

AN ACT relating to student assessment.

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

Section 15. KRS 158.6451 is amended to read as follows:

- (1) The General Assembly finds, declares, and establishes that:
  - (a) Schools shall expect a high level of achievement of all students.
  - (b) Schools shall develop their students' ability to:
    1. Use basic communication and mathematics skills for purposes and situations they will encounter throughout their lives;
    2. Apply core concepts and principles from mathematics, the sciences, the arts, the humanities, social studies, and practical living studies to situations they will encounter throughout their lives;
    3. Become self-sufficient individuals of good character exhibiting the qualities of altruism, citizenship, courtesy, honesty, human worth, justice, knowledge, respect, responsibility, and self-discipline;
    4. Become responsible members of a family, work group, or community, including demonstrating effectiveness in community service;
    5. Think and solve problems in school situations and in a variety of situations they will encounter in life;~~and~~
    6. Connect and integrate experiences and new knowledge from all subject matter fields with what they have previously learned and build on past learning experiences to acquire new information through various media sources; *and*
    7. *Express their creative talents in visual arts, music, and other performing arts.*
  - (c) Schools shall increase their students' rate of school attendance.
  - (d) Schools shall reduce their students' dropout and retention rates.
  - (e) Schools shall reduce physical and mental health barriers to learning.
  - (f) Schools shall be measured on the proportion of students who make a successful

transition to work, postsecondary[post-secondary] education, and the military.

- (2) The Kentucky Board of Education shall disseminate to local school districts and schools a model curriculum framework which is directly tied to the goals, outcomes, and assessment strategies developed pursuant to this section and KRS 158.645 and 158.6453. The framework shall provide direction to local districts and schools as they develop their curriculum. The framework shall identify teaching and assessment strategies, instructional material resources, ideas on how to incorporate the resources of the community, a directory of model teaching sites, alternative ways of using school time, and strategies to incorporate character education throughout the curriculum.

âSection 15. KRS 158.6453 is amended to read as follows:

- (1) The Kentucky Board of Education shall be responsible for creating and implementing a statewide assessment, accountability, and academic achievement program to be implemented during the 2008-2009 school year, except as necessary to meet the requirements of the No Child Left Behind Act of 2001, 20 U.S.C. sec. 6301 et seq., as determined by the United States Department of Education, and each year thereafter.
  - (a) The assessment, accountability, and academic achievement program shall measure individual student achievement in the academic core content areas of language, reading, English, mathematics, science, and social studies at designated grades.
  - (b) The assessments shall provide valid and reliable information of student achievement and an analysis of skill levels for students on the district and school level.
  - (c) The assessments shall provide comparison with national norms and where available, comparisons with other states.
  - (d) The assessment, accountability, and academic achievement program shall provide teachers a valid and reliable comprehensive analysis of skills

mastered by individual students and shall identify academic deficiencies of individual students~~[known as the Commonwealth Accountability Testing System]~~ to ensure school accountability for student achievement of the goals set forth in KRS 158.645 and 158.6451. The board shall seek the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability in the development of the assessment, accountability, and academic achievement program. The statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.

(e) The board shall solicit input into the development of the assessment, accountability, and academic achievement program from teachers, administrators, and other entities as deemed appropriate by the board.

(2) The assessment program shall include the following components:

- (a) A customized or commercially available norm-referenced test that measures for individual students, to the extent possible, the core content for assessment in the areas of reading, language, mathematics, social studies, and science in grades three (3) to eight (8)~~]. The test shall provide valid and reliable results for individual students];~~
- (b) Multiple-choice items in mathematics, reading, science, and social studies for grades three (3) to eight (8) to ensure that Kentucky's core content is assessed~~[Open-response or multiple-choice items, or both, to assess student skills in reading, mathematics, science, social studies, the arts, the humanities, and practical living and vocational studies; and an on-demand assessment of student writing. These assessments shall measure, to the extent possible, the core content for assessment];~~
- (c) Writing portfolios, which shall be maintained for each student in grade five.

(5) through grade twelve (12), consisting of samples of student work. *The classroom teacher who assigns the writing sample shall read the student's completed first draft, make comments for improvement, and return the draft to the student for improvement. The language arts or English teacher shall maintain the portfolios, and the portfolios shall follow the student from one (1) grade level to another. The school shall retain the portfolio a minimum of two (2) years following a student's high school graduation. The school-based decision making council shall adopt policies that determine the writing program for the school, which shall be submitted to the Kentucky Department of Education. The department shall annually audit twenty percent (20%) of the schools for compliance with this paragraph* After receiving the advice of the Writing Advisory Committee, the Kentucky Board of Education shall, by September 1 following April 14, 1998, file a notice of intent to promulgate an administrative regulation which reduces the teacher and student time involved in preparing a writing portfolio. Time reduction strategies included in the administrative regulation may include, but are not limited to, limiting the time spent on a single portfolio entry, limiting the number of revisions, or collecting entries at different grade levels};

- (d) *Writing assessments consisting of multiple-choice items emphasizing mechanics and editing one (1) time within the elementary grades, the middle grades, and the high school grades, respectively;*
- (e) *On-demand writing assessments one (1) time within the elementary grades, the middle grades, and the high school grades, respectively;*
- (f) *A high school readiness examination to assess English, reading, mathematics, and science in grade nine (9);*
- (g) *A college readiness examination to assess English, reading, mathematics, and science in grade ten (10);*
- (h) *The ACT college admissions and placement examination to assess English,*

reading, mathematics, and science in grade eleven (11);

(i) Multiple-choice items in reading, mathematics, science, and social studies for grade eleven (11) to ensure assessment of Kentucky's core content;

(j) Any other component necessary to comply with the No Child Left Behind Act of 2001, 20 U.S.C. sec. 6301 et seq., as determined by the United States Department of Education~~[Performance assessment events for schools that have students enrolled in performing arts organizations sponsoring sanctioned events with an established protocol for adjudication];~~~~[ and]~~

~~(k)(e)~~ A technically sound longitudinal comparison of the assessment results for the same students;

(l) An evaluation by the district of each school's arts and humanities offerings for students, which shall be submitted to the Kentucky Department of Education; and

(m) A program assessment by the district of each school and school district career and technical education and practical living curriculum, which shall be submitted to the Kentucky Department of Education.

(3) (a) Accelerated learning shall be provided to any student whose scores on any of the assessments under subsection (2) of this section indicated skill deficiencies. "Accelerated learning" means an organized way of helping students correct academic deficiencies. Each school shall devise a plan to accelerate learning, which shall be reviewed by the local board of education and submitted to the Kentucky Department of Education~~[The provisions of subsection (2) of this section shall apply to elementary schools, and shall also apply to middle and high schools, except as provided in subsections (4) to (8) of this section.~~

~~(4) No later than the 2007-2008 school year, and each year thereafter, the following provisions shall apply to the assessment program for middle and high schools:~~

~~(a) The assessment program shall include:~~

- ~~1. A high school readiness examination to assess English, reading, mathematics, and science in grade eight (8);~~
- ~~2. A college readiness examination to assess English, reading, mathematics, and science in grade ten (10);~~
- ~~3. The ACT college admissions and placement examination to assess English, reading, mathematics, and science, to be taken by all students in grade eleven (11); and~~
- ~~4. Any other component necessary to comply with the No Child Left Behind Act of 2001, 20 U.S.C. sec. 6301 et seq., as determined by the United States Department of Education];~~

- (b)
  1. A student whose scores on the high school readiness examination administered in grade eight (8) indicate a high degree of readiness for high school shall be counseled to enroll in accelerated courses; and
  2. A student whose scores on the college readiness examination administered in grade ten (10) or the ACT college admissions and placement examination administered in grade eleven (11) indicate a high degree of readiness for college shall be counseled to enroll in accelerated courses, with an emphasis on Advanced Placement classes;***and***

- (c) The cost of the initial ACT examination administered to students in grade eleven (11) shall be paid for by the Kentucky Department of Education. The costs of additional ACT examinations shall be the responsibility of the student; ***and***

- ~~(d) The components of the middle and high school assessment program set forth in paragraph (a) of this subsection shall be administered in lieu of a customized or commercially available norm-referenced test under subsection (2)(a) of this section].~~

~~(4)~~***(5)*** No later than the 2008-2009~~[2007-2008]~~ school year, and each year thereafter, students in grades~~[ ten (10),]~~ eleven (11)~~],~~ and twelve (12) may take the WorkKeys

assessments from ACT, Inc. in reading for information, locating information, and applied mathematics.

