

1 AN ACT relating to public education and declaring an emergency.

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

3 ➔Section 1. KRS 156.557 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Formative evaluation" means a continuous cycle of collecting evaluation  
6 information and providing feedback with suggestions regarding the certified  
7 employee's professional growth and performance; ***and***

8 ~~[(b) "Local formative growth measures" means measures that are rigorous and  
9 comparable across schools in a local district;~~

10 ~~(c) "Student growth" means the change in student achievement for an individual  
11 student between two (2) or more points in time including achievement on state  
12 assessments required per KRS 158.6453; and]~~

13 ~~(b)~~***(d)*** "Summative evaluation" means the summary of, and conclusions from,  
14 the evaluation data, including formative evaluation data that:

- 15 1. Occur at the end of an evaluation cycle; and
- 16 2. Include a conference between the evaluator and the evaluated certified  
17 employee and a written evaluation report.

18 (2) ***For the purposes of supporting and improving the performance of all certified***  
19 ***school personnel, each local school district shall develop and implement a***  
20 ***professional growth and effectiveness system that is based on a statewide***  
21 ***framework established by***~~[Prior to the beginning of the 2014-2015 school year,] the  
22 Kentucky Department of Education[, in consultation with the Kentucky teacher and  
23 principal steering committees and other groups deemed appropriate by the  
24 commissioner of education, shall develop a framework for a statewide personnel  
25 evaluation system. The Kentucky Board of Education shall promulgate  
26 administrative regulations to establish a statewide professional growth and  
27 effectiveness system for the purposes of supporting and improving the performance~~

1 of all certified school personnel]. **No reporting requirements related to the**  
 2 **professional growth and effectiveness system shall be imposed upon the local**  
 3 **school districts by the Kentucky Department of Education. Each**[The] system  
 4 shall promote the continuous professional growth and development of skills needed  
 5 to be a highly effective teacher or a highly effective administrator in a school or  
 6 district. **Each system may**[The Kentucky Board of Education shall] include parent  
 7 surveys as a source of data once a valid and reliable survey tool becomes available  
 8 for this purpose.

9 (3) The professional growth and effectiveness system **developed and implemented by**  
 10 **each school district** shall:

- 11 (a) **Align with standards within the statewide framework established by the**  
 12 **Kentucky Department of Education, which shall not include**[Use multiple  
 13 ~~measures of effectiveness, including~~] student growth data **to determine**[as a  
 14 ~~significant factor in determining~~] the effectiveness of teachers and  
 15 administrators[, that utilize both state standardized tests and local formative  
 16 ~~growth measures that are rigorous and comparable across schools in a local~~  
 17 ~~district~~];
- 18 (b) Include both formative and summative evaluation components;
- 19 (c) Measure professional effectiveness;
- 20 (d) Support professional growth;
- 21 (e) Have at least three (3) performance levels;
- 22 (f) Be used to inform personnel decisions;
- 23 (g) Be considerate of the time requirements of evaluators at the local level and  
 24 shall not require that all certified school personnel have a formal summative  
 25 evaluation each year; and
- 26 (h) Rate teachers or administrators by multiple measures instead of a single  
 27 measure.

- 1 (4) The performance criteria by which teachers and administrators shall be evaluated  
 2 shall include but not be limited to:
- 3 (a) Performance of professional responsibilities related to his or her assignment,  
 4 including attendance and punctuality and evaluating results;
  - 5 (b) Demonstration of effective planning of curricula, classroom instruction, and  
 6 classroom management, based on research-based instructional practices, or  
 7 school management skills based on validated managerial practices;
  - 8 (c) Demonstration of knowledge and understanding of subject matter content or  
 9 administrative functions and effective leadership techniques;
  - 10 (d) Promotion and incorporation of instructional strategies or management  
 11 techniques that are fair and respect diversity and individual differences;
  - 12 (e) Demonstration of effective interpersonal, communication, and collaboration  
 13 skills among peers, students, parents, and others;
  - 14 (f) Performance of duties consistent with the goals for Kentucky students and  
 15 mission of the school, the local community, laws, and administrative  
 16 regulations;
  - 17 (g) Demonstration of the effective use of resources, including technology;
  - 18 (h) Demonstration of professional growth;
  - 19 (i) Adherence to the professional code of ethics; and
  - 20 (j) Attainment of the teacher standards or the administrator standards as  
 21 established by the Education Professional Standards Board that are not  
 22 referenced in paragraphs (a) to (i) of this subsection.
- 23 (5) The following provisions shall apply to the statewide ***framework for a*** professional  
 24 growth and effectiveness system:
- 25 (a) Certified school personnel, below the level of superintendent, shall be  
 26 evaluated by ***a locally developed and implemented system based on the***  
 27 ***statewide framework***~~[using the system]~~ developed by the Kentucky

1 Department of Education;

2 (b) The evaluation system shall include formative evaluation and summative  
3 evaluation components; and

4 (c) The local school board~~[Kentucky Board of Education]~~ shall adopt~~[~~  
5 ~~administrative regulations incorporating]~~ written guidelines for its  
6 superintendent~~[a local school district]~~ to follow in implementing the  
7 professional growth and effectiveness system and shall require the following:

8 1. All evaluations of certified school personnel below the level of the  
9 district superintendent shall be in writing on evaluation forms and under  
10 evaluation procedures developed by a committee composed of an equal  
11 number of teachers and administrators;

12 2. The immediate supervisor of the certified school personnel member  
13 shall be designated as the primary evaluator. At the request of a teacher,  
14 observations by other teachers trained in the teacher's content area or  
15 curriculum content specialists may be incorporated into the formative  
16 process for evaluating teachers;

17 3. All monitoring or observation of performance of a certified school  
18 personnel member shall be conducted openly and with full knowledge of  
19 the personnel member;

20 4. Evaluators shall be trained, tested, and approved in accordance with  
21 administrative regulations adopted by the Kentucky Board of Education  
22 in the proper techniques for effectively evaluating certified school  
23 personnel. Evaluators shall receive support and resources necessary to  
24 ensure consistent and reliable ratings;

25 5. The professional growth and effectiveness system shall include a plan  
26 whereby the person evaluated is given assistance for professional  
27 growth as a teacher or administrator. The system shall also specify the

1 processes to be used when corrective actions are necessary in relation to  
 2 the performance of one's assignment;~~and~~

3 **6. The system shall require annual summative evaluations for each**  
 4 **teacher or other professional who has not attained continuing service**  
 5 **status under KRS 161.740 or continuing status under KRS 156.800(7).**  
 6 **The system shall require summative evaluations at least once every**  
 7 **three (3) years for a teacher or other professional who has attained**  
 8 **continuing service status under KRS 161.740 or continuing status**  
 9 **under KRS 156.800(7), principals, assistant principals, and other**  
 10 **certified administrators; and**

11 ~~7.6.~~ The training requirement for evaluators contained in subparagraph 4. of  
 12 this paragraph shall not apply to district board of education members.

- 13 (6) (a) Each superintendent shall be evaluated according to a policy and procedures  
 14 developed by the local board of education and approved by the department.
- 15 (b) The summative evaluation of the superintendent shall be in writing, discussed  
 16 and adopted in an open meeting of the board and reflected in the minutes, and  
 17 made available to the public upon request.
- 18 (c) Any preliminary discussions relating to the evaluation of the superintendent  
 19 by the board or between the board and the superintendent prior to the  
 20 summative evaluation shall be conducted in closed session.
- 21 (7) Local districts may submit a written request to use an alternative effectiveness and  
 22 evaluation **framework**~~[system]~~ to the Kentucky Board of Education. The Kentucky  
 23 Board of Education shall consider and approve a local district's use of an alternative  
 24 effectiveness and evaluation **framework**~~[system]~~ instead of the statewide  
 25 **framework**~~[system]~~ only if the Kentucky Board of Education determines the  
 26 alternative **framework**~~[system]~~:
- 27 (a) Is as rigorous, reliable, valid, and educationally sound as the statewide

- 1 professional growth and effectiveness framework[system];
- 2 (b) [~~Uses multiple measures of effectiveness, including student growth data as a~~  
 3 ~~significant factor in determining the effectiveness of teachers and~~  
 4 ~~administrators, that utilize both state standardized tests and local formative~~  
 5 ~~growth measures that are rigorous and comparable across schools in a local~~  
 6 ~~district;~~
- 7 (c) [~~Includes both formative and summative evaluation components;~~
- 8 ~~(c)~~[~~(d)~~] Measures professional effectiveness;
- 9 ~~(d)~~[~~(e)~~] Supports professional growth;
- 10 ~~(e)~~[~~(f)~~] Has at least three (3) performance levels;
- 11 ~~(f)~~[~~(g)~~] Is used to inform personnel decisions;
- 12 ~~(g)~~[~~(h)~~] Is considerate of the time requirements of evaluators at the local level  
 13 and does not require that all certified school personnel have a formal  
 14 summative evaluation each year; and
- 15 ~~(h)~~[~~(i)~~] Rates teachers and administrators by multiple measures instead of a  
 16 single measure.
- 17 (8) The Kentucky Board of Education shall establish an appeals procedure for certified  
 18 school personnel who believe that the local school district failed to properly  
 19 implement ~~an~~[~~the~~] evaluation system in alignment with the statewide framework.  
 20 The appeals procedure shall not involve requests from individual certified school  
 21 personnel members for review of the judgmental conclusions of their personnel  
 22 evaluations.
- 23 (9) The local board of education shall establish an evaluation appeals panel for certified  
 24 school personnel that shall consist of two (2) members elected by the certified  
 25 employees of the local district and one (1) member appointed by the board of  
 26 education who is a certified employee of the local board of education. Certified  
 27 school personnel who think they were not fairly evaluated may submit an appeal to

1 the panel for a timely review of their evaluation.

2 (10) The Kentucky Department of Education shall ***offer technical support***~~annually~~  
 3 ~~provide for on-site visits by trained personnel to a minimum of fifteen (15) school~~  
 4 ~~districts to review and ensure appropriate implementation of the evaluation system~~  
 5 ~~by the local school district. The department shall provide technical assistance] to~~  
 6 local districts ***that request assistance*** to eliminate deficiencies and to improve the  
 7 effectiveness of ~~its[the]~~ evaluation system ***that is based on the statewide***  
 8 ***framework.***~~[ The department may implement the requirement in this subsection in~~  
 9 ~~conjunction with other requirements, including, but not limited to, the scholastic~~  
 10 ~~audit process required by KRS 158.6455.]~~

11 (11) The disclosure, pursuant to KRS Chapter 61, of any data or information~~, including~~  
 12 ~~student growth data,]~~ that local school districts or the Department of Education  
 13 collect on individual classroom teachers under the requirements of ***this***  
 14 ***section***~~[KRS 156.557]~~ is prohibited.

15 ***(12) The results of evaluations conducted under this section shall not be included in***  
 16 ***the accountability system described in Section 6 of this Act.***

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

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

24 (a) Courses of study for the different grades and kinds of common schools  
 25 identifying the common curriculum content directly tied to the goals,  
 26 outcomes, and assessment strategies developed under KRS 158.645,  
 27 158.6451, and 158.6453 and distributed to local school districts and schools.

1 The administrative regulations shall provide that:

2 1. If a school offers American sign language, the course shall be accepted  
3 as meeting the foreign language requirements in common schools  
4 notwithstanding other provisions of law; ~~and~~

5 2. If a school offers the Reserve Officers Training Corps program, the  
6 course shall be accepted as meeting the physical education requirement  
7 for high school graduation notwithstanding other provisions of law; and

8 3. If a high school offers a foreign language course, application-oriented  
9 career and technical education course, or a computer technology or  
10 programming course that incorporates design content, techniques of  
11 creativity, and interpretation, the course shall be accepted as meeting  
12 the arts and humanities requirement for high school graduation,  
13 notwithstanding other provisions of law.

14 (b) Courses of study or educational experiences available to students in all middle  
15 and high schools to fulfill the prerequisites for courses in advanced science  
16 and mathematics as defined in KRS 158.845;

17 (c) The acquisition and use of educational equipment for the schools as  
18 recommended by the Council for Education Technology;

19 (d) The minimum requirements for high school graduation in light of the  
20 expected outcomes for students and schools set forth in KRS 158.6451.  
21 Student scores from any assessment administered under KRS 158.6453 that  
22 are determined by the National Technical Advisory Panel to be valid and  
23 reliable at the individual level shall be included on the student transcript. The  
24 National Technical Advisory Panel shall submit its determination to the  
25 commissioner of education and the Legislative Research Commission;

26 (e) The requirements for an alternative high school diploma for students with  
27 disabilities whose individualized education program indicates that, in



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

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

- 1 districts under the management and control of the Kentucky Board of  
 2 Education;
- 3 (n) A uniform series of forms and blanks, educational and financial, including  
 4 forms of contracts, for use in the several school districts; and
- 5 (o) The disposal of real and personal property owned by local boards of  
 6 education.
- 7 (2) (a) At the request of a local board of education or a school council, a local school  
 8 district superintendent shall request that the Kentucky Board of Education  
 9 waive any administrative regulation promulgated by that board. Beginning in  
 10 the 1996-97 school year, a request for waiver of any administrative regulation  
 11 shall be submitted to the Kentucky Board of Education in writing with  
 12 appropriate justification for the waiver. The Kentucky Board of Education  
 13 may approve the request when the school district or school has demonstrated  
 14 circumstances that may include but are not limited to the following:
- 15 1. An alternative approach will achieve the same result required by the  
 16 administrative regulation;
- 17 2. Implementation of the administrative regulation will cause a hardship on  
 18 the school district or school or jeopardize the continuation or  
 19 development of programs; or
- 20 3. There is a finding of good cause for the waiver.
- 21 (b) The following shall not be subject to waiver:
- 22 1. Administrative regulations relating to health and safety;
- 23 2. Administrative regulations relating to civil rights;
- 24 3. Administrative regulations required by federal law; and
- 25 4. Administrative regulations promulgated in accordance with KRS  
 26 158.6451, 158.6453, 158.6455, 158.685, and this section, relating to  
 27 measurement of performance outcomes and determination of successful

1 districts or schools, except upon issues relating to the grade  
2 configuration of schools.

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

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

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

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

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

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

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

21 ➔Section 3. KRS 158.305 is amended to read as follows:

22 (1) As used in this section:

23 (a) "Aphasia" means a condition characterized by either partial or total loss of the  
24 ability to communicate verbally or through written words. A person with  
25 aphasia may have difficulty speaking, reading, writing, recognizing the names  
26 of objects, or understanding what other people have said. The condition may  
27 be temporary or permanent and does not include speech problems caused by

- 1           loss of muscle control;
- 2           (b) "Dyscalculia" means the inability to understand the meaning of numbers, the  
3           basic operations of addition and subtraction, the complex operations of  
4           multiplication and division, or to apply math principles to solve practical or  
5           abstract problems;
- 6           (c) "Dysgraphia" means difficulty in automatically remembering and mastering  
7           the sequence of muscle motor movements needed to accurately write letters or  
8           numbers;
- 9           (d) "Dyslexia" means a language processing disorder that is neurological in  
10          origin, impedes a person's ability to read, write, and spell, and is characterized  
11          by difficulties with accuracy or fluency in word recognition and by poor  
12          spelling and decoding abilities;
- 13          (e) "Phonemic awareness" means the ability to recognize that a spoken word  
14          consists of a sequence of individual sounds and the ability to manipulate  
15          individual sounds in speaking; and
- 16          (f) "Scientifically based research" has the same meaning as in 20 U.S.C. sec.  
17          7801(37).
- 18       (2) Notwithstanding any other statute or administrative regulation to the contrary, the  
19       Kentucky Board of Education shall promulgate administrative regulations for  
20       district-wide use of a response-to-intervention system for students in kindergarten  
21       through grade three (3), that includes a tiered continuum of interventions with  
22       varying levels of intensity and duration and which connects general, compensatory,  
23       and special education programs to provide interventions implemented with fidelity  
24       to scientifically based research and matched to individual student strengths and  
25       needs. At a minimum, evidence of implementation shall be submitted by the district  
26       to the department for:
- 27       (a) Reading and writing by August 1, 2013;

- 1 (b) Mathematics by August 1, 2014; and
- 2 (c) Behavior by August 1, 2015.
- 3 (3) The Department of Education shall provide~~[make available]~~ technical assistance
- 4 and training, if requested by a local district, to assist~~[all local school districts]~~ in
- 5 the implementation of the district-wide, response-to-intervention system as a means
- 6 to identify and assist any student experiencing difficulty in reading, writing,
- 7 mathematics, or behavior.
- 8 (4) The technical assistance and training shall be designed to improve:
- 9 (a) The use of specific screening processes and programs to identify student
- 10 strengths and needs;
- 11 (b) The use of screening data for designing instructional interventions;
- 12 (c) The use of multisensory instructional strategies and other interventions
- 13 validated for effectiveness by scientifically based research;
- 14 (d) Progress monitoring of student performance; and
- 15 (e) Accelerated, intensive, direct instruction that addresses students' individual
- 16 differences and enables them to catch up with typically performing peers.
- 17 (5) The department shall develop and maintain a Web-based resource providing
- 18 teachers access to:
- 19 (a) Information on the use of specific screening processes and programs to
- 20 identify student strengths and needs; and
- 21 (b) Current, scientifically based research and age-appropriate instructional tools
- 22 that may be used for substantial, steady improvement in:
- 23 1. Reading when a student is experiencing difficulty with phonemic
- 24 awareness, phonics, vocabulary, fluency, general reading
- 25 comprehension, or reading in specific content areas, or is exhibiting
- 26 characteristics of dyslexia, aphasia, or other reading difficulties;
- 27 2. Writing when a student is experiencing difficulty with consistently

