

AN ACT relating to persistently low-achieving schools.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

- (1) It is the intent of the General Assembly to ensure that all children have the opportunity to learn in schools that reflect high expectations and to encourage the use of different, high-quality models of teaching, governing, scheduling, or other operational aspects of school that meet a variety of students' needs, including at-risk students. The General Assembly authorizes the formation of charter schools as an option to benefit students, parents, and teachers, and to increase community involvement.*
- (2) Charter schools authorized under this section are limited to persistently low-achieving schools as defined in KRS 160.346.*
- (3) A local board of education may express its intent to designate a persistently low-achieving school as a charter school and may solicit applications for a governing body.*
- (4) If at least twenty percent (20%) of the certified staff of a persistently low-achieving school sign a petition for conversion to a charter school and file it with the principal, the principal shall present the question to all certified personnel for a vote. If at least two-thirds (2/3) of the certified personnel vote to convert to a charter school, the local board shall convert the school to a charter school.*
- (5) If a parent, guardian, or legal custodian of a student enrolled in a persistently low-achieving school informs the principal of the intent to petition for conversion of the school to a charter school, the principal shall provide the petitioner with a form for the petitioner to collect signatures from parents, custodians, and legal guardians. The petition form shall have a column for parents to sign and a column to indicate the names of their children enrolled in the school. The form*

may be duplicated as needed by parent petitioners. Petitions shall be returned to the principal. If parents, guardians, or legal custodians representing at least twenty percent (20%) of the students enrolled in the school sign a petition for conversion to a charter school and file it with the principal, the principal shall present the question to the parents, guardians, or legal custodians of all students for a vote. If two-thirds (2/3) of those voting, vote to convert to a charter school, the local board shall convert the school to a charter school.

(6) Certified personnel or parents may not petition to create a charter school if the school is engaged in an intervention option described in KRS 160.346.

(7) A charter school may only be chartered by converting an existing school into a charter school.

(8) Charter schools shall:

(a) Focus on closing achievement gaps between high-performing and low-performing groups of public school students by expanding learning experiences for students who are identified as academically low-achieving;

(b) Increase pupil learning through the implementation of high, rigorous standards for pupil performance;

(c) Provide parents and students with expanded choices in the types of education opportunities that are available within the public school system;
and

(d) Be allowed freedom and flexibility in exchange for exceptional levels of results-driven accountability.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1, 3, 4, 5, 6, 7, and 8 of this Act:

(1) "At-risk student" means a student who is academically unprepared and has inadequate preparation for the next educational level, especially the student

affected by socioeconomic or cultural factors;

- (2) "Charter school" means a nonsectarian, nonreligious, non-home-based, tuition-free public school that operates within a local school district;
- (3) "Charter school option" means a school intervention available to the commissioner of education or to persistently low-achieving schools as defined in KRS 160.346 that meets the requirements of Sections 1, 3, and 4 of this Act;
- (4) "Governing body" means the body that has legal responsibility and authority over the charter school policies, operations, and administration identified by a charter school in its contract with a local board of education;
- (5) "Local board" means the local board of education of a school district;
- (6) "Local school district" means a county or independent school district;
- (7) "State board" means the Kentucky Board of Education;
- (8) "Qualified administrator" means a person certified by the Education Professional Standards Board pursuant to KRS 161.027 and 161.028; and
- (9) "Qualified teacher" means a person certified by the Education Professional Standards Board pursuant to KRS 161.028, 161.030, 161.046, or 161.048.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

- (1) A charter school shall be a public school within the school district that grants its charter and shall be accountable to the school district's local board of education for purposes of ensuring compliance with applicable laws and charter provisions. A school cannot apply to, or be granted a charter by, a local board unless a majority of the school's students reside in the chartering school district. A charter school shall not deny enrollment to any student residing in the chartering school district if space is available.
- (2) A charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color,

gender, national origin, religion, ancestry, or need for special education services.