- (a) The costs of the initial WorkKeys assessments shall be paid by the Kentucky Department of Education. The cost of additional WorkKeys assessments shall be the responsibility of the student.
- (b) A student whose scores on the WorkKeys assessments indicate that additional assistance is required in reading for information, locating information, or applied mathematics shall have intervention strategies for accelerated learning incorporated into his or her learning plan.
- (c) A student meeting the WorkKeys threshold established by the Department of Workforce Investment shall be issued the appropriate Kentucky employability certificate.

- ~~(5)(6)~~ (a) The Kentucky Department of Education shall conduct periodic studies comparing the standards in reading, mathematics, social studies, ~~and~~ science, and other areas as deemed appropriate by the Kentucky Board of Education for elementary, middle, and high schools within the Kentucky core content for assessment ~~and the concepts and content measured by the ACT and the high school and college readiness examinations under subsection (4)(a) of this section~~.
- (b) The core content shall measure grade-appropriate academic content, basic skills, and higher-order thinking skills and shall reflect the appropriate alignment among all levels of education to ensure success of students, including the alignment of the high school academic core content with the expectations for postsecondary education study.
  - (c) Revision to the academic core content for assessment shall be developed through a public process involving parents, educators at the elementary, middle, and secondary levels, professors from academic areas in postsecondary education, education advocacy groups, and business and civic

***leaders.*** If the department determines that reading, mathematics, and science assessments required under subsection ~~(2)(4)(a)~~ of this section are shown to provide direct measures of content standards and concepts identified in the Kentucky core content for assessment, the Kentucky Board of Education shall seek the advice of the Office of Education Accountability, the School Curriculum, Assessment, and Accountability Council, and the National Technical Advisory Panel on Assessment and Accountability regarding reducing the number of questions on the Commonwealth Accountability Testing System.

~~(d)(c)~~ The Kentucky Department of Education shall ~~continue to~~ include ~~open-response or~~ multiple-choice items ~~, or both,~~ that assess student knowledge and skills in reading, mathematics, and science to the degree necessary for adequate coverage of the elements of the Kentucky core content for assessment not covered by the examinations.

~~(6)(7)~~ Accommodations provided by ACT, Inc. to a student with a disability taking the assessments under subsection ~~(2)(4)(a)3.~~ of this section shall consist of:

- (a) Accommodations provided in a manner allowed by ACT, Inc. when results in test scores are reportable to a postsecondary institution for admissions and placement purposes, except as provided in paragraph (b) of this subsection; or
- (b) Accommodations provided in a manner allowed by a student's individualized education program as defined in KRS 158.281 for a student whose disability precludes valid assessment of his or her academic abilities using the accommodations provided under paragraph (a) of this subsection when the student's scores are not reportable to a postsecondary institution for admissions and placement purposes.

~~(7)(8)~~ The assessments under subsections ***(3) and*** ~~(4) and (5)~~ of this section shall be known as the "Kentucky Work and College Readiness Examination" or "Readiness Examination."



~~{(9) Kentucky teachers shall have a significant role in the design of the assessments. The assessments shall be designed to:~~

- ~~(a) Measure grade appropriate core academic content, basic skills, and higher-order thinking skills and their application. The assessment shall measure the core content for assessment used by the Department of Education during the 1997-98 school year. Any revisions to the core content for assessment shall be developed through a public process involving parents, educators at the elementary, secondary, and postsecondary education levels; professional education advocacy groups and organizations; and business and civic leaders and shall be distributed to all public schools;~~
- ~~(b) Provide valid and reliable scores for schools. If scores are reported for students individually, they shall be valid and reliable; and~~
- ~~(c) Minimize the time spent by teachers and students on assessment.]~~

~~(8){(10)}~~ Results from the state assessment under this section shall be reported to the school districts and schools no later than sixty (60)~~{one hundred fifty (150)}~~ days following the first day the assessment can be administered.

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

of the biennium.

~~(10)~~~~(12)~~ In addition to statewide testing for the purpose of determining school success, the board shall have the responsibility of assisting local school districts and schools in developing and using continuous assessment strategies needed to assure student progress. The continuous assessment shall provide diagnostic information to improve instruction to meet the needs of individual students.

~~(11)~~~~(13)~~ The Kentucky Board of Education, after the Department of Education has received advice from the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, shall promulgate an administrative regulation under KRS Chapter 13A to establish the components of a reporting structure for assessments administered under this section. The reporting structure shall include the following components:

- (a) A school report card that clearly communicates with parents and the public about school performance. The school report card shall be sent to the parents of the students of the districts, and a summary of the results for the district shall be published in the newspaper with the largest circulation in the county. It shall include but not be limited to the following components reported by race, gender, and disability when appropriate:
  - 1. Student academic achievement, including the results from each of the assessments administered under this section;
  - 2. Nonacademic achievement, including the school's attendance, retention, dropout rates, and student transition to adult life; and
  - 3. School learning environment, including measures of parental involvement;
- (b) An individual student report to parents for each fifth-grade student summarizing the student's readiness in reading and mathematics based on the student's fourth-grade state assessment results. The school's fifth-grade staff

shall develop a plan for accelerated learning for any student with identified deficiencies;

- (c) An individual report *to parents on the achievement of their children compared to school, state, and national results. The report shall provide*~~for each student who takes a high school or college readiness examination administered under subsection (4)(a) of this section that~~:

1. ~~Provides~~ The student's test scores;
2. ~~Provides~~ A judgment regarding whether or not a student has met or failed to meet the expectations for each standard assessed; and
3. *Information that identifies strengths and academic deficiencies of the student*~~Is designed to assist students, parents, and teachers to identify, assess, and remedy academic deficiencies prior to high school graduation~~; and

- (d) A student's scores on the ACT examination or WorkKeys assessments administered under subsections ~~(3)~~~~(4)(a)~~ and ~~(4)~~~~(5)~~ of this section and the ACT examination under KRS 158.6459(5) shall be recorded on his or her official high school transcript.