- 1 producing letters or numbers with accuracy or is exhibiting  
2 characteristics of dysgraphia;
- 3 3. Mathematics when a student is experiencing difficulty with basic math  
4 facts, calculations, or application through problem solving, or is  
5 exhibiting characteristics of dyscalculia or other mathematical  
6 difficulties; or
- 7 4. Behavior when a student is exhibiting behaviors that interfere with his  
8 or her learning or the learning of other students.
- 9 (6) The department shall encourage districts to utilize both state and federal funds as  
10 appropriate to implement a district-wide system of interventions.
- 11 (7) The department is encouraged to coordinate technical assistance and training on  
12 current best practice interventions with state postsecondary education institutions.
- 13 (8) The department shall collaborate with the Kentucky Collaborative Center for  
14 Literacy Development, the Kentucky Center for Mathematics, the Kentucky Center  
15 for Instructional Discipline, the Education Professional Standards Board, the  
16 Council on Postsecondary Education, postsecondary teacher education programs,  
17 and other agencies and organizations as deemed appropriate to ensure that teachers  
18 are prepared to utilize scientifically based interventions in reading, writing,  
19 mathematics, and behavior.
- 20 (9) In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to  
21 determine appropriate instructional strategies for curriculum implementation shall  
22 not be considered to be an evaluation for eligibility for special education and related  
23 services and nothing in this section shall limit a school district from completing an  
24 initial evaluation of a student suspected of having a disability.
- 25 (10) By November 30, 2013, and annually thereafter, the department shall provide a  
26 report to the Interim Joint Committee on Education that includes:
- 27 (a) Data on the number of school districts implementing response-to-intervention

- 1 systems and scientifically based research practices in reading, writing,  
 2 mathematics, and behavior;
- 3 (b) Information on the types of scientifically based research interventions  
 4 implemented; and
- 5 (c) Data on the effectiveness of interventions in improving student performance  
 6 in Kentucky schools.

7 ➔Section 4. KRS 158.645 is amended to read as follows:

8 The General Assembly recognizes that public education involves shared responsibilities.  
 9 State government, local communities, parents, students, and school employees must work  
 10 together to create an efficient public school system. Parents and students must assist  
 11 schools with efforts to assure student attendance, preparation for school, and involvement  
 12 in learning. The cooperation of all involved is necessary to assure that desired outcomes  
 13 are achieved. It is the intent of the General Assembly to create a system of public  
 14 education which shall allow and assist all students to acquire the following capacities:

- 15 (1) Communication skills necessary to function in a complex and changing civilization;  
 16 (2) Knowledge to make economic, social, and political choices;  
 17 (3) Core values and qualities of good character to make moral and ethical decisions  
 18 throughout his or her life;  
 19 (4) Understanding of governmental processes as they affect the community, the state,  
 20 and the nation;  
 21 (5) Sufficient self-knowledge and knowledge of his mental and physical wellness;  
 22 (6) Sufficient grounding in the arts *that:*
- 23 (a) Enables~~[to enable]~~ each student to appreciate his or her cultural and historical  
 24 heritage; or
- 25 (b) Is a result of an application experience in coursework that incorporates  
 26 design content, techniques of creativity, and interpretation.
- 27 (7) Sufficient preparation to choose and pursue his life's work intelligently; and



1 (8) Skills to enable him to compete favorably with students in other states.

2 ➔Section 5. KRS 158.6453 is amended to read as follows:

3 (1) As used in this section:

- 4 (a) "Accelerated learning" means an organized way of helping students meet  
5 individual academic goals by providing direct instruction to eliminate student  
6 performance deficiencies or enable students to move more quickly through  
7 course requirements and pursue higher level skill development;
- 8 (b) "Constructed-response items" or "performance-based items" means individual  
9 test items that require the student to create an answer rather than select a  
10 response and may include fill-in-the-blank, short-answer, extended-answer,  
11 open-response, and writing-on-demand formats;
- 12 (c) "Criterion-referenced test" means a test that is aligned with defined academic  
13 content standards and measures an individual student's level of performance  
14 against the standards;
- 15 (d) "End-of-course examination" means the same as defined in KRS 158.860;
- 16 (e) "Formative assessment" means a process used by teachers and students during  
17 instruction to adjust ongoing teaching and learning to improve students'  
18 achievement of intended instructional outcomes. Formative assessments may  
19 include the use of commercial assessments, classroom observations, teacher-  
20 designed classroom tests and assessments, and other processes and  
21 assignments to gain information about individual student learning;
- 22 (f) "Interim assessments" means assessments that are given periodically  
23 throughout the year to provide diagnostic information and to show individual  
24 student performance against content standards;
- 25 (g) "National norm-referenced test" means a type of test interpretation in which  
26 the performance of student scores are reported by comparing performance to  
27 how other students in a national sample performed;

1 (h) ~~["Program audit" means a form of program review that is a systematic method~~  
 2 ~~of analyzing components of an instructional program, and areas for~~  
 3 ~~improvement that is conducted as a result of a program review that indicates a~~  
 4 ~~more in-depth process of analysis and assistance is needed;~~

5 (i) ~~"Program review" means a systematic method of analyzing components of an~~  
 6 ~~instructional program, including instructional practices, aligned and enacted~~  
 7 ~~curriculum, student work samples, formative and summative assessments,~~  
 8 ~~professional development and support services, and administrative support~~  
 9 ~~and monitoring;~~

10 (j) ~~]"Summative assessment" means an assessment given at the end of the school~~  
 11 ~~year, semester, or other period of time to evaluate students' performance~~  
 12 ~~against content standards within a unit of instruction or a course; and~~

13 ~~(i)(k)~~ "Writing" means a purposeful act of thinking and expression that uses  
 14 language to explore ideas and communicate meaning to others. Writing is a  
 15 complex, multifaceted act of communication.

16 (2) (a) **Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the**  
 17 **Kentucky Board of Education shall implement a process for reviewing**  
 18 **Kentucky's academic standards and the alignment of corresponding**  
 19 **assessments for possible revision or replacement to ensure alignment with**  
 20 **postsecondary readiness standards necessary for global competitiveness.**

21 **(b) 1. The Kentucky Board of Education shall establish four (4) standards**  
 22 **and assessments review and development committees, with each**  
 23 **committee composed of six (6) Kentucky public school teachers and**  
 24 **two (2) representatives from Kentucky institutions of higher education,**  
 25 **including at least one (1) representative from a public institution of**  
 26 **higher education. Each committee member shall teach in the subject**  
 27 **area that his or her committee is assigned to review and have no prior**

1                   or current affiliation with a curriculum or assessment resources  
 2                   vendor.

3                   2. One (1) of the four (4) committees shall be assigned to focus on the  
 4                   review of language arts academic standards and assessments, one (1)  
 5                   on the review of mathematics academic standards and assessments,  
 6                   one (1) on the review of science academic standards and assessments,  
 7                   and one (1) on the review of social studies academic standards only.

8                   3. The members shall be remunerated for actual and necessary expenses  
 9                   while attending meetings of their committee.

10                  (c) 1. The Kentucky Board of Education shall establish twelve (12) advisory  
 11                  panels to advise and assist each of the four (4) standards and  
 12                  assessments review and development committees.

13                  2. Three (3) advisory panels shall be assigned to each standards and  
 14                  assessments review and development committee. One (1) panel shall  
 15                  review the standards and assessments for kindergarten through grade  
 16                  five (5), one (1) shall review the standards and assessments for grades  
 17                  six (6) through eight (8), and one (1) shall review the standards and  
 18                  assessments for grades nine (9) through twelve (12).

19                  3. Each advisory panel shall be composed of one (1) representative from  
 20                  a Kentucky institution of higher education and six (6) Kentucky public  
 21                  school teachers who teach in the grade level and subject reviewed by  
 22                  the advisory panel to which they are assigned and have no prior or  
 23                  current affiliation with a curriculum or assessment resources vendor.

24                  4. The members shall be remunerated for actual and necessary expenses  
 25                  while attending meetings of their advisory panel.

26                  (d) The standards and assessments recommendation committee is hereby  
 27                  established and shall be composed of nine (9) members, including:

- 1           1. Three (3) members appointed by the Governor;
- 2           2. Three (3) members of the Senate appointed by the President of the
- 3           Senate; and
- 4           3. Three (3) members of the House of Representatives appointed by the
- 5           Speaker of the House of Representatives.

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

1           assessments recommendation committee shall review and evaluate the  
 2           recommendations and shall publish the recommendations to the Web  
 3           site established in this subsection for the purpose of gathering  
 4           additional comments from the public. The committee shall  
 5           subsequently provide the recommendations to the members of the  
 6           House and Senate Education Committees for their review.

7           5. The standards and assessments recommendation committee shall  
 8           make final recommendations for implementation to the Kentucky  
 9           Board of Education regarding revisions to, or replacement of,  
 10           Kentucky's academic standards for social studies and academic  
 11           standards and alignment adjustments needed for state assessments for  
 12           language arts, mathematics, and science.

13           6. Any revision to, or replacement of, the academic standards and  
 14           assessments as a result of the review process conducted under this  
 15           subsection shall be implemented in Kentucky public schools no later  
 16           than the second academic year following the review process.

17           (f) The Kentucky Board of Education shall promulgate administrative  
 18           regulations in accordance with KRS Chapter 13A as may be needed for the  
 19           administration of the review process. ~~Within thirty (30) days of March 25,~~  
 20           ~~2009, the Kentucky Department of Education in collaboration with the~~  
 21           ~~Council on Postsecondary Education shall plan and implement a~~  
 22           ~~comprehensive process for revising the academic content standards in reading,~~  
 23           ~~language arts including writing, mathematics, science, social studies, arts and~~  
 24           ~~humanities, and practical living skills and career studies. The revision process~~  
 25           ~~shall include a graduated timetable to ensure that all revisions are completed~~  
 26           ~~to allow as much time as possible for teachers to adjust their instruction~~  
 27           ~~before new assessments are administered].~~

1       ~~(b) The revisions to the content standards shall:~~

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

13       ~~(c) The revision process, jointly organized by the commissioner of education and~~  
14             ~~the president of the Council on Postsecondary Education, shall engage~~  
15             ~~practicing teachers from elementary and secondary education in discussions~~  
16             ~~and negotiations with content faculty and staff from postsecondary education~~  
17             ~~institutions. The process shall also include business and industry professionals~~  
18             ~~who are actively engaged in career fields that depend on the various content~~  
19             ~~areas, and others as deemed appropriate by the commissioner and the~~  
20             ~~president.~~

21       ~~(d) During the revision process, the department shall consider standards that have~~  
22             ~~been adopted by national content advisory groups and professional education~~  
23             ~~consortia.~~

24       ~~(e) Using a variety of strategies and technologies, the proposed revisions to the~~  
25             ~~academic content standards shall be widely disseminated throughout the state~~  
26             ~~to elementary, secondary, and postsecondary education faculty and~~  
27             ~~administrators, parents, citizens, private professionals in the content areas, and~~

1 others for comment and recommendations. The results of the revision process  
 2 shall ensure that the specifications in paragraph (b) of this subsection are met.

3 ~~(f) The commissioner of education and the president of the Council on~~  
 4 ~~Postsecondary Education shall ensure that the revised academic standards that~~  
 5 ~~are recommended to the Kentucky Board of Education for approval are~~  
 6 ~~aligned with postsecondary education course and assessment standards for the~~  
 7 ~~gateway areas of reading and mathematics. The council shall also review the~~  
 8 ~~proposed academic standards in all other content areas and provide written~~  
 9 ~~recommendations as needed to ensure those areas are aligned with~~  
 10 ~~postsecondary education requirements.~~

11 ~~(g) 1. The Kentucky Board of Education shall consider for approval the~~  
 12 ~~revisions to academic content standards for a content area as they are~~  
 13 ~~completed.~~

14 ~~2. The Department of Education shall disseminate the academic content~~  
 15 ~~standards to the schools and teacher preparation programs no later than~~  
 16 ~~thirty (30) days after approval by the state board.~~

17 ~~3. All academic content standards revisions shall be completed and~~  
 18 ~~approved by the state board no later than December 15, 2010, and~~  
 19 ~~disseminated by the Department of Education to elementary and~~  
 20 ~~secondary schools, postsecondary education faculty in the respective~~  
 21 ~~content areas, and to all teacher preparation programs no later than~~  
 22 ~~January 15, 2011.]~~

23 ~~(g)~~~~(h)~~ The Department of Education shall provide or facilitate statewide  
 24 training sessions for existing teachers and administrators on how to:

- 25 1. Integrate the revised content standards into classroom instruction;
- 26 2. Better integrate performance assessment of students within their
- 27 instructional practices; and

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

2           ~~(h)~~~~(i)~~ The Education Professional Standards Board in cooperation with the  
3           Kentucky Board of Education and the Council on Postsecondary Education  
4           shall coordinate information and training sessions for faculty and staff in all of  
5           the teacher preparation programs in the use of the revised academic content  
6           standards. The Education Professional Standards Board shall ensure that each  
7           teacher preparation program includes use of the academic standards in the  
8           pre-service education programs and that all teacher interns ~~after March 25,~~  
9           ~~2009,~~ will have experience planning classroom instruction based on the  
10          revised standards.

11          ~~(i)~~~~(j)~~ The Council on Postsecondary Education in cooperation with the  
12          Kentucky Department of Education and the postsecondary education  
13          institutions in the state shall coordinate information sessions regarding the  
14          academic content standards for faculty who teach in the various content areas.

15       (3) (a) The Kentucky Board of Education shall be responsible for creating and  
16          implementing a balanced statewide assessment program that measures the  
17          students', schools', and districts' achievement of the goals set forth in KRS  
18          158.645 and 158.6451, to ensure compliance with the federal ***Every Student***  
19          ***Succeeds Act of 2015, Pub. L. No. 114-95***~~[No Child Left Behind Act of 2001,~~  
20          ~~20 U.S.C. secs. 6301 et seq.],~~ or its successor, and to ensure school  
21          accountability.

22          (b) ~~[Using the revised academic standards developed pursuant to subsection (2) of~~  
23          ~~this section, the board shall revise the annual statewide assessment program~~  
24          ~~for implementation in the 2011-2012 academic year.~~

25          ~~(c)~~ The board shall seek the advice of the Office of Education Accountability;  
26          the School Curriculum, Assessment, and Accountability Council; the  
27          Education Assessment and Accountability Review Subcommittee, and the



1 National Technical Advisory Panel on Assessment and Accountability in the  
 2 development of the assessment program. The statewide assessment program  
 3 shall not include measurement of a student's ability to become a self-sufficient  
 4 individual or to become a responsible member of a family, work group, or  
 5 community.

6 (4) ~~[(a)]~~ The **statewide** assessment program ~~[ to be implemented in the 2011-2012~~  
 7 ~~academic year]~~ shall be composed of annual student **summative tests**  
 8 **that** ~~[assessments and state and local program reviews and audits in selected content~~  
 9 ~~areas.~~

10 ~~(b) The state student assessments may include formative and summative tests~~  
 11 ~~that]:~~

12 ~~(a)[1.]~~ Measure individual student achievement in the academic core content  
 13 areas of language, reading, English, mathematics, **and** science ~~], and social~~  
 14 ~~studies]~~ at designated grades;

15 ~~(b)[2.]~~ Provide teachers and parents a valid and reliable comprehensive analysis  
 16 of skills mastered by individual students;

17 ~~(c)[3.]~~ Provide diagnostic information that identifies strengths and academic  
 18 deficiencies of individual students in the content areas;

19 ~~(d)[4.]~~ Provide comparisons with national norms for mathematics, reading, ~~],~~  
 20 ~~social studies,]~~ and science and, where available, comparisons to other states;

21 ~~(e)[5.]~~ Provide information to teachers that can enable them to improve  
 22 instruction for current and future students;

23 ~~(f)[6.]~~ Provide longitudinal profiles for students; and

24 ~~(g)[7.]~~ Ensure school and district accountability for student achievement of the  
 25 goals set forth in KRS 158.645 and 158.6451, except the statewide assessment  
 26 program shall not include measurement of a student's ability to become a self-  
 27 sufficient individual or to become a responsible member of a family, work

1 group, or community.

