

1 AN ACT relating to education.

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

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

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

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

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

- 15 1. ~~[An annual overall summative performance evaluation of each school~~
16 ~~and district compared to goals established by the Kentucky Department~~
17 ~~of Education. The evaluation for each school and district shall:~~
18 ~~a. Not consist of a single summative numerical score that ranks~~
19 ~~schools against each other; and~~
20 ~~b. Be based on a combination of academic and school quality~~
21 ~~indicators and measures, with greater weight assigned to the~~
22 ~~academic measures;~~
23 2. ~~]Student assessment results;~~
24 2.~~[3.]~~Progress toward achieving English proficiency by limited English
25 proficiency students;
26 3.~~[4.]~~Quality of school climate and safety;
27 4.~~[5.]~~High school graduation rates;

1 ~~5.[6.]~~ Postsecondary readiness for each high school student, which shall be
2 included as an academic indicator, and shall be measured by:

3 a. Meeting or exceeding a college readiness benchmark score on the
4 college admissions examination used as the statewide assessment
5 in KRS 158.6453(5)(b)5. or a college placement examination
6 approved by the Council on Postsecondary Education. The college
7 readiness benchmark score shall be established by the Council on
8 Postsecondary Education; or

9 b. Achievement of college credit, postsecondary articulated credit,
10 apprenticeship time toward a credential or associate degree, or any
11 industry-recognized certifications, licensures, or credentials, with
12 more weight in accountability for industry-recognized
13 certifications, licensures, or credentials identified as high demand
14 in accordance with the process described in paragraph ~~(e)[(e)]~~ of
15 this subsection. Eligible industry-recognized certifications,
16 licensures, or credentials shall not be limited to those earned in
17 conjunction with a minimum sequence of courses. Each high
18 school shall publicly report the credits, hours, and credentials on
19 an annual basis; and

20 ~~6.[7.]~~ Any other factor mandated by the federal Every Student Succeeds Act of
21 2015, Pub. L. No. 114-95, or its successor.

22 (c) **Beginning with data from the 2020-2021 and 2021-2022 school years, the**
23 **accountability system performance for each district, school, and student**
24 **subgroup determined by the state indicators shall be based on a**
25 **combination of annual performance, hereinafter called "status," and**
26 **improvement over time, hereinafter called "change."**

27 **1. Status and change shall receive equal weight in determining overall**

1 performance. For all students as a group and separately for individual
2 subgroups, status shall be determined, beginning with the data from
3 the 2020-2021 academic year, by using the current year performance
4 and change shall be determined, beginning with the data from the
5 2021-2022 academic year, by using the difference in performance
6 from the prior to current year, except change shall be based on the
7 difference in performance for the prior three (3) years for the purpose
8 of determining the lowest-performing five percent (5%) of schools
9 under subsections (2) and (3) of Section 2 of this Act.

10 2. For each state indicator, there shall be five (5) status levels ranging
11 from very high to very low and five (5) change levels ranging from
12 increased significantly to declined significantly.

13 3. The percentile cut scores for status and change levels shall be based
14 on distribution and shall be approved by the Kentucky Department of
15 Education and the Local Superintendents Advisory Council. The cut
16 scores shall remain in place for at least six (6) years unless existing
17 cut scores no longer support meaningful differentiation of schools as
18 required by the federal Every Student Succeeds Act of 2015, Pub. L.
19 No. 114-95, or its successor.

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

27 (e) Based on data from the Kentucky Center for Education and Workforce

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

- 10 ~~(f)(4)~~ 1. The Kentucky Department of Education shall pay for the cost of an
11 assessment taken by a high school student for attaining an industry-
12 recognized certification, credential, or licensure if the student
13 consecutively completes at least two (2) related career pathway courses
14 approved by the department prior to taking the assessment.
- 15 2. If a high school student has not completed the two (2) course
16 requirement described in subparagraph 1. of this paragraph but meets
17 performance-based experience eligibility and passes an assessment, the
18 department shall provide a weighted reimbursement amount to the
19 school district for the cost of the assessment based on the level of
20 demand of the certificate, credential, or license earned. The Kentucky
21 Board of Education shall promulgate regulations establishing the
22 performance-based experience eligibility requirements and weighted
23 reimbursement amounts.

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

1 Subcommittee; and the National Technical Advisory Panel on Assessment and
2 Accountability.

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

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

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

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

14 (3) After receiving the advice of the Office of Education Accountability; the School
15 Curriculum, Assessment, and Accountability Council; and the National Technical
16 Advisory Panel on Assessment and Accountability, the Kentucky Board of
17 Education shall promulgate an administrative regulation in conformity with KRS
18 158.6471 and 158.6472 and KRS Chapter 13A to establish more rigorous action,
19 intervention, and appropriate consequences for schools that fail to exit
20 comprehensive support and improvement status described in KRS 160.346. The
21 consequences shall be designed to improve the academic performance and learning
22 environment of identified schools and may include but not be limited to:

23 (a) A review and audit process to determine the appropriateness of a school's or
24 district's classification and to recommend needed assistance;

25 (b) School and district improvement plans;

26 (c) Eligibility to receive Commonwealth school improvement funds under KRS
27 158.805;

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

1 performance judgment is based on fraud or a mistake in computations, is arbitrary,
 2 is lacking any reasonable basis, or when there are significant new circumstances
 3 occurring during the three (3) year assessment period which are beyond the control
 4 of the appellant school or school district.

5 ➔Section 2. KRS 160.346 is amended to read as follows:

6 (1) For purposes of this section:

7 (a) "Approved turnaround vendor list" means a list of at least three (3) vendors
 8 pre-approved by the Kentucky Board of Education for the purposes of
 9 subsection (8) of this section that have documented success at providing
 10 turnaround diagnosis, training, and improved performance of
 11 organizations;

12 (b) "Department" means the Kentucky Department of Education;

13 (c)~~(b)~~ "ESSA" means the Every Student Succeeds Act of 2015, Pub. L. No.
 14 114-95, or its successor;

15 (d)~~(c)~~ "Level" means elementary, middle, or high school;

16 (e)~~(d)~~ "Turnaround" means a comprehensive transformation of a school to
 17 achieve accelerated, meaningful, and sustainable increases in student
 18 achievement through improved school leadership and school district support;

19 (f)~~(e)~~ "Turnaround plan" means a mandatory school plan that is designed to
 20 improve student learning and performance with evidence-based interventions
 21 as defined in ESSA and that is developed and implemented by the local school
 22 district in partnership with stakeholders, including the principal, other school
 23 leaders, teachers, and parents; and

24 (g)~~(f)~~ "Turnaround team" means the turnaround training and support team~~[~~
 25 ~~selected by the local board of education as]~~ described in subsection (8)~~(7)~~(a)
 26 of this section.

27 (2) (a) Beginning with the 2020-2021~~[2019-2020]~~ school year, and annually

1 thereafter, the department shall identify a school for targeted support and
 2 improvement if the school has~~[-at least]~~ one (1) **or more of the same**
 3 **subgroups**~~[subgroup]~~, as defined by ESSA, whose performance in the state
 4 accountability system by level is at or below that of all students in any of the
 5 lowest-performing five percent (5%) of all schools for three (3) consecutive
 6 years~~[-and the school is in the lowest performing ten percent (10%) of all~~
 7 ~~schools by level]~~.

8 (b) Beginning with the **2021-2022**~~[2020-2021]~~ school year, and every three (3)
 9 years thereafter, the department shall identify a school for additional targeted
 10 support and improvement if the school has~~[-at least]~~ one (1) **or more**
 11 **subgroups**~~[subgroup]~~, as defined by ESSA, whose performance in the state
 12 accountability system by level is at or below the summative performance of all
 13 students in any of the lowest-performing five percent (5%) of all schools
 14 identified under subsection (3)(a) of this section and **the school was**~~[has been]~~
 15 identified **in the immediately preceding year** for targeted support and
 16 improvement as described in paragraph (a) of this subsection.

17 (3) Beginning with the **2021-2022 school year, and every three (3) years**
 18 **thereafter**~~[2018-2019 school year, or upon the department's implementation of the~~
 19 ~~provisions of ESSA, whichever occurs first]~~, a school shall be identified by the
 20 department for comprehensive support and improvement if the school is:

21 (a) In the lowest-performing five percent (5%) of all schools in its level based on
 22 the school's performance in the state accountability system;

23 (b) A high school with a four (4) year cohort graduation rate that is less than
 24 eighty percent (80%); or

25 (c) Identified by the department for **additional** targeted support and improvement
 26 under subsection (2)(b) of this section and fails to exit **additional** targeted
 27 support and improvement status based on criteria established under subsection

1 ~~(11)~~~~(9)~~ of this section.

2 (4) (a) When a school is identified for targeted support and improvement under
3 subsection (2)(a) of this section, the local school personnel, working with
4 stakeholders, including the principal, other school leaders, teachers, and
5 parents, shall revise its school improvement plan, which shall be subject to
6 review and approval by the local board of education.

7 (b) Each revised plan shall be informed by all available indicators, including
8 student performance compared to long-term goals, and shall include:

- 9 1. Components of turnaround leadership development and support;
- 10 2. Identification of critical resource inequities;
- 11 3. Evidence-based interventions; and
- 12 4. Additional actions that address the causes of consistently
13 underperforming subgroups of students.

14 (c) If adequate performance progress, as defined by the department, is not made~~;~~
15 ~~1. By a school identified under subsection (2)(b) of this section~~, the local
16 school district shall take additional action to assist and support the
17 school in reaching performance goals~~; and~~
18 ~~2. By a school identified under subsection (2)(a) of this section, the school~~
19 ~~shall be identified for comprehensive support and improvement~~.