*(12) School districts shall annually submit to the Kentucky Department of Education a comprehensive evaluation of arts and humanities programs in schools in the district. The evaluation shall include arts and humanities courses offered and how arts and humanities are incorporated into the curriculum in classes. The department shall annually audit twenty percent (20%) of the schools for accuracy of the evaluation and make recommendations for improvement.*

*(13) School districts shall annually submit to the Kentucky Department of Education a comprehensive evaluation of its career and technical education and practical living-related curriculum, to include incorporation of career and technical education skills and practical living skills into classes. The department shall annually audit twenty percent (20%) of the schools for accuracy of the evaluation.*

**and make recommendations for improvement.**

âSection 15. KRS 158.6452 is amended to read as follows:

- (1) A School Curriculum, Assessment, and Accountability Council is hereby created to study, review, and make recommendations concerning Kentucky's system of setting academic standards, assessing learning, **identifying academic skills and deficiencies of individual students,** holding schools accountable for learning, and assisting schools to improve their performance. The council shall advise the Kentucky Board of Education and the Legislative Research Commission on issues related to the development and communication of the academic expectations and core content for assessment, the development and implementation of the statewide assessment, ~~and~~ accountability, **and academic achievement** program, the distribution of rewards and imposition of sanctions, and assistance for schools to improve their performance under KRS 158.6453, 158.6455, 158.782, and 158.805.
- (2) The School Curriculum, Assessment, and Accountability Council shall be composed of seventeen (17) voting members appointed by the Governor. On making appointments to the council, the Governor shall assure broad geographical representation and representation of elementary, middle, and secondary school levels; assure equal representation of the two (2) sexes, inasmuch as possible; and assure that appointments reflect the minority racial composition of the Commonwealth. The members shall serve terms of two (2) years with no member serving more than two (2) consecutive terms, except that seven (7) of the initial appointments shall be for four (4) year terms. The members shall be appointed as follows:
  - (a) Two (2) parents from recommendations submitted by organizations representing school councils and parents;
  - (b) Two (2) teachers from recommendations submitted by organizations representing teachers;
  - (c) Two (2) superintendents from recommendations submitted by organizations representing superintendents;

- (d) Two (2) principals from organizations representing school administrators;
  - (e) Two (2) local school board members from recommendations submitted by organizations representing school boards;
  - (f) Two (2) school district assessment coordinators from recommendations submitted by organizations representing district assessment coordinators;
  - (g) Two (2) employers in the state from recommendations submitted by organizations representing business and industry;
  - (h) Two (2) university professors with expertise in assessment and measurement;  
and
  - (i) One (1) at-large member.
- (3) The School Curriculum, Assessment, and Accountability Council shall elect a chair annually from its membership.
- (4) The members shall be remunerated for actual and necessary expenses incurred while attending meetings of the council or while serving as representative of the council.
- (5) The School Curriculum, Assessment, and Accountability Council shall meet at least four (4) times each year at times and places as it determines by resolution.
- (6) The School Curriculum, Assessment, and Accountability Council shall be attached to the Department of Education for administrative purposes. It shall be provided appropriate staff and resources to conduct its work.

âSection 15. KRS 158.6458 is amended to read as follows:

The Department of Education shall develop a plan for implementing the state assessment, ~~and~~ accountability, ***and academic achievement*** system created under KRS 158.6453 and 158.6455 and shall report quarterly to the Interim Joint Committee on Education on its progress in the following areas:

- (1) Establishing a consistent structure of test components, grade-level testing distribution, and test administration procedures;
- (2) Beginning a new cycle of equating procedures for which their adequacy and precision can be tested rigorously and conducting appropriate equating analyses to

accommodate the new accountability system;

- (3) Publishing more complete and informative guides for interpreting school accountability index score changes that include information about the estimated error of the accountability index, as well as information about the connections between index score changes and estimated changes in student performance levels;
- (4) Reviewing school accountability classifications to assure their construct validity in all cases where they are applied;
- (5) Maintaining and strengthening the *assessment of schools' portfolio programs* ~~[annual audit of portfolio scores in ways that serve to minimize the differences between teacher-produced scores and audit-generated scores]~~;
- (6) Developing and implementing a validity research plan as required under KRS 158.6453;
- (7) Establishing additional routine audits of key processes in the assessment, ~~[and]~~ accountability, *and academic achievement* program;
- (8) Maintaining and cataloging a library of technical documents related to the assessment, ~~[and]~~ accountability, *and academic achievement* program for internal and external review purposes. In addition, the department shall produce an annual technical report for audiences that include educators, testing coordinators, parents, and legislators; and
- (9) Maintaining a vigorous ongoing program of research and documentation of the effects of the assessment, ~~[and]~~ accountability, *and academic achievement* system on Kentucky schools.

âSection 15. KRS 158.649 is amended to read as follows:

- (1) "Achievement gap" means a substantive performance difference on each of the tested areas by grade level of the Commonwealth *Assessment, Accountability, and Academic Achievement* ~~[Testing]~~ System between the various groups of students including male and female students, students with and without disabilities, students with and without English proficiency, minority and nonminority students, and

students who are eligible for free and reduced lunch and those who are not eligible for free and reduced lunch.

- (2) By ~~August~~November 1 of each year, the Department of Education shall provide each school council, or the principal if a school council does not exist, data on its students' performance as shown by the Commonwealth Assessment, Accountability, and Academic Achievement ~~Testing~~ System. The data shall include, but not be limited to, information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, English proficiency, and participation in the federal free and reduced price lunch program. The information from the department shall include an equity analysis that shall identify the substantive differences among the various groups of students identified in subsection (1) of this section.
- (3) ~~By December 1, 2002,~~ Each local board of education upon the recommendation of the local district superintendent shall adopt a policy for reviewing the academic performance on the state assessments required under KRS 158.6453 for various groups of students, including major racial groups, gender, disability, free and reduced price school lunch eligibility, and limited English proficiency. The local board policy shall be consistent with Kentucky Board of Education administrative regulations. Upon agreement of the school-based decision making council, or the principal if there is not a council, and the superintendent, the local board shall establish a biennial target for each school for reducing identified gaps in achievement as set out in subsection (4) of this section.
- (4) By February 1 of each year~~, 2003, and each February 1 in odd-numbered years thereafter~~, the school-based decision making council, or the principal if there is not a council, with the involvement of parents, faculty, and staff shall set the school's biennial targets for eliminating any achievement gap and submit them to the superintendent for consideration. The superintendent and the school-based decision making council, or the principal if there is not a council, shall agree on the biennial

targets before they are submitted to the local board of education for adoption.

- (5) By April 1 of each year~~[, 2003, and each April 1 in odd-numbered years thereafter]~~, the school council, or the principal if a school council does not exist, with the involvement of parents, faculty, and staff, shall review the data and revise the consolidated plan to include the biennial targets, strategies, activities, and a time schedule calculated to eliminate the achievement gap among various groups of students to the extent it may exist. The plan shall include but not be limited to activities designed to address the following areas:
  - (a) Curriculum alignment within the school and with schools that send or receive the school's students;
  - (b) Evaluation and assessment strategies to continuously monitor and modify instruction to meet student needs and support proficient student work;
  - (c) Professional development to address the goals of the plan;
  - (d) Parental communication and involvement;
  - (e) Attendance improvement and dropout prevention; and
  - (f) Technical assistance that will be accessed.
- (6) The principal shall convene a public meeting at the school to present and discuss the plan prior to submitting it to the superintendent and the local board of education for review, in the public meeting required under KRS 160.340
- (7) Based on the disaggregated biennial assessment results, the local board shall determine if each school achieved its biennial targets for each group of students. Only data for a group of students including ten (10) or more students shall be considered.
- (8) Notwithstanding KRS 160.345(8) and 158.070(8), if a local board determines that a school has not met its biennial target to reduce the identified gap in student achievement for a group of students, the local board shall require the council, or the principal if no council exists, to submit its revisions to the consolidated plan describing the use of professional development funds and funds allocated for continuing education to reduce the school's achievement gap for review and approval



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

- (9) The superintendent shall report to the commissioner of education if a school fails to meet its targets to reduce the gap in student achievement for any student group for two (2) successive biennia. The school's consolidated plan shall be subject to review and approval by the Kentucky Department of Education and the school shall submit an annual status report. The Department of Education may provide assistance to schools as it deems necessary to assist the school in meeting its goals.
- (10) The school-based decision making council, or the principal if there is not a council, shall no longer be required to seek approval of the plan under subsections (8) and (9) of this section when it meets its biennial target for reducing the gap in student achievement for the various groups of students identified in subsection (1) of this section.