2 ~~[(c) The state and local program reviews and audits shall provide annual feedback~~  
 3 ~~to each school relating to selected programs and serve as indicators of the~~  
 4 ~~quality of educational experiences available to students. Program reviews and~~  
 5 ~~audits shall provide recommendations for improving program components in~~  
 6 ~~order to better teach and assess students within these programs. Program~~  
 7 ~~reviews shall ensure school and district accountability for student~~  
 8 ~~achievement of the capacities set forth in KRS 158.645 and the goals set forth~~  
 9 ~~in KRS 158.6451.]~~

10 (5) The state student assessments~~[to be implemented in the 2011-2012 academic year]~~  
 11 shall include the following components:

12 (a) Elementary and middle grades requirements are:

- 13 1. A criterion-referenced test in mathematics and reading in grades three  
 14 (3) through eight (8) that is valid and reliable for an individual student  
 15 and that measures the depth and breadth of Kentucky's academic content  
 16 standards~~[, augmented with a customized or commercially available~~  
 17 ~~norm-referenced test to provide national profiles];~~
- 18 2. A criterion-referenced test in science~~[and social studies]~~ that is valid  
 19 and reliable for an individual student as necessary to measure the depth  
 20 and breadth of Kentucky's academic content standards~~[, augmented with~~  
 21 ~~a customized or commercially available norm-referenced test to provide~~  
 22 ~~national profiles]~~ to be administered one (1) time within the elementary  
 23 and middle grades, respectively;
- 24 3. An on-demand assessment of student writing to be administered one (1)  
 25 time within the elementary grades and two (2) times within the middle  
 26 grades; ***and***
- 27 4. An editing and mechanics test relating to writing, using multiple choice

1 and constructed response items, to be administered one (1) time within  
2 the elementary and the middle grades, respectively~~]; and~~

3 ~~5. A high school readiness examination to assess English, reading,~~  
4 ~~mathematics, and science in grade eight (8) as provided in subsection~~  
5 ~~(11) of this section; except the readiness examination may be moved to~~  
6 ~~grade nine (9) by the Kentucky Board of Education based on compelling~~  
7 ~~evidence that moving the test would be in the best interests of Kentucky~~  
8 ~~students];~~

9 (b) High school requirements are:

10 1. A criterion-referenced test in mathematics, reading, and science that is  
11 valid and reliable for an individual student and that measures the depth  
12 and breadth of Kentucky's academic content standards~~[ that are not~~  
13 ~~covered in the assessment under subparagraph 6. of this paragraph]~~ to be  
14 administered one (1) time within the high school grades;

15 2. ~~[A criterion-referenced test in social studies that is valid and reliable for~~  
16 ~~an individual student as necessary to measure the depth and breadth of~~  
17 ~~Kentucky's academic content standards, augmented with a customized~~  
18 ~~or commercially available norm-referenced test to provide national~~  
19 ~~profiles and to be administered one (1) time within the high school~~  
20 ~~grades;~~

21 ~~3.]~~An on-demand assessment of student writing to be administered two (2)  
22 times within the high school grades;

23 ~~3.~~~~[4.]~~An editing and mechanics test relating to writing, using multiple choice  
24 and constructed response items, to be administered one (1) time within  
25 the high school grades~~];~~

26 ~~5. A college readiness examination to assess English, reading,~~  
27 ~~mathematics, and science in grade ten (10) as provided in subsection~~

1 (11) of this section;] and

2 ~~4.16.] **A college admissions and placement** [The ACT] examination to assess~~

3 English, reading, mathematics, and science in **the fall of grade nine (9)**

4 **and the spring of** grade eleven (11) [~~as provided in subsection (11) of~~

5 ~~this section];~~

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

7 to comply with the **Every Student Succeeds Act of 2015, Pub. L. No. 114-**

8 **95** [~~No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq.~~], or its

9 successor, as determined by the United States Department of Education;

10 (d) The criterion-referenced components required in this subsection shall be

11 composed of constructed response items and multiple choice items and the

12 national norm-referenced components shall be composed of multiple choice

13 items;

14 (e) The Kentucky Board of Education may incorporate end-of-course

15 examinations into the assessment program to be used in lieu of requirements

16 for criterion-referenced tests required under paragraph (b) of this subsection;[

17 ~~and]~~

18 (f) **Beginning with scores calculated for the 2016-2017 academic year, norm-**

19 **referenced examinations, including college admissions and placement**

20 **examinations, shall not be used as a measure of academic growth in a**

21 **school's accountability score for purposes of school assessment and**

22 **accountability; and**

23 **(g)** The results of the assessment program developed under this subsection shall

24 be used **by schools and districts** to determine appropriate instructional

25 modifications for all students in order for students to make continuous

26 progress, including that needed by advanced learners.

27 (6) [~~Beginning in the 2011-2012 academic year,~~] Each school district shall administer

1 the statewide student assessment during the last fourteen (14) days of school in the  
2 district's instructional calendar. Testing shall be limited to no more than five (5)  
3 days. The Kentucky Board of Education shall promulgate administrative regulations  
4 outlining the procedures to be used during the testing process to ensure test security,  
5 including procedures for testing makeup days, and to comply with federal  
6 assessment requirements.

7 (7) ~~Beginning in the 2011-2012 academic year, the Kentucky assessment program~~  
8 ~~shall include program reviews and program audits for arts and humanities, practical~~  
9 ~~living skills and career studies, and the writing programs. The results of the~~  
10 ~~program reviews and audits of arts and humanities, practical living skills and career~~  
11 ~~studies, and writing required under this subsection shall be included in the~~  
12 ~~accountability system as required by KRS 158.6455.~~

13 ~~(a) Arts and humanities.~~

14 ~~1. The Kentucky Department of Education shall provide guidelines for arts~~  
15 ~~and humanities programs and for integration of these within the~~  
16 ~~curriculum to all schools.~~

17 ~~2. The Kentucky Board of Education shall establish criteria to use in the~~  
18 ~~program review and audit processes, and the procedures recommended~~  
19 ~~for local district and department program reviews and program audits as~~  
20 ~~defined in subsection (1)(h) and (i) of this section. The department shall~~  
21 ~~distribute the criteria and procedures for program reviews and audits to~~  
22 ~~all schools and teacher preparation programs.~~

23 ~~3. Each local district shall do an annual program review and the~~  
24 ~~Department of Education shall conduct a program review of every~~  
25 ~~school's program within a two (2) year period. The frequency of~~  
26 ~~program audits shall be determined by the Department of Education in~~  
27 ~~compliance with the requirements established by the state board.~~

1           4. ~~Each school based decision making council shall analyze the findings~~  
2           ~~from program reviews for its school and determine how it will address~~  
3           ~~program recommendations to improve the program for students.~~

4       (b) ~~Practical living skills and career studies.~~

5           1. ~~The Kentucky Department of Education shall provide guidelines for~~  
6           ~~practical living skills and career studies and integration of these within~~  
7           ~~the curriculum to all schools and teacher preparation programs.~~

8           2. ~~The Kentucky Board of Education shall establish criteria to use in the~~  
9           ~~program review and audit processes, and the procedures recommended~~  
10          ~~for local district and department program reviews and program audits as~~  
11          ~~defined in subsection (1)(h) and (i) of this section. The department shall~~  
12          ~~distribute the criteria and procedures for program reviews and audits to~~  
13          ~~all schools and teacher preparation programs.~~

14          3. ~~Each local district shall do an annual program review and the~~  
15          ~~Department of Education shall conduct a program review of every~~  
16          ~~school's program within a two (2) year period. The frequency of~~  
17          ~~program audits shall be determined by the Department of Education in~~  
18          ~~compliance with the requirements established by the state board.~~

19          4. ~~Each school based decision making council shall analyze the findings~~  
20          ~~from programs reviews for its school and determine how it will address~~  
21          ~~program recommendations to improve the program for students.~~

22       (c) ~~Writing.~~

23          1. ~~The Kentucky Department of Education shall provide guidelines for an~~  
24          ~~effective writing program and establish criteria to use in the program~~  
25          ~~review and program audit process as defined in subsection (1)(h) and (i)~~  
26          ~~of this section. The department shall distribute the guidelines and~~  
27          ~~criteria for program reviews within the curriculum to all schools and~~

- 1                   ~~teacher preparation programs.~~
- 2                   ~~2. Each school-based decision-making council or, if there is no school~~  
3                   ~~council, a committee appointed by the principal, shall adopt policies that~~  
4                   ~~determine the writing program for its school and submit it to the~~  
5                   ~~Department of Education for review and comment. The writing program~~  
6                   ~~shall incorporate a variety of language resources, technological tools,~~  
7                   ~~and multiple opportunities for students to develop complex~~  
8                   ~~communication skills for a variety of purposes.~~
- 9                   ~~3. Writing portfolios, consisting of samples of individual student work that~~  
10                  ~~represent the interests and growth of the student over time, shall be a~~  
11                  ~~required part of any writing program in primary through grade twelve~~  
12                  ~~(12). Portfolios shall be part of the required criteria for the program~~  
13                  ~~review and audit process relating to the writing program under this~~  
14                  ~~paragraph. Individual student scores on portfolios shall not be included~~  
15                  ~~in the accountability system.~~
- 16                  ~~4. A writing portfolio shall be maintained for each student and follow each~~  
17                  ~~student from grade to grade and to any school in which the student may~~  
18                  ~~enroll.~~
- 19                  ~~5. A school's policies for the writing program shall address the use of the~~  
20                  ~~portfolio for determining a student's performance in:~~
- 21                   ~~a. Communication;~~
- 22                   ~~b. Grading procedures and feedback to students regarding their~~  
23                   ~~writing and communication skills;~~
- 24                   ~~c. The responsibility for review of the portfolios and feedback to~~  
25                   ~~students; and~~
- 26                   ~~d. Other policies to improve the quality of an individual student's~~  
27                   ~~writing and communications skills.~~

1           ~~6. Each local district shall do an annual program review and the~~  
 2           ~~Department of Education shall conduct a program review of every~~  
 3           ~~school's program within a two (2) year period. The frequency of~~  
 4           ~~program audits shall be determined by the Department of Education in~~  
 5           ~~compliance with the requirements established by the state board.~~

6           ~~— The Department of Education shall ensure that all schools and districts~~  
 7           ~~understand how the results of the program reviews and audits of arts and~~  
 8           ~~humanities, practical living skills and career studies, and writing are~~  
 9           ~~included in the accountability system under KRS 158.6455 and shall~~  
 10          ~~provide assistance to schools to improve the quality of the programs~~  
 11          ~~under this subsection.~~

12          ~~(8)~~ ]Local school districts may select and use commercial interim or formative  
 13          assessments or develop and use their own formative assessments to provide data on  
 14          how well their students are growing toward mastery of Kentucky academic core  
 15          content. Nothing in this section precludes teachers from using ongoing teacher-  
 16          developed formative processes.

17          ~~(8)~~~~(9)~~ ]~~Beginning with the 2010-2011 school year,~~ ]Each school that enrolls primary  
 18          students shall use diagnostic assessments and prompts that measure readiness in  
 19          reading and mathematics for its primary students as determined by the school to be  
 20          developmentally appropriate. The schools may use commercial products, use  
 21          products and procedures developed by the district, or develop their own diagnostic  
 22          procedures. The results shall be used to inform the teachers and parents or  
 23          guardians of each student's skill level.

24          ~~(9)~~~~(10)~~ ]~~In revising the state assessment program for implementation in 2011-2012~~  
 25          ~~academic year,~~ ]The state board shall ensure that a technically sound longitudinal  
 26          comparison of the assessment results for the same students shall be made available.

27          ~~(10)~~~~(11)~~ ] The following provisions shall apply to the college admissions and



1 placement examination described in subsection (5)(b)4. of this section[assessment  
2 requirements for middle and high schools]:

3 (a) [The assessment program shall include:

4 1. ~~A high school readiness examination to assess English, reading,  
5 mathematics, and science in grade eight (8);~~

6 2. ~~A college readiness examination to assess English, reading,  
7 mathematics, and science in grade ten (10);~~

8 3. ~~The ACT college admissions and placement examination to assess  
9 English, reading, mathematics, and science, to be taken by all students  
10 in grade eleven (11); and~~

11 4. ~~Any other component necessary to comply with the No Child Left  
12 Behind Act of 2001, 20 U.S.C. sec. 6301 et seq., as determined by the  
13 United States Department of Education;~~

14 (b) 1. ~~A student whose scores on the high school readiness examination  
15 administered in grade eight (8) or as determined by the Kentucky Board of  
16 Education under subsection (5) of this section indicate a high degree of  
17 readiness for high school shall be counseled to enroll in accelerated courses;  
18 and~~

19 2. ~~A student whose scores on the college readiness examination  
20 administered in grade ten (10) or the ACT college admissions and  
21 placement examination administered in grade eleven (11) indicate a high  
22 degree of readiness for college shall be counseled to enroll in  
23 accelerated courses, with an emphasis on Advanced Placement classes;~~

24 (c) ~~]The cost of both college admissions and placement examinations[the initial  
25 ACT examination] administered to students in high school[grade eleven (11)]  
26 shall be paid for by the Kentucky Department of Education. The costs of  
27 additional college admissions and placement[ACT] examinations shall be the~~

1 responsibility of the student;

2 ~~(b)~~~~(d)~~ If funds are available, the Kentucky Department of Education shall  
3 provide a college admissions and placement examination~~[an ACT]~~  
4 preparation program to all public high school juniors. The department may  
5 contract for necessary services;~~[and]~~

6 ~~(c)~~~~(e)~~ The components of the college admissions and placement  
7 examination~~[middle and high school assessment program set forth in~~  
8 ~~paragraph (a) of this subsection]~~ shall be administered in lieu of a customized  
9 or commercially available norm-referenced test under subsection (5)~~(a) and~~  
10 ~~(b) of this section; and[-]~~

11 ~~[(12) Students in grades ten (10), eleven (11), and twelve (12) may take the WorkKeys~~  
12 ~~assessments from ACT, Inc. in reading for information, locating information, and~~  
13 ~~applied mathematics.~~

14 ~~(a) The costs of the initial WorkKeys assessments shall be paid by the Kentucky~~  
15 ~~Department of Education if funds are available for this purpose. The cost of~~  
16 ~~additional WorkKeys assessments shall be the responsibility of the student.~~

17 ~~(b) A student whose scores on the WorkKeys assessments indicate that additional~~  
18 ~~assistance is required in reading for information, locating information, or~~  
19 ~~applied mathematics shall have intervention strategies for accelerated learning~~  
20 ~~incorporated into his or her learning plan.~~

21 ~~(c) A student meeting the WorkKeys threshold established by the Department of~~  
22 ~~Workforce Investment shall be issued the appropriate Kentucky employability~~  
23 ~~certificate.]~~

24 ~~(d)~~~~(13)~~ Accommodations provided ~~[by ACT, Inc.]~~to a student with a disability  
25 taking the college admissions and placement assessments under this  
26 subsection~~[(11)(a)3. of this section]~~ shall consist of:

27 1.~~(a)~~ Accommodations provided in a manner allowed by the college

1                    admissions and placement assessment provider~~[ACT, Inc.]~~ when  
 2 results in test scores are reportable to a postsecondary institution for  
 3 admissions and placement purposes, except as provided in  
 4 subparagraph 2. of this paragraph~~[paragraph (b) of this subsection]~~; or  
 5 2.~~[(b)]~~ Accommodations provided in a manner allowed by a student's  
 6 individualized education program as defined in KRS 158.281 for a  
 7 student whose disability precludes valid assessment of his or her  
 8 academic abilities using the accommodations provided under  
 9 subparagraph 1. of this paragraph~~[(a) of this subsection]~~ when the  
 10 student's scores are not reportable to a postsecondary institution for  
 11 admissions and placement purposes.

12 ~~[(14) The assessments under subsections (11) and (12) of this section shall be known as~~  
 13 ~~the "Kentucky Work and College Readiness Examination" or "Readiness~~  
 14 ~~Examination."]~~

15 (11)~~[(15)]~~ Kentucky teachers shall have a significant role in the design of the  
 16 assessments, except for the college admissions and placement exams described in  
 17 subsection (5)(b)4. of this section. The assessments shall be designed to:

18 (a) Measure grade appropriate core academic content, basic skills, and higher-  
 19 order thinking skills and their application~~[-. The assessment shall measure the~~  
 20 ~~core content for assessment used by the Department of Education during the~~  
 21 ~~1997-98 school year until the 2011-2012 academic year. The revised~~  
 22 ~~academic content standards developed as required by subsection (2) of this~~  
 23 ~~section shall be used in the revised assessment program for implementation in~~  
 24 ~~the 2011-2012 academic year as required by subsection (3) of this section.~~  
 25 ~~Any future revisions to the core content for assessment shall be developed~~  
 26 ~~through a public process involving parents; educators at the elementary,~~  
 27 ~~secondary, and postsecondary education levels; professional education~~

1 ~~advocacy groups and organizations; and business and civic leaders and shall~~  
2 ~~be distributed to all public schools];~~

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

5 (c) Minimize the time spent by teachers and students on assessment.