20 (5) ~~{(a)}~~ When a school is identified for additional targeted support and
21 improvement under subsection (2)(b) of this section, the local school district shall
22 take more rigorous district-determined action to assist and support the school in
23 reaching performance goals.

24 **(6)** (a) When a school is identified for comprehensive support and improvement, an
25 audit shall be performed by the department to diagnose the causes of the
26 school's low performance.~~{ The local board of education shall select a~~
27 ~~turnaround audit team with documented expertise in diagnosing the causes of~~

1 ~~an organization's low performance and providing advice and strategies~~
 2 ~~resulting in effective turnaround leadership. The audit team shall not include~~
 3 ~~any of the district's employees.~~

4 ~~(b) If the local board determines no suitable audit teams are available, the board~~
 5 ~~shall select the department to perform the audit.~~

6 ~~(c) The Kentucky Board of Education shall recommend criteria to the local board~~
 7 ~~of education for a review process that a turnaround audit team may utilize to~~
 8 ~~assess the turnaround leadership capacity of the principal, superintendent, and~~
 9 ~~district.]~~

10 ~~(b)~~~~(d)~~ The audit conducted under this subsection shall be the only
 11 comprehensive audit required for a school unless the school fails to exit
 12 comprehensive support and improvement status as described in subsection
 13 ~~(11)~~~~(10)~~ of this section or exits comprehensive support and improvement
 14 status but subsequently repeats as a school identified for comprehensive
 15 support and improvement.

16 ~~(7)~~~~(6)~~ (a) **The audit conducted by the department**~~[An audit team established]~~
 17 under subsection ~~(6)~~~~(5)~~ of this section~~[to audit a school identified for~~
 18 ~~comprehensive support and improvement]~~ shall include~~[in the review and~~
 19 ~~report]~~:

- 20 1. A diagnosis of the causes of the school's low performance, with an
 21 emphasis on underperforming subgroups of students and corresponding
 22 critical resource inequities;
- 23 2. An assessment and recommendation to the superintendent regarding **the**
 24 **best strategies to address the school's specific needs**~~[the principal's~~
 25 ~~capacity to function or develop as a turnaround specialist, including if~~
 26 ~~the principal should be reassigned to a comparable position in the school~~
 27 ~~district];~~

- 1 3. An assessment of the interaction and relationship among the
2 superintendent, central office personnel, and the school principal;
- 3 4. A recommendation of the steps the school may implement to launch and
4 sustain a turnaround process; and
- 5 5. A recommendation to the local board of education of the turnaround
6 principles and strategies necessary for the superintendent to assist the
7 school with turnaround.

8 (b) The report of an audit conducted under this subsection shall be provided to the
9 superintendent, local board of education, school principal, commissioner of
10 education, and the Kentucky Board of Education.

11 ~~(8)~~~~(7)~~ After completion of the audit described in subsection ~~(7)~~~~(6)~~ of this section,
12 each school identified for comprehensive support and improvement shall engage in
13 the following turnaround intervention process:

14 (a) The local board of education shall select a vendor from the approved
15 turnaround vendor list~~:~~

16 ~~1. issue a request for proposals for a private entity with documented success at~~
17 ~~turnaround diagnosis, training, and improved performance of organizations] to~~
18 provide a turnaround training and support team to the school identified for
19 comprehensive support and improvement. The local board of education shall~~[~~
20 ~~select the turnaround entity and]~~ negotiate the scope and duration of the
21 vendor's~~[entity's]~~ services;

22 ~~[2. Utilize local staff and community partners to serve as the turnaround~~
23 ~~team for the school identified for comprehensive support and~~
24 ~~improvement; or~~

25 ~~3. Select the Kentucky Department of Education to serve as the turnaround~~
26 ~~team, if the local board determines the options provided in~~
27 ~~subparagraphs 1. and 2. of this paragraph are not viable alternatives;]~~

1 (b) The authority of the school council granted under KRS 160.345 shall be
2 transferred to the superintendent;{

3 ~~(c) The superintendent may either retain the principal or reassign him or her to a~~
4 ~~comparable position in the district;}~~

5 (c)~~(d)~~ The superintendent shall select a principal for the school if a principal
6 vacancy ~~or reassignment~~ occurs. The superintendent shall consult with the
7 turnaround team, parents, certified staff, and classified staff before appointing
8 a principal replacement;

9 (d)~~(e)~~ Upon recommendation of the principal, the superintendent may reassign
10 certified staff members to a comparable position in the school district;

11 (e)~~(f)~~ The superintendent shall collaborate with the turnaround team to design
12 ongoing turnaround training and support for the principal and a corresponding
13 monitoring system of effectiveness and student achievement results;

14 (f)~~(g)~~ The principal shall collaborate with the turnaround team to establish an
15 advisory leadership team representing school stakeholders including other
16 school leaders, teachers, and parents;

17 (g)~~(h)~~ 1. **In consultation with the department,** the local school board shall
18 collaborate with the superintendent, principal, turnaround team, and the
19 advisory leadership team to propose a three (3) year turnaround plan.

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

27 3. The turnaround plan shall be reviewed for approval by the

1 superintendent and the local board of education and shall be subject to
2 review, approval, monitoring, and periodic review by the department as
3 described in KRS 158.782;

4 ~~(h)~~~~(i)~~ The school district may request technical assistance from the department
5 for development and implementation of the turnaround plan, which may
6 include conducting needs assessments, selecting evidence-based interventions,
7 and reviewing and addressing resource inequities;

8 ~~(i)~~~~(j)~~ The turnaround plan shall be fully implemented by the first full day of
9 the school year following the school year the school was identified for
10 comprehensive support and improvement; and

11 ~~(j)~~~~(k)~~ The superintendent shall periodically report to the local school board,
12 and at least annually to the commissioner of education, on the implementation
13 and results of the turnaround plan.

14 ~~(9)~~~~(8)~~ ~~[To assist with funding the audit and turnaround intervention process~~
15 ~~described in subsections (5) and (7) of this section and not provided by the~~
16 ~~department,]~~The department shall annually ***disburse funds to a***~~[reimburse the]~~
17 school district, for a maximum of three (3) years, ***to assist with funding the***
18 ***turnaround vendor costs incurred by the district under subsection (8) of this***
19 ***section. The Kentucky Board of Education shall promulgate administrative***
20 ***regulations on how the disbursement amounts shall be determined, which shall***
21 ***be based on the department's past practice for determining allocations for school***
22 ***improvement***~~[an amount not to exceed the amount budgeted by the department to~~
23 ~~serve as the turnaround team to a school under subsection (7)(a)3. of this section,~~
24 ~~including Commonwealth school improvement funds under KRS 158.805 and~~
25 ~~assistance personnel].~~

26 ***(10) Beginning in 2023, the department shall submit an annual report no later than***
27 ***November 30 to the Interim Joint Committee on Education relating to the***

1 turnaround vendor selected by each school under subsection (8) of this section.
2 The report shall include but not be limited to each school's accountability system
3 performance since utilizing the services of the turnaround vendor, the cost of
4 using the vendor, and any other information helpful in evaluating the
5 performance of the turnaround vendor.

6 ~~(11)~~~~(9)~~ The Kentucky Board of Education shall establish annual statewide exit
7 criteria for schools identified for targeted support and improvement, additional
8 targeted support and improvement, and comprehensive support and improvement.

9 ~~(12)~~~~(10)~~ If a school enters comprehensive support and improvement status and does
10 not make any annual improvement, as determined by the department, for two (2)
11 consecutive years, or if the school does not exit the status after three (3) years, the
12 school shall enter a school intervention process chosen by the commissioner of
13 education that provides more rigorous support and action by the department to
14 improve the school's performance.

15 ~~(13)~~~~(11)~~ For school districts that include a significant number of schools, as
16 determined by the department, identified for targeted support and improvement:

17 (a) The department shall periodically review a local board's resource allocations
18 to support school improvement and provide technical assistance to the local
19 school board; and

20 (b) The department may provide a recommended list of turnaround or school
21 intervention providers that have demonstrated success implementing
22 evidence-based strategies.

23 ~~(14)~~~~(12)~~ If, in the course of a school audit, the audit team identifies information
24 suggesting that a violation of KRS 160.345(9)(a) may have occurred, the
25 commissioner of education shall forward the evidence to the Office of Education
26 Accountability for investigation.

27 ~~(15)~~~~(13)~~ A school's right to establish a council granted under KRS 160.345 may be

1 restored by the local board of education two (2) years after the school exits
2 comprehensive support and improvement status.

3 ➔Section 3. KRS 156.160 is amended to read as follows:

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

10 (a) Courses of study for the different grades and kinds of common schools
11 identifying the common curriculum content directly tied to the goals,
12 outcomes, and assessment strategies developed under KRS 158.645,
13 158.6451, and 158.6453 and distributed to local school districts and schools.

