

1 AN ACT relating to education.

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

3 ➔Section 1. KRS 158.645 is amended to read as follows:

4 **(1)** The General Assembly recognizes that *educating the Commonwealth's children*
5 *with essential knowledge and capacities is the critical goal of* public education~~]~~
6 ~~involves shared responsibilities].~~ *The education of the children of the*
7 *Commonwealth requires the shared efforts of* state *and local* government, ~~local~~
8 ~~communities, parents, students, teachers, and other school employees]~~ ~~must work~~
9 ~~together to create an efficient public school system].~~ *These parties need to work*
10 *cooperatively to provide quality educational services to all of the*
11 *Commonwealth's children. The public schools of the Commonwealth encompass*
12 *dynamic models and various delivery systems, but each is tasked with ensuring*
13 *every student acquires the knowledge and fundamental proficiencies, especially*
14 *in the core academic content areas, to become informed and productive citizens.*~~]~~
15 ~~Parents and students must assist schools with efforts to assure student attendance,~~
16 ~~preparation for school, and involvement in learning. The cooperation of all involved~~
17 ~~is necessary to assure that desired outcomes are achieved.]~~

18 **(2)** It is the intent of the General Assembly to create a system of public education
19 which shall allow and assist all students to acquire the following capacities:

20 ~~(a)~~~~[(1)]~~ Communication skills necessary to function in a complex and changing
21 civilization;

22 ~~(b)~~~~[(2)]~~ Knowledge to make economic, social, and political choices;

23 ~~(c)~~~~[(3)]~~ Core values and qualities of good character to make moral and ethical
24 decisions throughout his or her life;

25 ~~(d)~~~~[(4)]~~ Understanding of governmental processes as they affect the community,
26 the state, and the nation;

27 ~~(e)~~~~[(5)]~~ Sufficient self-knowledge and knowledge of his *or her* mental and

1 physical wellness;

2 ~~(f)-(6)~~ Sufficient grounding in the arts to enable each student to appreciate his
3 or her cultural and historical heritage;

4 ~~(g)-(7)~~ Sufficient preparation to choose and pursue his or her life's work
5 intelligently; and

6 ~~(h)-(8)~~ Skills to enable him or her to compete favorably with students in other
7 states.

8 (3) (a) It is the additional and specific intent of the General Assembly to create an
9 efficient system of common schools that creates a solid educational
10 foundation upon which the Commonwealth's children can continue to build
11 and grow. To achieve this goal, the General Assembly seeks to create a
12 system of education in the lower grades based upon the following
13 principles:

14 1. The primary focus of public education during kindergarten through
15 grade five (5) shall be in the development of foundational knowledge
16 and capacities in the core academic content areas of reading and
17 language arts, mathematics, natural sciences, and social studies; and

18 2. The secondary focus of public education during kindergarten through
19 grade five (5) shall be in the enrichment areas of:

20 a. Visual, auditory, and tactile arts; and

21 b. Physical education, fitness, and an understanding of personal
22 health.

23 (b) By focusing primarily on the core academic content areas and secondarily
24 on the enrichment of students during this critical time period, public
25 education in the lower grades will provide students with the basic knowledge
26 and capacities necessary for future education and development.

27 (4) As used in this section and Section 2 of this Act:

- 1 (a) "Core academic content area" or "core academic content areas" means a
2 course or program offered in an elementary or secondary school in the
3 subject area of reading and language arts, mathematics, natural sciences,
4 or social studies; and
5 (b) "Lower grades" means kindergarten through grade five (5).

6 ➔Section 2. KRS 156.070 is amended to read as follows:

- 7 (1) The Kentucky Board of Education shall have the management and control of the
8 common schools and all programs operated in these schools, including
9 interscholastic athletics, the Kentucky School for the Deaf, the Kentucky School for
10 the Blind, and community education programs and services.
- 11 (2) The Kentucky Board of Education may designate an organization or agency to
12 manage interscholastic athletics in the common schools, provided that the rules,
13 regulations, and bylaws of any organization or agency so designated shall be
14 approved by the board, and provided further that any administrative hearing
15 conducted by the designated managing organization or agency shall be conducted in
16 accordance with KRS Chapter 13B.
- 17 (a) The state board or its designated agency shall ~~ensure~~^{assure} through
18 promulgation of administrative regulations that if a secondary school sponsors
19 or intends to sponsor an athletic activity or sport that is similar to a sport for
20 which National Collegiate Athletic Association members offer an athletic
21 scholarship, the school shall sponsor the athletic activity or sport for which a
22 scholarship is offered. The administrative regulations shall specify which
23 athletic activities are similar to sports for which National Collegiate Athletic
24 Association members offer scholarships.
- 25 (b) Beginning with the 2003-2004 school year, the state board shall require any
26 agency or organization designated by the state board to manage interscholastic
27 athletics to adopt bylaws that establish as members of the agency's or

1 organization's board of control one (1) representative of nonpublic member
2 schools who is elected by the nonpublic school members of the agency or
3 organization from regions one (1) through eight (8) and one (1) representative
4 of nonpublic member schools who is elected by the nonpublic member
5 schools of the agency or organization from regions nine (9) through sixteen
6 (16). The nonpublic school representatives on the board of control shall not be
7 from classification A1 or D1 schools. Following initial election of these
8 nonpublic school representatives to the agency's or organization's board of
9 control, terms of the nonpublic school representatives shall be staggered so
10 that only one (1) nonpublic school member is elected in each even-numbered
11 year.

12 (c) The state board or any agency designated by the state board to manage
13 interscholastic athletics shall not promulgate rules, administrative regulations,
14 or by laws that prohibit pupils in grades seven (7) to eight (8) from
15 participating in any high school sports except for high school varsity soccer
16 and football, or from participating on more than one (1) school-sponsored
17 team at the same time in the same sport. The Kentucky Board of Education, or
18 an agency designated by the board to manage interscholastic athletics, may
19 promulgate administrative regulations restricting, limiting, or prohibiting
20 participation in high school varsity soccer and football for students who have
21 not successfully completed the eighth grade.

22 (d) 1. The state board or any agency designated by the state board to manage
23 interscholastic athletics shall allow a member school's team or students
24 to play against students of a nonmember at-home private school, or a
25 team of students from nonmember at-home private schools, if the
26 nonmember at-home private schools and students comply with this
27 subsection.

- 1 2. A nonmember at-home private school's team and students shall comply
2 with the rules for student-athletes, including rules concerning:
3 a. Age;
4 b. School semesters;
5 c. Scholarships;
6 d. Physical exams;
7 e. Foreign student eligibility; and
8 f. Amateurs.
- 9 3. A coach of a nonmember at-home private school's team shall comply
10 with the rules concerning certification of member school coaches as
11 required by the state board or any agency designated by the state board
12 to manage interscholastic athletics.
- 13 4. This subsection shall not allow a nonmember at-home private school's
14 team to participate in a sanctioned:
15 a. Conference;
16 b. Conference tournament;
17 c. District tournament;
18 d. Regional tournament; or
19 e. State tournament or event.
- 20 5. This subsection does not allow eligibility for a recognition, award, or
21 championship sponsored by the state board or any agency designated by
22 the state board to manage interscholastic athletics.
- 23 6. A nonmember at-home private school's team or students may participate
24 in interscholastic athletics permitted, offered, or sponsored by the state
25 board or any agency designated by the state board to manage
26 interscholastic athletics.
- 27 (e) Every local board of education shall require an annual medical examination

1 performed and signed by a physician, physician assistant, advanced practice
2 registered nurse, or chiropractor, if performed within the professional's scope
3 of practice, for each student seeking eligibility to participate in any school
4 athletic activity or sport. The Kentucky Board of Education or any
5 organization or agency designated by the state board to manage interscholastic
6 athletics shall not promulgate administrative regulations or adopt any policies
7 or bylaws that are contrary to the provisions of this paragraph.

8 (f) Any student who turns nineteen (19) years of age prior to August 1 shall not
9 be eligible for high school athletics in Kentucky. Any student who turns
10 nineteen (19) years of age on or after August 1 shall remain eligible for that
11 school year only. An exception to the provisions of this paragraph shall be
12 made, and the student shall be eligible for high school athletics in Kentucky if
13 the student:

- 14 1. Qualified for exceptional children services and had an individual
15 education program developed by an admissions and release committee
16 (ARC) while the student was enrolled in the primary school program;
- 17 2. Was retained in the primary school program because of an ARC
18 committee recommendation; and
- 19 3. Has not completed four (4) consecutive years or eight (8) consecutive
20 semesters of eligibility following initial promotion from grade eight (8)
21 to grade nine (9).

22 (g) The state board or any agency designated by the state board to manage
23 interscholastic athletics shall promulgate administrative regulations or bylaws
24 that provide that:

- 25 1. A member school shall designate all athletic teams, activities, and sports
26 for students in grades six (6) through twelve (12) as one (1) of the
27 following categories:

- 1 a. "Boys";
- 2 b. "Coed"; or
- 3 c. "Girls";
- 4 2. The sex of a student for the purpose of determining eligibility to
- 5 participate in an athletic activity or sport shall be determined by:
- 6 a. A student's biological sex as indicated on the student's original,
- 7 unedited birth certificate issued at the time of birth; or
- 8 b. An affidavit signed and sworn to by the physician, physician
- 9 assistant, advanced practice registered nurse, or chiropractor that
- 10 conducted the annual medical examination required by paragraph
- 11 (e) of this subsection under penalty of perjury establishing the
- 12 student's biological sex at the time of birth;
- 13 3. a. An athletic activity or sport designated as "girls" for students in
- 14 grades six (6) through twelve (12) shall not be open to members of
- 15 the male sex.
- 16 b. Nothing in this section shall be construed to restrict the eligibility
- 17 of any student to participate in an athletic activity or sport
- 18 designated as "boys" or "coed"; and
- 19 4. Neither the state board, any agency designated by the state board to
- 20 manage interscholastic athletics, any school district, nor any member
- 21 school shall entertain a complaint, open an investigation, or take any
- 22 other adverse action against a school for maintaining separate
- 23 interscholastic or intramural athletic teams, activities, or sports for
- 24 students of the female sex.
- 25 (h) 1. The state board or any agency designated by the state board to manage
- 26 interscholastic athletics shall promulgate administrative regulations that
- 27 permit a school district to employ or assign nonteaching or noncertified

1 personnel or personnel without postsecondary education credit hours to
2 serve in a coaching position. The administrative regulations shall give
3 preference to the hiring or assignment of certified personnel in coaching
4 positions.

5 2. A person employed in a coaching position shall be a high school
6 graduate and at least twenty-one (21) years of age and shall submit to a
7 criminal background check in accordance with KRS 160.380.

8 3. The administrative regulations shall specify post-hire requirements for
9 persons employed in coaching positions.

10 4. The regulations shall permit a predetermined number of hours of
11 professional development training approved by the state board or its
12 designated agency to be used in lieu of postsecondary education credit
13 hour requirements.

14 5. A local school board may specify post-hire requirements for personnel
15 employed in coaching positions in addition to those specified in
16 subparagraph 3. of this paragraph.