- (3) Any non-charter public school converting to a public charter school shall adopt and maintain a policy giving enrollment preferences to students who were previously enrolled in the school or who reside within the former attendance area of that public school.
- (4) A charter school shall be administered and governed by a governing body as specified by the charter school applicant and agreed to by the local board.
- (5) A charter school may apply for nonprofit corporate entity status under KRS Chapter 273 and exemption under Section 501(c)(3) of the Internal Revenue Code.
- (6) For purposes of tax-exempt financing, a charter school is a governmental entity. Direct leases and financial obligations of a charter school shall not constitute debt or financial obligations of the school district unless the school district specifically assumes such obligations.
- (7) Based on the contract between the charter school and the local board, a charter school shall not be subject to specific district policies and state administrative regulations. Based on the contract, a local board may waive locally imposed school district requirements. The state board may waive state statutory requirements or administrative regulations promulgated by the state board, except those relating to curriculum, assessment, and accountability pursuant to KRS 158.6451, 158.6453, 158.6455, 158.6457, 158.6458, and 158.6459. Any waivers of statutory provisions or administrative regulations granted under this subsection shall be for the term of the charter, except the state board shall review every two (2) years any waivers granted and may revoke any waiver it deems no longer necessary.
- (8) A charter school shall not charge tuition, except a charter school may charge fees as may be allowed by other schools within the school district in which it is

located.

(9) A charter school shall be responsible for its own operation, including but not limited to preparation of a budget, contracting for services, and personnel matters.

(10) (a) A charter school may negotiate and contract with a school district, the governing board of a state public postsecondary education institution, or any third party for the use of additional school buildings and grounds, the operation and maintenance of facilities and grounds, and the provision of any service or activity that the charter school needs in order to offer the educational program described in its charter.

(b) A charter school shall not be required to pay rent for space which is deemed available, as negotiated by contract, in the chartering school district's facilities. All other costs for the operation and maintenance of facilities used by the charter school shall be subject to negotiation between the charter school and the local board.

(c) No charter school shall be required to purchase services from its authorizer as a condition of charter approval or of executing a charter contract, nor may any such condition be implied.

(d) Any service that a charter school contracts with the local board shall be provided by the district at cost.

(e) The charter school shall have standing to sue and be sued in its own name for the enforcement of any contract entered into under this subsection.

(11) A charter school shall adhere to the same health, safety, and facility requirements as other public schools. Charter schools that are located in a school district's facilities shall be included in the district's local facility plan.

(12) A local district shall be required to provide transportation of charter school students residing in the school's attendance area. The district shall include the

transported charter school students in the count of students transported by the district for which state funds are received. The attendance area of the charter school shall be congruent with the attendance area of the converted school. A district shall not be required to provide transportation for students attending the charter school who reside outside the attendance area of the charter school.

(13) A charter school shall serve the same grades as the school it served prior to conversion and may not add grades without the permission of the local board of education.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) An approved charter school application shall serve as the basis for a contract between the charter school and the local board of education. A revision of the terms of the contract may be made only with the approval of the local board and the governing body of the charter school.

(2) The charter school application shall be a proposed agreement presented to a local board of education for approval and shall include:

(a) A mission statement for the charter school and a description of an educational program that implements one (1) or more of the purposes described in Section 1 of this Act;

(b) A description of the charter school's educational program, curriculum, and student achievement performance standards. The educational programs shall meet or exceed the student performance standards adopted by the state board;

(c) A description of the methods for evaluating whether students have attained the skills and knowledge specified for its performance standards, the timeline for achievement of the standards, and the procedures for taking corrective action if student performance at the charter school does not meet

the standards;