âSection 15. KRS 158.710 is amended to read as follows:

Each educationally deficient district and education development district shall assume the following responsibilities and functions in implementing the provisions of KRS 158.680 to 158.710:

- (1) The district shall develop a plan to improve the education of all students enrolled in preschool and the primary program through grade twelve (12). In developing the plan and prior to approval by the local board of education, the district shall involve local citizens, parents, students, teachers, and administrators. The district, pursuant to KRS 158.685, shall involve Department of Education consultants in the development of the plan;
- (2) Educationally deficient districts and education development districts pursuant to KRS 158.685 shall submit a plan each year, or more frequently if ordered by the ***Kentucky Board of***~~State Board for Elementary and Secondary~~ Education, listing new process goals, the interim performance goals, and timelines until the deficiency has been eliminated;

- (3) Local school personnel shall ascertain areas of strength and areas needing improvement in the school program as revealed by the test results and other student assessments and with the advice and counsel of the representatives mentioned in subsection (1) of this section, shall develop appropriate programs to address educational areas needing improvement for all students in preschool and the primary program through grade twelve (12);
- (4) The district improvement plan developed and submitted to the department shall include the following:
  - (a) Performance goals or interim performance goals;
  - (b) Product goals;
  - (c) A list of individuals, by occupation, or groups involved in developing the plan;
  - (d) The areas of needed improvement as revealed by the district assessment results;
  - (e) A list of priorities for program implementation;
  - (f) The objectives and activities deemed appropriate and necessary for alleviating the observed educational areas of needed improvement;
  - (g) A calendar of events and timeline, for implementation;
  - (h) A brief report, each succeeding year, or more frequently if required by the *Kentucky Board of*~~[State Board for Elementary and Secondary]~~ Education, after submission of the initial plan, of the program status and progress made in areas of needed improvement.
- (5) The district improvement plan shall be coordinated with the master staff development plan and the Department of Education shall provide technical assistance in the planning, implementation, and evaluation of this coordination.
- (6) Effective June 30, 1996, KRS 158.650 to 158.710 shall become null and void.

âSection 15. KRS 156.095 is amended to read as follows:
- (1) The Kentucky Department of Education shall establish, direct, and maintain a statewide program of professional development to improve instruction in the public schools.

- (2) Each local school district superintendent shall appoint a certified school employee to fulfill the role and responsibilities of a professional development coordinator who shall disseminate professional development information to schools and personnel. Upon request by a school council or any employees of the district, the coordinator shall provide technical assistance to the council or the personnel that may include assisting with needs assessments, analyzing school data, planning and evaluation assistance, organizing districtwide programs requested by school councils or groups of teachers, or other coordination activities.
  - (a) The manner of appointment, qualifications, and other duties of the professional development coordinator shall be established by Kentucky Board of Education through promulgation of administrative regulations.
  - (b) The local district professional development coordinator shall participate in the Kentucky Department of Education annual training program for local school district professional development coordinators. The training program may include, but not be limited to, the demonstration of various approaches to needs assessment and planning; strategies for implementing long-term, school-based professional development; strategies for strengthening teachers' roles in the planning, development, and evaluation of professional development; and demonstrations of model professional development programs. The training shall include information about teacher learning opportunities relating to the core content standards. The Kentucky Department of Education shall regularly collect and distribute this information.
- (3) The Kentucky Department of Education shall provide or facilitate optional, professional development programs for certified personnel throughout the Commonwealth that are based on the statewide needs of teachers, administrators, and other education personnel. Programs may include classified staff and parents when appropriate. Programs offered or facilitated by the department shall be at locations and times convenient to local school personnel and shall be made accessible through

the use of technology when appropriate. They shall include programs that: address the goals for Kentucky schools as stated in KRS 158.6451, including reducing the achievement gaps as determined by an equity analysis of the disaggregated student performance data from the Commonwealth Assessment, Accountability, and Academic Achievement ~~Testing~~ System; engage educators in effective learning processes and foster collegiality and collaboration; and provide support for staff to incorporate newly acquired skills into their work through practicing the skills, gathering information about the results, and reflecting on their efforts. Professional development programs may include, but not be limited to, focus on the following areas:

- (a) Strategies to reduce the achievement gaps among various groups of students;
  - (b) Curriculum content and methods of instruction for each content area;
  - (c) School-based decision making;
  - (d) Performance-based student assessment;
  - (e) Nongraded primary programs;
  - (f) Research-based instructional practices;
  - (g) Instructional uses of technology;
  - (h) Curriculum design to serve the needs of students with diverse learning styles and skills and of students of diverse cultures;
  - (i) Instruction of phonics;
  - (j) Educational leadership; and
  - (k) Strategies to incorporate character education throughout the curriculum.
- (4) The department shall utilize its regional service centers, in addition to collaboration with postsecondary education institutions, education cooperative and consortia, and professional education organizations, to provide local district personnel with access to high quality programming. The department shall assist school personnel in assessing the impact of professional development on their instructional practices and student learning.

- (5) The department shall assist districts and school councils with the development of long-term school and district improvement plans that include multiple strategies for professional development based on the assessment of needs at the school level.
- (a) Professional development strategies may include, but are not limited to, participation in subject matter academies, teacher networks, training institutes, workshops, seminars, and study groups; collegial planning; action research; mentoring programs; appropriate university courses; and other forms of professional development.
- (b) In planning the use of the four (4) days for professional development under KRS 158.070, school councils and districts shall give priority to programs that increase teachers' understanding of curriculum content and methods of instruction appropriate for each content area based on individual school plans. The district may use up to one (1) day to provide district-wide training and training that is mandated by state or federal law. Only those employees identified in the mandate or affected by the mandate shall be required to attend the training.
- (c) State funds allocated for professional development shall be used to support professional development initiatives that are consistent with local school improvement and professional development plans and teachers' individual growth plans. The funds may be used throughout the year for all staff, including classified and certified staff and parents on school councils or committees. A portion of the funds allocated to each school council under KRS 160.345 may be used to prepare or enhance the teachers' knowledge and teaching practices related to the content and subject matter that are required for their specific classroom assignments.
- (6) The Department of Education shall establish an electronic consumer bulletin board that posts information regarding professional development providers and programs as a service to school district central office personnel, school councils, teachers, and

administrators. Participation on the electronic consumer bulletin board shall be voluntary for professional development providers or vendors, but shall include all programs sponsored by the department. Participants shall provide the following information: program title; name of provider or vendor; qualifications of the presenters or instructors; objectives of the program; program length; services provided, including follow-up support; costs for participation and costs of materials; names of previous users of the program, addresses, and telephone numbers; and arrangements required. Posting information on the bulletin board by the department shall not be viewed as an endorsement of the quality of any specific provider or program.

