

Approved March 4, 1991 (3:00 p.m.
Date meeting)

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by SENATOR JOSEPH C. HARDER at
Chairperson

1:30 ~~xxx~~ p.m. on Tuesday, February 12, 1991 in room 123-S of the Capitol.

All members were present except:

Committee staff present:

Mr. Ben Barrett, Legislative Research Department
Ms. Avis Swartzman, Revisor of Statutes
Mr. Dale Dennis, Assistant Commissioner of Education
Mrs. Millie Randell, Committee Secretary

Conferees appearing before the committee:

SB 107 - Educational excellence grant program; relating to school district cooperative and interlocal cooperation agreements for development and maintenance of plans.

Proponents:

Mr. Mark Tallman, Coordinator of Public Relations, Kansas Association of School Boards
Mr. Chuck Stuart, legislative liaison, United School Administrators of Kansas
Dr. Stuart Berger, superintendent of USD 259 public schools, Wichita

Comments:

Mr. Craig Grant, Director of Political Action, Kansas-National Education Association
Ms. Helen Stephens, representing USD 229, Blue Valley and USD 501, Topeka

After calling the meeting to order, Chairman Joseph C. Harder announced that following the hearing on SB 107, relating to the educational excellence grant program, Dr. John Myers and Mr. Terry Whitney from the National Council of State Legislatures, will make a presentation to the Committee on school finance, an issue which the Committee soon will be considering.

The Chair then called upon the first conferee to speak in support of SB 107, Mr. Mark Tallman, Coordinator of Public Relations, Kansas Association of School Boards, who affirmed that SB 107 "would encourage cooperation among districts without prohibiting single district grants, when appropriate". (Attachment 1)

When Mr. Chuck Stuart, United School Administrators, testified in support of SB 107, he pointed out that the bill does not automatically eliminate from consideration the individual district that is large enough or unique enough to submit its own grant proposal. Mr. Stuart felt SB 107 provides for an improvement in the grant application and award process and urged passage of SB 107. (Attachment 2)

Dr. Stuart Berger, superintendent of Wichita Public Schools, USD 259, stated that although he strongly supports the intent of SB 107, he does not agree with the process for awarding grants. He said he opposes the suggested amendment which would give priority status to interlocals which submit grants. (Attachment 3) Replying to a question, Dr. Berger stated that USD 259 has made recommendations to expand the board which reviews the grant applications.

Mr. Craig Grant, Director of Political Action, Kansas-National Education Association, stated that although his organization is not opposed to SB 107 or to its concept, his concern relates to funding for the program. Mr. Grant said he felt that the program would become a "catch all" for funding programs that cannot get funding through other means. Mr. Grant

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,
room 123-S, Statehouse, at 1:30 ~~xxx~~/p.m. on Tuesday, February 12, 1991

urged that sufficient funding be allotted to the program so as to give it more consistent direction. (Attachment 4)

Ms. Helen Stephens, representing Blue Valley, USD 229, stated that she also was speaking on behalf of USD 501, Topeka. Ms. Stephens affirmed that although she believes the concept of SB 107 is an important enhancement to the education excellence program, she would urge the Committee to delete or amend the priority language in Sec. 2 (d) on page three of SB 107 to reflect that all districts which apply will be given equal consideration. (Attachment 5)

Following a call for additional conferees, the Chair announced that the hearing on SB 107 was concluded and that the bill would be taken under advisement.

Senator Frahm moved, and Senator Allen seconded the motion to approve minutes of February 1 and February 6. The minutes were approved.

The Chair welcomed Dr. John Myers, education program director, and Mr. Terry Whitney, education facility associate, National Conference of State Legislatures, to the Committee.

Dr. Myers explained that Mr. Whitney and he had been invited to make a presentation to the House Education Committee today and would use the same basic format, except for video, that they plan to use at their presentation to that Committee.

Attachments distributed by Dr. Myers and Mr. Whitney included their agenda on Educational Accountability, (Attachment 6); an explanation of the NCSL education program, "NCSL Education Program Highlights - 1990", (Attachment 7); School Finance Litigation (Attachment 8); Accountability Methods (Attachment 9); and copies of House Bill No. 940 by the General Assembly, Commonwealth of Kentucky (Attachment 10).

Dr. Myers explained that their presentation relates to two main topics: accountability and school finance. He said that NCSL is very concerned and cognizant of what state legislatures are doing in the field of school finance and follow school finance litigation proceedings occurring throughout the country.

