

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

- 15 1. Student assessment results;
- 16 2. Progress toward achieving English proficiency by limited English
17 proficiency students;
- 18 3. Quality of school climate and safety;
- 19 4. High school graduation rates;
- 20 5. Postsecondary readiness for each high school student, which shall be
21 included as an academic indicator, and shall be measured by:
 - 22 a. Meeting or exceeding a college readiness benchmark score on the
23 college admissions examination used as the statewide assessment
24 in KRS 158.6453(5)(b)5. or a college placement examination
25 approved by the Council on Postsecondary Education. The college
26 readiness benchmark score shall be established by the Council on
27 Postsecondary Education; or

- 1 b. Achievement of college credit, postsecondary articulated credit,
2 apprenticeship time toward a credential or associate degree, or any
3 industry-recognized certifications, licensures, or credentials, with
4 more weight in accountability for industry-recognized
5 certifications, licensures, or credentials identified as high demand
6 in accordance with the process described in paragraph (e) of this
7 subsection. Eligible industry-recognized certifications, licensures,
8 or credentials shall not be limited to those earned in conjunction
9 with a minimum sequence of courses. Each high school shall
10 publicly report the credits, hours, and credentials on an annual
11 basis; and
- 12 6. Any other factor mandated by the federal Every Student Succeeds Act of
13 2015, Pub. L. No. 114-95, or its successor.
- 14 (c) 1. Beginning with data from the 2020-2021 and 2021-2022 school years,
15 the accountability system performance for each district, school, and
16 student subgroup determined by the state indicators shall be based on a
17 combination of annual performance, hereinafter called "status," and
18 improvement over time, hereinafter called "change."
- 19 2. Status and change shall receive equal weight in determining overall
20 performance. For all students as a group and separately for individual
21 subgroups, status shall be determined, beginning with the data from the
22 2020-2021 academic year, by using the current year performance and
23 change shall be determined, beginning with the data from the 2021-2022
24 academic year, by using the difference in performance from the prior to
25 current year, except change shall be based on the difference in
26 performance for the prior three (3) years for the purpose of determining
27 the lowest-performing five percent (5%) of schools under KRS

- 1 160.346(2) and (3).
- 2 3. For each state indicator, there shall be five (5) status levels ranging from
- 3 very high to very low and five (5) change levels ranging from increased
- 4 significantly to declined significantly.
- 5 4. The percentile cut scores for status and change levels shall be based on
- 6 distribution and shall be approved by the Kentucky Department of
- 7 Education and the Local Superintendents Advisory Council. The cut
- 8 scores shall remain in place for at least six (6) years unless existing cut
- 9 scores no longer support meaningful differentiation of schools as
- 10 required by the federal Every Student Succeeds Act of 2015, Pub. L. No.
- 11 114-95, or its successor.
- 12 (d) Beginning in the fall of 2022, the Kentucky Department of Education shall
- 13 develop an online display of the accountability system results hereinafter
- 14 called a "dashboard." A color-coded performance level for each state indicator
- 15 shall be displayed in a straightforward manner on the dashboard for overall
- 16 performance, status, and change by district, school, and individual subgroups.
- 17 Overall performance shall aggregate all available data for the state indicators.
- 18 (e) Based on data from the Kentucky Center for Education and Workforce
- 19 Statistics, each local workforce investment board, in conjunction with local
- 20 economic development organizations from its state regional sector, shall
- 21 annually compile a list of industry-recognized certifications, licensures, and
- 22 credentials specific to the state and regional workforce area, rank them by
- 23 demand for the state and regional area, and provide the list to the Kentucky
- 24 Workforce Innovation Board. The Kentucky Workforce Innovation Board, in
- 25 conjunction with the Kentucky Department of Education, may revise the lists
- 26 before the Kentucky Department of Education disseminates the lists to all
- 27 school districts to be used as postsecondary readiness indicators.

