

1 AN ACT relating to school councils.

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

3 ➔Section 1. KRS 160.345 is amended to read as follows:

4 (1) For the purpose of this section:

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

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

- 13 1. Exclusively vocational-technical, special education, or preschool
14 programs;
- 15 2. Instructional programs operated in institutions or schools outside of the
16 district; or
- 17 3. Alternative schools designed to provide services to at-risk populations
18 with unique needs;

19 (c) "Teacher" means any person for whom certification is required as a basis of
20 employment in the public schools of the state, with the exception of principals
21 and assistant principals; and

22 (d) "Parent" means:

- 23 1. A parent, stepparent, or foster parent of a student; or
- 24 2. A person who has legal custody of a student pursuant to a court order
25 and with whom the student resides.

26 (2) Each local board of education shall adopt a policy for implementing school-based
27 decision making in the district which shall include but not be limited to a

1 description of how the district's policies, including those developed pursuant to
2 KRS 160.340, have been amended to allow the professional staff members of a
3 school to be involved in the decision-making process as they work to meet
4 educational goals established in KRS 158.645 and 158.6451. The policy may
5 include a requirement that each school council make an annual report at a public
6 meeting of the board describing the school's progress in meeting the educational
7 goals set forth in KRS 158.6451 and district goals established by the board. The
8 policy shall also address and comply with the following:

9 (a) Except as provided in paragraph (b)2. of this subsection, each participating
10 school shall form a school council composed of two (2) parents, three (3)
11 teachers, and the principal or administrator. The membership of the council
12 may be increased, but it may only be increased proportionately. A parent
13 representative on the council shall not be an employee or a relative of an
14 employee of the school in which that parent serves, nor shall the parent
15 representative be an employee or a relative of an employee in the district
16 administrative offices. A parent representative shall not be a local board
17 member or a board member's spouse. None of the members shall have a
18 conflict of interest pursuant to KRS Chapter 45A, except the salary paid to
19 district employees;

20 (b) 1. The teacher representatives shall be elected for one (1) year terms by a
21 majority of the teachers. A teacher elected to a school council shall not
22 be involuntarily transferred during his or her term of office. The parent
23 representatives shall be elected for one (1) year terms. The parent
24 members shall be elected by the parents of students preregistered to
25 attend the school during the term of office in an election conducted by
26 the parent and teacher organization of the school or, if none exists, the
27 largest organization of parents formed for this purpose. A school

1 council, once elected, may adopt a policy setting different terms of
2 office for parent and teacher members subsequently elected. The
3 principal shall be the chair of the school council.

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

10 a. Organizing a special election to elect an additional member. The
11 principal shall call for nominations and shall notify the parents of
12 the students of the date, time, and location of the election to elect a
13 minority parent to the council by ballot; and

14 b. Allowing the teachers in the building to select one (1) minority
15 teacher to serve as a teacher member on the council. If there are no
16 minority teachers who are members of the faculty, an additional
17 teacher member shall be elected by a majority of all teachers. Term
18 limitations shall not apply for a minority teacher member who is
19 the only minority on faculty;

20 (c) 1. The school council shall have the responsibility to set school policy ***that***
21 ***shall be*** consistent with district board policy ***and*** which shall provide an
22 environment to enhance the students' achievement and help the school
23 meet the goals established by KRS 158.645 and 158.6451 ***and goals for***
24 ***the district established by the board.*** The principal shall be the primary
25 administrator and the instructional leader of the school, and with the
26 assistance of the total school staff shall administer the policies
27 established by the school council and the local board.

- 1 2. If a school council establishes committees, it shall adopt a policy to
2 facilitate the participation of interested persons, including, but not
3 limited to, classified employees and parents. The policy shall include the
4 number of committees, their jurisdiction, composition, and the process
5 for membership selection;
- 6 (d) The school council and each of its committees shall determine the frequency
7 of and agenda for their meetings. Matters relating to formation of school
8 councils that are not provided for by this section shall be addressed by local
9 board policy;
- 10 (e) The meetings of the school council shall be open to the public and all
11 interested persons may attend. However, the exceptions to open meetings
12 provided in KRS 61.810 shall apply;
- 13 (f) After receiving notification of the funds available for the school from the local
14 board, the school council shall determine, within the parameters of the total
15 available funds, the number of persons to be employed in each job
16 classification at the school. The council may make personnel decisions on
17 vacancies occurring after the school council is formed but shall not have the
18 authority to recommend transfers or dismissals;
- 19 (g) The local superintendent~~[school council]~~ shall determine which curriculum,
20 textbooks, instructional materials, and student support services shall be
21 provided in the school after consulting with the school principal and the
22 school council and after a reasonable review and response period for
23 stakeholders in accordance with local board of education policy. Subject to
24 available resources, the local board shall allocate an appropriation to each
25 school that is adequate to meet the school's needs related to instructional
26 materials and school-based student support services, as determined by the
27 school principal after consultation with the school council. The school

