

1 AN ACT relating to the statewide education accountability system.

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

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

4 (1) As used in this section:

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

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

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

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

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

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

26 (g) "Summative assessment" means an assessment given at the end of the school  
27 year, semester, or other period of time to evaluate students' performance

1 against content standards within a unit of instruction or a course; and

2 (h) "Writing" means a purposeful act of thinking and expression that uses  
3 language to explore ideas and communicate meaning to others. Writing is a  
4 complex, multifaceted act of communication.

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

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

- 12 1. Focus on critical knowledge, skills, and capacities needed for success in  
13 the global economy;
- 14 2. Result in fewer but more in-depth standards to facilitate mastery  
15 learning;
- 16 3. Communicate expectations more clearly and concisely to teachers,  
17 parents, students, and citizens;
- 18 4. Be based on evidence-based research;
- 19 5. Consider international benchmarks; and
- 20 6. Ensure that the standards are aligned from elementary to high school to  
21 postsecondary education so that students can be successful at each  
22 education level.

23 (c) 1. The department shall establish four (4) standards and assessments  
24 review committees, with each committee composed of a minimum of six  
25 (6) Kentucky public school teachers and a minimum of two (2)  
26 representatives from Kentucky institutions of higher education,  
27 including at least one (1) representative from a public institution of

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

1 various content areas.

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

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

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

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

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

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

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

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

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

1 section.

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

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

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

15 (b) The annual student summative tests shall:

- 16 1. Measure individual student achievement in language, reading, English,  
17 mathematics, science, and social studies at designated grades;
- 18 2. Provide teachers and parents a valid and reliable comprehensive analysis  
19 of skills mastered by individual students;
- 20 3. Provide diagnostic information that identifies strengths and academic  
21 deficiencies of individual students in the content areas;
- 22 4. Provide information to teachers that can enable them to improve  
23 instruction for current and future students;
- 24 5. Provide longitudinal profiles for students; and
- 25 6. Ensure school and district accountability for student achievement of the  
26 goals set forth in KRS 158.645 and 158.6451, except the statewide  
27 assessment program shall not include measurement of a student's ability



1 to become a self-sufficient individual or to become a responsible  
2 member of a family, work group, or community.

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

4 (a) Elementary and middle grades requirements are:

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

20 (b) High school requirements are:

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

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

1 and outline the procedures to be used during the testing process to ensure test  
2 security, including procedures for testing makeup days, and to comply with federal  
3 assessment requirements.

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

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

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

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

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

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

27 (b) If funds are available, the Kentucky Department of Education shall provide a

1 college admissions examination preparation program to all public high school  
2 juniors. The department may contract for necessary services; and

3 (c) Accommodations provided to a student with a disability taking the college  
4 admissions assessment~~[assessments]~~ under this subsection shall consist of:

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

9 2. Accommodations provided in a manner allowed by a student's  
10 individualized education program as defined in KRS 158.281 for a  
11 student whose disability precludes valid assessment of his or her  
12 academic abilities using the accommodations provided under  
13 subparagraph 1. of this paragraph when the student's scores are not  
14 reportable to a postsecondary institution for admissions and placement  
15 purposes.

16 (12) Kentucky teachers shall have a significant role in providing feedback about the  
17 design of the assessments, except for the college admissions exam~~[exams]~~  
18 described in subsection (5)(b)5. of this section. The assessments shall be designed  
19 to:

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

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

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

25 (d) Assess Kentucky academic standards only.

26 (13) The results from assessment under subsections (3) and (5) of this section shall be  
27 reported to the school districts and schools no later than seventy-five (75) days

1 following the last day the assessment can be administered. Assessment reports  
2 provided to the school districts and schools shall include an electronic copy of an  
3 operational subset of test items from each assessment administered to their students  
4 and the results for each of those test items by student and by school.

5 (14) The Department of Education shall gather information to establish the validity of  
6 the assessment and accountability program. It shall develop a biennial plan for  
7 validation studies that shall include but not be limited to the consistency of student  
8 results across multiple measures, the congruence of school scores with documented  
9 improvements in instructional practice and the school learning environment, and the  
10 potential for all scores to yield fair, consistent, and accurate student performance  
11 level and school accountability decisions. Validation activities shall take place in a  
12 timely manner and shall include a review of the accuracy of scores assigned to  
13 students and schools, as well as of the testing materials. The plan shall be submitted  
14 to the Commission by July 1 of the first year of each biennium. A summary of the  
15 findings shall be submitted to the Legislative Research Commission by September 1  
16 of the second year of the biennium.