Dr. Myers turned the meeting over to Mr. Whitney, who explained in more detail the school finance litigation maps that had been distributed. (Attachment 8)

Dr. Myers noted that when legislatures initiate major changes in funding or school finance laws following rulings on school finance court cases, the issues of accountability, school reform, and educational improvement are tied together with those changes. Dr. Myers noted that Kentucky was forced to make some of the most dramatic changes ever in response to its school finance court case. Mr. Whitney explained the changes more fully. (See Attachment 10)

Dr. Myers emphasized the importance of setting long range goals and recommended that legislatures refer to the goals recommended by the President and the National Governors' Association.

Responding to a question regarding "choice", Mr. Whitney replied that it is too early to tell what positive impact this might afford. Dr. Myers replied that, generally speaking, the money follows the student but commented that this method would be more difficult in Kansas. He explained further problems that could arise using the "choice" method of school assignment. Dr. Myers also replied that a receiving district can refuse entrance of a "choice" candidate for various reasons.

Dr. Myers stated that according to research literature there are basically
Page 2 of 3

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,
room 123-S, Statehouse, at 1:30 ~~xxx~~ p.m. on Tuesday, February 12, 1991

four methods of school district control: Administrative (prevalent in Kansas); professional control (administrators and teachers); political control (typically in states where you have more policy control); and market forces. He said that states which have a mixture of the foregoing seem to have more accountability.

Dr. Myers commented that in looking at various school finance systems across the country, he thought Kansas looked pretty good; although there are some things that can be done. He noted differences in expenditure levels as they relates to enrollment categories.

Dr. Myers informed members that Mr. Whitney and he would be available today and tomorrow to visit with members. The Chair thanked Dr. Myers and Mr. Whitney for meeting with the Committee today, and he thanked those conferees who had testified previously. He then adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Tuesday, February 12, 1991

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Elise C. Piebenger	4010 W. 57th St S.M., KS 66205	Senate Page
Brook Spaulding	5331 Oakwood Rd S.M., KS 66203	Senate Page
Craig Grant	Topeka	K-NEA
T.W. Whitney	1560 Broadway Suite 700 Denver, CO	NCSL
John John Myers	80202	"
Selen Stephens	Topeka	USD 229
Yvonne Gorman	Lawrence	AP
Stuart Berger	Wichita	U.S.D. 259
Kathryn Depant	Wichita	USD 259
Ruben Nichols	Wichita	USD 259
Katie Cook	Salina	High School Student
Ray Colles	Topeka	KNEA
Craig Grant	"	KNEA
Berry Madusa	Topeka	USA
Jim Yovally	Shawnee Mission	USD #512
Chuck Stuart	Topeka	U.S.A.
Mark Tallman	Topeka	KASIE
Bill Mused	Murray, Mo	St. Bd of Ed
Naiye Apt	Topeka	USD #500
Don Hermes	TOPEKA	BUDGET



Testimony on S.B. 107
before the
Senate Committee on Education

by

MARK TALLMAN
Coordinator of Governmental Relations

Kansas Association of School Boards

February 12, 1991

Mr. Chairman, members of the committee, I appreciate the opportunity to express the views of Kansas school boards on SB 107, which would encourage the development of cooperative and interlocal agreements for the educational excellence grant program.

As long as funding for educational programs is limited, schools must make the most efficient use of every dollar available to them. In many instances, cooperative or interlocal agreements are effective ways to maximize resources, and it seems logical to extend this principle to the grant program. SB 107 would encourage cooperation among districts, without prohibiting single district grants when appropriate.

KASB supports the passage of SB 107, and urge you to report it favorably.

EDUC
2/12/91
A 1



SB 107

Testimony presented before the Senate Committee on Education
by Charles L. "Chuck" Stuart, Legislative Liaison
United School Administrators of Kansas

February 12, 1991

Mr. Chairman and members of the committee, United School Administrators of Kansas supports SB 107.

Allowing grants directly to cooperatives or interlocals for developing and maintaining educational enhancement plans and/or assistance plans for at-risk students should be a significant improvement for smaller school districts. The writing of a single grant application for a number of school districts should be more effective than each district submitting a grant application.

Using the "endeavors of a school district to enter into cooperative agreements for joint development and maintenance of a plan" as a measure in the evaluation process should bring more schools into the application process. Although this is one of the criteria to be used, it certainly does not automatically eliminate from consideration the individual district that is large enough or unique enough to submit its own grant proposal.

United School Administrators of Kansas feels this is an improvement in the grant application and award process and urges passage of SB 107.

EDUC
2/12/91
A 2



Public Affairs

**Testimony of Stuart Berger, Superintendent of Wichita Public Schools on Senate Bill 107 to the Senate Education Committee.
February 12, 1991**

Mr. Chairman and members of the Committee.