- 1 (f) 1. The Kentucky Department of Education shall pay for the cost of an
2 assessment taken by a high school student for attaining an industry-
3 recognized certification, credential, or licensure if the student
4 consecutively completes at least two (2) related career pathway courses
5 approved by the department prior to taking the assessment.
- 6 2. If a high school student has not completed the two (2) course
7 requirement described in subparagraph 1. of this paragraph but meets
8 performance-based experience eligibility and passes an assessment, the
9 department shall provide a weighted reimbursement amount to the
10 school district for the cost of the assessment based on the level of
11 demand of the certificate, credential, or license earned. The Kentucky
12 Board of Education shall promulgate regulations establishing the
13 performance-based experience eligibility requirements and weighted
14 reimbursement amounts.
- 15 (g) Prior to promulgating administrative regulations to revise the accountability
16 system, the board shall seek advice from the School Curriculum, Assessment,
17 and Accountability Council; the Office of Education Accountability; the
18 Education Assessment and Accountability Review Subcommittee; and the
19 department's technical advisory committee~~[National Technical Advisory~~
20 ~~Panel on Assessment and Accountability]~~.
- 21 (2) A student's test scores shall be counted in the accountability measure of:
- 22 (a) 1. The school in which the student is currently enrolled if the student has
23 been enrolled in that school for at least a full academic year as defined
24 by the Kentucky Board of Education; or
- 25 2. The school in which the student was previously enrolled if the student
26 was enrolled in that school for at least a full academic year as defined by
27 the Kentucky Board of Education; and

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

1 the Kentucky Board of Education may promulgate by administrative regulation, in
2 conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A, a system of
3 district accountability that includes establishing a formula for accountability, goals
4 for improvement over a three (3) year period, rewards for leadership in improving
5 teaching and learning in the district, and consequences that address the problems
6 and provide assistance when one (1) or more schools in the district fail to exit
7 comprehensive support and improvement status after three (3) consecutive years of
8 implementing the turnaround intervention process described in KRS 160.346.

9 (6) After receiving the advice of the Office of Education Accountability; the School
10 Curriculum, Assessment, and Accountability Council; and the department's
11 technical advisory committee~~[National Technical Advisory Panel on Assessment~~
12 ~~and Accountability]~~, the Kentucky Board of Education shall promulgate
13 administrative regulations in conformity with KRS 158.6471 and 158.6472 and
14 KRS Chapter 13A to establish a process whereby a school or school district shall be
15 allowed to appeal any performance judgment made by the department under this
16 section or KRS 160.346 of a principal, superintendent, school, or school district
17 which it considers grossly unfair. Upon appeal, an administrative hearing shall be
18 conducted in accordance with KRS Chapter 13B. The state board may adjust a
19 performance judgment on appeal when evidence of unusual circumstances warrants
20 the conclusion that the performance judgment is based on fraud or a mistake in
21 computations, is arbitrary, is lacking any reasonable basis, or when there are
22 significant new circumstances occurring during the three (3) year assessment period
23 which are beyond the control of the appellant school or school district.

24 (7) Advice and recommendations provided by the department's technical advisory
25 committee shall be summarized and reported by the department by July 1 and
26 December 1 of each year to the Office of Education Accountability. The report
27 shall include:

1 (a) Advice and recommendations provided by panel members relating to:

2 1. Development and modification to the assessment and accountability
 3 system;

4 2. The development of administrative regulations governing the
 5 assessment and accountability system;

6 3. The setting of standards used in the assessment and accountability
 7 system;

8 4. KRS 158.6453, 158.6455, 158.78, or 158.860; and

9 (b) Any documentation used by the panel in support of the panel's advice and
 10 recommendations.

11 Upon receipt of the report, the Office of Education Accountability shall forward
 12 the report to the Education Assessment and Accountability Review Subcommittee
 13 and the co-chairs of the Interim Joint Committee on Education.

