

1 AN ACT relating to the statewide college admissions examination.

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 transition readiness standards necessary for global competitiveness and with
10 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 committees, with each committee composed of a minimum of six
25 (6) Kentucky public school teachers and a minimum of two (2)
26 representatives from Kentucky institutions of higher education,
27 including at least one (1) representative from a public institution of

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

1 various content areas.

2 (f) 1. The standards and assessments process review committee is hereby
3 established and shall be composed of the commissioner of education or
4 designee as a nonvoting member and nine (9) voting representatives of
5 public schools, of whom at least two (2) shall be parents of public
6 school students, appointed by the Governor and confirmed by the Senate
7 in accordance with KRS 11.160 as follows:

- 8 a. One (1) language arts teacher;
- 9 b. One (1) math teacher;
- 10 c. One (1) science teacher;
- 11 d. One (1) social studies teacher;
- 12 e. Two (2) school principals;
- 13 f. Two (2) school superintendents; and
- 14 g. One (1) school board member.

15 2. On making appointments to the committee, the Governor shall ensure
16 broad geographical urban and rural representation and representation of
17 elementary, middle, and high school levels; ensure equal representation
18 of the two (2) sexes, inasmuch as possible; and ensure that appointments
19 reflect the minority racial composition of the Commonwealth.

20 3. The review of the committee shall be limited to the procedural aspects
21 of the review process undertaken prior to its consideration.

22 4. Notwithstanding KRS 12.028, the committee shall not be subject to
23 reorganization by the Governor.

24 (g) 1. The review process implemented under this subsection shall be an open,
25 transparent process that allows all Kentuckians an opportunity to
26 participate. The department shall ensure the public's assistance in
27 reviewing and suggesting changes to the standards and alignment

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

- 1 6. After receiving the commissioner's report, the standards and assessments
2 process review committee shall either concur that stakeholders have had
3 adequate opportunity to provide input on standards and the
4 corresponding alignment of state assessments or find the input process
5 deficient. If the process is found deficient, the recommendations may be
6 returned to the appropriate standards and assessments review committee
7 for review as described in subparagraph 3. of this paragraph. If the
8 process is found sufficient, the recommendations shall be forwarded
9 without amendment to the Kentucky Board of Education.
- 10 (h) The Kentucky Board of Education shall promulgate administrative regulations
11 in accordance with KRS Chapter 13A as may be needed for the administration
12 of the review process, including staggering the timing and sequence of the
13 review process by subject area and remuneration of the review committees
14 and advisory panels described in paragraphs (c) and (d) of this subsection.
- 15 (i) 1. The Kentucky Board of Education shall consider for approval the
16 revisions to academic standards for a content area and the alignment of
17 the corresponding state assessment once recommendations are received
18 from the standards and assessments process review committee. Existing
19 state academic standards shall remain in place until the board approves
20 new standards.
- 21 2. Any revision to, or replacement of, the academic standards and
22 assessments as a result of the review process conducted under this
23 subsection shall be implemented in Kentucky public schools no later
24 than the second academic year following the review process. Existing
25 academic standards shall be used until new standards are implemented.
- 26 3. The Department of Education shall disseminate the academic content
27 standards to the schools and teacher preparation programs.

- 1 (j) The Department of Education shall provide or facilitate statewide training
2 sessions for existing teachers and administrators on how to:
- 3 1. Integrate the revised content standards into classroom instruction;
 - 4 2. Better integrate performance assessment of students within their
5 instructional practices; and
 - 6 3. Help all students use higher-order thinking and communication skills.
- 7 (k) The Education Professional Standards Board in cooperation with the
8 Kentucky Board of Education and the Council on Postsecondary Education
9 shall coordinate information and training sessions for faculty and staff in all of
10 the teacher preparation programs in the use of the revised academic content
11 standards. The Education Professional Standards Board shall ensure that each
12 teacher preparation program includes use of the academic standards in the pre-
13 service education programs and that all teacher interns will have experience
14 planning classroom instruction based on the revised standards.
- 15 (l) The Council on Postsecondary Education in cooperation with the Kentucky
16 Department of Education and the postsecondary education institutions in the
17 state shall coordinate information sessions regarding the academic content
18 standards for faculty who teach in the various content areas.
- 19 (3) (a) The Kentucky Board of Education shall be responsible for creating and
20 implementing a balanced statewide assessment program that measures the
21 students', schools', and districts' achievement of the goals set forth in KRS
22 158.645 and 158.6451, to ensure compliance with the federal Every Student
23 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure
24 school accountability.
- 25 (b) The board shall revise the annual statewide assessment program as needed in
26 accordance with revised academic standards and corresponding assessment
27 alignment adjustments approved by the board under subsection (2) of this

1 section.

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

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

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

16 (b) The annual student summative tests shall:

- 17 1. Measure individual student achievement in language, reading, English,
18 mathematics, science, and social studies at designated grades;
- 19 2. Provide teachers and parents a valid and reliable comprehensive analysis
20 of skills mastered by individual students;
- 21 3. Provide diagnostic information that identifies strengths and academic
22 deficiencies of individual students in the content areas;
- 23 4. Provide information to teachers that can enable them to improve
24 instruction for current and future students;
- 25 5. Provide longitudinal profiles for students; and
- 26 6. Ensure school and district accountability for student achievement of the
27 goals set forth in KRS 158.645 and 158.6451, except the statewide

1 assessment program shall not include measurement of a student's ability
2 to become a self-sufficient individual or to become a responsible
3 member of a family, work group, or community.