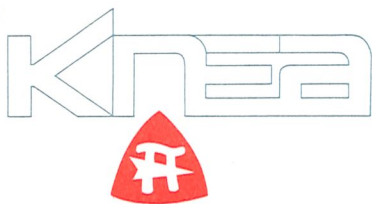
Thank you for the opportunity to speak to Senate Bill 107, this year's measure authorizing the educational excellence grant and the at-risk grant programs. I speak with reluctant opposition to this bill in general, and with strong opposition to the section of the bill which would grant priority to interlocal cooperatives. My concern is with the at-risk portion of this program.

As I am sure many of you are aware, Wichita has had an unhappy history with the at-risk grant program. Despite repeated attempts to seek an equitable solution through the State Department of Education, not only have we not found relief but I have come to believe that the issue which concerns us is somehow incomprehensible to the Commissioner and those in his employ.

Our concern is not that we were not awarded a second year of funding; this is not a sour grapes complaint. Our frustration is that the process which the State Department has developed is professionally flawed and fraught with the sort of practical loopholes which allow any single reader of an application to sabotage the grant of a district with whom she or he found political displeasure. Unlike grant programs administered by other states, the process championed by the State Department offers no inter-rater reliability, secures no value for proven accomplishment, and rewards form as highly as content. While I recognize that the court opinion which suggested that the State Department owned "self-executing" authority somewhat hampers your efforts at bringing these concerns under your purview, I urge you to restrict the funding of the at-risk program unless and until the State Board of Education offers proof of an equitable and secure grant award process.

I also offer vociferous objection to the suggested amendment to this bill which would give priority status to grants submitted by interlocal cooperatives. While I continue to applaud the use of interlocal agreement and other such measures which offer measures of efficiency to small districts, I am appalled that you would direct our priorities toward administrative arrangements rather than the need of the students. Until such time as State resources are available to meet the needs of all students, I urge you to prioritize services to children most in need.

EDUC
2/12/91
A3



Craig Grant Testimony Before The
Senate Education Committee
Tuesday, February 12, 1991

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas-NEA. I appreciate the opportunity to make comments on SB 107.

The reason I am asking to make comments on this bill is not because K-NEA opposes the concept of school district cooperation in educational excellence grant programs. Our concern stems from the frustrations of adding one more hurdle to an already under-funded program.

Let me try to explain. As the bill first was conceptualized, there was to be a pool of money that districts could apply for to help them fund innovative programs to help improve education. Immediately we added an "at-risk" component to the bill. The conservative estimate of dollars needed was \$10 million - $\frac{1}{2}$ in each component. That year we funded and today we continue to fund less than 25% of that amount. As a result, the following problems have occurred:

1. Only one-third of the applications are funded (probably $\frac{1}{2}$ of those which would have qualified; and
2. Districts granted funding for one year have had the funding pulled from them the second year so programs had to be curtailed or discontinued.

The second year we better defined the program to make sure that elementary as well as secondary would qualify. That encouraged more applications, but we did not increase the money. We then added a criteria to consider that districts should try to develop school-business partnerships. This was a good idea--but we still kept the funding down.

Now we are going to give priority consideration to those districts who work together. Even though the section says that individual plans will not be disparaged or denied, but we know that the language will cause many

EDUC
2/12/91
A 4-1

programs of individual districts to either be disapproved or be changed to comply with the intent. Yet we still won't fund the program. If we want a special appropriation for 2-way interactive video, we should have a line for that area. Now we may have a bill to give special consideration to three and four year old "at risk" youth. It is no wonder some districts feel they are being yanked by a chain toward whatever the popular fad is today. If we had state education goals and would fund programs which head in those directions, we would do a better job meeting the needs of education in this state.

What we are most worried about is that this program, well conceived and needed in our state, is becoming the "catch all" for funding programs that cannot get funding in other means. We need more money and consistent direction to this program.

Thank you for listening to the concerns of our members.

EDUC
2/12/91
A 4-2

BLUE VALLEY U.S.D. 229
Overland Park, Kansas

Madam Chairman and Members of the Committee:

My name is Helen Stephens, representing Blue Valley
U.S.D. 229.

We are here to comment on SB 107.

We believe the concept put forth in SB 107 is an
important enhancement to the educational excellence
grant program. This will enable others to apply for
the much-needed grants.

Our only concern is found on page 3, lines 29 through
36. We believe ALL school districts should be on an
equal playing field when applying for any grant money.
To say that cooperatives or interlocals should receive
priority consideration is "punishing" those districts
who apply on their own.