14 ➔Section 2. KRS 156.160 is amended to read as follows:

15 (1) With the advice of the Local Superintendents Advisory Council, the Kentucky
 16 Board of Education shall promulgate administrative regulations establishing
 17 standards which school districts shall meet in student, program, service, and
 18 operational performance. These regulations shall comply with the expected
 19 outcomes for students and schools set forth in KRS 158.6451. Administrative
 20 regulations shall be promulgated for the following:

21 (a) Courses of study for the different grades and kinds of common schools
 22 identifying the common curriculum content directly tied to the goals,
 23 outcomes, and assessment strategies developed under KRS 158.645,
 24 158.6451, and 158.6453 and distributed to local school districts and schools.
 25 The administrative regulations shall provide that:

26 1. If a school offers American sign language, the course shall be accepted
 27 as meeting the foreign language requirements in common schools

- 1 notwithstanding other provisions of law;
- 2 2. If a school offers the Reserve Officers Training Corps program, the
- 3 course shall be accepted as meeting the physical education requirement
- 4 for high school graduation notwithstanding other provisions of law; and
- 5 3. Every public middle and high school's curriculum shall include
- 6 instruction on the Holocaust and other cases of genocide, as defined by
- 7 the United Nations Convention on the Prevention and Punishment of the
- 8 Crime of Genocide, that a court of competent jurisdiction, whether a
- 9 court in the United States or the International Court of Justice, has
- 10 determined to have been committed by applying rigorous standards of
- 11 due process;
- 12 (b) Courses of study or educational experiences available to students in all middle
- 13 and high schools to fulfill the prerequisites for courses in advanced science
- 14 and mathematics as defined in KRS 158.845;
- 15 (c) The acquisition and use of educational equipment for the schools as
- 16 recommended by the Council for Education Technology;
- 17 (d) The minimum requirements for high school graduation in light of the expected
- 18 outcomes for students and schools set forth in KRS 158.6451. The minimum
- 19 requirements shall not include achieving any postsecondary readiness
- 20 indicator as described in KRS 158.6455 or any minimum score on a statewide
- 21 assessment administered under KRS 158.6453. Student scores from any
- 22 assessment administered under KRS 158.6453 that are determined by the
- 23 department's technical advisory committee~~[National Technical Advisory~~
- 24 ~~Panel]~~ to be valid and reliable at the individual level shall be included on the
- 25 student transcript. The department's technical advisory committee~~[National~~
- 26 ~~Technical Advisory Panel]~~ shall submit its determination to the commissioner
- 27 of education and the Legislative Research Commission;

- 1 (e) The requirements for an alternative high school diploma for students with
2 disabilities whose individualized education program indicates that, in
3 accordance with 20 U.S.C. sec. 1414(d)(1)(A):
- 4 1. The student cannot participate in the regular statewide assessment; and
 - 5 2. An appropriate alternate assessment has been selected for the student
6 based upon a modified curriculum and an individualized course of study;
- 7 (f) Taking and keeping a school census, and the forms, blanks, and software to be
8 used in taking and keeping the census and in compiling the required reports.
9 The board shall create a statewide student identification numbering system
10 based on students' Social Security numbers. The system shall provide a
11 student identification number similar to, but distinct from, the Social Security
12 number, for each student who does not have a Social Security number or
13 whose parents or guardians choose not to disclose the Social Security number
14 for the student;
- 15 (g) Sanitary and protective construction of public school buildings, toilets,
16 physical equipment of school grounds, school buildings, and classrooms. With
17 respect to physical standards of sanitary and protective construction for school
18 buildings, the Kentucky Board of Education shall adopt the Uniform State
19 Building Code;
- 20 (h) Medical inspection, physical and health education and recreation, and other
21 regulations necessary or advisable for the protection of the physical welfare
22 and safety of the public school children. The administrative regulations shall
23 set requirements for student health standards to be met by all students in
24 grades four (4), eight (8), and twelve (12) pursuant to the outcomes described
25 in KRS 158.6451. The administrative regulations shall permit a student who
26 received a physical examination no more than six (6) months prior to his or
27 her initial admission to Head Start to substitute that physical examination for

