

1 AN ACT relating to school report cards.

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

3 ➔Section 1. KRS 158.6453 is amended to read as follows:

4 (1) As used in this section:

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

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

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

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

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

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

26 (g) "Summative assessment" means an assessment given at the end of the school
27 year, semester, or other period of time to evaluate students' performance

1 against content standards within a unit of instruction or a course; and

2 (h) "Writing" means a purposeful act of thinking and expression that uses
3 language to explore ideas and communicate meaning to others. Writing is a
4 complex, multifaceted act of communication.

5 (2) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the
6 Kentucky Department of Education shall implement a process for reviewing
7 Kentucky's academic standards and the alignment of corresponding
8 assessments for possible revision or replacement to ensure alignment with
9 postsecondary readiness standards necessary for global competitiveness and
10 with state career and technical education standards.

11 (b) The revisions to the content standards shall:

- 12 1. Focus on critical knowledge, skills, and capacities needed for success in
13 the global economy;
- 14 2. Result in fewer but more in-depth standards to facilitate mastery
15 learning;
- 16 3. Communicate expectations more clearly and concisely to teachers,
17 parents, students, and citizens;
- 18 4. Be based on evidence-based research;
- 19 5. Consider international benchmarks; and
- 20 6. Ensure that the standards are aligned from elementary to high school to
21 postsecondary education so that students can be successful at each
22 education level.

23 (c) 1. The department shall establish four (4) standards and assessments
24 review and development committees, with each committee composed of
25 a minimum of six (6) Kentucky public school teachers and a minimum
26 of two (2) representatives from Kentucky institutions of higher
27 education, including at least one (1) representative from a public

- 1 institution of higher education. Each committee member shall teach in
2 the subject area that his or her committee is assigned to review and have
3 no prior or current affiliation with a curriculum or assessment resources
4 vendor.
- 5 2. One (1) of the four (4) committees shall be assigned to focus on the
6 review of language arts and writing academic standards and
7 assessments, one (1) on the review of mathematics academic standards
8 and assessments, one (1) on the review of science academic standards
9 and assessments, and one (1) on the review of social studies academic
10 standards and assessments.
- 11 (d) 1. The department shall establish twelve (12) advisory panels to advise and
12 assist each of the four (4) standards and assessments review and
13 development committees.
- 14 2. Three (3) advisory panels shall be assigned to each standards and
15 assessments review and development committee. One (1) panel shall
16 review the standards and assessments for kindergarten through grade
17 five (5), one (1) shall review the standards and assessments for grades
18 six (6) through eight (8), and one (1) shall review the standards and
19 assessments for grades nine (9) through twelve (12).
- 20 3. Each advisory panel shall be composed of at least one (1) representative
21 from a Kentucky institution of higher education and a minimum of six
22 (6) Kentucky public school teachers who teach in the grade level and
23 subject reviewed by the advisory panel to which they are assigned and
24 have no prior or current affiliation with a curriculum or assessment
25 resources vendor.
- 26 (e) The commissioner of education and the president of the Council on
27 Postsecondary Education shall also provide consultants for the standards and

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

- 4 (f) 1. The standards and assessments process review committee is hereby
5 established and shall be composed of ten (10) members, including:
6 a. Three (3) members appointed by the Governor;
7 b. Three (3) members of the Senate appointed by the President of the
8 Senate;
9 c. Three (3) members of the House of Representatives appointed by
10 the Speaker of the House of Representatives; and
11 d. The commissioner of education.

12 2. The review of the committee shall be limited to the procedural aspects
13 of the review process undertaken prior to its consideration.

- 14 (g) 1. The review process implemented under this subsection shall be an open,
15 transparent process that allows all Kentuckians an opportunity to
16 participate. The department shall ensure the public's assistance in
17 reviewing and suggesting changes to the standards and alignment
18 adjustments to corresponding state assessments by establishing a Web
19 site dedicated to collecting comments by the public and educators. An
20 independent third party, which has no prior or current affiliation with a
21 curriculum or assessment resources vendor, shall be selected by the
22 department to collect and transmit the comments to the department for
23 dissemination to the appropriate advisory panel for review and
24 consideration.

