

1 AN ACT relating to educational requirements.

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

3 ➔Section 1. KRS 160.1596 is amended to read as follows:

- 4 (1) (a) For purposes of this section, a member of the board of directors of a public
5 charter school shall be considered an officer under KRS 61.040 and shall,
6 within sixty (60) days of final approval of an application, take an oath of
7 office as required under KRS 62.010.
- 8 (b) Within seventy-five (75) days of the final approval of an application, the
9 board of directors and the authorizer shall enter into a binding charter contract
10 that establishes the academic and operational performance expectations and
11 measures by which the public charter school will be evaluated.
- 12 (c) The executed charter contract shall become the final authorization for the
13 public charter school. The charter contract shall include:
- 14 1. The term of the contract;
 - 15 2. The agreements relating to each item required under KRS 160.1592(3)
16 and 160.1593(3), as modified or supplemented during the approval
17 process;
 - 18 3. The rights and duties of each party;
 - 19 4. The administrative relationship between the authorizer and the public
20 charter school;
 - 21 5. The allocation of state, local, and federal funds, and the schedule to
22 disburse funds to the public charter school by the authorizer;
 - 23 6. The process the authorizer will use to provide ongoing oversight,
24 including a process to conduct annual site visits;
 - 25 7. The specific commitments of the public charter school authorizer
26 relating to its obligations to oversee, monitor the progress of, and
27 supervise the public charter school;

- 1 8. The process and criteria the authorizer will use to annually monitor and
2 evaluate the overall academic, operating, and fiscal conditions of the
3 public charter school, including the process the authorizer will use to
4 oversee the correction of any deficiencies found in the annual review;
- 5 9. The process for revision or amendment to the terms of the charter
6 contract agreed to by the authorizer and the board of directors of the
7 public charter school;
- 8 10. The process agreed to by the authorizer and the board of directors of the
9 public charter school that identifies how disputes between the authorizer
10 and the board will be handled; and
- 11 11. Any other terms and conditions agreed to by the authorizer and the board
12 of directors, including pre-opening conditions. Reasonable conditions
13 shall not include enrollment caps or operational requirements that place
14 undue constraints on a public charter school or are contradictory to the
15 provisions of KRS 160.1590 to 160.1599 and 161.141. Such conditions,
16 even when incorporated in a charter contract, shall be considered
17 unilaterally imposed conditions.
- 18 (d) 1. The performance provisions within a charter contract shall be based on a
19 performance framework that sets forth the academic and operational
20 performance indicators, measures, and metrics to be used by the
21 authorizer to evaluate each public charter school. The performance
22 framework shall include at a minimum indicators, measures, and metrics
23 for:
 - 24 a. Student academic proficiency;
 - 25 b. Student academic growth;
 - 26 c. Achievement gaps in both student proficiency and student growth
27 between student subgroups, including race, sex, socioeconomic

- 1 status, and areas of exceptionality;
- 2 d. Student attendance;
- 3 e. Student suspensions;
- 4 f. Student withdrawals;
- 5 g. Student exits;
- 6 h. Recurrent enrollment from year to year;
- 7 i. College or career readiness at the end of grade twelve (12);
- 8 j. Financial performance and sustainability; and
- 9 k. Board of directors' performance and stewardship, including
- 10 compliance with all applicable statutes, administrative regulations,
- 11 and terms of the charter contract.
- 12 2. The performance framework shall allow the inclusion of additional
- 13 rigorous, valid, and reliable indicators proposed by a public charter
- 14 school to augment external evaluations of its performance. The proposed
- 15 indicators shall be consistent with the purposes of KRS 160.1590 to
- 16 160.1599 and 161.141 and shall be negotiated with the authorizer.
- 17 3. The performance framework shall require the disaggregation of student
- 18 performance data by subgroups, including race, sex, socioeconomic
- 19 status, and areas of exceptionality.
- 20 4. The authorizer shall be responsible for collecting, analyzing, and
- 21 reporting to the state board all state-required assessment and
- 22 achievement data for each public charter school it oversees.
- 23 (e) Annual student achievement performance targets shall be set, in accordance
- 24 with the state accountability system, by each public charter school in
- 25 conjunction with its authorizer, and those measures shall be designed to help
- 26 each school meet applicable federal, state, and authorizer goals.
- 27 (f) The charter contract shall be signed by the chair of the governing board of the

1 authorizer and the chair of the board of directors of the public charter school.