14 The administrative regulations shall provide that:

- 15 1. If a school offers American sign language, the course shall be accepted
16 as meeting the foreign language requirements in common schools
17 notwithstanding other provisions of law;
- 18 2. If a school offers the Reserve Officers Training Corps program, the
19 course shall be accepted as meeting the physical education requirement
20 for high school graduation notwithstanding other provisions of law; and
- 21 3. Every public middle and high school's curriculum shall include
22 instruction on the Holocaust and other cases of genocide, as defined by
23 the United Nations Convention on the Prevention and Punishment of the
24 Crime of Genocide, that a court of competent jurisdiction, whether a
25 court in the United States or the International Court of Justice, has
26 determined to have been committed by applying rigorous standards of
27 due process;

- 1 (b) Courses of study or educational experiences available to students in all middle
2 and high schools to fulfill the prerequisites for courses in advanced science
3 and mathematics as defined in KRS 158.845;
- 4 (c) The acquisition and use of educational equipment for the schools as
5 recommended by the Council for Education Technology;
- 6 (d) The minimum requirements for high school graduation in light of the expected
7 outcomes for students and schools set forth in KRS 158.6451. **The minimum**
8 **requirements shall not include achieving any postsecondary readiness**
9 **indicator as described in Section 1 of this Act or any minimum score on a**
10 **statewide assessment administered under Section 6 of this Act.** Student
11 scores from any assessment administered under KRS 158.6453 that are
12 determined by the National Technical Advisory Panel to be valid and reliable
13 at the individual level shall be included on the student transcript. The National
14 Technical Advisory Panel shall submit its determination to the commissioner
15 of education and the Legislative Research Commission;
- 16 (e) The requirements for an alternative high school diploma for students with
17 disabilities whose individualized education program indicates that, in
18 accordance with 20 U.S.C. sec. 1414(d)(1)(A):
- 19 1. The student cannot participate in the regular statewide assessment; and
 - 20 2. An appropriate alternate assessment has been selected for the student
21 based upon a modified curriculum and an individualized course of study;
- 22 (f) Taking and keeping a school census, and the forms, blanks, and software to be
23 used in taking and keeping the census and in compiling the required reports.
24 The board shall create a statewide student identification numbering system
25 based on students' Social Security numbers. The system shall provide a
26 student identification number similar to, but distinct from, the Social Security
27 number, for each student who does not have a Social Security number or

1 whose parents or guardians choose not to disclose the Social Security number
2 for the student;

3 (g) Sanitary and protective construction of public school buildings, toilets,
4 physical equipment of school grounds, school buildings, and classrooms. With
5 respect to physical standards of sanitary and protective construction for school
6 buildings, the Kentucky Board of Education shall adopt the Uniform State
7 Building Code;

8 (h) Medical inspection, physical and health education and recreation, and other
9 regulations necessary or advisable for the protection of the physical welfare
10 and safety of the public school children. The administrative regulations shall
11 set requirements for student health standards to be met by all students in
12 grades four (4), eight (8), and twelve (12) pursuant to the outcomes described
13 in KRS 158.6451. The administrative regulations shall permit a student who
14 received a physical examination no more than six (6) months prior to his
15 initial admission to Head Start to substitute that physical examination for the
16 physical examination required by the Kentucky Board of Education of all
17 students upon initial admission to the public schools, if the physical
18 examination given in the Head Start program meets all the requirements of the
19 physical examinations prescribed by the Kentucky Board of Education;

20 (i) A vision examination by an optometrist or ophthalmologist that shall be
21 required by the Kentucky Board of Education. The administrative regulations
22 shall require evidence that a vision examination that meets the criteria
23 prescribed by the Kentucky Board of Education has been performed. This
24 evidence shall be submitted to the school no later than January 1 of the first
25 year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a
26 public school, public preschool, or Head Start program;

27 (j) 1. Beginning with the 2010-2011 school year, a dental screening or

1 examination by a dentist, dental hygienist, physician, registered nurse,
2 advanced practice registered nurse, or physician assistant that shall be
3 required by the Kentucky Board of Education. The administrative
4 regulations shall require evidence that a dental screening or examination
5 that meets the criteria prescribed by the Kentucky Board of Education
6 has been performed. This evidence shall be submitted to the school no
7 later than January 1 of the first year that a five (5) or six (6) year-old
8 child is enrolled in a public school.

9 2. A child shall be referred to a licensed dentist if a dental screening or
10 examination performed by anyone other than a licensed dentist identifies
11 the possibility of dental disease;

12 (k) The transportation of children to and from school;

13 (l) The fixing of holidays on which schools may be closed and special days to be
14 observed, and the pay of teachers during absence because of sickness or
15 quarantine or when the schools are closed because of quarantine;

16 (m) The preparation of budgets and salary schedules for the several school districts
17 under the management and control of the Kentucky Board of Education;

18 (n) A uniform series of forms and blanks, educational and financial, including
19 forms of contracts, for use in the several school districts;

20 (o) The disposal of real and personal property owned by local boards of
21 education; and

22 (p) The development and implementation of procedures, for all students who are
23 homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do
24 the following:

25 1. Awarding and accepting of credit, including partial credit, for all
26 coursework satisfactorily completed by a student while enrolled at
27 another school;

- 1 2. Allowing a student who was previously enrolled in a course required for
2 graduation the opportunity, to the extent practicable, to complete the
3 course, at no cost to the student, before the beginning of the next school
4 year;
- 5 3. Awarding a diploma, at the student's request, by a district from which
6 the student transferred, if the student transfers schools at any time after
7 the completion of the student's second year of high school and the
8 student is ineligible to graduate from the district to which the student
9 transfers, but meets the graduation requirements of the district from
10 which the student transferred; and
- 11 4. Exempting the student from all coursework and other requirements
12 imposed by the local board of education that are in addition to the
13 minimum requirements for high school graduation established by the
14 Kentucky Board of Education pursuant to paragraph (d) of this
15 subsection in the district to which the student transfers, if the student
16 transfers schools at any time after the completion of the student's second
17 year of high school and the student is ineligible to graduate both from
18 the district to which the student transfers and the district from which the
19 student transferred.
- 20 (2) (a) At the request of a local board of education or a school council, a local school
21 district superintendent shall request that the Kentucky Board of Education
22 waive any administrative regulation promulgated by that board. Beginning in
23 the 1996-97 school year, a request for waiver of any administrative regulation
24 shall be submitted to the Kentucky Board of Education in writing with
25 appropriate justification for the waiver. The Kentucky Board of Education
26 may approve the request when the school district or school has demonstrated
27 circumstances that may include but are not limited to the following:

- 1 1. An alternative approach will achieve the same result required by the
- 2 administrative regulation;
- 3 2. Implementation of the administrative regulation will cause a hardship on
- 4 the school district or school or jeopardize the continuation or
- 5 development of programs; or
- 6 3. There is a finding of good cause for the waiver.
- 7 (b) The following shall not be subject to waiver:
- 8 1. Administrative regulations relating to health and safety;
- 9 2. Administrative regulations relating to civil rights;
- 10 3. Administrative regulations required by federal law; and
- 11 4. Administrative regulations promulgated in accordance with KRS
- 12 158.6451, 158.6453, 158.6455, and this section, relating to measurement
- 13 of performance outcomes and determination of successful districts or
- 14 schools, except upon issues relating to the grade configuration of
- 15 schools.
- 16 (c) Any waiver granted under this subsection shall be subject to revocation upon a
- 17 determination by the Kentucky Board of Education that the school district or
- 18 school holding the waiver has subsequently failed to meet the intent of the
- 19 waiver.
- 20 (3) Any private, parochial, or church school may voluntarily comply with curriculum,
- 21 certification, and textbook standards established by the Kentucky Board of
- 22 Education and be certified upon application to the board by such schools.
- 23 (4) Any public school that violates the provisions of KRS 158.854 shall be subject to a
- 24 penalty to be assessed by the commissioner of education as follows:
- 25 (a) The first violation shall result in a fine of no less than one (1) week's revenue
- 26 from the sale of the competitive food;
- 27 (b) Subsequent violations shall result in a fine of no less than one (1) month's

1 revenue from the sale of the competitive food;

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

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

7 ➔Section 4. KRS 158.140 is amended to read as follows:

8 (1) When a pupil in any public elementary school or any approved private or parochial
9 school completes the prescribed elementary program of studies, he is entitled to a
10 certificate of completion signed by the teacher or teachers under whom the program
11 was completed. The certificate shall entitle the pupil to admission into any public
12 high school. Any promotions or credits earned in attendance in any approved public
13 school are valid in any other public school to which a pupil may go, but the
14 superintendent or principal of a school, as the case may be, may assign the pupil to
15 the class or grade to which the pupil is best suited. In case a pupil transfers from the
16 school of one (1) district to the school of another district, an assignment to a lower
17 grade or course shall not be made until the pupil has demonstrated that he is not
18 suited for the work in the grade or course to which he has been promoted.

19 (2) Upon successful completion of all state and local board requirements, the student
20 shall receive:

21 (a) A diploma indicating graduation from high school; or

22 (b) An alternative high school diploma if the student has a disability and has
23 completed a modified curriculum and an individualized course of study
24 pursuant to requirements established by the Kentucky Board of Education in
25 accordance with KRS 156.160.

26 (3) (a) The Gatton Academy of Mathematics and Science in Kentucky, located at
27 Western Kentucky University, and the Craft Academy for Excellence in

1 Science and Mathematics, located at Morehead State University, may award a
2 diploma to any student who completes his or her high school program at the
3 respective academy. If the academy issues a diploma, the board of regents of
4 the host university shall provide to the commissioner of education a letter of
5 assurance that the program of study completed by its students, in combination
6 with previously earned secondary credits, meets the minimum high school
7 graduation requirements established by the Kentucky Board of Education
8 under KRS 156.160(1)(d).

9 (b) A local school district may award a joint diploma with the Gatton Academy of
10 Mathematics and Science in Kentucky or the Craft Academy for Excellence in
11 Science and Mathematics to any student who was enrolled in a district high
12 school and completed his or her high school program at the respective
13 academy.

14 (c) The respective academy and the home school district shall ensure that student
15 transcripts from each institution accurately reflect the dual credit coursework.

16 (4) A local school board may award a diploma indicating graduation from high school
17 to any student posthumously with the high school class the student was expected to
18 graduate.