25 2. Each advisory panel shall review the standards and assessments for its
26 assigned subject matter and grade level and the suggestions made by the
27 public and educators. After completing its review, each advisory panel

- 1 shall make recommendations for changes to the standards and alignment
2 adjustments for assessments to the appropriate standards and
3 assessments review and development committee.
- 4 3. Each standards and assessments review and development committee
5 shall review the findings and make recommendations to revise or replace
6 existing standards and to adjust alignment of assessments to the
7 standards and assessments process review committee.
- 8 4. The recommendations shall be published on the Web site established in
9 this subsection for the purpose of gathering additional feedback from the
10 public. The commissioner, on behalf of the standards and assessments
11 process review committee, shall subsequently present the
12 recommendations and the public feedback to the Interim Joint
13 Committee on Education.
- 14 5. The commissioner shall subsequently provide a report to the standards
15 and assessments process review committee summarizing the process
16 conducted under this subsection and the resulting recommendations. The
17 report shall include but not be limited to the timeline of the review
18 process, public feedback, and responses from the Interim Joint
19 Committee on Education.
- 20 6. After receiving the commissioner's report, the standards and assessments
21 process review committee shall either concur that stakeholders have had
22 adequate opportunity to provide input on standards and the
23 corresponding alignment of state assessments or find the input process
24 deficient. If the process is found deficient, the recommendations may be
25 returned to the appropriate standards and assessments review and
26 development committee for review as described in subparagraph 3. of
27 this paragraph. If the process is found sufficient, the recommendations

1 shall be forwarded without amendment to the Kentucky Board of
2 Education.

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

9 (i) 1. The Kentucky Board of Education shall consider for approval the
10 revisions to academic standards for a content area and the alignment of
11 the corresponding state assessment once recommendations are received
12 from the standards and assessments process review committee. Existing
13 state academic standards shall remain in place until the board approves
14 new standards.

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

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

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

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

- 1 (k) The Education Professional Standards Board in cooperation with the
2 Kentucky Board of Education and the Council on Postsecondary Education
3 shall coordinate information and training sessions for faculty and staff in all of
4 the teacher preparation programs in the use of the revised academic content
5 standards. The Education Professional Standards Board shall ensure that each
6 teacher preparation program includes use of the academic standards in the pre-
7 service education programs and that all teacher interns will have experience
8 planning classroom instruction based on the revised standards.
- 9 (l) The Council on Postsecondary Education in cooperation with the Kentucky
10 Department of Education and the postsecondary education institutions in the
11 state shall coordinate information sessions regarding the academic content
12 standards for faculty who teach in the various content areas.
- 13 (3) (a) The Kentucky Board of Education shall be responsible for creating and
14 implementing a balanced statewide assessment program that measures the
15 students', schools', and districts' achievement of the goals set forth in KRS
16 158.645 and 158.6451, to ensure compliance with the federal Every Student
17 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure
18 school accountability.
- 19 (b) The board shall revise the annual statewide assessment program as needed in
20 accordance with revised academic standards and corresponding assessment
21 alignment adjustments approved by the board under subsection (2) of this
22 section.
- 23 (c) The statewide assessments shall not include any academic standards not
24 approved by the board under subsection (2) of this section.
- 25 (d) The board shall seek the advice of the Office of Education Accountability; the
26 School Curriculum, Assessment, and Accountability Council; the Education
27 Assessment and Accountability Review Subcommittee, and the National

1 Technical Advisory Panel on Assessment and Accountability in the
2 development of the assessment program. The statewide assessment program
3 shall not include measurement of a student's ability to become a self-sufficient
4 individual or to become a responsible member of a family, work group, or
5 community.