1 council shall consult with the school media librarian on the maintenance of
2 the school library media center, including the purchase of instructional
3 materials, information technology, and equipment;

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

5 1. From a list of qualified applicants submitted by the local superintendent,
6 the principal at the participating school shall select personnel to fill
7 vacancies, after consultation with the school council, consistent with
8 paragraph (i)11. of this subsection. The superintendent shall provide
9 additional applicants to the principal upon request when qualified
10 applicants are available. The superintendent may forward to the school
11 ~~principal~~^{council} the names of qualified applicants who have pending
12 certification from the Education Professional Standards Board based on
13 recent completion of preparation requirements, out-of-state preparation,
14 or alternative routes to certification pursuant to KRS 161.028 and
15 161.048. Requests for transfer shall conform to any employer-employee
16 bargained contract which is in effect;

17 2. **If the vacancy to be filled is the position of principal:**

18 **a. The superintendent shall fill the vacancy after consultation with**
19 **the school council consistent with paragraph (i)11. of this**
20 **subsection.**

21 **b. Prior to consultation with the school council, each member shall**
22 **sign a nondisclosure agreement forbidding the disclosure of**
23 **information shared and discussions held during consultation.**

24 **c. A person who believes a violation of the nondisclosure**
25 **agreement referred to in subdivision b. of this subparagraph has**
26 **occurred may file a written complaint with the Kentucky Board**
27 **of Education.**

1 *d. A school council member found to have violated the*
2 *nondisclosure agreement referred to in subdivision b. of this*
3 *subparagraph may be subject to removal from the school council*
4 *by the Kentucky Board of Education under subsection (9)(e) of*
5 *this section;*

6 ~~[a. i. If the vacancy to be filled is the position of principal, the outgoing~~
7 ~~principal shall not serve on the council during the principal~~
8 ~~selection process. The superintendent or the superintendent's~~
9 ~~designee shall serve as the chair of the council for the~~
10 ~~purpose of the hiring process and shall have voting rights~~
11 ~~during the selection process.~~

12 ~~ii. Except as provided in subdivision b. of this subparagraph,~~
13 ~~the council shall have access to the applications of all~~
14 ~~persons certified for the position. The principal shall be~~
15 ~~elected on a majority vote of the membership of the council.~~
16 ~~The school council shall receive training in recruitment and~~
17 ~~interviewing techniques prior to carrying out the process of~~
18 ~~selecting a principal. The council shall select the trainer to~~
19 ~~deliver the training;~~

20 ~~b. An alternative principal selection process may be used by the~~
21 ~~school council as follows:~~

22 ~~i. Prior to a meeting called to select a principal, all school~~
23 ~~council members shall receive informational materials~~
24 ~~regarding Kentucky open records and open meetings laws~~
25 ~~and sign a nondisclosure agreement forbidding the sharing of~~
26 ~~information shared and discussions held in the closed~~
27 ~~session;~~

- 1 ii. ~~The superintendent shall convene the school council and~~
2 ~~move into closed session as provided in KRS 61.810(1)(f) to~~
3 ~~confidentially recommend a candidate;~~
- 4 iii. ~~The council shall have the option to interview the~~
5 ~~recommended candidate while in closed session; and~~
- 6 iv. ~~After any discussion, at the conclusion of the closed session,~~
7 ~~the council shall decide, in a public meeting by majority vote~~
8 ~~of the membership of the council, whether to accept or reject~~
9 ~~the recommended principal candidate;]~~
- 10 [c. ~~If the recommended candidate is selected, and the recommended~~
11 ~~candidate accepts the offer, the name of the candidate shall be~~
12 ~~made public during the next meeting in open session;~~
- 13 d. i. ~~If the recommended candidate is not accepted by the school~~
14 ~~council under subdivision b. of this subparagraph, then the~~
15 ~~process set forth in subdivision a. of this subparagraph shall~~
16 ~~apply.~~
- 17 ii. ~~The confidentially recommended candidate's name and the~~
18 ~~discussions of the closed session shall remain confidential~~
19 ~~under KRS 61.810(1)(f), and any documents used or~~
20 ~~generated during the closed meeting shall not be subject to an~~
21 ~~open records request as provided in KRS 61.878(1)(i) and (j).~~
- 22 iii. ~~A recommended candidate who believes a violation of this~~
23 ~~subdivision has occurred may file a written complaint with~~
24 ~~the Kentucky Board of Education.~~
- 25 iv. ~~A school council member who is found to have disclosed~~
26 ~~confidential information regarding the proceeding of the~~
27 ~~closed session shall be subject to removal from the school~~