19 (5) (a) A local board of education shall award an authentic high school diploma to an
20 honorably discharged veteran who did not complete high school prior to being
21 inducted into the United States Armed Forces during:

- 22 1. World War II, as defined in KRS 40.010;
- 23 2. The Korean conflict, as defined in KRS 40.010; or
- 24 3. The Vietnam War. As used in this paragraph, "Vietnam War" means the
25 period beginning August 5, 1964, and ending May 7, 1975. However,
26 for a member of the United States Armed Forces serving in Vietnam
27 prior to August 5, 1964, the period shall begin February 28, 1961.

1 (b) Upon recommendation of the commissioner, the Kentucky Board of
2 Education in consultation with the Kentucky Department of Veterans' Affairs
3 shall promulgate administrative regulations to establish the guidelines for
4 awarding the authentic diplomas referred to in paragraph (a) of this
5 subsection.

6 (6) **Any high school graduation requirements adopted by a local board shall not**
7 **include achieving a minimum score on a statewide assessment administered**
8 **under Section 6 of this Act.**

9 **(7)** The Department of Education shall establish the requirements for a vocational
10 certificate of completion. A student who has returned to school after dropping out
11 shall receive counseling concerning the vocational program. A student who has
12 completed the requirements established for a vocational program shall receive a
13 vocational certificate of completion specifying the areas of competence.

14 ➔Section 5. KRS 160.1594 is amended to read as follows:

15 (1) A public charter school authorizer shall:

16 (a) Fulfill the expectations and intent of this section and KRS 160.1590 to
17 160.1599 and 161.141;

18 (b) Demonstrate public accountability and transparency in all matters concerning
19 its charter-authorizing practices, decisions, and expenditures;

20 (c) Solicit, invite, and evaluate applications from applicants;

21 (d) Approve new and renewal charter applications that meet the requirements of
22 this section and KRS 160.1593;

23 (e) Decline to approve charter applications that:

24 1. Fail to meet the requirements of this section and KRS 160.1593; or

25 2. Are for a school that would be wholly or partly under the control or
26 direction of any religious denomination;

27 (f) Negotiate and execute in good faith a charter contract with each public charter

- 1 school it authorizes;
- 2 (g) Monitor the performance and compliance of public charter schools according
3 to the terms of the charter contract;
- 4 (h) Determine whether each charter contract it authorizes merits renewal or
5 revocation; and
- 6 (i) Establish and maintain policies and practices consistent with the principles
7 and professional standards for authorizers of public charter schools, including
8 standards relating to:
- 9 1. Organizational capacity and infrastructure;
- 10 2. Soliciting and evaluating applications;
- 11 3. Performance contracting;
- 12 4. Ongoing public charter school oversight and evaluation; and
- 13 5. Charter approval, renewal, and revocation decision making.
- 14 (2) In reviewing applications, the public charter school authorizer is encouraged to give
15 preference to applications that demonstrate the intent, capacity, and capability to
16 provide comprehensive learning experiences to:
- 17 (a) Students identified by the applicants as at risk of academic failure; and
- 18 (b) Students with special needs as identified in their individualized education
19 program as defined in KRS 158.281.
- 20 (3) After a charter applicant submits a written application to establish a public charter
21 school, the authorizer shall:
- 22 (a) Complete a thorough review process;
- 23 (b) Conduct an in-person interview with the applicant group;
- 24 (c) Provide an opportunity in a public forum for local residents to provide input
25 and learn about the charter application;
- 26 (d) Provide a detailed analysis of the application to the applicant or applicants;
- 27 (e) Allow an applicant a reasonable time to provide additional materials and

- 1 amendments to its application to address any identified deficiencies; and
- 2 (f) Approve or deny a charter application based on established objective criteria
- 3 or request additional information.
- 4 (4) In deciding to approve a charter application, the authorizer shall:
- 5 (a) Grant charters only to applicants that possess competence in all elements of
- 6 the application requirements identified in this section and KRS 160.1593;
- 7 (b) Base decisions on documented evidence collected through the application
- 8 review process; and
- 9 (c) Follow charter-granting policies and practices that are transparent, based on
- 10 merit, and avoid conflicts of interest.
- 11 (5) No later than sixty (60) days following the filing of the charter application, the
- 12 authorizer shall approve or deny the charter application. The authorizer shall adopt
- 13 by resolution all charter approval or denial decisions in an open meeting of the
- 14 authorizer's board of directors.
- 15 (6) Any failure to act on a charter application shall be deemed a denial by the
- 16 authorizer.
- 17 (7) An application shall be approved if the public charter school authorizer finds that:
- 18 (a) The public charter school described in the application meets the requirements
- 19 established by this section and KRS 160.1590 and 160.1592;
- 20 (b) The applicant demonstrates the ability to operate the school in an
- 21 educationally and fiscally sound manner; and
- 22 (c) Approving the application is likely to improve student learning and
- 23 achievement and further the purposes established by KRS 160.1591.
- 24 (8) An authorizer shall provide a written explanation within five (5) days, for the public
- 25 record, stating its reasons for approval or denial of a charter application, including a
- 26 thorough explanation of how the charter application either meets or fails to meet
- 27 established objective criteria for making charter application decisions, and the

1 authorizing process which the authorizer used to review, evaluate, and make its
2 final decision.

3 (9) An authorizer's charter application approval shall be submitted to the Kentucky
4 Department of Education for final approval by the commissioner of education.

5 **(10) When an authorizer that is a local school board or a collaborative of local school**
6 **boards receives a charter school application, any member of the board or boards**
7 **who has not received charter authorization training within twelve (12) months**
8 **immediately preceding the date the application was received shall receive six (6)**
9 **hours of in-service training prior to evaluating the charter application. Except for**
10 **training provided prior to the effective date of this Act, the training shall be in**
11 **addition to the annual in-service training required under KRS 160.180, and each**
12 **board shall select the trainer to deliver the training to its members. Charter**
13 **authorizer training shall not be required of any local school board member until**
14 **a charter application is submitted to the board or boards.**

15 ➔Section 6. KRS 158.6453 is amended to read as follows:

16 (1) As used in this section:

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

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

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

- 1 (d) "End-of-course examination" means the same as defined in KRS 158.860;
- 2 (e) "Formative assessment" means a process used by teachers and students during
3 instruction to adjust ongoing teaching and learning to improve students'
4 achievement of intended instructional outcomes. Formative assessments may
5 include the use of commercial assessments, classroom observations, teacher-
6 designed classroom tests and assessments, and other processes and
7 assignments to gain information about individual student learning;
- 8 (f) "Interim assessments" means assessments that are given periodically
9 throughout the year to provide diagnostic information and to show individual
10 student performance against content standards;
- 11 (g) "Summative assessment" means an assessment given at the end of the school
12 year, semester, or other period of time to evaluate students' performance
13 against content standards within a unit of instruction or a course; and
- 14 (h) "Writing" means a purposeful act of thinking and expression that uses
15 language to explore ideas and communicate meaning to others. Writing is a
16 complex, multifaceted act of communication.
- 17 (2) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the
18 Kentucky Department of Education shall implement a process for reviewing
19 Kentucky's academic standards and the alignment of corresponding
20 assessments for possible revision or replacement to ensure alignment with
21 transition readiness standards necessary for global competitiveness and with
22 state career and technical education standards.
- 23 (b) The revisions to the content standards shall:
- 24 1. Focus on critical knowledge, skills, and capacities needed for success in
25 the global economy;
- 26 2. Result in fewer but more in-depth standards to facilitate mastery
27 learning;

- 1 3. Communicate expectations more clearly and concisely to teachers,
2 parents, students, and citizens;
- 3 4. Be based on evidence-based research;
- 4 5. Consider international benchmarks; and
- 5 6. Ensure that the standards are aligned from elementary to high school to
6 postsecondary education so that students can be successful at each
7 education level.
- 8 (c) 1. The department shall establish four (4) standards and assessments
9 review committees, with each committee composed of a minimum of six
10 (6) Kentucky public school teachers and a minimum of two (2)
11 representatives from Kentucky institutions of higher education,
12 including at least one (1) representative from a public institution of
13 higher education. Each committee member shall teach in the subject area
14 that his or her committee is assigned to review and have no prior or
15 current affiliation with a curriculum or assessment resources vendor.
- 16 2. One (1) of the four (4) committees shall be assigned to focus on the
17 review of language arts and writing academic standards and
18 assessments, one (1) on the review of mathematics academic standards
19 and assessments, one (1) on the review of science academic standards
20 and assessments, and one (1) on the review of social studies academic
21 standards and assessments.
- 22 (d) 1. The department shall establish twelve (12) advisory panels to advise and
23 assist each of the four (4) standards and assessments review committees.
- 24 2. Three (3) advisory panels shall be assigned to each standards and
25 assessments review committee. One (1) panel shall review the standards
26 and assessments for kindergarten through grade five (5), one (1) shall
27 review the standards and assessments for grades six (6) through eight

1 (8), and one (1) shall review the standards and assessments for grades
2 nine (9) through twelve (12).

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

9 (e) The commissioner of education and the president of the Council on
10 Postsecondary Education shall also provide consultants for the standards and
11 assessments review committees and the advisory panels who are business and
12 industry professionals actively engaged in career fields that depend on the
13 various content areas.

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

- 20 a. One (1) language arts teacher;
- 21 b. One (1) math teacher;
- 22 c. One (1) science teacher;
- 23 d. One (1) social studies teacher;
- 24 e. Two (2) school principals;
- 25 f. Two (2) school superintendents; and
- 26 g. One (1) school board member.

