GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2009 REGULAR SESSION

SENATE BILL NO. 1

AS ENACTED

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SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

AN ACT relating to education assessment and declaring an emergency.

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

1 ➔Section 1. KRS 158.6451 is amended to read as follows:

2 (1) The General Assembly finds, declares, and establishes that:

3 (a) Schools shall expect a high level of achievement of all students.

4 (b) Schools shall develop their students' ability to:

5 1. Use basic communication and mathematics skills for purposes and
6 situations they will encounter throughout their lives;

7 2. Apply core concepts and principles from mathematics, the sciences, the
8 arts, the humanities, social studies, and practical living studies to
9 situations they will encounter throughout their lives;

10 3. Become self-sufficient individuals of good character exhibiting the
11 qualities of altruism, citizenship, courtesy, ***hard work,*** honesty, human
12 worth, justice, knowledge, ***patriotism,*** respect, responsibility, and self-
13 discipline;

14 4. Become responsible members of a family, work group, or community,
15 including demonstrating effectiveness in community service;

16 5. Think and solve problems in school situations and in a variety of
17 situations they will encounter in life;~~[and]~~

18 6. Connect and integrate experiences and new knowledge from all subject
19 matter fields with what they have previously learned and build on past
20 learning experiences to acquire new information through various media
21 sources***; and***

22 ***7. Express their creative talents and interests in visual arts, music, dance***
23 ***and dramatic arts***.

24 (c) Schools shall increase their students' rate of school attendance.

25 (d) Schools shall ***increase their students' graduation rates and*** reduce their

1 students' dropout and retention rates.
2 (e) Schools shall reduce physical and mental health barriers to learning.
3 (f) Schools shall be measured on the proportion of students who make a
4 successful transition to work, post-secondary education, and the military.
5 (2) The Kentucky Board of Education shall disseminate to local school districts and
6 schools a model curriculum framework which is directly tied to the goals,
7 outcomes, and assessment strategies developed pursuant to this section and KRS
8 158.645 and 158.6453. The framework shall provide direction to local districts and
9 schools as they develop their curriculum. The framework shall identify teaching and
10 assessment strategies, instructional material resources, ideas on how to incorporate
11 the resources of the community, a directory of model teaching sites, alternative
12 ways of using school time, and strategies to incorporate character education
13 throughout the curriculum.
14 ➔Section 2. KRS 158.6453 is amended to read as follows:
15 (1) ***As used in this section:***
16 ***(a) "Accelerated learning" means an organized way of helping students meet***
17 ***individual academic goals by providing direct instruction to eliminate***
18 ***student performance deficiencies or enable students to move more quickly***
19 ***through course requirements and pursue higher level skill development;***
20 ***(b) "Constructed response or performance based items" means individual test***
21 ***items that require the student to create an answer rather than select a***
22 ***response and may include fill-in the blank, short answer, extended answer,***
23 ***open response, and writing on demand formats;***
24 ***(c) "Criterion-referenced test" means a test that is aligned with defined***
25 ***academic content standards and measures an individual student's level of***
26 ***performance against the standards;***
27 ***(d) "End-of-course examination" means the same as defined in KRS 158.860;***

1 *(e) "Formative assessment" means a process used by teachers and students*
2 *during instruction to adjust ongoing teaching and learning to improve*
3 *students' achievement of intended instructional outcomes. Formative*
4 *assessments may include the use of commercial assessments, classroom*
5 *observations, teacher-designed classroom tests and assessments, and other*
6 *processes and assignments to gain information about individual student*
7 *learning;*
8 *(f) "Interim assessments" means assessments that are given periodically*
9 *throughout the year to provide diagnostic information and to show*
10 *individual student performance against content standards;*
11 *(g) "National norm-referenced test" means a type of test interpretation in*
12 *which the performance of student scores are reported by comparing*
13 *performance to how other students in a national sample performed;*
14 *(h) "Program audit" means a form of program review that is a systematic*
15 *method of analyzing components of an instructional program and areas for*
16 *improvement that is conducted as a result of a program review that*
17 *indicates a more in-depth process of analysis and assistance is needed;*
18 *(i) "Program review" means a systematic method of analyzing components of*
19 *an instructional program including instructional practices, aligned and*
20 *enacted curriculum, student work samples, formative and summative*
21 *assessments, professional development and support services, and*
22 *administrative support and monitoring;*
23 *(j) "Summative assessment" means an assessment given at the end of the*
24 *school year, semester, or other period of time to evaluate students'*
25 *performance against content standards within a unit of instruction or a*
26 *course; and*
27 *(k) "Writing" means a purposeful act of thinking and expression that uses*

1 *language to explore ideas and communicate meaning to others. Writing is a*
2 *complex, multifaceted act of communication.*
3 *(2) (a) Within thirty (30) days of the effective date of this Act, the Kentucky*
4 *Department of Education in collaboration with the Council on*
5 *Postsecondary Education shall plan and implement a comprehensive*
6 *process for revising the academic content standards in reading, language*
7 *arts including writing, mathematics, science, social studies, arts and*
8 *humanities, and practical living skills and career studies. The revision*
9 *process shall include a graduated time table to ensure that all revisions are*
10 *completed to allow as much time as possible for teachers to adjust their*
11 *instruction before new assessments are administered.*
12 *(b) The revisions to the content standards shall:*
13 *1. Focus on critical knowledge, skills, and capacities needed for success*
14 *in the global economy;*
15 *2. Result in fewer, but more in-depth standards to facilitate mastery*
16 *learning;*
17 *3. Communicate expectations more clearly and concisely to teachers,*
18 *parents, students, and citizens;*
19 *4. Be based on evidence-based research;*
20 *5. Consider international benchmarks; and*
21 *6. Ensure that the standards are aligned from elementary to high school*
22 *to postsecondary education so that students can be successful at each*
23 *education level.*
24 *(c) The revision process, jointly organized by the commissioner of education*
25 *and the president of the Council on Postsecondary Education, shall engage*
26 *practicing teachers from elementary and secondary education in*
27 *discussions and negotiations with content faculty and staff from*

1 *postsecondary education institutions. The process shall also include*
2 *business and industry professionals who are actively engaged in career*
3 *fields that depend on the various content areas, and others as deemed*
4 *appropriate by the commissioner and the president.*
5 *(d) During the revision process the department shall consider standards that*
6 *have been adopted by national content advisory groups and professional*
7 *education consortia.*
8 *(e) Using a variety of strategies and technologies, the proposed revisions to the*
9 *academic content standards shall be widely disseminated throughout the*
10 *state to elementary, secondary, and postsecondary education faculty and*
11 *administrators, parents, citizens, private professionals in the content areas,*
12 *and others for comment and recommendations. The results of the revision*
13 *process shall ensure that the specifications in paragraph (b) of this*
14 *subsection are met.*
15 *(f) The commissioner of education and the president of the Council on*
16 *Postsecondary Education shall ensure that the revised academic standards*
17 *that are recommended to the Kentucky Board of Education for approval are*
18 *aligned with postsecondary education course and assessment standards for*
19 *the gateway areas of reading and mathematics. The council shall also*
20 *review the proposed academic standards in all other content areas and*
21 *provide written recommendations as needed to ensure those areas are*
22 *aligned with postsecondary education requirements.*
23 *(g) 1. The Kentucky Board of Education shall consider for approval the*
24 *revisions to academic content standards for a content area as they are*
25 *completed.*
26 *2. The Department of Education shall disseminate the academic content*
27 *standards to the schools and teacher preparation programs no later*

1 *than thirty (30) days after approval by the state board.*
2 *3. All academic content standards revisions shall be completed and*
3 *approved by the state board no later than December 15, 2010, and*
4 *disseminated by the Department of Education to elementary and*
5 *secondary schools, postsecondary education faculty in the respective*
6 *content areas, and to all teacher preparation programs no later than*
7 *January 15, 2011.*
8 *(h) The Department of Education shall provide or facilitate statewide training*
9 *sessions for existing teachers and administrators on how to:*
10 *1. Integrate the revised content standards into classroom instruction;*
11 *2. Better integrate performance assessment of students within their*
12 *instructional practices; and*
13 *3. Help all students use higher-order thinking and communication skills.*
14 *(i) The Education Professional Standards Board in cooperation with the*
15 *Kentucky Board of Education and the Council on Postsecondary Education*
16 *shall coordinate information and training sessions for faculty and staff in*
17 *all of the teacher preparation programs in the use of the revised academic*
18 *content standards. The Education Professional Standards Board shall*
19 *ensure that each teacher preparation program includes use of the academic*
20 *standards in the pre-service education programs and that all teacher interns*
21 *after the effective date of this Act will have experience planning classroom*
22 *instruction based on the revised standards.*
23 *(j) The Council on Postsecondary Education in cooperation with the Kentucky*
24 *Department of Education and the postsecondary education institutions in*
25 *the state shall coordinate information sessions regarding the academic*
26 *content standards for faculty who teach in the various content areas.*
27 *(3) (a)* The Kentucky Board of Education shall be responsible for creating and

1 implementing a ***balanced*** statewide assessment program ***that measures the***
2 ***students', schools', and districts'***[~~to be known as the Commonwealth~~
3 ~~Accountability Testing System to ensure school accountability for student~~]
4 achievement of the goals set forth in KRS 158.645 and 158.6451***, to ensure***
5 ***compliance with the federal No Child Left Behind Act of 2001, 20 U.S.C.***
6 ***secs. 6301 et seq., or its successor, and to ensure school accountability.***
7 ***(b) Using the revised academic standards developed pursuant to subsection (2)***
8 ***of this section, the board shall revise the annual statewide assessment***
9 ***program for implementation in the 2011-2012 academic year***.
10 ***(c)*** The board shall seek the advice of the Office of Education Accountability; the
11 School Curriculum, Assessment, and Accountability Council; ***the Education***
12 ***Assessment and Accountability Review Subcommittee,*** and the National
13 Technical Advisory Panel on Assessment and Accountability in the
14 development of the ***assessment*** program. The statewide assessment program
15 shall not include measurement of a student's ability to become a self-sufficient
16 individual or to become a responsible member of a family, work group, or
17 community.
18 ***(4) (a) The assessment program to be implemented in the 2011-2012 academic year***
19 ***shall be composed of annual student assessments and state and local***
20 ***program reviews and audits in selected content areas.***
21 ***(b) The state student assessments may include formative and summative tests***
22 ***that:***
23 ***1. Measure individual student achievement in the academic core content***
24 ***areas of language, reading, English, mathematics, science, and social***
25 ***studies at designated grades;***
26 ***2. Provide teachers and parents a valid and reliable comprehensive***
27 ***analysis of skills mastered by individual students;***

1 *3. Provide diagnostic information that identifies strengths and academic*
2 *deficiencies of individual students in the content areas;*
3 *4. Provide comparisons with national norms for mathematics, reading,*
4 *social studies, and science, and where available, comparisons to other*
5 *states;*
6 *5. Provide information to teachers that can enable them to improve*
7 *instruction for current and future students;*
8 *6. Provide longitudinal profiles for students; and*
9 *7. Ensure school and district accountability for student achievement of*
10 *the goals set forth in KRS 158.645 and 158.6451, except the statewide*
11 *assessment program shall not include measurement of a student's*
12 *ability to become a self-sufficient individual or to become a*
13 *responsible member of a family, work group, or community.*
14 *(c) The state and local program reviews and audits shall provide annual*
15 *feedback to each school relating to selected programs and serve as*
16 *indicators of the quality of educational experiences available to students.*
17 *Program reviews and audits shall provide recommendations for improving*
18 *program components in order to better teach and assess students within*
19 *these programs. Program reviews shall ensure school and district*
20 *accountability for student achievement of the capacities set forth in KRS*
21 *158.645 and the goals set forth in Section 1 of this Act.*
22 *(5) The state student assessments to be implemented in the 2011-2012 academic year*
23 *shall include the following components:*
24 *(a) Elementary and middle grades requirements are:*
25 *1. A criterion-referenced test in mathematics and reading in grades three*
26 *(3) through eight (8) that is valid and reliable for an individual student*
27 *and that measures the depth and breadth of Kentucky's academic*

1 *content standards, augmented with a customized or commercially*
2 *available norm-referenced test to provide national profiles;*
3 *2. A criterion-referenced test in science and social studies that is valid*
4 *and reliable for an individual student as necessary to measure the*
5 *depth and breadth of Kentucky's academic content standards,*
6 *augmented with a customized or commercially available norm-*
7 *referenced test to provide national profiles to be administered one (1)*
8 *time within the elementary and middle grades, respectively;*
9 *3. An on-demand assessment of student writing to be administered one*
10 *(1) time within the elementary grades and two (2) times within the*
11 *middle grades;*
12 *4. An editing and mechanics test relating to writing, using multiple*
13 *choice and constructed response items, to be administered one (1) time*
14 *within the elementary and the middle grades, respectively; and*
15 *5. A high school readiness examination to assess English, reading,*
16 *mathematics, and science in grade eight (8) as provided in subsection*
17 *(11) of this section; except the readiness examination may be moved to*
18 *grade nine (9) by the Kentucky Board of Education based on*
19 *compelling evidence that moving the test would be in the best interests*
20 *of Kentucky students;*
21 *(b) High school requirements are:*
22 *1. A criterion-referenced test in mathematics, reading, and science that*
23 *is valid and reliable for an individual student and that measures the*
24 *depth and breadth of Kentucky's academic content standards that are*
25 *not covered in the assessment under subparagraph 6. of this*
26 *paragraph to be administered one (1) time within the high school*
27 *grades;*

