h)2. of this section by a school council member has
17 occurred, the state board shall remove the member from the school council,
18 and the member shall be permanently prohibited from serving on any school
19 council in the district.
- 20 (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or
21 maintain a school-based decision making council and the powers, duties, and
22 authority granted to a school council may be rescinded or the school council's role
23 may be advisory if the commissioner of education or the Kentucky Board of
24 Education takes action under KRS 160.346.
- 25 (11) Each school council of a school containing grades K-5 or any combination thereof,
26 or if there is no school council, the principal, shall develop and implement a
27 wellness policy that includes moderate to vigorous physical activity each day and

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

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

17 ➔Section 4. This Act may be cited as the Arts Education Equity Act.