

1 AN ACT relating to education.

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

3 ➔Section 1. KRS 158.6455 is amended to read as follows:

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

6 (1) (a) The Kentucky Board of Education shall create an accountability system to
7 classify districts and schools in accordance with the academic standards and
8 student assessment program developed pursuant to KRS 158.6453.

9 (b) The accountability system shall include ***an annual meaningful***
10 ***differentiation of all public schools in the state using multiple measures that***
11 ***describe the overall performance of each district, school, and student***
12 ***subgroup. Performance shall be based on a combination of academic and***
13 ***school quality indicators and measures, hereinafter called "state***
14 ***indicators."*** ***The state indicators shall exclusively include:***

- 15 1. ~~[An annual overall summative performance evaluation of each school~~
16 ~~and district compared to goals established by the Kentucky Department~~
17 ~~of Education. The evaluation for each school and district shall:~~
18 ~~a. Not consist of a single summative numerical score that ranks~~
19 ~~schools against each other; and~~
20 ~~b. Be based on a combination of academic and school quality~~
21 ~~indicators and measures, with greater weight assigned to the~~
22 ~~academic measures;~~
23 2. ~~]~~Student assessment results;
24 2.~~[3.]~~Progress toward achieving English proficiency by limited English
25 proficiency students;
26 3.~~[4.]~~Quality of school climate and safety;
27 4.~~[5.]~~High school graduation rates;

1 ~~5.16.~~ Postsecondary readiness for each high school student, which shall be
 2 included as an academic indicator, and shall be measured by:

3 a. Meeting or exceeding a college readiness benchmark score on the
 4 college admissions examination used as the statewide assessment
 5 in KRS 158.6453(5)(b)5. or a college placement examination
 6 approved by the Council on Postsecondary Education. The college
 7 readiness benchmark score shall be established by the Council on
 8 Postsecondary Education; or

9 b. Achievement of college credit, postsecondary articulated credit,
 10 apprenticeship time toward a credential or associate degree, or any
 11 industry-recognized certifications, licensures, or credentials, with
 12 more weight in accountability for industry-recognized
 13 certifications, licensures, or credentials identified as high demand
 14 in accordance with the process described in paragraph ~~(e)~~~~(e)~~ of
 15 this subsection. Eligible industry-recognized certifications,
 16 licensures, or credentials shall not be limited to those earned in
 17 conjunction with a minimum sequence of courses. Each high
 18 school shall publicly report the credits, hours, and credentials on
 19 an annual basis; and

20 ~~6.17.~~ Any other factor mandated by the federal Every Student Succeeds Act of
 21 2015, Pub. L. No. 114-95, or its successor.

22 (c) **The accountability system performance for each district, school, and**
 23 **student subgroup determined by the state indicators shall be based on a**
 24 **combination of annual performance, hereinafter called "status," and**
 25 **improvement over time, hereinafter called "change."**

26 **1. Status and change shall receive equal weight in determining overall**
 27 **performance. For all students as a group and separately for individual**

1 subgroups, status shall be determined by using the current year
2 performance and change shall be determined by using the difference
3 in performance from the prior to current year.

4 2. For each state indicator, there shall be five (5) status levels ranging
5 from very high to very low and five (5) change levels ranging from
6 increased significantly to declined significantly.

7 3. The percentile cut scores for status and change levels shall be based
8 on distribution and shall be approved by the Kentucky Department of
9 Education and the Local Superintendents Advisory Council. The cut
10 scores shall remain in place for at least six (6) years unless existing
11 cut scores no longer support meaningful differentiation of schools as
12 required by the federal Every Student Succeeds Act of 2015, Pub. L.
13 No. 114-95, or its successor.

14 (d) 1. The Kentucky Department of Education shall develop an online
15 display of the accountability system results, hereinafter called a
16 "dashboard." A color-coded performance level for each state indicator
17 shall be displayed in a straightforward manner on the dashboard for
18 overall performance, status, and change by district and school for all
19 students as a group and separately for individual subgroups
20 containing at least thirty (30) students.

21 2. A school with a subgroup of ten (10) to twenty-nine (29) students shall
22 receive data for that subgroup from the Kentucky Department of
23 Education but the subgroup shall not be included in determining the
24 school's accountability system performance.

25 (e) Based on data from the Kentucky Center for Education and Workforce
26 Statistics, each local workforce investment board, in conjunction with local
27 economic development organizations from its state regional sector, shall

1 annually compile a list of industry-recognized certifications, licensures, and
2 credentials specific to the state and regional workforce area, rank them by
3 demand for the state and regional area, and provide the list to the Kentucky
4 Workforce Innovation Board. The Kentucky Workforce Innovation Board, in
5 conjunction with the Kentucky Department of Education, may revise the lists
6 before the Kentucky Department of Education disseminates the lists to all
7 school districts to be used as postsecondary readiness indicators.

8 ~~(f)(d)~~ 1. The Kentucky Department of Education shall pay for the cost of an
9 assessment taken by a high school student for attaining an industry-
10 recognized certification, credential, or licensure if the student
11 consecutively completes at least two (2) related career pathway courses
12 approved by the department prior to taking the assessment.

13 2. If a high school student has not completed the two (2) course
14 requirement described in subparagraph 1. of this paragraph but meets
15 performance-based experience eligibility and passes an assessment, the
16 department shall provide a weighted reimbursement amount to the
17 school district for the cost of the assessment based on the level of
18 demand of the certificate, credential, or license earned. The Kentucky
19 Board of Education shall promulgate regulations establishing the
20 performance-based experience eligibility requirements and weighted
21 reimbursement amounts.

22 ~~(g)(e)~~ Prior to promulgating administrative regulations to revise the
23 accountability system, the board shall seek advice from the School
24 Curriculum, Assessment, and Accountability Council; the Office of Education
25 Accountability; the Education Assessment and Accountability Review
26 Subcommittee; and the National Technical Advisory Panel on Assessment and
27 Accountability.