- (7) The Department of Education shall provide training to address the characteristics and instructional needs of students at risk of school failure and most likely to drop out of school. The training shall be developed to meet the specific needs of all certified and classified personnel depending on their relationship with these students. The training for instructional personnel shall be designed to provide and enhance skills of personnel to:
  - (a) Identify at-risk students early in elementary schools as well as at-risk and potential dropouts in the middle and high schools;
  - (b) Plan specific instructional strategies to teach at-risk students;
  - (c) Improve the academic achievement of students at risk of school failure by providing individualized and extra instructional support to increase expectations for targeted students;
  - (d) Involve parents as partners in ways to help their children and to improve their children's academic progress; and
  - (e) Significantly reduce the dropout rate of all students.
- (8) By July 1, 2001, the department shall establish teacher academies to the extent funding is available in cooperation with postsecondary education institutions for elementary, middle school, and high school faculty in core disciplines, utilizing

facilities and faculty from universities and colleges, local school districts, and other appropriate agencies throughout the state. Priority for participation shall be given to those teachers who are teaching core discipline courses for which they do not have a major or minor or the equivalent. Participation of teachers shall be voluntary.

Section 15. KRS 158.816 is amended to read as follows:

- (1) The Kentucky Department of Education and the Office of Career and Technical Education, with involvement of representatives from the local school districts and teacher preparation institutions, shall jointly complete an annual statewide analysis and report of academic achievement of technical education students who have completed or are enrolled in a sequence of a technical program of at least three (3) high school credits.
- (2) The analysis shall include the previous year's results from the Commonwealth Assessment, Accountability, and Academic Achievement ~~Testing~~ System. The data shall be disaggregated for all high school students by career cluster areas of agriculture, business and marketing, human services, health services, transportation, construction, communication, and manufacturing and by special populations. Where available, disaggregated data from other national assessments shall also be used.
- (3) (a) The Kentucky Department of Education, with assistance from the Office of Career and Technical Education, shall coordinate the development of a statewide technical assistance plan to aid providers of programs in identifying areas for improvement for those schools that do not meet their school performance goal and for those schools where technical students as a group do not score equal to or better than the school average in each of the academic areas. The plan shall address methodologies for further analysis at each school including but not limited to:
  1. The academic course-taking patterns of the technical students;
  2. The rigor and intensity of the technical programs and expectations for student performance in reading, math, science, and writing and other

- academic skills as well as in technical skill development;
3. The level of communication and collaboration between teachers in technical programs and academic programs, planning, and opportunity for analyzing student achievement, particularly between faculty in the comprehensive high schools with the faculty in state-operated or locally operated secondary area centers and vocational departments;
  4. The faculties' understanding of Kentucky's program of studies, academic expectations, and core content for assessment;
  5. The knowledge and understanding of academic teachers and technical teachers in integrating mutually supportive curricula content;
  6. The level of curricula alignment and articulation in grades eight (8) to sixteen (16);
  7. The availability of extra help for students in meeting higher standards;
  8. The availability and adequacy of school career and guidance counseling;
  9. The availability and adequacy of work-based learning;
  10. The availability and adequacy of distance learning and educational technology;
  11. The adequacy of involvement of business and industry in curricula, work-based learning, and program development; and
  12. The adequacy of teachers' preparation to prepare them for teaching both academic and technical skills to all students that are necessary for successful transition to postsecondary education, work, or the military.
- (b) The department and the office, in cooperation with teacher preparation programs, postsecondary education institutions, and other appropriate partners, shall ensure that academic core content is imbedded or integrated within the performance requirements for students.
- (c) The department and the office, in cooperation with the Kentucky Community and Technical College System, shall encourage postsecondary education and



business and industry to provide professional development and training opportunities to engage technical faculty in continuous improvement activities to enhance their instructional skills.

- (d) The department and the office shall continue efforts with business and industry to develop occupation skill standards and assessments. All efforts shall be made with the involvement of business, industry, and labor. Skill standards and assessments, where available, shall be used as the focus of the curricula.
- (4) The department and the office shall consult with the Education Professional Standards Board in carrying out the requirements of this section as they relate to teacher preparation.

âSection 15. KRS 159.035 is amended to read as follows:

- (1) Notwithstanding the provisions of any other statute, any student in a public school who is enrolled in a properly organized 4-H club shall be considered present at school for all purposes when participating in regularly scheduled 4-H club educational activities, provided, the student is accompanied by or under the supervision of a county extension agent or the designated 4-H club leader for the 4-H club educational activity participated in.
- (2) Except as provided in paragraph (e) of this subsection, a public school principal shall give a student an excused absence of up to ten (10) school days to pursue an educational enhancement opportunity determined by the principal to be of significant educational value, including but not limited to participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts.
  - (a) A student receiving an excused absence under this subsection shall have the opportunity to make up school work missed and shall not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.

- (b) Educational enhancement opportunities under this subsection shall not include nonacademic extracurricular activities, but may include programs not sponsored by the school district.
  - (c) If a request for an excused absence to pursue an educational enhancement opportunity is denied by a school principal, a student may appeal the decision to the district superintendent, who shall make a determination whether to uphold or alter the decision of the principal. If a superintendent upholds a principal's denial, a student may appeal the decision to the local board of education, which shall make a final determination. A principal, superintendent, and local board of education shall make their determinations based on the provisions of this subsection and the district's school attendance policies adopted in accordance with KRS 158.070 and KRS 159.150.
  - (d) A student receiving an excused absence under the provisions of this subsection shall be considered present in school during the excused absence for the purposes of calculating average daily attendance as defined by KRS 157.320 under the Support Education Excellence in Kentucky program.
  - (e) A student shall not be eligible to receive an excused absence under the provisions of this subsection for an absence during a school's testing window established for assessments of the Commonwealth Assessment, Accountability, and Academic Achievement ~~Testing~~ System under KRS 158.6453 or during a testing period established for the administration of additional district-wide assessments at the school, except if a principal determines that extenuating circumstances make an excused absence to pursue an educational enhancement opportunity appropriate.
- (3) (a) If a student's parent, de facto custodian, or other person with legal custody or control of the student is a member of the United States Armed Forces, including a member of a state National Guard or a Reserve component called to federal active duty, a public school principal shall give the student:

1. An excused absence for one (1) day when the member is deployed; and
  2. An additional excused absence for one (1) day when the service member returns from deployment.
- (b) A student receiving an excused absence under this subsection shall have the opportunity to make up school work missed and shall not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.
- (c) A student receiving an excused absence under this subsection shall be considered present in school during the excused absence for the purposes of calculating average daily attendance as defined by KRS 157.320 under the Support Education Excellence in Kentucky program.

âSection 15. KRS 158.805 is amended to read as follows:

- (1) There is hereby created the Commonwealth school improvement fund to assist local schools in pursuing new and innovative strategies to meet the educational needs of the school's students and raise the school's performance level. ~~Except for the school years 2002-2003 and 2003-2004 when the priority for the use of the fund shall be to provide technical assistance to schools identified under subsection (2) of this section to reduce the achievement gaps among the various groups of students as described in KRS 158.649,~~ The Kentucky Board of Education shall utilize the Commonwealth school improvement fund to provide grants to schools for the following purposes:
- (a) To support teachers and administrators in the development of sound and innovative approaches to improve instruction or management;
  - (b) To assist in replicating successful programs developed in other districts including those calculated to reduce achievement gaps as defined in KRS 158.649;
  - (c) To encourage cooperative instructional or management approaches to specific school educational problems; and
  - (d) To encourage teachers and administrators to conduct experimental programs to

test concepts and applications being advanced as solutions to specific educational problems.