1 ~~council by the Kentucky Board of Education under~~
 2 ~~subsection (9)(e) of this section;]~~

- 3 3. No principal who has been previously removed from a position in the
 4 district for cause may be considered for appointment as principal in that
 5 district;
- 6 4. Personnel decisions made at the school level under the authority of
 7 subparagraph~~[subparagraphs]~~ 1. ~~[and 2.]~~ of this paragraph shall be
 8 binding on the superintendent who completes the hiring process;
- 9 5. Applicants subsequently employed shall provide evidence that they are
 10 certified prior to assuming the duties of a position in accordance with
 11 KRS 161.020; and
- 12 6. Notwithstanding other provisions of this paragraph, if the applicant is
 13 the spouse of the superintendent and the applicant meets the service
 14 requirements of KRS 160.380(3)(a), the applicant shall only be
 15 employed upon the recommendation of the principal and the approval of
 16 a majority vote of the school council;~~[and]~~
- 17 ~~[7. Beginning June 27, 2019, notwithstanding the requirement that a~~
 18 ~~principal be elected on a majority vote of the council in subparagraph 2.~~
 19 ~~of this paragraph, if the school council is in a county school district in a~~
 20 ~~county with a consolidated local government adopted under KRS~~
 21 ~~Chapter 67C, then the selection of a principal shall be subject to~~
 22 ~~approval by the superintendent. If the superintendent does not approve~~
 23 ~~the principal selected by the council, then the superintendent may select~~
 24 ~~the principal;]~~
- 25 (i) The school council shall adopt a policy that shall be consistent with local
 26 board policy and shall~~[to]~~ be implemented by the principal in the following
 27 additional areas:

- 1 1. ~~{Determination of curriculum, including needs assessment, }~~Curriculum
2 ~~{development and}~~ responsibilities under KRS 158.6453(19);
- 3 2. Assignment of all instructional and noninstructional staff time;
- 4 3. Assignment of students to classes and programs within the school;
- 5 4. Determination of the schedule of the school day and week, subject to the
6 beginning and ending times of the school day and school calendar year
7 as established by the local board;
- 8 5. Determination of use of school space during the school day related to
9 improving classroom teaching and learning;
- 10 6. Planning and resolution of issues regarding instructional practices;
- 11 7. Selection and implementation of discipline and classroom management
12 techniques as a part of a comprehensive school safety plan, including
13 responsibilities of the student, parent, teacher, counselor, and principal;
- 14 8. Selection of extracurricular programs and determination of policies
15 relating to student participation based on academic qualifications and
16 attendance requirements, program evaluation, and supervision;
- 17 9. Adoption of an emergency plan as required in KRS 158.162;
- 18 10. Procedures, consistent with local school board policy, for determining
19 alignment with state standards, technology utilization, and program
20 appraisal; and
- 21 11. Procedures to assist the council with consultation in the selection of *the*
22 *principal by the superintendent, and the selection of* personnel by the
23 principal, including but not limited to meetings, timelines, interviews,
24 review of written applications, and review of references. Procedures
25 shall address situations in which members of the council are not
26 available for consultation; and
- 27 (j) Each school council shall annually review data as shown on state and local

1 student assessments required under KRS 158.6453. The data shall include but
2 not be limited to information on performance levels of all students tested, and
3 information on the performance of students disaggregated by race, gender,
4 disability, and participation in the federal free and reduced price lunch
5 program. After completing the review of data, each school council, with the
6 involvement of parents, faculty, and staff, shall develop and adopt a plan to
7 ensure that each student makes progress toward meeting the goals set forth in
8 KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan
9 to the superintendent and local board of education for review as described in
10 KRS 160.340. The Kentucky Department of Education shall provide each
11 school council the data needed to complete the review required by this
12 paragraph no later than October 1 of each year. If a school does not have a
13 council, the review shall be completed by the principal with the involvement
14 of parents, faculty, and staff.