17 (i) Unless permitted to be eligible for varsity athletics by any transfer rule,
18 policy, or administrative regulation promulgated by the state board or any
19 agency designated by the state board to manage interscholastic athletics, any
20 student who transfers enrollment from a district of residence to a nonresident
21 district under KRS 157.350(4)(b) after enrolling in grade nine (9) and
22 participating in a varsity sport shall be ineligible to participate in
23 interscholastic athletics for one (1) calendar year from the date of the transfer.
24 The state board or any agency designated by the state board to manage
25 interscholastic athletics may adopt rules, policies, and bylaws and promulgate
26 administrative regulations necessary to carry out this paragraph.

27 (j) No member school shall grant a student-athlete the right to use the member

1 school's intellectual property, such as trademarks, school uniforms, and
2 copyrights, in the student's earning of compensation through name, image,
3 and likeness activities. No student-athlete shall use such intellectual property
4 in earning compensation through name, image, and likeness activities. The
5 state board or any agency designated by the state board to manage
6 interscholastic athletics shall promulgate administrative regulations to govern
7 and enforce this paragraph.

8 (3) (a) The Kentucky Board of Education is hereby authorized to lease from the State
9 Property and Buildings Commission or others, whether public or private, any
10 lands, buildings, structures, installations, and facilities suitable for use in
11 establishing and furthering television and related facilities as an aid or
12 supplement to classroom instruction throughout the Commonwealth and for
13 incidental use in any other proper public functions. The lease may be for any
14 initial term commencing with the date of the lease and ending with the next
15 ensuing June 30, which is the close of the then-current fiscal biennium of the
16 Commonwealth, with exclusive options in favor of the board to renew the
17 same for successive ensuing bienniums, July 1 in each even year to June 30 in
18 the next ensuing even year; and the rentals may be fixed at the sums in each
19 biennium, if renewed, sufficient to enable the State Property and Buildings
20 Commission to pay therefrom the maturing principal of and interest on, and
21 provide reserves for, any revenue bonds which the State Property and
22 Buildings Commission may determine to be necessary and sufficient, in
23 agreement with the board, to provide the cost of acquiring the television and
24 related facilities with appurtenances and costs as may be incident to the
25 issuance of the bonds.

26 (b) Each option of the Kentucky Board of Education to renew the lease for a
27 succeeding biennial term may be exercised at any time after the adjournment

1 of the session of the General Assembly at which appropriations shall have
2 been made for the operation of the state government for such succeeding
3 biennial term, by notifying the State Property and Buildings Commission in
4 writing, signed by the commissioner of education~~[chief state school officer]~~,
5 and delivered to the secretary of the Finance and Administration Cabinet as a
6 member of the commission. The option shall be deemed automatically
7 exercised, and the lease automatically renewed for the succeeding biennium,
8 effective on the first day thereof, unless a written notice of the board's election
9 not to renew shall have been delivered in the office of the secretary of the
10 Finance and Administration Cabinet before the close of business on the last
11 working day in April immediately preceding the beginning of the succeeding
12 biennium.

- 13 (c) The Kentucky Board of Education shall not itself operate leased television
14 facilities, or undertake the preparation of the educational presentations or
15 films to be transmitted thereby, but may enter into one (1) or more contracts
16 to provide therefor, with any public agency and instrumentality of the
17 Commonwealth having, or able to provide, a staff with proper technical
18 qualifications, upon which agency and instrumentality the board, through the
19 commissioner of education~~[chief state school officer]~~ and the Department of
20 Education, is represented in such manner as to coordinate matters of
21 curriculum with the curricula prescribed for the public schools of the
22 Commonwealth. Any contract for the operation of the leased television or
23 related facilities may permit limited and special uses of the television or
24 related facilities for other programs in the public interest, subject to the
25 reasonable terms and conditions as the board and the operating agency and
26 instrumentality may agree upon; but any contract shall affirmatively forbid the
27 use of the television or related facilities, at any time or in any manner, in the

1 dissemination of political propaganda or in furtherance of the interest of any
2 political party or candidate for public office, or for commercial advertising.
3 No lease between the board and the State Property and Buildings Commission
4 shall bind the board to pay rentals for more than one (1) fiscal biennium at a
5 time, subject to the aforesaid renewal options. The board may receive and
6 may apply to rental payments under any lease and to the cost of providing for
7 the operation of the television or related facilities not only appropriations
8 which may be made to it from state funds, from time to time, but also
9 contributions, gifts, matching funds, devises, and bequests from any source,
10 whether federal or state, and whether public or private, so long as the same are
11 not conditioned upon any improper use of the television or related facilities in
12 a manner inconsistent with the provisions of this subsection.

13 (4) The state board may, on the recommendation and with the advice of the
14 commissioner of education~~[chief state school officer]~~, prescribe, print, publish, and
15 distribute at public expense such administrative regulations, courses of study,
16 curriculums, bulletins, programs, outlines, reports, and placards as each deems
17 necessary for the efficient management, control, and operation of the schools and
18 programs under its jurisdiction. All administrative regulations published or
19 distributed by the board shall be enclosed in a booklet or binder on which the words
20 "informational copy" shall be clearly stamped or printed.

21 (5) Upon the recommendation of the commissioner of education~~[chief state school~~
22 ~~officer]~~ or his or her designee, the state board shall establish policy or act on all
23 matters relating to programs, services, publications, capital construction and facility
24 renovation, equipment, litigation, contracts, budgets, and all other matters which are
25 the administrative responsibility of the Department of Education.

26 **(6) The state board shall be responsible for:**

27 **(a) Adopting or rejecting the state academic standards as recommended by the**

School Curriculum, Assessment, and Accountability Council pursuant to Section 24 of this Act;

(b) Adopting or rejecting instructional materials collections as recommended by the State Instructional Materials Council pursuant to Section 5 of this Act and in accordance with the following:

1. By December 31, 2025, the state board shall adopt no more than three (3) instructional materials collections for each of the core academic content areas in each grade level in the lower grades as recommended by the State Instructional Materials Council;

2. By December 31, 2026, the state board shall adopt no more than three (3) instructional materials collections for each of the core academic content areas in each grade level in grades six (6) through grade eight (8) as recommended by the State Instructional Materials Council; and

3. By December 31, 2027, the state board shall adopt no more than three (3) instructional materials collections for each course, program, or credit required or available to satisfy a nonelective credit within the minimum high school graduation requirements; and

(c) Ensuring alignment and continuity by establishing procedures and a timeline for the development of recommendations and adoption of state academic standards and instructional materials collections that create alignment, continuity, and a cohesive academic plan for students in all grades and in all districts across the Commonwealth consistent with the goals and core competencies identified in Section 1 of this Act.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky Department of Education, in supporting school district adoption of instructional materials and implementation of curriculum, shall develop, for each

1 instructional materials collection adopted by the Kentucky Board of Education
2 pursuant to Section 2 of this Act, a guide for educators that details:

3 (a) The state academic standards addressed by the instructional materials;

4 (b) How the instructional materials are connected to specific learning targets
5 that are aligned to those state academic standards;

6 (c) Questions students should be able to answer, skills students should be able
7 to demonstrate, and products students should be able to produce in
8 connection with the instructional materials, achieving learning targets, and
9 meeting the state academic standard; and

10 (d) A curriculum guide for using the instructional materials with sample
11 instructional plans that provide a realistic instructional schedule for using
12 the materials over the school year.

13 (2) The guides shall be made available at no cost to all public school teachers and
14 administrators.

15 (3) The department shall consult with the School Curriculum, Assessment, and
16 Accountability Council in the development of the guides required under this
17 section.

18 ➔Section 4. KRS 156.395 is amended to read as follows:

19 For purposes of KRS 156.400 to 156.476, unless the context requires otherwise:~~[-]~~

20 (1) "Instructional materials" means tools used to assist in student learning, as defined in
21 administrative regulations promulgated by the Kentucky Board of Education; ~~and~~

22 (2) "Instructional materials collection" means a system of interrelated instructional
23 materials offered by a publisher or developer to support learning of a specific
24 content area or grade level.

25 ➔Section 5. KRS 156.405 is amended to read as follows:

26 (1) The purpose of the State Instructional Materials Council~~[Textbook Commission]~~
27 is to be the sole recommending party to the Kentucky Board of Education of

1 ~~a[provide a recommended]~~ list of current and high quality ~~[textbooks and~~
2 ~~]instructional materials [to local school districts]~~ that complement the educational
3 program in Kentucky schools; to provide a consumer guide to schools to aid with
4 the selection of materials; and to provide for public participation in the evaluation
5 process. **The State Instructional Materials Council shall be attached to the**
6 **Kentucky Department of Education for administrative and support purposes.**

7 (2) The State **Instructional Materials Council**~~[Textbook Commission]~~ shall consist of
8 the **commissioner of education**~~[chief state school officer]~~ and ten (10) appointive
9 members. The ten (10) members shall be appointed by the Kentucky Board of
10 Education upon the recommendation of the **commissioner of education**~~[chief state~~
11 ~~school officer]~~ for terms of four (4) years with two (2) appointments each year,
12 except that every fourth year there shall be four (4) appointments. No member shall
13 be eligible to serve more than two (2) full terms consecutively. All vacancies that
14 occur on the State **Instructional Materials Council**~~[Textbook Commission]~~ shall be
15 filled in like manner for the remainder of the unexpired terms. The Department of
16 Education and the State **Instructional Materials Council**~~[Textbook Commission]~~
17 shall receive assistance in the **instructional materials**~~[textbook]~~ evaluation process
18 from professionals and lay citizens who will be referred to in this chapter as the
19 ~~["textbook"]reviewers.[""]~~

20 (3) The State **Instructional Materials Council**~~[Textbook Commission]~~ shall:

- 21 (a) Select and direct the activities of the ~~[textbook]~~reviewers who develop
22 selection criteria and review **instructional materials**~~[textbooks and~~
23 ~~programs];~~
- 24 (b) Develop selection criteria and evaluation forms with the help of the ~~[textbook]~~
25 ~~]reviewers and Kentucky Department of Education staff to be used in the state~~
26 level review process;
- 27 (c) Approve the evaluative criteria and forms used by the **council**~~[commission]~~

- 1 and ~~{textbook}~~ reviewers;
- 2 (d) Review the ~~{textbook}~~ reviewers' evaluations, and instructional
- 3 materials~~{textbooks or programs}~~ as it deems necessary, in order to select
- 4 from them a ~~{recommended}~~ list of high quality materials for
- 5 recommendation to the state board;
- 6 (e) Provide notice of and the opportunity for public inspection of instructional
- 7 materials collections~~{textbooks and programs}~~ offered for adoption and use in
- 8 the public schools;
- 9 (f) Conduct a public hearing for the purpose of receiving public comment
- 10 concerning instructional materials collections~~{textbooks and programs}~~
- 11 under consideration;
- 12 (g) Select and~~{,}~~ recommend~~{, and publish}~~ a list of high quality instructional
- 13 materials collections for adoption or rejection by the Kentucky Board of
- 14 Education pursuant to Section 2 of this Act~~{textbooks and programs}~~; and
- 15 (h) Publish the list of instructional materials collections approved by the
- 16 Kentucky Board of Education, as well as a consumer guide and distribute
- 17 these~~{it}~~ to Kentucky public schools.
- 18 (4) The ~~{textbook}~~ reviewers shall be comprised of twelve (12) individuals for the area
- 19 or areas being considered for adoption. The ~~{textbook}~~ reviewers shall be approved
- 20 by the State Instructional Materials Council~~{Textbook Commission}~~ based on the
- 21 recommendation of the commissioner of education~~{chief state school officer}~~.
- 22 (5) The ~~{textbook}~~ reviewers shall:
- 23 (a) Develop and submit to the council~~{commission}~~ subject specific evaluative
- 24 criteria to be used in reviewing instructional materials~~{textbooks and~~
- 25 ~~programs}~~;
- 26 (b) Review instructional materials collections~~{textbooks and programs}~~ to
- 27 determine those of high quality, using evaluative criteria and forms approved

