

1 AN ACT relating to education.

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 transition readiness standards necessary for global competitiveness and with
10 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 committees, with each committee composed of a minimum of six
25 (6) Kentucky public school teachers and a minimum of two (2)
26 representatives from Kentucky institutions of higher education,
27 including at least one (1) representative from a public institution of

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

1 various content areas.

2 (f) 1. The standards and assessments process review committee is hereby
3 established and shall be composed of the commissioner of education or
4 designee as a nonvoting member and nine (9) voting representatives of
5 public schools, of whom at least two (2) shall be parents of public
6 school students, appointed by the Governor and confirmed by the Senate
7 in accordance with KRS 11.160 as follows:

- 8 a. One (1) language arts teacher;
- 9 b. One (1) math teacher;
- 10 c. One (1) science teacher;
- 11 d. One (1) social studies teacher;
- 12 e. Two (2) school principals;
- 13 f. Two (2) school superintendents; and
- 14 g. One (1) school board member.

15 2. On making appointments to the committee, the Governor shall ensure
16 broad geographical urban and rural representation and representation of
17 elementary, middle, and high school levels; ensure equal representation
18 of the two (2) sexes, inasmuch as possible; and ensure that appointments
19 reflect the minority racial composition of the Commonwealth.

20 3. The review of the committee shall be limited to the procedural aspects
21 of the review process undertaken prior to its consideration.

22 4. Notwithstanding KRS 12.028, the committee shall not be subject to
23 reorganization by the Governor.

24 (g) 1. The review process implemented under this subsection shall be an open,
25 transparent process that allows all Kentuckians an opportunity to
26 participate. The department shall ensure the public's assistance in
27 reviewing and suggesting changes to the standards and alignment

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

- 1 6. After receiving the commissioner's report, the standards and assessments
2 process review committee shall either concur that stakeholders have had
3 adequate opportunity to provide input on standards and the
4 corresponding alignment of state assessments or find the input process
5 deficient. If the process is found deficient, the recommendations may be
6 returned to the appropriate standards and assessments review committee
7 for review as described in subparagraph 3. of this paragraph. If the
8 process is found sufficient, the recommendations shall be forwarded
9 without amendment to the Kentucky Board of Education.
- 10 (h) The Kentucky Board of Education shall promulgate administrative regulations
11 in accordance with KRS Chapter 13A as may be needed for the administration
12 of the review process, including staggering the timing and sequence of the
13 review process by subject area and remuneration of the review committees
14 and advisory panels described in paragraphs (c) and (d) of this subsection.
- 15 (i) 1. The Kentucky Board of Education shall consider for approval the
16 revisions to academic standards for a content area and the alignment of
17 the corresponding state assessment once recommendations are received
18 from the standards and assessments process review committee. Existing
19 state academic standards shall remain in place until the board approves
20 new standards.
- 21 2. Any revision to, or replacement of, the academic standards and
22 assessments as a result of the review process conducted under this
23 subsection shall be implemented in Kentucky public schools no later
24 than the second academic year following the review process. Existing
25 academic standards shall be used until new standards are implemented.
- 26 3. The Department of Education shall disseminate the academic content
27 standards to the schools and teacher preparation programs.

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

1 section.

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

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

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

16 (b) The annual student summative tests shall:

- 17 1. Measure individual student achievement in language, reading, English,
18 mathematics, science, and social studies at designated grades;
- 19 2. Provide teachers and parents a valid and reliable comprehensive analysis
20 of skills mastered by individual students;
- 21 3. Provide diagnostic information that identifies strengths and academic
22 deficiencies of individual students in the content areas;
- 23 4. Provide information to teachers that can enable them to improve
24 instruction for current and future students;
- 25 5. Provide longitudinal profiles for students; and
- 26 6. Ensure school and district accountability for student achievement of the
27 goals set forth in KRS 158.645 and 158.6451, except the statewide

1 assessment program shall not include measurement of a student's ability
2 to become a self-sufficient individual or to become a responsible
3 member of a family, work group, or community.