- (2) The Kentucky Board of Education shall develop criteria for awards of grants from the Commonwealth school improvement fund to schools identified by the board as needing assistance under KRS 158.6455.
- (3) The Kentucky Board of Education shall have the sole authority to approve grants from the fund.
- (4) The Kentucky Board of Education may establish priorities for the use of the funds and, through the Department of Education, shall provide assistance to schools in preparing their grant proposals. The board shall require that no funds awarded under the Commonwealth school improvement fund are used to supplant funds from any other source. Requests for necessary equipment may be approved at the discretion of the state board, however the cost of equipment purchased by any grantee shall not exceed twenty percent (20%) of the total amount of money awarded for each proposal and shall be matched by local funds on a dollar for dollar basis.
- (5) The Kentucky Board of Education shall establish maximums for specific grant awards. All fund recipients shall provide the board with an accounting of all money received from the fund and shall report the results and conclusions of any funded projects to the Kentucky Board of Education. All fund recipients shall provide the board with adequate documentation of all projects to enable replication of successful projects in other areas of the state.

Section 15. KRS 160.345 is amended to read as follows:

- (1) For the purpose of this section:
  - (a) "Minority" means American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin; Pacific islander; or other ethnic group underrepresented in the school;
  - (b) "School" means an elementary or secondary educational institution that is under

the administrative control of a principal or head teacher and is not a program or part of another school. The term "school" does not include district-operated schools that are:

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

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

(d) "Parent" means:

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

(2) Each local board of education shall adopt a policy for implementing school-based decision making in the district which shall include, but not be limited to, a description of how the district's policies, including those developed pursuant to KRS 160.340, have been amended to allow the professional staff members of a school to be involved in the decision making process as they work to meet educational goals established in KRS 158.645 and 158.6451. The policy may include a requirement that each school council make an annual report at a public meeting of the board describing the school's progress in meeting the educational goals set forth in KRS 158.6451 and district goals established by the board. The policy shall also address and comply with the following:

(a) Except as provided in paragraph (b)2. of this subsection, each participating school shall form a school council composed of two (2) parents, three (3)

teachers, and the principal or administrator. The membership of the council may be increased, but it may only be increased proportionately. A parent representative on the council shall not be an employee or a relative of an employee of the school in which that parent serves, nor shall the parent representative be an employee or a relative of an employee in the district administrative offices. A parent representative shall not be a local board member or a board member's spouse. None of the members shall have a conflict of interest pursuant to KRS Chapter 45A, except the salary paid to district employees;

- (b) 1. The teacher representatives shall be elected for one (1) year terms by a majority of the teachers. A teacher elected to a school council shall not be involuntarily transferred during his or her term of office. The parent representatives shall be elected for one (1) year terms. The parent members shall be elected by the parents of students preregistered to attend the school during the term of office in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected. The principal or head teacher shall be the chair of the school council.
2. School councils in schools having eight percent (8%) or more minority students enrolled, as determined by the enrollment on the preceding October 1, shall have at least one (1) minority member. If the council formed under paragraph (a) of this subsection does not have a minority member, the principal, in a timely manner, shall be responsible for carrying out the following:
  - a. Organizing a special election to elect an additional member. The principal shall call for nominations and shall notify the parents of

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

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

- (g) The school council shall determine which textbooks, instructional materials, and student support services shall be provided in the school. Subject to available resources, the local board shall allocate an appropriation to each school that is adequate to meet the school's needs related to instructional materials and school-based student support services, as determined by the school council. The school council shall consult with the school media librarian on the maintenance of the school library media center, including the purchase of instructional materials, information technology, and equipment;
- (h) From a list of applicants submitted by the local superintendent, the principal at the participating school shall select personnel to fill vacancies, after consultation with the school council, consistent with subsection (2)(i)10. of this section. The superintendent may forward to the school council the names of qualified applicants who have pending certification from the Education Professional Standards Board based on recent completion of preparation requirements, out-of-state preparation, or alternative routes to certification pursuant to KRS 161.028 and 161.048. Requests for transfer shall conform to any employer-employee bargained contract which is in effect. If the vacancy to be filled is the position of principal, the school council shall select the new principal from among those persons recommended by the local superintendent. When a vacancy in the school principalship occurs, the school council shall receive training in recruitment and interviewing techniques prior to carrying out the process of selecting a principal. The council shall select the trainer to deliver the training. Personnel decisions made at the school level under the



authority of this subsection shall be binding on the superintendent who completes the hiring process. Applicants subsequently employed shall provide evidence that they are certified prior to assuming the duties of a position in accordance with KRS 161.020. The superintendent shall provide additional applicants upon request when qualified applicants are available;

- (i) The school council shall adopt a policy to be implemented by the principal in the following additional areas:
1. Determination of curriculum, including needs assessment and curriculum development;
  2. Assignment of all instructional and noninstructional staff time;
  3. Assignment of students to classes and programs within the school;
  4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board;
  5. Determination of use of school space during the school day;
  6. Planning and resolution of issues regarding instructional practices;
  7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and principal;
  8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision;
  9. Procedures, consistent with local school board policy, for determining alignment with state standards, technology utilization, and program appraisal; and
  10. Procedures to assist the council with consultation in the selection of personnel by the principal, including, but not limited to, meetings, timelines, interviews, review of written applications, and review of

references. Procedures shall address situations in which members of the council are not available for consultation; and

- (j) Each school council shall annually review data on its students' performance as shown by the Commonwealth, Assessment, Accountability, and Academic Achievement ~~Testing~~ System. The data shall include but not be limited to information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, and participation in the federal free and reduced price lunch program. After completing the review of data, each school council, with the involvement of parents, faculty, and staff, shall develop and adopt a plan to ensure that each student makes progress toward meeting the goals set forth in KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan to the superintendent and local board of education for review as described in KRS 160.340. The Kentucky Department of Education shall provide each school council the data needed to complete the review required by this paragraph no later than November 1 of each year. If a school does not have a council, the review shall be completed by the principal with the involvement of parents, faculty, and staff.
- (3) The policy adopted by the local board to implement school-based decision making shall also address the following:
- (a) School budget and administration, including: discretionary funds; activity and other school funds; funds for maintenance, supplies, and equipment; and procedures for authorizing reimbursement for training and other expenses;
  - (b) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state;
  - (c) School improvement plans, including the form and function of strategic planning and its relationship to district planning, as well as the school safety

- plan and requests for funding from the Center for School Safety under KRS 158.446;
- (d) Professional development plans developed pursuant to KRS 156.095;
  - (e) Parent, citizen, and community participation including the relationship of the council with other groups;
  - (f) Cooperation and collaboration within the district, with other districts, and with other public and private agencies;
  - (g) Requirements for waiver of district policies;
  - (h) Requirements for record keeping by the school council; and
  - (i) A process for appealing a decision made by a school council.
- (4) In addition to the authority granted to the school council in this section, the local board may grant to the school council any other authority permitted by law. The board shall make available liability insurance coverage for the protection of all members of the school council from liability arising in the course of pursuing their duties as members of the council.
- (5) After July 13, 1990, any school in which two-thirds (2/3) of the faculty vote to implement school-based decision making shall do so. All schools shall implement school-based decision making by July 1, 1996, in accordance with this section and with the policy adopted by the local board pursuant to this section. Upon favorable vote of a majority of the faculty at the school and a majority of at least twenty-five (25) voting parents of students enrolled in the school, a school meeting its goal as determined by the Department of Education pursuant to KRS 158.6455 may apply to the Kentucky Board of Education for exemption from the requirement to implement school-based decision making, and the state board shall grant the exemption. The voting by the parents on the matter of exemption from implementing school-based decision making shall be in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. Notwithstanding the provisions of this section, a local school district

shall not be required to implement school-based decision making if the local school district contains only one (1) school.

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

the faculty have agreed to the model.