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

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

1 (17) The Kentucky Board of Education, after the Department of Education has received  
2 advice from the Office of Education Accountability; the School Curriculum,  
3 Assessment, and Accountability Council; and the department's technical advisory  
4 committee, shall promulgate an administrative regulation under KRS Chapter 13A  
5 to establish the components of a reporting structure for assessments administered  
6 under this section. The reporting structure shall include the following components:

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

- 14 1. Student academic achievement, including the results from each of the  
15 assessments administered under this section;
- 16 2. For Advanced Placement, Cambridge Advanced International, and  
17 International Baccalaureate, the courses offered, the number of students  
18 enrolled, completing, and taking the examination for each course, and  
19 the percentage of examinees receiving a score of three (3) or better on  
20 AP examinations, a score of "e" or better on Cambridge Advanced  
21 International examinations, or a score of four (4) or better on IB  
22 examinations. The data shall be disaggregated by gender, race, students  
23 with disabilities, and economic status;
- 24 3. Nonacademic achievement, including the school's attendance, retention,  
25 graduation rates, and student transition to postsecondary;
- 26 4. School learning environment, including measures of parental  
27 involvement; and

- 1           5. Any other school performance data required by the Every Student  
2           Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;
- 3           (b) An individual student report to parents for each student in grades three (3)  
4           through eight (8) summarizing the student's skills in reading, science, social  
5           studies, and mathematics. The school's staff shall develop a plan for  
6           accelerated learning for any student with identified deficiencies or strengths;  
7           and
- 8           (c) A student's score~~[highest—scores]~~ on the college admissions  
9           assessment~~[assessments]~~ administered under subsection (5)(b)5. of this  
10          section.
- 11       (18) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the  
12          Kentucky Department of Education shall implement a comprehensive process  
13          for reviewing and revising the academic standards in visual and performing  
14          arts and practical living skills and career studies for all levels and in foreign  
15          language for middle and high schools. The department shall develop review  
16          committees for the standards for each of the content areas that include  
17          representation from certified specialist public school teachers and  
18          postsecondary teachers in those subject areas.
- 19          (b) The academic standards in practical living skills for elementary, middle, and  
20          high school levels shall include a focus on drug abuse prevention, with an  
21          emphasis on the prescription drug epidemic and the connection between  
22          prescription opioid abuse and addiction to other drugs, such as heroin and  
23          synthetic drugs.
- 24          (c) The department shall provide to all schools guidelines for programs that  
25          incorporate the adopted academic standards in visual and performing arts and  
26          practical living and career studies. The department shall provide to middle and  
27          high schools guidelines for including a foreign language program. The

1 guidelines shall address program length and time, courses offered, staffing,  
2 resources, and facilities.

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

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

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

22 (b) By October 1 of each year, each school principal shall complete the school  
23 profile report, which shall be signed by the members of the school council, or  
24 the principal if no school council exists, and the superintendent. The report  
25 shall be electronically transmitted to the Kentucky Department of Education,  
26 and the original shall be maintained on file at the local board office and made  
27 available to the public upon request. The department shall include a link to



1 each school's profile report on its Web site.

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

6 ➔Section 2. KRS 158.6455 is amended to read as follows:

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

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

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

- 18 1. Student assessment results;
- 19 2. Progress toward achieving English proficiency by limited English  
20 proficiency students;
- 21 3. Quality of school climate and safety;
- 22 4. High school graduation rates;
- 23 5. Postsecondary readiness for each high school student, which shall be  
24 included as an academic indicator, and shall be measured by ***one (1) of***  
25 ***the following:***

26 a. Meeting or exceeding a college readiness benchmark score on the  
27 college admissions examination used as the statewide assessment

1 in KRS 158.6453(5)(b)5. or a college placement examination  
 2 approved by the Council on Postsecondary Education. The college  
 3 readiness benchmark score shall be established by the Council on  
 4 Postsecondary Education;~~[-or]~~

5 b. *Achieving three (3) hours of college credit or postsecondary*  
 6 *articulated credit by completing a course approved by the*  
 7 *Kentucky Board of Education;*