27 2. On making appointments to the committee, the Governor shall ensure

- 1 broad geographical urban and rural representation and representation of
2 elementary, middle, and high school levels; ensure equal representation
3 of the two (2) sexes, inasmuch as possible; and ensure that appointments
4 reflect the minority racial composition of the Commonwealth.
- 5 3. The review of the committee shall be limited to the procedural aspects
6 of the review process undertaken prior to its consideration.
- 7 4. Notwithstanding KRS 12.028, the committee shall not be subject to
8 reorganization by the Governor.
- 9 (g) 1. The review process implemented under this subsection shall be an open,
10 transparent process that allows all Kentuckians an opportunity to
11 participate. The department shall ensure the public's assistance in
12 reviewing and suggesting changes to the standards and alignment
13 adjustments to corresponding state assessments by establishing a Web
14 site dedicated to collecting comments by the public and educators. An
15 independent third party, which has no prior or current affiliation with a
16 curriculum or assessment resources vendor, shall be selected by the
17 department to collect and transmit the comments to the department for
18 dissemination to the appropriate advisory panel for review and
19 consideration.
- 20 2. Each advisory panel shall review the standards and assessments for its
21 assigned subject matter and grade level and the suggestions made by the
22 public and educators. After completing its review, each advisory panel
23 shall make recommendations for changes to the standards and alignment
24 adjustments for assessments to the appropriate standards and
25 assessments review committee.
- 26 3. Each standards and assessments review committee shall review the
27 findings and make recommendations to revise or replace existing

- 1 standards and to adjust alignment of assessments.
- 2 4. The recommendations shall be published on the Web site established in
3 this subsection for the purpose of gathering additional feedback from the
4 public. The commissioner shall subsequently present the
5 recommendations and the public feedback to the Interim Joint
6 Committee on Education.
- 7 5. The commissioner shall subsequently provide a report to the standards
8 and assessments process review committee summarizing the process
9 conducted under this subsection and the resulting recommendations. The
10 report shall include but not be limited to the timeline of the review
11 process, public feedback, and responses from the Interim Joint
12 Committee on Education.
- 13 6. After receiving the commissioner's report, the standards and assessments
14 process review committee shall either concur that stakeholders have had
15 adequate opportunity to provide input on standards and the
16 corresponding alignment of state assessments or find the input process
17 deficient. If the process is found deficient, the recommendations may be
18 returned to the appropriate standards and assessments review committee
19 for review as described in subparagraph 3. of this paragraph. If the
20 process is found sufficient, the recommendations shall be forwarded
21 without amendment to the Kentucky Board of Education.
- 22 (h) The Kentucky Board of Education shall promulgate administrative regulations
23 in accordance with KRS Chapter 13A as may be needed for the administration
24 of the review process, including staggering the timing and sequence of the
25 review process by subject area and remuneration of the review committees
26 and advisory panels described in paragraphs (c) and (d) of this subsection.
- 27 (i) 1. The Kentucky Board of Education shall consider for approval the

1 revisions to academic standards for a content area and the alignment of
2 the corresponding state assessment once recommendations are received
3 from the standards and assessments process review committee. Existing
4 state academic standards shall remain in place until the board approves
5 new standards.

6 2. Any revision to, or replacement of, the academic standards and
7 assessments as a result of the review process conducted under this
8 subsection shall be implemented in Kentucky public schools no later
9 than the second academic year following the review process. Existing
10 academic standards shall be used until new standards are implemented.

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

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

- 15 1. Integrate the revised content standards into classroom instruction;
- 16 2. Better integrate performance assessment of students within their
17 instructional practices; and
- 18 3. Help all students use higher-order thinking and communication skills.

19 (k) The Education Professional Standards Board in cooperation with the
20 Kentucky Board of Education and the Council on Postsecondary Education
21 shall coordinate information and training sessions for faculty and staff in all of
22 the teacher preparation programs in the use of the revised academic content
23 standards. The Education Professional Standards Board shall ensure that each
24 teacher preparation program includes use of the academic standards in the pre-
25 service education programs and that all teacher interns will have experience
26 planning classroom instruction based on the revised standards.

27 (l) The Council on Postsecondary Education in cooperation with the Kentucky

1 Department of Education and the postsecondary education institutions in the
2 state shall coordinate information sessions regarding the academic content
3 standards for faculty who teach in the various content areas.

4 (3) (a) The Kentucky Board of Education shall be responsible for creating and
5 implementing a balanced statewide assessment program that measures the
6 students', schools', and districts' achievement of the goals set forth in KRS
7 158.645 and 158.6451, to ensure compliance with the federal Every Student
8 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure
9 school accountability.

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

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

16 (d) The board shall seek the advice of the Office of Education Accountability; the
17 School Curriculum, Assessment, and Accountability Council; the Education
18 Assessment and Accountability Review Subcommittee, and the National
19 Technical Advisory Panel on Assessment and Accountability in the
20 development of the assessment program. The statewide assessment program
21 shall not include measurement of a student's ability to become a self-sufficient
22 individual or to become a responsible member of a family, work group, or
23 community.

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

- 1 (b) The annual student summative tests shall:
- 2 1. Measure individual student achievement in language, reading, English,
3 mathematics, science, and social studies at designated grades;
- 4 2. Provide teachers and parents a valid and reliable comprehensive analysis
5 of skills mastered by individual students;
- 6 3. Provide diagnostic information that identifies strengths and academic
7 deficiencies of individual students in the content areas;
- 8 4. Provide information to teachers that can enable them to improve
9 instruction for current and future students;
- 10 5. Provide longitudinal profiles for students; and
- 11 6. Ensure school and district accountability for student achievement of the
12 goals set forth in KRS 158.645 and 158.6451, except the statewide
13 assessment program shall not include measurement of a student's ability
14 to become a self-sufficient individual or to become a responsible
15 member of a family, work group, or community.
- 16 (5) The state student assessments shall include the following components:
- 17 (a) Elementary and middle grades requirements are:
- 18 1. A criterion-referenced test each in mathematics and reading in grades
19 three (3) through eight (8) that is valid and reliable for an individual
20 student and that measures the depth and breadth of Kentucky's academic
21 content standards;
- 22 2. A criterion-referenced test each in science and social studies that is valid
23 and reliable for an individual student as necessary to measure the depth
24 and breadth of Kentucky's academic content standards to be
25 administered one (1) time within the elementary and middle grades,
26 respectively;
- 27 3. An on-demand assessment of student writing to be administered one (1)

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

1 (e) The Kentucky Board of Education may incorporate end-of-course
2 examinations into the assessment program to be used in lieu of requirements
3 for criterion-referenced tests required under paragraph (b) of this subsection;
4 and

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

9 (6) Each school district shall administer the statewide student assessment during the
10 last fourteen (14) days of school in the district's instructional calendar. The
11 Kentucky Board of Education may change the testing window to allow for
12 innovative assessment systems or other online test administration and shall
13 promulgate administrative regulations that minimize the number of days of testing
14 and outline the procedures to be used during the testing process to ensure test
15 security, including procedures for testing makeup days, and to comply with federal
16 assessment requirements.

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

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

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

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

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

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

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

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

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

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

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

1 purposes.

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

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

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

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

10 (d) Assess Kentucky academic standards only.

11 (13) The results from assessment under subsections (3) and (5) of this section shall be
12 reported to the school districts and schools no later than seventy-five (75) days
13 following the last day the assessment can be administered. Assessment reports
14 provided to the school districts and schools shall include an electronic copy of an
15 operational subset of test items from each assessment administered to their students
16 and the results for each of those test items by student and by school.

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

1 of the second year of the biennium.

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

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

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

20 (a) A school report card that clearly communicates with parents and the public
21 about school performance. The school report card shall be sent to the parents
22 of the students of the districts, and information on electronic access to a
23 summary of the results for the district shall be published in the newspaper
24 with the largest circulation in the county. It shall include but not be limited to
25 the following components reported by race, gender, and disability when
26 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 four (4)~~five (5)~~ or better on
8 IB examinations. The data shall be disaggregated by gender, race,
9 students with disabilities, and economic status;
- 10 3. Nonacademic achievement, including the school's attendance, retention,
11 graduation rates, and student transition to postsecondary;
- 12 4. School learning environment, including measures of parental
13 involvement; and
- 14 5. Any other school performance data required by the Every Student
15 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;
- 16 (b) An individual student report to parents for each student in grades three (3)
17 through eight (8) summarizing the student's skills in reading, science, social
18 studies, and mathematics. The school's staff shall develop a plan for
19 accelerated learning for any student with identified deficiencies or strengths;
20 and
- 21 (c) A student's highest scores on the college admissions assessments administered
22 under subsection (5)(b)5. of this section.
- 23 (18) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the
24 Kentucky Department of Education shall implement a comprehensive process
25 for reviewing and revising the academic standards in visual and performing
26 arts and practical living skills and career studies for all levels and in foreign
27 language for middle and high schools. The department shall develop review

1 committees for the standards for each of the content areas that include
2 representation from certified specialist public school teachers and
3 postsecondary teachers in those subject areas.

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

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

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

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

26 (20) (a) The Kentucky Department of Education, in consultation with the review
27 committees described in subsection (18) of this section, shall develop a school

1 profile report to be used by all schools to document how they will address the
 2 adopted academic standards in their implementation of the programs as
 3 described in subsection (18) of this section, which may include student
 4 opportunities and experiences in extracurricular activities. The department
 5 shall include the essential workplace ethics program on the school profile
 6 report.

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

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

18 ➔Section 7. KRS 158.649 is amended to read as follows:

19 (1) "Achievement gap" means *the difference between performance goals and actual*
 20 *performance*~~[a substantive performance difference]~~ on each of the tested areas by
 21 grade level of the state assessment program *for each of*~~between]~~ the various
 22 subgroups of students as described in the Every Student Succeeds Act of 2015, Pub.
 23 L. No. 114-95, or its successor, including male and female students, students with
 24 and without disabilities, students with and without English proficiency, minority
 25 and nonminority students, and students who are eligible for free and reduced lunch
 26 and those who are not eligible for free and reduced lunch.