We urge the committee to delete this "priority"
language or amend it to reflect that all districts,
whether singly or in groups, will receive equal
consideration.

Thank you for the opportunity to speak to you today.

EDUC
2/12/91
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Educational Accountability

a presentation by

John Myers, Education Program Director
Terry Whitney, Education Policy Associate
National Conference of State Legislatures

- I. NCSL Background
Education Program Highlights
- II. School Finance
Tying Finance Reform to Education Reform
- III. Better Education Through Informed Legislation Project
Video Presentation
- IV. Setting State Goals for Educational Improvement
- V. Different Kinds of Accountability
- VI. Questions and Answers

EDUC
2/12/91
A6

NCSL EDUCATION PROGRAM HIGHLIGHTS - 1990

PRIMARY PROJECT AREAS

AIDS Education

Under a grant from the Centers for Disease Control, NCSL and the National Association of State Boards of Education (NASBE) are conducting a project to provide legislatures with information on effective AIDS education in public schools. Study sessions were held in six states in 1989 for legislators and state board of education members. In the future, the project will host study sessions in four more states.

At-Risk Youth

NCSL is collaborating with the Education Commission of the States (ECS) on a project "Stimulating Legislative Involvement in Youth At-Risk Policy," with funding from the Charles Stewart Mott Foundation. Project efforts include examining policy and programs that promote interagency collaboration to serve youth at-risk and the production of a book discussing comprehensive youth at-risk policy.

Elementary School Counseling

The John D. and Catherine T. MacArthur Foundation has recently funded NCSL and the American Association of Counseling and Development to produce a document titled, *Children Achieving Potential, An Introduction to Elementary School Counseling and State-Level Policies*. This booklet focuses the attention of state policymakers on ways which elementary school counselors can address the effects of community and family problems on student performance and includes a 50-state survey of state elementary school counseling policies.

School Finance

In 1989, NCSL did a study of South Dakota's school finance formula and provided technical assistance on school finance issues to Kentucky, North Dakota, Nebraska and Oklahoma. In 1990, school finance presentations were made to legislatures in Maine and Kansas and a special seminar for legislative staff was held.

Job Training

Implementing the Job Training Partnership Act (JTPA) and improving the preparation of the workforce of the future are the goals of the NCSL Job Training Project supported by the U.S. Department of Labor. NCSL has produced three videos in this area.

Restructuring Schools

Titled Better Education Through Informed Legislation, the project joins NCSL and the Educational Excellence Network (Vanderbilt University). The two organizations are conducting an institute, producing videos and publications and providing technical assistance to 15 states around the issues of restructuring schools, assessment/accountability and parental enabling.

Science Education

With funding from the Carnegie Corporation of New York, NCSL supports "Project 2061," created to address the reform of education in science, mathematics and technology subjects in elementary and secondary schools. NCSL will inform state legislators about the elements and goals of "Project 2061" through meetings, publications and the answering of information requests.

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EDUC
2/12/91
A7-1

PUBLICATIONS

Children Achieving Potential: An Introduction to Elementary School Counseling and State-Level Policies. Examines some of the educational barriers that children face; describes the role of school counseling programs; presents the findings of elementary education research studies; explores the legislative role in developing policies for elementary school counseling; and lists recommendations for the development of effective elementary school counseling policy...\$10

Directory of State Legislative Staff for Education Issues 1990-91. Contains the names, addresses and telephone numbers of key state legislative staff in all 50 states who handle education issues....\$10

Education and Economic Growth: A Legislator's Guide. Discusses the relationship between education and economic growth....\$10

Evaluating State Education Reforms: A Special Legislative Report. Assesses the impact of recent education reforms....\$15

Legislative Studies in State Education Policy 1976-88: Final Summary. Summarizes each of 69 studies completed through a program funded by the U.S. Office of Education Research and Improvement....\$10

Selected State Legislative Reports

- o *School Restructuring and Cost Implications*
- o *Emerging Issues: A Survey of Education Committee Chairs*
- o *Home Schooling: A Primer for State Legislators*
- o *Selected Innovations in State Education Policy*

Videos

The Evolving American Economy, Part I: The Challenge to Today's Worker. Examines the fundamental technological and economical changes affecting our workforce. 1988.

The Evolving American Economy, Part II: Economic Decline or Entrepreneurial Renaissance? Examines the implementation of effective job training programs in five regions of the country. 1988.

The Evolving American Economy, Part 3: Job Training and Vocational Education. Examines how federal and state job training programs can be coordinated with vocational education systems. Looks at successful state programs and offers advice for implementation. 1989.