- 1 by the council~~[commission]~~;
- 2 (c) Submit to the council~~[commission]~~ reviews and evaluative forms regarding
- 3 reviewed instructional materials collections~~[textbooks and programs]~~;
- 4 (d) Attend meetings and training sessions as requested by the
- 5 council~~[commission]~~ and the Department of Education; and
- 6 (e) Ensure that instructional materials~~[textbooks]~~ are free from factual error.
- 7 (6) (a) 1. Eight (8) of the appointive members of the State Instructional
- 8 Materials Council~~[Textbook Commission]~~ shall have had not less than
- 9 five (5) years teaching or supervising experience in the public schools of
- 10 Kentucky and shall have had at the time of their appointment at least
- 11 four (4) years of college training in a recognized institution of higher
- 12 education.
- 13 2. Five (5) members of the council~~[commission]~~ shall be classroom
- 14 teachers actively employed in the public schools of Kentucky as
- 15 teachers in subject field or fields for which the council~~[commission]~~
- 16 will select books.
- 17 3. Two (2) members shall be principals, supervisors, or superintendents of
- 18 public schools or public school systems.
- 19 4. One (1) member shall be a member of the faculty of a public institution
- 20 of higher education engaged in teacher preparation.
- 21 5. Two (2) members shall be lay citizens, one (1) of whom shall have a
- 22 child enrolled in a public school at the time of appointment.
- 23 (b) In recommending the members of the State Instructional Materials
- 24 Council~~[Textbook Commission]~~ the commissioner of education~~[chief state~~
- 25 ~~school officer]~~ shall give due regard to representation from rural and urban
- 26 areas and from the elementary, middle, and high school levels when the
- 27 educational levels are included in the subject field or fields for which

1 adoptions are to be made.

2 (7) ~~[Textbook]~~ Reviewers shall have the following qualifications: Six (6) of the
3 textbook reviewers shall be instructional supervisors and classroom teachers in
4 various and appropriate grade levels primary through grade twelve (12), with
5 experience and training in the subject areas to be reviewed. One (1) reviewer shall
6 have expertise and training in learning theory as applied to the classroom situation.
7 One (1) reviewer shall be a current or former university faculty member with
8 expertise in the content area of the textbooks to be reviewed. One (1) reviewer shall
9 have experience and training in development of instructional materials~~[readability~~
10 ~~and formatting of textbooks]~~. Three (3) reviewers shall be parents, two (2) of whom
11 shall have a child currently enrolled in public schools in Kentucky.

12 (8) Members of the State Instructional Materials Council~~[Textbook Commission]~~
13 shall receive ~~[fifty (\$50) dollars per day and]~~reimbursement for their actual
14 expenses while attending council~~[commission]~~ meetings. ~~[Textbook]~~ Reviewers
15 shall receive remuneration based on the amount of textbooks and programs to be
16 reviewed and criteria to be developed as determined by the commissioner of
17 education~~[chief state school officer]~~. ~~[Textbook reviewers shall be paid one~~
18 ~~hundred dollars (\$100) per day, not to exceed one thousand dollars (\$1,000)~~
19 ~~annually. Textbook]~~ Reviewers shall also receive reimbursement for actual
20 expenses while attending reviewer or council~~[commission]~~ meetings.

21 (9) The meetings of the State Instructional Materials Council~~[Textbook Commission]~~
22 shall be open to the public and shall be held at least once every quarter and notice
23 of such meeting shall be given in accordance with KRS 424.110 to 424.210.

24 (10) Not later than May 1 each year the commissioner of education~~[chief state school~~
25 ~~officer]~~ shall call the State Instructional Materials Council~~[Textbook Commission]~~
26 into session. The members of the State Instructional Materials Council~~[Textbook~~
27 ~~Commission]~~ shall elect one (1) of its voting members as chair~~[chairman]~~ and shall

1 adopt administrative regulations for the procedure of the council~~[commission]~~. The
2 commissioner of education~~[chief state school officer]~~ shall be the secretary of the
3 council~~[commission]~~.

4 ➔Section 6. KRS 156.415 is amended to read as follows:

5 Before instructional materials collections approved~~[textbooks and programs offered]~~ for
6 adoption and use in public schools of Kentucky may be lawfully recommended ~~and~~
7 ~~listed~~ by the State Instructional Materials Council, approval by the Kentucky Board of
8 Education,~~[Textbook Commission]~~ or purchased by any board of education, the person,
9 firm, or corporation offering the materials for adoption and use shall file with the
10 commissioner of education~~[chief state school officer]~~:

11 (1) Copies of all textbooks, materials, and programs that the person, firm, or
12 corporation desires to offer for adoption and use, with a sworn statement of the list
13 price and the lowest wholesale price at which each of the titles is sold in any
14 adopting unit;

15 (2) A statement that all the titles offered for sale, adoption, and use, do comply with the
16 standards and specifications for instructional materials~~[textbooks]~~ designated by
17 the commissioner of education~~[chief state school officer]~~ as regards paper, binding,
18 printing, illustrations, subject matter, technological requirements, and other items
19 included in the standards and specifications;

20 (3) Copies of any revision or special editions of the instructional materials~~[textbooks]~~
21 and programs filed, with a statement describing in detail each point of difference
22 from the regular edition filed, and the list price and the lowest wholesale price at
23 which the revision or special edition is sold anywhere in the United States;

24 (4) A fee of five dollars (\$5) for each instructional materials collection~~[book]~~ filed
25 except when a series of instructional materials collections~~[books]~~ is filed, in which
26 case the fee shall be five dollars (\$5) for the first collection~~[book]~~ and one dollar
27 (\$1) for each additional collection~~[book]~~ in the series. The fee provided by this

1 subsection shall be paid at each and every adoption period;

2 (5) A bond running to the Commonwealth of Kentucky, executed by a surety company
3 authorized to do business in this state, in a sum not less than two thousand dollars
4 (\$2,000) nor more than ten thousand dollars (\$10,000), to be determined by the
5 **commissioner of education**~~[chief state school officer]~~; and

6 (6) An affidavit certifying any **instructional materials collections**~~[textbook]~~ the
7 publisher or **developer**~~[manufacturer]~~ offers in the state to be free of factual error at
8 the time~~[the publisher or manufacturer executes]~~ a contract **is executed**.

9 ➔Section 7. KRS 156.433 is amended to read as follows:

10 (1) The Kentucky Board of Education, upon recommendation of the **commissioner of**
11 **education**~~[chief state school officer]~~, shall promulgate an administrative regulation
12 identifying instructional materials eligible for purchase~~[with state textbook funds]~~.
13 The regulation shall identify instructional materials which are subject to review
14 before being **added to the eligible materials list**~~[recommended]~~ for use, establish a
15 procedure for the review, and a process for adding an instructional material to the
16 **eligible materials**~~[recommended]~~ list.~~[The Department of Education may pay~~
17 ~~instructional materials reviewers an amount not to exceed one thousand dollars~~
18 ~~(\$1,000) annually per reviewer for their services using funds from the appropriation~~
19 ~~for state textbooks.]~~

20 (2) The Department of Education shall **compile the eligible materials into**~~[establish]~~ a
21 list **approved by the Kentucky Board of Education and**~~[of recommended~~
22 ~~instructional materials]~~ **from which**~~[for the use of]~~ school personnel **shall select**.

23 **(3) School districts shall select from the approved instructional materials list, where**
24 **available, for implementation in the appropriate course, program, or grade level**
25 **within each school district**.

26 ➔Section 8. KRS 156.474 is amended to read as follows:

27 (1) The Kentucky Board of Education, upon the recommendation of the **commissioner**

1 of education~~[chief state school officer]~~, shall have the authority to prescribe the
2 conditions whereby a school district may make multiple instructional materials
3 collections~~[textbook]~~ adoptions for the different school subjects by grades.

4 (2) The Kentucky Board of Education, upon the recommendation of the commissioner
5 of education~~[chief state school officer]~~, shall have the authority to prescribe the
6 administrative regulations to govern the purchase of the multiple-adopted
7 instructional materials collections~~[textbooks]~~ for the school district.~~[The chief~~
8 ~~state school officer, subject to the approval of the Kentucky Board of Education,~~
9 ~~may purchase the textbooks from the publishers whose books have been adopted by~~
10 ~~the school district for grades kindergarten through twelve (12) and distribute them~~
11 ~~without cost to the pupils attending the public schools in the school district.]~~

12 ➔Section 9. KRS 156.407 is amended to read as follows:

13 (1) The commissioner of education~~[chief state school officer]~~ shall, not later than
14 February 1 of each year in which an adoption is to be made, solicit applications for
15 filling twelve (12) positions for ~~[textbook]~~reviewers.

16 (2) Solicitation shall be statewide for all appointments and include specifications which
17 ensure candidates have professional expertise in the subject areas to be reviewed if
18 appropriate for the appointment.

19 (3) The State Instructional Materials Council~~[Textbook Commission]~~, at its first
20 yearly meeting, shall select ~~[textbook]~~reviewers based on a list of qualified
21 applicants prepared by the commissioner of education~~[chief state school officer]~~
22 and giving consideration to the recommendations as specified in KRS 156.405.

23 (4) The Department of Education's curriculum and instruction specialists shall serve as
24 staff to the commission and reviewers. The staff shall:

25 (a) Orient and train the council~~[commission]~~ and reviewers regarding
26 departmental policy and review procedures;

27 (b) Make available existing standards and criteria for ~~[textbook]~~evaluation; and

- 1 (c) Provide supplies and sample instructional materials collections~~[textbooks]~~
2 for the review process.
- 3 (5) The ~~[textbook]~~reviewers shall develop subject specific criteria for instructional
4 materials collections~~[textbook]~~ review and evaluation in the following~~[textbook]~~
5 areas:
- 6 (a) Subject content, including its relationship to the academic
7 standards~~[expectations]~~;
- 8 (b) Audience;
- 9 (c) Format;
- 10 (d) Readability and use;
- 11 (e) Accuracy; and
- 12 (f) Associated~~[Ancillary]~~ materials and resources.
- 13 (6) On or before July 15, the State Instructional Materials Council~~[Textbook~~
14 ~~Commission]~~ shall develop general criteria, review and approve subject specific
15 criteria, and provide the standard criteria and evaluation forms to be used by the
16 council~~[commission]~~ and ~~[textbook]~~reviewers.
- 17 (7) Based upon approval of the standard criteria and evaluation forms, the ~~[textbook]~~
18 ~~reviewers~~ shall review instructional materials collections~~[textbooks and~~
19 ~~programs]~~. The council~~[committee]~~ shall submit evaluation forms for each
20 instructional materials collection~~[textbook or program]~~ reviewed in each of the
21 five (5) areas, set forth in subsection (5) of this section, with comments related to
22 strengths and weaknesses in each area.
- 23 (8) The State Instructional Materials Council~~[Textbook Commission]~~ shall review the
24 work of the ~~[textbook]~~reviewers and based on this review and any of its own
25 reviews of instructional materials collections~~[textbooks or programs]~~, establish a
26 state multiple list of instructional materials collections for recommendation to the
27 state board~~[recommended textbooks and programs]~~. The list of

1 **collections**~~[recommended textbooks and programs]~~ shall be free of factual error.
2 Copies of all evaluation forms submitted by the ~~[textbook]~~ reviewers shall be made
3 available to **council**~~[commission]~~ members and maintained on file within the
4 Department of Education for the **length of the adoption cycle**~~[cycle length of the~~
5 ~~books]~~. For those materials placed on the state multiple list of **approved**
6 **collections**~~[recommended textbooks and programs]~~, the Department of Education
7 shall publish a consumer guide that includes summary results of the evaluations and
8 any factual error identified in the **instructional materials**~~[textbooks]~~, and shall
9 distribute it to all public schools in the state.