27 (2) By October 1 of each year, the Department of Education shall provide each school

1 council, or the principal if a school council does not exist, data on its students'
2 performance as shown by the state assessment program described in KRS 158.6453.
3 The data shall include, but not be limited to, information on performance levels of
4 all students tested, and information on the performance of students disaggregated by
5 race, gender, disability, English proficiency, and participation in the federal free and
6 reduced price lunch program, and any other subgroups as described in the Every
7 Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor. The
8 information from the department shall include an equity analysis that shall identify
9 the substantive differences among the various groups of students identified in
10 subsection (1) of this section. Beginning with the 2012-2013 school year, the
11 reporting requirement in this subsection shall be no later than seventy-five (75) days
12 following the first day the assessment can be administered.

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

23 (4) By February 1 of each year, the school-based decision making council, or the
24 principal if there is not a council, with the involvement of parents, faculty, and staff
25 shall set the school's targets for eliminating any achievement gap and submit them
26 to the superintendent for consideration. The superintendent and the school-based
27 decision making council, or the principal if there is not a council, shall agree on the

- 1 targets before they are submitted to the local board of education for adoption.
- 2 (5) By January 1 of each year, the school council, or the principal if a school council
3 does not exist, with the involvement of parents, faculty, and staff, shall review the
4 data and revise the school improvement plan to include the targets, strategies,
5 activities, and a time schedule calculated to eliminate the achievement gap among
6 various groups of students to the extent it may exist. The plan shall include but not
7 be limited to activities designed to address the following areas:
- 8 (a) Curriculum alignment within the school and with schools that send or receive
9 the school's students;
 - 10 (b) Evaluation and assessment strategies to continuously monitor and modify
11 instruction to meet student needs and support proficient student work;
 - 12 (c) Professional development to address the goals of the plan;
 - 13 (d) Parental communication and involvement;
 - 14 (e) Attendance improvement and dropout prevention; and
 - 15 (f) Technical assistance that will be accessed.
- 16 (6) The principal shall convene a public meeting at the school to present and discuss the
17 plan prior to submitting it to the superintendent and the local board of education for
18 review, in the public meeting required under KRS 160.340.
- 19 (7) Based on the disaggregated assessment results, the local board shall determine if
20 each school achieved its targets for each group of students. Only data for a group of
21 students including ten (10) or more students shall be considered.
- 22 (8) Notwithstanding KRS 160.345(8) and 158.070(8), if a local board determines that a
23 school has not met its target to reduce the identified gap in student achievement for
24 a group of students, the local board shall require the council, or the principal if no
25 council exists, to submit its revisions to the school improvement plan describing the
26 use of professional development funds and funds allocated for continuing education
27 to reduce the school's achievement gap for review and approval by the

1 superintendent. The plan shall address how the school will meet the academic needs
2 of the students in the various groups identified in subsection (1) of this section.

3 (9) The superintendent shall report to the local school board and the commissioner of
4 education if a school fails to meet its targets in any academic content area to reduce
5 the gap in student achievement for any student group for two (2) consecutive years.
6 The school's improvement plan shall be subject to review and approval by the
7 Kentucky Department of Education and the school shall submit an annual status
8 report. The Department of Education may provide assistance as defined in KRS
9 160.346 to schools as it deems necessary to assist the school in meeting its goals.

10 (10) The school-based decision making council, or the principal if there is not a council,
11 shall no longer be required to seek approval of the plan under subsections (8) and
12 (9) of this section when it meets its target for reducing the gap in student
13 achievement for the various groups of students identified in subsection (1) of this
14 section.

15 ➔Section 8. KRS 157.077 is amended to read as follows:

16 (1) As used in this section "summer learning program" and "summer learning camp"
17 mean the program and camps established by KRS 158.865 to 158.867.

18 (2) To the extent funds are appropriated by the General Assembly to support summer
19 learning programs, those funds shall be distributed to each local district operating a
20 summer learning program each year based on the average daily membership of the
21 district's summer learning camps for that year. In addition, any funds appropriated
22 to support transportation of students to summer learning camps, shall be distributed
23 based on the previous year per pupil calculation as determined under KRS 157.370.

24 (3) (a) Each school district operating a summer learning program shall establish and
25 maintain a separate fund for each school where a summer learning camp is
26 being held. The fund:

27 1. Shall include any state appropriations specifically designated for the

- 1 summer learning camp at the school, excluding Title I funds; and
- 2 2. May include moneys from grants, donations from individuals and
- 3 businesses, and proceeds from fundraising efforts to support the summer
- 4 learning camp at the school.
- 5 (b) Funds in the accounts shall be used for personnel, field trips, and to purchase
- 6 supplies, materials, and equipment for the summer learning camp.
- 7 (c) Any amounts remaining in an individual school fund at the end of the year
- 8 shall be carried forward into the next year. If a school discontinues operation
- 9 of its summer learning camp, the funds shall be transferred to another school
- 10 in the district where a summer learning camp will be held. If there are no
- 11 summer learning camps in the district, the funds may be used by the district to
- 12 close the achievement gap for~~[between]~~ low-income~~[and high income]~~
- 13 students.

14 ➔Section 9. KRS 160.1590 is amended to read as follows:

15 As used in KRS 160.1590 to 160.1599:

- 16 (1) "Achievement academy" has the same meaning as "public charter school";
- 17 (2) "Achievement gap" means **the difference between performance goals and actual**
- 18 **performance**~~[a disparity of outcomes]~~ on state standardized examinations and other
- 19 academic performance measures for~~[between]~~ subgroups of students, especially
- 20 groups defined by socioeconomic status, race, and ethnicity;
- 21 (3) "Applicant" means an eligible person or persons, organization, or entity that seeks
- 22 approval from a charter school authorizer to establish a public charter school;
- 23 (4) "Charter application" means a proposal from an applicant to an authorizer to enter
- 24 into a charter contract whereby the proposed school obtains public charter school
- 25 status;
- 26 (5) "Charter contract" or "contract" means a fixed-term, renewable contract between a
- 27 charter school and an authorizer that identifies the roles, powers, responsibilities,

- 1 and performance expectations for each party to the contract pursuant to KRS
2 160.1596;
- 3 (6) "Charter school board of directors" means the independent board of a public charter
4 school that is party to the charter contract with the authorizer and whose members
5 have been elected or selected pursuant to the school's application;
- 6 (7) "Conversion public charter school" means a public charter school that existed as a
7 noncharter public school prior to becoming a public charter school;
- 8 (8) "Education service provider" means an education management organization, school
9 design provider, or any other partner entity with which a public charter school
10 contracts for educational design, implementation, or comprehensive management;
- 11 (9) "Local school board" means a school board exercising management and control of a
12 local school district;
- 13 (10) "Local school district" means a county or independent school district as identified in
14 KRS 160.010 and 160.020;
- 15 (11) "Parent" means a parent, guardian, or other person or entity having legal custody of
16 a child;
- 17 (12) "Public charter school" means a public school that:
- 18 (a) Is a public body corporate and politic, exercising public power, including the
19 power in name to contract and be contracted with, sue and be sued, and adopt
20 bylaws not inconsistent with this section;
- 21 (b) Has autonomy over decisions, including but not limited to matters concerning
22 finance, personnel, scheduling, curriculum, and instruction;
- 23 (c) Is governed by an independent board of directors;
- 24 (d) Is established and operating under the terms of a charter contract between the
25 public charter school's board of directors and its authorizer;
- 26 (e) Is a public school to which parents choose to send their children;
- 27 (f) Is a public school that admits students on the basis of a random and open

- 1 lottery if more students apply for admission than can be accommodated;
- 2 (g) Offers a comprehensive instructional program within a public school district;
- 3 (h) Operates in pursuit of a specific set of educational objectives as defined in its
4 charter contract; and
- 5 (i) Operates under the oversight of its authorizer in accordance with its charter
6 contract;
- 7 (13) "Public charter school authorizer" or "authorizer" means an entity or body that
8 reviews, approves, or denies charter applications, enters into charter contracts with
9 applicants, oversees public charter schools, and renews, does not renew, or revokes
10 charter contracts. Authorizers include:
- 11 (a) A local school board of a local school district in which a public charter school
12 is located;
- 13 (b) A collaborative among local school boards that forms to set up a regional
14 public charter school to be located within the area managed and controlled by
15 those local school boards;
- 16 (c) The mayor of a consolidated local government who may only authorize public
17 charter schools to be physically located within the county in which the city is
18 located and who has submitted a written notice to the state board that he or
19 she intends to serve as an authorizer; and
- 20 (d) The chief executive officer of an urban-county government who may only
21 authorize public charter schools to be physically located within the county in
22 which the city is located and who has submitted a written notice to the state
23 board that he or she intends to serve as an authorizer;
- 24 (14) "Qualified teacher" means a person certified by the Education Professional
25 Standards Board pursuant to KRS 161.028, 161.030, 161.046, or 161.048;
- 26 (15) "Regional achievement academy" means a public charter school that has been
27 established to serve students across multiple school districts;

1 (16) "Regional achievement zone" means one (1) county containing four (4) or more
2 local school districts or two (2) or more contiguous counties, each containing four
3 (4) or more local school districts;

4 (17) "Start-up public charter school" means a public charter school that did not exist as a
5 noncharter public school prior to becoming a public charter school;

6 (18) "State board" means the Kentucky Board of Education;

7 (19) "Student" means any child who is eligible for attendance in a public school in
8 Kentucky; and

9 (20) "Virtual public charter school" means a public charter school that offers educational
10 services primarily or completely through an online program.