1 *2. A criterion-referenced test in social studies that is valid and reliable*
2 *for an individual student as necessary to measure the depth and*
3 *breadth of Kentucky's academic content standards, augmented with a*
4 *customized or commercially available norm-referenced test to provide*
5 *national profiles and to be administered one (1) time within the high*
6 *school grades;*
7 *3. An on-demand assessment of student writing to be administered two*
8 *(2) times within the high school grades;*
9 *4. An editing and mechanics test relating to writing, using multiple*
10 *choice and constructed response items, to be administered one (1) time*
11 *within the high school grades;*
12 *5. A college readiness examination to assess English, reading,*
13 *mathematics, and science in grade ten (10) as provided in subsection*
14 *(11) of this section; and*
15 *6. The ACT examination to assess English, reading, mathematics, and*
16 *science in grade eleven (11) as provided in subsection (11) of this*
17 *section;*
18 *(c) The Kentucky Board of Education shall add any other component necessary*
19 *to comply with the No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301*
20 *et seq., or its successor, as determined by the United States Department of*
21 *Education;*
22 *(d) The criterion-referenced components required in this subsection shall be*
23 *composed of constructed response items and multiple choice items and the*
24 *national norm-referenced components shall be composed of multiple choice*
25 *items;*
26 *(e) The Kentucky Board of Education may incorporate end-of-course*
27 *examinations into the assessment program to be used in lieu of*

1 *requirements for criterion-referenced tests required under paragraph (b) of*
2 *this subsection; and*
3 *(f) The results of the assessment program developed under this subsection shall*
4 *be used to determine appropriate instructional modifications for all students*
5 *in order for students to make continuous progress including that needed by*
6 *advanced learners.*
7 *(6) Beginning in the 2011-2012 academic year, each school district shall administer*
8 *the statewide student assessment during the last fourteen (14) days of school in*
9 *the district's instructional calendar. Testing shall be limited to no more than five*
10 *(5) days. The Kentucky Board of Education shall promulgate administrative*
11 *regulations outlining the procedures to be used during the testing process to*
12 *ensure test security, including procedures for testing makeup days, and to comply*
13 *with federal assessment requirements.*
14 *(7) Beginning in the 2011-2012 academic year, the Kentucky assessment program*
15 *shall include program reviews and program audits for arts and humanities,*
16 *practical living skills and career studies, and the writing programs. The results of*
17 *the program reviews and audits of arts and humanities, practical living skills and*
18 *career studies and writing required under this subsection shall be included in the*
19 *accountability system as required by Section 4 of this Act.*
20 *(a) Arts and humanities.*
21 *1. The Kentucky Department of Education shall provide guidelines for*
22 *arts and humanities programs and for integration of these within the*
23 *curriculum to all schools.*
24 *2. The Kentucky Board of Education shall establish criteria to use in the*
25 *program review and audit processes, and the procedures*
26 *recommended for local district and department program reviews and*
27 *program audits as defined in subsection (1)(h) and (i) of this section.*

1 *The department shall distribute the criteria and procedures for*
2 *program reviews and audits to all schools and teacher preparation*
3 *programs.*
4 *3. Each local district shall do an annual program review and the*
5 *Department of Education shall conduct a program review of every*
6 *school's program within a two (2) year period. The frequency of*
7 *program audits shall be determined by the Department of Education*
8 *in compliance with the requirements established by the state board.*
9 *4. Each school-based decision making council shall analyze the findings*
10 *from program reviews for its school and determine how it will address*
11 *program recommendations to improve the program for students.*
12 *(b) Practical living skills and career studies.*
13 *1. The Kentucky Department of Education shall provide guidelines for*
14 *practical living skills and career studies and integration of these*
15 *within the curriculum to all schools and teacher preparation*
16 *programs.*
17 *2. The Kentucky Board of Education shall establish criteria to use in the*
18 *program review and audit processes, and the procedures*
19 *recommended for local district and department program reviews and*
20 *program audits as defined in subsection (1)(h) and (i) of this section.*
21 *The department shall distribute the criteria and procedures for*
22 *program reviews and audits to all schools and teacher preparation*
23 *programs.*
24 *3. Each local district shall do an annual program review and the*
25 *Department of Education shall conduct a program review of every*
26 *school's program within a two (2) year period. The frequency of*
27 *program audits shall be determined by the Department of Education*

1 *in compliance with the requirements established by the state board.*
2 *4. Each school-based decision making council shall analyze the findings*
3 *from programs reviews for its school and determine how it will*
4 *address program recommendations to improve the program for*
5 *students.*
6 *(c) Writing.*
7 *1. The Kentucky Department of Education shall provide guidelines for*
8 *an effective writing program and establish criteria to use in the*
9 *program review and program audit process as defined in subsection*
10 *(1)(h) and (i) of this section. The department shall distribute the*
11 *guidelines and criteria for program reviews within the curriculum to*
12 *all schools and teacher preparation programs.*
13 *2. Each school-based decision making council or if there is no school*
14 *council, a committee appointed by the principal, shall adopt policies*
15 *that determine the writing program for its school and submit it to the*
16 *Department of Education for review and comment. The writing*
17 *program shall incorporate a variety of language resources,*
18 *technological tools, and multiple opportunities for students to develop*
19 *complex communication skills for a variety of purposes.*
20 *3. Writing portfolios, consisting of samples of individual student work*
21 *that represent the interests and growth of the student over time, shall*
22 *be a required part of any writing program in primary through grade*
23 *twelve (12). Portfolios shall be part of the required criteria for the*
24 *program review and audit process relating to the writing program*
25 *under this paragraph. Individual student scores on portfolios shall not*
26 *be included in the accountability system.*
27 *4. A writing portfolio shall be maintained for each student and follow*

1 *each student from grade to grade and to any school in which the*
2 *student may enroll.*
3 *5. A school's policies for the writing program shall address the use of the*
4 *portfolio for determining a student's performance in:*
5 *a. Communication;*
6 *b. Grading procedures and feedback to students regarding their*
7 *writing and communication skills;*
8 *c. The responsibility for review of the portfolios and feedback to*
9 *students; and*
10 *d. Other policies to improve the quality of an individual student's*
11 *writing and communications skills.*
12 *6. Each local district shall do an annual program review and the*
13 *Department of Education shall conduct a program review of every*
14 *school's program within a two (2) year period. The frequency of*
15 *program audits shall be determined by the Department of Education*
16 *in compliance with the requirements established by the state board.*
17 *The Department of Education shall ensure that all schools and districts*
18 *understand how the results of the program reviews and audits of arts and*
19 *humanities, practical living skills and career studies and writing are included in*
20 *the accountability system under Section 4 of this Act and shall provide assistance*
21 *to schools to improve the quality of the programs under this subsection.*
22 *(8) Local school districts may select and use commercial interim or formative*
23 *assessments or develop and use their own formative assessments to provide data*
24 *on how well their students are growing toward mastery of Kentucky academic*
25 *core content. Nothing in this section precludes teachers from using ongoing*
26 *teacher-developed formative processes.*
27 *(9) Beginning with the 2010-2011 school year, each school that enrolls primary*

1 ***students shall use diagnostic assessments and prompts that measure readiness in***
2 ***reading and mathematics for its primary students as determined by the school to***
3 ***be developmentally appropriate. The schools may use commercial products, use***
4 ***products and procedures developed by the district, or develop their own diagnostic***
5 ***procedures. The results shall be used to inform the teachers and parents or***
6 ***guardians of each student's skill level.***
7 ***(10) In revising the state assessment program for implementation in 2011-2012***
8 ***academic year, the state board shall ensure that a technically sound longitudinal***
9 ***comparison of the assessment results for the same students shall be made***
10 ***available.***
11 ~~[(2) The assessment program shall include the following components:~~
12 ~~(a) A customized or commercially available norm-referenced tests that measures,~~
13 ~~to the extent possible, the core content for assessment. The test shall provide~~
14 ~~valid and reliable results for individual students;~~
15 ~~(b) Open response or multiple-choice items, or both, to assess student skills in~~
16 ~~reading, mathematics, science, social studies, the arts, the humanities, and~~
17 ~~practical living and vocational studies; and an on-demand assessment of~~
18 ~~student writing. These assessments shall measure, to the extent possible, the~~
19 ~~core content for assessment;~~
20 ~~(c) Writing portfolios consisting of samples of student work. After receiving the~~
21 ~~advice of the Writing Advisory Committee, the Kentucky Board of Education~~
22 ~~shall, by September 1 following April 14, 1998, file a notice of intent to~~
23 ~~promulgate an administrative regulation which reduces the teacher and student~~
24 ~~time involved in preparing a writing portfolio. Time reduction strategies~~
25 ~~included in the administrative regulation may include, but are not limited to,~~
26 ~~limiting the time spent on a single portfolio entry, limiting the number of~~
27 ~~revisions, or collecting entries at different grade levels;~~

1 ~~(d) Performance assessment events for schools that have students enrolled in~~
2 ~~performing arts organizations sponsoring sanctioned events with an~~
3 ~~established protocol for adjudication; and~~
4 ~~(e) A technically sound longitudinal comparison of the assessment results for the~~
5 ~~same students.~~
6 ~~(3) The provisions of subsection (2) of this section shall apply to elementary schools,~~
7 ~~and shall also apply to middle and high schools, except as provided in subsections~~
8 ~~(4) to (8) of this section.~~]
9 ***(11)*** [~~(4) No later than the 2007-2008 school year, and each year thereafter,~~]The
10 following provisions shall apply to the assessment ***requirements***[~~program~~] for
11 middle and high schools:
12 (a) The assessment program shall include:
13 1. A high school readiness examination to assess English, reading,
14 mathematics, and science in grade eight (8);
15 2. A college readiness examination to assess English, reading,
16 mathematics, and science in grade ten (10);
17 3. The ACT college admissions and placement examination to assess
18 English, reading, mathematics, and science, to be taken by all students in
19 grade eleven (11); and
20 4. Any other component necessary to comply with the No Child Left
21 Behind Act of 2001, 20 U.S.C. sec. 6301 et seq., as determined by the
22 United States Department of Education;
23 (b) 1. A student whose scores on the high school readiness examination
24 administered in grade eight (8) ***or as determined by the Kentucky Board***
25 ***of Education under subsection (5) of this section*** indicate a high degree
26 of readiness for high school shall be counseled to enroll in accelerated
27 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;

(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) If funds are available, the Kentucky Department of Education shall provide an ACT preparation program to all public high school juniors. The department may contract for necessary services; ***and***

(e) 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 ***(10)***~~[(2)]~~(a) of this section.

(12) ~~[(5) No later than the 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 ***if funds are available for this purpose***. 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.

1 (c) A student meeting the WorkKeys threshold established by the Department of
2 Workforce Investment shall be issued the appropriate Kentucky employability
3 certificate.
4 ~~[(6) (a) The Kentucky Department of Education shall conduct periodic studies~~
5 ~~comparing the standards in reading, mathematics, and science for middle and~~
6 ~~high schools within the Kentucky core content for assessment and the~~
7 ~~concepts and content measured by the ACT and the high school and college~~
8 ~~readiness examinations under subsection (4)(a) of this section.~~
9 ~~(b) If the department determines that reading, mathematics, and science~~
10 ~~assessments required under subsection (4)(a) of this section are shown to~~
11 ~~provide direct measures of content standards and concepts identified in the~~
12 ~~Kentucky core content for assessment, the Kentucky Board of Education shall~~
13 ~~seek the advice of the Office of Education Accountability, the School~~
14 ~~Curriculum, Assessment, and Accountability Council, and the National~~
15 ~~Technical Advisory Panel on Assessment and Accountability regarding~~
16 ~~reducing the number of questions on the Commonwealth Accountability~~
17 ~~Testing System.~~
18 ~~(c) The Kentucky Department of Education shall continue to include open-~~
19 ~~response or multiple choice items, or both, that assess student knowledge and~~
20 ~~skills in reading, mathematics, and science to the degree necessary for~~
21 ~~adequate coverage of the elements of the Kentucky core content for~~
22 ~~assessment not covered by the examinations.]~~
23 ***(13)***~~[(7)]~~ Accommodations provided by ACT, Inc. to a student with a disability taking
24 the assessments under subsection ***(11)***~~[(4)]~~(a)3. of this section shall consist of:
25 (a) Accommodations provided in a manner allowed by ACT, Inc. when results in
26 test scores are reportable to a postsecondary institution for admissions and
27 placement purposes, except as provided in paragraph (b) of this subsection; or

1 (b) Accommodations provided in a manner allowed by a student's individualized
2 education program as defined in KRS 158.281 for a student whose disability
3 precludes valid assessment of his or her academic abilities using the
4 accommodations provided under paragraph (a) of this subsection when the
5 student's scores are not reportable to a postsecondary institution for
6 admissions and placement purposes.
7 ***(14)***[~~(8)~~] The assessments under subsections ***(11) and (12)***[~~(4) and (5)~~] of this section
8 shall be known as the "Kentucky Work and College Readiness Examination" or
9 "Readiness Examination."
10 ***(15)***[~~(9)~~] Kentucky teachers shall have a significant role in the design of the
11 assessments. The assessments shall be designed to:
12 (a) Measure grade appropriate core academic content, basic skills, and higher-
13 order thinking skills and their application. The assessment shall measure the
14 core content for assessment used by the Department of Education during the
15 1997-98 school year ***until the 2011-2012 academic year. The revised***
16 ***academic content standards developed as required by subsection (2) of this***
17 ***section shall be used in the revised assessment program for implementation***
18 ***in the 2011-2012 academic year as required by subsection (3) of this section***.
19 Any ***future*** revisions to the core content for assessment shall be developed
20 through a public process involving parents; educators at the elementary,
21 secondary, and postsecondary education levels; professional education
22 advocacy groups and organizations; and business and civic leaders and shall
23 be distributed to all public schools;
24 (b) Provide valid and reliable scores for schools. If scores are reported for
25 students individually, they shall be valid and reliable; and
26 (c) Minimize the time spent by teachers and students on assessment.
27 ***(16) (a) Through the fall of 2011,***[~~(10)~~]results from the state assessment under this