10 ➔ Section 10. KRS 156.410 is amended to read as follows:

- 11 (1) The **commissioner of education**~~[chief state school officer]~~ shall prepare minimum
12 ~~[manufacturing]~~ standards, delineate content specifications, in accordance with the
13 **state academic standards and** curriculum requirements of the program of studies
14 for Kentucky schools: grades K-12, and formulate other criteria for use in the
15 evaluation of **instructional materials**~~[textbooks and programs]~~ in Kentucky.
16 Criteria shall require that all materials be suitable for use with a diverse population
17 and be free of social, ethnic, racial, religious, age, gender, and geographic bias.
- 18 (2) It shall be the duty of the **commissioner of education**~~[chief state school officer]~~ to
19 prepare all necessary forms for use in the evaluation of **instructional**
20 **materials**~~[textbooks and programs]~~, such as advertising for ~~[textbook]~~ bids; forms
21 for bids, bonds, and contracts; and other forms.
- 22 (3) The Kentucky Board of Education, upon the recommendation of the **commissioner**
23 **of education**~~[chief state school officer]~~, shall have authority to **promulgate**
24 **administrative regulations**~~[prescribe]~~:
- 25 (a) ~~[Administrative regulations]~~ Pertaining to all **instructional**
26 **materials**~~[textbook]~~ samples for use on the state and local levels; and
- 27 (b) ~~[Shall have authority to promulgate administrative regulations]~~ Relating to the

1 agents and representatives of instructional materials collections publishers
2 or developers~~[textbooks and programs]~~, as to the methods and procedures for
3 use in adoptions on the state and local levels.

4 (4) The commissioner of education~~[chief state school officer]~~, on or before May 1
5 prior to any adoption year, shall properly advertise the subjects for which
6 instructional materials~~[textbook]~~ adoptions will be made and notify the different
7 publishers and developers~~[of the textbooks]~~. The publishers and developers, on or
8 before July 15, of any adoption year, shall file with the commissioner of
9 education~~[chief state school officer]~~ instructional materials collections~~[textbook]~~
10 samples, filing fees, ~~[textbook]~~ bids and bonds, and other specified information
11 relative to the instructional materials collections~~[books]~~ that they desire to offer
12 for adoption.

13 (5) The commissioner of education~~[chief state school officer]~~ shall:
14 (a) Review the bid information submitted by the publishers and developers;
15 (b) Verify that the bid complies with the specifications; and
16 (c) Prepare a list of instructional materials collections~~[textbooks and programs]~~,
17 for consideration by the State Instructional Materials Council~~[Textbook~~
18 ~~Commission]~~ indicating those in compliance with the standards and
19 specifications and those not in compliance, detailing areas of noncompliance.

20 ➔Section 11. KRS 156.420 is amended to read as follows:

21 The bond required by the person, firm, or corporation offering instructional
22 materials~~[the books]~~ for adoption shall be so conditioned that:

23 (1) The person, firm, or corporation will furnish any of the instructional
24 materials~~[books]~~ listed in the statement filed for the period of adoption from the
25 date of the bond to any school district in Kentucky, or to any dealer appointed by
26 the district, at the lowest wholesale price contained in the statement, f.o.b. the
27 publisher's nearest shipping point;

- 1 (2) The person, firm, or corporation shall not bid and enter into a contract for an
2 adoption period with the Commonwealth of Kentucky for instructional
3 materials~~[books]~~ at a higher wholesale price than is being bid for the same adoption
4 period elsewhere in the United States.
- 5 (3) The person, firm, or corporation will automatically reduce such prices in Kentucky
6 whenever reductions are made anywhere in the United States, so that no
7 instructional material~~[book]~~ shall at any time be sold in Kentucky at a higher
8 wholesale price than is received for that instructional material~~[book]~~ elsewhere in
9 the United States;
- 10 (4) If the person, firm, or corporation prepared an abridged or special edition of any
11 book that has been listed and sells it elsewhere at a lower wholesale price than the
12 wholesale price set out in the filed statement, the person will file a copy of the
13 special edition with the price of the special edition in a supplemental statement with
14 the commissioner of education~~[chief state school officer]~~;
- 15 (5) All instructional materials~~[books]~~ sold in Kentucky will be identical with the
16 specimens~~[specimen books]~~ filed with the commissioner of education~~[chief state~~
17 ~~school officer]~~ as regards size, paper, binding, print, illustrations, subject matter,
18 technological specifications, and other particulars which may affect the value of
19 the instructional materials~~[books]~~;
- 20 (6) The person, firm, or corporation shall not enter into any agreement, understanding,
21 or combination to control the price of instructional materials~~[textbooks]~~ or to
22 restrict competition in their sale in Kentucky.
- 23 ➔Section 12. KRS 156.425 is amended to read as follows:
- 24 The form of the sworn statement and bond required shall be prescribed by the
25 commissioner of education~~[chief state school officer]~~. The bond shall be in force for the
26 adoption period. The person, firm, or corporation may at any time while the bond is in
27 force file a supplemental statement covering additional instructional materials~~[books]~~ or

1 special editions of instructional materials~~[books]~~ previously filed. The supplemental
2 statement shall expire at the date of expiration of the original statement and bond. Prior to
3 the expiration of any statement and bond the person may file a new statement and bond
4 for a further period of adoption, and if he or she fails to file a new statement and bond his
5 right to offer instructional materials~~[textbooks]~~ for adoption and use in the public
6 schools of Kentucky shall expire on the date of expiration of the former bond.

7 ➔Section 13. KRS 156.435 is amended to read as follows:

8 (1) (a) The State Instructional Materials Council~~[Textbook Commission]~~ shall, not
9 later than September 20 of any year in which an adoption is to be made,
10 select~~[,]~~ and recommend to the Kentucky Board of Education for adoption,
11 ~~[and publish]~~ a list of instructional materials collections~~[books or programs]~~
12 in each subject and grade, taking into account the needs of the various types
13 of students.

14 (b) Within fourteen (14) days of the state board approving a list of instructional
15 materials collections in a subject or grade, the State Instructional Materials
16 Council and the Kentucky Department of Education shall publish the
17 approved list available for adoption by local school districts.

18 (2) The State Instructional Materials Council and the state board~~[Textbook~~
19 ~~Commission]~~ shall have the authority to reject any instructional material~~[book]~~
20 which:

21 (a) Contains subversive material or information that is offered for listing or
22 adoption. If the council~~[commission]~~ finds on the multiple list any
23 instructional material~~[book]~~ which contains subversive material or
24 information, provided the publisher or developer~~[of the book]~~ has been given
25 written notice by the secretary of the council~~[commission]~~ not less than thirty
26 (30) days prior to the meeting, the council~~[textbook commission]~~ shall have
27 authority to remove the material~~[book]~~ from the state multiple list;

- 1 (b) Is in noncompliance with standards and specifications set forth in KRS
2 156.410; or
- 3 (c) Is not of high quality in terms of the content provided, the audience addressed,
4 the format used, technological specifications, the readability and usability of
5 material or the ancillary materials provided the teacher and students.
- 6 (3) The State Instructional Materials Council~~[Textbook Commission]~~ shall have the
7 authority to solicit additions for the state list when the list does not contain ~~books~~
8 ~~or~~ materials for subjects added to the state courses of study.
- 9 (4) The commissioner of education~~[chief state school officer]~~ shall make and execute
10 contracts for the approved instructional materials collections~~[recommended~~
11 ~~textbooks and programs]~~ with the publishers or developers on or before May 1
12 following the establishment of the state multiple list of materials approved for
13 selection by districts as~~[recommended titles]~~ selected by the council and approved
14 by the state board~~[commission]~~. Except as described in KRS 156.400, all contracts
15 shall run for six (6) years.
- 16 (5) The commissioner of education~~[chief state school officer]~~ shall prepare a multiple
17 list of approved instructional materials collections~~[recommended textbooks or~~
18 ~~programs]~~ and publish the list along with a consumer guide and distribute the
19 documents to the superintendents of each county and independent school district in
20 Kentucky on or before November 15 following~~[of]~~ each amendment to the
21 approved list of instructional materials collections~~[adoption year]~~.
- 22 (6) Except as otherwise provided or where an approved list has not been adopted,
23 school districts shall only be permitted to utilize instructional materials
24 collections from the approved list.

25 ➔Section 14. KRS 156.437 is amended to read as follows:

26 The Kentucky Board of Education, upon the recommendation of the commissioner of
27 education~~[chief state school officer]~~, shall have the authority to prescribe administrative

1 regulations for the approved~~[recommended]~~ listing by the State Instructional Materials
2 Council~~[Textbook Commission]~~, adoption by local adoption units, and the purchase of
3 subject programs for the pupils in the public schools.

4 ➔Section 15. KRS 156.438 is amended to read as follows:

5 (1) The Kentucky Board of Education shall promulgate administrative regulations to
6 establish procedures for reviewing and resolving claims of factual errors found in
7 instructional materials~~[textbooks]~~ after adoption by the state board upon the
8 recommendation of the State Instructional Materials Council~~[Textbook~~
9 ~~Commission]~~.

10 (2) The administrative regulations shall include:

- 11 (a) A process for an individual who believes that a factual error or errors have
12 been found to file notice of his or her findings;
- 13 (b) A methodology for validating the accuracy of a claim of factual error;
- 14 (c) The development of conditions to include in publishers' or developers'
15 contracts specifying protocols for correcting errors which take into account
16 the following:
- 17 1. The extensiveness of the errors found;
 - 18 2. The remaining time left until the next instructional materials~~[textbook]~~
19 adoption cycle at the time the claim is determined to be valid;
 - 20 3. Conditions that would necessitate replacement of printed instructional
21 material~~[a book]~~ in its entirety or correction of a digital instructional
22 material; and
 - 23 4. Conditions that could be addressed through the insertion of corrections
24 in a printed instructional material~~[textbooks]~~ without replacement;
 - 25 (d) Notice to school districts of errors, if found, and the resolution determined to
26 be available; and
 - 27 (e) Notice to the claimant relative to the validation review and the resolution

1 determined to be available if the claim of error was validated.