- 1 the physical examination required by the Kentucky Board of Education of all
2 students upon initial admission to the public schools, if the physical
3 examination given in the Head Start program meets all the requirements of the
4 physical examinations prescribed by the Kentucky Board of Education;
- 5 (i) A vision examination by an optometrist or ophthalmologist that shall be
6 required by the Kentucky Board of Education. The administrative regulations
7 shall require evidence that a vision examination that meets the criteria
8 prescribed by the Kentucky Board of Education has been performed. This
9 evidence shall be submitted to the school no later than January 1 of the first
10 year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a
11 public school, public preschool, or Head Start program;
- 12 (j) 1. Beginning with the 2010-2011 school year, a dental screening or
13 examination by a dentist, dental hygienist, physician, registered nurse,
14 advanced practice registered nurse, or physician assistant that shall be
15 required by the Kentucky Board of Education. The administrative
16 regulations shall require evidence that a dental screening or examination
17 that meets the criteria prescribed by the Kentucky Board of Education
18 has been performed. This evidence shall be submitted to the school no
19 later than January 1 of the first year that a five (5) or six (6) year-old
20 child is enrolled in a public school.
- 21 2. A child shall be referred to a licensed dentist if a dental screening or
22 examination performed by anyone other than a licensed dentist identifies
23 the possibility of dental disease;
- 24 (k) The transportation of children to and from school;
- 25 (l) The fixing of holidays on which schools may be closed and special days to be
26 observed, and the pay of teachers during absence because of sickness or
27 quarantine or when the schools are closed because of quarantine;

- 1 (m) The preparation of budgets and salary schedules for the several school districts
2 under the management and control of the Kentucky Board of Education;
- 3 (n) A uniform series of forms and blanks, educational and financial, including
4 forms of contracts, for use in the several school districts;
- 5 (o) The disposal of real and personal property owned by local boards of
6 education; and
- 7 (p) The development and implementation of procedures, for all students who are
8 homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do
9 the following:
- 10 1. Awarding and accepting of credit, including partial credit, for all
11 coursework satisfactorily completed by a student while enrolled at
12 another school;
 - 13 2. Allowing a student who was previously enrolled in a course required for
14 graduation the opportunity, to the extent practicable, to complete the
15 course, at no cost to the student, before the beginning of the next school
16 year;
 - 17 3. Awarding a diploma, at the student's request, by a district from which
18 the student transferred, if the student transfers schools at any time after
19 the completion of the student's second year of high school and the
20 student is ineligible to graduate from the district to which the student
21 transfers, but meets the graduation requirements of the district from
22 which the student transferred; and
 - 23 4. Exempting the student from all coursework and other requirements
24 imposed by the local board of education that are in addition to the
25 minimum requirements for high school graduation established by the
26 Kentucky Board of Education pursuant to paragraph (d) of this
27 subsection in the district to which the student transfers, if the student

1 transfers schools at any time after the completion of the student's second
2 year of high school and the student is ineligible to graduate both from
3 the district to which the student transfers and the district from which the
4 student transferred.

5 (2) (a) At the request of a local board of education or a school council, a local school
6 district superintendent shall request that the Kentucky Board of Education
7 waive any administrative regulation promulgated by that board. Beginning in
8 the 1996-97 school year, a request for waiver of any administrative regulation
9 shall be submitted to the Kentucky Board of Education in writing with
10 appropriate justification for the waiver. The Kentucky Board of Education
11 may approve the request when the school district or school has demonstrated
12 circumstances that may include but are not limited to the following:

- 13 1. An alternative approach will achieve the same result required by the
14 administrative regulation;
- 15 2. Implementation of the administrative regulation will cause a hardship on
16 the school district or school or jeopardize the continuation or
17 development of programs; or
- 18 3. There is a finding of good cause for the waiver.

19 (b) The following shall not be subject to waiver:

- 20 1. Administrative regulations relating to health and safety;
- 21 2. Administrative regulations relating to civil rights;
- 22 3. Administrative regulations required by federal law; and
- 23 4. Administrative regulations promulgated in accordance with KRS
24 158.6451, 158.6453, 158.6455, and this section, relating to measurement
25 of performance outcomes and determination of successful districts or
26 schools, except upon issues relating to the grade configuration of
27 schools.