- 1 (2) A student's test scores shall be counted in the accountability measure of:
- 2 (a) 1. The school in which the student is currently enrolled if the student has
- 3 been enrolled in that school for at least a full academic year as defined
- 4 by the Kentucky Board of Education; or
- 5 2. The school in which the student was previously enrolled if the student
- 6 was enrolled in that school for at least a full academic year as defined by
- 7 the Kentucky Board of Education; and
- 8 (b) The school district if the student is enrolled in the district for at least a full
- 9 academic year as defined by the Kentucky Board of Education; and
- 10 (c) The state if the student is enrolled in a Kentucky public school prior to the
- 11 beginning of the statewide testing period.
- 12 (3) After receiving the advice of the Office of Education Accountability; the School
- 13 Curriculum, Assessment, and Accountability Council; and the National Technical
- 14 Advisory Panel on Assessment and Accountability, the Kentucky Board of
- 15 Education shall promulgate an administrative regulation in conformity with KRS
- 16 158.6471 and 158.6472 and KRS Chapter 13A to establish more rigorous action,
- 17 intervention, and appropriate consequences for schools that fail to exit
- 18 comprehensive support and improvement status described in KRS 160.346. The
- 19 consequences shall be designed to improve the academic performance and learning
- 20 environment of identified schools and may include but not be limited to:
- 21 (a) A review and audit process to determine the appropriateness of a school's or
- 22 district's classification and to recommend needed assistance;
- 23 (b) School and district improvement plans;
- 24 (c) Eligibility to receive Commonwealth school improvement funds under KRS
- 25 158.805;
- 26 (d) Education assistance from highly skilled certified staff; and
- 27 (e) Observation of school personnel.

- 1 (4) All students who drop out of school during a school year shall be included in a
2 school's annual average school graduation rate calculation.
- 3 (5) After receiving the advice of the Education Assessment and Accountability Review
4 Subcommittee, the Office of Education Accountability; the School Curriculum,
5 Assessment, and Accountability Council; and the National Technical Advisory
6 Panel on Assessment and Accountability, the Kentucky Board of Education may
7 promulgate by administrative regulation, in conformity with KRS 158.6471 and
8 158.6472 and KRS Chapter 13A, a system of district accountability that includes
9 establishing a formula for accountability, goals for improvement over a three (3)
10 year period, rewards for leadership in improving teaching and learning in the
11 district, and consequences that address the problems and provide assistance when
12 one (1) or more schools in the district fail to exit comprehensive support and
13 improvement status after three (3) consecutive years of implementing the
14 turnaround intervention process described in KRS 160.346.
- 15 (6) After receiving the advice of the Office of Education Accountability; the School
16 Curriculum, Assessment, and Accountability Council; and the National Technical
17 Advisory Panel on Assessment and Accountability, the Kentucky Board of
18 Education shall promulgate administrative regulations in conformity with KRS
19 158.6471 and 158.6472 and KRS Chapter 13A, to establish a process whereby a
20 school shall be allowed to appeal a performance judgment which it considers
21 grossly unfair. Upon appeal, an administrative hearing shall be conducted in
22 accordance with KRS Chapter 13B. The state board may adjust a performance
23 judgment on appeal when evidence of highly unusual circumstances warrants the
24 conclusion that the performance judgment is based on fraud or a mistake in
25 computations, is arbitrary, is lacking any reasonable basis, or when there are
26 significant new circumstances occurring during the three (3) year assessment period
27 which are beyond the control of the school.

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

2 (1) For purposes of this section:

3 (a) "Department" means the Kentucky Department of Education;

4 (b) "ESSA" means the Every Student Succeeds Act of 2015, Pub. L. No. 114-95,
5 or its successor;

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

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

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

15 (f) "Turnaround team" means the turnaround training and support team selected
16 by the local board of education as described in subsection (7)(a) of this
17 section.

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

26 (b) Beginning with the 2021-2022~~[2020-2021]~~ school year, and every three (3)
27 years thereafter, the department shall identify a school for additional targeted

1 support and improvement if the school has~~[-at least]~~ one (1) ***or more***
 2 ***subgroups***~~[subgroup]~~, as defined by ESSA, whose performance in the state
 3 accountability system by level is at or below the summative performance of all
 4 students in any of the lowest-performing five percent (5%) of all schools
 5 identified under subsection (3)(a) of this section and ***the school was***~~[has been]~~
 6 identified ***in the immediately preceding year*** for targeted support and
 7 improvement as described in paragraph (a) of this subsection.

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

- 12 (a) In the lowest-performing five percent (5%) of all schools in its level based on
 13 the school's performance in the state accountability system;
- 14 (b) A high school with a four (4) year cohort graduation rate that is less than
 15 eighty percent (80%); or
- 16 (c) Identified by the department for ***additional*** targeted support and improvement
 17 under subsection (2)(b) of this section and fails to exit ***additional*** targeted
 18 support and improvement status based on criteria established under subsection
 19 ***(10)***~~[(9)]~~ of this section.

20 (4) (a) When a school is identified for targeted support and improvement ***under***
 21 ***subsection (2)(a) of this section***, the local school personnel, working with
 22 stakeholders, including the principal, other school leaders, teachers, and
 23 parents, shall revise its school improvement plan, which shall be subject to
 24 review and approval by the local board of education.

- 25 (b) Each revised plan shall be informed by all available indicators, including
 26 student performance compared to long-term goals, and shall include:
- 27 1. Components of turnaround leadership development and support;

- 1 2. Identification of critical resource inequities;
- 2 3. Evidence-based interventions; and
- 3 4. Additional actions that address the causes of consistently
- 4 underperforming subgroups of students.