- (d) A description of the governance and operation of the charter school, including how parents, professional educators, and community members will be involved in the governance and operation of the school;
- (e) Evidence that the plan for the charter school is economically sound for both the charter school and the school district, a proposed budget for the term of the charter, and a description of how an annual audit of the financial and administrative operations of the charter school, including any services provided by the school district, is to be conducted;
- (f) The employment policies and procedures of the charter school, including the employment of qualified teachers and administrators;
- (g) If appropriate, a plan for the displacement of pupils, teachers, and other employees who will not attend or be employed in the charter school;
- (h) A description of the charter school's enrollment policy;
- (i) The rules and procedures by which students may be disciplined, including but not limited to expulsion or suspension from the school, which shall be consistent with the requirements of due process and with federal laws and regulations governing the placement of students with disabilities;
- (j) The school calendar and school day schedule shall total at least the minimum number of days, or their equivalent as required under KRS 158.070, or as otherwise directed by the General Assembly;
- (k) Types and amounts of insurance coverage to be obtained by the school, which shall include adequate insurance for liability, property loss, and the personal injury of students. The state board may promulgate administrative regulations to implement the provisions of this paragraph;
- (l) The term of the charter, which shall not exceed five (5) years;
- (m) A description of the health and food services to be provided to students

attending the school;

(n) Methods and strategies for serving students with disabilities in compliance with all federal laws and regulations relating thereto;

(o) Procedures to be followed in the case of the closure or dissolution of the school, including provisions for the transfer of students and student records to the local school district in which the charter school is located or to another charter school located within the local school district; and

(p) All requests for release of the charter school from specific state statutory provisions.

(3) The following shall apply to the process for the submission and review of a charter school application:

(a) Applications shall be filed with the local board of education. The local board of education shall review all applications and, if the board finds the charter school application is incomplete, the board shall request the necessary information from the charter school applicant;

(b) After giving reasonable public notice, the local board shall hold at least one (1) public meeting to obtain information to assist the board in making its decision to approve a charter school application. The local board of education shall take action in a regularly scheduled meeting of the board within twenty (20) days after receiving the application filed under this section. All negotiations between the charter school and the local board regarding the contract shall be concluded by, and all terms of the contract agreed upon, no later than thirty (30) days after the local board rules on the application for a charter school unless the parties mutually agree to waive this deadline;

(c) If a local board denies a charter school application or unilaterally imposes conditions that are unacceptable to the charter school applicant, the

applicant may appeal the decision to the commissioner of education; and

(d) If a local board denies a charter school application, it shall give its reasons for the denial in writing. If a local board grants a charter, it shall send a copy of the approved charter to the Kentucky Department of Education within fifteen (15) days of granting the charter.

(4) The following shall apply to the initial approval and renewal of charter schools:

(a) A new charter school may be approved for a period of three (3) to five (5) years;

(b) A renewal of a charter may be for a period not to exceed five (5) years;

(c) A charter school renewal application shall be submitted to the local board and contain:

1. A report on the progress of the charter school in achieving the goals, objectives, pupil performance standards, content standards, and other terms of the initial approved charter application;

2. A financial statement that discloses the costs of administration, instruction, and other spending categories for the charter school that is transparent to the general public and that will allow comparison of such costs to other schools or other comparable organizations, in a format required by the state board; and

3. Requested changes to terms in the initial contract; and

(d) A charter may be revoked or not renewed by the local board if the board determines that:

1. It is not in the interest of students residing within the district to continue the operation of the charter school; or

2. The charter school:

a. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter contract;

- b. Failed to meet or make reasonable progress toward achievement of the content standards or pupil performance standards identified in the charter contract;
- c. Failed to meet generally accepted standards of fiscal management; or
- d. Violated any provision of law from which the charter school was not specifically exempted.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky Board of Education shall promulgate administrative regulations to implement the establishment of charter schools under Sections 1 to 4 of this Act including:

- (a) Procedures for resolutions of disputes between a charter school and a local board of education arising with regard to governing policy provisions of a charter school's charter contract;
- (b) Procedures for appeal concerning the denial of a charter school application, the nonrenewal or revocation of a charter school's charter, or the unilateral imposition of conditions on a charter applicant;
- (c) Evaluation and reporting requirements from local districts to the state board; and
- (d) Any other provisions necessary to implement charter schools within the state.