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

5 (a) Elementary and middle grades requirements are:

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

21 (b) High school requirements are:

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

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

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

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

7 (8) (a) The Kentucky Board of Education shall promulgate administrative
8 regulations relating to a parent's or legal guardian's ability to choose that
9 his or her student not participate in statewide student assessments as set
10 forth in this section and as required by the Every Student Succeeds Act of
11 2015, Pub. L. No. 114-95, or its successor. The regulation shall address:

12 1. How the local board of education shall communicate to parents and
13 legal guardians the option to choose that his or her student not
14 participate in statewide student assessments;

15 2. The process by which a parent or legal guardian may notify the school
16 that his or her student will not participate in statewide student
17 assessments;

18 3. The supervision of students who are not participating in statewide
19 student assessments, including:

20 a. The use of alternative meaningful and engaging learning
21 activities during assessments; and

22 b. The placement of non-participating students in an appropriate
23 learning location separate from students participating in
24 statewide student assessments; and

25 4. How the local board of education will report information about
26 students who chose to not participate in statewide student assessments
27 to the Kentucky Department of Education.

1 (b) No state agency, local board of education, school district, school, or teacher
2 shall take punitive action against a student, parent, or legal guardian for a
3 student not participating in statewide student assessments.

4 (c) No state agency, local board of education, school district, or school shall
5 take punitive action against any individual who provides information to
6 students, parents, or legal guardians regarding the ability to choose that a
7 student not participate in statewide student assessments.

8 (d) A student shall not receive an unexcused absence on any day statewide
9 student assessments are given due to the decision to not participate, if the
10 student is in attendance on that day.

11 (e) A student's non-participation in statewide student assessments shall not
12 affect the aggregate score of the district, school, class, educator, or student
13 for state-, district-, school-, or teacher-level accountability purposes.

14 (f) No school district, school, educator, student, parent, or legal guardian shall
15 be penalized by the state when parents or legal guardians choose for their
16 student to not participate in statewide student assessments.

17 (g) School districts, schools, and educators shall not selectively encourage any
18 parent or legal guardian of a student or group of students to choose not to
19 participate in statewide student assessments as an attempt to improve scores
20 for any district, school, class, or educator.

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

1 ~~(10)~~~~(9)~~ Each school that enrolls primary students shall use diagnostic assessments and
2 prompts that measure readiness in reading and mathematics for its primary students
3 as determined by the school to be developmentally appropriate. The schools may
4 use commercial products, use products and procedures developed by the district, or
5 develop their own diagnostic procedures. The results shall be used to inform the
6 teachers and parents or guardians of each student's skill level.

7 ~~(11)~~~~(10)~~ The state board shall ensure that a technically sound longitudinal comparison
8 of the assessment results for the same students shall be made available.

9 ~~(12)~~~~(11)~~ The following provisions shall apply to the college admissions examinations
10 described in subsection (5)(b)5. of this section:

11 (a) The cost of both college admissions examinations administered to students in
12 high school shall be paid for by the Kentucky Department of Education. The
13 costs of additional college admissions examinations shall be the responsibility
14 of the student;

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

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

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

24 2. Accommodations provided in a manner allowed by a student's
25 individualized education program as defined in KRS 158.281 for a
26 student whose disability precludes valid assessment of his or her
27 academic abilities using the accommodations provided under

1 subparagraph 1. of this paragraph when the student's scores are not
2 reportable to a postsecondary institution for admissions and placement
3 purposes.

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

- 7 (a) Measure grade appropriate core academic content, basic skills, and higher-
8 order thinking skills and their application;
- 9 (b) Provide valid and reliable scores for schools. If scores are reported for
10 students individually, they shall be valid and reliable;
- 11 (c) Minimize the time spent by teachers and students on assessment; and
- 12 (d) Assess Kentucky academic standards only.

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

19 ~~(15)~~ The Department of Education shall gather information to establish the validity
20 of the assessment and accountability program. It shall develop a biennial plan for
21 validation studies that shall include but not be limited to the consistency of student
22 results across multiple measures, the congruence of school scores with documented
23 improvements in instructional practice and the school learning environment, and the
24 potential for all scores to yield fair, consistent, and accurate student performance
25 level and school accountability decisions. Validation activities shall take place in a
26 timely manner and shall include a review of the accuracy of scores assigned to
27 students and schools, as well as of the testing materials. The plan shall be submitted

1 to the Commission by July 1 of the first year of each biennium. A summary of the
2 findings shall be submitted to the Legislative Research Commission by September 1
3 of the second year of the biennium.

4 ~~(16)~~~~(15)~~ The Department of Education and the state board shall offer optional
5 assistance to local school districts and schools in developing and using continuous
6 assessment strategies needed to assure student progress. The continuous assessment
7 shall provide diagnostic information to improve instruction to meet the needs of
8 individual students.