11 ➔Section 10. KRS 160.1591 is amended to read as follows:

12 (1) The General Assembly hereby finds and declares that:

13 (a) Reducing achievement gaps in Kentucky is necessary for the state to realize its
14 workforce and economic development potential;

15 (b) Past and current measures have been insufficient for making progress toward
16 reducing the state's achievement gaps;

17 (c) Additional public school options are necessary to help reduce socioeconomic,
18 racial, and ethnic achievement gaps; and

19 (d) The demand exists for high-quality public charter schools in the
20 Commonwealth.

21 (2) The General Assembly hereby establishes a public charter school project to benefit
22 parents, teachers, and community members by creating new, innovative, and more
23 flexible ways of educating all children within the public school system and by
24 advancing a renewed commitment to the mission, goals, and diversity of public
25 education. The purposes of the public charter school initiative are to:

26 (a) Improve student learning outcomes by creating additional high-performing
27 schools with high standards for student performance;

- 1 (b) Encourage the use of different, high-quality models of teaching, governing,
2 scheduling, or other aspects of schooling that meet a variety of student needs;
- 3 (c) Close achievement gaps ~~for~~~~between high performing and~~ low-performing
4 groups of public school students;
- 5 (d) Allow schools freedom and flexibility in exchange for exceptional levels of
6 results-driven accountability;
- 7 (e) Increase high-quality educational opportunities within the public education
8 system for all students, especially those at risk of academic failure; and
- 9 (f) Provide students, parents, community members, and local entities with
10 expanded opportunities for involvement in the public education system.
- 11 (3) Beginning in academic year 2017-2018, any authorizer may authorize an unlimited
12 number of public charter schools within the boundary of the local school district.
- 13 (4) A public charter school shall not be a virtual public charter school.
- 14 (5) (a) A public charter school authorized by a local school board or collaborative
15 may enroll students who reside within the boundaries of the district or districts
16 represented by the local school board or collaborative.
- 17 (b) Enrollment preference for a conversion public charter school shall be given to
18 students who attended the school the previous school year. If the number of
19 students enrolled does not exceed the capacity of the school, secondary
20 preference shall be given to students who reside within the district boundary
21 in which the public charter school is located.
- 22 (c) Enrollment preference for public charter schools shall be given to students
23 enrolled in the public charter school the previous year and to siblings of
24 students already enrolled in the school. An enrollment preference for returning
25 students shall exclude those students from entering into a lottery, as identified
26 in paragraph (f) of this subsection.
- 27 (d) Enrollment preference may be given to the children of the public charter

- 1 school's board of directors and full-time employees of the public charter
2 school provided they constitute no more than ten percent (10%) of the total
3 student population.
- 4 (e) A public charter school may allow an enrollment preference for students who
5 meet federal eligibility requirements for free or reduced-price meals and
6 students who attend persistently low-achieving noncharter public schools.
- 7 (f) If capacity is insufficient to enroll all students who wish to attend any specific
8 grade level or program at a public charter school, the school shall select
9 students through a randomized and transparent lottery.
- 10 (6) (a) A public charter school established within the boundaries of a regional
11 achievement zone shall be a regional achievement academy.
- 12 (b) 1. A regional achievement academy may be authorized by a single local
13 school board within the regional achievement zone or by a collaborative
14 of local school boards within the regional achievement zone.
- 15 2. A regional achievement academy authorized by a single local school
16 board shall be located within the boundaries of the authorizing local
17 school district.
- 18 3. A regional achievement academy authorized by a collaborative of local
19 school boards shall be located within the regional achievement zone.
- 20 (c) A regional achievement academy may only enroll students who reside within
21 the boundaries of its regional achievement zone.
- 22 (d) Enrollment preference in a regional achievement academy may be given to
23 students who reside within the boundaries of the local school district where
24 the regional achievement academy is located.
- 25 (7) Consistent with the requirements of KRS 160.1590 to 160.1599 and 161.141, the
26 state board shall promulgate administrative regulations to guide student application,
27 lottery, and enrollment in public charter schools.

1 ➔Section 11. KRS 160.1596 is amended to read as follows:

- 2 (1) (a) For purposes of this section, a member of the board of directors of a public
3 charter school shall be considered an officer under KRS 61.040 and shall,
4 within sixty (60) days of final approval of an application, take an oath of
5 office as required under KRS 62.010.
- 6 (b) Within seventy-five (75) days of the final approval of an application, the
7 board of directors and the authorizer shall enter into a binding charter contract
8 that establishes the academic and operational performance expectations and
9 measures by which the public charter school will be evaluated.
- 10 (c) The executed charter contract shall become the final authorization for the
11 public charter school. The charter contract shall include:
- 12 1. The term of the contract;
 - 13 2. The agreements relating to each item required under KRS 160.1592(3)
14 and 160.1593(3), as modified or supplemented during the approval
15 process;
 - 16 3. The rights and duties of each party;
 - 17 4. The administrative relationship between the authorizer and the public
18 charter school;
 - 19 5. The allocation of state, local, and federal funds, and the schedule to
20 disburse funds to the public charter school by the authorizer;
 - 21 6. The process the authorizer will use to provide ongoing oversight,
22 including a process to conduct annual site visits;
 - 23 7. The specific commitments of the public charter school authorizer
24 relating to its obligations to oversee, monitor the progress of, and
25 supervise the public charter school;
 - 26 8. The process and criteria the authorizer will use to annually monitor and
27 evaluate the overall academic, operating, and fiscal conditions of the

- 1 public charter school, including the process the authorizer will use to
2 oversee the correction of any deficiencies found in the annual review;
- 3 9. The process for revision or amendment to the terms of the charter
4 contract agreed to by the authorizer and the board of directors of the
5 public charter school;
- 6 10. The process agreed to by the authorizer and the board of directors of the
7 public charter school that identifies how disputes between the authorizer
8 and the board will be handled; and
- 9 11. Any other terms and conditions agreed to by the authorizer and the board
10 of directors, including pre-opening conditions. Reasonable conditions
11 shall not include enrollment caps or operational requirements that place
12 undue constraints on a public charter school or are contradictory to the
13 provisions of KRS 160.1590 to 160.1599 and 161.141. Such conditions,
14 even when incorporated in a charter contract, shall be considered
15 unilaterally imposed conditions.
- 16 (d) 1. The performance provisions within a charter contract shall be based on a
17 performance framework that sets forth the academic and operational
18 performance indicators, measures, and metrics to be used by the
19 authorizer to evaluate each public charter school. The performance
20 framework shall include at a minimum indicators, measures, and metrics
21 for:
- 22 a. Student academic proficiency;
- 23 b. Student academic growth;
- 24 c. Achievement gaps in both student proficiency and student growth
25 ~~for~~^{for} ~~between~~ student subgroups, including race, sex,
26 socioeconomic status, and areas of exceptionality;
- 27 d. Student attendance;

- 1 e. Student suspensions;
- 2 f. Student withdrawals;
- 3 g. Student exits;
- 4 h. Recurrent enrollment from year to year;
- 5 i. College or career readiness at the end of grade twelve (12);
- 6 j. Financial performance and sustainability; and
- 7 k. Board of directors' performance and stewardship, including
- 8 compliance with all applicable statutes, administrative regulations,
- 9 and terms of the charter contract.
- 10 2. The performance framework shall allow the inclusion of additional
- 11 rigorous, valid, and reliable indicators proposed by a public charter
- 12 school to augment external evaluations of its performance. The proposed
- 13 indicators shall be consistent with the purposes of KRS 160.1590 to
- 14 160.1599 and 161.141 and shall be negotiated with the authorizer.
- 15 3. The performance framework shall require the disaggregation of student
- 16 performance data by subgroups, including race, sex, socioeconomic
- 17 status, and areas of exceptionality.
- 18 4. The authorizer shall be responsible for collecting, analyzing, and
- 19 reporting to the state board all state-required assessment and
- 20 achievement data for each public charter school it oversees.
- 21 (e) Annual student achievement performance targets shall be set, in accordance
- 22 with the state accountability system, by each public charter school in
- 23 conjunction with its authorizer, and those measures shall be designed to help
- 24 each school meet applicable federal, state, and authorizer goals.
- 25 (f) The charter contract shall be signed by the chair of the governing board of the
- 26 authorizer and the chair of the board of directors of the public charter school.
- 27 An approved charter application shall not serve as a charter contract for the

1 public charter school.

2 (g) No public charter school may commence operations without a charter contract
3 executed according to this section and approved in an open meeting of the
4 governing board of the authorizer.

5 (2) Within five (5) days after entering into a charter contract, a copy of the executed
6 contract shall be submitted by the authorizer to the commissioner of education.

7 (3) The state board shall promulgate administrative regulations to establish the process
8 to be used to evaluate the performance of a charter school authorizer, based upon
9 the requirements of KRS 160.1590 to 160.1599 and 161.141, and the actions to be
10 taken in response to failures in performance.

11 (4) The commissioner of education shall apply for financial assistance through the
12 federal government for the planning, program design, and initial implementation of
13 public charter schools in the state within sixty (60) days after June 29, 2017, or at
14 the first available grant application period. Federal grants include but are not limited
15 to the Charter Schools Program administered by the United States Department of
16 Education.

