

1 AN ACT relating to student assessment and declaring an emergency.

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

3 ➔Section 1. KRS 158.6453 is amended to read as follows:

4 (1) As used in this section:

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

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

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

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

17 (e) "Formative assessment" means a process used by teachers and students during
18 instruction to adjust ongoing teaching and learning to improve students'
19 achievement of intended instructional outcomes. Formative assessments may
20 include the use of commercial assessments, classroom observations, teacher-
21 designed classroom tests and assessments, and other processes and
22 assignments to gain information about individual student learning;

23 (f) "Interim assessments" means assessments that are given periodically
24 throughout the year to provide diagnostic information and to show individual
25 student performance against content standards;

26 (g) **"Series of interim assessments" means a series of student assessments**
27 **administered at designated intervals throughout a school year that provide**

1 *prompt and detailed information on individual student achievement and*
2 *growth;*

3 (h) "Summative assessment" means an assessment given at the end of the school
4 year, semester, or other period of time to evaluate students' performance
5 against content standards within a unit of instruction or a course; and

6 (i)~~(h)~~ "Writing" means a purposeful act of thinking and expression that uses
7 language to explore ideas and communicate meaning to others. Writing is a
8 complex, multifaceted act of communication.

9 (2) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the
10 Kentucky Department of Education shall implement a process for reviewing
11 Kentucky's academic standards and the alignment of corresponding
12 assessments for possible revision or replacement to ensure alignment with
13 transition readiness standards necessary for global competitiveness and with
14 state career and technical education standards.

15 (b) The revisions to the content standards shall:

16 1. Focus on critical knowledge, skills, and capacities needed for success in
17 the global economy;

18 2. Result in fewer but more in-depth standards to facilitate mastery
19 learning;

20 3. Communicate expectations more clearly and concisely to teachers,
21 parents, students, and citizens;

22 4. Be based on evidence-based research;

23 5. Consider international benchmarks; and

24 6. Ensure that the standards are aligned from elementary to high school to
25 postsecondary education so that students can be successful at each
26 education level.

27 (c) 1. The department shall establish four (4) standards and assessments

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

- 1 (e) The commissioner of education and the president of the Council on
2 Postsecondary Education shall also provide consultants for the standards and
3 assessments review committees and the advisory panels who are business and
4 industry professionals actively engaged in career fields that depend on the
5 various content areas.
- 6 (f) 1. The standards and assessments process review committee is hereby
7 established and shall be composed of the commissioner of education or
8 designee as a nonvoting member and nine (9) voting representatives of
9 public schools, of whom at least two (2) shall be parents of public
10 school students, appointed by the Governor and confirmed by the Senate
11 in accordance with KRS 11.160 as follows:
- 12 a. One (1) language arts teacher;
 - 13 b. One (1) math teacher;
 - 14 c. One (1) science teacher;
 - 15 d. One (1) social studies teacher;
 - 16 e. Two (2) school principals;
 - 17 f. Two (2) school superintendents; and
 - 18 g. One (1) school board member.
- 19 2. On making appointments to the committee, the Governor shall ensure
20 broad geographical urban and rural representation and representation of
21 elementary, middle, and high school levels; ensure equal representation
22 of the two (2) sexes, inasmuch as possible; and ensure that appointments
23 reflect the minority racial composition of the Commonwealth.
- 24 3. The review of the committee shall be limited to the procedural aspects
25 of the review process undertaken prior to its consideration.
- 26 4. Notwithstanding KRS 12.028, the committee shall not be subject to
27 reorganization by the Governor.

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

1 conducted under this subsection and the resulting recommendations. The
2 report shall include but not be limited to the timeline of the review
3 process, public feedback, and responses from the Interim Joint
4 Committee on Education.

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

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

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

25 2. Any revision to, or replacement of, the academic standards and
26 assessments as a result of the review process conducted under this
27 subsection shall be implemented in Kentucky public schools no later

1 than the second academic year following the review process. Existing
2 academic standards shall be used until new standards are implemented.

3 3. The Department of Education shall disseminate the academic content
4 standards to the schools and teacher preparation programs.

5 (j) The Department of Education shall provide or facilitate statewide training
6 sessions for existing teachers and administrators on how to:

7 1. Integrate the revised content standards into classroom instruction;

8 2. Better integrate performance assessment of students within their
9 instructional practices; and

10 3. Help all students use higher-order thinking and communication skills.

11 (k) The Education Professional Standards Board in cooperation with the
12 Kentucky Board of Education and the Council on Postsecondary Education
13 shall coordinate information and training sessions for faculty and staff in all of
14 the teacher preparation programs in the use of the revised academic content
15 standards. The Education Professional Standards Board shall ensure that each
16 teacher preparation program includes use of the academic standards in the pre-
17 service education programs and that all teacher interns will have experience
18 planning classroom instruction based on the revised standards.