1 section shall be reported to the school districts and schools no later than one
2 hundred fifty (150) days following the first day the assessment can be
3 administered.
4 ***(b) Beginning in the fall of 2012, the results from assessment under***
5 ***subsections (3) and (5) of this section shall be reported to the school districts***
6 ***and schools no later than seventy-five (75) days following the first day the***
7 ***assessment can be administered.***
8 ***(17)***[~~(11)~~] The Department of Education shall gather information to establish the validity
9 of the assessment and accountability program. It shall develop a biennial plan for
10 validation studies that shall include but not be limited to the consistency of student
11 results across multiple measures, the congruence of school scores with documented
12 improvements in instructional practice and the school learning environment, and the
13 potential for all scores to yield fair, consistent, and accurate student performance
14 level and school accountability decisions. Validation activities shall take place in a
15 timely manner and shall include a review of the accuracy of scores assigned to
16 students and schools, as well as of the testing materials. The plan shall be submitted
17 to the Commission by July 1 of the first year of each biennium. A summary of the
18 findings shall be submitted to the Legislative Research Commission by September 1
19 of the second year of the biennium.
20 ***(18)***[~~(12)~~] [~~In addition to statewide testing for the purpose of determining school success,~~
21]The ***Department of Education and the state*** board shall have the responsibility of
22 assisting local school districts and schools in developing and using continuous
23 assessment strategies needed to assure student progress. The continuous assessment
24 shall provide diagnostic information to improve instruction to meet the needs of
25 individual students.
26 ***(19) No later than sixty (60) days after the effective date of this Act, the state board***
27 ***shall revise the Administration Code for Kentucky's Assessment Program to***

1 ***include prohibitions of inappropriate test preparation activities by school district***
2 ***employees charged with test administration and oversight, including but not***
3 ***limited to the issue of teachers being required to do test practice in lieu of regular***
4 ***classroom instruction and test practice outside the normal work day. The***
5 ***revisions shall include disciplinary sanctions that may be taken toward a school***
6 ***or individuals.***
7 *(20)*[~~(13)~~] The Kentucky Board of Education, after the Department of Education has
8 received advice from the Office of Education Accountability; the School
9 Curriculum, Assessment, and Accountability Council; and the National Technical
10 Advisory Panel on Assessment and Accountability, shall promulgate an
11 administrative regulation under KRS Chapter 13A to establish the components of a
12 reporting structure for assessments administered under this section. The reporting
13 structure shall include the following components:
14 (a) A school report card that clearly communicates with parents and the public
15 about school performance. The school report card shall be sent to the parents
16 of the students of the districts, and a summary of the results for the district
17 shall be published in the newspaper with the largest circulation in the county.
18 It shall include but not be limited to the following components reported by
19 race, gender, and disability when appropriate:
20 1. Student academic achievement, including the results from each of the
21 assessments administered under this section;
22 2. For Advanced Placement and International Baccalaureate, the courses
23 offered, the number of students enrolled, completing, and taking the
24 examination for each course, and the percentage of examinees receiving
25 a score of three (3) or better on AP examinations or a score of five (5) or
26 better on IB examinations. The data shall be disaggregated by gender,
27 race, students with disabilities, and economic status. This data shall be

1 included in the report card beginning with the 2009-2010 academic year;
2 3. Nonacademic achievement, including the school's attendance, retention,
3 ***graduation***[~~dropout~~] rates, and student transition to adult life; and
4 4. School learning environment, including measures of parental
5 involvement;
6 (b) An individual student report to parents for each[~~ fifth grade~~] student ***in grades***
7 ***three (3) through eight (8)*** summarizing the student's ***skills***[~~readiness~~] in
8 reading and mathematics[~~ based on the student's fourth grade state assessment~~
9 ~~results~~]. The school's[~~ fifth grade~~] staff shall develop a plan for accelerated
10 learning for any student with identified deficiencies ***or strengths***;
11 (c) An individual report for each student who takes a high school or college
12 readiness examination administered under subsection ***(11)***[~~(4)~~](a) of this
13 section that:
14 1. Provides the student's test scores;
15 2. Provides a judgment regarding whether or not a student has met,
16 ***exceeded,*** or failed to meet the expectations for each standard assessed;
17 and
18 3. Is designed to assist students, parents, and teachers to identify, assess,
19 and remedy academic deficiencies prior to high school graduation; and
20 (d) A student's scores on the ACT examination or WorkKeys assessments
21 administered under subsections ***(11) and (12)***[~~(4)(a) and (5)~~] of this section
22 and the ACT examination under KRS 158.6459(5) shall be recorded on his or
23 her official high school transcript.
24 ***(21) The Kentucky Board of Education shall conduct periodic alignment studies that***
25 ***compare the norm-referenced tests required under subsection (5) of Section 2 of***
26 ***this Act with the standards in the different content areas to determine how well***
27 ***the norm-referenced tests align and adequately measure the depth of knowledge***

1 ***and breadth of Kentucky's academic content standards. Based on its findings***
2 ***from the studies, the board may decrease the number of required criterion-***
3 ***referenced items required under subsection (5) of Section 2 of this Act.***
4 ➔Section 3. KRS 158.6452 is amended to read as follows:
5 (1) A School Curriculum, Assessment, and Accountability Council is hereby created to
6 study, review, and make recommendations concerning Kentucky's system of setting
7 academic standards, assessing learning, ***identifying academic competencies and***
8 ***deficiencies of individual students,*** holding schools accountable for learning, and
9 assisting schools to improve their performance. The council shall advise the
10 Kentucky Board of Education and the Legislative Research Commission on issues
11 related to the development and communication of the academic expectations and
12 core content for assessment, the development and implementation of the statewide
13 assessment and accountability program, ***recognition of high performing schools,***[
14 ~~the distribution of rewards and~~] imposition of sanctions, and assistance for schools
15 to improve their performance under KRS 158.6453, 158.6455, 158.782, and
16 158.805.
17 (2) The School Curriculum, Assessment, and Accountability Council shall be
18 composed of seventeen (17) voting members appointed by the Governor. On
19 making appointments to the council, the Governor shall assure broad geographical
20 representation and representation of elementary, middle, and secondary school
21 levels; assure equal representation of the two (2) sexes, inasmuch as possible; and
22 assure that appointments reflect the minority racial composition of the
23 Commonwealth. The members shall serve terms of two (2) years with no member
24 serving more than two (2) consecutive terms, except that seven (7) of the initial
25 appointments shall be for four (4) year terms. The members shall be appointed as
26 follows:
27 (a) Two (2) parents from recommendations submitted by organizations

1 representing school councils and parents;
2 (b) Two (2) teachers from recommendations submitted by organizations
3 representing teachers;
4 (c) Two (2) superintendents from recommendations submitted by organizations
5 representing superintendents;
6 (d) Two (2) principals from organizations representing school administrators;
7 (e) Two (2) local school board members from recommendations submitted by
8 organizations representing school boards;
9 (f) Two (2) school district assessment coordinators from recommendations
10 submitted by organizations representing district assessment coordinators;
11 (g) Two (2) employers in the state from recommendations submitted by
12 organizations representing business and industry;
13 (h) Two (2) university professors with expertise in assessment and measurement;
14 and
15 (i) One (1) at-large member.
16 (3) The School Curriculum, Assessment, and Accountability Council shall elect a chair
17 annually from its membership.
18 (4) The members shall be remunerated for actual and necessary expenses incurred
19 while attending meetings of the council or while serving as representative of the
20 council.
21 (5) The School Curriculum, Assessment, and Accountability Council shall meet at least
22 four (4) times each year at times and places as it determines by resolution.
23 (6) The School Curriculum, Assessment, and Accountability Council shall be attached
24 to the Department of Education for administrative purposes. It shall be provided
25 appropriate staff and resources to conduct its work.
26 ➔Section 4. KRS 158.6455 is amended to read as follows:
27 It is the intent of the General Assembly that schools succeed with all students and receive

1 the appropriate consequences in proportion to that success.

2 (1) (a) After receiving the advice of the Office of Education Accountability; the
3 School Curriculum, Assessment, and Accountability Council; and the
4 National Technical Advisory Panel on Assessment and Accountability, the
5 Kentucky Board of Education shall promulgate administrative regulations in
6 conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A to
7 establish a system for identifying~~[and rewarding]~~ successful schools.~~[A~~
8 ~~reward shall be distributed to successful schools based on the number of full-~~
9 ~~time, part-time, and itinerant certified staff employed in the school on the last~~
10 ~~working day of the year of the reward to be used for school purposes as~~
11 ~~determined by the school council or, if none exists, the principal.]~~ The
12 Kentucky Board of Education shall identify reports, paperwork requirements,
13 and administrative regulations from which high performing schools shall be
14 exempt.

15 (b) ~~[Effective July 1, 2006,]~~The Kentucky Board of Education shall
16 ***recognize***~~[reward]~~ schools that exceed their improvement goal and have an
17 annual average dropout rate below five percent (5%). A student shall be
18 included in the annual average dropout rate if the student was enrolled in the
19 school of record for at least thirty (30) days during the school year prior to the
20 day he or she was recorded as dropping out of school. A student shall not be
21 included in a school's annual average dropout rate if:

22 1. The student is enrolled in a district-operated or district-contracted
23 alternative program leading to a certificate of completion or a General
24 Educational Development (GED) diploma; or

25 2. The student has withdrawn from school and is awarded a General
26 Educational Development (GED) diploma by October 1 of the following
27 school year.

1 (c) A student enrolled in a district-operated or district-contracted alternative
2 program shall participate in the appropriate assessments required by the
3 ***assessment program***[~~Commonwealth Accountability Testing System~~]
4 established in KRS 158.6453.
5 (2) [~~After receiving the advice of the Office of Education Accountability; the School~~
6 ~~Curriculum, Assessment, and Accountability Council; and the National Technical~~
7 ~~Advisory Panel on Assessment and Accountability, the Kentucky Board of~~
8 ~~Education shall promulgate by administrative regulation in conformity with KRS~~
9 ~~158.6471 and 158.6472 and KRS Chapter 13A the formula for a school~~
10 ~~accountability index to classify schools every two (2) years based on whether they~~
11 ~~have met their threshold level for school improvement, with school years 1998-~~
12 ~~2000 serving as the baseline, except the Department of Education shall seek advice~~
13 ~~from the National Technical Advisory Panel on Assessment and Accountability for~~
14 ~~adjustments required if substantive changes are made to the assessment and~~
15 ~~accountability system. The formula shall reflect the school goals described in KRS~~
16 ~~158.6451, except there shall be no measurement of the goals included in subsection~~
17 ~~(1)(b)3. and (1)(b)4.~~]***After the academic standards are revised and a new student***
18 ***assessment program is developed pursuant to Section 2 of this Act, the Kentucky***
19 ***Board of Education shall create an accountability system to classify districts and***
20 ***schools.***
21 ***1. The accountability system shall include:***
22 ***a. The results of program assessments of arts and humanities,***
23 ***practical living skills and career studies, and writing programs;***
24 ***b. Student assessment results;***
25 ***c. School improvement results; and***
26 ***d. Other factors deemed appropriate by the board.***
27 ***2. The board shall determine how student assessment and program***

1 ***assessment data from the 2011-2012 and 2012-2013 school years shall***
2 ***be used and reported within the new accountability system.***
3 ***3. Prior to promulgating administrative regulations to revise the***
4 ***accountability system, the board shall seek advice from the School***
5 ***Curriculum, Assessment, and Accountability Council; the Office of***
6 ***Education Accountability; the Education Assessment and***
7 ***Accountability Review Subcommittee; and the National Technical***
8 ***Advisory Panel on Assessment and Accountability.***
9 (3) A student's test scores shall be counted in the accountability ***measure***[~~index~~] of:
10 (a) 1. The school in which the student is currently enrolled if the student has
11 been enrolled in that school for at least ***a full academic year as defined***
12 ***by the Kentucky Board of Education***[~~one hundred (100) days of the~~
13 ~~school year prior to the beginning of the statewide testing period~~]; or
14 2. The school in which the student was previously enrolled if the student
15 was enrolled in that school for at least ***a full academic year as defined***
16 ***by the Kentucky Board of Education***[~~one hundred (100) days of the~~
17 ~~school year prior to the beginning of the statewide testing period~~]; and
18 (b) The school district if the student is enrolled in the district for at least ***a full***
19 ***academic year as defined by the Kentucky Board of Education***[~~one hundred~~
20 ~~(100) days of the school year prior to the beginning of the statewide testing~~
21 ~~period~~]; and
22 (c) The state if the student is enrolled in a Kentucky public school prior to the
23 beginning of the statewide testing period.
24 (4) After receiving the advice of the Office of Education Accountability; the School
25 Curriculum, Assessment, and Accountability Council; and the National Technical
26 Advisory Panel on Assessment and Accountability, the Kentucky Board of
27 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 ***accountability measures***[~~threshold~~]. The consequences shall be designed to improve ***the academic performance and learning environment of identified schools***[~~teaching and learning~~] and may include but not be limited to:

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

(b) School ***and district*** 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 ***program reviews and***[~~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~~

1 ~~analysis and planning in accordance with KRS 160.345(2)(j);~~
2 ~~3. Evaluating each certified staff member assigned to the school. Only~~
3 ~~certified members of the audit team shall evaluate personnel; and~~
4 ~~4. Making a recommendation to the Kentucky Board of Education about~~
5 ~~the appropriateness of a school's classification and a recommendation~~
6 ~~concerning the assistance required by the school to improve teaching~~
7 ~~and learning.~~
8 ~~(b) The scholastic audit team shall consider the functioning of the school council~~
9 ~~in its review and make recommendations for improvement of the school~~
10 ~~council, if needed, and concerning the authority of the school council if~~
11 ~~required under KRS 160.346.~~
12 ~~(c) For information purposes, the board shall also conduct scholastic audits in a~~
13 ~~sample of schools that achieved their goal and report to the public on the~~
14 ~~resulting findings regarding each aspect of the schools' operations required~~
15 ~~under subparagraph 2. of paragraph (a) of this subsection~~].
16 (6) All students who drop out of school during a school year shall be included in a
17 school's annual average school ***graduation rate calculation***[~~dropout rate~~], except as
18 provided in subsection (1)(b) of this section.
19 (7) After receiving the advice of the ***Education Assessment and Accountability Review***
20 ***Subcommittee, the*** Office of Education Accountability; the School Curriculum,
21 Assessment, and Accountability Council; and the National Technical Advisory
22 Panel on Assessment and Accountability, the Kentucky Board of Education may
23 promulgate by administrative regulation, in conformity with KRS 158.6471 and
24 158.6472 and KRS Chapter 13A, a system of district accountability that includes
25 establishing a formula for accountability, goals for improvement over a two (2) year
26 period, rewards for leadership in improving teaching and learning in the district, and
27 consequences that address the problems and provide assistance when the district