(2) Appeals to the state board shall be reviewed based on the procedures established in administrative regulation under subsection (1) of this section; however, the state board shall have the final decision-making authority over situations in which the state board determines that the actions of the local board were contrary to the best interests of the students, school district, and the community and shall

direct the local board in what actions to take.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 161 IS CREATED TO READ AS FOLLOWS:

(1) Teachers and employees in a charter school shall participate in the Kentucky Teachers' Retirement System and the County Employees Retirement System as determined by their eligibility for participation in the appropriate system. The charter school shall remit to the retirement systems the employer contributions required by law for participating employers. Teachers and other certified personnel shall make the employee contributions to the Kentucky Teachers' Retirement System under KRS 161.220 and 161.716. Classified employees shall make the employee contributions to the County Employees Retirement System under KRS 78.510 to 78.852.

(2) Every charter school employee shall be provided the health and life insurance and other benefit programs extended to other school employees, unless the employee waives participation.

(3) A person who is employed in a charter school shall accrue service credit in the same manner as other school employees in the local district.

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:

(1) (a) A local school board shall distribute state, local, and school district funds directly to a charter school authorized by the local board for each student who is a resident of the school district enrolled in the charter school as follows:

1. The base support education excellence in Kentucky guaranteed per pupil amount as determined by the biennial budget of the Kentucky General Assembly, plus adjustments for at-risk students, students with disabilities, students receiving home and hospital services, and Limited

English Proficiency programs;

2. The district's Tier 1 per pupil calculation, including state and local amounts for each student;
 3. Twenty-five percent (25%) of the district's previous year Tier 2 per pupil calculation for each student;
 4. The Kentucky Education Technology System per pupil amount; and
 5. The per pupil amount for textbooks.
- (b) The local board shall distribute all state and local funding monthly to the charter school beginning July 15 of the year in which the charter school begins operation and each month thereafter. The local board shall continue to disburse funds for each student enrolled in the charter school for the duration of the charter and for the duration of any subsequent charter renewals. The distribution of funds on July 15 and August 15 of the first year shall be an estimated amount and shall be adjusted during the month of September.
- (c) Funds under subsection (1)(a) of this section shall be distributed the first year in which a charter begins, based on ninety-two percent (92%) of student enrollment on the tenth instructional day. Funding for the second year and each year thereafter shall be based on the average daily attendance for each pupil in the school the previous year. Funding shall be increased when the average daily attendance in any district for the first two (2) months of the current year is greater than the average daily attendance of the school for the first two (2) months of the previous year. State funding shall be provided for:
1. Kindergarten based upon the full-time equivalent pupils in average daily attendance; and
 2. Preschool based on the preschool enrollment of the charter school by

a formula developed by the Kentucky Department of Education.

- (2) During any year of the charter school's operation, to the extent allowed by federal law, a local board shall distribute to a charter school authorized by the local board, a proportionate share of federal program funds for each student who is a resident of the district, is enrolled in the charter school, and meets federal program eligibility criteria. That funding shall include but not be limited to federal programs for students with disabilities and disadvantaged children.
- (3) The local board shall pay the charter school any federal or state aid attributable to students who are exceptional children and youth as defined in KRS 157.200 attending the charter school in proportion to the level of services for those students that the charter school provides directly or indirectly.
- (4) The proportionate share of any state and federal categorical aid funding generated by students who are exceptional children and youth attending a charter school or staff serving them not designated in subsections (1), (2), and (3) of this section shall be distributed by a local district to a charter school it authorizes for each student who is a resident of the district, enrolled in the charter school, and who meets eligibility criteria for aid under state and federal law.
- (5) A charter school shall be eligible for federal and state competitive grants and shall not be excluded from an opportunity to participate as an independent educational entity as long as the available grants align with the grade levels included in the charter school and the other criteria established for the respective grants.
- (6) Private persons and organizations may provide funding and other assistance to the establishment or operation of a charter school.
- (7) All awards, grants, or gifts received by a charter school shall be retained for expenditure by the charter school.
- (8) (a) The governing board of a charter school may accept gifts, donations, or

grants of any kind made to the school and expend or use the gifts, donations, or grants in accordance with the conditions prescribed by the donor.

(b) A gift or donation shall not be required for admission to the charter school.