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

23 (3) (a) The Kentucky Board of Education shall be responsible for creating and
24 implementing a balanced statewide assessment program that measures the
25 students', schools', and districts' achievement of the goals set forth in KRS
26 158.645 and 158.6451, to ensure compliance with the federal Every Student
27 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure

1 school accountability.

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

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

8 (d) The board shall seek the advice of the Office of Education Accountability; the
9 School Curriculum, Assessment, and Accountability Council; the Education
10 Assessment and Accountability Review Subcommittee, and the department's
11 technical advisory committee in the development of the assessment program.
12 The statewide assessment program shall not include measurement of a
13 student's ability to become a self-sufficient individual or to become a
14 responsible member of a family, work group, or community.

15 (4) (a) The academic components of the statewide assessment program shall be
16 composed of annual student summative tests, or a series of interim
17 assessments if approved by the United States Department of Education,
18 which may include a combination of multiple competency-based assessment
19 and performance measures approved by the Kentucky Board of Education.

20 (b) The state student assessments ~~annual student summative tests~~ shall:
21 1. Measure individual student achievement in language, reading, English,
22 mathematics, science, and social studies at designated grades;
23 2. Provide teachers and parents a valid and reliable comprehensive analysis
24 of skills mastered by individual students;
25 3. Provide diagnostic information that identifies strengths and academic
26 deficiencies of individual students in the content areas;
27 4. Provide information to teachers that can enable them to improve

- 1 instruction for current and future students;
- 2 5. Provide longitudinal profiles for students; and
- 3 6. Ensure school and district accountability for student achievement of the
- 4 goals set forth in KRS 158.645 and 158.6451, except the statewide
- 5 assessment program shall not include measurement of a student's ability
- 6 to become a self-sufficient individual or to become a responsible
- 7 member of a family, work group, or community.

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

9 (a) Elementary and middle grades requirements are:

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

27 (b) High school requirements are:

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

1 for criterion-referenced tests required under paragraph (b) of this subsection;
2 and

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

7 (6) **If the statewide assessment program requires an annual student summative test,**
8 each school district shall administer the statewide student assessment during the last
9 fourteen (14) days of school in the district's instructional calendar. The Kentucky
10 Board of Education may change the testing window to allow for innovative
11 assessment systems, **such as a series of interim assessments if permitted by the**
12 **United States Department of Education,** or other online test administration and
13 shall promulgate administrative regulations that minimize the number of days of
14 testing and outline the procedures to be used during the testing process to ensure
15 test security, including procedures for testing makeup days, and to comply with
16 federal assessment requirements.

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

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

26 (9) Each school that enrolls primary students shall use diagnostic assessments and
27 prompts that measure readiness in reading and mathematics for its primary students

1 as determined by the school to be developmentally appropriate. The schools may
2 use commercial products, use products and procedures developed by the district, or
3 develop their own diagnostic procedures. The results shall be used to inform the
4 teachers and parents or guardians of each student's skill level.

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

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

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

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

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

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

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

1 purposes.

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

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

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

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

10 (d) Assess Kentucky academic standards only.

11 (13) The results from *an annual student summative test administered pursuant*
12 *to*~~assessment under~~ subsections (3) and (5) of this section shall be reported to the
13 school districts and schools no later than seventy-five (75) days following the last
14 day the assessment can be administered. *The results from an assessment that is*
15 *part of a series of interim assessments pursuant to subsections (3) and (5) of this*
16 *section shall be reported to a school no later than one (1) month following the*
17 *date of the assessment.* Assessment reports provided to the school districts and
18 schools shall include an electronic copy of an operational subset of test items from
19 each assessment administered to their students and the results for each of those test
20 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, shall promulgate an administrative regulation under KRS Chapter 13A
21 to establish the components of a reporting structure for assessments administered
22 under this section. The reporting structure shall include the following components:

23 (a) A school report card that clearly communicates with parents and the public
24 about school performance. The school report card shall be sent to the parents
25 of the students of the districts, and information on electronic access to a
26 summary of the results for the district shall be published in the newspaper
27 with the largest circulation in the county. It shall include but not be limited to

1 the following components reported by race, gender, and disability when
2 appropriate:

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

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

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

26 (18) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the
27 Kentucky Department of Education shall implement a comprehensive process

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

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

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

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

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

1 variety of purposes.

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

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

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

21 ➔Section 2. The commissioner of the Kentucky Department of Education shall
22 apply to the United States Department of Education for a waiver to the requirement of a
23 single, summative assessment required by the Every Student Succeeds Act of 2015, Pub.
24 L. No. 114-95, pursuant to the flexibility encouraged thereunder, to instead permit a
25 series of assessments repeated at periodic times throughout a school year to better access
26 and address the diverse needs of individual Kentucky students.

27 ➔Section 3. Whereas the need for a valid, reliable, and transparent student

1 assessment strategy is of utmost importance to the General Assembly, an emergency is
2 declared to exist, and this Act takes effect upon its passage and approval by the Governor
3 or upon its otherwise becoming a law.