1 fails to achieve its goals set by the board. ***The board shall revise the district***
2 ***accountability system based on the revised assessment program, including***
3 ***program and student assessments, to be implemented in the 2011-2012 school***
4 ***year as required in Section 2 of this Act.***
5 (8) After receiving the advice of the Office of Education Accountability; the School
6 Curriculum, Assessment, and Accountability Council; and the National Technical
7 Advisory Panel on Assessment and Accountability, the Kentucky Board of
8 Education shall promulgate administrative regulations in conformity with KRS
9 158.6471 and 158.6472 and KRS Chapter 13A, to establish a process whereby a
10 school shall be allowed to appeal a performance judgment which it considers
11 grossly unfair. Upon appeal, an administrative hearing shall be conducted in
12 accordance with KRS Chapter 13B. The state board may adjust a performance
13 judgment on appeal when evidence of highly unusual circumstances warrants the
14 conclusion that the performance judgment is based on fraud or a mistake in
15 computations, is arbitrary, is lacking any reasonable basis, or when there are
16 significant new circumstances occurring during the biennial assessment period
17 which are beyond the control of the school.
18 ➔Section 5. KRS 158.6458 is amended to read as follows:
19 The Department of Education shall develop a plan for implementing the state assessment
20 and accountability system created under KRS 158.6453 and 158.6455 and shall report
21 quarterly to the Interim Joint Committee on Education on its progress in the following
22 areas:
23 (1) Establishing a consistent structure of test components, grade-level testing
24 distribution, and test administration procedures;
25 (2) Beginning a new cycle of equating procedures for which their adequacy and
26 precision can be tested rigorously and conducting appropriate equating analyses to
27 accommodate the new accountability system;

1 (3) Publishing more complete and informative guides for interpreting school
2 accountability[~~ index score~~] changes [~~that include information about the estimated~~
3 ~~error of the accountability index, as well as information about the connections~~
4 ~~between index score changes and estimated changes in student performance levels~~];
5 (4) Reviewing school accountability classifications to assure their construct validity in
6 all cases where they are applied;
7 (5) Maintaining and strengthening the ***assessment of schools' program reviews***[~~annual~~
8 ~~audit of portfolio scores in ways that serve to minimize the differences between~~
9 ~~teacher produced scores and audit-generated scores~~];
10 (6) Developing and implementing a validity research plan as required under KRS
11 158.6453;
12 (7) Establishing additional routine audits of key processes in the assessment and
13 accountability program;
14 (8) Maintaining and cataloging a library of technical documents related to the
15 assessment and accountability program for internal and external review purposes. In
16 addition, the department shall produce an annual technical report for audiences that
17 include educators, testing coordinators, parents, and legislators; and
18 (9) Maintaining a vigorous ongoing program of research and documentation of the
19 effects of the assessment and accountability system on Kentucky schools.
20 ➔Section 6. KRS 158.6459 is amended to read as follows:
21 (1) A high school student whose scores on the high school readiness examination
22 administered in grade eight (8), on the college readiness examination administered
23 in grade ten (10), or on the WorkKeys indicate that additional assistance ***or***
24 ***advanced work*** is required in English, reading, or mathematics shall have
25 intervention strategies for accelerated learning incorporated into his or her learning
26 plan.
27 (2) A high school student whose score on the ACT examination under KRS 158.6453

1 *(11)*[~~(4)~~](a)3. in English, reading, or mathematics is below the systemwide standard
2 established by the Council on Postsecondary Education for entry into a credit-
3 bearing course at a public postsecondary institution without placement in a remedial
4 course or an entry-level course with supplementary academic support shall be
5 provided the opportunity to participate in accelerated learning designed to address
6 his or her identified academic deficiencies prior to high school graduation.
7 (3) A high school, in collaboration with its school district, shall develop and implement
8 accelerated learning that:
9 (a) Allows a student's learning plan to be individualized to meet the student's
10 academic needs based on an assessment of test results and consultation among
11 parents, teachers, and the student; and
12 (b) May include changes in a student's class schedule.
13 (4) The Kentucky Department of Education, the Council on Postsecondary Education,
14 and public postsecondary institutions shall offer support and technical assistance to
15 schools and school districts in the development of accelerated learning.
16 (5) A student who participates in accelerated learning under this section shall be
17 permitted to take the ACT examination a second time prior to high school
18 graduation at the expense of the Kentucky Department of Education. The cost of
19 any subsequent administrations of the achievement test shall be the responsibility of
20 the student.
21 ➔Section 7. KRS 158.649 is amended to read as follows:
22 (1) "Achievement gap" means a substantive performance difference on each of the
23 tested areas by grade level of the ***state assessment program***[~~Commonwealth~~
24 ~~Accountability Testing System~~] between the various groups of students including
25 male and female students, students with and without disabilities, students with and
26 without English proficiency, minority and nonminority students, and students who
27 are eligible for free and reduced lunch and those who are not eligible for free and

1 reduced lunch.

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

15 (3) [~~By December 1, 2002,~~]Each local board of education upon the recommendation of
16 the local district superintendent shall adopt a policy for reviewing the academic
17 performance on the state assessments required under KRS 158.6453 for various
18 groups of students, including major racial groups, gender, disability, free and
19 reduced price school lunch eligibility, and limited English proficiency. The local
20 board policy shall be consistent with Kentucky Board of Education administrative
21 regulations. Upon agreement of the school-based decision making council, or the
22 principal if there is not a council, and the superintendent, the local board shall
23 establish a biennial target for each school for reducing identified gaps in
24 achievement as set out in subsection (4) of this section.

25 (4) By February 1, 2003, and each February 1 in odd-numbered years thereafter, the
26 school-based decision making council, or the principal if there is not a council, with
27 the involvement of parents, faculty, and staff shall set the school's biennial targets

1 for eliminating any achievement gap and submit them to the superintendent for
2 consideration. The superintendent and the school-based decision making council, or
3 the principal if there is not a council, shall agree on the biennial targets before they
4 are submitted to the local board of education for adoption. ***Beginning with the***
5 ***2012-2013 school year, the reporting requirement in this subsection shall be***
6 ***October 1 of each year.***
7 (5) By April 1, 2003, and each April 1 in odd-numbered years thereafter, the school
8 council, or the principal if a school council does not exist, with the involvement of
9 parents, faculty, and staff, shall review the data and revise the consolidated plan to
10 include the biennial targets, strategies, activities, and a time schedule calculated to
11 eliminate the achievement gap among various groups of students to the extent it
12 may exist. The plan shall include but not be limited to activities designed to address
13 the following areas:
14 (a) Curriculum alignment within the school and with schools that send or receive
15 the school's students;
16 (b) Evaluation and assessment strategies to continuously monitor and modify
17 instruction to meet student needs and support proficient student work;
18 (c) Professional development to address the goals of the plan;
19 (d) Parental communication and involvement;
20 (e) Attendance improvement and dropout prevention; and
21 (f) Technical assistance that will be accessed.
22 ***Beginning with the 2012-2013 school year, the reporting requirement in this***
23 ***subsection shall be October 1 of each year.***
24 (6) The principal shall convene a public meeting at the school to present and discuss the
25 plan prior to submitting it to the superintendent and the local board of education for
26 review, in the public meeting required under KRS 160.340
27 (7) Based on the disaggregated~~[biennial]~~ assessment results, the local board shall

1 determine if each school achieved its[~~ biennial~~] targets for each group of students.
2 Only data for a group of students including ten (10) or more students shall be
3 considered.
4 (8) Notwithstanding KRS 160.345(8) and 158.070(8), if a local board determines that a
5 school has not met its[~~ biennial~~] target to reduce the identified gap in student
6 achievement for a group of students, the local board shall require the council, or the
7 principal if no council exists, to submit its revisions to the ***school***
8 ***improvement***[~~consolidated~~] plan describing the use of professional development
9 funds and funds allocated for continuing education to reduce the school's
10 achievement gap for review and approval by the superintendent. The plan shall
11 address how the school will meet the academic needs of the students in the various
12 groups identified in subsection (1) of this section.
13 (9) The superintendent shall report to the commissioner of education if a school fails to
14 meet its targets to reduce the gap in student achievement for any student group for
15 two (2) ***consecutive years***[~~successive biennia~~]. The school's
16 ***improvement***[~~consolidated~~] plan shall be subject to review and approval by the
17 Kentucky Department of Education and the school shall submit an annual status
18 report. The Department of Education may provide assistance to schools as it deems
19 necessary to assist the school in meeting its goals.
20 (10) The school-based decision making council, or the principal if there is not a council,
21 shall no longer be required to seek approval of the plan under subsections (8) and
22 (9) of this section when it meets its biennial target for reducing the gap in student
23 achievement for the various groups of students identified in subsection (1) of this
24 section.
25 ➔Section 8. KRS 156.095 is amended to read as follows:
26 (1) The Kentucky Department of Education shall establish, direct, and maintain a
27 statewide program of professional development to improve instruction in the public

1 schools.

2 (2) Each local school district superintendent shall appoint a certified school employee
3 to fulfill the role and responsibilities of a professional development coordinator who
4 shall disseminate professional development information to schools and personnel.
5 Upon request by a school council or any employees of the district, the coordinator
6 shall provide technical assistance to the council or the personnel that may include
7 assisting with needs assessments, analyzing school data, planning and evaluation
8 assistance, organizing districtwide programs requested by school councils or groups
9 of teachers, or other coordination activities.

10 (a) The manner of appointment, qualifications, and other duties of the
11 professional development coordinator shall be established by Kentucky Board
12 of Education through promulgation of administrative regulations.

13 (b) The local district professional development coordinator shall participate in the
14 Kentucky Department of Education annual training program for local school
15 district professional development coordinators. The training program may
16 include, but not be limited to, the demonstration of various approaches to
17 needs assessment and planning; strategies for implementing long-term,
18 school-based professional development; strategies for strengthening teachers'
19 roles in the planning, development, and evaluation of professional
20 development; and demonstrations of model professional development
21 programs. The training shall include information about teacher learning
22 opportunities relating to the core content standards. The Kentucky Department
23 of Education shall regularly collect and distribute this information.

24 (3) The Kentucky Department of Education shall provide or facilitate optional,
25 professional development programs for certified personnel throughout the
26 Commonwealth that are based on the statewide needs of teachers, administrators,
27 and other education personnel. Programs may include classified staff and parents

1 when appropriate. Programs offered or facilitated by the department shall be at
2 locations and times convenient to local school personnel and shall be made
3 accessible through the use of technology when appropriate. They shall include
4 programs that: address the goals for Kentucky schools as stated in KRS 158.6451,
5 including reducing the achievement gaps as determined by an equity analysis of the
6 disaggregated student performance data from the ***state assessment program***
7 ***developed under Section 2 of this Act***[~~Commonwealth Accountability Testing~~
8 ~~System~~]; engage educators in effective learning processes and foster collegiality and
9 collaboration; and provide support for staff to incorporate newly acquired skills into
10 their work through practicing the skills, gathering information about the results, and
11 reflecting on their efforts. Professional development programs ***shall be made***
12 ***available to teachers based on their needs which shall***[~~may~~] include[~~,~~] but not be
13 limited to[~~, focus on~~] the following areas:
14 (a) Strategies to reduce the achievement gaps among various groups of students
15 ***and to provide continuous progress***;
16 (b) Curriculum content and methods of instruction for each content area
17 ***including differentiated instruction***;
18 (c) School-based decision making;
19 (d) ***Assessment literacy;***
20 ***(e) Integration of*** performance-based student assessment ***into daily classroom***
21 ***instruction***;
22 ***(f)***[~~(e)~~] Nongraded primary programs;
23 ***(g)***[~~(f)~~] Research-based instructional practices;
24 ***(h)***[~~(g)~~] Instructional uses of technology;
25 ***(i)***[~~(h)~~] Curriculum design to serve the needs of students with diverse learning
26 styles and skills and of students of diverse cultures;
27 ***(j)***[~~(i)~~] Instruction ***in reading, including***[~~of~~] phonics***, phonemic awareness,***

1 ***comprehension, fluency, and vocabulary***;

2 ***(k)***[~~(j)~~] Educational leadership; and

3 ***(l)***[~~(k)~~] Strategies to incorporate character education throughout the curriculum.

4 (4) [~~The department shall utilize its regional service centers, in addition to~~
5 ~~collaboration with postsecondary education institutions, education cooperative and~~
6 ~~consortia, and professional education organizations, to provide local district~~
7 ~~personnel with access to high quality programming.~~]The department shall assist
8 school personnel in assessing the impact of professional development on their
9 instructional practices and student learning.

10 (5) The department shall assist districts and school councils with the development of
11 long-term school and district improvement plans that include multiple strategies for
12 professional development based on the assessment of needs at the school level.

13 (a) Professional development strategies may include, but are not limited to,
14 participation in subject matter academies, teacher networks, training institutes,
15 workshops, seminars, and study groups; collegial planning; action research;
16 mentoring programs; appropriate university courses; and other forms of
17 professional development.

18 (b) In planning the use of the four (4) days for professional development under
19 KRS 158.070, school councils and districts shall give priority to programs that
20 increase teachers' understanding of curriculum content and methods of
21 instruction appropriate for each content area based on individual school plans.
22 The district may use up to one (1) day to provide district-wide training and
23 training that is mandated by state or federal law. Only those employees
24 identified in the mandate or affected by the mandate shall be required to attend
25 the training.