2 An approved charter application shall not serve as a charter contract for the
3 public charter school.

4 (g) No public charter school may commence operations without a charter contract
5 executed according to this section and approved in an open meeting of the
6 governing board of the authorizer.

7 (2) Within five (5) days after entering into a charter contract, a copy of the executed
8 contract shall be submitted by the authorizer to the commissioner of education.

9 (3) The state board shall promulgate administrative regulations to establish the process
10 to be used to evaluate the performance of a charter school authorizer, based upon
11 the requirements of KRS 160.1590 to 160.1599 and 161.141, and the actions to be
12 taken in response to failures in performance. **However, no administrative**
13 **regulation shall require training of an authorizer until receipt by an authorizer of**
14 **a charter application. Training may be required and conducted during the sixty**
15 **(60) day application review period under KRS 160.1594.**

16 (4) The commissioner of education shall apply for financial assistance through the
17 federal government for the planning, program design, and initial implementation of
18 public charter schools in the state within sixty (60) days after June 29, 2017, or at
19 the first available grant application period. Federal grants include but are not limited
20 to the Charter Schools Program administered by the United States Department of
21 Education.

22 (5) By August 31, 2019, and annually thereafter, each public charter school authorizer
23 shall submit to the commissioner of education, the secretary of the Education and
24 Workforce Development Cabinet, and the Interim Joint Committee on Education a
25 report to include:

26 (a) The names of each public charter school operating under contract with the
27 authorizer during the previous academic year that:

- 1 1. Closed during or after the academic year; or
- 2 2. Had the contract nonrenewed or revoked;
- 3 (b) The names of each public charter school operating under contract with the
- 4 authorizer during the previous academic year that have not yet begun to
- 5 operate;
- 6 (c) The number of applications received, the number reviewed, and the number
- 7 approved;
- 8 (d) A summary of the academic and financial performance of each public charter
- 9 school operated under contract with the authorizer during the previous
- 10 academic year; and
- 11 (e) The authorizing duties and functions performed by the authorizer during the
- 12 previous academic year.

13 ➔Section 2. KRS 160.346 is amended to read as follows:

- 14 (1) For purposes of this section:
 - 15 (a) "Department" means the Kentucky Department of Education;
 - 16 (b) "ESSA" means the Every Student Succeeds Act of 2015, Pub. L. No. 114-95,
 - 17 or its successor;
 - 18 (c) "Level" means elementary, middle, or high school;
 - 19 (d) "Turnaround" means a comprehensive transformation of a school to achieve
 - 20 accelerated, meaningful, and sustainable increases in student achievement
 - 21 through improved school leadership and school district support;
 - 22 (e) "Turnaround plan" means a mandatory school plan that is designed to improve
 - 23 student learning and performance with evidence-based interventions as
 - 24 defined in ESSA and that is developed and implemented by the local school
 - 25 district in partnership with stakeholders, including the principal, other school
 - 26 leaders, teachers, and parents; and
 - 27 (f) "Turnaround team" means the turnaround training and support team selected

1 by the local board of education as described in subsection (7)(a) of this
2 section.

3 (2) (a) Beginning with the 2020-2021~~[2019-2020]~~ school year, and annually
4 thereafter, the department shall identify a school for targeted support and
5 improvement if the school has~~[at least]~~ one (1) **or more of the same**
6 **subgroups**~~[subgroup]~~, as defined by ESSA, whose performance in the state
7 accountability system by level is at or below that of all students in any of the
8 lowest-performing five percent (5%) of all schools for three (3) consecutive
9 years~~[and the school is in the lowest performing ten percent (10%) of all~~
10 ~~schools by level]~~.

11 (b) Beginning with the 2021-2022~~[2020-2021]~~ school year, and every three (3)
12 years thereafter, the department shall identify a school for additional targeted
13 support and improvement if the school has~~[at least]~~ one (1) **or more**
14 **subgroups**~~[subgroup]~~, as defined by ESSA, whose performance in the state
15 accountability system by level is at or below the summative performance of all
16 students in any of the lowest-performing five percent (5%) of all schools
17 identified under subsection (3)(a) of this section and **the school was**~~[has been]~~
18 identified **in the immediately preceding year** for targeted support and
19 improvement as described in paragraph (a) of this subsection.

