

1 AN ACT relating to postsecondary readiness indicators and declaring an
2 emergency.

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

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

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

- 7 (1) (a) The Kentucky Board of Education shall create an accountability system to
8 classify districts and schools in accordance with the academic standards and
9 student assessment program developed pursuant to KRS 158.6453.
- 10 (b) The accountability system shall include an annual meaningful differentiation
11 of all public schools in the state using multiple measures that describe the
12 overall performance of each district, school, and student subgroup.
13 Performance shall be based on a combination of academic and school quality
14 indicators and measures, hereinafter called "state indicators." The state
15 indicators shall exclusively include:
- 16 1. Student assessment results;
 - 17 2. Progress toward achieving English proficiency by limited English
18 proficiency students;
 - 19 3. Quality of school climate and safety;
 - 20 4. High school graduation rates;
 - 21 5. Postsecondary readiness for each high school student, which shall be
22 included as an academic indicator, and shall be measured by one (1) of
23 the following:
 - 24 a. Meeting or exceeding a college readiness benchmark score on the
25 college admissions examination used as the statewide assessment
26 in KRS 158.6453(5)(b)5. or a college placement examination
27 approved by the Council on Postsecondary Education. The college

- 1 readiness benchmark score shall be established by the Council on
2 Postsecondary Education;
- 3 b. Achieving **a minimum of** three (3) hours of **dual**~~[college]~~ credit~~[~~
4 ~~or postsecondary articulated credit]~~ by completing a course
5 approved by the Kentucky Board of Education **or qualifying for a**
6 **minimum of three (3) hours of postsecondary articulated credit**
7 **associated with a statewide articulation agreement;**
- 8 c. Achieving a benchmark score on an Advanced Placement,
9 International Baccalaureate, Cambridge Advanced International,
10 or other nationally recognized exam approved by the Kentucky
11 Board of Education that generally qualifies the student for three
12 (3) or more hours of college credit;
- 13 d. Completing a required number of hours or achieving a benchmark
14 within an apprenticeship, cooperative, or internship that is:
- 15 **i. Not required to be offered as a high school course or**
16 **during the regular school day, week, or year;**
- 17 **ii.** Aligned with a credential or associate degree; and
- 18 **iii.** Approved by the Kentucky Board of Education after
19 receiving input from the Local Superintendents Advisory
20 Council; or
- 21 e. Achieving any industry-recognized certifications, licensures, or
22 credentials, with more weight in accountability for industry-
23 recognized certifications, licensures, or credentials identified as
24 high demand in accordance with the process described in
25 paragraph (e) of this subsection. Eligible industry-recognized
26 certifications, licensures, or credentials shall not be limited to
27 those earned in conjunction with a minimum sequence of courses.

1 Each high school shall publicly report the credits, hours, and
2 credentials on an annual basis; and

3 6. Any other factor mandated by the federal Every Student Succeeds Act
4 of 2015, Pub. L. No. 114-95, or its successor.

5 (c) 1. Beginning with data from the 2020-2021 and 2021-2022 school years,
6 the accountability system performance for each district, school, and
7 student subgroup determined by the state indicators shall be based on a
8 combination of annual performance, hereinafter called "status," and
9 improvement over time, hereinafter called "change."

10 2. Status and change shall receive equal weight in determining overall
11 performance. For all students as a group and separately for individual
12 subgroups, status shall be determined, beginning with the data from the
13 2020-2021 academic year, by using the current year performance and
14 change shall be determined, beginning with the data from the 2021-2022
15 academic year, by using the difference in performance from the prior to
16 current year, except change shall be based on the difference in
17 performance for the prior three (3) years for the purpose of determining
18 the lowest-performing five percent (5%) of schools under KRS
19 160.346(2) and (3).

20 3. For each state indicator, there shall be five (5) status levels ranging from
21 very high to very low and five (5) change levels ranging from increased
22 significantly to declined significantly.

23 4. The percentile cut scores for status and change levels shall be based on
24 distribution and shall be approved by the Kentucky Department of
25 Education and the Local Superintendents Advisory Council. The cut
26 scores shall remain in place for at least six (6) years unless existing cut
27 scores no longer support meaningful differentiation of schools as

1 required by the federal Every Student Succeeds Act of 2015, Pub. L. No.
2 114-95, or its successor.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 administrative regulations in conformity with KRS 158.6471 and 158.6472 and
2 KRS Chapter 13A to establish a process whereby a school or school district shall be
3 allowed to appeal any performance judgment made by the department under this
4 section or KRS 160.346 of a principal, superintendent, school, or school district
5 which it considers grossly unfair. Upon appeal, an administrative hearing shall be
6 conducted in accordance with KRS Chapter 13B. The state board may adjust a
7 performance judgment on appeal when evidence of unusual circumstances warrants
8 the conclusion that the performance judgment is based on fraud or a mistake in
9 computations, is arbitrary, is lacking any reasonable basis, or when there are
10 significant new circumstances occurring during the three (3) year assessment period
11 which are beyond the control of the appellant school or school district.

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

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

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

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

26 Upon receipt of the report, the Office of Education Accountability shall forward the
27 report to the Education Assessment and Accountability Review Subcommittee and

1 the co-chairs of the Interim Joint Committee on Education.

2 ➔Section 2. Whereas it is the intent of the General Assembly that the public
3 education system provides and values educational opportunities that reflect the needs of
4 Kentucky's students and workforce, an emergency is declared to exist, and this Act takes
5 effect upon its passage and approval by the Governor or upon its otherwise becoming
6 law.