26 (c) State funds allocated for professional development shall be used to support
27 professional development initiatives that are consistent with local school

1 improvement and professional development plans and teachers' individual
2 growth plans. The funds may be used throughout the year for all staff,
3 including classified and certified staff and parents on school councils or
4 committees. A portion of the funds allocated to each school council under
5 KRS 160.345 may be used to prepare or enhance the teachers' knowledge and
6 teaching practices related to the content and subject matter that are required
7 for their specific classroom assignments.
8 (6) The Department of Education shall establish an electronic consumer bulletin board
9 that posts information regarding professional development providers and programs
10 as a service to school district central office personnel, school councils, teachers, and
11 administrators. Participation on the electronic consumer bulletin board shall be
12 voluntary for professional development providers or vendors, but shall include all
13 programs sponsored by the department. Participants shall provide the following
14 information: program title; name of provider or vendor; qualifications of the
15 presenters or instructors; objectives of the program; program length; services
16 provided, including follow-up support; costs for participation and costs of materials;
17 names of previous users of the program, addresses, and telephone numbers; and
18 arrangements required. Posting information on the bulletin board by the department
19 shall not be viewed as an endorsement of the quality of any specific provider or
20 program.
21 (7) The Department of Education shall provide training to address the characteristics
22 and instructional needs of students at risk of school failure and most likely to drop
23 out of school. The training shall be developed to meet the specific needs of all
24 certified and classified personnel depending on their relationship with these
25 students. The training for instructional personnel shall be designed to provide and
26 enhance skills of personnel to:
27 (a) Identify at-risk students early in elementary schools as well as at-risk and

1 potential dropouts in the middle and high schools;
2 (b) Plan specific instructional strategies to teach at-risk students;
3 (c) Improve the academic achievement of students at risk of school failure by
4 providing individualized and extra instructional support to increase
5 expectations for targeted students;
6 (d) Involve parents as partners in ways to help their children and to improve their
7 children's academic progress; and
8 (e) Significantly reduce the dropout rate of all students.
9 (8) ~~[By July 1, 2001,]~~The department shall establish teacher academies to the extent
10 funding is available in cooperation with postsecondary education institutions for
11 elementary, middle school, and high school faculty in core disciplines, utilizing
12 facilities and faculty from universities and colleges, local school districts, and other
13 appropriate agencies throughout the state. Priority for participation shall be given to
14 those teachers who are teaching core discipline courses for which they do not have a
15 major or minor or the equivalent. Participation of teachers shall be voluntary.
16 ➔Section 9. KRS 158.816 is amended to read as follows:
17 (1) The Kentucky Department of Education and the Office of Career and Technical
18 Education, with involvement of representatives from the local school districts and
19 teacher preparation institutions, shall jointly complete an annual statewide analysis
20 and report of academic achievement of technical education students who have
21 completed or are enrolled in a sequence of a technical program of at least three (3)
22 high school credits.
23 (2) The analysis shall include the previous year's results from the ***state assessment***
24 ***program described in Section 2 of this Act***~~[Commonwealth Accountability Testing~~
25 ~~System]~~. The data shall be disaggregated for all high school students by career
26 cluster areas of agriculture, business and marketing, human services, health
27 services, transportation, construction, communication, and manufacturing and by

1 special populations. Where available, disaggregated data from other national
2 assessments shall also be used.
3 (3) (a) The Kentucky Department of Education, with assistance from the Office of
4 Career and Technical Education, shall coordinate the development of a
5 statewide technical assistance plan to aid providers of programs in identifying
6 areas for improvement for those schools that do not meet their school
7 performance goal and for those schools where technical students as a group do
8 not score equal to or better than the school average in each of the academic
9 areas. The plan shall address methodologies for further analysis at each school
10 including but not limited to:
11 1. The academic course-taking patterns of the technical students;
12 2. The rigor and intensity of the technical programs and expectations for
13 student performance in reading, math, science, and writing and other
14 academic skills as well as in technical skill development;
15 3. The level of communication and collaboration between teachers in
16 technical programs and academic programs, planning, and opportunity
17 for analyzing student achievement, particularly between faculty in the
18 comprehensive high schools with the faculty in state-operated or locally
19 operated secondary area centers and vocational departments;
20 4. The faculties' understanding of Kentucky's program of studies, academic
21 expectations, and core content for assessment;
22 5. The knowledge and understanding of academic teachers and technical
23 teachers in integrating mutually supportive curricula content;
24 6. The level of curricula alignment and articulation in grades eight (8) to
25 sixteen (16);
26 7. The availability of extra help for students in meeting higher standards;
27 8. The availability and adequacy of school career and guidance counseling;

1 9. The availability and adequacy of work-based learning;
2 10. The availability and adequacy of distance learning and educational
3 technology;
4 11. The adequacy of involvement of business and industry in curricula,
5 work-based learning, and program development; and
6 12. The adequacy of teachers' preparation to prepare them for teaching both
7 academic and technical skills to all students that are necessary for
8 successful transition to postsecondary education, work, or the military.
9 (b) The department and the office, in cooperation with teacher preparation
10 programs, postsecondary education institutions, and other appropriate
11 partners, shall ensure that academic core content is imbedded or integrated
12 within the performance requirements for students.
13 (c) The department and the office, in cooperation with the Kentucky Community
14 and Technical College System, shall encourage postsecondary education and
15 business and industry to provide professional development and training
16 opportunities to engage technical faculty in continuous improvement activities
17 to enhance their instructional skills.
18 (d) The department and the office shall continue efforts with business and
19 industry to develop occupation skill standards and assessments. All efforts
20 shall be made with the involvement of business, industry, and labor. Skill
21 standards and assessments, where available, shall be used as the focus of the
22 curricula.
23 (4) The department and the office shall consult with the Education Professional
24 Standards Board in carrying out the requirements of this section as they relate to
25 teacher preparation.
26 ➔Section 10. KRS 159.035 is amended to read as follows:
27 (1) Notwithstanding the provisions of any other statute, any student in a public school

1 who is enrolled in a properly organized 4-H club shall be considered present at
2 school for all purposes when participating in regularly scheduled 4-H club
3 educational activities, provided, the student is accompanied by or under the
4 supervision of a county extension agent or the designated 4-H club leader for the 4-
5 H club educational activity participated in.
6 (2) Except as provided in paragraph (e) of this subsection, a public school principal
7 shall give a student an excused absence of up to ten (10) school days to pursue an
8 educational enhancement opportunity determined by the principal to be of
9 significant educational value, including but not limited to participation in an
10 educational foreign exchange program or an intensive instructional, experiential, or
11 performance program in one (1) of the core curriculum subjects of English, science,
12 mathematics, social studies, foreign language, and the arts.
13 (a) A student receiving an excused absence under this subsection shall have the
14 opportunity to make up school work missed and shall not have his or her class
15 grades adversely affected for lack of class attendance or class participation due
16 to the excused absence.
17 (b) Educational enhancement opportunities under this subsection shall not include
18 nonacademic extracurricular activities, but may include programs not
19 sponsored by the school district.
20 (c) If a request for an excused absence to pursue an educational enhancement
21 opportunity is denied by a school principal, a student may appeal the decision
22 to the district superintendent, who shall make a determination whether to
23 uphold or alter the decision of the principal. If a superintendent upholds a
24 principal's denial, a student may appeal the decision to the local board of
25 education, which shall make a final determination. A principal,
26 superintendent, and local board of education shall make their determinations
27 based on the provisions of this subsection and the district's school attendance

1 policies adopted in accordance with KRS 158.070 and KRS 159.150.
2 (d) A student receiving an excused absence under the provisions of this
3 subsection shall be considered present in school during the excused absence
4 for the purposes of calculating average daily attendance as defined by KRS
5 157.320 under the Support Education Excellence in Kentucky program.
6 (e) A student shall not be eligible to receive an excused absence under the
7 provisions of this subsection for an absence during a school's testing window
8 established for assessments of the ***state assessment developed under Section***
9 ***2 of this Act***[~~Commonwealth Accountability Testing System under KRS~~
10 ~~158.6453~~] or during a testing period established for the administration of
11 additional district-wide assessments at the school, except if a principal
12 determines that extenuating circumstances make an excused absence to pursue
13 an educational enhancement opportunity appropriate.
14 (3) (a) If a student's parent, de facto custodian, or other person with legal custody or
15 control of the student is a member of the United States Armed Forces,
16 including a member of a state National Guard or a Reserve component called
17 to federal active duty, a public school principal shall give the student:
18 1. An excused absence for one (1) day when the member is deployed; and
19 2. An additional excused absence for one (1) day when the service member
20 returns from deployment.
21 (b) A student receiving an excused absence under this subsection shall have the
22 opportunity to make up school work missed and shall not have his or her class
23 grades adversely affected for lack of class attendance or class participation due
24 to the excused absence.
25 (c) A student receiving an excused absence under this subsection shall be
26 considered present in school during the excused absence for the purposes of
27 calculating average daily attendance as defined by KRS 157.320 under the

1 Support Education Excellence in Kentucky program.

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

3 (1) There is hereby created the Commonwealth school improvement fund to assist local
4 schools in pursuing new and innovative strategies to meet the educational needs of
5 the school's students and raise ***a***[~~the~~] school's performance level. [~~Except for the~~
6 ~~school years 2002-2003 and 2003-2004 when the priority for the use of the fund~~
7 ~~shall be to provide technical assistance to schools identified under subsection (2) of~~
8 ~~this section to reduce the achievement gaps among the various groups of students as~~
9 ~~described in KRS 158.649,~~]The Kentucky Board of Education shall utilize the
10 Commonwealth school improvement fund to provide grants to schools for the
11 following purposes:

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

15 (b) To assist in replicating successful programs developed in other districts
16 including those calculated to reduce achievement gaps as defined in KRS
17 158.649;

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

20 (d) To encourage teachers and administrators to conduct experimental programs
21 to test concepts and applications being advanced as solutions to specific
22 educational problems.

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

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

1 (4) The Kentucky Board of Education may establish priorities for the use of the funds
2 and, through the Department of Education, shall provide assistance to schools in
3 preparing their grant proposals. The board shall require that no funds awarded under
4 the Commonwealth school improvement fund are used to supplant funds from any
5 other source. Requests for necessary equipment may be approved at the discretion
6 of the state board, however the cost of equipment purchased by any grantee shall not
7 exceed twenty percent (20%) of the total amount of money awarded for each
8 proposal and shall be matched by local funds on a dollar for dollar basis.
9 (5) The Kentucky Board of Education shall establish maximums for specific grant
10 awards. All fund recipients shall provide the board with an accounting of all money
11 received from the fund and shall report the results and conclusions of any funded
12 projects to the Kentucky Board of Education. All fund recipients shall provide the
13 board with adequate documentation of all projects to enable replication of
14 successful projects in other areas of the state.
15 ➔Section 12. KRS 160.345 is amended to read as follows:
16 (1) For the purpose of this section:
17 (a) "Minority" means American Indian; Alaskan native; African-American;
18 Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or
19 South American origin; Pacific islander; or other ethnic group
20 underrepresented in the school;
21 (b) "School" means an elementary or secondary educational institution that is
22 under the administrative control of a principal and is not a program or part of
23 another school. The term "school" does not include district-operated schools
24 that are:
25 1. Exclusively vocational-technical, special education, or preschool
26 programs;
27 2. Instructional programs operated in institutions or schools outside of the

1 district; or
2 3. Alternative schools designed to provide services to at-risk populations
3 with unique needs;
4 (c) "Teacher" means any person for whom certification is required as a basis of
5 employment in the public schools of the state, with the exception of principals
6 and assistant principals; and
7 (d) "Parent" means:
8 1. A parent, stepparent, or foster parent of a student; or
9 2. A person who has legal custody of a student pursuant to a court order
10 and with whom the student resides.
11 (2) Each local board of education shall adopt a policy for implementing school-based
12 decision making in the district which shall include, but not be limited to, a
13 description of how the district's policies, including those developed pursuant to
14 KRS 160.340, have been amended to allow the professional staff members of a
15 school to be involved in the decision making process as they work to meet
16 educational goals established in KRS 158.645 and 158.6451. The policy may
17 include a requirement that each school council make an annual report at a public
18 meeting of the board describing the school's progress in meeting the educational
19 goals set forth in KRS 158.6451 and district goals established by the board. The
20 policy shall also address and comply with the following:
21 (a) Except as provided in paragraph (b)2. of this subsection, each participating
22 school shall form a school council composed of two (2) parents, three (3)
23 teachers, and the principal or administrator. The membership of the council
24 may be increased, but it may only be increased proportionately. A parent
25 representative on the council shall not be an employee or a relative of an
26 employee of the school in which that parent serves, nor shall the parent
27 representative be an employee or a relative of an employee in the district

1 administrative offices. A parent representative shall not be a local board
2 member or a board member's spouse. None of the members shall have a
3 conflict of interest pursuant to KRS Chapter 45A, except the salary paid to
4 district employees;
5 (b) 1. The teacher representatives shall be elected for one (1) year terms by a
6 majority of the teachers. A teacher elected to a school council shall not
7 be involuntarily transferred during his or her term of office. The parent
8 representatives shall be elected for one (1) year terms. The parent
9 members shall be elected by the parents of students preregistered to
10 attend the school during the term of office in an election conducted by
11 the parent and teacher organization of the school or, if none exists, the
12 largest organization of parents formed for this purpose. A school
13 council, once elected, may adopt a policy setting different terms of
14 office for parent and teacher members subsequently elected. The
15 principal shall be the chair of the school council.
16 2. School councils in schools having eight percent (8%) or more minority
17 students enrolled, as determined by the enrollment on the preceding
18 October 1, shall have at least one (1) minority member. If the council
19 formed under paragraph (a) of this subsection does not have a minority
20 member, the principal, in a timely manner, shall be responsible for
21 carrying out the following:
22 a. Organizing a special election to elect an additional member. The
23 principal shall call for nominations and shall notify the parents of
24 the students of the date, time, and location of the election to elect a
25 minority parent to the council by ballot; and
26 b. Allowing the teachers in the building to select one (1) minority
27 teacher to serve as a teacher member on the council. If there are no