20 (3) Beginning with the 2021-2022 school year, and every three (3) years
21 thereafter~~[2018-2019 school year, or upon the department's implementation of the~~
22 ~~provisions of ESSA, whichever occurs first]~~, a school shall be identified by the
23 department for comprehensive support and improvement if the school is:

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

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

- 1 (c) Identified by the department for ***additional*** targeted support and improvement
2 under subsection (2)(b) of this section and fails to exit ***additional*** targeted
3 support and improvement status based on criteria established under subsection
4 (9) of this section.
- 5 (4) (a) When a school is identified for targeted support and improvement ***or***
6 ***additional targeted support and improvement***, the local school personnel,
7 working with stakeholders, including the principal, other school leaders,
8 teachers, and parents, shall revise its school improvement plan, which shall be
9 subject to review and approval by the local board of education.
- 10 (b) Each revised plan shall be informed by all available indicators, including
11 student performance compared to long-term goals, and shall include:
- 12 1. Components of turnaround leadership development and support;
 - 13 2. Identification of critical resource inequities;
 - 14 3. Evidence-based interventions; and
 - 15 4. Additional actions that address the causes of consistently
16 underperforming subgroups of students.
- 17 (c) If adequate performance progress, as defined by the department, is not made:
- 18 1. By a school identified under subsection (2)(~~a~~)(~~b~~) of this section, the
19 local school district shall take additional action to assist and support the
20 school in reaching performance goals; and
 - 21 2. By a school identified under subsection (2)(~~b~~)(~~a~~) of this section, the
22 school shall be identified for comprehensive support and improvement
23 ***as described in subsection (3)(c) of this section.***
- 24 (5) (a) When a school is identified for comprehensive support and improvement, an
25 audit shall be performed. The local board of education shall select a
26 turnaround audit team with documented expertise in diagnosing the causes of
27 an organization's low performance and providing advice and strategies

1 resulting in effective turnaround leadership. The audit team shall not include
2 any of the district's employees.

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

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

9 (d) The audit conducted under this subsection shall be the only comprehensive
10 audit required for a school unless the school fails to exit comprehensive
11 support and improvement status as described in subsection (10) of this section
12 or exits comprehensive support and improvement status but subsequently
13 repeats as a school identified for comprehensive support and improvement.

14 (6) (a) An audit team established under subsection (5) of this section to audit a school
15 identified for comprehensive support and improvement shall include in the
16 review and report:

17 1. A diagnosis of the causes of the school's low performance, with an
18 emphasis on underperforming subgroups of students and corresponding
19 critical resource inequities;

20 2. An assessment and recommendation to the superintendent regarding the
21 principal's capacity to function or develop as a turnaround specialist,
22 including if the principal should be reassigned to a comparable position
23 in the school district;

24 3. An assessment of the interaction and relationship among the
25 superintendent, central office personnel, and the school principal;

26 4. A recommendation of the steps the school may implement to launch and
27 sustain a turnaround process; and

- 1 5. A recommendation to the local board of education of the turnaround
2 principles and strategies necessary for the superintendent to assist the
3 school with turnaround.
- 4 (b) The report of an audit conducted under this subsection shall be provided to the
5 superintendent, local board of education, school principal, commissioner of
6 education, and the Kentucky Board of Education.
- 7 (7) After completion of the audit described in subsection (6) of this section, each school
8 identified for comprehensive support and improvement shall engage in the
9 following turnaround intervention process:
- 10 (a) The local board of education shall:
- 11 1. Issue a request for proposals for a private entity with documented
12 success at turnaround diagnosis, training, and improved performance of
13 organizations to provide a turnaround training and support team to the
14 school identified for comprehensive support and improvement. The local
15 board of education shall select the turnaround entity and negotiate the
16 scope and duration of the entity's services;
- 17 2. Utilize local staff and community partners to serve as the turnaround
18 team for the school identified for comprehensive support and
19 improvement; or
- 20 3. Select the Kentucky Department of Education to serve as the turnaround
21 team, if the local board determines the options provided in
22 subparagraphs 1. and 2. of this paragraph are not viable alternatives;
- 23 (b) The authority of the school council granted under KRS 160.345 shall be
24 transferred to the superintendent;
- 25 (c) The superintendent may either retain the principal or reassign him or her to a
26 comparable position in the district;
- 27 (d) The superintendent shall select a principal for the school if a principal vacancy