- 5 (c) If adequate performance progress, as defined by the department, is not made[~~;~~
- 6 1. ~~By a school identified under subsection (2)(b) of this section], the local~~
- 7 school district shall take additional action to assist and support the
- 8 school in reaching performance goals[~~;~~ and
- 9 2. ~~By a school identified under subsection (2)(a) of this section, the school~~
- 10 ~~shall be identified for comprehensive support and improvement].~~

- 11 (5) ~~[(a)]~~ **When a school is identified for additional targeted support and**
- 12 **improvement under subsection (2)(b) of this section, the local school district shall**
- 13 **take more rigorous district-determined action to assist and support the school in**
- 14 **reaching performance goals.**

- 15 **(6) (a)** When a school is identified for comprehensive support and improvement, an
- 16 audit shall be performed. The local board of education shall select a
- 17 turnaround audit team with documented expertise in diagnosing the causes of
- 18 an organization's low performance and providing advice and strategies
- 19 resulting in effective turnaround[~~leadership~~]. **The turnaround audit team**
- 20 **may be selected from, but is not limited to, a college or university, an**
- 21 **education organization, a business or industry entity, or a branch of the**
- 22 **Armed Services.** The audit team shall not include any of the district's
- 23 employees **and, beginning with the 2020-2021 school year, the audit shall**
- 24 **not be performed by the department, except that the department may**
- 25 **perform an audit for a school described in paragraph (d) of this subsection.**

- 26 (b) **The local board of education shall submit its audit team selection to the**
- 27 **department for review and feedback but the selection shall not be subject to**

1 **approval by the department or the Kentucky Board of Education**~~[If the local~~
 2 board determines no suitable audit teams are available, the board shall select
 3 the department to perform the audit].

4 (c) The Kentucky Board of Education shall recommend criteria to the local board
 5 of education for **an audit**~~[a]~~ review process that a turnaround audit team may
 6 utilize. **The audit shall not include an assessment of**~~[to assess]~~ the
 7 turnaround leadership capacity of the principal **or**~~[,]~~ 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 **(11)**~~[(10)]~~ of this
 12 section or exits comprehensive support and improvement status but
 13 subsequently repeats as a school identified for comprehensive support and
 14 improvement.

15 **(7)**~~[(6)]~~ (a) An audit team established under subsection **(6)**~~[(5)]~~ of this section to
 16 audit a school identified for comprehensive support and improvement shall
 17 include in the review and report:

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

21 2. An assessment and recommendation to the superintendent regarding **the**
 22 **best turnaround strategies to address the school's specific needs**~~[the~~
 23 principal's capacity to function or develop as a turnaround specialist,
 24 including if the principal should be reassigned to a comparable position
 25 in the school district];

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

- 1 4. A recommendation of the steps the school may implement to launch and
2 sustain a turnaround process; and
- 3 5. A recommendation to the local board of education of the turnaround
4 principles and strategies necessary for the superintendent to assist the
5 school with turnaround.

6 (b) The report of an audit conducted under this subsection shall be provided to the
7 superintendent, local board of education, school principal, commissioner of
8 education, and the Kentucky Board of Education.

9 ~~(8)~~~~(7)~~ After completion of the audit described in subsection ~~(7)~~~~(6)~~ of this section,
10 each school identified for comprehensive support and improvement shall engage in
11 the following turnaround intervention process:

12 (a) The local board of education shall:

- 13 1. Issue a request for proposals for an~~a private~~ entity with documented
14 success at turnaround diagnosis, training, and improved performance of
15 organizations to provide a turnaround training and support team to the
16 school identified for comprehensive support and improvement. The local
17 board of education shall select the turnaround entity and negotiate the
18 scope and duration of the entity's services; or
- 19 2. Utilize local staff and community partners to serve as the turnaround
20 team for the school identified for comprehensive support and
21 improvement.

22 *The Kentucky Department of Education shall not be selected as a*
23 *turnaround entity or team;*~~or~~

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

27 (b) *The local board of education shall submit its turnaround entity or team*

1 *selection to the department for review and feedback but the selection shall*
2 *not be subject to approval by the department or the Kentucky Board of*
3 *Education;*

4 (c) The authority of the school council granted under KRS 160.345 shall be
5 transferred to the superintendent;

6 ~~{(c) The superintendent may either retain the principal or reassign him or her to a~~
7 ~~comparable position in the district;}~~

8 (d) The superintendent shall select a principal for the school if a principal vacancy
9 or reassignment occurs. The superintendent shall consult with the turnaround
10 team, parents, certified staff, and classified staff before appointing a principal
11 replacement;

12 (e) Upon recommendation of the principal, the superintendent may reassign
13 certified staff members to a comparable position in the school district;

14 (f) The superintendent shall collaborate with the turnaround team to design
15 ongoing turnaround training and support for the principal and a corresponding
16 monitoring system of effectiveness and student achievement results;

17 (g) The principal shall collaborate with the turnaround team to establish an
18 advisory leadership team representing school stakeholders including other
19 school leaders, teachers, and parents;

20 (h) 1. The local school board shall collaborate with the superintendent,
21 principal, turnaround team, and the advisory leadership team to propose
22 a three (3) year turnaround plan.

23 2. The turnaround plan shall include requests to the department for
24 exemptions from submitting documentation that are identified by the
25 principal, advisory leadership team, and turnaround team as inhibitors to
26 investing time in innovative instruction and accelerated student
27 achievement of diverse learners including ongoing staff instructional

1 plans, student interventions, formative assessment results, or staff
2 effectiveness processes.

3 3. The turnaround plan shall be reviewed for approval by the
4 superintendent and the local board of education and shall be subject to
5 review, approval, monitoring, and periodic review by the department as
6 described in KRS 158.782;

7 (i) The school district may request technical assistance from the department for
8 development and implementation of the turnaround plan, which may include
9 conducting needs assessments, selecting evidence-based interventions, and
10 reviewing and addressing resource inequities;

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

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

17 ~~(9)~~⁽⁸⁾ **When schools are identified for comprehensive support and improvement,**
18 **the department shall annually provide funds to the school districts, for a**
19 **maximum of three (3) years,** to assist with funding the audit and turnaround
20 intervention ~~processes~~^{process} described in subsections ~~(6)~~⁽⁵⁾ and ~~(8)~~⁽⁷⁾ of this
21 section. ~~and not provided by the department, the department shall annually~~
22 ~~reimburse the school district, for a maximum of three (3) years,]~~ **The annual**
23 **disbursement amounts shall be at least equal to**~~[an amount not to exceed]~~ the
24 **amounts allocated**~~[amount budgeted]~~ by the **department's allocation formula used**
25 **to fund the audit and turnaround intervention processes for schools for the 2018-**
26 **2019 budget year**~~[department to serve as the turnaround team to a school under~~
27 ~~subsection (7)(a)3. of this section],~~ including Commonwealth school improvement

1 funds under KRS 158.805 and assistance personnel.