1 minority teachers who are members of the faculty, an additional
2 teacher member shall be elected by a majority of all teachers. Term
3 limitations shall not apply for a minority teacher member who is
4 the only minority on faculty;
5 (c) 1. The school council shall have the responsibility to set school policy
6 consistent with district board policy which shall provide an environment
7 to enhance the students' achievement and help the school meet the goals
8 established by KRS 158.645 and 158.6451. The principal shall be the
9 primary administrator and the instructional leader of the school, and
10 with the assistance of the total school staff shall administer the policies
11 established by the school council and the local board.
12 2. If a school council establishes committees, it shall adopt a policy to
13 facilitate the participation of interested persons, including, but not
14 limited to, classified employees and parents. The policy shall include the
15 number of committees, their jurisdiction, composition, and the process
16 for membership selection;
17 (d) The school council and each of its committees shall determine the frequency
18 of and agenda for their meetings. Matters relating to formation of school
19 councils that are not provided for by this section shall be addressed by local
20 board policy;
21 (e) The meetings of the school council shall be open to the public and all
22 interested persons may attend. However, the exceptions to open meetings
23 provided in KRS 61.810 shall apply;
24 (f) After receiving notification of the funds available for the school from the local
25 board, the school council shall determine, within the parameters of the total
26 available funds, the number of persons to be employed in each job
27 classification at the school. The council may make personnel decisions on

1 vacancies occurring after the school council is formed but shall not have the
2 authority to recommend transfers or dismissals;
3 (g) The school council shall determine which textbooks, instructional materials,
4 and student support services shall be provided in the school. Subject to
5 available resources, the local board shall allocate an appropriation to each
6 school that is adequate to meet the school's needs related to instructional
7 materials and school-based student support services, as determined by the
8 school council. The school council shall consult with the school media
9 librarian on the maintenance of the school library media center, including the
10 purchase of instructional materials, information technology, and equipment;
11 (h) Personnel decisions at the school level shall be as follows:
12 1. From a list of applicants submitted by the local superintendent, the
13 principal at the participating school shall select personnel to fill
14 vacancies, after consultation with the school council, consistent with
15 subsection (2)(i)10. of this section. The superintendent may forward to
16 the school council the names of qualified applicants who have pending
17 certification from the Education Professional Standards Board based on
18 recent completion of preparation requirements, out-of-state preparation,
19 or alternative routes to certification pursuant to KRS 161.028 and
20 161.048. Requests for transfer shall conform to any employer-employee
21 bargained contract which is in effect.
22 2. If the vacancy to be filled is the position of principal, the school council
23 shall select the new principal from among those persons recommended
24 by the local superintendent, except as provided in subparagraph 4. of
25 this paragraph. The superintendent shall provide additional applicants
26 upon request when qualified applicants are available. The school council
27 shall receive training in recruitment and interviewing techniques prior to

1 carrying out the process of selecting a principal. The council shall select
2 the trainer to deliver the training.
3 3. Personnel decisions made at the school level under the authority of
4 subparagraphs 1., 2., and 4. of this paragraph shall be binding on the
5 superintendent who completes the hiring process.
6 4. If the vacancy for the position of principal occurs in a school that has an
7 index score that places it in the lowest one-third (1/3) of all schools
8 below the assistance line and the school has completed a scholastic audit
9 under KRS 158.6455 that includes findings of lack of effectiveness of
10 the principal and school council, the superintendent shall appoint the
11 principal after consulting with the school council.
12 5. Applicants subsequently employed shall provide evidence that they are
13 certified prior to assuming the duties of a position in accordance with
14 KRS 161.020. The superintendent shall provide additional applicants
15 upon request when qualified applicants are available;
16 (i) The school council shall adopt a policy to be implemented by the principal in
17 the following additional areas:
18 1. Determination of curriculum, including needs assessment,~~[and]~~
19 curriculum development ***and responsibilities under Section 2(7) of this***
20 ***Act***;
21 2. Assignment of all instructional and noninstructional staff time;
22 3. Assignment of students to classes and programs within the school;
23 4. Determination of the schedule of the school day and week, subject to the
24 beginning and ending times of the school day and school calendar year
25 as established by the local board;
26 5. Determination of use of school space during the school day;
27 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 ***on state and local student assessments and program assessments required under Section 2 of this Act***[~~by the Commonwealth Accountability 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

1 complete the review required by this paragraph no later than November 1 of
2 each year. If a school does not have a council, the review shall be completed
3 by the principal with the involvement of parents, faculty, and staff.
4 (3) The ***policies***~~[policy]~~ adopted by the local board to implement school-based decision
5 making shall also address the following:
6 (a) School budget and administration, including: discretionary funds; activity and
7 other school funds; funds for maintenance, supplies, and equipment; and
8 procedures for authorizing reimbursement for training and other expenses;
9 (b) Assessment of individual student progress, including testing and reporting of
10 student progress to students, parents, the school district, the community, and
11 the state;
12 (c) School improvement plans, including the form and function of strategic
13 planning and its relationship to district planning, as well as the school safety
14 plan and requests for funding from the Center for School Safety under KRS
15 158.446;
16 (d) Professional development plans developed pursuant to KRS 156.095;
17 (e) Parent, citizen, and community participation including the relationship of the
18 council with other groups;
19 (f) Cooperation and collaboration within the district, with other districts, and with
20 other public and private agencies;
21 (g) Requirements for waiver of district policies;
22 (h) Requirements for record keeping by the school council; and
23 (i) A process for appealing a decision made by a school council.
24 (4) In addition to the authority granted to the school council in this section, the local
25 board may grant to the school council any other authority permitted by law. The
26 board shall make available liability insurance coverage for the protection of all
27 members of the school council from liability arising in the course of pursuing their

1 duties as members of the council.

2 (5) After July 13, 1990, any school in which two-thirds (2/3) of the faculty vote to
3 implement school-based decision making shall do so. All schools shall implement
4 school-based decision making by July 1, 1996, in accordance with this section and
5 with the policy adopted by the local board pursuant to this section. Upon favorable
6 vote of a majority of the faculty at the school and a majority of at least twenty-five
7 (25) voting parents of students enrolled in the school, a school meeting its goal as
8 determined by the Department of Education pursuant to KRS 158.6455 may apply
9 to the Kentucky Board of Education for exemption from the requirement to
10 implement school-based decision making, and the state board shall grant the
11 exemption. The voting by the parents on the matter of exemption from
12 implementing school-based decision making shall be in an election conducted by
13 the parent and teacher organization of the school or, if none exists, the largest
14 organization of parents formed for this purpose. Notwithstanding the provisions of
15 this section, a local school district shall not be required to implement school-based
16 decision making if the local school district contains only one (1) school.

17 (6) The Department of Education shall provide professional development activities to
18 assist schools in implementing school-based decision making. School council
19 members elected for the first time shall complete a minimum of six (6) clock hours
20 of training in the process of school-based decision making, no later than thirty (30)
21 days after the beginning of the service year for which they are elected to serve.
22 School council members who have served on a school council at least one (1) year
23 shall complete a minimum of three (3) clock hours of training in the process of
24 school-based decision making no later than one hundred twenty (120) days after the
25 beginning of the service year for which they are elected to serve. Experienced
26 members may participate in the training for new members to fulfill their training
27 requirement. School council training required under this subsection shall be

1 conducted by trainers endorsed by the Department of Education. By November 1 of
2 each year, the principal through the local superintendent shall forward to the
3 Department of Education the names and addresses of each council member and
4 verify that the required training has been completed. School council members
5 elected to fill a vacancy shall complete the applicable training within thirty (30)
6 days of their election.
7 (7) A school that chooses to have school-based decision making but would like to be
8 exempt from the administrative structure set forth by this section may develop a
9 model for implementing school-based decision making, including but not limited to
10 a description of the membership, organization, duties, and responsibilities of a
11 school council. The school shall submit the model through the local board of
12 education to the commissioner of education and the Kentucky Board of Education,
13 which shall have final authority for approval. The application for approval of the
14 model shall show evidence that it has been developed by representatives of the
15 parents, students, certified personnel, and the administrators of the school and that
16 two-thirds (2/3) of the faculty have agreed to the model.
17 (8) The Kentucky Board of Education, upon recommendation of the commissioner of
18 education, shall adopt by administrative regulation a formula by which school
19 district funds shall be allocated to each school council. Included in the school
20 council formula shall be an allocation for professional development that is at least
21 sixty-five percent (65%) of the district's per pupil state allocation for professional
22 development for each student in average daily attendance in the school. The school
23 council shall plan professional development in compliance with requirements
24 specified in KRS 156.095, except as provided in KRS 158.649. School councils of
25 small schools shall be encouraged to work with other school councils to maximize
26 professional development opportunities.
27 (9) (a) No board member, superintendent of schools, district employee, or member of

1 a school council shall intentionally engage in a pattern of practice which is
2 detrimental to the successful implementation of or circumvents the intent of
3 school-based decision making to allow the professional staff members of a
4 school and parents to be involved in the decision making process in working
5 toward meeting the educational goals established in KRS 158.645 and
6 158.6451 or to make decisions in areas of policy assigned to a school council
7 pursuant to paragraph (i) of subsection (2) of this section.
8 (b) An affected party who believes a violation of this subsection has occurred may
9 file a written complaint with the Office of Education Accountability. The
10 office shall investigate the complaint and resolve the conflict, if possible, or
11 forward the matter to the Kentucky Board of Education.
12 (c) The Kentucky Board of Education shall conduct a hearing in accordance with
13 KRS Chapter 13B for complaints referred by the Office of Education
14 Accountability.
15 (d) If the state board determines a violation has occurred, the party shall be
16 subject to reprimand. A second violation of this subsection may be grounds
17 for removing a superintendent, a member of a school council, or school board
18 member from office or grounds for dismissal of an employee for misconduct
19 in office or willful neglect of duty.
20 (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or
21 maintain a school-based decision making council and the powers, duties, and
22 authority granted to a school council may be rescinded or the school council's role
23 may be advisory if the commissioner of education or the Kentucky Board of
24 Education takes action under KRS 160.346.
25 (11) Each school council of a school containing grades K-5 or any combination thereof,
26 or if there is no school council, the principal, shall develop and implement a
27 wellness policy that includes moderate to vigorous physical activity each day and

1 encourages healthy choices among students. The policy may permit physical activity
2 to be considered part of the instructional day, not to exceed thirty (30) minutes per
3 day, or one hundred and fifty (150) minutes per week. Each school council, or if
4 there is no school council, the principal, shall adopt an assessment tool to determine
5 each child's level of physical activity on an annual basis. The council or principal
6 may utilize an existing assessment program. The Kentucky Department of
7 Education shall make available a list of available resources to carry out the
8 provisions of this subsection. The department shall report to the Legislative
9 Research Commission no later than November 1 of each year on how the schools
10 are providing physical activity under this subsection and on the types of physical
11 activity being provided. The policy developed by the school council or principal
12 shall comply with provisions required by federal law, state law, or local board
13 policy.
14 ➔Section 13. KRS 164.020 is amended to read as follows:
15 The Council on Postsecondary Education in Kentucky shall:
16 (1) Develop and implement the strategic agenda with the advice and counsel of the
17 Strategic Committee on Postsecondary Education. The council shall provide for and
18 direct the planning process and subsequent strategic implementation plans based on
19 the strategic agenda as provided in KRS 164.0203;
20 (2) Revise the strategic agenda and strategic implementation plan with the advice and
21 counsel of the committee as set forth in KRS 164.004;
22 (3) Develop a system of public accountability related to the strategic agenda by
23 evaluating the performance and effectiveness of the state's postsecondary system.
24 The council shall prepare a report in conjunction with the accountability reporting
25 described in KRS 164.095, which shall be submitted to the committee, the
26 Governor, and the General Assembly by December 1 annually. This report shall
27 include a description of contributions by postsecondary institutions to the quality of

1 elementary and secondary education in the Commonwealth;
2 (4) Review, revise, and approve the missions of the state's universities and the
3 Kentucky Community and Technical College System. The Council on
4 Postsecondary Education shall have the final authority to determine the compliance
5 of postsecondary institutions with their academic, service, and research missions;
6 (5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively
7 provide for an integrated system of postsecondary education. The council shall
8 guard against inappropriate and unnecessary conflict and duplication by promoting
9 transferability of credits and easy access of information among institutions;
10 (6) Engage in analyses and research to determine the overall needs of postsecondary
11 education and adult education in the Commonwealth;
12 (7) Develop plans that may be required by federal legislation. The council shall for all
13 purposes of federal legislation relating to planning be considered the "single state
14 agency" as that term may be used in federal legislation. When federal legislation
15 requires additional representation on any "single state agency," the Council on
16 Postsecondary Education shall establish advisory groups necessary to satisfy federal
17 legislative or regulatory guidelines;
18 (8) Determine tuition and approve the minimum qualifications for admission to the
19 state postsecondary educational system. In defining residency, the council shall
20 classify a student as having Kentucky residency if the student met the residency
21 requirements at the beginning of his or her last year in high school and enters a
22 Kentucky postsecondary education institution within two (2) years of high school
23 graduation. In determining the tuition for non-Kentucky residents, the council shall
24 consider the fees required of Kentucky students by institutions in adjoining states,
25 the resident fees charged by other states, the total actual per student cost of training
26 in the institutions for which the fees are being determined, and the ratios of
27 Kentucky students to non-Kentucky students comprising the enrollments of the