9 ~~(17)~~~~(16)~~ The Administration Code for Kentucky's Assessment Program shall include
10 prohibitions of inappropriate test preparation activities by school district employees
11 charged with test administration and oversight, including but not limited to the issue
12 of teachers being required to do test practice in lieu of regular classroom instruction
13 and test practice outside the normal work day. The code shall include disciplinary
14 sanctions that may be taken toward a school or individuals.

15 ~~(18)~~~~(17)~~ The Kentucky Board of Education, after the Department of Education has
16 received advice from the Office of Education Accountability; the School
17 Curriculum, Assessment, and Accountability Council; and the National Technical
18 Advisory Panel on Assessment and Accountability, shall promulgate an
19 administrative regulation under KRS Chapter 13A to establish the components of a
20 reporting structure for assessments administered under this section. The reporting
21 structure shall include the following components:

22 (a) A school report card that clearly communicates with parents and the public
23 about school performance. The school report card shall be sent to the parents
24 of the students of the districts, and information on electronic access to a
25 summary of the results for the district shall be published in the newspaper
26 with the largest circulation in the county. It shall include but not be limited to
27 the following components reported by race, gender, and disability when

1 appropriate:

- 2 1. Student academic achievement, including the results from each of the
3 assessments administered under this section;
- 4 2. For Advanced Placement, Cambridge Advanced International, and
5 International Baccalaureate, the courses offered, the number of students
6 enrolled, completing, and taking the examination for each course, and
7 the percentage of examinees receiving a score of three (3) or better on
8 AP examinations, a score of "e" or better on Cambridge Advanced
9 International examinations, or a score of four (4) or better on IB
10 examinations. The data shall be disaggregated by gender, race, students
11 with disabilities, and economic status;
- 12 3. Nonacademic achievement, including the school's attendance, retention,
13 graduation rates, and student transition to postsecondary;
- 14 4. School learning environment, including measures of parental
15 involvement; and
- 16 5. Any other school performance data required by the Every Student
17 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;
- 18 (b) An individual student report to parents for each student in grades three (3)
19 through eight (8) summarizing the student's skills in reading, science, social
20 studies, and mathematics. The school's staff shall develop a plan for
21 accelerated learning for any student with identified deficiencies or strengths;
22 and
- 23 (c) A student's highest scores on the college admissions assessments administered
24 under subsection (5)(b)5. of this section.
- 25 ~~(19)~~(18) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter,
26 the Kentucky Department of Education shall implement a comprehensive
27 process for reviewing and revising the academic standards in visual and

1 performing arts and practical living skills and career studies for all levels and
2 in foreign language for middle and high schools. The department shall
3 develop review committees for the standards for each of the content areas that
4 include representation from certified specialist public school teachers and
5 postsecondary teachers in those subject areas.

6 (b) The academic standards in practical living skills for elementary, middle, and
7 high school levels shall include a focus on drug abuse prevention, with an
8 emphasis on the prescription drug epidemic and the connection between
9 prescription opioid abuse and addiction to other drugs, such as heroin and
10 synthetic drugs.

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

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

20 ~~(19)~~ (20) The Kentucky Department of Education shall provide to all schools guidelines
21 for including an effective writing program within the curriculum. Each school-based
22 decision making council or, if there is no school council, a committee appointed by
23 the principal, shall adopt policies that determine the writing program for its school
24 and submit it to the Department of Education for review and comment. The writing
25 program shall incorporate a variety of language resources, technological tools, and
26 multiple opportunities for students to develop complex communication skills for a
27 variety of purposes.

1 ~~(21)~~~~(20)~~ (a) The Kentucky Department of Education, in consultation with the review
2 committees described in subsection ~~(19)~~~~(18)~~ of this section, shall develop a
3 school profile report to be used by all schools to document how they will
4 address the adopted academic standards in their implementation of the
5 programs as described in subsection ~~(19)~~~~(18)~~ of this section, which may
6 include student opportunities and experiences in extracurricular activities. The
7 department shall include the essential workplace ethics program on the school
8 profile report.

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 ~~(19)~~~~(18)~~ of this section, he or she may submit a written inquiry to
19 the school council.