8 c. *Achieving a benchmark score on an Advanced Placement,*  
 9 *International Baccalaureate, Cambridge Advanced*  
 10 *International, or other nationally recognized exam approved by*  
 11 *the Kentucky Board of Education that generally qualifies the*  
 12 *student for three (3) or more hours of college credit;*

13 d. *Completing a required number of hours or achieving a*  
 14 *benchmark within an apprenticeship, cooperative, or internship*  
 15 *that is aligned with a credential or associate degree and*  
 16 *approved by the Kentucky Board of Education after receiving*  
 17 *input from the Local Superintendents Advisory Council; or*

18 e. *Achieving*~~Achievement of college credit, postsecondary~~  
 19 ~~articulated credit, apprenticeship time toward a credential or~~  
 20 ~~associate degree, or~~ any industry-recognized certifications,  
 21 licensures, or credentials, with more weight in accountability for  
 22 industry-recognized certifications, licensures, or credentials  
 23 identified as high demand in accordance with the process  
 24 described in paragraph (e) of this subsection. Eligible industry-  
 25 recognized certifications, licensures, or credentials shall not be  
 26 limited to those earned in conjunction with a minimum sequence  
 27 of courses. Each high school shall publicly report the credits,

- 1                    hours, and credentials on an annual basis; and
- 2                    6. Any other factor mandated by the federal Every Student Succeeds Act of
- 3                    2015, Pub. L. No. 114-95, or its successor.
- 4                    (c) 1. Beginning with data from the 2020-2021 and 2021-2022 school years,
- 5                    the accountability system performance for each district, school, and
- 6                    student subgroup determined by the state indicators shall be based on a
- 7                    combination of annual performance, hereinafter called "status," and
- 8                    improvement over time, hereinafter called "change."
- 9                    2. Status and change shall receive equal weight in determining overall
- 10                    performance. For all students as a group and separately for individual
- 11                    subgroups, status shall be determined, beginning with the data from the
- 12                    2020-2021 academic year, by using the current year performance and
- 13                    change shall be determined, beginning with the data from the 2021-2022
- 14                    academic year, by using the difference in performance from the prior to
- 15                    current year, except change shall be based on the difference in
- 16                    performance for the prior three (3) years for the purpose of determining
- 17                    the lowest-performing five percent (5%) of schools under KRS
- 18                    160.346(2) and (3).
- 19                    3. For each state indicator, there shall be five (5) status levels ranging from
- 20                    very high to very low and five (5) change levels ranging from increased
- 21                    significantly to declined significantly.
- 22                    4. The percentile cut scores for status and change levels shall be based on
- 23                    distribution and shall be approved by the Kentucky Department of
- 24                    Education and the Local Superintendents Advisory Council. The cut
- 25                    scores shall remain in place for at least six (6) years unless existing cut
- 26                    scores no longer support meaningful differentiation of schools as
- 27                    required by the federal Every Student Succeeds Act of 2015, Pub. L. No.

1                   114-95, or its successor.

2           (d) Beginning in the fall of 2022, the Kentucky Department of Education shall  
3           develop an online display of the accountability system results hereinafter  
4           called a "dashboard." A color-coded performance level for each state indicator  
5           shall be displayed in a straightforward manner on the dashboard for overall  
6           performance, status, and change by district, school, and individual subgroups.  
7           Overall performance shall aggregate all available data for the state indicators.

8           (e) Based on data from the Kentucky Center for Education and Workforce  
9           Statistics, each local workforce investment board, in conjunction with local  
10          economic development organizations from its state regional sector, shall  
11          annually compile a list of industry-recognized certifications, licensures, and  
12          credentials specific to the state and regional workforce area, rank them by  
13          demand for the state and regional area, and provide the list to the Kentucky  
14          Workforce Innovation Board. The Kentucky Workforce Innovation Board, in  
15          conjunction with the Kentucky Department of Education, may revise the lists  
16          before the Kentucky Department of Education disseminates the lists to all  
17          school districts to be used as postsecondary readiness indicators.