1 (c) Any waiver granted under this subsection shall be subject to revocation upon a
2 determination by the Kentucky Board of Education that the school district or
3 school holding the waiver has subsequently failed to meet the intent of the
4 waiver.

5 (3) Any private, parochial, or church school may voluntarily comply with curriculum,
6 certification, and textbook standards established by the Kentucky Board of
7 Education and be certified upon application to the board by such schools.

8 (4) Any public school that violates the provisions of KRS 158.854 shall be subject to a
9 penalty to be assessed by the commissioner of education as follows:

10 (a) The first violation shall result in a fine of no less than one (1) week's revenue
11 from the sale of the competitive food;

12 (b) Subsequent violations shall result in a fine of no less than one (1) month's
13 revenue from the sale of the competitive food;

14 (c) "Habitual violations," which means five (5) or more violations within a six (6)
15 month period, shall result in a six (6) month ban on competitive food sales for
16 the violating school; and

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

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

20 (1) As used in this section:

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

25 (b) "Constructed-response items" or "performance-based items" means individual
26 test items that require the student to create an answer rather than select a
27 response and may include fill-in-the-blank, short-answer, extended-answer,

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

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

- 1 2. Three (3) advisory panels shall be assigned to each standards and
2 assessments review committee. One (1) panel shall review the standards
3 and assessments for kindergarten through grade five (5), one (1) shall
4 review the standards and assessments for grades six (6) through eight
5 (8), and one (1) shall review the standards and assessments for grades
6 nine (9) through twelve (12).
- 7 3. Each advisory panel shall be composed of at least one (1) representative
8 from a Kentucky institution of higher education and a minimum of six
9 (6) Kentucky public school teachers who teach in the grade level and
10 subject reviewed by the advisory panel to which they are assigned and
11 have no prior or current affiliation with a curriculum or assessment
12 resources vendor.
- 13 (e) The commissioner of education and the president of the Council on
14 Postsecondary Education shall also provide consultants for the standards and
15 assessments review committees and the advisory panels who are business and
16 industry professionals actively engaged in career fields that depend on the
17 various content areas.
- 18 (f) 1. The standards and assessments process review committee is hereby
19 established and shall be composed of the commissioner of education or
20 designee as a nonvoting member and nine (9) voting representatives of
21 public schools, of whom at least two (2) shall be parents of public
22 school students, appointed by the Governor and confirmed by the Senate
23 in accordance with KRS 11.160 as follows:
- 24 a. One (1) language arts teacher;
25 b. One (1) math teacher;
26 c. One (1) science teacher;
27 d. One (1) social studies teacher;

- 1 e. Two (2) school principals;
- 2 f. Two (2) school superintendents; and
- 3 g. One (1) school board member.
- 4 2. On making appointments to the committee, the Governor shall ensure
- 5 broad geographical urban and rural representation and representation of
- 6 elementary, middle, and high school levels; ensure equal representation
- 7 of the two (2) sexes, inasmuch as possible; and ensure that appointments
- 8 reflect the minority racial composition of the Commonwealth.
- 9 3. The review of the committee shall be limited to the procedural aspects
- 10 of the review process undertaken prior to its consideration.
- 11 4. Notwithstanding KRS 12.028, the committee shall not be subject to
- 12 reorganization by the Governor.
- 13 (g) 1. The review process implemented under this subsection shall be an open,
- 14 transparent process that allows all Kentuckians an opportunity to
- 15 participate. The department shall ensure the public's assistance in
- 16 reviewing and suggesting changes to the standards and alignment
- 17 adjustments to corresponding state assessments by establishing a Web
- 18 site dedicated to collecting comments by the public and educators. An
- 19 independent third party, which has no prior or current affiliation with a
- 20 curriculum or assessment resources vendor, shall be selected by the
- 21 department to collect and transmit the comments to the department for
- 22 dissemination to the appropriate advisory panel for review and
- 23 consideration.
- 24 2. Each advisory panel shall review the standards and assessments for its
- 25 assigned subject matter and grade level and the suggestions made by the
- 26 public and educators. After completing its review, each advisory panel
- 27 shall make recommendations for changes to the standards and alignment

1 adjustments for assessments to the appropriate standards and
2 assessments review committee.