2 ~~(10)~~~~(9)~~ The Kentucky Board of Education shall establish annual statewide exit
3 criteria for schools identified for targeted support and improvement, additional
4 targeted support and improvement, and comprehensive support and improvement.

5 ~~(11)~~~~(10)~~ If a school enters comprehensive support and improvement status and does
6 not make any annual improvement, as determined by the department, for two (2)
7 consecutive years, or if the school does not exit the status after three (3) years, the
8 school shall enter a school intervention process chosen by the commissioner of
9 education that provides more rigorous support and action by the department to
10 improve the school's performance.

11 ~~(12)~~~~(11)~~ For school districts that include a significant number of schools, as
12 determined by the department, identified for targeted support and improvement:

13 (a) The department shall periodically review a local board's resource allocations
14 to support school improvement and provide technical assistance to the local
15 school board; and

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

19 ~~(13)~~~~(12)~~ If, in the course of a school audit, the audit team identifies information
20 suggesting that a violation of KRS 160.345(9)(a) may have occurred, the
21 commissioner of education shall forward the evidence to the Office of Education
22 Accountability for investigation.

23 ~~(14)~~~~(13)~~ A school's right to establish a council granted under KRS 160.345 may be
24 restored by the local board of education two (2) years after the school exits
25 comprehensive support and improvement status.

26 ➔Section 3. KRS 156.160 is amended to read as follows:

27 (1) With the advice of the Local Superintendents Advisory Council, the Kentucky

1 Board of Education shall promulgate administrative regulations establishing
2 standards which school districts shall meet in student, program, service, and
3 operational performance. These regulations shall comply with the expected
4 outcomes for students and schools set forth in KRS 158.6451. Administrative
5 regulations shall be promulgated for the following:

- 6 (a) Courses of study for the different grades and kinds of common schools
7 identifying the common curriculum content directly tied to the goals,
8 outcomes, and assessment strategies developed under KRS 158.645,
9 158.6451, and 158.6453 and distributed to local school districts and schools.

10 The administrative regulations shall provide that:

- 11 1. If a school offers American sign language, the course shall be accepted
12 as meeting the foreign language requirements in common schools
13 notwithstanding other provisions of law;
- 14 2. If a school offers the Reserve Officers Training Corps program, the
15 course shall be accepted as meeting the physical education requirement
16 for high school graduation notwithstanding other provisions of law; and
- 17 3. Every public middle and high school's curriculum shall include
18 instruction on the Holocaust and other cases of genocide, as defined by
19 the United Nations Convention on the Prevention and Punishment of the
20 Crime of Genocide, that a court of competent jurisdiction, whether a
21 court in the United States or the International Court of Justice, has
22 determined to have been committed by applying rigorous standards of
23 due process;

- 24 (b) Courses of study or educational experiences available to students in all middle
25 and high schools to fulfill the prerequisites for courses in advanced science
26 and mathematics as defined in KRS 158.845;

- 27 (c) The acquisition and use of educational equipment for the schools as

- 1 recommended by the Council for Education Technology;
- 2 (d) The minimum requirements for high school graduation in light of the expected
3 outcomes for students and schools set forth in KRS 158.6451. **The minimum**
4 **requirements shall not include achieving any postsecondary readiness**
5 **indicator as described in Section 1 of this Act or any minimum score on a**
6 **statewide assessment administered under Section 6 of this Act.** Student
7 scores from any assessment administered under KRS 158.6453 that are
8 determined by the National Technical Advisory Panel to be valid and reliable
9 at the individual level shall be included on the student transcript. The National
10 Technical Advisory Panel shall submit its determination to the commissioner
11 of education and the Legislative Research Commission;
- 12 (e) The requirements for an alternative high school diploma for students with
13 disabilities whose individualized education program indicates that, in
14 accordance with 20 U.S.C. sec. 1414(d)(1)(A):
- 15 1. The student cannot participate in the regular statewide assessment; and
 - 16 2. An appropriate alternate assessment has been selected for the student
17 based upon a modified curriculum and an individualized course of study;
- 18 (f) Taking and keeping a school census, and the forms, blanks, and software to be
19 used in taking and keeping the census and in compiling the required reports.
20 The board shall create a statewide student identification numbering system
21 based on students' Social Security numbers. The system shall provide a
22 student identification number similar to, but distinct from, the Social Security
23 number, for each student who does not have a Social Security number or
24 whose parents or guardians choose not to disclose the Social Security number
25 for the student;
- 26 (g) Sanitary and protective construction of public school buildings, toilets,
27 physical equipment of school grounds, school buildings, and classrooms. With

1 respect to physical standards of sanitary and protective construction for school
2 buildings, the Kentucky Board of Education shall adopt the Uniform State
3 Building Code;

4 (h) Medical inspection, physical and health education and recreation, and other
5 regulations necessary or advisable for the protection of the physical welfare
6 and safety of the public school children. The administrative regulations shall
7 set requirements for student health standards to be met by all students in
8 grades four (4), eight (8), and twelve (12) pursuant to the outcomes described
9 in KRS 158.6451. The administrative regulations shall permit a student who
10 received a physical examination no more than six (6) months prior to his
11 initial admission to Head Start to substitute that physical examination for the
12 physical examination required by the Kentucky Board of Education of all
13 students upon initial admission to the public schools, if the physical
14 examination given in the Head Start program meets all the requirements of the
15 physical examinations prescribed by the Kentucky Board of Education;

16 (i) A vision examination by an optometrist or ophthalmologist that shall be
17 required by the Kentucky Board of Education. The administrative regulations
18 shall require evidence that a vision examination that meets the criteria
19 prescribed by the Kentucky Board of Education has been performed. This
20 evidence shall be submitted to the school no later than January 1 of the first
21 year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a
22 public school, public preschool, or Head Start program;