1 respective institutions, and other factors the council may in its sole discretion deem
2 pertinent;
3 (9) Devise, establish, and periodically review and revise policies to be used in making
4 recommendations to the Governor for consideration in developing
5 recommendations to the General Assembly for appropriations to the universities,
6 the Kentucky Community and Technical College System, and to support strategies
7 for persons to maintain necessary levels of literacy throughout their lifetimes
8 including but not limited to appropriations to the Kentucky Adult Education
9 Program. The council has sole discretion, with advice of the Strategic Committee on
10 Postsecondary Education and the executive officers of the postsecondary education
11 system, to devise policies that provide for allocation of funds among the universities
12 and the Kentucky Community and Technical College System;
13 (10) Lead and provide staff support for the biennial budget process as provided under
14 KRS Chapter 48, in cooperation with the committee;
15 (11) (a) Except as provided in paragraph (b) of this subsection, review and approve all
16 capital construction projects covered by KRS 45.750(1)(f), including real
17 property acquisitions, and regardless of the source of funding for projects or
18 acquisitions. Approval of capital projects and real property acquisitions shall
19 be on a basis consistent with the strategic agenda and the mission of the
20 respective universities and the Kentucky Community and Technical College
21 System.
22 (b) The organized groups that are establishing community college satellites as
23 branches of existing community colleges in the counties of Laurel, Leslie, and
24 Muhlenberg, and that have substantially obtained cash, pledges, real property,
25 or other commitments to build the satellite at no cost to the Commonwealth,
26 other than operating costs that shall be paid as part of the operating budget of
27 the main community college of which the satellite is a branch, are authorized

1 to begin construction of the satellite on or after January 1, 1998;
2 (12) Require reports from the executive officer of each institution it deems necessary for
3 the effectual performance of its duties;
4 (13) Ensure that the state postsecondary system does not unnecessarily duplicate services
5 and programs provided by private postsecondary institutions and shall promote
6 maximum cooperation between the state postsecondary system and private
7 postsecondary institutions. Receive and consider an annual report prepared by the
8 Association of Independent Kentucky Colleges and Universities stating the
9 condition of independent institutions, listing opportunities for more collaboration
10 between the state and independent institutions and other information as appropriate;
11 (14) Develop a university track program within the Kentucky Community and Technical
12 College System consisting of sixty (60) hours of instruction that can be transferred
13 and applied toward the requirements for a bachelor's degree at the public
14 universities. The track shall consist of general education courses and pre-major
15 courses as prescribed by the council. Courses in the university track program shall
16 transfer and apply toward the requirements for graduation with a bachelor's degree
17 at all public universities. Successful completion of the university track program
18 shall meet the academic requirement for transfer to a public university as a junior.
19 By fall semester of 1997, requirements for track programs shall be established for
20 all majors and baccalaureate degree programs;
21 (15) Define and approve the offering of all postsecondary education technical, associate,
22 baccalaureate, graduate, and professional degree, certificate, or diploma programs in
23 the public postsecondary education institutions. The council shall expedite wherever
24 possible the approval of requests from the Kentucky Community and Technical
25 College System board of regents relating to new certificate, diploma, technical, or
26 associate degree programs of a vocational-technical and occupational nature.
27 Without the consent of the General Assembly, the council shall not abolish or limit

1 the total enrollment of the general program offered at any community college to
2 meet the goal of reasonable access throughout the Commonwealth to a two (2) year
3 course of general studies designed for transfer to a baccalaureate program. This
4 does not restrict or limit the authority of the council, as set forth in this section, to
5 eliminate or make changes in individual programs within that general program;
6 (16) Eliminate, in its discretion, existing programs or make any changes in existing
7 academic programs at the state's postsecondary educational institutions, taking into
8 consideration these criteria:
9 (a) Consistency with the institution's mission and the strategic agenda;
10 (b) Alignment with the priorities in the strategic implementation plan for
11 achieving the strategic agenda;
12 (c) Elimination of unnecessary duplication of programs within and among
13 institutions; and
14 (d) Efforts to create cooperative programs with other institutions through
15 traditional means, or by use of distance learning technology and electronic
16 resources, to achieve effective and efficient program delivery;
17 (17) Ensure the governing board and faculty of all postsecondary education institutions
18 are committed to providing instruction free of discrimination against students who
19 hold political views and opinions contrary to those of the governing board and
20 faculty;
21 (18) Review proposals and make recommendations to the Governor regarding the
22 establishment of new public community colleges, technical institutions, and new
23 four (4) year colleges;
24 (19) Postpone the approval of any new program at a state postsecondary educational
25 institution, unless the institution has met its equal educational opportunity goals, as
26 established by the council. In accordance with administrative regulations
27 promulgated by the council, those institutions not meeting the goals shall be able to

1 obtain a temporary waiver, if the institution has made substantial progress toward
2 meeting its equal educational opportunity goals;
3 (20) Ensure the coordination, transferability, and connectivity of technology among
4 postsecondary institutions in the Commonwealth including the development and
5 implementation of a technology plan as a component of the strategic agenda;
6 (21) Approve the teacher education programs in the public institutions that comply with
7 standards established by the Education Professional Standards Board pursuant to
8 KRS 161.028;
9 (22) Constitute the representative agency of the Commonwealth in all matters of
10 postsecondary education of a general and statewide nature which are not otherwise
11 delegated to one (1) or more institutions of postsecondary learning. The
12 responsibility may be exercised through appropriate contractual relationships with
13 individuals or agencies located within or without the Commonwealth. The authority
14 includes but is not limited to contractual arrangements for programs of research,
15 specialized training, and cultural enrichment;
16 (23) Maintain procedures for the approval of a designated receiver to provide for the
17 maintenance of student records of the public institutions of higher education and the
18 colleges as defined in KRS 164.945, and institutions operating pursuant to KRS
19 165A.310 which offer collegiate level courses for academic credit, which cease to
20 operate. Procedures shall include assurances that, upon proper request, subject to
21 federal and state laws and regulations, copies of student records shall be made
22 available within a reasonable length of time for a minimum fee;
23 (24) Monitor and transmit a report on compliance with KRS 164.351 to the director of
24 the Legislative Research Commission for distribution to the Health and Welfare
25 Committee;
26 (25) Develop in cooperation with each state postsecondary educational institution a
27 comprehensive orientation program for new members of the council and the

1 governing boards. The orientation program shall include but not be limited to the
2 information concerning the roles of the council, the strategic agenda and the
3 strategic implementation plan, and the respective institution's mission, budget,
4 plans, policies, strengths, and weaknesses;
5 (26) Develop a financial reporting procedure to be used by all state postsecondary
6 education institutions to ensure uniformity of financial information available to state
7 agencies and the public;
8 (27) Select and appoint a president of the council under KRS 164.013;
9 (28) Employ consultants and other persons and employees as may be required for the
10 council's operations, functions, and responsibilities;
11 (29) Promulgate administrative regulations, in accordance with KRS Chapter 13A,
12 governing its powers, duties, and responsibilities as described in this section;
13 (30) Prepare and present by January 31 of each year an annual status report on
14 postsecondary education in the Commonwealth to the Governor, the Strategic
15 Committee on Postsecondary Education, and the Legislative Research Commission;
16 (31) Consider the role, function, and capacity of independent institutions of
17 postsecondary education in developing policies to meet the immediate and future
18 needs of the state. When it is found that independent institutions can meet state
19 needs effectively, state resources may be used to contract with or otherwise assist
20 independent institutions in meeting these needs;
21 (32) Create advisory groups representing the presidents, faculty, nonteaching staff, and
22 students of the public postsecondary education system and the independent colleges
23 and universities;
24 (33) Develop a statewide policy to promote employee and faculty development in all
25 postsecondary institutions and in state and locally operated secondary area
26 technology centers through the waiver of tuition for college credit coursework in the
27 public postsecondary education system. Any regular full-time employee of a

1 postsecondary public institution or a state or locally operated secondary area
2 technology center may, with prior administrative approval of the course offering
3 institution, take a maximum of six (6) credit hours per term at any public
4 postsecondary institution. The institution shall waive the tuition up to a maximum
5 of six (6) credit hours per term;
6 (34) Establish a statewide mission for adult education and develop a twenty (20) year
7 strategy, in partnership with the Kentucky Adult Education Program, under the
8 provisions of KRS 164.0203 for raising the knowledge and skills of the state's adult
9 population. The council shall:
10 (a) Promote coordination of programs and responsibilities linked to the issue of
11 adult education with the Kentucky Adult Education Program and with other
12 agencies and institutions;
13 (b) Facilitate the development of strategies to increase the knowledge and skills
14 of adults in all counties by promoting the efficient and effective coordination
15 of all available education and training resources;
16 (c) Lead a statewide public information and marketing campaign to convey the
17 critical nature of Kentucky's adult literacy challenge and to reach adults and
18 employers with practical information about available education and training
19 opportunities;
20 (d) Establish standards for adult literacy and monitor progress in achieving the
21 state's adult literacy goals, including existing standards that may have been
22 developed to meet requirements of federal law in conjunction with the
23 Collaborative Center for Literacy Development: Early Childhood through
24 Adulthood; and
25 (e) Administer the adult education and literacy initiative fund created under KRS
26 164.041;~~[and]~~
27 (35) ***(a) Participate with the Kentucky Department of Education, the Kentucky***

1 ***Board of Education, and postsecondary education institutions to assure that***
2 ***academic content requirements for successful entry into postsecondary***
3 ***education programs are aligned with high school content standards and***
4 ***that students who master the high school academic content standards shall***
5 ***not need remedial courses. The council shall monitor the results on an***
6 ***ongoing basis; and***
7 ***(b) Cooperate with the Kentucky Department of Education and the Education***
8 ***Professional Standards Board in providing information sessions to selected***
9 ***postsecondary education content faculty and teacher educators of the high***
10 ***school academic content standards as required under subsection (2)(j) of***
11 ***Section 2 of this Act; and***
12 ***(36)*** Exercise any other powers, duties, and responsibilities necessary to carry out the
13 purposes of this chapter. Nothing in this chapter shall be construed to grant the
14 Council on Postsecondary Education authority to disestablish or eliminate any
15 college of law which became a part of the state system of higher education through
16 merger with a state college.
17 ➔Section 14. KRS 164.7874 is amended to read as follows:
18 As used in KRS 164.7871 to 164.7885:
19 (1) "Academic term" means a semester or other time period specified in an
20 administrative regulation promulgated by the authority;
21 (2) "Academic year" means a period consisting of at least the minimum school term, as
22 defined in KRS 158.070;
23 (3) "ACT score" means the composite score achieved on the American College Test at
24 a national test site on a national test date or the ACT exam administered statewide
25 under KRS 158.6453***(12)***[~~(4)~~](a)3., or an equivalent score, as determined by the
26 authority, on the SAT administered by the College Board, Inc.;
27 (4) "Authority" means the Kentucky Higher Education Assistance Authority;

1 (5) "Award period" means the fall and spring consecutive academic terms within one
2 (1) academic year;
3 (6) "Council" means the Council on Postsecondary Education created under KRS
4 164.011;
5 (7) "Eligible high school student" means any person who:
6 (a) Is a citizen, national, or permanent resident of the United States and Kentucky
7 resident;
8 (b) Was enrolled after July 1, 1998:
9 1. In a Kentucky high school for at least one hundred forty (140) days of
10 the minimum school term unless exempted by the authority's executive
11 director upon documentation of extreme hardship, while meeting the
12 KEES curriculum requirements, and was enrolled in a Kentucky high
13 school at the end of the academic year;
14 2. In a Kentucky high school for the fall academic term of the senior year
15 and who:
16 a. Was enrolled during the entire academic term;
17 b. Completed the high school's graduation requirements during the
18 fall academic term; and
19 c. Was not enrolled in a secondary school during any other academic
20 term of that academic year; or
21 3. In the Gatton Academy of Mathematics and Science in Kentucky while
22 meeting the Kentucky educational excellence scholarship curriculum
23 requirements;
24 (c) Has a grade point average of 2.5 or above at the end of any academic year
25 beginning after July 1, 1998, or at the end of the fall academic term for a
26 student eligible under paragraph (b) 2. of this subsection; and
27 (d) Is not a convicted felon;

1 (8) "Eligible postsecondary student" means a citizen, national, or permanent resident of
2 the United States and Kentucky resident, as determined by the participating
3 institution in accordance with criteria established by the council for the purposes of
4 admission and tuition assessment, who:
5 (a) Earned a KEES award;
6 (b) Has the required postsecondary GPA and credit hours required under KRS
7 164.7881;
8 (c) Has remaining semesters of eligibility under KRS 164.7881;
9 (d) Is enrolled in a participating institution as a part-time or full-time student; and
10 (e) Is not a convicted felon;
11 (9) "Full-time student" means a student enrolled in a postsecondary program of study
12 that meets the full-time student requirements of the participating institution in
13 which the student is enrolled;
14 (10) "Grade point average" or "GPA" means the grade point average earned by an
15 eligible student and reported by the high school or participating institution in which
16 the student was enrolled based on a scale of 4.0 or its equivalent if the high school
17 or participating institution that the student attends does not use the 4.0 grade scale;
18 (11) "High school" means any Kentucky public high school, the Gatton Academy of
19 Mathematics and Science in Kentucky, and any private, parochial, or church school
20 located in Kentucky that has been certified by the Kentucky Board of Education as
21 voluntarily complying with curriculum, certification, and textbook standards
22 established by the Kentucky Board of Education under KRS 156.160;
23 (12) "KEES" or "Kentucky educational excellence scholarship" means a scholarship
24 provided under KRS 164.7871 to 164.7885;
25 (13) "KEES award" means:
26 (a) For an eligible high school student, the sum of the KEES base amount for
27 each academic year of high school plus any KEES supplemental amount, as

