

SENATE BILL 1 HIGHLIGHTS 2009 SESSION OF THE KENTUCKY GENERAL ASSEMBLY

Senate Bill 1 (SB 1) was introduced in the 2009 regular session of the Kentucky General Assembly by Senator Ken Winters and co-sponsored by Senators David Williams, Dan Kelly, Vernie McGaha, Katie Stine, Damon Thayer and Jack Westwood.

The bill directed a revamping of the state's assessment and accountability system, revising the following statutes:

- Section 1: [KRS 158.6451](#)
- Section 2: [KRS 158.6453](#)
- Section 3: [KRS 158.6452](#)
- Section 4: [KRS 158.6455](#)
- Section 5: [KRS 158.6458](#)
- Section 6: [KRS 158.6459](#)
- Section 7: [KRS 158.649](#)
- Section 8: [KRS 156.095](#)
- Section 9: [KRS 158.816](#)
- Section 10: [KRS 159.035](#)
- Section 11: [KRS 158.805](#)
- Section 12: [KRS 160.345](#)
- Section 13: [KRS 164.020](#)
- Section 14: [KRS 164.7874](#)

Section 15 of SB 1 also created a new statute – [KRS 164.302](#) – which directs Kentucky postsecondary institutions to plan and implement a process to develop core academic content standards for reading and mathematics for introductory courses.

SB 1 Section Highlights

Section 1 amends KRS 158.6451 to include an additional capacity for students within the General Assembly's declaration of what students should be able to do. The new capacity is related to arts education and mandates that students shall express their creative talents and interests in visual arts, music, dance and dramatic arts.

Section 2 amends KRS 158.6453 to revise the statewide assessment program to be implemented during the 2011-12 school year. The change adds definitions for a variety of terms, including accelerated learning; criterion-referenced test; end-of-course examination; formative assessment; interim assessments; and national norm-referenced test.

Academic Standards

Section 2 also requires that the Kentucky Department of Education (KDE), in collaboration with the Council on Postsecondary Education (CPE), plan and implement a comprehensive process for revising the academic content standards in all areas. Input from teachers, postsecondary faculty and others must be used in the revisions, and national standards (where available) must be considered.

The new standards also must be aligned with entry-level college course requirements and be included in teacher preparation programs, so that teachers will know how to use them.

Assessment

Section 2 mandates revisions to the annual statewide assessment program for implementation in the 2011-12 school year. The section provides that:

- Writing portfolios will be required as instructional tools, but removes the writing portfolio from being scored as part of the student assessment results and prohibits individual student scores from being included in the accountability system, starting with spring 2009 and thereafter.
- Students will not be tested in arts & humanities and practical living/career studies as part of the state assessments starting in the 2008-09 school year and thereafter.
- Beginning in 2011-12, the assessment program will consist of annual student assessments and state and local program reviews and audits in writing, practical living/career studies and arts & humanities.
- Formative and summative assessments are enabled.

Section 2 also restates the purposes of the assessment and accountability system to include the subject areas tested; diagnostic information use; national comparisons; longitudinal student data; use of data by teachers; use for school accountability; and the system's compliance with the federal No Child Left Behind (NCLB) Act.

The new system will include a variety of tests:

- Criterion-Referenced Test – an assessment that determines how well a student has learned a particular set of knowledge and skills, or standards.
- Norm-Referenced Test – an assessment that enables comparisons of a student's performance to the performance of other students.
- On-Demand – an assessment in which students are presented with a "prompt" (a question or scenario), then asked to write about that.
- Multiple-Choice/Constructed Response – an assessment that includes both multiple-choice and "short-answer" questions.
- Diagnostic Assessments -- used to determine the current level of knowledge and skill of students.

Section 2 lists the tests required under the new system.