15 (3) The policies adopted by the local board to implement school-based decision making
16 shall also address the following:

17 (a) School budget and administration, including: discretionary funds; activity and
18 other school funds; funds for maintenance, supplies, and equipment; and
19 procedures for authorizing reimbursement for training and other expenses;

20 (b) Assessment of individual student progress, including testing and reporting of
21 student progress to students, parents, the school district, the community, and
22 the state;

23 (c) School improvement plans, including the form and function of strategic
24 planning and its relationship to district planning, as well as the school safety
25 plan and requests for funding from the Center for School Safety under KRS
26 158.446;

27 (d) Professional development plans developed pursuant to KRS 156.095;

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

1 members elected for the first time shall complete a minimum of six (6) clock hours
2 of training in the process of school-based decision making, no later than thirty (30)
3 days after the beginning of the service year for which they are elected to serve.
4 School council members who have served on a school council at least one (1) year
5 shall complete a minimum of three (3) clock hours of training in the process of
6 school-based decision making no later than one hundred twenty (120) days after the
7 beginning of the service year for which they are elected to serve. Experienced
8 members may participate in the training for new members to fulfill their training
9 requirement. School council training required under this subsection shall be
10 conducted by trainers endorsed by the Department of Education. By November 1 of
11 each year, the principal through the local superintendent shall forward to the
12 Department of Education the names and addresses of each council member and
13 verify that the required training has been completed. School council members
14 elected to fill a vacancy shall complete the applicable training within thirty (30)
15 days of their election.

16 (7) A school that chooses to have school-based decision making but would like to be
17 exempt from the administrative structure set forth by this section may develop a
18 model for implementing school-based decision making, including but not limited to
19 a description of the membership, organization, duties, and responsibilities of a
20 school council. The school shall submit the model through the local board of
21 education to the commissioner of education and the Kentucky Board of Education,
22 which shall have final authority for approval. The application for approval of the
23 model shall show evidence that it has been developed by representatives of the
24 parents, students, certified personnel, and the administrators of the school and that
25 two-thirds (2/3) of the faculty have agreed to the model.

26 (8) The Kentucky Board of Education, upon recommendation of the commissioner of
27 education, shall adopt by administrative regulation a formula by which school

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

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

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

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

24 (d) If the state board determines a violation has occurred, the party shall be
25 subject to reprimand. A second violation of this subsection may be grounds
26 for removing a superintendent or a member of a school council from office or
27 grounds for dismissal of an employee for misconduct in office or willful

1 neglect of duty.

2 (e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the
3 state board determines a violation of the *nondisclosure agreement required*
4 *by*~~confidentiality requirements set forth in~~ subsection (2)(h)*2.b.* of this
5 section by a school council member has occurred, the state board shall remove
6 the member from the school council, and the member shall be permanently
7 prohibited from serving on any school council in the district.

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

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

1 policy.

2 ~~[(12) Discretionary authority exercised under subsection (2)(h)2.b. of this section shall~~
3 ~~not violate provisions of any employer-employee bargained contract existing~~
4 ~~between the district and its employees.]~~

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

6 (1) As used in this section:

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

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

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

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

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

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

- 1 (g) "Summative assessment" means an assessment given at the end of the school
2 year, semester, or other period of time to evaluate students' performance
3 against content standards within a unit of instruction or a course; and
- 4 (h) "Writing" means a purposeful act of thinking and expression that uses
5 language to explore ideas and communicate meaning to others. Writing is a
6 complex, multifaceted act of communication.
- 7 (2) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the
8 Kentucky Department of Education shall implement a process for reviewing
9 Kentucky's academic standards and the alignment of corresponding
10 assessments for possible revision or replacement to ensure alignment with
11 transition readiness standards necessary for global competitiveness and with
12 state career and technical education standards.
- 13 (b) The revisions to the content standards shall:
- 14 1. Focus on critical knowledge, skills, and capacities needed for success in
15 the global economy;
 - 16 2. Result in fewer but more in-depth standards to facilitate mastery
17 learning;
 - 18 3. Communicate expectations more clearly and concisely to teachers,
19 parents, students, and citizens;
 - 20 4. Be based on evidence-based research;
 - 21 5. Consider international benchmarks; and
 - 22 6. Ensure that the standards are aligned from elementary to high school to
23 postsecondary education so that students can be successful at each
24 education level.
- 25 (c) 1. The department shall establish four (4) standards and assessments
26 review committees, with each committee composed of a minimum of six
27 (6) Kentucky public school teachers and a minimum of two (2)

1 representatives from Kentucky institutions of higher education,
2 including at least one (1) representative from a public institution of
3 higher education. Each committee member shall teach in the subject area
4 that his or her committee is assigned to review and have no prior or
5 current affiliation with a curriculum or assessment resources vendor.

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

12 (d) 1. The department shall establish twelve (12) advisory panels to advise and
13 assist each of the four (4) standards and assessments review committees.