23 (j) 1. Beginning with the 2010-2011 school year, a dental screening or
24 examination by a dentist, dental hygienist, physician, registered nurse,
25 advanced practice registered nurse, or physician assistant that shall be
26 required by the Kentucky Board of Education. The administrative
27 regulations shall require evidence that a dental screening or examination

- 1 that meets the criteria prescribed by the Kentucky Board of Education
2 has been performed. This evidence shall be submitted to the school no
3 later than January 1 of the first year that a five (5) or six (6) year-old
4 child is enrolled in a public school.
- 5 2. A child shall be referred to a licensed dentist if a dental screening or
6 examination performed by anyone other than a licensed dentist identifies
7 the possibility of dental disease;
- 8 (k) The transportation of children to and from school;
- 9 (l) The fixing of holidays on which schools may be closed and special days to be
10 observed, and the pay of teachers during absence because of sickness or
11 quarantine or when the schools are closed because of quarantine;
- 12 (m) The preparation of budgets and salary schedules for the several school districts
13 under the management and control of the Kentucky Board of Education;
- 14 (n) A uniform series of forms and blanks, educational and financial, including
15 forms of contracts, for use in the several school districts;
- 16 (o) The disposal of real and personal property owned by local boards of
17 education; and
- 18 (p) The development and implementation of procedures, for all students who are
19 homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do
20 the following:
- 21 1. Awarding and accepting of credit, including partial credit, for all
22 coursework satisfactorily completed by a student while enrolled at
23 another school;
- 24 2. Allowing a student who was previously enrolled in a course required for
25 graduation the opportunity, to the extent practicable, to complete the
26 course, at no cost to the student, before the beginning of the next school
27 year;

- 1 3. Awarding a diploma, at the student's request, by a district from which
2 the student transferred, if the student transfers schools at any time after
3 the completion of the student's second year of high school and the
4 student is ineligible to graduate from the district to which the student
5 transfers, but meets the graduation requirements of the district from
6 which the student transferred; and
- 7 4. Exempting the student from all coursework and other requirements
8 imposed by the local board of education that are in addition to the
9 minimum requirements for high school graduation established by the
10 Kentucky Board of Education pursuant to paragraph (d) of this
11 subsection in the district to which the student transfers, if the student
12 transfers schools at any time after the completion of the student's second
13 year of high school and the student is ineligible to graduate both from
14 the district to which the student transfers and the district from which the
15 student transferred.
- 16 (2) (a) At the request of a local board of education or a school council, a local school
17 district superintendent shall request that the Kentucky Board of Education
18 waive any administrative regulation promulgated by that board. Beginning in
19 the 1996-97 school year, a request for waiver of any administrative regulation
20 shall be submitted to the Kentucky Board of Education in writing with
21 appropriate justification for the waiver. The Kentucky Board of Education
22 may approve the request when the school district or school has demonstrated
23 circumstances that may include but are not limited to the following:
- 24 1. An alternative approach will achieve the same result required by the
25 administrative regulation;
- 26 2. Implementation of the administrative regulation will cause a hardship on
27 the school district or school or jeopardize the continuation or

- 1 development of programs; or
- 2 3. There is a finding of good cause for the waiver.
- 3 (b) The following shall not be subject to waiver:
- 4 1. Administrative regulations relating to health and safety;
- 5 2. Administrative regulations relating to civil rights;
- 6 3. Administrative regulations required by federal law; and
- 7 4. Administrative regulations promulgated in accordance with KRS
- 8 158.6451, 158.6453, 158.6455, and this section, relating to measurement
- 9 of performance outcomes and determination of successful districts or
- 10 schools, except upon issues relating to the grade configuration of
- 11 schools.
- 12 (c) Any waiver granted under this subsection shall be subject to revocation upon a
- 13 determination by the Kentucky Board of Education that the school district or
- 14 school holding the waiver has subsequently failed to meet the intent of the
- 15 waiver.
- 16 (3) Any private, parochial, or church school may voluntarily comply with curriculum,
- 17 certification, and textbook standards established by the Kentucky Board of
- 18 Education and be certified upon application to the board by such schools.
- 19 (4) Any public school that violates the provisions of KRS 158.854 shall be subject to a
- 20 penalty to be assessed by the commissioner of education as follows:
- 21 (a) The first violation shall result in a fine of no less than one (1) week's revenue
- 22 from the sale of the competitive food;
- 23 (b) Subsequent violations shall result in a fine of no less than one (1) month's
- 24 revenue from the sale of the competitive food;
- 25 (c) "Habitual violations," which means five (5) or more violations within a six (6)
- 26 month period, shall result in a six (6) month ban on competitive food sales for
- 27 the violating school; and

1 (d) Revenue collected as a result of the fines in this subsection shall be transferred
2 to the food service fund of the local school district.

3 ➔Section 4. KRS 158.140 is amended to read as follows:

4 (1) When a pupil in any public elementary school or any approved private or parochial
5 school completes the prescribed elementary program of studies, he is entitled to a
6 certificate of completion signed by the teacher or teachers under whom the program
7 was completed. The certificate shall entitle the pupil to admission into any public
8 high school. Any promotions or credits earned in attendance in any approved public
9 school are valid in any other public school to which a pupil may go, but the
10 superintendent or principal of a school, as the case may be, may assign the pupil to
11 the class or grade to which the pupil is best suited. In case a pupil transfers from the
12 school of one (1) district to the school of another district, an assignment to a lower
13 grade or course shall not be made until the pupil has demonstrated that he is not
14 suited for the work in the grade or course to which he has been promoted.

15 (2) Upon successful completion of all state and local board requirements, the student
16 shall receive:

17 (a) A diploma indicating graduation from high school; or

18 (b) An alternative high school diploma if the student has a disability and has
19 completed a modified curriculum and an individualized course of study
20 pursuant to requirements established by the Kentucky Board of Education in
21 accordance with KRS 156.160.