20 ➔Section 2. KRS 160.345 is amended to read as follows:

21 (1) For the purpose of this section:

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

26 (b) "School" means an elementary or secondary educational institution that is
27 under the administrative control of a principal and is not a program or part of

1 another school. The term "school" does not include district-operated schools
2 that are:

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

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

12 (d) "Parent" means:

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

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

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

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

10 (b) 1. The teacher representatives shall be elected for one (1) year terms by a
11 majority of the teachers. A teacher elected to a school council shall not
12 be involuntarily transferred during his or her term of office. The parent
13 representatives shall be elected for one (1) year terms. The parent
14 members shall be elected by the parents of students preregistered to
15 attend the school during the term of office in an election conducted by
16 the parent and teacher organization of the school or, if none exists, the
17 largest organization of parents formed for this purpose. A school
18 council, once elected, may adopt a policy setting different terms of
19 office for parent and teacher members subsequently elected. The
20 principal shall be the chair of the school council.

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

27 a. Organizing a special election to elect an additional member. The

- 1 principal shall call for nominations and shall notify the parents of
2 the students of the date, time, and location of the election to elect a
3 minority parent to the council by ballot; and
- 4 b. Allowing the teachers in the building to select one (1) minority
5 teacher to serve as a teacher member on the council. If there are no
6 minority teachers who are members of the faculty, an additional
7 teacher member shall be elected by a majority of all teachers. Term
8 limitations shall not apply for a minority teacher member who is
9 the only minority on faculty;
- 10 (c) 1. The school council shall have the responsibility to set school policy
11 consistent with district board policy which shall provide an environment
12 to enhance the students' achievement and help the school meet the goals
13 established by KRS 158.645 and 158.6451. The principal shall be the
14 primary administrator and the instructional leader of the school, and
15 with the assistance of the total school staff shall administer the policies
16 established by the school council and the local board.
- 17 2. If a school council establishes committees, it shall adopt a policy to
18 facilitate the participation of interested persons, including, but not
19 limited to, classified employees and parents. The policy shall include the
20 number of committees, their jurisdiction, composition, and the process
21 for membership selection;
- 22 (d) The school council and each of its committees shall determine the frequency
23 of and agenda for their meetings. Matters relating to formation of school
24 councils that are not provided for by this section shall be addressed by local
25 board policy;
- 26 (e) The meetings of the school council shall be open to the public and all
27 interested persons may attend. However, the exceptions to open meetings

1 provided in KRS 61.810 shall apply;

2 (f) After receiving notification of the funds available for the school from the local
3 board, the school council shall determine, within the parameters of the total
4 available funds, the number of persons to be employed in each job
5 classification at the school. The council may make personnel decisions on
6 vacancies occurring after the school council is formed but shall not have the
7 authority to recommend transfers or dismissals;

8 (g) The school council shall determine which textbooks, instructional materials,
9 and student support services shall be provided in the school. Subject to
10 available resources, the local board shall allocate an appropriation to each
11 school that is adequate to meet the school's needs related to instructional
12 materials and school-based student support services, as determined by the
13 school council. The school council shall consult with the school media
14 librarian on the maintenance of the school library media center, including the
15 purchase of instructional materials, information technology, and equipment;

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

17 1. From a list of qualified applicants submitted by the local superintendent,
18 the principal at the participating school shall select personnel to fill
19 vacancies, after consultation with the school council, consistent with
20 paragraph (i)11. of this subsection. The superintendent shall provide
21 additional applicants to the principal upon request when qualified
22 applicants are available. The superintendent may forward to the school
23 council the names of qualified applicants who have pending certification
24 from the Education Professional Standards Board based on recent
25 completion of preparation requirements, out-of-state preparation, or
26 alternative routes to certification pursuant to KRS 161.028 and 161.048.
27 Requests for transfer shall conform to any employer-employee bargained

- 1 contract which is in effect;
- 2 2. a. i. If the vacancy to be filled is the position of principal, the
3 outgoing principal shall not serve on the council during the
4 principal selection process. The superintendent or the
5 superintendent's designee shall serve as the chair of the
6 council for the purpose of the hiring process and shall have
7 voting rights during the selection process.
- 8 ii. Except as provided in subdivision b. of this subparagraph,
9 the council shall have access to the applications of all
10 persons certified for the position. The principal shall be
11 elected on a majority vote of the membership of the council.
12 The school council shall receive training in recruitment and
13 interviewing techniques prior to carrying out the process of
14 selecting a principal. The council shall select the trainer to
15 deliver the training;
- 16 b. An alternative principal selection process may be used by the
17 school council as follows:
- 18 i. Prior to a meeting called to select a principal, all school
19 council members shall receive informational materials
20 regarding Kentucky open records and open meetings laws
21 and sign a nondisclosure agreement forbidding the sharing of
22 information shared and discussions held in the closed
23 session;
- 24 ii. The superintendent shall convene the school council and
25 move into closed session as provided in KRS 61.810(1)(f) to
26 confidentially recommend a candidate;
- 27 iii. The council shall have the option to interview the