TYPE OF TEST	SUBJECTS TESTED	GRADES TESTED	NOTES
Criterion-Referenced	reading, language, mathematics	3-8	augmented with a customized or commercially available norm-referenced test
Criterion-Referenced	science, social studies	once each in elementary and middle school	augmented with a customized or commercially available norm-referenced test
On-Demand	writing	once in elementary; twice in middle; twice in high school	

TYPE OF TEST	SUBJECTS TESTED	GRADES TESTED	NOTES
Multiple-Choice/Constructed Response	writing editing and mechanics	once each in elementary, middle and high	
Criterion-Referenced	mathematics, reading, science	once in high school	
Criterion-Referenced	social studies	once in high school	augmented with a customized or commercially available norm-referenced test
High School Readiness	English, reading, mathematics, science	8 (with option to move to 9th grade)	Kentucky uses EXPLORE for this purpose.
College Readiness	English, reading, mathematics, science	10	Kentucky uses PLAN for this purpose.
ACT	English, reading, mathematics, science	11	Kentucky tests all public school juniors with ACT.
Diagnostic Assessments	reading and mathematics readiness	elementary (P-2)	Commercial products or locally produced products and procedures may be used.

The Kentucky Board of Education (KBE) may use end-of-course assessments in the assessment program instead of criterion-referenced tests.

The new system also must include a technically sound longitudinal comparison of the assessment results for the same students and any other components necessary to comply with NCLB.

Program Reviews

Section 2 also describes Program Reviews in writing, practical living/career studies and arts & humanities. Writing portfolios are required to be a collection of students' work samples, but the school-based decision making council determines the writing program and adopts policies as specified in the legislation.

Other Components

Other components of Section 2 include:

- changing the testing window to the last 14 days of a school district's academic calendar and limits testing to five days; requires the KBE to promulgate administrative regulations for test procedures including makeup testing
- reporting of assessment results, beginning in the fall of 2012, to be no later than 75 days following the first day the assessment can be administered

- revision of the Administration Code for Kentucky's Assessment Program by the KBE to include prohibitions of inappropriate test preparation by school district employees charged with test administration and oversight, including but not limited to the issue of teachers being required to do test practice in lieu of regular classroom instruction and test practice outside the normal work day; the revisions shall include disciplinary sanctions that may be taken toward a school or individuals
- a provision that school districts may purchase and use commercial interim assessments or formative assessments or locally develop and use formative assessments
- accelerated learning for any student whose scores on any of the assessments indicated skill deficiency or strengths
- counseling for students who score high on college readiness exams to encourage enrollment in accelerated courses
- alignment of core content at all levels, including the alignment of high school academic core content with the expectations for postsecondary education study
- an individual report to parents on the achievement of their children compared to school, state and national results, including information that identifies strengths and academic deficiencies

Section 3 amends KRS 158.6452 relating to the School, Curriculum, Assessment, and Accountability Council (SCAAC). The change requires that SCAAC make recommendations concerning Kentucky's system for identifying academic skills and deficiencies of individual students.

Section 4 amends KRS 158.6455 relating to the statewide accountability system, deleting language relating to rewards and references to the Commonwealth Accountability Testing System (CATS). The section also requires that the KBE determine how the results of the revised assessments that are administered in the 2011-12 and 2012-13 school years will be used in classifying schools. The KBE must revise the accountability system using the new assessments. The accountability system will include the use of Program Review results, students' academic performance, school improvement results and other factors deemed appropriate by the board.

Section 5 amends KRS 158.6458 and directs KDE to maintain and strengthen Program Reviews.

Section 6 amends KRS 158.6459, making a technical internal reference change.

Section 7 amends KRS 158.649 to require that, beginning with the 2012-13 school year, reporting of student performance data to local schools must be completed no later than 75 days from the first day the assessment may be administered, instead of November 1.

Section 7 also requires that, beginning with the 2012-13 school year, school councils must develop biennial targets for eliminating achievement gaps by October 1 each year. Also, beginning in the 2012-13 school year, data review and revisions to consolidated plans must be completed by October 1 of each year.

Section 8 amends KRS 156.095 to make conforming changes and delete obsolete language related to discarded practices. The section also mandates that professional development programs must be made available to teachers based on their needs and may include, but are not limited to:

- strategies to reduce the achievement gaps among various groups of students and to

- provide continuous progress
- curriculum content and methods of instruction for each content area including differentiated instruction
- school-based decision making
- assessment literacy
- integration of performance-based student assessment into daily classroom instruction
- nongraded primary programs
- research-based instructional practices
- instructional uses of technology
- curriculum design to serve the needs of students with diverse learning styles and skills and of students of diverse cultures
- instruction in reading, including-phonics, phonemic awareness, comprehension, fluency and vocabulary
- educational leadership
- strategies to incorporate character education throughout the curriculum

Section 9 amends KRS 158.816 to change "Commonwealth Accountability Testing System" to "state assessment."