1 adjusted pursuant to KRS 164.7881; and
2 (b) For a student eligible under KRS 164.7879(3)(d), the KEES supplemental
3 amount as adjusted pursuant to KRS 164.7881;
4 (14) "KEES award maximum" means the sum of the KEES base amount earned in each
5 academic year of high school plus any KEES supplemental amount earned;
6 (15) "KEES base amount" or "base amount" means the amount earned by an eligible
7 high school student based on the student's GPA pursuant to KRS 164.7879;
8 (16) "KEES curriculum" means five (5) courses of study, except for students who meet
9 the criteria of subsection (7)(b)2. of this section, in an academic year as determined
10 in accordance with an administrative regulation promulgated by the authority;
11 (17) "KEES supplemental amount" means the amount earned by an eligible student
12 based on the student's ACT score pursuant to KRS 164.7879;
13 (18) "KEES trust fund" means the Wallace G. Wilkinson Kentucky educational
14 excellence scholarship trust fund;
15 (19) "On track to graduate" means the number of cumulative credit hours earned as
16 compared to the number of hours determined by the postsecondary education
17 institution as necessary to complete a bachelor's degree by the end of eight (8)
18 academic terms or ten (10) academic terms if a student is enrolled in an
19 undergraduate program that requires five (5) years of study;
20 (20) "Participating institution" means an "institution" as defined in KRS 164.001 that
21 actively participates in the federal Pell Grant program, executes a contract with the
22 authority on terms the authority deems necessary or appropriate for the
23 administration of its programs, and:
24 (a) 1. Is publicly operated;
25 2. Is licensed by the Commonwealth of Kentucky and has operated for at
26 least ten (10) years, offers an associate or baccalaureate degree program
27 of study not comprised solely of sectarian instruction, and admits as

1 regular students only high school graduates or recipients of a General
2 Educational Development (GED) diploma or students transferring from
3 another accredited degree granting institution; or
4 3. Is designated by the authority as an approved out-of-state institution that
5 offers a degree program in a field of study that is not offered at any
6 institution in the Commonwealth; and
7 (b) Continues to commit financial resources to student financial assistance
8 programs; and
9 (21) "Part-time student" means a student enrolled in a postsecondary program of study
10 who does not meet the full-time student requirements of the participating institution
11 in which the student is enrolled and who is enrolled for at least six (6) credit hours,
12 or the equivalent for an institution that does not use credit hours.
13 ➔SECTION 15. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
14 READ AS FOLLOWS:
15 ***(1) Within thirty (30) days from the effective date of this Act, each postsecondary***
16 ***education institution shall plan and implement a process to develop core***
17 ***academic content standards for reading and mathematics for introductory***
18 ***courses in the public postsecondary education institutions.***
19 ***(2) The process shall ensure that secondary educators are engaged with the***
20 ***postsecondary education faculty and other content specialists in order that the***
21 ***standards at each educational level are vertically aligned.***
22 ***(3) The Council on Postsecondary Education, the Department of Education, and the***
23 ***postsecondary education institutions are urged to merge activities, resources, and***
24 ***dissemination efforts as is practical to eliminate duplication of effort and***
25 ***conflicting recommendations.***
26 ***(4) All core academic standards for mathematics and reading in introductory courses***
27 ***shall be completed by December 15, ~~2009~~ 2010 with a target completion date of***

1 ***December 15, ~~2010~~ 2009 for the mathematics standards.***

2 ➔Section 16. Whereas writing is an essential skill for all public school students to
3 master; and whereas the 2009-2010 and 2010-2011 school years will be a transitional
4 period for revising the content standards in all academic content areas and subsequently
5 revising the state assessment and accountability system, writing portfolios shall remain a
6 required and important instructional tool, but shall not be included in the accountability
7 index as stated in Section 2.(11)(c) of this Act, during the 2008-2009, 2009-2010, and
8 2010-2011 school years.

9 (1) During this transitional period, each school-based decision making council, or
10 if there is no school council, a committee appointed by the principal, shall determine its
11 writing program and shall develop policies relating to the use of portfolios, using Section
12 2.(7)(c)5. of this Act as a guide.

13 (2) Once the Kentucky Department of Education provides the guidelines and
14 program review requirements for implementation of program reviews of writing in the
15 2011-2012, each school shall comply with all requirements in Section 2.(11)(c) of this
16 Act, based on time requirements established by the department.

17 ➔Section 17. Whereas, the quality of writing instruction is directly related to how
18 well teachers are prepared in their teacher preparation programs and how confident they
19 are in the writing process; and whereas, some teachers have expressed tentativeness and
20 discomfort in teaching writing to their students, the Education Professional Standards
21 Board and the Kentucky Department of Education shall take actions during the 2009 and
22 2010 calendar years to improve instruction at the pre-service levels and to improve the
23 ability to teach writing to existing teachers. At a minimum the following shall be
24 completed:

25 (1) Using results from the state assessments relating to writing, including
26 previous results of audits of writing portfolios, the Kentucky Department of Education
27 and appropriate partners shall identify any major weaknesses that may be attributed to the

1 quality of writing instruction and consider where and how these skills should best be
2 taught to teachers;
3 (2) The Education Professional Standards Board shall conduct an analysis of the
4 current requirements at the pre-service level for writing instruction and determine how
5 writing instruction for prospective teachers can be enhanced or improved;
6 (3) The Education Professional Standards Board shall consider the feasibility of
7 requiring a course in teacher preparation programs in the teaching of writing for pre-
8 service teachers or teachers pursuing Rank II certification;
9 (4) The Kentucky Department of Education shall review the availability of
10 professional development opportunities to help teachers learn how to improve writing
11 instruction, and to use available resources, including the continuance of writing
12 academies and writing workshops, to ensure that training for developing and evaluating
13 high-quality writing portfolios and writing persuasive letters and articles, as well as
14 poetry, short stories, memoirs, and personal narratives is available to existing teachers;
15 and
16 (5) The Kentucky Department of Education shall provide training to
17 administrators to help them provide leadership and support for an effective writing
18 program within their schools.
19 ➔Section 18. Whereas it is imperative that schools, administrators, teachers,
20 parents, and policymakers maintain high expectations for Kentucky's students, and it is
21 important that there be an orderly transition from the state assessment utilized on the
22 effective date of this Act to the new assessment and accountability system is implemented
23 in 2011-2012 so as to relieve teachers, schools, and administrators of unnecessary work,
24 costs, and professional burdens, the following conditions shall apply:
25 (1) The Kentucky Board of Education shall provide for an interim assessment
26 process as described in Section 19 of this Act;
27 (2) The board shall ensure that all student assessments and data collection and

1 reporting necessary to meet the accountability and proficiency requirements for the
2 federal No Child Left Behind Act (NCLB) are met;
3 (3) The board shall suspend the calculation of a state accountability index for
4 2008-2009, 2009-2010, and 2010-2011, but shall ensure that all federal accountability
5 requirements are met;
6 (4) During the interim period the following shall apply for accountability
7 purposes:
8 (a) Annual Yearly Progress results from the federal government's No Child Left
9 Behind system shall be used to determine improvement of student achievement for both
10 Title 1 and non-Title 1 schools;
11 (b) The federal definitions within the No Child Left Behind Act shall be applied
12 to both Title 1 and non-Title 1 schools;
13 (c) State level assistance and resources shall be provided to Title 1 and non-Title
14 1 schools falling into the federal definitions of consequences in order to help schools
15 improve student achievement; and
16 (d) Results of the interim tests shall be reported publicly.
17 (5) Notwithstanding the provisions of Section 19 of this Act, the board may use
18 mathematics items developed using revised mathematics content standards during the
19 spring of 2010 and administer an initial mathematics test, based on the revised standards
20 during the 2010-2011 testing period to meet NCLB requirements, if approval is granted
21 by the United States Department of Education;
22 (6) The Kentucky Department of Education shall develop and implement interim
23 program assessments of writing programs, practical living skills and career studies, and
24 arts and humanities in all schools during the transition period. The department shall
25 finalize the process for program assessments for implementation during the 2011-2012
26 school year as required in Section 2 of this Act;
27 (7) The department and board shall ensure that teachers, administrators, and local

1 board of education members are well informed of pending changes in the assessment and
2 accountability system during the transition period and continue to stress the importance of
3 the quality of opportunities for all Kentucky students; and
4 (8) The board shall take whatever steps necessary to provide for implementation
5 of the revised system.
6 ➔Section 19. (1) Prior to the development and implementation of a new state
7 assessment system for 2011-2012, the Kentucky Board of Education and the Kentucky
8 Department of Education shall provide for a systematic interim process that will lead to a
9 new state student assessment program. The system will continue to include the high
10 school readiness examination in grade eight (8), the college readiness examination in
11 grade ten (10), and the ACT examination in grade eleven (11) as described in Section 2.
12 of this Act.
13 (2) The current Kentucky criterion-referenced test, which meets the requirements
14 of the federal No Child Left Behind Act, excluding tests for arts and humanities, practical
15 living skills and career studies, and writing portfolios, shall continue to be given for the
16 same subjects in the same grades in the 2008-2009, 2009-2010, and 2010-2011 academic
17 years until the new assessment program is implemented in the 2011-2012 academic year.
18 During the 2009-2010 and 2010-2011 academic years the department shall reduce the
19 length of the test by reviewing and eliminating unneeded test items.
20 (3) During the 2009-2010 and the 2010-2011 academic years, in addition to the
21 Kentucky criterion-referenced test, there shall be a new stand-alone norm-referenced test
22 in reading and mathematics in grades three (3) through seven (7). The test shall be valid
23 and reliable at the individual student level.
24 (4) The Kentucky Board of Education shall promulgate administrative regulations
25 outlining the procedures to be used during the interim testing process to ensure test
26 security, including procedures for testing makeup days, and to comply with federal
27 assessment requirements. During the interim, the testing window for the criterion-

1 referenced test may be up to seven (7) days in 2008-2009 and up to six (6) days during
2 the 2009-2010 and 2010-2011 school years with additional makeup days as determined
3 by the state board.

4 (5) In the 2008-2009 academic year the Department of Education shall provide
5 each district with a test booklet and scoring sheets for arts and humanities, practical living
6 skills and career studies that may be used by a local district for a local formative or
7 summative evaluation.

8 (6) During the 2009-2010 and the 2010-2011 academic years, the new stand-alone
9 norm-referenced test in reading and mathematics in grades three (3) through seven (7)
10 shall be given during the one (1) week before or the one (1) week after the established
11 testing window.

12 ➔Section 20. As the Kentucky Department of Education and Kentucky Board of
13 Education carry out their roles in the revisions to the state assessment and accountability
14 system for implementation in 2011-2012, they shall facilitate an extensive review of how
15 exceptional children's needs are being met through the required student assessment
16 process and how student assessment requirements for exceptional children potentially
17 hamper or enhance intellectual and emotional growth of individual students. They shall
18 assess how current assessment procedures for exceptional children and the reporting
19 requirements affect school performance classifications and whether changes need to be
20 made as the revised assessment and accountability system is developed.

21 ➔Section 21. Whereas, the General Assembly finds the continuing high rates of
22 high school students who require remediation at the postsecondary education level totally
23 unacceptable and an unwarranted additional expense to the state, students, and parents
24 who expect that completion of high school coursework should lead to successful entry
25 and success in postsecondary education, the Council on Postsecondary Education, the
26 Kentucky Board of Education and the Kentucky Department of Education are hereby
27 directed to develop a unified strategy to reduce college remediation rates by at least fifty

1 percent (50%) by 2014 from what they are in 2010 and increase the college completion
2 rates of students enrolled in one (1) or more remedial classes by three percent (3%)
3 annually from 2009 to 2014.
4 (1) A written plan to reduce the remediation rates and increase graduation rates
5 shall be prepared no later than May 15, 2010. The written plan shall include:
6 (a) Yearly goals;
7 (b) Action strategies that will be used;
8 (c) Timelines;
9 (d) Assigned responsibilities for carrying out the strategies;
10 (e) Reporting mechanisms.
11 (2) During the preparation of the plan, the agencies shall investigate whether the
12 current requirements for assessing college readiness are providing needed information,
13 whether additional diagnostic assessments are needed, particularly in mathematics at the
14 high school level, and whether accelerated learning programs have actually been
15 implemented as required by Section 6. of this Act to address students' needs for
16 instructional interventions in English, reading, and mathematics.
17 (3) The council, the department, and board shall present the initial plan to the
18 Interim Joint Committee on Education and the Interim Joint Committee on
19 Appropriations and Revenue during the 2010 Interim. Thereafter they shall report
20 annually the results of their efforts. When appropriate, the annual reports to the Interim
21 committees shall include recommendations for legislative actions.
22 ➔Section 22. Notwithstanding any statutory provisions to the contrary, the
23 Kentucky Department of Education shall communicate to districts and schools that
24 decisions about mathematics textbook purchases may be delayed until after the
25 mathematics academic standards have been revised as required by Section 2 of this Act.
26 The department shall allow off-list purchases in order to ensure that textbooks selected
27 align with the revised mathematics academic standards.

1 ➔Section 23. Whereas, the revision of academic content standards is a time-
2 consuming, complex process, and the Kentucky Department of Education needs to initiate
3 the process quickly, an emergency is declared to exist, and this Act takes effect upon its
4 passage and approval by the Governor or upon its otherwise becoming a law.

President of Senate

Speaker-House of Representatives

Attest: Chief Clerk of Senate

Approved Governor

Date March 25, 2009

KENTUCKY GENERAL ASSEMBLY
2009 Regular Session

Technical Correction by the Reviser of Statutes

The following technical correction shall be made in the printed copy of:
Senate Bill 1/EN
(09 RS BR 803)

On page 69, line 27, delete "***2009***" and insert "***2010***" in lieu thereof; and
On page 70, line 1, delete "***2010***" and insert "***2009***" in lieu thereof.

This bill contains two dates that were inadvertently not changed in accordance with the directions contained in the Free Conference Committee Report for SB 1 when the Free Conference Report was engrossed on March 13, 2009. As this was a manifest clerical or typographical error, under the authority of KRS 7.136(1)(h), the inadvertent omission should be corrected in the bill presented to the Governor and the Reviser of Statutes shall codify this text as corrected.

Rob Williams
Reviser of Statutes

Date: March 17, 2009

Senate Clerk: Dan Robin Holiz