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

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

26 (e) The commissioner of education and the president of the Council on
27 Postsecondary Education shall also provide consultants for the standards and

1 assessments review committees and the advisory panels who are business and
2 industry professionals actively engaged in career fields that depend on the
3 various content areas.

- 4 (f) 1. The standards and assessments process review committee is hereby
5 established and shall be composed of the commissioner of education or
6 designee as a nonvoting member and nine (9) voting representatives of
7 public schools, of whom at least two (2) shall be parents of public
8 school students, appointed by the Governor and confirmed by the Senate
9 in accordance with KRS 11.160 as follows:
- 10 a. One (1) language arts teacher;
 - 11 b. One (1) math teacher;
 - 12 c. One (1) science teacher;
 - 13 d. One (1) social studies teacher;
 - 14 e. Two (2) school principals;
 - 15 f. Two (2) school superintendents; and
 - 16 g. One (1) school board member.
- 17 2. On making appointments to the committee, the Governor shall ensure
18 broad geographical urban and rural representation and representation of
19 elementary, middle, and high school levels; ensure equal representation
20 of the two (2) sexes, inasmuch as possible; and ensure that appointments
21 reflect the minority racial composition of the Commonwealth.
- 22 3. The review of the committee shall be limited to the procedural aspects
23 of the review process undertaken prior to its consideration.
- 24 4. Notwithstanding KRS 12.028, the committee shall not be subject to
25 reorganization by the Governor.
- 26 (g) 1. The review process implemented under this subsection shall be an open,
27 transparent process that allows all Kentuckians an opportunity to

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

1 process, public feedback, and responses from the Interim Joint
2 Committee on Education.

3 6. After receiving the commissioner's report, the standards and assessments
4 process review committee shall either concur that stakeholders have had
5 adequate opportunity to provide input on standards and the
6 corresponding alignment of state assessments or find the input process
7 deficient. If the process is found deficient, the recommendations may be
8 returned to the appropriate standards and assessments review committee
9 for review as described in subparagraph 3. of this paragraph. If the
10 process is found sufficient, the recommendations shall be forwarded
11 without amendment to the Kentucky Board of Education.

12 (h) The Kentucky Board of Education shall promulgate administrative regulations
13 in accordance with KRS Chapter 13A as may be needed for the administration
14 of the review process, including staggering the timing and sequence of the
15 review process by subject area and remuneration of the review committees
16 and advisory panels described in paragraphs (c) and (d) of this subsection.

17 (i) 1. The Kentucky Board of Education shall consider for approval the
18 revisions to academic standards for a content area and the alignment of
19 the corresponding state assessment once recommendations are received
20 from the standards and assessments process review committee. Existing
21 state academic standards shall remain in place until the board approves
22 new standards.

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

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

1 accordance with revised academic standards and corresponding assessment
2 alignment adjustments approved by the board under subsection (2) of this
3 section.

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

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

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

17 (b) The annual student summative tests shall:

- 18 1. Measure individual student achievement in language, reading, English,
19 mathematics, science, and social studies at designated grades;
- 20 2. Provide teachers and parents a valid and reliable comprehensive analysis
21 of skills mastered by individual students;
- 22 3. Provide diagnostic information that identifies strengths and academic
23 deficiencies of individual students in the content areas;
- 24 4. Provide information to teachers that can enable them to improve
25 instruction for current and future students;
- 26 5. Provide longitudinal profiles for students; and
- 27 6. Ensure school and district accountability for student achievement of the

1 goals set forth in KRS 158.645 and 158.6451, except the statewide
2 assessment program shall not include measurement of a student's ability
3 to become a self-sufficient individual or to become a responsible
4 member of a family, work group, or community.

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

6 (a) Elementary and middle grades requirements are:

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

22 (b) High school requirements are:

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

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

1 innovative assessment systems or other online test administration and shall
2 promulgate administrative regulations that minimize the number of days of testing
3 and outline the procedures to be used during the testing process to ensure test
4 security, including procedures for testing makeup days, and to comply with federal
5 assessment requirements.

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

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

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

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

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

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

1 of the student;

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

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

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

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

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

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

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

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

26 (d) Assess Kentucky academic standards only.

27 (13) The results from assessment under subsections (3) and (5) of this section shall be

1 reported to the school districts and schools no later than seventy-five (75) days
2 following the last day the assessment can be administered. Assessment reports
3 provided to the school districts and schools shall include an electronic copy of an
4 operational subset of test items from each assessment administered to their students
5 and the results for each of those test items by student and by school.

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

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

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

1 sanctions that may be taken toward a school or individuals.

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

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

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

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

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

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

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

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

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

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