3 3. Each standards and assessments review committee shall review the
4 findings and make recommendations to revise or replace existing
5 standards and to adjust alignment of assessments.

6 4. The recommendations shall be published on the Web site established in
7 this subsection for the purpose of gathering additional feedback from the
8 public. The commissioner shall subsequently present the
9 recommendations and the public feedback to the Interim Joint
10 Committee on Education.

11 5. The commissioner shall subsequently provide a report to the standards
12 and assessments process review committee summarizing the process
13 conducted under this subsection and the resulting recommendations. The
14 report shall include but not be limited to the timeline of the review
15 process, public feedback, and responses from the Interim Joint
16 Committee on Education.

17 6. After receiving the commissioner's report, the standards and assessments
18 process review committee shall either concur that stakeholders have had
19 adequate opportunity to provide input on standards and the
20 corresponding alignment of state assessments or find the input process
21 deficient. If the process is found deficient, the recommendations may be
22 returned to the appropriate standards and assessments review committee
23 for review as described in subparagraph 3. of this paragraph. If the
24 process is found sufficient, the recommendations shall be forwarded
25 without amendment to the Kentucky Board of Education.

26 (h) The Kentucky Board of Education shall promulgate administrative regulations
27 in accordance with KRS Chapter 13A as may be needed for the administration

1 of the review process, including staggering the timing and sequence of the
2 review process by subject area and remuneration of the review committees
3 and advisory panels described in paragraphs (c) and (d) of this subsection.

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

1 teacher preparation program includes use of the academic standards in the pre-
2 service education programs and that all teacher interns will have experience
3 planning classroom instruction based on the revised standards.

4 (l) The Council on Postsecondary Education in cooperation with the Kentucky
5 Department of Education and the postsecondary education institutions in the
6 state shall coordinate information sessions regarding the academic content
7 standards for faculty who teach in the various content areas.

8 (3) (a) The Kentucky Board of Education shall be responsible for creating and
9 implementing a balanced statewide assessment program that measures the
10 students', schools', and districts' achievement of the goals set forth in KRS
11 158.645 and 158.6451, to ensure compliance with the federal Every Student
12 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure
13 school accountability.

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

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

20 (d) The board shall seek the advice of the Office of Education Accountability; the
21 School Curriculum, Assessment, and Accountability Council; the Education
22 Assessment and Accountability Review Subcommittee, and the department's
23 technical advisory committee~~[National Technical Advisory Panel on~~
24 ~~Assessment and Accountability]~~ in the development of the assessment
25 program. The statewide assessment program shall not include measurement of
26 a student's ability to become a self-sufficient individual or to become a
27 responsible member of a family, work group, or community.

- 1 (4) (a) The academic components of the statewide assessment program shall be
2 composed of annual student summative tests, which may include a
3 combination of multiple competency-based assessment and performance
4 measures approved by the Kentucky Board of Education.
- 5 (b) The annual student summative tests shall:
- 6 1. Measure individual student achievement in language, reading, English,
7 mathematics, science, and social studies at designated grades;
 - 8 2. Provide teachers and parents a valid and reliable comprehensive analysis
9 of skills mastered by individual students;
 - 10 3. Provide diagnostic information that identifies strengths and academic
11 deficiencies of individual students in the content areas;
 - 12 4. Provide information to teachers that can enable them to improve
13 instruction for current and future students;
 - 14 5. Provide longitudinal profiles for students; and
 - 15 6. Ensure school and district accountability for student achievement of the
16 goals set forth in KRS 158.645 and 158.6451, except the statewide
17 assessment program shall not include measurement of a student's ability
18 to become a self-sufficient individual or to become a responsible
19 member of a family, work group, or community.
- 20 (5) The state student assessments shall include the following components:
- 21 (a) Elementary and middle grades requirements are:
- 22 1. A criterion-referenced test each in mathematics and reading in grades
23 three (3) through eight (8) that is valid and reliable for an individual
24 student and that measures the depth and breadth of Kentucky's academic
25 content standards;
 - 26 2. A criterion-referenced test each in science and social studies that is valid
27 and reliable for an individual student as necessary to measure the depth