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

10 (b) The annual student summative tests shall:

- 11 1. Measure individual student achievement in language, reading, English,
12 mathematics, science, and social studies at designated grades;
- 13 2. Provide teachers and parents a valid and reliable comprehensive analysis
14 of skills mastered by individual students;
- 15 3. Provide diagnostic information that identifies strengths and academic
16 deficiencies of individual students in the content areas;
- 17 4. Provide information to teachers that can enable them to improve
18 instruction for current and future students;
- 19 5. Provide longitudinal profiles for students; and
- 20 6. Ensure school and district accountability for student achievement of the
21 goals set forth in KRS 158.645 and 158.6451, except the statewide
22 assessment program shall not include measurement of a student's ability
23 to become a self-sufficient individual or to become a responsible
24 member of a family, work group, or community.

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

26 (a) Elementary and middle grades requirements are:

- 27 1. A criterion-referenced test each in mathematics and reading in grades

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

- 1 the high school grades; and
- 2 5. A college admissions examination to assess English, reading,
- 3 mathematics, and science in the spring of grade ten (10) and the spring
- 4 of grade eleven (11);
- 5 (c) The Kentucky Board of Education shall add any other component necessary to
- 6 comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or
- 7 its successor, as determined by the United States Department of Education;
- 8 (d) The criterion-referenced components required in this subsection shall be
- 9 composed of constructed response items and multiple choice items;
- 10 (e) The Kentucky Board of Education may incorporate end-of-course
- 11 examinations into the assessment program to be used in lieu of requirements
- 12 for criterion-referenced tests required under paragraph (b) of this subsection;
- 13 and
- 14 (f) The results of the assessment program developed under this subsection shall
- 15 be used by schools and districts to determine appropriate instructional
- 16 modifications for all students in order for students to make continuous
- 17 progress, including that needed by advanced learners.
- 18 (6) Each school district shall administer the statewide student assessment during the
- 19 last fourteen (14) days of school in the district's instructional calendar. The
- 20 Kentucky Board of Education may change the testing window to allow for
- 21 innovative assessment systems or other online test administration and shall
- 22 promulgate administrative regulations that minimize the number of days of testing
- 23 and outline the procedures to be used during the testing process to ensure test
- 24 security, including procedures for testing makeup days, and to comply with federal
- 25 assessment requirements.
- 26 (7) A student enrolled in a district-operated or district-contracted alternative program
- 27 shall participate in the appropriate assessments required by this section.

- 1 (8) A local school district may select and use commercial interim or formative
2 assessments or develop and use its own formative assessments to provide data on
3 how well its students are growing toward mastery of Kentucky academic standards,
4 so long as the district's local school board develops a policy minimizing the
5 reduction in instructional time related to the administration of the interim
6 assessments. Nothing in this section precludes teachers from using ongoing teacher-
7 developed formative processes.
- 8 (9) Each school that enrolls primary students shall use diagnostic assessments and
9 prompts that measure readiness in reading and mathematics for its primary students
10 as determined by the school to be developmentally appropriate. The schools may
11 use commercial products, use products and procedures developed by the district, or
12 develop their own diagnostic procedures. The results shall be used to inform the
13 teachers and parents or guardians of each student's skill level.
- 14 (10) The state board shall ensure that a technically sound longitudinal comparison of the
15 assessment results for the same students shall be made available.
- 16 (11) The following provisions shall apply to the college admissions examinations
17 described in subsection (5)(b)5. of this section:
- 18 (a) The cost of both college admissions examinations administered to students in
19 high school shall be paid for by the Kentucky Department of Education. The
20 costs of additional college admissions examinations shall be the responsibility
21 of the student;
- 22 (b) If funds are available, the Kentucky Department of Education shall provide a
23 college admissions examination preparation program to all public high school
24 juniors. The department may contract for necessary services; and
- 25 (c) Accommodations provided to a student with a disability taking the college
26 admissions assessments under this subsection shall consist of:
- 27 1. Accommodations provided in a manner allowed by the college