(c) A gift, donation, or grant shall not be accepted by the board of directors if subject to a condition that is contrary to law or contrary to the terms of the charter between the charter school and the authorizer.

(d) All gifts, donations, or grants shall be reported to the charter school authorizer in the charter school's annual audit report.

(9) All awards, grants, or gifts received by a charter school shall be retained by the charter school.

➔Section 8. KRS 160.346 is amended to read as follows:

(1) For purposes of this section:

(a) "Persistently low-achieving school" means:

1. For school years 2009-2010 and 2010-2011, based on averaging the percentage of proficient or higher in reading and mathematics on the state assessments under KRS 158.6455:

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

b. A non-Title I school in the group of non-Title I schools that contains a minimum of the lowest five (5) or the lowest five percent (5%), whichever is greater, of the non-Title I schools that

contain grades seven (7) through twelve (12), or any combination thereof, and has at least thirty-five percent (35%) or greater poverty as identified in the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, that have failed to make adequately yearly progress for three (3) consecutive years;

2. A high school whose graduation rate, based on the state's approved graduation rate calculation, has been sixty percent (60%) for three (3) or more consecutive years; or
3. Beginning with the state assessment results for the school year 2011-2012, a school that is in the lowest five percent (5%) of all schools that fail to meet the achievement targets of the state accountability system under KRS 158.6455 for at least three (3) or more consecutive years. For school years 2011-2012 and 2012-2013, the three (3) consecutive years shall be evaluated based on the status of the school under this subparagraph and subparagraph 1. of this paragraph; and

(b) "School intervention" means a process to turn around a persistently low-achieving school that is chosen by a school council, a superintendent and a local board of education, or the commissioner of education, or the commissioner's designee with approval of the Kentucky Board of Education. **Upon designation of a school as a persistently low-achieving school, the superintendent shall notify parents of children enrolled in the school of the designation and the school interventions options available.**

- (2) (a) A school with a school council identified as needing improvement under KRS 158.6455 shall include in its school improvement plan actions to strengthen the school council and the school-based decision-making process at the school.

- (b) The local school district shall include in its assistance plan for a school identified in paragraph (a) of this subsection actions to strengthen the functioning of the school council and the school-based decision-making process at the school.
- (3) (a) An audit team established under KRS 158.6455(4) and (5), auditing a persistently low-achieving school, shall include in the review and report:
1. The functioning of the school and the school council;
 2. A determination of the school council and principal's ability to lead the intervention in the persistently low-achieving school;
 3. The interaction and relationship between the superintendent, central office personnel, and the council; and
 4. A recommendation to the commissioner of education concerning whether the school council should retain the authority granted to it under KRS 160.345, whether the council should be replaced, and whether the current principal should remain as principal in the school. If the recommendation is to transfer the authority of the school council, the team shall also recommend whether:
 - a. The authority should be transferred to the superintendent or to the commissioner of education, who shall designate staff to manage the school;
 - b. The school council should continue to act in an advisory capacity until all authority has been restored under subsection (8) of this section; and
 - c. The members of the school council shall be replaced by the commissioner of education.
- (b) An audit team established under KRS 158.6455(4) and (5), auditing a district of a school subject to paragraph (a) of this subsection, shall include in its

review and report:

1. The overall functioning of the school district;
 2. The interaction and relationship between the superintendent, central office personnel, school board members, and the council; and
 3. A determination of the district's ability to manage the intervention in the persistently low-achieving school.
- (4) Within thirty (30) days of receiving the reports of the school and district audits, the commissioner shall act on the recommendations in the reports and other relevant data that the commissioner considers to have bearing on his or her determination of actions to be taken.
- (5) Within thirty (30) days of the commissioner's action on the audit teams' recommendations, the school council or local board of education may appeal the commissioner's action to the Kentucky Board of Education by submitting a written request, including any supporting information. The Kentucky Board of Education shall consider the audit reports, the commissioner's decision, and the request for consideration with any supporting information, and make a final determination. If the state board is not scheduled to meet within thirty (30) days following the receipt of an appeal of the commissioner's decision, the board chair shall call a special meeting for action upon the appeal.
- (6) If a decision is made to transfer powers, duties, and authority under subsection (4) of this section, the local superintendent, subject to the policies adopted for the district by the local board of education, or the commissioner or the commissioner's designee shall assume all powers, duties, and authority granted to a school council under KRS 160.345 thirty (30) days following the commissioner's action on the audit teams' recommendations if no appeal to the Kentucky Board of Education is submitted or following the final determination of the Kentucky Board of Education on an appeal, whichever is appropriate.