22 (3) (a) The Gatton Academy of Mathematics and Science in Kentucky, located at
23 Western Kentucky University, and the Craft Academy for Excellence in
24 Science and Mathematics, located at Morehead State University, may award a
25 diploma to any student who completes his or her high school program at the
26 respective academy. If the academy issues a diploma, the board of regents of
27 the host university shall provide to the commissioner of education a letter of

1 assurance that the program of study completed by its students, in combination
2 with previously earned secondary credits, meets the minimum high school
3 graduation requirements established by the Kentucky Board of Education
4 under KRS 156.160(1)(d).

5 (b) A local school district may award a joint diploma with the Gatton Academy of
6 Mathematics and Science in Kentucky or the Craft Academy for Excellence in
7 Science and Mathematics to any student who was enrolled in a district high
8 school and completed his or her high school program at the respective
9 academy.

10 (c) The respective academy and the home school district shall ensure that student
11 transcripts from each institution accurately reflect the dual credit coursework.

12 (4) A local school board may award a diploma indicating graduation from high school
13 to any student posthumously with the high school class the student was expected to
14 graduate.

15 (5) (a) A local board of education shall award an authentic high school diploma to an
16 honorably discharged veteran who did not complete high school prior to being
17 inducted into the United States Armed Forces during:

- 18 1. World War II, as defined in KRS 40.010;
- 19 2. The Korean conflict, as defined in KRS 40.010; or
- 20 3. The Vietnam War. As used in this paragraph, "Vietnam War" means the
21 period beginning August 5, 1964, and ending May 7, 1975. However,
22 for a member of the United States Armed Forces serving in Vietnam
23 prior to August 5, 1964, the period shall begin February 28, 1961.

24 (b) Upon recommendation of the commissioner, the Kentucky Board of
25 Education in consultation with the Kentucky Department of Veterans' Affairs
26 shall promulgate administrative regulations to establish the guidelines for
27 awarding the authentic diplomas referred to in paragraph (a) of this

1 subsection.

2 (6) **Any high school graduation requirements adopted by a local board shall not**
3 **include achieving a minimum score on a statewide assessment administered**
4 **under Section 6 of this Act.**

5 (7) The Department of Education shall establish the requirements for a vocational
6 certificate of completion. A student who has returned to school after dropping out
7 shall receive counseling concerning the vocational program. A student who has
8 completed the requirements established for a vocational program shall receive a
9 vocational certificate of completion specifying the areas of competence.

10 ➔Section 5. KRS 160.1594 is amended to read as follows:

11 (1) A public charter school authorizer shall:

- 12 (a) Fulfill the expectations and intent of this section and KRS 160.1590 to
13 160.1599 and 161.141;
- 14 (b) Demonstrate public accountability and transparency in all matters concerning
15 its charter-authorizing practices, decisions, and expenditures;
- 16 (c) Solicit, invite, and evaluate applications from applicants;
- 17 (d) Approve new and renewal charter applications that meet the requirements of
18 this section and KRS 160.1593;
- 19 (e) Decline to approve charter applications that:
- 20 1. Fail to meet the requirements of this section and KRS 160.1593; or
21 2. Are for a school that would be wholly or partly under the control or
22 direction of any religious denomination;
- 23 (f) Negotiate and execute in good faith a charter contract with each public charter
24 school it authorizes;
- 25 (g) Monitor the performance and compliance of public charter schools according
26 to the terms of the charter contract;
- 27 (h) Determine whether each charter contract it authorizes merits renewal or

- 1 revocation; and
- 2 (i) Establish and maintain policies and practices consistent with the principles
3 and professional standards for authorizers of public charter schools, including
4 standards relating to:
- 5 1. Organizational capacity and infrastructure;
 - 6 2. Soliciting and evaluating applications;
 - 7 3. Performance contracting;
 - 8 4. Ongoing public charter school oversight and evaluation; and
 - 9 5. Charter approval, renewal, and revocation decision making.
- 10 (2) In reviewing applications, the public charter school authorizer is encouraged to give
11 preference to applications that demonstrate the intent, capacity, and capability to
12 provide comprehensive learning experiences to:
- 13 (a) Students identified by the applicants as at risk of academic failure; and
 - 14 (b) Students with special needs as identified in their individualized education
15 program as defined in KRS 158.281.
- 16 (3) After a charter applicant submits a written application to establish a public charter
17 school, the authorizer shall:
- 18 (a) Complete a thorough review process;
 - 19 (b) Conduct an in-person interview with the applicant group;
 - 20 (c) Provide an opportunity in a public forum for local residents to provide input
21 and learn about the charter application;
 - 22 (d) Provide a detailed analysis of the application to the applicant or applicants;
 - 23 (e) Allow an applicant a reasonable time to provide additional materials and
24 amendments to its application to address any identified deficiencies; and
 - 25 (f) Approve or deny a charter application based on established objective criteria
26 or request additional information.
- 27 (4) In deciding to approve a charter application, the authorizer shall:

- 1 (a) Grant charters only to applicants that possess competence in all elements of
2 the application requirements identified in this section and KRS 160.1593;
- 3 (b) Base decisions on documented evidence collected through the application
4 review process; and
- 5 (c) Follow charter-granting policies and practices that are transparent, based on
6 merit, and avoid conflicts of interest.
- 7 (5) No later than sixty (60) days following the filing of the charter application, the
8 authorizer shall approve or deny the charter application. The authorizer shall adopt
9 by resolution all charter approval or denial decisions in an open meeting of the
10 authorizer's board of directors.
- 11 (6) Any failure to act on a charter application shall be deemed a denial by the
12 authorizer.
- 13 (7) An application shall be approved if the public charter school authorizer finds that:
- 14 (a) The public charter school described in the application meets the requirements
15 established by this section and KRS 160.1590 and 160.1592;
- 16 (b) The applicant demonstrates the ability to operate the school in an
17 educationally and fiscally sound manner; and
- 18 (c) Approving the application is likely to improve student learning and
19 achievement and further the purposes established by KRS 160.1591.
- 20 (8) An authorizer shall provide a written explanation within five (5) days, for the public
21 record, stating its reasons for approval or denial of a charter application, including a
22 thorough explanation of how the charter application either meets or fails to meet
23 established objective criteria for making charter application decisions, and the
24 authorizing process which the authorizer used to review, evaluate, and make its
25 final decision.
- 26 (9) An authorizer's charter application approval shall be submitted to the Kentucky
27 Department of Education for final approval by the commissioner of education.

