

1 AN ACT relating to English language learners.

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 one (1) of
22 the following:

- 23 a. Meeting or exceeding a college readiness benchmark score on the
24 college admissions examination used as the statewide assessment
25 in KRS 158.6453(5)(b)5. or a college placement examination
26 approved by the Council on Postsecondary Education. The college
27 readiness benchmark score shall be established by the Council on

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

1 114-95, or its successor.

2 **5. Limited English proficiency students shall participate in the student**
3 **assessment program, including the state-approved English language**
4 **proficiency assessment, regardless of time enrolled in a school in the**
5 **United States. In determining status and change, the accountability**
6 **system performance for limited English proficiency students shall**
7 **apply according to the following schedule:**

8 **a. During a limited English proficiency student's first full year of**
9 **enrollment in a school in the United States, the student's results**
10 **on the student assessment program shall be excluded from the**
11 **accountability system. One full year of enrollment is defined as**
12 **two-hundred forty (240) instructional days or twelve (12) months**
13 **of cumulative education in a school in the United States,**
14 **whichever comes first;**

15 **b. During a limited English proficiency student's second full year**
16 **of enrollment in a school in the United States, the student's**
17 **results on the student assessment program shall be included only**
18 **in calculating change for the accountability system as discussed**
19 **in this paragraph of this subsection; and**

20 **c. During a limited English proficiency student's third full year of**
21 **enrollment and any subsequent years, the student's results on the**
22 **student assessment program shall be included in calculating**
23 **status and change for the accountability system as set forth in**
24 **this paragraph.**

25 (d) Beginning in the fall of 2022, the Kentucky Department of Education shall
26 develop an online display of the accountability system results hereinafter
27 called a "dashboard." A color-coded performance level for each state indicator

1 shall be displayed in a straightforward manner on the dashboard for overall
2 performance, status, and change by district, school, and individual subgroups.
3 Overall performance shall aggregate all available data for the state indicators.

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

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

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

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

- 1 (b) School and district improvement plans;
- 2 (c) Eligibility to receive Commonwealth school improvement funds under KRS
3 158.805;
- 4 (d) Education assistance from highly skilled certified staff; and
- 5 (e) Observation of school personnel.
- 6 (4) All students who drop out of school during a school year shall be included in a
7 school's annual average school graduation rate calculation.
- 8 (5) After receiving the advice of the Education Assessment and Accountability Review
9 Subcommittee, the Office of Education Accountability; the School Curriculum,
10 Assessment, and Accountability Council; and the department's technical advisory
11 committee, the Kentucky Board of Education may promulgate by administrative
12 regulation, in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A,
13 a system of district accountability that includes establishing a formula for
14 accountability, goals for improvement over a three (3) year period, rewards for
15 leadership in improving teaching and learning in the district, and consequences that
16 address the problems and provide assistance when one (1) or more schools in the
17 district fail to exit comprehensive support and improvement status after three (3)
18 consecutive years of implementing the turnaround intervention process described in
19 KRS 160.346.
- 20 (6) After receiving the advice of the Office of Education Accountability; the School
21 Curriculum, Assessment, and Accountability Council; and the department's
22 technical advisory committee, the Kentucky Board of Education shall promulgate
23 administrative regulations in conformity with KRS 158.6471 and 158.6472 and
24 KRS Chapter 13A to establish a process whereby a school or school district shall be
25 allowed to appeal any performance judgment made by the department under this
26 section or KRS 160.346 of a principal, superintendent, school, or school district
27 which it considers grossly unfair. Upon appeal, an administrative hearing shall be

1 conducted in accordance with KRS Chapter 13B. The state board may adjust a
2 performance judgment on appeal when evidence of unusual circumstances warrants
3 the conclusion that the performance judgment is based on fraud or a mistake in
4 computations, is arbitrary, is lacking any reasonable basis, or when there are
5 significant new circumstances occurring during the three (3) year assessment period
6 which are beyond the control of the appellant school or school district.

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

- 11 (a) Advice and recommendations provided by panel members relating to:
 - 12 1. Development and modification to the assessment and accountability
 - 13 system;
 - 14 2. The development of administrative regulations governing the
 - 15 assessment and accountability system;
 - 16 3. The setting of standards used in the assessment and accountability
 - 17 system; and
 - 18 4. KRS 158.6453, 158.6455, 158.782, or 158.860; and
- 19 (b) Any documentation used by the panel in support of the panel's advice and
20 recommendations.

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