6 ~~**(12)**[(16)] [(a) Through the fall of 2011, results from the state assessment under this~~  
7 ~~section shall be reported to the school districts and schools no later than one~~  
8 ~~hundred fifty (150) days following the first day the assessment can be administered.~~

9 ~~(b) Beginning in the fall of 2012, ]~~The results from assessment under subsections  
10 (3) and (5) of this section shall be reported to the school districts and schools  
11 no later than seventy-five (75) days following the first day the assessment can  
12 be administered. **Assessment reports provided to the school districts and**  
13 **schools shall include a copy of each assessment administered to their**  
14 **students and the results for each individual test item by student and by**  
15 **school.**

16 ~~**(13)**[(17)]~~ The Department of Education shall gather information to establish the validity  
17 of the assessment and accountability program. It shall develop a biennial plan for  
18 validation studies that shall include but not be limited to the consistency of student  
19 results across multiple measures, the congruence of school scores with documented  
20 improvements in instructional practice and the school learning environment, and the  
21 potential for all scores to yield fair, consistent, and accurate student performance  
22 level and school accountability decisions. Validation activities shall take place in a  
23 timely manner and shall include a review of the accuracy of scores assigned to  
24 students and schools, as well as of the testing materials. The plan shall be submitted  
25 to the Commission by July 1 of the first year of each biennium. A summary of the  
26 findings shall be submitted to the Legislative Research Commission by September  
27 1 of the second year of the biennium.

1 ~~(14)~~~~(18)~~ The Department of Education and the state board shall **offer optional**  
 2 **assistance to**~~have the responsibility of assisting~~ local school districts and schools  
 3 in developing and using continuous assessment strategies needed to assure student  
 4 progress. The continuous assessment shall provide diagnostic information to  
 5 improve instruction to meet the needs of individual students.

6 ~~(15)~~~~(19)~~ ~~[No later than sixty (60) days after March 25, 2009, the state board shall~~  
 7 ~~revise]~~The Administration Code for Kentucky's Assessment Program **shall**~~to~~  
 8 include prohibitions of inappropriate test preparation activities by school district  
 9 employees charged with test administration and oversight, including but not limited  
 10 to the issue of teachers being required to do test practice in lieu of regular  
 11 classroom instruction and test practice outside the normal work day. The  
 12 **code**~~revisions~~ shall include disciplinary sanctions that may be taken toward a  
 13 school or individuals.

14 ~~(16)~~~~(20)~~ The Kentucky Board of Education, after the Department of Education has  
 15 received advice from the Office of Education Accountability; the School  
 16 Curriculum, Assessment, and Accountability Council; and the National Technical  
 17 Advisory Panel on Assessment and Accountability, shall promulgate an  
 18 administrative regulation under KRS Chapter 13A to establish the components of a  
 19 reporting structure for assessments administered under this section. The reporting  
 20 structure shall include the following components:

- 21 (a) A school report card that clearly communicates with parents and the public  
 22 about school performance. The school report card shall be sent to the parents  
 23 of the students of the districts, and a summary of the results for the district  
 24 shall be published in the newspaper with the largest circulation in the county.  
 25 It shall include~~but not be limited to~~ the following components reported by  
 26 race, gender, and disability when appropriate:

- 27 1. Student academic achievement, including the results from each of the

- 1 assessments administered under this section;
- 2 2. For Advanced Placement, Cambridge Advanced International, and  
 3 International Baccalaureate, the courses offered, the number of students  
 4 enrolled, completing, and taking the examination for each course, and  
 5 the percentage of examinees receiving a score of three (3) or better on  
 6 AP examinations, a score of "e" or better on Cambridge Advanced  
 7 International examinations, or a score of five (5) or better on IB  
 8 examinations. The data shall be disaggregated by gender, race, students  
 9 with disabilities, and economic status~~[- This data shall be included in the~~  
 10 ~~report card beginning with the 2009-2010 academic year];~~
- 11 3. Nonacademic achievement, including the school's attendance, retention,  
 12 graduation rates, and student transition to adult life;~~[- and]~~
- 13 4. ~~[School learning environment, including measures of ]~~Parental  
 14 involvement; and
- 15 5. Any other school performance data included by the local school  
 16 district.
- 17 (b) An individual student report to parents for each student in grades three (3)  
 18 through eight (8) summarizing the student's skills in reading and mathematics.  
 19 The school's staff shall develop a plan for accelerated learning for any student  
 20 with identified deficiencies or strengths; and
- 21 (c) ~~[An individual report for each student who takes a high school or college~~  
 22 ~~readiness examination administered under subsection (11)(a) of this section~~  
 23 ~~that:~~
- 24 1. ~~Provides the student's test scores;~~
- 25 2. ~~Provides a judgment regarding whether or not a student has met,~~  
 26 ~~exceeded, or failed to meet the expectations for each standard assessed;~~  
 27 and

1           3. ~~Is designed to assist students, parents, and teachers to identify, assess,~~  
 2           ~~and remedy academic deficiencies prior to high school graduation; and~~  
 3           (d) ~~]A student's **highest** scores on the **college admissions and placement**[ACT~~  
 4           ~~examination or WorkKeys] assessments administered under **subsection**~~  
 5           ~~**(5)(b)4.**[subsections (11) and (12)] of this section[ and the ACT examination~~  
 6           ~~under KRS 158.6459(5)] shall be recorded on his or her official high school~~  
 7           ~~transcript.~~

8           **(17) The Kentucky Department of Education shall provide to all schools**  
 9           **recommendations for integrating arts and humanities, practical living and career**  
 10           **studies, and an effective writing program within the curriculum.**

11           ~~[(21) The Kentucky Board of Education shall conduct periodic alignment studies that~~  
 12           ~~compare the norm-referenced tests required under subsection (5) of this section~~  
 13           ~~with the standards in the different content areas to determine how well the norm-~~  
 14           ~~referenced tests align and adequately measure the depth of knowledge and breadth~~  
 15           ~~of Kentucky's academic content standards. Based on its findings from the studies,~~  
 16           ~~the board may decrease the number of required criterion-referenced items required~~  
 17           ~~under subsection (5) of this section.]~~

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

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

21           (1) (a) After receiving the advice of the Office of Education Accountability; the  
 22           School Curriculum, Assessment, and Accountability Council; and the  
 23           National Technical Advisory Panel on Assessment and Accountability, the  
 24           Kentucky Board of Education shall promulgate administrative regulations in  
 25           conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A to  
 26           establish a system for identifying successful schools. The Kentucky Board of  
 27           Education shall identify reports, paperwork requirements, and administrative

1 regulations from which high performing schools shall be exempt.

2 (b) The Kentucky Board of Education shall recognize schools that exceed their  
3 improvement goal and have an annual average dropout rate below five percent  
4 (5%). A student shall be included in the annual average dropout rate if the  
5 student was enrolled in the school of record for at least thirty (30) days during  
6 the school year prior to the day he or she was recorded as dropping out of  
7 school. A student shall not be included in a school's annual average dropout  
8 rate if:

- 9 1. The student is enrolled in a district-operated or district-contracted  
10 alternative program leading to a certificate of completion or a General  
11 Educational Development (GED) diploma; or
- 12 2. The student has withdrawn from school and is awarded a General  
13 Educational Development (GED) diploma by October 1 of the following  
14 school year.

15 (c) A student enrolled in a district-operated or district-contracted alternative  
16 program shall participate in the appropriate assessments required by the  
17 assessment program established in KRS 158.6453.

18 (2) (a) ~~[After the academic standards are revised and a new student assessment~~  
19 ~~program is developed pursuant to KRS 158.6453, ]~~The Kentucky Board of  
20 Education shall create an accountability system to classify districts and  
21 schools **in accordance with the academic standards and student assessment**  
22 **program developed pursuant to Section 5 of this Act.**

23 (b) The accountability system shall include:

- 24 1. ~~[The results of program assessments of arts and humanities, practical~~  
25 ~~living skills and career studies, and writing programs;~~
- 26 2. ~~—~~Student assessment results, **except the college admissions and**  
27 **placement examinations referenced in subsection (5)(b)4. of Section 5**



1 of this Act shall not be used as a measure of academic growth after the  
2 2015-2016 academic year;

3 2.~~[3.]~~ School improvement results, including a component carrying the  
4 greatest accountability weight that measures growth over three (3)  
5 consecutive years as compared to the average growth of the school's  
6 band of schools. For purposes of this section, "band of schools"  
7 means a group of Kentucky schools at the same level that have similar  
8 student demographics, percentages of exceptional children and youth  
9 under KRS 157.200(1)(a) to (m), percentages of limited English  
10 proficiency students, and mobility rates;~~[and]~~

11 3.~~[4.]~~ Progress toward achieving English proficiency by limited English  
12 proficiency students;

13 4. Quality of school climate and safety in elementary and middle schools;

14 5. High school graduation rates;

15 6. Postsecondary readiness for each high school measured by:

16 a. The average of the students' highest composite scores on the  
17 college admissions and placement examination used as the  
18 statewide assessment in subsection (5)(b)4. of Section 5 of this  
19 Act;

20 b. Student achievement of dual credit, postsecondary articulated  
21 credit toward a credential or associate degree, and any industry-  
22 recognized certifications, licensures, or credentials, with more  
23 weight in accountability scoring for industry-recognized  
24 certifications, licensures, or credentials identified as high  
25 demand in accordance with the process described in paragraph  
26 (c) of this subsection. Eligible industry-recognized certifications,  
27 licensures, or credentials shall not be limited to those earned in

1                                    conjunction with a minimum sequence of courses; and  
 2                                    c. The percentage of graduates who matriculate into an accredited  
 3                                    postsecondary school or program, with more weight in  
 4                                    accountability scoring for federal Pell Grant-eligible students.  
 5                                    The Kentucky Department of Education shall annually provide  
 6                                    schools and districts with individual student matriculation data  
 7                                    including Pell Grant eligibility; and~~[Other factors deemed~~  
 8                                    ~~appropriate by the board.]~~

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

11                                    (c) The Kentucky Community and Technical College System, in coordination  
 12                                    with the Kentucky Chamber of Commerce and industry leaders on local  
 13                                    workforce investment boards from each state regional sector, shall annually  
 14                                    compile a list of industry-recognized certifications, licensures, and  
 15                                    credentials specific to Kentucky, rank them by demand for each Kentucky  
 16                                    local workforce area, and provide the list to the Kentucky Department of  
 17                                    Education for dissemination to all school districts~~[The board shall determine~~  
 18                                    ~~how student assessment and program assessment data from the 2011-2012 and~~  
 19                                    ~~2012-2013 school years shall be used and reported within the new~~  
 20                                    ~~accountability system].~~

21                                    (d) The cost of initial assessments taken by high school students for attaining  
 22                                    industry-recognized certifications, credentials, and licensures shall be paid  
 23                                    by the Kentucky Department of Education.

24                                    (e) Prior to promulgating administrative regulations to revise the accountability  
 25                                    system, the board shall seek advice from the School Curriculum, Assessment,  
 26                                    and Accountability Council; the Office of Education Accountability; the  
 27                                    Education Assessment and Accountability Review Subcommittee; and the

1 National Technical Advisory Panel on Assessment and Accountability.

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

3 (a) 1. The school in which the student is currently enrolled if the student has  
4 been enrolled in that school for at least a full academic year as defined  
5 by the Kentucky Board of Education **and is not exempt under the**  
6 **provisions of subsection (4) of this section;** or

7 2. The school in which the student was previously enrolled if the student  
8 was enrolled in that school for at least a full academic year as defined by  
9 the Kentucky Board of Education **and is not exempt under the**  
10 **provisions of subsection (4) of this section;** and

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

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

15 (4) **A student's test scores shall not be counted in the accountability measure of the**  
16 **school when the student:**

17 **(a) Is identified as an exceptional child or youth under KRS 157.200(1)(a) to**  
18 **(m);**

19 **(b) Has an individualized education program stipulating that the student**  
20 **remain in high school more than four (4) years; and**

21 **(c) Has already attended high school at least four (4) years.**

22 **(5)** After receiving the advice of the Office of Education Accountability; the School  
23 Curriculum, Assessment, and Accountability Council; and the National Technical  
24 Advisory Panel on Assessment and Accountability, the Kentucky Board of  
25 Education shall promulgate an administrative regulation in conformity with KRS  
26 158.6471 and 158.6472 and KRS Chapter 13A to establish appropriate  
27 consequences for schools **described in subsection (8) of Section 14 of this**

1 ~~Act~~ ~~failing to meet their accountability measures].~~ The consequences shall be  
 2 designed to improve the academic performance and learning environment of  
 3 identified schools and may include but not be limited to:

4 (a) A review and audit process~~[under subsection (5) of this section]~~ to determine  
 5 the appropriateness of a school's or district's classification and to recommend  
 6 needed assistance;

7 (b) School and district improvement plans;

8 (c) Eligibility to receive Commonwealth school improvement funds under KRS  
 9 158.805;

10 (d) Education assistance from highly skilled certified staff under KRS 158.782;

11 **and**

12 (e) **Observation**~~[Evaluation]~~ of school personnel~~]; and~~

13 (f) ~~Student transfer to successful schools].~~

14 ~~[(5) The Kentucky Board of Education shall promulgate an administrative regulation in~~  
 15 ~~conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A establishing~~  
 16 ~~the guidelines for conducting program reviews and audits.]~~

17 (6) All students who drop out of school during a school year shall be included in a  
 18 school's annual average school graduation rate calculation, except as provided in  
 19 subsection (1)(b) of this section.

20 (7) After receiving the advice of the Education Assessment and Accountability Review  
 21 Subcommittee, the Office of Education Accountability; the School Curriculum,  
 22 Assessment, and Accountability Council; and the National Technical Advisory  
 23 Panel on Assessment and Accountability, the Kentucky Board of Education may  
 24 promulgate by administrative regulation, in conformity with KRS 158.6471 and  
 25 158.6472 and KRS Chapter 13A, a system of district accountability that includes  
 26 establishing a formula for accountability, goals for improvement over a **three**  
 27 **(3)**~~[two (2)]~~ year period, rewards for leadership in improving teaching and learning

1 in the district, and consequences that address the problems and provide assistance  
 2 when *one (1) or more schools in the district fail to exit priority status after four*  
 3 *(4) consecutive years of implementing the turnaround intervention process*  
 4 *provided in subsection (6) of Section 14 of this Act*~~the district fails to achieve its~~  
 5 ~~goals set by the board. The board shall revise the district accountability system~~  
 6 ~~based on the revised assessment program, including program and student~~  
 7 ~~assessments, to be implemented in the 2011-2012 school year as required in KRS~~  
 8 ~~158.6453].~~

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

22 ➔Section 7. KRS 158.6458 is amended to read as follows:

23 The Department of Education shall develop a plan for implementing the state assessment  
 24 and accountability system created under KRS 158.6453 and 158.6455 and shall report  
 25 quarterly to the Interim Joint Committee on Education on its progress in the following  
 26 areas:

- 27 (1) Establishing a consistent structure of test components, grade-level testing

- 1 distribution, and test administration procedures;
- 2 (2) Beginning a new cycle of equating procedures for which their adequacy and  
3 precision can be tested rigorously and conducting appropriate equating analyses to  
4 accommodate the new accountability system;
- 5 (3) Publishing more complete and informative guides for interpreting school  
6 accountability changes;
- 7 (4) Reviewing school accountability classifications to assure their construct validity in  
8 all cases where they are applied;
- 9 ~~(5) Maintaining and strengthening the assessment of schools' program reviews;~~
- 10 ~~(6)~~ Developing and implementing a validity research plan as required under KRS  
11 158.6453;
- 12 ~~(6)~~<sup>(7)</sup> Establishing additional routine audits of key processes in the assessment and  
13 accountability program;
- 14 ~~(7)~~<sup>(8)</sup> Maintaining and cataloging a library of technical documents related to the  
15 assessment and accountability program for internal and external review purposes. In  
16 addition, the department shall produce an annual technical report for audiences that  
17 include educators, testing coordinators, parents, and legislators; and
- 18 ~~(8)~~<sup>(9)</sup> Maintaining a vigorous ongoing program of research and documentation of  
19 the effects of the assessment and accountability system on Kentucky schools.
- 20 ➔Section 8. KRS 158.6459 is amended to read as follows:
- 21 (1) ~~[A high school student whose scores on the high school readiness examination~~  
22 ~~administered in grade eight (8), on the college readiness examination administered~~  
23 ~~in grade ten (10), or on the WorkKeys indicate that additional assistance or~~  
24 ~~advanced work is required in English, reading, or mathematics shall have~~  
25 ~~intervention strategies for accelerated learning incorporated into his or her learning~~  
26 ~~plan.~~
- 27 ~~(2)~~ A high school student whose score on the college admissions and

1 placement~~[ACT]~~ examination in the spring of grade eleven (11) under subsection  
 2 (5)(b)4. of Section 5 of this Act~~[ KRS 158.6453 (11)(a)3.]~~ in English, reading, or  
 3 mathematics is below the systemwide standard established by the Council on  
 4 Postsecondary Education for entry into a credit-bearing course at a public  
 5 postsecondary institution without placement in a remedial course or an entry-level  
 6 course with supplementary academic support shall be provided the opportunity to  
 7 participate in accelerated learning designed to address his or her identified  
 8 academic deficiencies prior to high school graduation.