Sections 10, 11 and 12 amend KRS 159.035, 158.805 and 160.345 to conform with new requirements.

Section 13 amends KRS 164.020 to add a responsibility to the Council on Postsecondary for participating with the KDE, KBE and the postsecondary education institutions in the alignment of high school academic content standards with the academic content requirements for successful entry into postsecondary education. The section also adds training responsibility.

Section 14 amends KRS 164.7874 to make conforming amendments.

Section 15 creates a new section of KRS Chapter 164. The new statute requires that each postsecondary education institution shall plan and implement a process to develop core academic content standards for reading and mathematics for introductory courses in the public postsecondary education institutions.

Section 16 describes the removal of the writing portfolio from the accountability index for the 2008-09, 2009-10 and 2010-11 school years and what is required during the transition period. It also requires school-based decision making councils to determine the writing program for schools and requires KDE to provide guidelines and Program Review requirements.

Section 17 requires that the Education Professional Standards Board and the Kentucky Department of Education take actions during the 2009 and 2010 calendar years to improve teachers' ability to teach writing. The section describes responsibilities for review of teacher preparation requirements and professional development opportunities and training for school administrators.

Section 18:

- sets forth the conditions during the transition period from the existing assessment and accountability system
- suspends the calculation of a state accountability index for 2008-09, 2009-10 and 2010-2011
- requires all necessary assessments and reporting be continued in order to comply with NCLB

- requires the Kentucky Department of Education to develop and implement an interim program assessment process for writing, practical living/career studies and arts & humanities
- permits the use of test items based on the revised mathematics academic content standards to be field-tested in 2009-2010 testing cycle and to administer an initial mathematics test based on the revised standards during the 2010-11 school year

Section 19:

- sets forth the interim testing program for the 2008-09 through the 2010-11 school years, which must include the current Kentucky criterion-referenced test, excluding tests for arts & humanities, practical living/career studies and writing portfolios
- requires that during the 2009-10 and the 2010-11 academic years, in addition to the Kentucky criterion-referenced test, there shall be a new stand-alone norm-referenced test in reading and mathematics in grades 3 through 7
- requires the testing window for the criterion-referenced test be no more than seven days in 2008-09 and no more than six days during the 2009-10 and 2010-11 school years, with additional make-up days as determined by KBE
- requires KDE to provide each district with test booklets and scoring sheets during the 2008-09 school year for arts & humanities and practical living/career studies that may be used by the school district for a local formative or summative evaluation
- requires that, during the 2009-10 and the 2010-11 academic years, the new stand-alone norm-referenced test in reading and mathematics in grades 3 through 7 be given during the one week before or the one week after the established testing window

Section 20 requires the KDE and KBE to facilitate an extensive review of how exceptional children's needs are being met through the student assessment process and how student assessment requirements for exceptional children potentially hamper or enhance intellectual and emotional growth of individual students. The agencies shall assess how current assessment procedures for exceptional children and the reporting requirements affect school performance classifications and if changes are needed.

Section 21 directs the CPE, KBE and KDE to develop a unified strategy by May 15, 2010, to reduce college remediation rates by at least 50 percent by 2014 from the 2010 rates and increase the college completion rates of students enrolled in one or more remedial classes by three percent annually from 2009-2014. In developing the plan, the agencies shall determine whether current requirements for assessing college readiness at the high school level are providing needed information and whether additional diagnostic assessment, particularly in mathematics, are needed. This section also requires annual reporting.

Section 22 directs KDE to communicate to schools and school districts that decisions about mathematics textbook purchases may be delayed until the revised mathematics content standards are revised and that the department allow off-list purchases in order to ensure that textbooks selected align with the revised standards.

Section 23 declares an emergency.