- (8) The Kentucky Board of Education, upon recommendation of the commissioner of education, shall adopt by administrative regulation a formula by which school district funds shall be allocated to each school council. Included in the school council formula shall be an allocation for professional development that is at least sixty-five percent (65%) of the district's per pupil state allocation for professional development for each student in average daily attendance in the school. The school council shall plan professional development in compliance with requirements specified in KRS 156.095, except as provided in KRS 158.649. School councils of small schools shall be encouraged to work with other school councils to maximize professional development opportunities.
- (9) (a) No board member, superintendent of schools, district employee, or member of a school council shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members of a school and parents to be involved in the decision making process in working toward meeting the educational goals established in KRS 158.645 and 158.6451 or to make decisions in areas of policy assigned to a school council pursuant to paragraph (i) of subsection (2) of this section.
- (b) An affected party who believes a violation of this subsection has occurred may file a written complaint with the Office of Education Accountability. The office shall investigate the complaint and resolve the conflict, if possible, or forward the matter to the Kentucky Board of Education.
- (c) The Kentucky Board of Education shall conduct a hearing in accordance with KRS Chapter 13B for complaints referred by the Office of Education Accountability.
- (d) If the state board determines a violation has occurred, the party shall be subject to reprimand. A second violation of this subsection may be grounds for

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

- (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or maintain a school-based decision making council and the powers, duties, and authority granted to a school council may be rescinded or the school council's role may be advisory if the commissioner of education or the Kentucky Board of Education takes action under KRS 160.346.
- (11) Each school council of a school containing grades K-5 or any combination thereof, or if there is no school council, the principal, shall develop and implement a wellness policy that includes moderate to vigorous physical activity each day and encourages healthy choices among students. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. Each school council, or if there is no school council, the principal, shall adopt an assessment tool to determine each child's level of physical activity on an annual basis. The council or principal may utilize an existing assessment program. The Kentucky Department of Education shall make available a list of available resources to carry out the provisions of this subsection. The department shall report to the Legislative Research Commission no later than November 1 of each year on how the schools are providing physical activity under this subsection and on the types of physical activity being provided. The policy developed by the school council or principal shall comply with provisions required by federal law, state law, or local board policy.

âSection 15. KRS 158.6455 is amended to read as follows:

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

- (1) (a) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National

Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate administrative regulations in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A to establish a system for identifying and rewarding successful schools. A reward shall be distributed to successful schools based on the number of full-time, part-time, and itinerant certified staff employed in the school on the last working day of the year of the reward to be used for school purposes as determined by the school council or, if none exists, the principal. The Kentucky Board of Education shall identify reports, paperwork requirements, and administrative regulations from which high performing schools shall be exempt.

- (b) Effective July 1, 2006, the Kentucky Board of Education shall reward schools that exceed their improvement goal and have an annual average dropout rate below five percent (5%). A student shall be included in the annual average dropout rate if the student was enrolled in the school of record for at least thirty (30) days during the school year prior to the day he or she was recorded as dropping out of school. A student shall not be included in a school's annual average dropout rate if:
1. The student is enrolled in a district-operated or district-contracted alternative program leading to a certificate of completion or a General Educational Development (GED) diploma; or
  2. The student has withdrawn from school and is awarded a General Educational Development (GED) diploma by October 1 of the following school year.
- (c) A student enrolled in a district-operated or district-contracted alternative program shall participate in the appropriate assessments required by the Commonwealth Assessment, Accountability, and Academic Achievement ~~Testing~~ System established in KRS 158.6453.
- (2) After receiving the advice of the Office of Education Accountability; the School

Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate by administrative regulation in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A the formula for a school accountability index to classify schools every two (2) years based on whether they have met their threshold level for school improvement, with school years 1998-2000 serving as the baseline, except the Department of Education shall seek advice from the National Technical Advisory Panel on Assessment and Accountability for adjustments required if substantive changes are made to the assessment and accountability system. The formula shall reflect the school goals described in KRS 158.6451, except there shall be no measurement of the goals included in subsection (1)(b)3. and (1)(b)4.

- (3) A student's test scores shall be counted in the accountability index of:
- (a)
    - 1. The school in which the student is currently enrolled if the student has been enrolled in that school for at least one hundred (100) days of the school year prior to the beginning of the statewide testing period; or
    - 2. The school in which the student was previously enrolled if the student was enrolled in that school for at least one hundred (100) days of the school year prior to the beginning of the statewide testing period; and
  - (b) The school district if the student is enrolled in the district for at least one hundred (100) days of the school year prior to the beginning of the statewide testing period; and
  - (c) The state if the student is enrolled in a Kentucky public school prior to the beginning of the statewide testing period.
- (4) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate an administrative regulation in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A to establish appropriate consequences for schools



failing to meet their threshold. The consequences shall be designed to improve teaching and learning and may include but not be limited to:

- (a) A scholastic audit process under subsection (5) of this section to determine the appropriateness of a school's classification and to recommend needed assistance;
  - (b) School improvement plans;
  - (c) Eligibility to receive Commonwealth school improvement funds under KRS 158.805;
  - (d) Education assistance from highly skilled certified staff under KRS 158.782;
  - (e) Evaluation of school personnel; and
  - (f) Student transfer to successful schools.
- (5) (a) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate an administrative regulation in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A establishing the guidelines for conducting scholastic audits, which shall include the process for:
- 1. Appointing and training team members. The team shall include at least a highly skilled certified educator under KRS 158.782, a teacher, a principal or other local district administrator, a parent, and a university faculty member;
  - 2. Reviewing a school's learning environment, efficiency, and academic performance of students and the quality of the school council's data analysis and planning in accordance with KRS 160.345(2)(j);
  - 3. Evaluating each certified staff member assigned to the school. Only certified members of the audit team shall evaluate personnel; and
  - 4. Making a recommendation to the Kentucky Board of Education about the appropriateness of a school's classification and a recommendation

concerning the assistance required by the school to improve teaching and learning.

- (b) The scholastic audit team shall consider the functioning of the school council in its review and make recommendations for improvement of the school council, if needed, and concerning the authority of the school council if required under KRS 160.346.
- (c) For information purposes, the board shall also conduct scholastic audits in a sample of schools that achieved their goal and report to the public on the resulting findings regarding each aspect of the schools' operations required under subparagraph 2. of paragraph (a) of this subsection.
- (6) All students who drop out of school during a school year shall be included in a school's annual average school dropout rate, except as provided in subsection (1)(b) of this section.
- (7) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education may promulgate by administrative regulation, in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A, a system of district accountability that includes establishing a formula for accountability, goals for improvement over a two (2) year period, rewards for leadership in improving teaching and learning in the district, and consequences that address the problems and provide assistance when the district fails to achieve its goals set by the board.
- (8) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate administrative regulations in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A, to establish a process whereby a school shall be allowed to appeal a performance judgment which it considers grossly unfair. Upon

appeal, an administrative hearing shall be conducted in accordance with KRS Chapter 13B. The state board may adjust a performance judgment on appeal when evidence of highly unusual circumstances warrants the conclusion that the performance judgment is based on fraud or a mistake in computations, is arbitrary, is lacking any reasonable basis, or when there are significant new circumstances occurring during the biennial assessment period which are beyond the control of the school.