9 ~~(2)~~~~(3)~~ A high school, in collaboration with its school district, shall develop and  
 10 implement accelerated learning that:

- 11 (a) Meets~~[Allows a student's learning plan to be individualized to meet]~~ the  
 12 student's academic needs based on an assessment of test results and  
 13 consultation among parents, teachers, and the student; and  
 14 (b) May include changes in a student's class schedule.

15 ~~(3)~~~~(4)~~ The Kentucky Department of Education, the Council on Postsecondary  
 16 Education, and public postsecondary institutions shall offer support and technical  
 17 assistance to schools and school districts in the development of accelerated  
 18 learning.

19 ~~[(5) A student who participates in accelerated learning under this section shall be~~  
 20 ~~permitted to take the ACT examination a second time prior to high school~~  
 21 ~~graduation at the expense of the Kentucky Department of Education. The cost of~~  
 22 ~~any subsequent administrations of the achievement test shall be the responsibility of~~  
 23 ~~the student.]~~

24 ➔Section 9. KRS 158.649 is amended to read as follows:

- 25 (1) "Achievement gap" means a substantive performance difference on each of the  
 26 tested areas by grade level of the state assessment program between the various  
 27 groups of students including male and female students, students with and without

1 disabilities, students with and without English proficiency, minority and  
 2 nonminority students, and students who are eligible for free and reduced lunch and  
 3 those who are not eligible for free and reduced lunch.

4 (2) By November 1 of each year, the Department of Education shall provide each  
 5 school council, or the principal if a school council does not exist, data on its  
 6 students' performance as shown by the state assessment program described in KRS  
 7 158.6453. The data shall include, but not be limited to, information on performance  
 8 levels of all students tested, and information on the performance of students  
 9 disaggregated by race, gender, disability, English proficiency, and participation in  
 10 the federal free and reduced price lunch program. The information from the  
 11 department shall include an equity analysis that shall identify the substantive  
 12 differences among the various groups of students identified in subsection (1) of this  
 13 section. Beginning with the 2012-2013 school year, the reporting requirement in  
 14 this subsection shall be no later than seventy-five (75) days following the first day  
 15 the assessment can be administered.

16 (3) Each local board of education upon the recommendation of the local district  
 17 superintendent shall adopt a policy for reviewing the academic performance on the  
 18 state assessments required under KRS 158.6453 for various groups of students,  
 19 including major racial groups, gender, disability, free and reduced price school  
 20 lunch eligibility, and limited English proficiency. The local board policy shall be  
 21 consistent with Kentucky Board of Education administrative regulations. Upon  
 22 agreement of the school-based decision making council, or the principal if there is  
 23 not a council, and the superintendent, the local board shall establish a ~~biennial~~  
 24 target for each school for reducing identified gaps in achievement as set out in  
 25 subsection (4) of this section.

26 (4) By February 1, ~~2017~~~~[2003]~~, and each February 1 ***every three (3)***~~[in odd-numbered]~~  
 27 years thereafter, the school-based decision making council, or the principal if there



1 is not a council, with the involvement of parents, faculty, and staff shall set the  
 2 school's~~[biennial]~~ targets for eliminating any achievement gap and submit them to  
 3 the superintendent for consideration. The superintendent and the school-based  
 4 decision making council, or the principal if there is not a council, shall agree on the~~[~~  
 5 ~~biennial]~~ targets before they are submitted to the local board of education for  
 6 adoption. Beginning with the 2012-2013 school year, the reporting requirement in  
 7 this subsection shall be October 1 of each year.

8 (5) By April 1, ~~2017~~~~[2003]~~, and each April 1 ***every three (3)***~~[in odd numbered]~~ years  
 9 thereafter, the school council, or the principal if a school council does not exist,  
 10 with the involvement of parents, faculty, and staff, shall review the data and revise  
 11 the ***school improvement***~~[consolidated]~~ plan to include the~~[~~~~biennial]~~ targets,  
 12 strategies, activities, and a time schedule calculated to eliminate the achievement  
 13 gap among various groups of students to the extent it may exist. The plan shall  
 14 include but not be limited to activities designed to address the following areas:

- 15 (a) Curriculum alignment within the school and with schools that send or receive  
 16 the school's students;
- 17 (b) Evaluation and assessment strategies to continuously monitor and modify  
 18 instruction to meet student needs and support proficient student work;
- 19 (c) Professional development to address the goals of the plan;
- 20 (d) Parental communication and involvement;
- 21 (e) Attendance improvement and dropout prevention; and
- 22 (f) Technical assistance that will be accessed.

23 Beginning with the 2012-2013 school year, the reporting requirement in this  
 24 subsection shall be October 1 of each year.

25 (6) The principal shall convene a public meeting at the school to present and discuss  
 26 the plan prior to submitting it to the superintendent and the local board of education  
 27 for review, in the public meeting required under KRS 160.340.

- 1 (7) Based on the disaggregated assessment results, the local board shall determine if  
2 each school achieved its targets for each group of students. Only data for a group of  
3 students including ten (10) or more students shall be considered.
- 4 (8) Notwithstanding KRS 160.345(8) and 158.070(8), if a local board determines that a  
5 school has not met its target to reduce the identified gap in student achievement for  
6 a group of students, the local board shall require the council, or the principal if no  
7 council exists, to submit its revisions to the school improvement plan describing the  
8 use of professional development funds and funds allocated for continuing education  
9 to reduce the school's achievement gap for review and approval by the  
10 superintendent. The plan shall address how the school will meet the academic needs  
11 of the students in the various groups identified in subsection (1) of this section.
- 12 (9) The superintendent shall report to the commissioner of education if a school fails to  
13 meet its targets to reduce the gap in student achievement for any student group for  
14 three (3)~~two (2)~~ consecutive years. The school's improvement plan shall be  
15 subject to review and approval by the Kentucky Department of Education and the  
16 school shall submit an annual status report. The Department of Education may  
17 recommend~~provide~~ assistance to schools as it deems necessary to assist the school  
18 in meeting its goals.
- 19 (10) The school-based decision making council, or the principal if there is not a council,  
20 shall no longer be required to seek approval of the plan under subsections (8) and  
21 (9) of this section when it meets its ~~biennial~~ target for reducing the gap in student  
22 achievement for the various groups of students identified in subsection (1) of this  
23 section.
- 24 ➔Section 10. KRS 158.782 is amended to read as follows:
- 25 (1) After receiving the advice of the Office of Education Accountability; the School  
26 Curriculum, Assessment, and Accountability Council; and the National Technical  
27 Advisory Panel on Assessment and Accountability, the Kentucky Board of

1 Education shall promulgate administrative regulations in conformity with KRS  
 2 158.6471 and 158.6472 and KRS Chapter 13A, to set forth the guidelines for  
 3 providing highly skilled education assistance to *school districts and their* schools  
 4 *that are identified as priority schools as defined in Section 14 of this Act and fail*  
 5 *to exit priority status after four (4) consecutive years of implementing the*  
 6 *turnaround intervention process provided in subsection (6) of Section 14 of this*  
 7 *Act. Schools and districts receiving highly skilled assistance from the Kentucky*  
 8 *Department of Education prior to the effective date of this Act shall continue to*  
 9 *receive assistance in accordance with the established assistance plan*~~and school~~  
 10 ~~districts~~. The program shall be designed to support improved teaching and learning  
 11 and may include, but not be limited to, establishing the following:

- 12 (a) Criteria for identifying successful strategies of assistance;
- 13 (b) Policies and procedures for providing education assistance, which may  
 14 include training, making assignments, employing certified personnel, and  
 15 setting salaries that may include supplements; and
- 16 (c) Duties of those providing education assistance, which may include personnel  
 17 *observation*~~evaluation~~ and recommendations concerning retention,  
 18 dismissal, or transfer of personnel.
- 19 (2) A district employee selected to provide assistance shall be granted professional  
 20 leave pursuant to KRS 161.770 though the time may exceed two (2) years if  
 21 determined by the state board to be necessary. A certified employee shall not lose  
 22 any employee benefits as a result of a special assignment.
- 23 (3) The Department of Education shall provide appropriate training for the persons  
 24 selected to provide assistance that shall include but not be limited to training to  
 25 strengthen the school-based decision making process.
- 26 (4) The Kentucky Board of Education shall annually review the paperwork required of  
 27 schools receiving highly skilled certified education assistance. It shall assure that

1 paperwork requirements are kept to a minimum, relevant to the needs of the school,  
2 and are directly related to improving teaching and learning.

3 ➔Section 11. KRS 158.805 is amended to read as follows:

4 (1) There is hereby created the Commonwealth school improvement fund to assist local  
5 schools in pursuing new and innovative strategies to meet the educational needs of  
6 the school's students and raise a school's performance level. The Kentucky Board of  
7 Education shall utilize the Commonwealth school improvement fund to provide  
8 grants to schools for the following purposes:

9 (a) To support teachers and administrators in the development of sound and  
10 innovative approaches to improve instruction or management, including better  
11 use of formative and summative, performance-based assessments;

12 (b) To assist in replicating successful programs developed in other districts  
13 including those calculated to reduce achievement gaps as defined in KRS  
14 158.649;

15 (c) To encourage cooperative instructional or management approaches to specific  
16 school educational problems; and

17 (d) To encourage teachers and administrators to conduct experimental programs  
18 to test concepts and applications being advanced as solutions to specific  
19 educational problems.

20 (2) The Kentucky Board of Education shall develop criteria for awards of grants from  
21 the Commonwealth school improvement fund to schools identified by the board as  
22 needing assistance under KRS 158.6455.

23 (3) The Kentucky Board of Education shall have the sole authority to approve grants  
24 from the fund.

25 (4) The Kentucky Board of Education may establish priorities for the use of the funds  
26 and, through the Department of Education, shall provide assistance to schools in  
27 preparing their grant proposals. The board shall require that no funds awarded

1 under the Commonwealth school improvement fund are used to supplant funds  
 2 from any other source. Requests may include funding for personnel costs.  
 3 Requests for necessary equipment may be approved at the discretion of the state  
 4 board, however the cost of equipment purchased by any grantee shall not exceed  
 5 twenty percent (20%) of the total amount of money awarded for each proposal and  
 6 shall be matched by local funds on a dollar for dollar basis.

- 7 (5) The Kentucky Board of Education shall establish maximums for specific grant  
 8 awards. All fund recipients shall provide the board with an accounting of all money  
 9 received from the fund and shall report the results and conclusions of any funded  
 10 projects to the Kentucky Board of Education. All fund recipients shall provide the  
 11 board with adequate documentation of all projects to enable replication of  
 12 successful projects in other areas of the state.

13 ➔Section 12. KRS 158.840 is amended to read as follows:

- 14 (1) The General Assembly hereby finds that reading and mathematics proficiency are  
 15 gateway skills necessary for all Kentucky students to achieve the academic goals  
 16 established in KRS 158.6451. It is the General Assembly's intent that:

17 (a) All students in the primary program having difficulty in reading and  
 18 mathematics receive early diagnosis and intervention services from highly  
 19 trained teachers;

20 (b) All students demonstrate proficiency in reading and mathematics as they  
 21 progress through the relevant curricula and complete each assessment level  
 22 required by the Kentucky Board of Education for the state assessment  
 23 program established under KRS 158.6453 and in compliance with the  
 24 requirements of the federal Every Student Succeeds Act of 2015, Pub. L. No.  
 25 114-95, or its successor~~["No Child Left Behind Act of 2001," 20 U.S.C. sec.~~  
 26 ~~6301 et seq.];~~ and

27 (c) Students who are struggling in reading and mathematics or are not at the

1           proficient level on statewide assessments be provided research-based and  
2           developmentally appropriate diagnostic and intervention services, and  
3           instructional modifications necessary to learn.

4           The General Assembly, the Kentucky Board of Education, the Kentucky  
5           Department of Education, the Council on Postsecondary Education, colleges and  
6           universities, local boards of education, school administrators, school councils,  
7           teachers, parents, and other educational entities, such as the Education Professional  
8           Standards Board, P-16 councils, the Collaborative Center for Literacy  
9           Development, and the Center for Middle School Achievement must collaborate if  
10          the intentions specified in this subsection are to be met. Intensive focus on student  
11          achievement in reading and mathematics does not negate the responsibility of any  
12          entity to help students obtain proficiency in other core curriculum content areas.

13       (2) The General Assembly's role is to set policies that address the achievement levels of  
14          all students and provide resources for the professional growth of teachers and  
15          administrators, assessing students' academic achievement, including diagnostic  
16          assessment and instructional interventions, technology innovations, targeted reading  
17          and mathematics statewide initiatives, research and the distribution of research  
18          findings, services for students beyond the regular school day, and other services  
19          needed to help struggling learners.

20       (3) The Kentucky Board of Education shall regularly review and modify, when  
21          appropriate, its statewide assessment policies and practices to enable local school  
22          districts and schools to carry out the provisions of the statewide assessment and  
23          accountability system, required under KRS 158.6453 to improve student  
24          achievement in mathematics and reading.

25       (4) The Kentucky Department of Education shall:

26           (a) Provide assistance to schools and teachers, including publicizing professional  
27           development opportunities, methods of measuring effective professional

1 development, the availability of high quality instructional materials, and  
 2 developmentally appropriate screening and diagnostic assessments of student  
 3 competency in mathematics and reading. The department shall provide access  
 4 to samples of units of study, annotated student work, diagnostic instruments,  
 5 and research findings, and give guidance on parental engagement;

6 (b) Work with state and national educators and subject-matter experts to identify  
 7 student reading skills in each subject area that align with the state content  
 8 standards adopted under KRS 158.6453 and identify teaching strategies in  
 9 each subject area that can be used explicitly to develop the identified reading  
 10 skills under this paragraph;

11 (c) Encourage the development of comprehensive middle and high school  
 12 adolescent reading plans to be incorporated into the curricula of each subject  
 13 area to improve the reading comprehension of all students;

14 (d) Conduct an annual review of the state grant programs it manages and make  
 15 recommendations, when needed, to the Interim Joint Committee on Education  
 16 for changes to statutory requirements that are necessary to gain a greater  
 17 return on investment;~~and~~

18 (e) Provide administrative support and oversight to programs to train classroom  
 19 coaches and mentors to help teachers with reading and mathematics  
 20 instruction; and

21 **(f) Require no reporting of instructional plans, formative assessment results,**  
 22 **staff effectiveness processes, or interventions implemented in the classroom,**  
 23 **except for interventions implemented under Subsection (2) of Section 3 of**  
 24 **this Act or with funds provided under KRS 158.792 or 158.844.**

25 (5) The Council on Postsecondary Education, in cooperation with the Education  
 26 Professional Standards Board, shall exercise its duties and functions under KRS  
 27 164.020 to ensure that teacher education programs are fulfilling the needs of

1 Kentucky for highly skilled teachers. The council shall coordinate the federal and  
2 state grant programs it administers with other statewide initiatives relating to  
3 improving student achievement in reading and mathematics to avoid duplication of  
4 effort and to make efficient use of resources.

5 (6) The Education Professional Standards Board shall exercise its duties and  
6 responsibilities under KRS 161.030 and 161.048 to ensure highly qualified  
7 teachers.

8 (7) Colleges and universities shall:

9 (a) Utilize institution-wide resources to work with elementary and secondary  
10 educators and other entities to align curriculum content to ensure that students  
11 who achieve proficiency on standards established at the prekindergarten  
12 through secondary levels will require no remediation to successfully enter a  
13 postsecondary education program;

14 (b) Provide quality undergraduate teacher preparation programs to ensure that  
15 those preparing to teach reading or mathematics at all grade levels have the  
16 necessary content knowledge, assessment and diagnostic skills, and teaching  
17 methodologies and that teachers in all subject areas have the requisite skills  
18 for helping students at all grade levels develop critical strategies and skills for  
19 reading and comprehending subject matter;

20 (c) Deliver appropriate continuing education for teachers in reading and  
21 mathematics through institutes, graduate level courses, and other professional  
22 development activities that support a statewide agenda for improving student  
23 achievement in reading and mathematics;

24 (d) Conduct or assist with research on best practices in assessment, intervention  
25 strategies, teaching methodologies, costs and effectiveness of instructional  
26 models, and other factors as appropriate to reading and mathematics;

27 (e) Provide staff to consult and provide technical assistance to teachers, staff, and



1 administrators at elementary, middle, and secondary school sites;

2 (f) Assume active roles in the statewide initiatives referenced in KRS 156.553  
3 and 158.842; and

4 (g) Develop written procedures for measuring the effectiveness of activities  
5 outlined in paragraphs (a) to (e) of this subsection.