1 and breadth of Kentucky's academic content standards to be
2 administered one (1) time within the elementary and middle grades,
3 respectively;

4 3. An on-demand assessment of student writing to be administered one (1)
5 time within the elementary grades and one (1) time within the middle
6 grades; and

7 4. An editing and mechanics test relating to writing, using multiple choice
8 and constructed response items, to be administered one (1) time within
9 the elementary and the middle grades, respectively;

10 (b) High school requirements are:

11 1. A criterion-referenced test in mathematics, reading, and science that is
12 valid and reliable for an individual student and that measures the depth
13 and breadth of Kentucky's academic content standards to be
14 administered one (1) time within the high school grades;

15 2. A criterion-referenced test in social studies that is valid and reliable for
16 an individual student as necessary to measure the depth and breadth of
17 Kentucky's academic content standards to be administered one (1) time
18 within the high school grades;

19 3. An on-demand assessment of student writing to be administered one (1)
20 time within the high school grades;

21 4. An editing and mechanics test relating to writing, using multiple choice
22 and constructed response items, to be administered one (1) time within
23 the high school grades; and

24 5. A college admissions examination to assess English, reading,
25 mathematics, and science in the spring of grade ten (10) and the spring
26 of grade eleven (11);

27 (c) The Kentucky Board of Education shall add any other component necessary to

- 1 comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or
2 its successor, as determined by the United States Department of Education;
- 3 (d) The criterion-referenced components required in this subsection shall be
4 composed of constructed response items and multiple choice items;
- 5 (e) The Kentucky Board of Education may incorporate end-of-course
6 examinations into the assessment program to be used in lieu of requirements
7 for criterion-referenced tests required under paragraph (b) of this subsection;
8 and
- 9 (f) The results of the assessment program developed under this subsection shall
10 be used by schools and districts to determine appropriate instructional
11 modifications for all students in order for students to make continuous
12 progress, including that needed by advanced learners.
- 13 (6) Each school district shall administer the statewide student assessment during the
14 last fourteen (14) days of school in the district's instructional calendar. The
15 Kentucky Board of Education may change the testing window to allow for
16 innovative assessment systems or other online test administration and shall
17 promulgate administrative regulations that minimize the number of days of testing
18 and outline the procedures to be used during the testing process to ensure test
19 security, including procedures for testing makeup days, and to comply with federal
20 assessment requirements.
- 21 (7) A student enrolled in a district-operated or district-contracted alternative program
22 shall participate in the appropriate assessments required by this section.
- 23 (8) A local school district may select and use commercial interim or formative
24 assessments or develop and use its own formative assessments to provide data on
25 how well its students are growing toward mastery of Kentucky academic standards,
26 so long as the district's local school board develops a policy minimizing the
27 reduction in instructional time related to the administration of the interim

1 assessments. Nothing in this section precludes teachers from using ongoing teacher-
2 developed formative processes.

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

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

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

13 (a) The cost of both college admissions examinations administered to students in
14 high school shall be paid for by the Kentucky Department of Education. The
15 costs of additional college admissions examinations shall be the responsibility
16 of the student;

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

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

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

26 2. Accommodations provided in a manner allowed by a student's
27 individualized education program as defined in KRS 158.281 for a

1 student whose disability precludes valid assessment of his or her
2 academic abilities using the accommodations provided under
3 subparagraph 1. of this paragraph when the student's scores are not
4 reportable to a postsecondary institution for admissions and placement
5 purposes.