4 (5) The state student assessments shall include the following components:

5 (a) Elementary and middle grades requirements are:

- 6 1. A criterion-referenced test each in mathematics and reading in grades
7 three (3) through eight (8) that is valid and reliable for an individual
8 student and that measures the depth and breadth of Kentucky's academic
9 content standards;
- 10 2. A criterion-referenced test each in science and social studies that is valid
11 and reliable for an individual student as necessary to measure the depth
12 and breadth of Kentucky's academic content standards to be
13 administered one (1) time within the elementary and middle grades,
14 respectively;
- 15 3. An on-demand assessment of student writing to be administered one (1)
16 time within the elementary grades and one (1) time within the middle
17 grades; and
- 18 4. An editing and mechanics test relating to writing, using multiple choice
19 and constructed response items, to be administered one (1) time within
20 the elementary and the middle grades, respectively;

21 (b) High school requirements are:

- 22 1. A criterion-referenced test in mathematics, reading, and science that is
23 valid and reliable for an individual student and that measures the depth
24 and breadth of Kentucky's academic content standards to be
25 administered one (1) time within the high school grades;
- 26 2. A criterion-referenced test in social studies that is valid and reliable for
27 an individual student as necessary to measure the depth and breadth of

- 1 Kentucky's academic content standards to be administered one (1) time
2 within the high school grades;
- 3 3. An on-demand assessment of student writing to be administered one (1)
4 time within the high school grades;
- 5 4. An editing and mechanics test relating to writing, using multiple choice
6 and constructed response items, to be administered one (1) time within
7 the high school grades; and
- 8 5. A college admissions examination to assess English, reading,
9 mathematics, and science in the spring of grade ten (10) and the spring
10 of grade eleven (11), except as provided in subsection (11)(b) of this
11 section;
- 12 (c) The Kentucky Board of Education shall add any other component necessary to
13 comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or
14 its successor, as determined by the United States Department of Education;
- 15 (d) The criterion-referenced components required in this subsection shall be
16 composed of constructed response items and multiple choice items;
- 17 (e) The Kentucky Board of Education may incorporate end-of-course
18 examinations into the assessment program to be used in lieu of requirements
19 for criterion-referenced tests required under paragraph (b) of this subsection;
20 and
- 21 (f) The results of the assessment program developed under this subsection shall
22 be used by schools and districts to determine appropriate instructional
23 modifications for all students in order for students to make continuous
24 progress, including that needed by advanced learners.
- 25 (6) Each school district shall administer the statewide student assessment during the
26 last fourteen (14) days of school in the district's instructional calendar. The
27 Kentucky Board of Education may change the testing window to allow for

1 innovative assessment systems or other online test administration and shall
2 promulgate administrative regulations that minimize the number of days of testing
3 and outline the procedures to be used during the testing process to ensure test
4 security, including procedures for testing makeup days, and to comply with federal
5 assessment requirements.

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

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

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

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

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

25 (a) The cost of both college admissions examinations administered to students in
26 high school shall be paid for by the Kentucky Department of Education. The
27 costs of additional college admissions examinations shall be the responsibility

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of the student;

(b) Each local district shall determine a high score required for a student to be exempted from the college admissions examinations. If a student attains the high score on a college admissions examination, taken under subsection (5)(b)5. of this section or independently, the parent or guardian of the student, or the student if he or she is at least eighteen (18) years old or legally emancipated, may request exemption from any college admissions examination the student has not taken under subsection (5)(b)5. of this section. When a student is exempted from taking a college admissions examination under this paragraph, the scores on the examination that qualified the student for the exemption shall be used in the state accountability system;

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

~~(d)~~~~(e)~~ Accommodations provided to a student with a disability taking the college admissions assessments under this subsection shall consist of:

1. Accommodations provided in a manner allowed by the college admissions assessment provider when results in test scores are reportable to a postsecondary institution for admissions and placement purposes, except as provided in subparagraph 2. of this paragraph; or
2. Accommodations provided in a manner allowed by a student's individualized education program as defined in KRS 158.281 for a student whose disability precludes valid assessment of his or her academic abilities using the accommodations provided under subparagraph 1. of this paragraph when the student's scores are not reportable to a postsecondary institution for admissions and placement

1 purposes.

2 (12) Kentucky teachers shall have a significant role in providing feedback about the
3 design of the assessments, except for the college admissions exams described in
4 subsection (5)(b)5. of this section. The assessments shall be designed to:

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

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

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

10 (d) Assess Kentucky academic standards only.

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

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

1 of the second year of the biennium.

2 (15) The Department of Education and the state board shall offer optional assistance to
3 local school districts and schools in developing and using continuous assessment
4 strategies needed to assure student progress. The continuous assessment shall
5 provide diagnostic information to improve instruction to meet the needs of
6 individual students.

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

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

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

27 1. Student academic achievement, including the results from each of the

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

1 committees for the standards for each of the content areas that include
2 representation from certified specialist public school teachers and
3 postsecondary teachers in those subject areas.

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

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

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

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

26 (20) (a) The Kentucky Department of Education, in consultation with the review
27 committees described in subsection (18) of this section, shall develop a school

1 profile report to be used by all schools to document how they will address the
2 adopted academic standards in their implementation of the programs as
3 described in subsection (18) of this section, which may include student
4 opportunities and experiences in extracurricular activities. The department
5 shall include the essential workplace ethics program on the school profile
6 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.