2 ➔Section 16. KRS 156.439 is amended to read as follows:

- 3 (1) The Kentucky Board of Education shall promulgate by administrative regulations
4 the method for calculating and distributing a district's ~~textbook and~~ instructional
5 materials allocation. The district's allocation shall be used by schools to purchase:
- 6 (a) Instructional materials~~Textbooks~~ and programs from the state
7 approved~~recommended~~ list;
- 8 (b) Instructional materials~~Textbooks~~ and programs not on the state's
9 approved~~recommended~~ list, if notification is submitted to the Department of
10 Education that the material meets the selection criteria of the State
11 Instructional Materials Council~~Textbook Commission~~ in KRS
12 156.405(3)(b), the subject specific criteria of the ~~textbook~~ reviewers
13 pursuant to KRS 156.407(5), and compliance with the required publisher
14 specifications;
- 15 (c) Instructional materials, with an approved plan pursuant to subsection (2) of
16 this section; or
- 17 (d) Any combination of the above.
- 18 (2) The district shall identify all purchases made with the ~~textbook and~~ instructional
19 materials allocation and shall keep on file a plan developed by each school, in
20 accordance with administrative regulations promulgated by the Kentucky Board of
21 Education, for providing the necessary ~~textbooks and~~ instructional materials for
22 all grades, and subject areas, including the replacement of books and materials
23 during the six (6) year adoption period. A school may carry forward to the next
24 school year any part of its ~~textbook and~~ instructional materials allocation which
25 has been distributed to the district. If a local board does not approve a school
26 council's plan, the council may appeal to the commissioner and an administrative
27 hearing shall be conducted in accordance with KRS Chapter 13B.

1 ➔ Section 17. KRS 156.440 is amended to read as follows:

2 Publishers and developers, upon the request of the superintendents of the county and
3 independent school districts, shall furnish to the local boards of education the requested
4 sample copies of their materials that were selected and placed on the state multiple list of
5 instructional materials~~[recommended textbooks]~~ by the State Instructional Materials
6 Council~~[Textbook Commission]~~.

7 ➔ Section 18. KRS 156.445 is amended to read as follows:

8 (1) ~~A~~~~[No]~~ instructional materials collection~~[textbook or program]~~ shall not be used in
9 any public school in Kentucky as a basal instructional material~~[title]~~ unless it has
10 been ~~[recommended and]~~ listed on the state multiple list by the State Instructional
11 Materials Council after approval by the board~~[Textbook Commission]~~ or unless a
12 school and district has met the notification requirements under subsection (2) of this
13 section. Any changes of instructional materials~~[textbooks]~~ made by the State
14 Instructional Materials Council~~[Textbook Commission]~~ shall not become effective
15 until grades and classes of the respective county and independent school districts
16 have completed work for which the adopted instructional materials~~[book]~~ then in
17 use was originally intended. Nothing in this section shall apply to the
18 supplementary instructional materials~~[books]~~ that are needed from time to time.

19 (2) A superintendent~~[school council, or if none exists, the principal,]~~ may notify~~[-~~
20 ~~through the superintendent,]~~ the State Instructional Materials Council~~[Textbook~~
21 ~~Commission]~~ that the district~~[it]~~ plans to adopt a basal instructional materials
22 collection~~[textbook or program]~~ that is not on the approved~~[recommended]~~ list by
23 submitting evidence that the instructional materials collection~~[title]~~ it has chosen
24 meets the selection criteria of the State Instructional Materials Council~~[Textbook~~
25 ~~Commission]~~ in KRS 156.405(3)(b) and the subject specific criteria of the
26 ~~[textbook]~~ reviewers pursuant to KRS 156.407(5) and complies with the required
27 ~~[publisher]~~ specifications.

1 (3) In approving instructional~~[text]~~ materials for private and parochial schools for the
2 purpose of KRS 156.160(3) the ~~[text]~~ materials shall be approved if they are
3 comprehensive and appropriate to the grade level in question notwithstanding the
4 fact that they may contain elements of religious philosophy.

5 ➔Section 19. KRS 156.460 is amended to read as follows:

6 ~~A~~~~[No]~~ superintendent, teacher, or other official or employee of any institution supported
7 wholly or in part by public funds shall not act, directly or indirectly, as agent for any
8 person whose instructional materials~~[school textbooks]~~ are filed with the commissioner
9 of education~~[chief state school officer]~~.

10 ➔Section 20. KRS 156.465 is amended to read as follows:

11 No person shall secure or attempt to secure the adoption of any instructional
12 materials~~[school textbook]~~ in any school district in this state, by rewarding or promising
13 to reward, directly or indirectly, any person in any public school district in the state.
14 ~~A~~~~[No]~~ person shall not offer or give any emolument to any person in any school district
15 in this state for any vote or promise to vote, or the use of his influence, for any
16 instructional materials~~[school textbook]~~ to be used in this state.

17 ➔Section 21. KRS 156.470 is amended to read as follows:

18 A copy of all instructional materials~~[recommended titles]~~ listed by the Kentucky Board
19 of Education~~[State Textbook Commission]~~ shall remain in an office specified by the
20 commissioner of education~~[chief state school officer]~~ as an official sample for the period
21 of the adoption.

22 ➔Section 22. KRS 156.476 is amended to read as follows:

23 (1) The Kentucky Board of Education, upon the recommendation of the commissioner
24 of education~~[chief state school officer]~~, shall select suitable instructional materials
25 collections~~[textbooks and programs]~~ in an appropriate format, which include braille
26 textbooks, and other materials available in clear type of eighteen (18) to twenty-
27 four (24) points in the different subject areas for children with impaired vision who

1 are attending the public schools of the Commonwealth of Kentucky in grades
2 kindergarten through twelve (12). These books and materials shall not be subject to
3 the official bids, filing fees, sampling, and the stipulated list prices, lowest
4 wholesale prices, and the standards and specifications required for the books and
5 materials approved and listed by the State Instructional Materials
6 Council~~[Textbook Commission]~~ for regular use by the pupils attending the public
7 schools of the State of Kentucky. The Kentucky Board of Education, upon the
8 recommendation of the commissioner of education~~[chief state school officer]~~, may
9 promulgate an administrative regulation determining the pupils eligible for the
10 books and materials, the number of books and types of materials to be purchased,
11 and the general administration of the program. The commissioner of
12 education~~[chief state school officer]~~, subject to the approval of the Kentucky Board
13 of Education, may purchase these books and materials and distribute them without
14 cost to the pupils with impaired vision attending the public schools of the state. All
15 instructional materials~~[books and programs]~~ purchased under this section for the
16 pupils with impaired vision are the property of the state.

- 17 (2) The Department of Education shall require any publisher or developer of an
18 instructional materials collection~~[a textbook or program]~~ adopted for use in the
19 public schools of the Commonwealth to furnish the American Printing House for
20 the Blind with ~~[computer diskettes or tapes of]~~those ~~[print]~~materials ~~[either in the~~
21 ~~American Standard Code for Information Interchange, (ASCII), or]~~in any ~~[other]~~
22 format, either electronic or print, which can be readily translated into braille or
23 large print.

24 ➔Section 23. KRS 158.6452 is amended to read as follows:

- 25 (1) A School Curriculum, Assessment, and Accountability Council is hereby created to
26 study, review, and make recommendations concerning Kentucky's system of setting
27 academic standards, assessing learning, identifying academic competencies and

1 deficiencies of individual students, holding schools accountable for learning, and
2 assisting schools to improve their performance. The council shall advise the
3 Kentucky Board of Education and the Legislative Research Commission on issues
4 related to the development and communication of the academic expectations and
5 core content for assessment, the development and implementation of the statewide
6 assessment and accountability program, recognition of high performing schools,
7 imposition of sanctions, and assistance for schools to improve their performance
8 under KRS 158.6453, 158.6455, 158.782, and 158.805.

9 (2) The School Curriculum, Assessment, and Accountability Council shall be
10 composed of seventeen (17) voting members, sixteen (16) of which are appointed
11 by the Governor and one being the commissioner of education. ~~On making~~
12 ~~appointments to the council, the Governor shall assure broad geographical~~
13 ~~representation and representation of elementary, middle, and secondary school~~
14 ~~levels; assure equal representation of the two (2) sexes, inasmuch as possible; and~~
15 ~~assure that appointments reflect the minority racial composition of the~~
16 ~~Commonwealth.~~ The members shall serve terms of two (2) years with no member
17 serving more than two (2) consecutive terms, except that seven (7) of the initial
18 appointments shall be for four (4) year terms. The sixteen (16) appointed members
19 shall be appointed as follows:

- 20 (a) ~~[Two (2) parents from recommendations submitted by organizations~~
21 ~~representing school councils and parents;~~
- 22 (b) ~~Two (2) teachers from recommendations submitted by organizations~~
23 ~~representing teachers;~~
- 24 (c) ~~Two (2) superintendents from recommendations submitted by organizations~~
25 ~~representing superintendents;~~
- 26 (d) ~~Two (2) principals from organizations representing school administrators;~~
- 27 (e) ~~Two (2) local school board members from recommendations submitted by~~

- 1 ~~organizations representing school boards;~~
- 2 ~~(f) —~~Two (2) school district assessment coordinators from recommendations
- 3 submitted by organizations representing district assessment coordinators;
- 4 ~~[(g) Two (2) employers in the state from recommendations submitted by~~
- 5 ~~organizations representing business and industry;]~~
- 6 ~~(b) [(h)]~~ **Six (6)**~~Two (2)~~ university professors with expertise in assessment and
- 7 measurement; ~~[and]~~
- 8 **(c) Four (4) individuals who have recognized expertise in the setting of state**
- 9 **academic standards; and**
- 10 **(d) Four (4) individuals who have recognized expertise in the development of**
- 11 **instructional materials and curriculum aligned to state academic**
- 12 **standards**~~[(i) — One (1) at large member].~~
- 13 (3) The **commissioner of education shall serve as the chair of the** School Curriculum,
- 14 Assessment, and Accountability Council ~~[shall elect a chair annually from its~~
- 15 ~~membership].~~
- 16 (4) **Except for the commissioner of education,** the members shall be remunerated for
- 17 actual and necessary expenses incurred while attending meetings of the council or
- 18 while serving as representative of the council.
- 19 (5) The School Curriculum, Assessment, and Accountability Council shall meet at least
- 20 four (4) times each year at times and places as it determines by resolution.
- 21 (6) The School Curriculum, Assessment, and Accountability Council shall be attached
- 22 to the Department of Education for administrative purposes. It shall be provided
- 23 appropriate staff and resources to conduct its work.
- 24 **(7) By June 30 and December 31 each year, the commissioner of education shall file**
- 25 **a report with the Legislative Research Commission for referral to the appropriate**
- 26 **Interim Joint Committee on Education. The report shall set out the current**
- 27 **membership of the council, any vacancies that have occurred since the last report**

filing, how long the vacancy existed or has existed, any reasoning for the failure to fill the vacancy, the number and date of meetings held since the last report, the time of day each meeting was held and the length of the meeting, and the attendance or absence of each member of the council at each meeting.