- (7) Within thirty (30) days after assuming the powers, duties, and authority under subsection (6) of this section, the superintendent or the commissioner or the commissioner's designee shall consult with the council, if the council has been given an advisory role under subsection (4) of this section, and with stakeholders at the school, including parents, the principal, certified staff, and classified staff, and prepare a plan for developing capacity for sound school-based decision making at the school. The commissioner of education shall review the proposed plan and approve it or identify specific areas for improvement before giving final approval. The superintendent shall report to the commissioner every six (6) months on the implementation and results of the approved plan.
- (8) The school's right to establish a council or the school's right for the council to assume the full authority granted under KRS 160.345 shall be restored if the school is not classified as persistently low achieving for two (2) consecutive years.
- (9) Each persistently low-achieving school shall engage in one (1) of the following intervention options:
- (a) "External management option" which requires that the day-to-day management of the school is transferred to an education management organization that may be a for-profit or nonprofit organization that has been selected by a local board of education from a list of management organizations. The management organization may be approved by the Kentucky Board of Education after a rigorous review process, which shall be developed by the state board by the promulgation of administrative regulations. The management organization's authority shall include the right to make personnel decisions that comply with KRS Chapter 161 and any employee-employer bargained contract that is in effect;
 - (b) "Restaffing option" which requires the replacement of the principal and the existing school-based decision-making council unless the audit reports under

- subsection (3) of this section recommended otherwise, screening of existing faculty and staff with the retention of no more than fifty percent (50%) of the faculty and staff at the school, development and implementation of a plan of action that uses research-based school improvement initiatives designed to turn around student performance. Personnel actions shall comply with KRS Chapter 161 and notwithstanding KRS 160.380(1)(d) relating to filling vacant positions and KRS 160.345(2)(h)1. relating to transfers;
- (c) "School closure option" which requires the closure of an existing school and the transfer of its students to other schools within the district that are meeting their accountability measures, reassignment of the school's faculty and staff to available positions within the district, and which may result in nonrenewal of contracts, dismissal, demotion, or a combination of these personnel actions which shall comply with KRS Chapter 161 and notwithstanding KRS 160.380(1)(d) relating to filling vacant positions and KRS 160.345(2)(h)1. relating to transfers;
- (d) "Transformation option" means a school intervention option that begins with replacing the school principal who led the school prior to commencement of the transformation option and replacing the school council members unless the audit reports under subsection (3) of this section recommended otherwise and instituting an extensive set of specified strategies designed to turn around the identified school which shall comply with KRS Chapter 161 and notwithstanding KRS 160.380(1)(d) relating to filling vacant positions and KRS 160.345(2)(h)1. relating to transfers;~~[-or]~~
- (e) **"Charter school option" as defined in Section 2 of this Act and approved by a local board of education or required by the commissioner of education;**
or
- (f) Any other model recognized by the federal No Child Left Behind Act of 2001,

20 U.S.C. secs. 6301 et seq., or its successor.

~~[(10)]~~ **(10) A persistently low-achieving school that has engaged in either the restaffing or transformation intervention option for three (3) years and has failed to meet the achievement targets established by the Kentucky Board of Education shall engage either the external management option, the charter school option, or the school closure option.** The Kentucky Board of Education shall promulgate administrative regulations to establish the process and procedures for implementing the intervention options identified in paragraphs (a) to (e) of this subsection available to local boards of education and the commissioner of education.

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

(12)~~[(11)]~~ The Department of Education shall provide services and support to assist the schools identified as persistently low-achieving.

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