6 (8) School councils at all school levels are encouraged to identify and allocate  
7 resources to qualified teachers to become coaches or mentors in mathematics or  
8 coaches or mentors in reading with a focus on improving student achievement in  
9 their respective schools.

10 (9) Local school boards and superintendents shall provide local resources, whenever  
11 possible, to supplement or match state and federal resources to support teachers,  
12 school administrators, and school councils in helping students achieve proficiency  
13 in reading and mathematics.

14 (10) Local school superintendents shall provide leadership and resources to the  
15 principals of all schools to facilitate curriculum alignment, communications, and  
16 technical support among schools to ensure that students are academically prepared  
17 to move to the next level of schooling.

18 ➔Section 13. KRS 160.345 is amended to read as follows:

19 (1) For the purpose of this section:

20 (a) "Minority" means American Indian; Alaskan native; African-American;  
21 Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or  
22 South American origin; Pacific islander; or other ethnic group  
23 underrepresented in the school;

24 (b) "School" means an elementary or secondary educational institution that is  
25 under the administrative control of a principal and is not a program or part of  
26 another school. The term "school" does not include district-operated schools  
27 that are:

- 1           1. Exclusively vocational-technical, special education, or preschool
- 2           programs;
- 3           2. Instructional programs operated in institutions or schools outside of the
- 4           district; or
- 5           3. Alternative schools designed to provide services to at-risk populations
- 6           with unique needs;
- 7           (c) "Teacher" means any person for whom certification is required as a basis of
- 8           employment in the public schools of the state, with the exception of principals
- 9           and assistant principals; and
- 10          (d) "Parent" means:
- 11           1. A parent, stepparent, or foster parent of a student; or
- 12           2. A person who has legal custody of a student pursuant to a court order
- 13           and with whom the student resides.
- 14          (2) Each local board of education shall adopt a policy for implementing school-based
- 15          decision making in the district which shall include, but not be limited to, a
- 16          description of how the district's policies, including those developed pursuant to
- 17          KRS 160.340, have been amended to allow the professional staff members of a
- 18          school to be involved in the decision making process as they work to meet
- 19          educational goals established in KRS 158.645 and 158.6451. The policy may
- 20          include a requirement that each school council make an annual report at a public
- 21          meeting of the board describing the school's progress in meeting the educational
- 22          goals set forth in KRS 158.6451 and district goals established by the board. The
- 23          policy shall also address and comply with the following:
- 24           (a) Except as provided in paragraph (b)2. of this subsection, each participating
- 25           school shall form a school council composed of two (2) parents, three (3)
- 26           teachers, and the principal or administrator. The membership of the council
- 27           may be increased, but it may only be increased proportionately. A parent

1 representative on the council shall not be an employee or a relative of an  
2 employee of the school in which that parent serves, nor shall the parent  
3 representative be an employee or a relative of an employee in the district  
4 administrative offices. A parent representative shall not be a local board  
5 member or a board member's spouse. None of the members shall have a  
6 conflict of interest pursuant to KRS Chapter 45A, except the salary paid to  
7 district employees;

8 (b) 1. The teacher representatives shall be elected for one (1) year terms by a  
9 majority of the teachers. A teacher elected to a school council shall not  
10 be involuntarily transferred during his or her term of office. The parent  
11 representatives shall be elected for one (1) year terms. The parent  
12 members shall be elected by the parents of students preregistered to  
13 attend the school during the term of office in an election conducted by  
14 the parent and teacher organization of the school or, if none exists, the  
15 largest organization of parents formed for this purpose. A school  
16 council, once elected, may adopt a policy setting different terms of  
17 office for parent and teacher members subsequently elected. The  
18 principal shall be the chair of the school council.

19 2. School councils in schools having eight percent (8%) or more minority  
20 students enrolled, as determined by the enrollment on the preceding  
21 October 1, shall have at least one (1) minority member. If the council  
22 formed under paragraph (a) of this subsection does not have a minority  
23 member, the principal, in a timely manner, shall be responsible for  
24 carrying out the following:

25 a. Organizing a special election to elect an additional member. The  
26 principal shall call for nominations and shall notify the parents of  
27 the students of the date, time, and location of the election to elect a

- 1 minority parent to the council by ballot; and
- 2 b. Allowing the teachers in the building to select one (1) minority  
3 teacher to serve as a teacher member on the council. If there are no  
4 minority teachers who are members of the faculty, an additional  
5 teacher member shall be elected by a majority of all teachers.  
6 Term limitations shall not apply for a minority teacher member  
7 who is the only minority on faculty;
- 8 (c) 1. The school council shall have the responsibility to set school policy  
9 consistent with district board policy which shall provide an environment  
10 to enhance the students' achievement and help the school meet the goals  
11 established by KRS 158.645 and 158.6451. The principal shall be the  
12 primary administrator and the instructional leader of the school, and  
13 with the assistance of the total school staff shall administer the policies  
14 established by the school council and the local board.
- 15 2. If a school council establishes committees, it shall adopt a policy to  
16 facilitate the participation of interested persons, including, but not  
17 limited to, classified employees and parents. The policy shall include the  
18 number of committees, their jurisdiction, composition, and the process  
19 for membership selection;
- 20 (d) The school council and each of its committees shall determine the frequency  
21 of and agenda for their meetings. Matters relating to formation of school  
22 councils that are not provided for by this section shall be addressed by local  
23 board policy;
- 24 (e) The meetings of the school council shall be open to the public and all  
25 interested persons may attend. However, the exceptions to open meetings  
26 provided in KRS 61.810 shall apply;
- 27 (f) After receiving notification of the funds available for the school from the local

1 board, the school council shall determine, within the parameters of the total  
2 available funds, the number of persons to be employed in each job  
3 classification at the school. The council may make personnel decisions on  
4 vacancies occurring after the school council is formed but shall not have the  
5 authority to recommend transfers or dismissals;

6 (g) The school council shall determine which textbooks, instructional materials,  
7 and student support services shall be provided in the school. Subject to  
8 available resources, the local board shall allocate an appropriation to each  
9 school that is adequate to meet the school's needs related to instructional  
10 materials and school-based student support services, as determined by the  
11 school council. The school council shall consult with the school media  
12 librarian on the maintenance of the school library media center, including the  
13 purchase of instructional materials, information technology, and equipment;

14 (h) Personnel decisions at the school level shall be as follows:

15 1. From a list of qualified applicants submitted by the local superintendent,  
16 the principal at the participating school shall select personnel to fill  
17 vacancies, after consultation with the school council, consistent with  
18 paragraph (i)11. of this subsection. The superintendent shall provide  
19 additional applicants to the principal upon request when qualified  
20 applicants are available. The superintendent may forward to the school  
21 council the names of qualified applicants who have pending certification  
22 from the Education Professional Standards Board based on recent  
23 completion of preparation requirements, out-of-state preparation, or  
24 alternative routes to certification pursuant to KRS 161.028 and 161.048.  
25 Requests for transfer shall conform to any employer-employee  
26 bargained contract which is in effect;

27 2. If the vacancy to be filled is the position of principal, the outgoing

1 principal shall not serve on the council during the principal selection  
 2 process. The superintendent or the superintendent's designee shall serve  
 3 as the chair of the council for the purpose of the hiring process and shall  
 4 have voting rights during the selection process. The council shall have  
 5 access to the applications of all persons certified for the position. The  
 6 principal shall be elected on a majority vote of the membership of the  
 7 council. No principal who has been previously removed from a position  
 8 in the district for cause may be considered for appointment as principal.  
 9 The school council shall receive training in recruitment and interviewing  
 10 techniques prior to carrying out the process of selecting a principal. The  
 11 council shall select the trainer to deliver the training;

12 3. Personnel decisions made at the school level under the authority of  
 13 subparagraphs 1. and[,] 2.[, and 4.] of this paragraph shall be binding on  
 14 the superintendent who completes the hiring process;

15 4. ~~[If the vacancy for the position of principal occurs in a school that has~~  
 16 ~~an index score that places it in the lowest one third (1/3) of all schools~~  
 17 ~~below the assistance line and the school has completed a scholastic audit~~  
 18 ~~under KRS 158.6455 that includes findings of lack of effectiveness of~~  
 19 ~~the principal and school council, the superintendent shall appoint the~~  
 20 ~~principal after consulting with the school council];~~

21 ~~5.]~~ Applicants subsequently employed shall provide evidence that they are  
 22 certified prior to assuming the duties of a position in accordance with  
 23 KRS 161.020; and

24 ~~5.[6.]~~ Notwithstanding other provisions of this paragraph, if the applicant is  
 25 the spouse of the superintendent and the applicant meets the service  
 26 requirements of KRS 160.380(2)(e), the applicant shall only be  
 27 employed upon the recommendation of the principal and the approval of

1 a majority vote of the school council;

2 (i) The school council shall adopt a policy to be implemented by the principal in  
3 the following additional areas:

4 1. Determination of curriculum~~[, including needs assessment, curriculum~~  
5 ~~development and responsibilities under KRS 158.6453(7)]~~;

6 2. Assignment of all instructional and noninstructional staff time;

7 3. Assignment of students to classes and programs within the school;

8 4. Determination of the schedule of the school day and week, subject to the  
9 beginning and ending times of the school day and school calendar year  
10 as established by the local board;

11 5. Determination of use of school space during the school day *related to*  
12 *improving classroom teaching and learning*;

13 6. Planning and resolution of issues regarding instructional practices;

14 7. Selection and implementation of discipline and classroom management  
15 techniques as a part of a comprehensive school safety plan, including  
16 responsibilities of the student, parent, teacher, counselor, and principal;

17 8. Selection of extracurricular programs and determination of policies  
18 relating to student participation based on academic qualifications and  
19 attendance requirements, program evaluation, and supervision;

20 9. Adoption of an emergency plan as required in KRS 158.162;

21 10. Procedures, consistent with local school board policy, for determining  
22 alignment with state standards, technology utilization, and program  
23 appraisal; and

24 11. Procedures to assist the council with consultation in the selection of  
25 personnel by the principal, including but not limited to meetings,  
26 timelines, interviews, review of written applications, and review of  
27 references. Procedures shall address situations in which members of the

- 1 council are not available for consultation; and
- 2 (j) Each school council shall annually review data as shown on state and local  
3 student assessments~~[and program assessments]~~ required under KRS  
4 158.6453. The data shall include but not be limited to information on  
5 performance levels of all students tested, and information on the performance  
6 of students disaggregated by race, gender, disability, and participation in the  
7 federal free and reduced price lunch program. After completing the review of  
8 data, each school council, with the involvement of parents, faculty, and staff,  
9 shall develop and adopt a plan to ensure that each student makes progress  
10 toward meeting the goals set forth in KRS 158.645 and 158.6451(1)(b) by  
11 April 1 of each year and submit the plan to the superintendent and local board  
12 of education for review as described in KRS 160.340. The Kentucky  
13 Department of Education shall provide each school council the data needed to  
14 complete the review required by this paragraph no later than November 1 of  
15 each year. If a school does not have a council, the review shall be completed  
16 by the principal with the involvement of parents, faculty, and staff.
- 17 (3) The policies adopted by the local board to implement school-based decision making  
18 shall also address the following:
- 19 (a) School budget and administration, including: discretionary funds; activity and  
20 other school funds; funds for maintenance, supplies, and equipment; and  
21 procedures for authorizing reimbursement for training and other expenses;
- 22 (b) Assessment of individual student progress, including testing and reporting of  
23 student progress to students, parents, the school district, the community, and  
24 the state;
- 25 (c) School improvement plans, including the form and function of strategic  
26 planning and its relationship to district planning, as well as the school safety  
27 plan and requests for funding from the Center for School Safety under KRS



- 1           158.446;
- 2           (d) Professional development plans developed pursuant to KRS 156.095;
- 3           (e) Parent, citizen, and community participation including the relationship of the
- 4           council with other groups;
- 5           (f) Cooperation and collaboration within the district, with other districts, and with
- 6           other public and private agencies;
- 7           (g) Requirements for waiver of district policies;
- 8           (h) Requirements for record keeping by the school council; and
- 9           (i) A process for appealing a decision made by a school council.
- 10       (4) In addition to the authority granted to the school council in this section, the local
- 11       board may grant to the school council any other authority permitted by law. The
- 12       board shall make available liability insurance coverage for the protection of all
- 13       members of the school council from liability arising in the course of pursuing their
- 14       duties as members of the council.
- 15       (5) All schools shall implement school-based decision making in accordance with this
- 16       section and with the policy adopted by the local board pursuant to this section.
- 17       Upon favorable vote of a majority of the faculty at the school and a majority of at
- 18       least twenty-five (25) voting parents of students enrolled in the school, a school
- 19       meeting its goal as determined by the Department of Education pursuant to KRS
- 20       158.6455 may apply to the Kentucky Board of Education for exemption from the
- 21       requirement to implement school-based decision making, and the state board shall
- 22       grant the exemption. The voting by the parents on the matter of exemption from
- 23       implementing school-based decision making shall be in an election conducted by
- 24       the parent and teacher organization of the school or, if none exists, the largest
- 25       organization of parents formed for this purpose. Notwithstanding the provisions of
- 26       this section, a local school district shall not be required to implement school-based
- 27       decision making if the local school district contains only one (1) school.

- 1 (6) The Department of Education shall provide professional development activities to  
2 assist schools in implementing school-based decision making. School council  
3 members elected for the first time shall complete a minimum of six (6) clock hours  
4 of training in the process of school-based decision making, no later than thirty (30)  
5 days after the beginning of the service year for which they are elected to serve.  
6 School council members who have served on a school council at least one (1) year  
7 shall complete a minimum of three (3) clock hours of training in the process of  
8 school-based decision making no later than one hundred twenty (120) days after the  
9 beginning of the service year for which they are elected to serve. Experienced  
10 members may participate in the training for new members to fulfill their training  
11 requirement. School council training required under this subsection shall be  
12 conducted by trainers endorsed by the Department of Education. By November 1 of  
13 each year, the principal through the local superintendent shall forward to the  
14 Department of Education the names and addresses of each council member and  
15 verify that the required training has been completed. School council members  
16 elected to fill a vacancy shall complete the applicable training within thirty (30)  
17 days of their election.
- 18 (7) A school that chooses to have school-based decision making but would like to be  
19 exempt from the administrative structure set forth by this section may develop a  
20 model for implementing school-based decision making, including but not limited to  
21 a description of the membership, organization, duties, and responsibilities of a  
22 school council. The school shall submit the model through the local board of  
23 education to the commissioner of education and the Kentucky Board of Education,  
24 which shall have final authority for approval. The application for approval of the  
25 model shall show evidence that it has been developed by representatives of the  
26 parents, students, certified personnel, and the administrators of the school and that  
27 two-thirds (2/3) of the faculty have agreed to the model.

1 (8) The Kentucky Board of Education, upon recommendation of the commissioner of  
2 education, shall adopt by administrative regulation a formula by which school  
3 district funds shall be allocated to each school council. Included in the school  
4 council formula shall be an allocation for professional development that is at least  
5 sixty-five percent (65%) of the district's per pupil state allocation for professional  
6 development for each student in average daily attendance in the school. The school  
7 council shall plan professional development in compliance with requirements  
8 specified in KRS 156.095, except as provided in KRS 158.649. School councils of  
9 small schools shall be encouraged to work with other school councils to maximize  
10 professional development opportunities.

11 (9) (a) No board member, superintendent of schools, district employee, or member of  
12 a school council shall intentionally engage in a pattern of practice which is  
13 detrimental to the successful implementation of or circumvents the intent of  
14 school-based decision making to allow the professional staff members of a  
15 school and parents to be involved in the decision making process in working  
16 toward meeting the educational goals established in KRS 158.645 and  
17 158.6451 or to make decisions in areas of policy assigned to a school council  
18 pursuant to paragraph (i) of subsection (2) of this section.

19 (b) An affected party who believes a violation of this subsection has occurred  
20 may file a written complaint with the Office of Education Accountability. The  
21 office shall investigate the complaint and resolve the conflict, if possible, or  
22 forward the matter to the Kentucky Board of Education.

23 (c) The Kentucky Board of Education shall conduct a hearing in accordance with  
24 KRS Chapter 13B for complaints referred by the Office of Education  
25 Accountability.

26 (d) If the state board determines a violation has occurred, the party shall be  
27 subject to reprimand. A second violation of this subsection may be grounds

1 for removing a superintendent, a member of a school council, or school board  
 2 member from office or grounds for dismissal of an employee for misconduct  
 3 in office or willful neglect of duty.

4 (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or  
 5 maintain a school-based decision making council and the powers, duties, and  
 6 authority granted to a school council may be rescinded or the school council's role  
 7 may be advisory if the commissioner of education or the Kentucky Board of  
 8 Education takes action under KRS 160.346.