➔Section 24. KRS 158.6453 is amended to read as follows:

(1) As used in this section:

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

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

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

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

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

~~(e)]~~~~(f)]~~ "Interim assessments" means assessments that are given periodically throughout the year to provide diagnostic information and to show individual

1 student performance against content standards;

2 ~~(f)~~~~(g)~~ "Summative assessment" means an assessment given at the end of the
3 school year, semester, or other period of time to evaluate students'
4 performance against content standards within a unit of instruction or a course;
5 and

6 ~~(g)~~~~(h)~~ "Writing" means a purposeful act of thinking and expression that uses
7 language to explore ideas and communicate meaning to others. Writing is a
8 complex, multifaceted act of communication and is distinct from basic
9 handwriting or penmanship.

10 (2) (a) ~~[Beginning in fiscal year 2017-2018, and]~~ Every six (6) years~~[thereafter]~~, the
11 Kentucky Department of Education, through the School Curriculum,
12 Assessment, and Accountability Council, shall implement a process for
13 reviewing Kentucky's academic standards and the alignment of corresponding
14 assessments for possible revision or replacement to ensure alignment with
15 transition readiness standards necessary for global competitiveness, state
16 career and technical education standards, and KRS 158.196.

17 1. The council shall also advise the department in creating the guide for
18 educators, including aligned curriculum and instructional plans, as
19 required under Section 3 of this Act. As necessary or appropriate
20 based on changes to subject matter or state law, the department,
21 through the School Curriculum, Assessment, and Accountability
22 Council, may elect to review the academic standards and the
23 alignment of corresponding assessments and curriculum more
24 frequently than every six (6) years.

25 2. Notwithstanding the six (6) year review timeline in this paragraph, the
26 School Curriculum, Assessment, and Accountability Council shall
27 coordinate with the School Instructional Materials Council and the

Kentucky Board of Education to ensure grade-appropriate and updated academic standards are available for consideration to permit compliance with the timelines established in subsection (6)(b) of Section 2 of this Act.

(b) The revisions to the content standards shall:

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

- (c) 1. The department shall establish four (4) standards and assessments review committees, with each committee composed of a minimum of six (6) Kentucky public school teachers and a minimum of two (2) representatives from Kentucky institutions of higher education, including at least one (1) representative from a public institution of higher education. Each committee member shall teach in the subject area that his or her committee is assigned to review and have no prior or current affiliation with a curriculum or assessment resources vendor.
2. One (1) of the four (4) committees shall be assigned to focus on the review of language arts and writing academic standards and assessments, one (1) on the review of mathematics academic standards

1 and assessments, one (1) on the review of science academic standards
2 and assessments, and one (1) on the review of social studies academic
3 standards and assessments.

- 4 (d) 1. The department shall establish twelve (12) advisory panels to advise and
5 assist each of the four (4) standards and assessments review committees.
6 2. Three (3) advisory panels shall be assigned to each standards and
7 assessments review committee. One (1) panel shall review the standards
8 and assessments for kindergarten through grade five (5), one (1) shall
9 review the standards and assessments for grades six (6) through eight
10 (8), and one (1) shall review the standards and assessments for grades
11 nine (9) through twelve (12).
12 3. Each advisory panel shall be composed of at least one (1) representative
13 from a Kentucky institution of higher education and a minimum of six
14 (6) Kentucky public school teachers who teach in the grade level and
15 subject reviewed by the advisory panel to which they are assigned and
16 have no prior or current affiliation with a curriculum or assessment
17 resources vendor.

18 (e) The commissioner of education and the president of the Council on
19 Postsecondary Education shall also provide consultants for the standards and
20 assessments review committees and the advisory panels who are business and
21 industry professionals actively engaged in career fields that depend on the
22 various content areas.

- 23 (f) 1. The standards and assessments process review committee is hereby
24 established and shall be composed of the commissioner of education or
25 designee as a nonvoting member and nine (9) voting representatives of
26 public schools, of whom at least two (2) shall be parents of public
27 school students, appointed by the Governor and confirmed by the Senate

1 in accordance with KRS 11.160 as follows:

- 2 a. One (1) language arts teacher;
- 3 b. One (1) math teacher;
- 4 c. One (1) science teacher;
- 5 d. One (1) social studies teacher;
- 6 e. Two (2) school principals;
- 7 f. Two (2) school superintendents; and
- 8 g. One (1) school board member.

9 2. On making appointments to the committee, the Governor shall ensure
10 broad geographical urban and rural representation and representation of
11 elementary, middle, and high school levels; ensure equal representation
12 of the two (2) sexes, inasmuch as possible; and ensure that appointments
13 reflect the minority racial composition of the Commonwealth.

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

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

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

1 consideration.

2 2. Each advisory panel shall review the standards and assessments for its
3 assigned subject matter and grade level and the suggestions made by the
4 public and educators. After completing its review, each advisory panel
5 shall make recommendations for changes to the standards and alignment
6 adjustments for assessments to the appropriate standards and
7 assessments review committee.

8 3. Each standards and assessments review committee shall review the
9 findings and make recommendations to revise or replace existing
10 standards and to adjust alignment of assessments.

11 4. The recommendations shall be published on the website established in
12 this subsection for the purpose of gathering additional feedback from the
13 public. The commissioner shall subsequently present the
14 recommendations and the public feedback to the Interim Joint
15 Committee on Education.

16 5. The commissioner shall subsequently provide a report to the standards
17 and assessments process review committee summarizing the process
18 conducted under this subsection and the resulting recommendations. The
19 report shall include but not be limited to the timeline of the review
20 process, public feedback, and responses from the Interim Joint
21 Committee on Education.

22 6. After receiving the commissioner's report, the standards and assessments
23 process review committee shall either concur that stakeholders have had
24 adequate opportunity to provide input on standards and the
25 corresponding alignment of state assessments or find the input process
26 deficient. If the process is found deficient, the recommendations may be
27 returned to the appropriate standards and assessments review committee

1 for review as described in subparagraph 3. of this paragraph. If the
2 process is found sufficient, the recommendations shall be forwarded
3 without amendment to the Kentucky Board of Education.

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

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

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

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

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

- 25 1. Integrate the revised content standards into classroom instruction;
26 2. Better integrate performance assessment of students within their
27 instructional practices; and

1 3. Help all students use higher-order thinking and communication skills.

2 (k) The Education Professional Standards Board in cooperation with the
3 Kentucky Board of Education and the Council on Postsecondary Education
4 shall coordinate information and training sessions for faculty and staff in all of
5 the teacher preparation programs, and for all school districts, in the use of the
6 revised academic content standards. The Education Professional Standards
7 Board shall ensure that each teacher preparation program includes use of the
8 academic standards in the pre-service education programs and that all teacher
9 interns will have experience planning classroom instruction based on the
10 revised standards.

11 (l) The Council on Postsecondary Education in cooperation with the Kentucky
12 Department of Education and the postsecondary education institutions in the
13 state shall coordinate information sessions regarding the academic content
14 standards for faculty who teach in the various content areas.

15 (m) The Education Professional Standards Board shall, as a condition of
16 program approval, require teacher preparation programs to align
17 curriculum with the expectations set forth in the state's academic content
18 standards.

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 department's
7 technical advisory committee in the development of the assessment program.
8 The statewide assessment program shall not include measurement of a
9 student's ability to become a self-sufficient individual or to become a
10 responsible member of a family, work group, or community.

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

15 (b) The annual student summative tests shall:

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

1 to become a self-sufficient individual or to become a responsible
2 member of a family, work group, or community.

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

4 (a) Elementary and middle grades requirements are:

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

20 (b) High school requirements are:

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

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

1 security, including procedures for testing makeup days, and to comply with federal
2 assessment requirements.

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

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

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

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

20 (11) The following provisions shall apply to the college admissions examination
21 described in subsection (5)(b)5. of this section:

22 (a) The cost of the college admissions examination administered to students in
23 high school shall be paid for by the Kentucky Department of Education. The
24 costs of additional college admissions examinations shall be the responsibility
25 of the student;

26 (b) If funds are available, the Kentucky Department of Education shall provide a
27 college admissions examination preparation program to all public high school

- 1 juniors. The department may contract for necessary services; and
- 2 (c) Accommodations provided to a student with a disability taking the college
- 3 admissions assessment under this subsection shall consist of:
- 4 1. Accommodations provided in a manner allowed by the college
- 5 admissions assessment provider when results in test scores are
- 6 reportable to a postsecondary institution for admissions and placement
- 7 purposes, except as provided in subparagraph 2. of this paragraph; or
- 8 2. Accommodations provided in a manner allowed by a student's
- 9 individualized education program as defined in KRS 158.281 for a
- 10 student whose disability precludes valid assessment of his or her
- 11 academic abilities using the accommodations provided under
- 12 subparagraph 1. of this paragraph when the student's scores are not
- 13 reportable to a postsecondary institution for admissions and placement
- 14 purposes.
- 15 (12) Kentucky teachers shall have a significant role in providing feedback about the
- 16 design of the assessments, except for the college admissions exam described in
- 17 subsection (5)(b)5. of this section. The assessments shall be designed to:
- 18 (a) Measure grade appropriate core academic content, basic skills, and higher-
- 19 order thinking skills and their application;
- 20 (b) Provide valid and reliable scores for schools. If scores are reported for
- 21 students individually, they shall be valid and reliable;
- 22 (c) Minimize the time spent by teachers and students on assessment; and
- 23 (d) Assess Kentucky academic standards only.
- 24 (13) The results from assessment under subsections (3) and (5) of this section shall be
- 25 reported to the school districts and schools no later than seventy-five (75) days
- 26 following the last day the assessment can be administered. Assessment reports
- 27 provided to the school districts and schools shall include an electronic copy of an

1 operational subset of test items from each assessment administered to their students
2 and the results for each of those test items by student and by school.

3 (14) The Department of Education shall gather information to establish the validity of
4 the assessment and accountability program. It shall develop a biennial plan for
5 validation studies that shall include but not be limited to the consistency of student
6 results across multiple measures, the congruence of school scores with documented
7 improvements in instructional practice and the school learning environment, and the
8 potential for all scores to yield fair, consistent, and accurate student performance
9 level and school accountability decisions. Validation activities shall take place in a
10 timely manner and shall include a review of the accuracy of scores assigned to
11 students and schools, as well as of the testing materials. The plan shall be submitted
12 to the Commission by July 1 of the first year of each biennium. A summary of the
13 findings shall be submitted to the Legislative Research Commission by September
14 1 of the second year of the biennium.

15 (15) The Department of Education and the state board shall offer optional assistance to
16 local school districts and schools in developing and using continuous assessment
17 strategies needed to ensure student progress. The continuous assessment shall
18 provide diagnostic information to improve instruction to meet the needs of
19 individual students.