- 1 recommended candidate while in closed session; and
- 2 iv. After any discussion, at the conclusion of the closed session,
- 3 the council shall decide, in a public meeting by majority vote
- 4 of the membership of the council, whether to accept or reject
- 5 the recommended principal candidate;
- 6 c. If the recommended candidate is selected, and the recommended
- 7 candidate accepts the offer, the name of the candidate shall be
- 8 made public during the next meeting in open session;
- 9 d. i. If the recommended candidate is not accepted by the school
- 10 council under subdivision b. of this subparagraph, then the
- 11 process set forth in subdivision a. of this subparagraph shall
- 12 apply.
- 13 ii. The confidentially recommended candidate's name and the
- 14 discussions of the closed session shall remain confidential
- 15 under KRS 61.810(1)(f), and any documents used or
- 16 generated during the closed meeting shall not be subject to an
- 17 open records request as provided in KRS 61.878(1)(i) and (j).
- 18 iii. A recommended candidate who believes a violation of this
- 19 subdivision has occurred may file a written complaint with
- 20 the Kentucky Board of Education.
- 21 iv. A school council member who is found to have disclosed
- 22 confidential information regarding the proceeding of the
- 23 closed session shall be subject to removal from the school
- 24 council by the Kentucky Board of Education under
- 25 subsection (9)(e) of this section;
- 26 3. No principal who has been previously removed from a position in the
- 27 district for cause may be considered for appointment as principal in that

- 1 district;
- 2 4. Personnel decisions made at the school level under the authority of
- 3 subparagraphs 1. and 2. of this paragraph shall be binding on the
- 4 superintendent who completes the hiring process;
- 5 5. Applicants subsequently employed shall provide evidence that they are
- 6 certified prior to assuming the duties of a position in accordance with
- 7 KRS 161.020;
- 8 6. Notwithstanding other provisions of this paragraph, if the applicant is
- 9 the spouse of the superintendent and the applicant meets the service
- 10 requirements of KRS 160.380(3)(a), the applicant shall only be
- 11 employed upon the recommendation of the principal and the approval of
- 12 a majority vote of the school council; and
- 13 7. Beginning June 27, 2019, notwithstanding the requirement that a
- 14 principal be elected on a majority vote of the council in subparagraph 2.
- 15 of this paragraph, if the school council is in a county school district in a
- 16 county with a consolidated local government adopted under KRS
- 17 Chapter 67C, then the selection of a principal shall be subject to
- 18 approval by the superintendent. If the superintendent does not approve
- 19 the principal selected by the council, then the superintendent may select
- 20 the principal;
- 21 (i) The school council shall adopt a policy to be implemented by the principal in
- 22 the following additional areas:
- 23 1. Determination of curriculum, including needs assessment, curriculum
- 24 development and responsibilities under KRS 158.6453(20)~~[(19)]~~;
- 25 2. Assignment of all instructional and noninstructional staff time;
- 26 3. Assignment of students to classes and programs within the school;
- 27 4. Determination of the schedule of the school day and week, subject to the

- 1 beginning and ending times of the school day and school calendar year
2 as established by the local board;
- 3 5. Determination of use of school space during the school day related to
4 improving classroom teaching and learning;
- 5 6. Planning and resolution of issues regarding instructional practices;
- 6 7. Selection and implementation of discipline and classroom management
7 techniques as a part of a comprehensive school safety plan, including
8 responsibilities of the student, parent, teacher, counselor, and principal;
- 9 8. Selection of extracurricular programs and determination of policies
10 relating to student participation based on academic qualifications and
11 attendance requirements, program evaluation, and supervision;
- 12 9. Adoption of an emergency plan as required in KRS 158.162;
- 13 10. Procedures, consistent with local school board policy, for determining
14 alignment with state standards, technology utilization, and program
15 appraisal; and
- 16 11. Procedures to assist the council with consultation in the selection of
17 personnel by the principal, including but not limited to meetings,
18 timelines, interviews, review of written applications, and review of
19 references. Procedures shall address situations in which members of the
20 council are not available for consultation; and
- 21 (j) Each school council shall annually review data as shown on state and local
22 student assessments required under KRS 158.6453. The data shall include but
23 not be limited to information on performance levels of all students tested, and
24 information on the performance of students disaggregated by race, gender,
25 disability, and participation in the federal free and reduced price lunch
26 program. After completing the review of data, each school council, with the
27 involvement of parents, faculty, and staff, shall develop and adopt a plan to

1 ensure that each student makes progress toward meeting the goals set forth in
2 KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan
3 to the superintendent and local board of education for review as described in
4 KRS 160.340. The Kentucky Department of Education shall provide each
5 school council the data needed to complete the review required by this
6 paragraph no later than October 1 of each year. If a school does not have a
7 council, the review shall be completed by the principal with the involvement
8 of parents, faculty, and staff.