9 (11) Each school council of a school containing grades K-5 or any combination thereof,  
 10 or if there is no school council, the principal, shall develop and implement a  
 11 wellness policy that includes moderate to vigorous physical activity each day and  
 12 encourages healthy choices among students. The policy may permit physical  
 13 activity to be considered part of the instructional day, not to exceed thirty (30)  
 14 minutes per day, or one hundred and fifty (150) minutes per week. Each school  
 15 council, or if there is no school council, the principal, shall adopt an assessment tool  
 16 to determine each child's level of physical activity on an annual basis. The council  
 17 or principal may utilize an existing assessment program. The Kentucky Department  
 18 of Education shall make available a list of available resources to carry out the  
 19 provisions of this subsection. The department shall report to the Legislative  
 20 Research Commission no later than November 1 of each year on how the schools  
 21 are providing physical activity under this subsection and on the types of physical  
 22 activity being provided. The policy developed by the school council or principal  
 23 shall comply with provisions required by federal law, state law, or local board  
 24 policy.

25 ➔Section 14. KRS 160.346 is amended to read as follows:

26 (1) For purposes of this section:

27 (a) **"Focus school" means a school that:**

1 1. Is identified by the Kentucky Department of Education for  
 2 comprehensive support and improvement based on three (3)  
 3 consecutive years of low performance by one (1) or more student  
 4 groups as described in Section 9 of this Act; or

5 2. Is a high school with a graduation rate, based on a formula approved  
 6 by the Kentucky Board of Education, that has been less than sixty-  
 7 eight percent (68%) for three (3) consecutive years;

8 (b) "Initial intervention school" means a school that is in the lowest-  
 9 performing twenty-five percent (25%) of schools in its level that fails to meet  
 10 the achievement targets of the state accountability system under Section 6 of  
 11 this Act for three (3) consecutive years;

12 (c) "Priority~~[Persistently low-achieving]~~ school" means:

13 1. A school that has an overall score in the bottom five percent (5%) of  
 14 overall scores by level for all schools that have failed to meet the  
 15 achievement targets of the state accountability system under Section 6  
 16 of this Act for at least three (3) or more consecutive years; or

17 2. A school that was designated as a persistently low-achieving school  
 18 prior to July 1, 2016, and has not exited that status;~~[For school years~~  
 19 ~~2009-2010 and 2010-2011, based on averaging the percentage of~~  
 20 ~~proficient or higher in reading and mathematics on the state assessments~~  
 21 ~~under KRS 158.6455;~~

22 ~~a. A Title I school in the group of Title I schools that contains a minimum~~  
 23 ~~of the lowest five (5) or the lowest five percent (5%), whichever is~~  
 24 ~~greater, of the Title I schools identified collectively in any school~~  
 25 ~~improvement category under the federal No Child Left Behind Act of~~  
 26 ~~2001, 20 U.S.C. secs. 6301 et seq., or its successor, that have failed to~~  
 27 ~~make adequate yearly progress for three (3) consecutive years; or~~

1 ~~b. A non Title I school in the group of non Title I schools that contains a~~  
 2 ~~minimum of the lowest five (5) or the lowest five percent (5%),~~  
 3 ~~whichever is greater, of the non Title I schools that contain grades seven~~  
 4 ~~(7) through twelve (12), or any combination thereof, and has at least~~  
 5 ~~thirty five percent (35%) or greater poverty as identified in the federal~~  
 6 ~~No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its~~  
 7 ~~successor, that have failed to make adequately yearly progress for three~~  
 8 ~~(3) consecutive years;~~

9 ~~2. A high school whose graduation rate, based on the state's approved~~  
 10 ~~graduation rate calculation, has been sixty percent (60%) for three (3) or~~  
 11 ~~more consecutive years; or~~

12 ~~3. Beginning with the state assessment results for the school year 2011-~~  
 13 ~~2012, a school that is in the lowest five percent (5%) of all schools that~~  
 14 ~~fail to meet the achievement targets of the state accountability system~~  
 15 ~~under KRS 158.6455 for at least three (3) or more consecutive years.~~  
 16 ~~For school years 2011-2012 and 2012-2013, the three (3) consecutive~~  
 17 ~~years shall be evaluated based on the status of the school under this~~  
 18 ~~subparagraph and subparagraph 1. of this paragraph; and]~~

19 ~~(d)~~~~(b)~~ "School intervention" means a process to turn around a  
 20 ~~priority~~~~[persistently low-achieving]~~ school that is chosen by a~~[school council,~~  
 21 ~~a]~~ superintendent and a local board of education;~~]; or the commissioner of~~  
 22 ~~education, or the commissioner's designee with approval of the Kentucky~~  
 23 ~~Board of Education.]~~

24 ~~(e) "Turnaround" means a comprehensive transformation of a school to~~  
 25 ~~achieve accelerated, meaningful, and sustainable increases in student~~  
 26 ~~achievement through improved school leadership and school district~~  
 27 ~~support;~~

1 (f) "Turnaround plan" means a mandatory plan to assist a school that is  
 2 designed to improve student learning and performance with new or creative  
 3 alternatives to existing instructional and administrative practices and is  
 4 implemented by the superintendent, in collaboration with school personnel  
 5 and parents; and

6 (g) "Turnaround team" means the turnaround training and support team  
 7 provided by the external organization selected by the local board of  
 8 education as described in subsection (6)(a) of this section.

9 (2) If a school is identified as an initial intervention school and a principal vacancy  
 10 occurs, the superintendent shall provide a list of all qualified applicants to the  
 11 school council. The council shall have access to the applications of all persons  
 12 certified for the position. Notwithstanding Subsection (2)(h) of Section 13 of this  
 13 Act, the superintendent shall select a new principal from a minimum of three (3)  
 14 applicants recommended by the school council. If the school council does not  
 15 recommend at least three (3) applicants, the superintendent may consider  
 16 additional qualified applicants to meet a combined minimum of three (3).  
 17 Personnel actions shall comply with KRS Chapter 161. Requirements of KRS  
 18 160.380(1)(d) shall not apply.

19 ~~[(a) A school with a school council identified as~~  
 20 ~~needing improvement under KRS 158.6455 shall include in its school improvement~~  
 21 ~~plan actions to strengthen the school council and the school-based decision-making~~  
 22 ~~process at the school.]~~

23 ~~(b) The local school district shall include in its assistance plan for a school~~  
 24 ~~identified in paragraph (a) of this subsection actions to strengthen the~~  
 25 ~~functioning of the school council and the school-based decision-making~~  
 26 ~~process at the school.]~~

26 (3) If a school is identified as a focus school, the local school district personnel shall  
 27 assist the school in revising its school improvement plan. Each revised plan shall

1 include components of turnaround leadership development and support.

2 (4) (a) Beginning July 1, 2016, when a school is identified as a priority school, an  
 3 audit shall be performed. The local board of education shall select an  
 4 external turnaround audit team that consists of qualified educators with  
 5 documented expertise in diagnosing the causes of a school's low  
 6 performance and providing advice and strategies resulting in effective  
 7 turnaround leadership. The audit team shall be external to the Kentucky  
 8 Department of Education and shall not include any of the district's  
 9 employees.

10 (b) The Kentucky Board of Education shall recommend criteria to the local  
 11 board of education for a review process that an external turnaround audit  
 12 team may utilize to assess the turnaround leadership capacity of the  
 13 principal, superintendent, and district.

14 (c) The audit conducted under this subsection shall be the only comprehensive  
 15 audit required for a school unless the school fails to exit priority status as  
 16 described in subsection (8) of this section or exits priority status but  
 17 subsequently repeats as a priority school.

18 ~~(5)(3)~~ (a) An audit team established under subsection (4) of this section to audit a  
 19 priority school~~[KRS 158.6455(4) and (5), auditing a persistently low-~~  
 20 ~~achieving school,]~~ shall include in the review and report:

- 21 1. A diagnosis of the causes of the school's low performance~~[The~~  
 22 ~~functioning of the school and the school council];~~
- 23 2. An assessment and recommendation to the superintendent regarding  
 24 the principal's capacity to function or develop as a turnaround  
 25 specialist, including if the principal should be reassigned to a  
 26 comparable position in the school district~~[A determination of the~~  
 27 ~~school council and principal's ability to lead the intervention in the~~



- 1 persistently low-achieving school];
- 2 3. **An assessment of** the interaction and relationship **among**[between] the
- 3 superintendent, central office personnel, and the **school**
- 4 **principal**[council];[and]
- 5 4. **A recommendation of the steps the school may implement to launch**
- 6 **and sustain a turnaround process; and**
- 7 **5. A recommendation to the local board of education of the turnaround**
- 8 **principles and strategies necessary for the superintendent to assist the**
- 9 **school with turnaround.**[A recommendation to the commissioner of
- 10 education concerning whether the school council should retain the
- 11 authority granted to it under KRS 160.345, whether the council should
- 12 be replaced, and whether the current principal should remain as
- 13 principal in the school. If the recommendation is to transfer the authority
- 14 of the school council, the team shall also recommend whether:
- 15 a. The authority should be transferred to the superintendent or to the
- 16 commissioner of education, who shall designate staff to manage
- 17 the school;
- 18 b. The school council should continue to act in an advisory capacity
- 19 until all authority has been restored under subsection (8) of this
- 20 section; and
- 21 c. The members of the school council shall be replaced by the
- 22 commissioner of education.]
- 23 (b) **The report of an audit conducted under this subsection shall be provided to**
- 24 **the superintendent, local board of education, the school principal, the**
- 25 **commissioner of education, and the Kentucky Board of Education.**[An audit
- 26 team established under KRS 158.6455(4) and (5), auditing a district of a
- 27 school subject to paragraph (a) of this subsection, shall include in its review

1 and report:

2 1. ~~The overall functioning of the school district;~~

3 2. ~~The interaction and relationship between the superintendent, central~~  
4 ~~office personnel, school board members, and the council; and~~

5 3. ~~A determination of the district's ability to manage the intervention in the~~  
6 ~~persistently low achieving school.]~~

7 ~~[(4) Within thirty (30) days of receiving the reports of the school and district audits, the~~  
8 ~~commissioner shall act on the recommendations in the reports and other relevant~~  
9 ~~data that the commissioner considers to have bearing on his or her determination of~~  
10 ~~actions to be taken.~~

11 ~~(5) Within thirty (30) days of the commissioner's action on the audit teams'~~  
12 ~~recommendations, the school council or local board of education may appeal the~~  
13 ~~commissioner's action to the Kentucky Board of Education by submitting a written~~  
14 ~~request, including any supporting information. The Kentucky Board of Education~~  
15 ~~shall consider the audit reports, the commissioner's decision, and the request for~~  
16 ~~consideration with any supporting information, and make a final determination. If~~  
17 ~~the state board is not scheduled to meet within thirty (30) days following the receipt~~  
18 ~~of an appeal of the commissioner's decision, the board chair shall call a special~~  
19 ~~meeting for action upon the appeal.~~

20 ~~(6) If a decision is made to transfer powers, duties, and authority under subsection (4)~~  
21 ~~of this section, the local superintendent, subject to the policies adopted for the~~  
22 ~~district by the local board of education, or the commissioner or the commissioner's~~  
23 ~~designee shall assume all powers, duties, and authority granted to a school council~~  
24 ~~under KRS 160.345 thirty (30) days following the commissioner's action on the~~  
25 ~~audit teams' recommendations if no appeal to the Kentucky Board of Education is~~  
26 ~~submitted or following the final determination of the Kentucky Board of Education~~  
27 ~~on an appeal, whichever is appropriate.~~

1 ~~(7) Within thirty (30) days after assuming the powers, duties, and authority under~~  
 2 ~~subsection (6) of this section, the superintendent or the commissioner or the~~  
 3 ~~commissioner's designee shall consult with the council, if the council has been~~  
 4 ~~given an advisory role under subsection (4) of this section, and with stakeholders at~~  
 5 ~~the school, including parents, the principal, certified staff, and classified staff, and~~  
 6 ~~prepare a plan for developing capacity for sound school-based decision making at~~  
 7 ~~the school. The commissioner of education shall review the proposed plan and~~  
 8 ~~approve it or identify specific areas for improvement before giving final approval.~~  
 9 ~~The superintendent shall report to the commissioner every six (6) months on the~~  
 10 ~~implementation and results of the approved plan.~~

11 ~~(8) The school's right to establish a council or the school's right for the council to~~  
 12 ~~assume the full authority granted under KRS 160.345 shall be restored if the school~~  
 13 ~~is not classified as persistently low achieving for two (2) consecutive years.]~~

14 ~~(6)~~~~(9)~~ **After completion of the audit described in subsection (4) of this section,** each  
 15 **priority**~~[persistently low achieving]~~ school shall engage in~~[one (1) of]~~ the  
 16 following **turnaround** intervention **process**~~[options]:~~

17 **(a) The local board of education shall issue a request for proposals for a**  
 18 **nonprofit, external organization with documented success at turnaround**  
 19 **diagnosis, training, and improved performance of organizations to provide a**  
 20 **turnaround training and support team to the priority school. The local**  
 21 **board of education shall select the turnaround organization and negotiate**  
 22 **the scope and duration of the organization's services;**

23 **(b) The authority of the school council granted under Section 13 of this Act**  
 24 **shall be transferred to the superintendent;**

25 **(c) The superintendent shall either retain the principal or reassign him or her**  
 26 **to a comparable position in the district;**

27 **(d) The superintendent shall select a principal for the school if a principal**

1           vacancy or reassignment occurs. The superintendent shall consult with the  
2           turnaround team, parents, certified staff, and classified staff before  
3           appointing a principal replacement;

4           (e) Upon recommendation of the principal, the superintendent may reassign  
5           certified staff members to a comparable position in the school district;

6           (f) The superintendent shall collaborate with the turnaround team to design  
7           ongoing turnaround training and support for the principal and a  
8           corresponding monitoring system of effectiveness and student achievement  
9           results;

10          (g) The principal shall collaborate with the turnaround team to establish an  
11          advisory leadership team representing school staff and parents;

12          (h) 1. The principal shall collaborate with the turnaround team and the  
13          advisory leadership team to propose a short-term and a five (5) year  
14          turnaround plan.

15          2. The turnaround plan shall include requests to the Kentucky  
16          Department of Education for exemptions from submitting  
17          documentation that are identified by the principal, advisory leadership  
18          team, and turnaround team as inhibitors to investing time in  
19          innovative instruction and accelerated student achievement of diverse  
20          learners including ongoing staff instructional plans, student  
21          interventions, formative assessment results, or staff effectiveness  
22          processes.

23          3. The turnaround plan shall be reviewed for approval by the  
24          superintendent, reviewed for recommendations by the commissioner of  
25          education, and reviewed for final approval by the local board of  
26          education;

27          (i) The turnaround plan shall be fully implemented by the end of the academic

1           year following the year the school was designated as a priority school; and  
 2           (j) The superintendent shall periodically report to the local school board, and  
 3           at least annually to the commissioner of education, on the implementation  
 4           and results of the turnaround plan.

5           (7) To assist with funding the audit and turnaround intervention process described in  
 6           subsections (4) and (6) of this section, the Kentucky Department of Education  
 7           shall annually reimburse the school district, for a maximum of four (4) years, an  
 8           amount not to exceed the amount budgeted by the department to provide support  
 9           and assistance to a school under subsection (8) of this section, including  
 10           Commonwealth school improvement funds under Section 11 of this Act and  
 11           assistance personnel;

12           (8) A school shall be subject to the consequences described in subsection (5) of  
 13           Section 6 of this Act and shall engage in an intervention option approved by the  
 14           Kentucky Board of Education if the school:

15           (a) Is designated as a priority school prior to July 1, 2016<sup>["External</sup>  
 16           management option" which requires that the day to day management of the  
 17           school is transferred to an education management organization that may be a  
 18           for profit or nonprofit organization that has been selected by a local board of  
 19           education from a list of management organizations. The management  
 20           organization may be approved by the Kentucky Board of Education after a  
 21           rigorous review process, which shall be developed by the state board by the  
 22           promulgation of administrative regulations. The management organization's  
 23           authority shall include the right to make personnel decisions that comply with  
 24           KRS Chapter 161 and any employee employer bargained contract that is in  
 25           effect];

26           (b) Is a priority school that does not exit priority status after receiving four (4)  
 27           years of accountability scores following the academic year in which the

1 turnaround intervention described in subsection (6) of this section is  
 2 implemented["Restaffing option" which requires the replacement of the  
 3 principal and the existing school based decision making council unless the  
 4 audit reports under subsection (3) of this section recommended otherwise,  
 5 screening of existing faculty and staff with the retention of no more than fifty  
 6 percent (50%) of the faculty and staff at the school, development and  
 7 implementation of a plan of action that uses research based school  
 8 improvement initiatives designed to turn around student performance.  
 9 Personnel actions shall comply with KRS Chapter 161 and notwithstanding  
 10 KRS 160.380(1)(d) relating to filling vacant positions and KRS  
 11 160.345(2)(h)1. relating to transfers]; or

- 12 (c) Is a focus school that does not exit focus school status after receiving four  
 13 (4) years of accountability scores following implementation of its revised  
 14 school improvement plan as described in subsection (3) of this section.