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

26 (17) The Kentucky Board of Education, after the Department of Education has received
27 advice from the Office of Education Accountability; the School Curriculum,

1 Assessment, and Accountability Council; and the department's technical advisory
2 committee, shall promulgate an administrative regulation under KRS Chapter 13A
3 to establish the components of a reporting structure for assessments administered
4 under this section. The reporting structure shall include the following components:

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

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

- 1 (b) An individual student report to parents for each student in grades three (3)
2 through eight (8) summarizing the student's skills in reading, science, social
3 studies, and mathematics. The school's staff shall develop a plan for
4 accelerated learning for any student with identified deficiencies or strengths;
5 and
- 6 (c) A student's score on the college admissions assessment administered under
7 subsection (5)(b)5. of this section.
- 8 (18) (a) ~~Beginning in fiscal year 2017-2018, and~~ Every six (6) years ~~thereafter~~, the
9 Kentucky Department of Education, after receiving recommendations from
10 the School Curriculum, Assessment, and Accountability Council, shall
11 implement a comprehensive process for reviewing and revising the academic
12 standards in visual and performing arts and practical living skills and career
13 studies for all levels and in foreign language for middle and high schools. The
14 department shall develop review committees for the standards for each of the
15 content areas that include representation from certified specialist public
16 school teachers and postsecondary teachers in those subject areas.
- 17 (b) The academic standards in practical living skills for elementary, middle, and
18 high school levels shall include a focus on drug abuse prevention, with an
19 emphasis on the prescription drug epidemic and the connection between
20 prescription opioid abuse and addiction to other drugs, such as heroin and
21 synthetic drugs.
- 22 (c) The department shall provide to all schools guidelines for programs that
23 incorporate the adopted academic standards in visual and performing arts and
24 practical living and career studies. The department shall provide to middle and
25 high schools guidelines for including a foreign language program. The
26 guidelines shall address program length and time, courses offered, staffing,
27 resources, and facilities.

1 (d) The Kentucky Department of Education, in consultation with the School
2 Curriculum, Assessment, and Accountability Council and certified public
3 school teachers of visual and performing arts, may develop program standards
4 for the visual and performing arts.

5 (19) The Kentucky Department of Education shall provide to all school districts
6 guidelines for including an effective writing program within the curriculum.

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

15 (b) By October 1 of each year, each school principal shall complete the school
16 profile report, which shall be signed by the members of the school council, or
17 the principal if no school council exists, and the superintendent. The report
18 shall be electronically transmitted to the Kentucky Department of Education,
19 and the original shall be maintained on file at the local board office and made
20 available to the public upon request. The department shall include a link to
21 each school's profile report on its website.

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

26 ➔Section 25. KRS 7.410 is amended to read as follows:

27 (1) It is the intent of the General Assembly to provide an efficient system of common

1 schools which shall be operated without waste, duplication, mismanagement, and
2 political influence. The system of schools shall have the goal of creating and
3 system consistent with the goals stated in Section 1 of this Act and providing all
4 students with at least the seven (7) capacities referred to in KRS 158.645.

5 (2) (a) An Office of Education Accountability is hereby created and shall be under
6 the direction of the Legislative Research Commission and shall be advised
7 and monitored by the Education Assessment and Accountability Review
8 Subcommittee.

9 (b) The Office of Education Accountability shall be administered by a deputy
10 director appointed by the Legislative Research Commission upon
11 recommendation of the director of the Legislative Research Commission. The
12 deputy director shall have the qualifications set by the Commission. The
13 salary of the deputy director shall be set by the Commission. The Commission
14 shall have exclusive jurisdiction over the employment of personnel necessary
15 to carry out the provisions of this section. The deputy director shall be subject
16 to the direction of and report to the director of the Legislative Research
17 Commission.

18 (c) The Office of Education Accountability shall have the following duties and
19 responsibilities:

- 20 1. Monitor the elementary and secondary public education system,
21 including actions taken and reports issued by the Kentucky Board of
22 Education, the Education Professional Standards Board, the
23 commissioner of education, the Department of Education, and local
24 school districts. Upon and under the direction of the Education
25 Assessment and Accountability Review Subcommittee, the monitoring
26 of the elementary and secondary public education system shall also
27 include periodic reviews of local district and school-based decision

1 making policies relating to the recruitment, interviewing, selection,
2 evaluation, termination, or promotion of personnel. The office shall
3 report any district or school when evidence demonstrates a pattern of
4 exclusionary personnel practices relating to race or sex to the Kentucky
5 Department of Education, which shall then independently investigate
6 facts raised in or associated with the report. The results of the
7 investigation conducted by the department shall be forwarded to the
8 Kentucky Board of Education which shall conduct an investigative
9 hearing on the matter.

10 2. Upon and under the direction of the Education Assessment and
11 Accountability Review Subcommittee, review the elementary and
12 secondary public education finance system. The review shall include an
13 analysis of the level of equity achieved by the funding system and
14 whether adequate funds are available to all school districts and an
15 analysis of the weights of various education program components
16 developed by the Department of Education. The review may also
17 include recommendations for the base per pupil funding for the Support
18 Education Excellence in Kentucky Program and a statewide salary
19 schedule, and studies of other finance issues identified by the Education
20 Assessment and Accountability Review Subcommittee.

21 3. Upon and under the direction of the Education Assessment and
22 Accountability Review Subcommittee, verify the accuracy of reports of
23 school, district, and state performance by conducting, requesting, or
24 upon approval of the Legislative Research Commission, contracting for
25 periodic program and fiscal audits. Upon and under the direction of the
26 Education Assessment and Accountability Review Subcommittee, the
27 Office of Education Accountability shall monitor and verify the

1 accuracy of reports of the Department of Education and the Kentucky
2 Board of Education, including but not limited to the annual fiscal
3 conditions of grants, categorical programs, and other educational
4 initiatives set forth by the General Assembly.

- 5 4. Investigate allegations of wrongdoing of any person or agency,
6 including but not limited to waste, duplication, mismanagement,
7 political influence, and illegal activity at the state, regional, or school
8 district level; make appropriate referrals to other agencies with
9 jurisdiction over those allegations; and make recommendations for
10 legislative action to the Education Assessment and Accountability
11 Review Subcommittee. Upon acceptance by the subcommittee,
12 recommendations for legislative action shall be forwarded to the
13 Legislative Research Commission. The Office of Education
14 Accountability shall submit to the subcommittee, for each of its regular
15 meetings, a report that summarizes investigative activity initiated
16 pursuant to this subparagraph. The subcommittee may consider each
17 report as it determines and in its discretion. Each report, and the
18 consideration thereof by the subcommittee, shall be exempt from the
19 open records and open meetings requirements contained in KRS Chapter
20 61.

- 21 5. Upon and under the direction of the Education Assessment and
22 Accountability Review Subcommittee, conduct studies, analyze, verify,
23 and validate the state assessment program through other external
24 indicators of academic progress including but not limited to American
25 College Test scores, Scholastic Assessment Test scores, National
26 Assessment of Educational Progress scores, Preliminary Scholastic
27 Assessment Test scores, Advanced Placement Program participation,

1 standardized test scores, college remediation rates, retention and
2 attendance rates, dropout rates, and additional available data on the
3 efficiency of the system of schools and whether progress is being made
4 toward attaining the goal of providing students with the seven (7)
5 capacities as required by KRS 158.645.

- 6 6. Make periodic reports to the Education Assessment and Accountability
7 Review Subcommittee as directed by the subcommittee. Upon
8 acceptance by the subcommittee, the reports shall be forwarded to the
9 Legislative Research Commission.
- 10 7. Make periodic reports to the Legislative Research Commission as may
11 be directed by the Commission.
- 12 8. Prepare an annual report, which shall consist of a summary of the status
13 and results of the current year annual research agenda provided in
14 paragraph (d) of this subsection, a summary of completed investigative
15 activity conducted pursuant to subparagraph 4. of this paragraph, and
16 other items of significance as determined by the Education Assessment
17 and Accountability Review Subcommittee. The annual report shall be
18 submitted to the Education Assessment and Accountability Review
19 Subcommittee. Upon acceptance by the subcommittee, the annual report
20 shall be submitted to the Governor, the Legislative Research
21 Commission, and the Kentucky Board of Education.

- 22 (d) On or before December 1 of each calendar year, the Education Assessment
23 and Accountability Review Subcommittee shall adopt the annual research
24 agenda for the Office of Education Accountability. The annual research
25 agenda may include studies, research, and investigations considered to be
26 significant by the Education Assessment and Accountability Review
27 Subcommittee. Staff of the Office of Education Accountability shall prepare a

1 suggested list of study and research topics related to elementary and
2 secondary public education for consideration by the Education Assessment
3 and Accountability Review Subcommittee in the development of the annual
4 research agenda. An adopted annual research agenda shall be amended to
5 include any studies mandated by the next succeeding General Assembly for
6 completion by the Office of Education Accountability.

7 (e) The Office of Education Accountability shall have access to all public records
8 and information on oath as provided in KRS 7.110. The office shall also have
9 access to otherwise confidential records, meetings, and hearings regarding
10 local school district personnel matters. However, the office shall not disclose
11 any information contained in or derived from the records, meetings, and
12 hearings that would enable the discovery of the specific identification of any
13 individual who is the focus or subject of the personnel matter.

14 (f) In compliance with KRS 48.800, 48.950, and 48.955, the Finance and
15 Administration Cabinet and the Governor's Office for Policy and Management
16 shall provide to the Office of Education Accountability access to all
17 information and records, other than preliminary work papers, relating to
18 allotment of funds, whether by usual allotment or by other means, to the
19 Department of Education, local school districts, and to other recipients of
20 funds for educational purposes.

21 (g) Any state agency receiving a complaint or information which, if accurate,
22 may identify a violation of the Kentucky Education Reform Act of 1990, 1990
23 Ky. Acts ch. 476, shall notify the office of the complaint or information.

24 (h) The Office of Education Accountability may contract for services as approved
25 by the Legislative Research Commission pursuant to KRS 7.090(8).

26 (3) The provisions of KRS 61.878 or any other statute, including Acts of the 1992
27 Regular Session of the General Assembly to the contrary notwithstanding, the

1 testimony of investigators, work products, and records of the Office of Education
2 Accountability relating to duties and responsibilities under subsection (2) of this
3 section shall be privileged and confidential during the course of an ongoing
4 investigation or until authorized, released, or otherwise made public by the Office
5 of Education Accountability and shall not be subject to discovery, disclosure, or
6 production upon the order or subpoena of a court or other agency with subpoena
7 power.

8 ➔Section 26. KRS 157.360 is amended to read as follows:

9 (1) (a) In determining the cost of the program to support education excellence in
10 Kentucky, the statewide guaranteed base funding level, as defined in KRS
11 157.320, shall be computed by dividing the amount appropriated for this
12 purpose by the prior year's statewide average daily attendance.

13 (b) When determining the biennial appropriations for the program, the average
14 daily attendance for each fiscal year shall include an estimate of the number
15 of students graduating early under the provisions of KRS 158.142.