Section 15. KRS 158.6459 is amended to read as follows:

- (1) A high school student whose scores on the high school readiness examination administered in grade eight (8), on the college readiness examination administered in grade ten (10), or on the WorkKeys indicate that additional assistance is required in English, reading, or mathematics shall have intervention strategies for accelerated learning incorporated into his or her learning plan.
- (2) A high school student whose score on the ACT examination under KRS 158.6453 ~~(2)(g) [(4)(a)3.]~~ in English, reading, or mathematics is below the systemwide standard established by the Council on Postsecondary Education for entry into a credit-bearing course at a public postsecondary institution without placement in a remedial course or an entry-level course with supplementary academic support shall be provided the opportunity to participate in accelerated learning designed to address his or her identified academic deficiencies prior to high school graduation.
- (3) A high school, in collaboration with its school district, shall develop and implement accelerated learning that:
  - (a) Allows a student's learning plan to be individualized to meet the student's academic needs based on an assessment of test results and consultation among parents, teachers, and the student; and
  - (b) May include changes in a student's class schedule.
- (4) The Kentucky Department of Education, the Council on Postsecondary Education, and public postsecondary institutions shall offer support and technical assistance to schools and school districts in the development of accelerated learning.

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

âSection 15. KRS 158.647 is amended to read as follows:

- (1) A permanent subcommittee of the Legislative Research Commission to be known as the Education Assessment and Accountability Review Subcommittee is hereby created. The subcommittee shall be composed of eight (8) members appointed as follows: three (3) members of the Senate appointed by the President of the Senate; one (1) member of the minority party in the Senate appointed by the Minority Floor Leader in the Senate; three (3) members of the House of Representatives appointed by the Speaker of the House of Representatives; and one (1) member of the minority party in the House of Representatives appointed by the Minority Floor Leader in the House of Representatives. Members of the subcommittee shall serve for terms of two (2) years, and the members appointed from each chamber shall elect one (1) member from their chamber to serve as co-chair. The co-chairs shall have joint responsibilities for subcommittee meeting agendas and presiding at subcommittee meetings. A majority of the entire membership of the Education Assessment and Accountability Review Subcommittee shall constitute a quorum, and all actions of the subcommittee shall be by vote of a majority of its entire membership. Any vacancy that may occur in the membership of the subcommittee shall be filled by the same appointing authority who made the original appointment.
- (2) The subcommittee shall review administrative regulations and advise the Kentucky Board of Education concerning the implementation of the state system of assessment, ~~and~~ accountability, ***and academic achievement*** established in KRS 158.6453, 158.6455, and 158.782, and for any administrative regulation promulgated under provisions of KRS 158.860.
- (3) The subcommittee shall advise and monitor the Office of Education Accountability in

the performance of its duties according to the provisions of KRS 7.410.

- (4) On an alternating basis, each co-chair shall have the first option to set the monthly meeting date. A monthly meeting may be canceled by agreement of both co-chairs. The members of the subcommittee shall be compensated for attending meetings as provided in KRS 7.090.
- (5) Any professional, clerical, or other employees required by the subcommittee shall be provided in accordance with the provisions of KRS 7.090.

âSection 15. KRS 158.840 is amended to read as follows:

- (1) The General Assembly hereby finds that reading and mathematics proficiency are gateway skills necessary for all Kentucky students to achieve the academic goals established in KRS 158.6451. It is the General Assembly's intent that:
  - (a) All students in the primary program having difficulty in reading and mathematics receive early diagnosis and intervention services from highly trained teachers;
  - (b) All students demonstrate proficiency in reading and mathematics as they progress through the relevant curricula and complete each assessment level required by the Kentucky Board of Education for the state assessment program established under KRS 158.6453 and in compliance with the requirements of the federal "No Child Left Behind Act of 2001," 20 U.S.C. sec. 6301 et seq.; and
  - (c) Students who are struggling in reading and mathematics or are not at the proficient level on statewide assessments be provided research-based and developmentally appropriate diagnostic and intervention services, and instructional modifications necessary to learn.

The General Assembly, the Kentucky Board of Education, the Kentucky Department of Education, the Council on Postsecondary Education, colleges and universities, local boards of education, school administrators, school councils, teachers, parents, and other educational entities, such as the Education Professional Standards Board, P-16 councils, the Collaborative Center for Literacy Development, and the Center for

Middle School Achievement must collaborate if the intentions specified in this subsection are to be met. Intensive focus on student achievement in reading and mathematics does not negate the responsibility of any entity to help students obtain proficiency in other core curriculum content areas.

- (2) The General Assembly's role is to set policies that address the achievement levels of all students and provide resources for the professional growth of teachers and administrators, assessing students' academic achievement, including diagnostic assessment and instructional interventions, technology innovations, targeted reading and mathematics statewide initiatives, research and the distribution of research findings, services for students beyond the regular school day, and other services needed to help struggling learners.
- (3) The Kentucky Board of Education shall regularly review and modify, when appropriate, its statewide assessment policies and practices to enable local school districts and schools to carry out the provisions of the statewide assessment, ~~and~~ accountability, *and academic achievement* system, required under KRS 158.6453 to improve student achievement in mathematics and reading.
- (4) The Kentucky Department of Education shall:
  - (a) Provide assistance to schools and teachers, including publicizing professional development opportunities, methods of measuring effective professional development, the availability of high quality instructional materials, and developmentally appropriate screening and diagnostic assessments of student competency in mathematics and reading. The department shall provide access to samples of units of study, annotated student work, diagnostic instruments, and research findings, and give guidance on parental engagement;
  - (b) Conduct an annual review of the state grant programs it manages and make recommendations, when needed, to the Interim Joint Committee on Education for changes to statutory requirements that are necessary to gain a greater return on investment; and

- (c) Provide administrative support and oversight to programs to train classroom coaches and mentors to help teachers with reading and mathematics instruction.
- (5) The Council on Postsecondary Education, in cooperation with the Education Professional Standards Board, shall exercise its duties and functions under KRS 164.020 to ensure that teacher education programs are fulfilling the needs of Kentucky for highly skilled teachers. The council shall coordinate the federal and state grant programs it administers with other statewide initiatives relating to improving student achievement in reading and mathematics to avoid duplication of effort and to make efficient use of resources.
- (6) The Education Professional Standards Board shall exercise its duties and responsibilities under KRS 161.030 and 161.048 to ensure highly qualified teachers.
- (7) Colleges and universities shall:
  - (a) Utilize institution-wide resources to work with elementary and secondary educators and other entities to align curriculum content to ensure that students who achieve proficiency on standards established at the prekindergarten through secondary levels will require no remediation to successfully enter a postsecondary education program;
  - (b) Provide quality undergraduate teacher preparation programs to ensure that those preparing to teach reading or mathematics at all grade levels have the necessary content knowledge, assessment and diagnostic skills, and teaching methodologies;
  - (c) Deliver appropriate continuing education for teachers in reading and mathematics through institutes, graduate level courses, and other professional development activities that support a statewide agenda for improving student achievement in reading and mathematics;
  - (d) Conduct or assist with research on best practices in assessment, intervention strategies, teaching methodologies, costs and effectiveness of instructional models, and other factors as appropriate to reading and mathematics;

- (e) Provide staff to consult and provide technical assistance to teachers, staff, and administrators at elementary, middle, and secondary school sites;
  - (f) Assume active roles in the statewide initiatives referenced in KRS 156.553 and 158.842; and
  - (g) Develop written procedures for measuring the effectiveness of activities outlined in paragraphs (a) to (e) of this subsection.
- (8) School councils at all school levels are encouraged to identify and allocate resources to qualified teachers to become coaches or mentors in mathematics or coaches or mentors in reading with a focus on improving student achievement in their respective schools.
- (9) Local school boards and superintendents shall provide local resources, whenever possible, to supplement or match state and federal resources to support teachers, school administrators, and school councils in helping students achieve proficiency in reading and mathematics.
- (10) Local school superintendents shall provide leadership and resources to the principals of all schools to facilitate curriculum alignment, communications, and technical support among schools to ensure that students are academically prepared to move to the next level of schooling.