15 ["School closure option" which requires the closure of an existing school and  
 16 the transfer of its students to other schools within the district that are meeting  
 17 their accountability measures, reassignment of the school's faculty and staff to  
 18 available positions within the district, and which may result in nonrenewal of  
 19 contracts, dismissal, demotion, or a combination of these personnel actions  
 20 which shall comply with KRS Chapter 161 and notwithstanding KRS  
 21 160.380(1)(d) relating to filling vacant positions and KRS 160.345(2)(h)1.  
 22 relating to transfers;

- 23 (d) "Transformation option" means a school intervention option that begins with  
 24 replacing the school principal who led the school prior to commencement of  
 25 the transformation option and replacing the school council members unless  
 26 the audit reports under subsection (3) of this section recommended otherwise  
 27 and instituting an extensive set of specified strategies designed to turn around

1           ~~the identified school which shall comply with KRS Chapter 161 and~~  
 2           ~~notwithstanding KRS 160.380(1)(d) relating to filling vacant positions and~~  
 3           ~~KRS 160.345(2)(h)1. relating to transfers; or~~  
 4           ~~(e) Any other model recognized by the federal No Child Left Behind Act of 2001,~~  
 5           ~~20 U.S.C. secs. 6301 et seq., or its successor.~~

6           ~~The Kentucky Board of Education shall promulgate administrative regulations to~~  
 7           ~~establish the process and procedures for implementing the intervention options~~  
 8           ~~identified in paragraphs (a) to (e) of this subsection available to local boards of~~  
 9           ~~education and the commissioner of education.]~~

10       **(9) If a priority school subject to the provisions of subsection (8) of this section**  
 11       **remains classified as a priority school after receiving four (4) years of**  
 12       **accountability scores, the priority school shall implement the audit and**  
 13       **turnaround intervention process described in subsections (4) and (6) of this**  
 14       **section.**

15       (10) ~~[Professionally negotiated contracts by a local board of education shall not take~~  
 16       ~~precedence over the requirements of paragraphs (b), (c), and (d) of subsection (9) of~~  
 17       ~~this section.~~

18       ~~(11) The Department of Education shall provide services and support to assist schools~~  
 19       ~~subject to the provisions of subsection (8) of this section[the schools identified as~~  
 20       ~~persistently low achieving].~~

21       **(11)**~~(12) If, in the course of a school~~~~[or district] audit, the audit team identifies~~  
 22       ~~information suggesting that a violation of KRS 160.345(9)(a) may have occurred,~~  
 23       ~~the commissioner of education shall forward the evidence to the Office of~~  
 24       ~~Education Accountability for investigation.~~

25       **(12) A school's right to establish a council granted under Section 13 of this Act may**  
 26       **be restored by the local board of education if the school is not classified as a**  
 27       **priority school for two (2) consecutive years.**

1 **(13) If a district has a school that exits priority status after implementing the**  
 2 **turnaround intervention process described in subsection (6) of this section, the**  
 3 **district shall continue to receive school improvement funding but may replace**  
 4 **assistance, oversight, and personnel support from the Kentucky Department of**  
 5 **Education with a turnaround organization's assistance and personnel in any of**  
 6 **its other priority schools that previously adopted an intervention option described**  
 7 **in subsection (8) of this section.**

8 ➔Section 15. KRS 160.107 is amended to read as follows:

9 (1) A district which is an applicant to be designated as a district of innovation under  
 10 KRS 156.108 shall:

11 (a) Establish goals and performance targets for the district of innovation proposal,  
 12 which may include:

- 13 1. Reducing achievement gaps among groups of public school students by  
 14 expanding learning experiences for students who are identified as  
 15 academically low-achieving;
- 16 2. Increasing pupil learning through the implementation of high, rigorous  
 17 standards for pupil performance;
- 18 3. Increasing the participation of students in various curriculum  
 19 components and instructional components within selected schools to  
 20 enhance students' preparation at each grade level;
- 21 4. Increasing the number of students who are postsecondary~~college and~~  
 22 ~~career~~-ready; and
- 23 5. Motivating students at different grade levels by offering more  
 24 curriculum choices and student learning opportunities to parents and  
 25 students within the district;

26 (b) Identify changes needed in the district and schools to lead to better-prepared  
 27 students for success in life and work;



- 1 (c) Have a district-wide plan of innovation that describes and justifies which  
2 schools and innovative practices will be incorporated;
- 3 (d) Provide documentation of community, educator, parental, and the local  
4 board's support of the proposed innovations;
- 5 (e) Provide detailed information regarding the rationale of requests for waivers  
6 from Kentucky Revised Statutes and administrative regulations, and  
7 exemptions for selected schools regarding waivers of local board of education  
8 policies;
- 9 (f) Document the fiscal and human resources the board will provide throughout  
10 the term of the implementation of the innovations within its plan; and
- 11 (g) Provide other materials as required by the Kentucky Department of Education  
12 in compliance with the state board's administrative regulations and application  
13 procedures.
- 14 (2) The district and all schools participating in a district's innovation plan shall:
- 15 (a) Ensure the same health, safety, civil rights, and disability rights requirements  
16 as are applied to all public schools;
- 17 (b) Ensure students meet compulsory attendance requirements under KRS  
18 158.030 and 158.100;
- 19 (c) Ensure that high school course offerings meet or exceed the minimum  
20 required under KRS 156.160 for high school graduation or meet early  
21 graduation requirements that may be enacted by the General Assembly;
- 22 (d) Ensure the student performance standards meet or exceed those adopted by  
23 the Kentucky Board of Education as required by KRS 158.685, including  
24 compliance with the statewide assessment system specified in KRS 158.6453;
- 25 (e) Adhere to the same financial audits, audit procedures, and audit requirements  
26 as are applied under KRS 156.265;
- 27 (f) Require state and criminal background checks for staff and volunteers as

- 1 required of all public school employees and volunteers within the public  
2 schools and specified in KRS 160.380 and 161.148;
- 3 (g) Comply with open records and open meeting requirements under KRS  
4 Chapter 61;
- 5 (h) Comply with purchasing requirements and limitations under KRS Chapter  
6 45A and KRS 156.074 and 156.480;
- 7 (i) Provide overall instructional time that is equivalent to or greater than that  
8 required under KRS 158.070, but which may include on-site instruction,  
9 distance or virtual learning, and work-based learning on nontraditional school  
10 days or hours; and
- 11 (j) Provide data to the Kentucky Department of Education as deemed necessary  
12 to generate school and district reports.
- 13 (3) (a) Only schools that choose to be designated as schools of innovation shall be  
14 included in a district's application.
- 15 (b) 1. As used in this paragraph, "eligible employees" means employees that  
16 are regularly employed at the school and those employees whose  
17 primary job duties will be affected by the plan.
- 18 2. A vote shall be taken among eligible employees in a school to determine  
19 if the school shall be an applicant as a school of innovation in a district's  
20 proposal and to approve the school's plan of innovation before it is  
21 submitted to the district. At least seventy percent (70%) of those casting  
22 votes shall vote in the affirmative in order for the school to request  
23 inclusion in the district's plan and to approve the school's plan of  
24 innovation.
- 25 3. The school-based decision making council shall be responsible for  
26 conducting the vote provided for in subparagraph 2. of this paragraph,  
27 which shall be by secret ballot.

- 1 (c) Notwithstanding the provisions of paragraph (a) of this subsection, a local  
2 board of education may require a school that has been identified as a  
3 priority~~[persistently low-achieving]~~ school under KRS 160.346 to participate  
4 in the district's plan of innovation.
- 5 (4) (a) With approval of the state board, a school of innovation may request and be  
6 granted waivers from all or selected provisions of KRS 160.345 relating to  
7 school-based decision making.
- 8 (b) To be exempt from KRS 160.345, a school-based decision making council  
9 shall vote by secret ballot to determine if it wishes to request a waiver from  
10 KRS 160.345 or specific provisions within that statute. Only a school that has  
11 seventy percent (70%) or more of the teachers and staff in the school voting to  
12 waive its rights and responsibilities under KRS 160.345 shall be eligible.
- 13 (c) No local board of education or superintendent nor the Kentucky Board of  
14 Education may compel a school to waive its rights under KRS 160.345,  
15 except as provided in KRS 160.346.
- 16 (d) Before the provisions of KRS 160.345 are waived by the Kentucky Board of  
17 Education for a specific school, there shall be assurances that teachers,  
18 parents, and staff in the affected school will be actively involved in the  
19 management and decision-making operations of the schools, including input  
20 into employment matters and selection of personnel.
- 21 (5) Notwithstanding any statutes to the contrary, the Kentucky Board of Education may  
22 approve the requests of districts of innovation to:
- 23 (a) Use capital outlay funds for operational costs;
- 24 (b) Hire persons for classified positions in nontraditional school and district  
25 assignments who have bachelor's and advanced degrees from postsecondary  
26 education institutions accredited by a regional accrediting association as  
27 defined in KRS 164.740;

- 1 (c) Employ teachers on extended employment contracts or extra duty contracts  
 2 and compensate them on a salary schedule other than the single salary  
 3 schedule;
- 4 (d) Extend the school days as is appropriate within the district with compensation  
 5 for the employees as determined locally;
- 6 (e) Establish alternative education programs and services that are delivered in  
 7 nontraditional hours and which may be jointly provided in cooperation with  
 8 another school district or consortia of districts;
- 9 (f) Establish a virtual school within the district for delivering alternative classes  
 10 to meet high school graduation requirements;
- 11 (g) Use a flexible school calendar;
- 12 (h) Convert existing schools into schools of innovation; and
- 13 (i) Modify the formula under KRS 157.360(2) for distributing support education  
 14 excellence in Kentucky funds for students in average daily attendance in  
 15 nontraditional programming time, including alternative programs and virtual  
 16 programs. Funds granted to a district shall not exceed those that would have  
 17 otherwise been distributed based on average daily attendance during regular  
 18 instructional days.

19 ➔Section 16. KRS 164.7874 is amended to read as follows:

20 As used in KRS 164.7871 to 164.7885:

- 21 (1) "Academic term" means a semester or other time period specified in an  
 22 administrative regulation promulgated by the authority;
- 23 (2) "Academic year" means a period consisting of at least the minimum school term, as  
 24 defined in KRS 158.070;
- 25 (3) "ACT score" means the composite score achieved on the American College Test at  
 26 a national test site on a national test date or the college admissions and placement  
 27 examination~~[ACT exam]~~ administered statewide under subsection (5)(b)4. of

- 1        **Section 5 of this Act if the exam is the ACT**~~[KRS 158.6453(11)(a)3.]~~, or an  
 2        equivalent score, as determined by the authority, on the SAT administered by the  
 3        College Board, Inc.;
- 4        (4) "Authority" means the Kentucky Higher Education Assistance Authority;
- 5        (5) "Award period" means the fall and spring consecutive academic terms within one  
 6        (1) academic year;
- 7        (6) "Council" means the Council on Postsecondary Education created under KRS  
 8        164.011;
- 9        (7) "Eligible high school student" means any person who:
- 10        (a) Is a citizen, national, or permanent resident of the United States and Kentucky  
 11        resident;
- 12        (b) Was enrolled after July 1, 1998:
- 13            1. In a Kentucky high school for at least one hundred forty (140) days of  
 14            the minimum school term unless exempted by the authority's executive  
 15            director upon documentation of extreme hardship, while meeting the  
 16            KEES curriculum requirements, and was enrolled in a Kentucky high  
 17            school at the end of the academic year;
- 18            2. In a Kentucky high school for the fall academic term of the senior year  
 19            and who:
- 20                a. Was enrolled during the entire academic term;
- 21                b. Completed the high school's graduation requirements during the  
 22                fall academic term; and
- 23                c. Was not enrolled in a secondary school during any other academic  
 24                term of that academic year; or
- 25            3. In the Gatton Academy of Mathematics and Science in Kentucky or the  
 26            Craft Academy for Excellence in Science and Mathematics while  
 27            meeting the Kentucky educational excellence scholarship curriculum

- 1 requirements;
- 2 (c) Has a grade point average of 2.5 or above at the end of any academic year  
3 beginning after July 1, 1998, or at the end of the fall academic term for a  
4 student eligible under paragraph (b) 2. of this subsection; and
- 5 (d) Is not a convicted felon;
- 6 (8) "Eligible postsecondary student" means a citizen, national, or permanent resident of  
7 the United States and Kentucky resident, as determined by the participating  
8 institution in accordance with criteria established by the council for the purposes of  
9 admission and tuition assessment, who:
- 10 (a) Earned a KEES award;
- 11 (b) Has the required postsecondary GPA and credit hours required under KRS  
12 164.7881;
- 13 (c) Has remaining semesters of eligibility under KRS 164.7881;
- 14 (d) Is enrolled in a participating institution as a part-time or full-time student; and
- 15 (e) Is not a convicted felon;
- 16 (9) "Full-time student" means a student enrolled in a postsecondary program of study  
17 that meets the full-time student requirements of the participating institution in  
18 which the student is enrolled;
- 19 (10) "Grade point average" or "GPA" means the grade point average earned by an  
20 eligible student and reported by the high school or participating institution in which  
21 the student was enrolled based on a scale of 4.0 or its equivalent if the high school  
22 or participating institution that the student attends does not use the 4.0 grade scale;
- 23 (11) "High school" means any Kentucky public high school, the Gatton Academy of  
24 Mathematics and Science in Kentucky, the Craft Academy for Excellence in  
25 Science and Mathematics, and any private, parochial, or church school located in  
26 Kentucky that has been certified by the Kentucky Board of Education as voluntarily  
27 complying with curriculum, certification, and textbook standards established by the

- 1 Kentucky Board of Education under KRS 156.160;
- 2 (12) "KEES" or "Kentucky educational excellence scholarship" means a scholarship  
3 provided under KRS 164.7871 to 164.7885;
- 4 (13) "KEES award" means:
- 5 (a) For an eligible high school student, the sum of the KEES base amount for  
6 each academic year of high school plus any KEES supplemental amount, as  
7 adjusted pursuant to KRS 164.7881; and
- 8 (b) For a student eligible under KRS 164.7879(3)(e), the KEES supplemental  
9 amount as adjusted pursuant to KRS 164.7881;
- 10 (14) "KEES award maximum" means the sum of the KEES base amount earned in each  
11 academic year of high school plus any KEES supplemental amount earned;
- 12 (15) "KEES base amount" or "base amount" means the amount earned by an eligible  
13 high school student based on the student's GPA pursuant to KRS 164.7879;
- 14 (16) "KEES curriculum" means five (5) courses of study, except for students who meet  
15 the criteria of subsection (7)(b)2. of this section, in an academic year as determined  
16 in accordance with an administrative regulation promulgated by the authority;
- 17 (17) "KEES supplemental amount" means the amount earned by an eligible student  
18 based on the student's ACT score pursuant to KRS 164.7879;
- 19 (18) "KEES trust fund" means the Wallace G. Wilkinson Kentucky educational  
20 excellence scholarship trust fund;
- 21 (19) "On track to graduate" means the number of cumulative credit hours earned as  
22 compared to the number of hours determined by the postsecondary education  
23 institution as necessary to complete a bachelor's degree by the end of eight (8)  
24 academic terms or ten (10) academic terms if a student is enrolled in an  
25 undergraduate program that requires five (5) years of study;
- 26 (20) "Participating institution" means an "institution" as defined in KRS 164.001 that  
27 actively participates in the federal Pell Grant program, executes a contract with the

1 authority on terms the authority deems necessary or appropriate for the  
2 administration of its programs, and:

- 3 (a) 1. Is publicly operated;
- 4 2. Is licensed by the Commonwealth of Kentucky and has operated for at  
5 least ten (10) years, offers an associate or baccalaureate degree program  
6 of study not comprised solely of sectarian instruction, and admits as  
7 regular students only high school graduates or recipients of a General  
8 Educational Development (GED) diploma or students transferring from  
9 another accredited degree granting institution; or
- 10 3. Is designated by the authority as an approved out-of-state institution that  
11 offers a degree program in a field of study that is not offered at any  
12 institution in the Commonwealth; and

13 (b) Continues to commit financial resources to student financial assistance  
14 programs; and

15 (21) "Part-time student" means a student enrolled in a postsecondary program of study  
16 who does not meet the full-time student requirements of the participating institution  
17 in which the student is enrolled and who is enrolled for at least six (6) credit hours,  
18 or the equivalent for an institution that does not use credit hours.

19 ➔Section 17. Whereas public education is of vital importance to the future of the  
20 Commonwealth and its families, and the timely implementation of provisions to support  
21 improvement in public education is essential to the success of our students and the  
22 Commonwealth, an emergency is declared to exist, and this Act takes effect on July 1,  
23 2016.