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

- 9 (a) Measure grade appropriate core academic content, basic skills, and higher-
10 order thinking skills and their application;
- 11 (b) Provide valid and reliable scores for schools. If scores are reported for
12 students individually, they shall be valid and reliable;
- 13 (c) Minimize the time spent by teachers and students on assessment; and
- 14 (d) Assess Kentucky academic standards only.

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

21 (14) The Department of Education shall gather information to establish the validity of
22 the assessment and accountability program. It shall develop a biennial plan for
23 validation studies that shall include but not be limited to the consistency of student
24 results across multiple measures, the congruence of school scores with documented
25 improvements in instructional practice and the school learning environment, and the
26 potential for all scores to yield fair, consistent, and accurate student performance
27 level and school accountability decisions. Validation activities shall take place in a

1 timely manner and shall include a review of the accuracy of scores assigned to
2 students and schools, as well as of the testing materials. The plan shall be submitted
3 to the Commission by July 1 of the first year of each biennium. A summary of the
4 findings shall be submitted to the Legislative Research Commission by September 1
5 of the second year of the biennium.

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

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

17 (17) The Kentucky Board of Education, after the Department of Education has received
18 advice from the Office of Education Accountability; the School Curriculum,
19 Assessment, and Accountability Council; and the department's technical advisory
20 committee~~[National Technical Advisory Panel on Assessment and Accountability]~~,
21 shall promulgate an administrative regulation under KRS Chapter 13A to establish
22 the components of a reporting structure for assessments administered under this
23 section. The reporting structure shall include the following components:

24 (a) A school report card that clearly communicates with parents and the public
25 about school performance. The school report card shall be sent to the parents
26 of the students of the districts, and information on electronic access to a
27 summary of the results for the district shall be published in the newspaper

1 with the largest circulation in the county. It shall include but not be limited to
2 the following components reported by race, gender, and disability when
3 appropriate:

- 4 1. Student academic achievement, including the results from each of the
5 assessments administered under this section;
- 6 2. For Advanced Placement, Cambridge Advanced International, and
7 International Baccalaureate, the courses offered, the number of students
8 enrolled, completing, and taking the examination for each course, and
9 the percentage of examinees receiving a score of three (3) or better on
10 AP examinations, a score of "e" or better on Cambridge Advanced
11 International examinations, or a score of four (4) or better on IB
12 examinations. The data shall be disaggregated by gender, race, students
13 with disabilities, and economic status;
- 14 3. Nonacademic achievement, including the school's attendance, retention,
15 graduation rates, and student transition to postsecondary;
- 16 4. School learning environment, including measures of parental
17 involvement; and
- 18 5. Any other school performance data required by the Every Student
19 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;

20 (b) An individual student report to parents for each student in grades three (3)
21 through eight (8) summarizing the student's skills in reading, science, social
22 studies, and mathematics. The school's staff shall develop a plan for
23 accelerated learning for any student with identified deficiencies or strengths;
24 and

25 (c) A student's highest scores on the college admissions assessments administered
26 under subsection (5)(b)5. of this section.

27 (18) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the

1 Kentucky Department of Education shall implement a comprehensive process
2 for reviewing and revising the academic standards in visual and performing
3 arts and practical living skills and career studies for all levels and in foreign
4 language for middle and high schools. The department shall develop review
5 committees for the standards for each of the content areas that include
6 representation from certified specialist public school teachers and
7 postsecondary teachers in those subject areas.

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

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

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

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

1 multiple opportunities for students to develop complex communication skills for a
2 variety of purposes.

3 (20) (a) The Kentucky Department of Education, in consultation with the review
4 committees described in subsection (18) of this section, shall develop a school
5 profile report to be used by all schools to document how they will address the
6 adopted academic standards in their implementation of the programs as
7 described in subsection (18) of this section, which may include student
8 opportunities and experiences in extracurricular activities. The department
9 shall include the essential workplace ethics program on the school profile
10 report.

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

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

22 ➔Section 4. The following KRS section is repealed:

23 158.6454 National Technical Advisory Panel on Assessment and Accountability.