1 **(10) When an authorizer that is a local school board or a collaborative of local school**
 2 **boards receives a charter school application, any member of the board or boards**
 3 **who has not received charter authorization training within twelve (12) months**
 4 **immediately preceding the date the application was received shall receive six (6)**
 5 **hours of in-service training prior to evaluating the charter application. Except for**
 6 **training provided prior to the effective date of this Act, the training shall be in**
 7 **addition to the annual in-service training required under KRS 160.180, and each**
 8 **board shall select the trainer to deliver the training to its members. Charter**
 9 **authorizer training shall not be required of any local school board member until**
 10 **a charter application is submitted to the board or boards.**

11 ➔Section 6. KRS 158.6453 is amended to read as follows:

12 (1) As used in this section:

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

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

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

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

25 (e) "Formative assessment" means a process used by teachers and students during
 26 instruction to adjust ongoing teaching and learning to improve students'
 27 achievement of intended instructional outcomes. Formative assessments may

- 1 include the use of commercial assessments, classroom observations, teacher-
2 designed classroom tests and assessments, and other processes and
3 assignments to gain information about individual student learning;
- 4 (f) "Interim assessments" means assessments that are given periodically
5 throughout the year to provide diagnostic information and to show individual
6 student performance against content standards;
- 7 (g) "Summative assessment" means an assessment given at the end of the school
8 year, semester, or other period of time to evaluate students' performance
9 against content standards within a unit of instruction or a course; and
- 10 (h) "Writing" means a purposeful act of thinking and expression that uses
11 language to explore ideas and communicate meaning to others. Writing is a
12 complex, multifaceted act of communication.
- 13 (2) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the
14 Kentucky Department of Education shall implement a process for reviewing
15 Kentucky's academic standards and the alignment of corresponding
16 assessments for possible revision or replacement to ensure alignment with
17 transition readiness standards necessary for global competitiveness and with
18 state career and technical education standards.
- 19 (b) The revisions to the content standards shall:
- 20 1. Focus on critical knowledge, skills, and capacities needed for success in
21 the global economy;
- 22 2. Result in fewer but more in-depth standards to facilitate mastery
23 learning;
- 24 3. Communicate expectations more clearly and concisely to teachers,
25 parents, students, and citizens;
- 26 4. Be based on evidence-based research;
- 27 5. Consider international benchmarks; and

- 1 6. Ensure that the standards are aligned from elementary to high school to
2 postsecondary education so that students can be successful at each
3 education level.
- 4 (c) 1. The department shall establish four (4) standards and assessments
5 review committees, with each committee composed of a minimum of six
6 (6) Kentucky public school teachers and a minimum of two (2)
7 representatives from Kentucky institutions of higher education,
8 including at least one (1) representative from a public institution of
9 higher education. Each committee member shall teach in the subject area
10 that his or her committee is assigned to review and have no prior or
11 current affiliation with a curriculum or assessment resources vendor.
- 12 2. One (1) of the four (4) committees shall be assigned to focus on the
13 review of language arts and writing academic standards and
14 assessments, one (1) on the review of mathematics academic standards
15 and assessments, one (1) on the review of science academic standards
16 and assessments, and one (1) on the review of social studies academic
17 standards and assessments.
- 18 (d) 1. The department shall establish twelve (12) advisory panels to advise and
19 assist each of the four (4) standards and assessments review committees.
- 20 2. Three (3) advisory panels shall be assigned to each standards and
21 assessments review committee. One (1) panel shall review the standards
22 and assessments for kindergarten through grade five (5), one (1) shall
23 review the standards and assessments for grades six (6) through eight
24 (8), and one (1) shall review the standards and assessments for grades
25 nine (9) through twelve (12).
- 26 3. Each advisory panel shall be composed of at least one (1) representative
27 from a Kentucky institution of higher education and a minimum of six

1 (6) Kentucky public school teachers who teach in the grade level and
2 subject reviewed by the advisory panel to which they are assigned and
3 have no prior or current affiliation with a curriculum or assessment
4 resources vendor.

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

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

- 16 a. One (1) language arts teacher;
- 17 b. One (1) math teacher;
- 18 c. One (1) science teacher;
- 19 d. One (1) social studies teacher;
- 20 e. Two (2) school principals;
- 21 f. Two (2) school superintendents; and
- 22 g. One (1) school board member.

23 2. On making appointments to the committee, the Governor shall ensure
24 broad geographical urban and rural representation and representation of
25 elementary, middle, and high school levels; ensure equal representation
26 of the two (2) sexes, inasmuch as possible; and ensure that appointments
27 reflect the minority racial composition of the Commonwealth.

- 1 3. The review of the committee shall be limited to the procedural aspects
2 of the review process undertaken prior to its consideration.
- 3 4. Notwithstanding KRS 12.028, the committee shall not be subject to
4 reorganization by the Governor.
- 5 (g) 1. The review process implemented under this subsection shall be an open,
6 transparent process that allows all Kentuckians an opportunity to
7 participate. The department shall ensure the public's assistance in
8 reviewing and suggesting changes to the standards and alignment
9 adjustments to corresponding state assessments by establishing a Web
10 site dedicated to collecting comments by the public and educators. An
11 independent third party, which has no prior or current affiliation with a
12 curriculum or assessment resources vendor, shall be selected by the
13 department to collect and transmit the comments to the department for
14 dissemination to the appropriate advisory panel for review and
15 consideration.
- 16 2. Each advisory panel shall review the standards and assessments for its
17 assigned subject matter and grade level and the suggestions made by the
18 public and educators. After completing its review, each advisory panel
19 shall make recommendations for changes to the standards and alignment
20 adjustments for assessments to the appropriate standards and
21 assessments review committee.
- 22 3. Each standards and assessments review committee shall review the
23 findings and make recommendations to revise or replace existing
24 standards and to adjust alignment of assessments.
- 25 4. The recommendations shall be published on the Web site established in
26 this subsection for the purpose of gathering additional feedback from the
27 public. The commissioner shall subsequently present the

1 recommendations and the public feedback to the Interim Joint
2 Committee on Education.