17 (5) By August 31, 2019, and annually thereafter, each public charter school authorizer
18 shall submit to the commissioner of education, the secretary of the Education and
19 Workforce Development Cabinet, and the Interim Joint Committee on Education a
20 report to include:

21 (a) The names of each public charter school operating under contract with the
22 authorizer during the previous academic year that:

- 23 1. Closed during or after the academic year; or
24 2. Had the contract nonrenewed or revoked;

25 (b) The names of each public charter school operating under contract with the
26 authorizer during the previous academic year that have not yet begun to
27 operate;

- 1 (c) The number of applications received, the number reviewed, and the number
2 approved;
- 3 (d) A summary of the academic and financial performance of each public charter
4 school operated under contract with the authorizer during the previous
5 academic year; and
- 6 (e) The authorizing duties and functions performed by the authorizer during the
7 previous academic year.

8 ➔Section 12. 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 ~~for~~~~among~~ groups of public school
14 students by expanding learning experiences for students who are
15 identified as 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-ready; and
 - 22 5. Motivating students at different grade levels by offering more
23 curriculum choices and student learning opportunities to parents and
24 students within the district;
- 25 (b) Identify changes needed in the district and schools to lead to better-prepared
26 students for success in life and work;
- 27 (c) Have a district-wide plan of innovation that describes and justifies which

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

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

1 board of education may require a school that has been identified for
2 comprehensive support and improvement under KRS 160.346 to participate in
3 the district's plan of innovation.

4 (4) (a) With approval of the state board, a school of innovation may request and be
5 granted waivers from all or selected provisions of KRS 160.345 relating to
6 school-based decision making.

7 (b) To be exempt from KRS 160.345, a school-based decision making council
8 shall vote by secret ballot to determine if it wishes to request a waiver from
9 KRS 160.345 or specific provisions within that statute. Only a school that has
10 seventy percent (70%) or more of the teachers and staff in the school voting to
11 waive its rights and responsibilities under KRS 160.345 shall be eligible.

12 (c) No local board of education or superintendent nor the Kentucky Board of
13 Education may compel a school to waive its rights under KRS 160.345, except
14 as provided in KRS 160.346.

15 (d) Before the provisions of KRS 160.345 are waived by the Kentucky Board of
16 Education for a specific school, there shall be assurances that teachers,
17 parents, and staff in the affected school will be actively involved in the
18 management and decision-making operations of the schools, including input
19 into employment matters and selection of personnel.

20 (5) Notwithstanding any statutes to the contrary, the Kentucky Board of Education may
21 approve the requests of districts of innovation to:

22 (a) Use capital outlay funds for operational costs;

23 (b) Hire persons for classified positions in nontraditional school and district
24 assignments who have bachelor's and advanced degrees from postsecondary
25 education institutions accredited by a regional accrediting association as
26 defined in KRS 164.740;

27 (c) Employ teachers on extended employment contracts or extra duty contracts

1 and compensate them on a salary schedule other than the single salary
2 schedule;

3 (d) Extend the school days as is appropriate within the district with compensation
4 for the employees as determined locally;

5 (e) Establish alternative education programs and services that are delivered in
6 nontraditional hours and which may be jointly provided in cooperation with
7 another school district or consortia of districts;

8 (f) Establish a virtual school within the district for delivering alternative classes
9 to meet high school graduation requirements;

10 (g) Use a flexible school calendar;

11 (h) Convert existing schools into schools of innovation; and

12 (i) Modify the formula under KRS 157.360(2) for distributing support education
13 excellence in Kentucky funds for students in average daily attendance in
14 nontraditional programming time, including alternative programs and virtual
15 programs. Funds granted to a district shall not exceed those that would have
16 otherwise been distributed based on average daily attendance during regular
17 instructional days.

18 ➔Section 13. KRS 160.340 is amended to read as follows:

19 (1) Each board of education shall, on the forms prepared by the chief state school
20 officer and approved by the Kentucky Board of Education, prepare and submit to
21 the Kentucky Board of Education reports on all phases of its school service. Each
22 board may prepare and publish for the information of the public a report on the
23 progress of its schools.

24 (2) Each board of education shall file in the board's office its policies relating to the
25 following matters:

26 (a) Transportation of pupils;

27 (b) Discipline and conduct of pupils;

- 1 (c) Limitations or restrictions on use of school facilities;
- 2 (d) Conduct of meetings of the board of education, including policies on the
3 calling of executive sessions;
- 4 (e) Personnel policies that apply to certified employees, including fringe benefits,
5 salary schedules, nonclassroom duties, in-service training, teacher-student
6 ratio, hiring, assignment, transfer, dismissal, suspension, reinstatement,
7 promotion, and demotion;
- 8 (f) Evaluation of certified employees;
- 9 (g) Selection of textbooks and instructional materials;
- 10 (h) Expenditure and accounting for school funds, including all special funds; and
- 11 (i) Policies dealing with school-based decision making.
- 12 (3) (a) The local board of education may adopt a policy requiring that each school
13 council, or if none exists, the principal, make an annual report at a public
14 meeting of the board describing the school's progress in meeting the
15 educational goals set forth in KRS 158.6451 and district goals established by
16 the board.
- 17 (b) Biennially, the local board shall review in a public meeting the portion of each
18 school's consolidated plan that sets forth the activities and schedule to reduce
19 the achievement gaps ~~for~~among the various groups of students as required in
20 KRS 158.649. If a district has more than twenty (20) schools, the district may
21 review the achievement gap data of each school in a comprehensive district
22 report at a regularly scheduled meeting of the board. The report shall include
23 the schools' and district's plans to reduce any identified gaps in student
24 achievement.
- 25 (4) It is intended that these policies shall cover matters within the authority and
26 discretion of the district board of education and not matters otherwise required by
27 law or regulation. Such policies shall be filed in the board's office by August 15,

1 1974, shall be kept up to date by filing annual amendments thereto each August 15
2 and shall be public records.

3 ➔Section 14. KRS 164.0207 is amended to read as follows:

- 4 (1) The Collaborative Center for Literacy Development: Early Childhood through
5 Adulthood is created to make available professional development for educators in
6 reliable, replicable research-based reading programs, and to promote literacy
7 development, including cooperating with other entities that provide family literacy
8 services. The center shall be responsible for:
- 9 (a) Developing and implementing a clearinghouse for information about
10 programs addressing reading and literacy from early childhood and the
11 elementary grades (P-5) through adult education;
 - 12 (b) Providing advice to the Kentucky Board of Education regarding the Reading
13 Diagnostic and Intervention Grant Program established in KRS 158.792 and
14 in other matters relating to reading;
 - 15 (c) Collaborating with public and private institutions of postsecondary education
16 and adult education providers to provide for teachers and administrators
17 quality preservice and professional development relating to reading diagnostic
18 assessments and intervention and to the essential components of successful
19 reading: phonemic awareness, phonics, fluency, vocabulary, comprehension,
20 and the connections between writing and reading acquisition and motivation
21 to read;
 - 22 (d) Collaborating with the Kentucky Department of Education to assist districts
23 with students functioning at low levels of reading skills to assess and address
24 identified literacy needs;
 - 25 (e) Providing professional development and coaching for early childhood
26 educators and classroom teachers, including adult education teachers,
27 implementing selected reliable, replicable research-based reading programs.

- 1 The professional development shall utilize technology when appropriate;
- 2 (f) Developing and implementing a comprehensive research agenda evaluating
- 3 the early reading models implemented in Kentucky under KRS 158.792;
- 4 (g) Maintaining a demonstration and training site for early literacy located at each
- 5 of the public universities;
- 6 (h) Assisting middle and high schools in the development of comprehensive
- 7 adolescent reading plans and maintaining a repository of instructional
- 8 materials or summary materials that identify comprehension best practices in
- 9 the teaching of each subject area and a list of classroom-based diagnostic
- 10 reading comprehension assessments that measure student progress in
- 11 developing students' reading comprehension skills; and
- 12 (i) Evaluating the reading and literacy components of the model adult education
- 13 programs funded under the adult education and literacy initiative fund created
- 14 under KRS 151B.409.
- 15 (2) The center shall review national research and disseminate appropriate research
- 16 abstracts, when appropriate, as well as conduct ongoing research of reading
- 17 programs throughout the state. Research activities undertaken by the center shall
- 18 consist of descriptive as well as empirical studies.
- 19 (a) The center may contract for research studies to be conducted on its behalf.
- 20 (b) The research agenda should, at a minimum, consider the impact of various
- 21 reading and intervention programs:
- 22 1. In eliminating academic achievement gaps ~~for~~~~among~~ students~~[-with~~
- 23 ~~differing characteristics]~~, including subpopulations of students with
- 24 disabilities, students with low socioeconomic status, students from racial
- 25 minority groups, students with limited English proficiency, and students
- 26 of different gender;
- 27 2. In schools with differing characteristics, such as urban versus rural

1 schools, poverty versus nonpoverty schools, schools with strong library
2 media center programs versus schools with weak library media center
3 programs, and schools in different geographic regions of the state;

4 3. In terms of their costs and effectiveness; and

5 4. In maintaining positive student progress over a sustained period of time.

6 (3) The center shall submit an annual report of its activities to the Kentucky
7 Department of Education, the Governor, and the Legislative Research Commission
8 no later than September 1 of each year.

9 (4) With advice from the Department of Education, the Council on Postsecondary
10 Education shall develop a process to solicit, review, and approve a proposal for
11 locating the Collaborative Center for Literacy Development at a public institution of
12 postsecondary education. The Council on Postsecondary Education shall approve
13 the location. The center, in conjunction with the council, shall establish goals and
14 performance objectives related to the functions described in this section.

15 ➔Section 15. To ensure that school districts and schools are recognized and
16 rewarded for academic improvement achieved by subgroups of students identified as
17 consistently underperforming, the Kentucky Department of Education is encouraged to
18 assign more weight within the academic indicators in the statewide accountability system
19 for progress made toward goals by the subgroups.