16 (2) Each district shall receive an amount equal to the base funding level for each pupil
17 in average daily attendance in the district in the previous year, except a district shall
18 receive an amount equal to one-half (1/2) of the state portion of the average
19 statewide per pupil guaranteed base funding level for each student who graduated
20 early under the provisions of KRS 158.142. Each district's base funding level shall
21 be adjusted by the following factors:

22 (a) The number of at-risk students in the district. At-risk students shall be
23 identified as those approved for the free lunch program under state and federal
24 guidelines. The number of at-risk students shall be multiplied by a factor to be
25 established by the General Assembly. Funds generated under this paragraph
26 may be used to pay for:

27 1. Alternative programs for students who are at risk of dropping out of

- 1 school before achieving a diploma; and
- 2 2. A hazardous duty pay supplement as determined by the local board of
- 3 education to the teachers who work in alternative programs with
- 4 students who are violent or assaultive;
- 5 (b) The number and types of exceptional children in the district as defined by
- 6 KRS 157.200. Specific weights for each category of exceptionality shall be
- 7 used in the calculation of the add-on factor for exceptional children; and
- 8 (c) Transportation costs. The per-pupil cost of transportation shall be calculated
- 9 as provided by KRS 157.370. Districts which contract to furnish
- 10 transportation to students attending nonpublic schools may adopt any payment
- 11 formula which ensures that no public school funds are used for the
- 12 transportation of nonpublic students.
- 13 (3) Beginning with the 2015-2016 school year and each year thereafter, the General
- 14 Assembly shall annually allocate funds equal to one-half (1/2) of the state portion
- 15 of the average statewide per pupil guaranteed base funding level for each student
- 16 who graduated early under the provisions of KRS 158.142 the previous school year
- 17 to the Kentucky Higher Education Assistance Authority for deposit in the early
- 18 graduation scholarship trust fund.
- 19 (4) The program to support education excellence in Kentucky shall be fully
- 20 implemented by the 1994-95 school year.
- 21 (5) (a) The commissioner of education shall enforce maximum class sizes in every
- 22 academic course requirement for kindergarten through grade one (1).
- 23 Except as provided in subsection (6) of this section, the maximum number
- 24 of pupils enrolled in a class shall be as follows:
- 25 1. Twenty-four (24) in all academic content area classes; and
- 26 2. At the discretion of the district in vocal and instrumental music and
- 27 physical education classes.

1 **(b)** Except for those schools which have implemented school-based decision
2 making, the commissioner of education shall enforce maximum class sizes for
3 every academic course requirement in ~~all~~ grades **two (2) through twelve (12)**
4 except in vocal and instrumental music~~,~~ and physical education classes.
5 Except as provided in subsection (6) of this section, the maximum number of
6 pupils enrolled in a class shall be as follows:

- 7 1. Twenty-four (24) in **grades two (2) and three (3)**~~[primary grades~~
8 ~~(kindergarten through third grade)]~~;
- 9 2. Twenty-eight (28) in grade four (4);
- 10 3. Twenty-nine (29) in grades five (5) and six (6); **and**
- 11 4. Thirty-one (31) in grades seven (7) to twelve (12).

12 **(c)**~~(b)~~ Except for those schools which have implemented school-based decision
13 making, Class size loads for middle and secondary school classroom teachers
14 shall not exceed the equivalent of one hundred fifty (150) pupil hours per day.

15 **(d)**~~(c)~~ The commissioner of education, upon approval of the Kentucky Board
16 of Education, shall adopt administrative regulations for enforcing this
17 provision. These administrative regulations shall include procedures for a
18 superintendent to request an exemption from the Kentucky Board of
19 Education when unusual circumstances warrant an increased class size for an
20 individual class. A request for an exemption shall include specific reasons for
21 the increased class size with a plan for reducing the class size prior to the
22 beginning of the next school year. A district shall not receive in any one (1)
23 year exemptions for more classes than enroll twenty percent (20%) of the
24 pupils in the primary grades and grades four (4) through eight (8).

25 **(e)**~~(d)~~ In all schools the commissioner of education shall enforce the special
26 education maximum class sizes set by administrative regulations adopted by
27 the Kentucky Board of Education. A superintendent may request an

1 exemption pursuant to paragraph ~~(d)~~~~(e)~~ of this subsection. A local school
2 council may request a waiver pursuant to KRS 156.160(2). An exemption or
3 waiver shall not be granted if the increased class size will impede any
4 exceptional child from achieving his or her individual education program in
5 the least restrictive environment.

6 (6) In grades four (4) through six (6) with combined grades, the maximum class size
7 shall be the average daily attendance upon which funding is appropriated for the
8 lowest assigned grade in the class. There shall be no exceptions to the maximum
9 class size for combined classes. In combined classes other than the primary grades,
10 no ungraded students shall be placed in a combined class with graded students. In
11 addition, there shall be no more than two (2) consecutive grade levels combined in
12 any one (1) class in grades four (4) through six (6). However, this shall not apply to
13 schools which have implemented school-based decision making.

14 (7) If a local school district, through its admission and release committee, determines
15 that an appropriate program in the least restrictive environment for a particular child
16 with a disability includes either part-time or full-time enrollment with a private
17 school or agency within the state or a public or private agency in another state, the
18 school district shall count as average daily attendance in a public school the time
19 that the child is in attendance at the school or agency, contingent upon approval by
20 the commissioner of education.

21 (8) Pupils attending a center for child learning and study established under an
22 agreement pursuant to KRS 65.210 to 65.300 shall, for the purpose of calculating
23 average daily attendance, be considered as in attendance in the school district in
24 which the child legally resides and which is party to the agreement. For purposes of
25 subsection (1) of this section, teachers who are actually employees of the joint or
26 cooperative action shall be considered as employees of each school district which is
27 a party to the agreement.

- 1 (9) Program funding shall be increased when the average daily attendance in any
2 district for the first two (2) months of the current school year is greater than the
3 average daily attendance of the district for the first two (2) months of the previous
4 school year. The program funds allotted the district shall be increased by the
5 percent of increase. The average daily attendance in kindergarten is the
6 kindergarten full-time equivalent pupils in average daily attendance.
- 7 (10) If the average daily attendance for the current school year in any district decreases
8 by ten percent (10%) or more than the average daily attendance for the previous
9 school year, the average daily attendance for purposes of calculating program
10 funding for the next school year shall be increased by an amount equal to two-thirds
11 ($\frac{2}{3}$) of the decrease in average daily attendance. If the average daily attendance
12 remains the same or decreases in the succeeding school year, the average daily
13 attendance for purposes of calculating program funding for the following school
14 year shall be increased by an amount equal to one-third ($\frac{1}{3}$) of the decrease for the
15 first year of the decline.
- 16 (11) If the percentage of attendance of any school district shall have been reduced more
17 than two percent (2%) during the previous school year, the program funding
18 allotted the district for the current school year shall be increased by the difference in
19 the percentage of attendance for the two (2) years immediately prior to the current
20 school year less two percent (2%).
- 21 (12) (a) Instructional salaries for vocational agriculture classes shall be for twelve (12)
22 months per year. Vocational agriculture teachers shall be responsible for the
23 following program of instruction during the time period beyond the regular
24 school term established by the local board of education: supervision and
25 instruction of students in agriculture experience programs; group and
26 individual instruction of farmers and agribusinessmen; supervision of student
27 members of agricultural organizations who are involved in leadership training

1 or other activity required by state or federal law; or any program of vocational
2 agriculture established by the Department of Education. During extended
3 employment, no vocational agriculture teacher shall receive salary on a day
4 that the teacher is scheduled to attend an institution of higher education class
5 which could be credited toward meeting any certification requirement.

6 (b) Each teacher of agriculture employed shall submit an annual plan for summer
7 program to the local school superintendent for approval. The summer plan
8 shall include a list of tasks to be performed, purposes for each task, and time
9 to be spent on each task. Approval by the local school superintendent shall be
10 in compliance with the guidelines developed by the Department of Education.
11 The supervision and accountability of teachers of vocational agriculture's
12 summer programs shall be the responsibility of the local school
13 superintendent. The local school superintendent shall submit to the
14 commissioner of education a completed report of summer tasks for each
15 vocational agriculture teacher. Twenty percent (20%) of the approved
16 vocational agriculture programs shall be audited annually by the State
17 Department of Education to determine that the summer plan has been properly
18 executed.

19 (13) (a) In allotting program funds for home and hospital instruction, statewide
20 guaranteed base funding, excluding the capital outlay, shall be allotted for
21 each child in average daily attendance in the prior school year who has been
22 properly identified according to Kentucky Board of Education administrative
23 regulations. Attendance shall be calculated pursuant to KRS 157.270 and shall
24 be reported monthly on forms provided by the Department of Education; and

25 (b) Pursuant to administrative regulations of the Kentucky Board of Education,
26 local school districts shall be reimbursed for home and hospital instruction for
27 pupils unable to attend regular school sessions because of short-term health

1 impairments. A reimbursement formula shall be established by administrative
2 regulations to include such factors as a reasonable per hour, per child
3 allotment for teacher instructional time, with a maximum number of funded
4 hours per week, a reasonable allotment for teaching supplies and equipment,
5 and a reasonable allotment for travel expenses to and from instructional
6 assignments, but the formula shall not include an allotment for capital outlay.
7 Attendance shall be calculated pursuant to KRS 157.270 and shall be reported
8 annually on forms provided by the Department of Education.

9 (14) Except for those schools which have implemented school-based decision making
10 and the school council has voted to waive this subsection, kindergarten aides shall
11 be provided for each twenty-four (24) full-time equivalent kindergarten students
12 enrolled.

13 (15) Effective July 1, 2001, there shall be no deduction applied against the base funding
14 level for any pupil in average daily attendance who spends a portion of his or her
15 school day in a program at a state-operated career and technical education or
16 vocational facility.

17 (16) During a fiscal year, a school district may request that the Department of Education
18 recalculate its funds allocated under this section if the current year average daily
19 attendance for the twenty (20) day school month as defined in KRS 158.060(1) that
20 contains the most days within the calendar month of January exceeds the prior year
21 adjusted average daily attendance plus growth by at least one percent (1%). Any
22 adjustments in the allotments approved under this subsection shall be proportional
23 to the remaining days in the school year and subject to available funds under the
24 program to support education excellence in Kentucky.

25 (17) To calculate the state portion of the program to support education excellence in
26 Kentucky for a school district, the Department of Education shall subtract the local
27 effort required under KRS 157.390(5) from the calculated base funding under the

1 program to support education excellence in Kentucky, as required by this section.
2 The value of the real estate used in this calculation shall be the lesser of the current
3 year assessment or the prior year assessment increased by four percent (4%) plus
4 the value of current year new property. The calculation under this subsection shall
5 be subject to available funds.

6 (18) Notwithstanding any other statute or budget of the Commonwealth language to the
7 contrary, time missed due to shortening days for emergencies may be made up by
8 lengthening school days in the school calendar without any loss of funds under the
9 program to support education excellence in Kentucky.

10 ➔Section 27. KRS 157.195 is amended to read as follows:

11 The General Assembly declares that all students of the Commonwealth have a right to an
12 appropriate and quality education in the public schools and the right to achieve the
13 capacities and goals under KRS 158.645. The General Assembly challenges all school
14 personnel to take the necessary action to help each individual student complete
15 elementary and secondary school with the capacities to transition successfully to adult
16 life.

17 ➔Section 28. KRS 158.6450 is amended to read as follows:

18 (1) The General Assembly hereby finds that knowledge of procedures for voter
19 registration and participation in elections is essential for all Kentucky students to
20 acquire the capacities established in subsections (2)(b) and (d) of Section 1 of this
21 Act~~[KRS 158.645(2) and (4)]~~. Instruction in election procedures is consistent with
22 the goals of responsible citizenship established in KRS 158.6451.

23 (2) Every secondary school shall provide students in the twelfth grade information on:

- 24 (a) How to register to vote;
25 (b) How to vote in an election using a ballot; and
26 (c) How to vote using an absentee ballot.

27 (3) A school may provide this information through classroom activities, written

1 materials, electronic communication, internet resources, participation in mock
2 elections, and other methods identified by the principal after consulting with
3 teachers.