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

23               2. If a high school student has not completed the two (2) course  
24               requirement described in subparagraph 1. of this paragraph but meets  
25               performance-based experience eligibility and passes an assessment, the  
26               department shall provide a weighted reimbursement amount to the  
27               school district for the cost of the assessment based on the level of

1 demand of the certificate, credential, or license earned. The Kentucky  
2 Board of Education shall promulgate regulations establishing the  
3 performance-based experience eligibility requirements and weighted  
4 reimbursement amounts.

5 (g) Prior to promulgating administrative regulations to revise the accountability  
6 system, the board shall seek advice from the School Curriculum, Assessment,  
7 and Accountability Council; the Office of Education Accountability; the  
8 Education Assessment and Accountability Review Subcommittee; and the  
9 department's technical advisory committee.

10 (2) A student's test scores shall be counted in the accountability measure of:

11 (a) 1. The school in which the student is currently enrolled if the student has  
12 been enrolled in that school for at least a full academic year as defined  
13 by the Kentucky Board of Education; or

14 2. The school in which the student was previously enrolled if the student  
15 was enrolled in that school for at least a full academic year as defined by  
16 the Kentucky Board of Education; and

17 (b) The school district if the student is enrolled in the district for at least a full  
18 academic year as defined by the Kentucky Board of Education; and

19 (c) The state if the student is enrolled in a Kentucky public school prior to the  
20 beginning of the statewide testing period.

21 (3) After receiving the advice of the Office of Education Accountability; the School  
22 Curriculum, Assessment, and Accountability Council; and the department's  
23 technical advisory committee, the Kentucky Board of Education shall promulgate  
24 an administrative regulation in conformity with KRS 158.6471 and 158.6472 and  
25 KRS Chapter 13A to establish more rigorous action, intervention, and appropriate  
26 consequences for schools that fail to exit comprehensive support and improvement  
27 status described in KRS 160.346. The consequences shall be designed to improve

- 1 the academic performance and learning environment of identified schools and may  
2 include but not be limited to:
- 3 (a) A review and audit process to determine the appropriateness of a school's or  
4 district's classification and to recommend needed assistance;
  - 5 (b) School and district improvement plans;
  - 6 (c) Eligibility to receive Commonwealth school improvement funds under KRS  
7 158.805;
  - 8 (d) Education assistance from highly skilled certified staff; and
  - 9 (e) Observation of school personnel.
- 10 (4) All students who drop out of school during a school year shall be included in a  
11 school's annual average school graduation rate calculation.
- 12 (5) After receiving the advice of the Education Assessment and Accountability Review  
13 Subcommittee, the Office of Education Accountability; the School Curriculum,  
14 Assessment, and Accountability Council; and the department's technical advisory  
15 committee, the Kentucky Board of Education may promulgate by administrative  
16 regulation, in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A,  
17 a system of district accountability that includes establishing a formula for  
18 accountability, goals for improvement over a three (3) year period, rewards for  
19 leadership in improving teaching and learning in the district, and consequences that  
20 address the problems and provide assistance when one (1) or more schools in the  
21 district fail to exit comprehensive support and improvement status after three (3)  
22 consecutive years of implementing the turnaround intervention process described in  
23 KRS 160.346.
- 24 (6) After receiving the advice of the Office of Education Accountability; the School  
25 Curriculum, Assessment, and Accountability Council; and the department's  
26 technical advisory committee, the Kentucky Board of Education shall promulgate  
27 administrative regulations in conformity with KRS 158.6471 and 158.6472 and

1 KRS Chapter 13A to establish a process whereby a school or school district shall be  
2 allowed to appeal any performance judgment made by the department under this  
3 section or KRS 160.346 of a principal, superintendent, school, or school district  
4 which it considers grossly unfair. Upon appeal, an administrative hearing shall be  
5 conducted in accordance with KRS Chapter 13B. The state board may adjust a  
6 performance judgment on appeal when evidence of unusual circumstances warrants  
7 the conclusion that the performance judgment is based on fraud or a mistake in  
8 computations, is arbitrary, is lacking any reasonable basis, or when there are  
9 significant new circumstances occurring during the three (3) year assessment period  
10 which are beyond the control of the appellant school or school district.

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

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

- 16 1. Development and modification to the assessment and accountability  
17 system;
- 18 2. The development of administrative regulations governing the assessment  
19 and accountability system;
- 20 3. The setting of standards used in the assessment and accountability  
21 system; and
- 22 4. KRS 158.6453, 158.6455, 158.782, or 158.860; and

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

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