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

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

14 (b) Assessment of individual student progress, including testing and reporting of
15 student progress to students, parents, the school district, the community, and
16 the state;

17 (c) School improvement plans, including the form and function of strategic
18 planning and its relationship to district planning, as well as the school safety
19 plan and requests for funding from the Center for School Safety under KRS
20 158.446;

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

22 (e) Parent, citizen, and community participation including the relationship of the
23 council with other groups;

24 (f) Cooperation and collaboration within the district, with other districts, and with
25 other public and private agencies;

26 (g) Requirements for waiver of district policies;

27 (h) Requirements for record keeping by the school council; and

- 1 (i) A process for appealing a decision made by a school council.
- 2 (4) In addition to the authority granted to the school council in this section, the local
3 board may grant to the school council any other authority permitted by law. The
4 board shall make available liability insurance coverage for the protection of all
5 members of the school council from liability arising in the course of pursuing their
6 duties as members of the council.
- 7 (5) All schools shall implement school-based decision making in accordance with this
8 section and with the policy adopted by the local board pursuant to this section.
9 Upon favorable vote of a majority of the faculty at the school and a majority of at
10 least twenty-five (25) voting parents of students enrolled in the school, a school
11 meeting its goal as determined by the Department of Education pursuant to KRS
12 158.6455 may apply to the Kentucky Board of Education for exemption from the
13 requirement to implement school-based decision making, and the state board shall
14 grant the exemption. The voting by the parents on the matter of exemption from
15 implementing school-based decision making shall be in an election conducted by
16 the parent and teacher organization of the school or, if none exists, the largest
17 organization of parents formed for this purpose. Notwithstanding the provisions of
18 this section, a local school district shall not be required to implement school-based
19 decision making if the local school district contains only one (1) school.
- 20 (6) The Department of Education shall provide professional development activities to
21 assist schools in implementing school-based decision making. School council
22 members elected for the first time shall complete a minimum of six (6) clock hours
23 of training in the process of school-based decision making, no later than thirty (30)
24 days after the beginning of the service year for which they are elected to serve.
25 School council members who have served on a school council at least one (1) year
26 shall complete a minimum of three (3) clock hours of training in the process of
27 school-based decision making no later than one hundred twenty (120) days after the

1 beginning of the service year for which they are elected to serve. Experienced
2 members may participate in the training for new members to fulfill their training
3 requirement. School council training required under this subsection shall be
4 conducted by trainers endorsed by the Department of Education. By November 1 of
5 each year, the principal through the local superintendent shall forward to the
6 Department of Education the names and addresses of each council member and
7 verify that the required training has been completed. School council members
8 elected to fill a vacancy shall complete the applicable training within thirty (30)
9 days of their election.

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

20 (8) The Kentucky Board of Education, upon recommendation of the commissioner of
21 education, shall adopt by administrative regulation a formula by which school
22 district funds shall be allocated to each school council. Included in the school
23 council formula shall be an allocation for professional development that is at least
24 sixty-five percent (65%) of the district's per pupil state allocation for professional
25 development for each student in average daily attendance in the school. The school
26 council shall plan professional development in compliance with requirements
27 specified in KRS 156.095, except as provided in KRS 158.649. School councils of

1 small schools shall be encouraged to work with other school councils to maximize
2 professional development opportunities.

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

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

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

18 (d) If the state board determines a violation has occurred, the party shall be
19 subject to reprimand. A second violation of this subsection may be grounds
20 for removing a superintendent, a member of a school council, or school board
21 member from office or grounds for dismissal of an employee for misconduct
22 in office or willful neglect of duty.

23 (e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the
24 state board determines a violation of the confidentiality requirements set forth
25 in subsection (2)(h)2. of this section by a school council member has
26 occurred, the state board shall remove the member from the school council,
27 and the member shall be permanently prohibited from serving on any school

1 council in the district.

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

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

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