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

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

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

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

1 implementing a balanced statewide assessment program that measures the
2 students', schools', and districts' achievement of the goals set forth in KRS
3 158.645 and 158.6451, to ensure compliance with the federal Every Student
4 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure
5 school accountability.

6 (b) The board shall revise the annual statewide assessment program as needed in
7 accordance with revised academic standards and corresponding assessment
8 alignment adjustments approved by the board under subsection (2) of this
9 section.

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

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

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

24 (b) The annual student summative tests shall:

- 25 1. Measure individual student achievement in language, reading, English,
26 mathematics, science, and social studies at designated grades;
- 27 2. Provide teachers and parents a valid and reliable comprehensive analysis

- 1 of skills mastered by individual students;
- 2 3. Provide diagnostic information that identifies strengths and academic
- 3 deficiencies of individual students in the content areas;
- 4 4. Provide information to teachers that can enable them to improve
- 5 instruction for current and future students;
- 6 5. Provide longitudinal profiles for students; and
- 7 6. Ensure school and district accountability for student achievement of the
- 8 goals set forth in KRS 158.645 and 158.6451, except the statewide
- 9 assessment program shall not include measurement of a student's ability
- 10 to become a self-sufficient individual or to become a responsible
- 11 member of a family, work group, or community.
- 12 (5) The state student assessments shall include the following components:
- 13 (a) Elementary and middle grades requirements are:
- 14 1. A criterion-referenced test each in mathematics and reading in grades
- 15 three (3) through eight (8) that is valid and reliable for an individual
- 16 student and that measures the depth and breadth of Kentucky's academic
- 17 content standards;
- 18 2. A criterion-referenced test each in science and social studies that is valid
- 19 and reliable for an individual student as necessary to measure the depth
- 20 and breadth of Kentucky's academic content standards to be
- 21 administered one (1) time within the elementary and middle grades,
- 22 respectively;
- 23 3. An on-demand assessment of student writing to be administered one (1)
- 24 time within the elementary grades and one (1) time within the middle
- 25 grades; and
- 26 4. An editing and mechanics test relating to writing, using multiple choice
- 27 and constructed response items, to be administered one (1) time within

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

- 1 (f) The results of the assessment program developed under this subsection shall
2 be used by schools and districts to determine appropriate instructional
3 modifications for all students in order for students to make continuous
4 progress, including that needed by advanced learners.
- 5 (6) Each school district shall administer the statewide student assessment during the
6 last fourteen (14) days of school in the district's instructional calendar. The
7 Kentucky Board of Education may change the testing window to allow for
8 innovative assessment systems or other online test administration and shall
9 promulgate administrative regulations that minimize the number of days of testing
10 and outline the procedures to be used during the testing process to ensure test
11 security, including procedures for testing makeup days, and to comply with federal
12 assessment requirements.
- 13 (7) A student enrolled in a district-operated or district-contracted alternative program
14 shall participate in the appropriate assessments required by this section.
- 15 (8) A local school district may select and use commercial interim or formative
16 assessments or develop and use its own formative assessments to provide data on
17 how well its students are growing toward mastery of Kentucky academic standards,
18 so long as the district's local school board develops a policy minimizing the
19 reduction in instructional time related to the administration of the interim
20 assessments. Nothing in this section precludes teachers from using ongoing teacher-
21 developed formative processes.
- 22 (9) Each school that enrolls primary students shall use diagnostic assessments and
23 prompts that measure readiness in reading and mathematics for its primary students
24 as determined by the school to be developmentally appropriate. The schools may
25 use commercial products, use products and procedures developed by the district, or
26 develop their own diagnostic procedures. The results shall be used to inform the
27 teachers and parents or guardians of each student's skill level.

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

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

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

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

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

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

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

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

- 1 (a) Measure grade appropriate core academic content, basic skills, and higher-
2 order thinking skills and their application;
- 3 (b) Provide valid and reliable scores for schools. If scores are reported for
4 students individually, they shall be valid and reliable;
- 5 (c) Minimize the time spent by teachers and students on assessment; and
- 6 (d) Assess Kentucky academic standards only.
- 7 (13) The results from assessment under subsections (3) and (5) of this section shall be
8 reported to the school districts and schools no later than seventy-five (75) days
9 following the last day the assessment can be administered. Assessment reports
10 provided to the school districts and schools shall include an electronic copy of an
11 operational subset of test items from each assessment administered to their students
12 and the results for each of those test items by student and by school.
- 13 (14) The Department of Education shall gather information to establish the validity of
14 the assessment and accountability program. It shall develop a biennial plan for
15 validation studies that shall include but not be limited to the consistency of student
16 results across multiple measures, the congruence of school scores with documented
17 improvements in instructional practice and the school learning environment, and the
18 potential for all scores to yield fair, consistent, and accurate student performance
19 level and school accountability decisions. Validation activities shall take place in a
20 timely manner and shall include a review of the accuracy of scores assigned to
21 students and schools, as well as of the testing materials. The plan shall be submitted
22 to the Commission by July 1 of the first year of each biennium. A summary of the
23 findings shall be submitted to the Legislative Research Commission by September 1
24 of the second year of the biennium.
- 25 (15) The Department of Education and the state board shall offer optional assistance to
26 local school districts and schools in developing and using continuous assessment
27 strategies needed to assure student progress. The continuous assessment shall

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 ➔Section 7. To ensure that school districts and schools are recognized and
15 rewarded for academic improvement achieved by subgroups of students identified as
16 consistently underperforming, the Kentucky Department of Education is encouraged to
17 assign more weight within the academic indicators in the statewide accountability system
18 for progress made toward goals by the subgroups.