1 admissions assessment provider when results in test scores are
2 reportable to a postsecondary institution for admissions and placement
3 purposes, except as provided in subparagraph 2. of this paragraph; or

4 2. Accommodations provided in a manner allowed by a student's
5 individualized education program as defined in KRS 158.281 for a
6 student whose disability precludes valid assessment of his or her
7 academic abilities using the accommodations provided under
8 subparagraph 1. of this paragraph when the student's scores are not
9 reportable to a postsecondary institution for admissions and placement
10 purposes.

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

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

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

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

19 (d) Assess Kentucky academic standards only.

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

26 (14) The Department of Education shall gather information to establish the validity of
27 the assessment and accountability program. It shall develop a biennial plan for

1 validation studies that shall include but not be limited to the consistency of student
2 results across multiple measures, the congruence of school scores with documented
3 improvements in instructional practice and the school learning environment, and the
4 potential for all scores to yield fair, consistent, and accurate student performance
5 level and school accountability decisions. Validation activities shall take place in a
6 timely manner and shall include a review of the accuracy of scores assigned to
7 students and schools, as well as of the testing materials. The plan shall be submitted
8 to the Commission by July 1 of the first year of each biennium. A summary of the
9 findings shall be submitted to the Legislative Research Commission by September 1
10 of the second year of the biennium.

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

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

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

1 shall include the following components:

2 (a) A school report card that clearly communicates with parents and the public
3 about school performance. The school report card shall be sent to the parents
4 of the students of the districts, and information on electronic access to a
5 summary of the results for the district shall be published in the newspaper
6 with the largest circulation in the county. It shall include but not be limited to
7 the following components reported by race, gender, English language
8 learner, and disability, when appropriate:

- 9 1. Student academic achievement, including the results from each of the
10 assessments administered under this section;
- 11 2. For Advanced Placement, Cambridge Advanced International, and
12 International Baccalaureate, the courses offered, the number of students
13 enrolled, completing, and taking the examination for each course, and
14 the percentage of examinees receiving a score of three (3) or better on
15 AP examinations, a score of "e" or better on Cambridge Advanced
16 International examinations, or a score of five (5) or better on IB
17 examinations. The data shall be disaggregated by gender, race, students
18 with disabilities, and economic status;
- 19 3. Nonacademic achievement, including the school's attendance, retention,
20 graduation rates, and student transition to postsecondary;
- 21 4. School learning environment, including measures of parental
22 involvement; and
- 23 5. Any other school performance data required by the Every Student
24 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;

25 (b) An individual student report to parents for each student in grades three (3)
26 through eight (8) summarizing the student's skills in reading, science, social
27 studies, and mathematics. The school's staff shall develop a plan for

1 accelerated learning for any student with identified deficiencies or strengths;
2 and

3 (c) A student's highest scores on the college admissions assessments administered
4 under subsection (5)(b)5. of this section.

5 (18) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the
6 Kentucky Department of Education shall implement a comprehensive process
7 for reviewing and revising the academic standards in visual and performing
8 arts and practical living skills and career studies for all levels and in foreign
9 language for middle and high schools. The department shall develop review
10 committees for the standards for each of the content areas that include
11 representation from certified specialist public school teachers and
12 postsecondary teachers in those subject areas.

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

19 (c) The Kentucky Department of Education, in consultation with certified public
20 school teachers of visual and performing arts, may develop program standards
21 for the visual and performing arts.

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

1 multiple opportunities for students to develop complex communication skills for a
2 variety of purposes.

3 (20) (a) The Kentucky Department of Education, in consultation with the review
4 committees described in subsection (18) of this section, shall develop a school
5 profile report to be used by all schools to document how they will address the
6 adopted academic standards in their implementation of the programs as
7 described in subsection (18) of this section, which may include student
8 opportunities and experiences in extracurricular activities.

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

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