- 1 or reassignment occurs. The superintendent shall consult with the turnaround
2 team, parents, certified staff, and classified staff before appointing a principal
3 replacement;
- 4 (e) Upon recommendation of the principal, the superintendent may reassign
5 certified staff members to a comparable position in the school district;
- 6 (f) The superintendent shall collaborate with the turnaround team to design
7 ongoing turnaround training and support for the principal and a corresponding
8 monitoring system of effectiveness and student achievement results;
- 9 (g) The principal shall collaborate with the turnaround team to establish an
10 advisory leadership team representing school stakeholders including other
11 school leaders, teachers, and parents;
- 12 (h) 1. The local school board shall collaborate with the superintendent,
13 principal, turnaround team, and the advisory leadership team to propose
14 a three (3) year turnaround plan.
- 15 2. The turnaround plan shall include requests to the department for
16 exemptions from submitting documentation that are identified by the
17 principal, advisory leadership team, and turnaround team as inhibitors to
18 investing time in innovative instruction and accelerated student
19 achievement of diverse learners including ongoing staff instructional
20 plans, student interventions, formative assessment results, or staff
21 effectiveness processes.
- 22 3. The turnaround plan shall be reviewed for approval by the
23 superintendent and the local board of education and shall be subject to
24 review, approval, monitoring, and periodic review by the department as
25 described in KRS 158.782;
- 26 (i) The school district may request technical assistance from the department for
27 development and implementation of the turnaround plan, which may include

1 conducting needs assessments, selecting evidence-based interventions, and
2 reviewing and addressing resource inequities;

3 (j) The turnaround plan shall be fully implemented by the first full day of the
4 school year following the school year the school was identified for
5 comprehensive support and improvement; and

6 (k) The superintendent shall periodically report to the local school board, and at
7 least annually to the commissioner of education, on the implementation and
8 results of the turnaround plan.

9 (8) To assist with funding the audit and turnaround intervention process described in
10 subsections (5) and (7) of this section and not provided by the department, the
11 department shall annually reimburse the school district, for a maximum of three (3)
12 years, an amount not to exceed the amount budgeted by the department to serve as
13 the turnaround team to a school under subsection (7)(a)3. of this section, including
14 Commonwealth school improvement funds under KRS 158.805 and assistance
15 personnel.

16 (9) The Kentucky Board of Education shall establish statewide exit criteria for schools
17 identified for targeted support and improvement, *additional targeted support and*
18 *improvement*, and comprehensive support and improvement.

19 (10) If a school enters comprehensive support and improvement status and does not
20 make any annual improvement, as determined by the department, for two (2)
21 consecutive years, or if the school does not exit the status after three (3) years, the
22 school shall enter a school intervention process chosen by the commissioner of
23 education that provides more rigorous support and action by the department to
24 improve the school's performance.

25 (11) For school districts that include a significant number of schools, as determined by
26 the department, identified for targeted support and improvement:

27 (a) The department shall periodically review a local board's resource allocations

1 to support school improvement and provide technical assistance to the local
2 school board; and

3 (b) The department may provide a recommended list of turnaround or school
4 intervention providers that have demonstrated success implementing
5 evidence-based strategies.

6 (12) If, in the course of a school audit, the audit team identifies information suggesting
7 that a violation of KRS 160.345(9)(a) may have occurred, the commissioner of
8 education shall forward the evidence to the Office of Education Accountability for
9 investigation.

10 (13) A school's right to establish a council granted under KRS 160.345 may be restored
11 by the local board of education two (2) years after the school exits comprehensive
12 support and improvement status.

13 ➔Section 3. Whereas local boards of education provide valuable leadership to
14 school districts that requires undivided attention without the distraction of regulatory
15 trainings, an emergency is declared to exist, and this Act takes effect upon its passage and
16 approval by the Governor or upon its otherwise becoming a law.