INFORMATION REQUESTS

NCSL Education program staff answer information requests from legislators and legislative staff on many educational topics of interest. While the majority of requests comes from legislatures, national and state education organizations also utilize this service. If you have a request for information, please call Julie Bell, Connie Koprowicz, Veronica O. White or Terry Whitney at 303/830-2200. For information on Job Training issues, call David Shreve or Scott Liddell in the Washington, D.C. office; 202/624-5400.

NCSL Education Program Staff:

John L. Myers, Program Director
Julie Bell, Senior Policy Specialist
Constance L. Koprowicz, Research Analyst II
Terry Whitney, Policy Associate
Veronica O. White, Senior Secretary

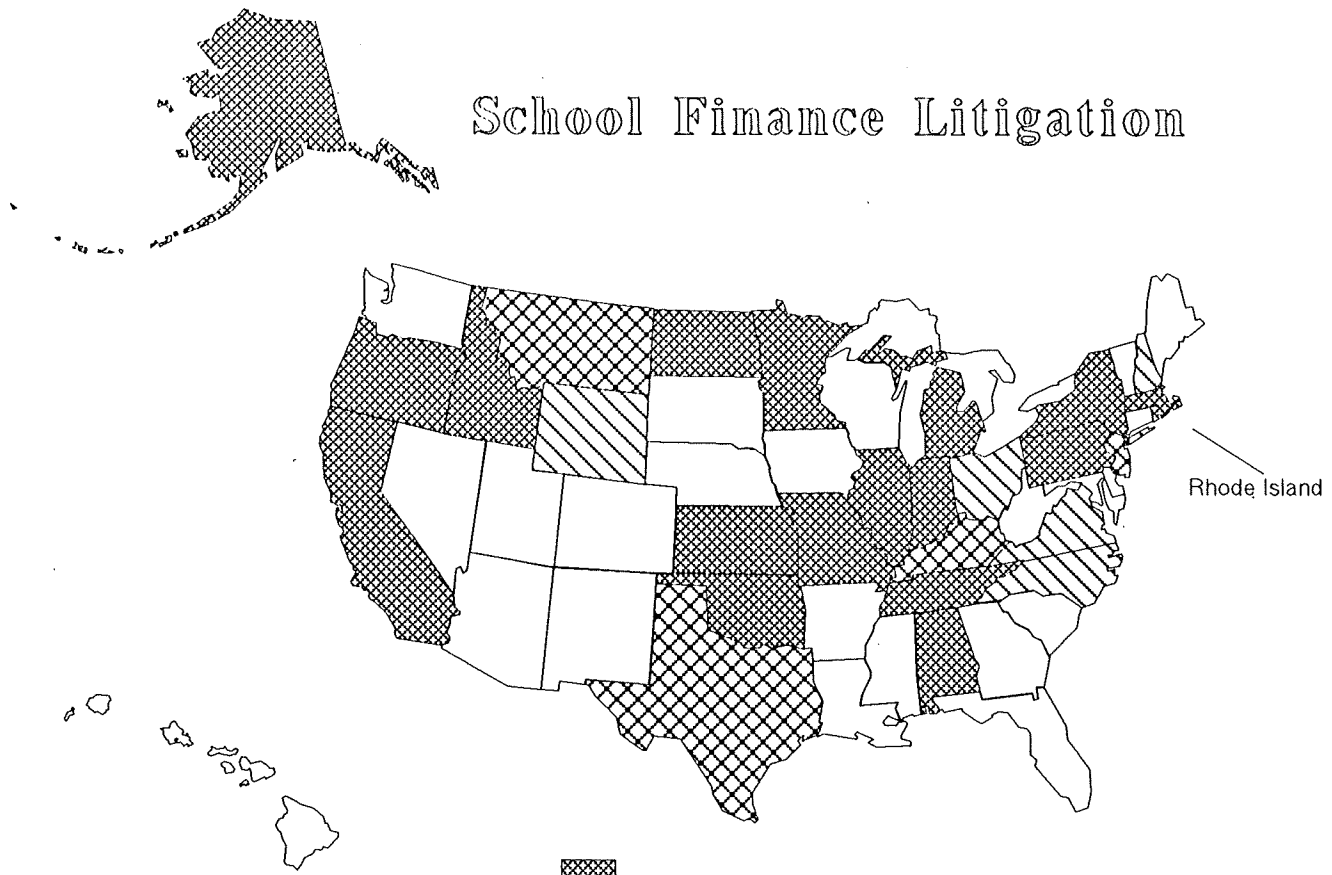
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

National Conference of State Legislatures Education Program, 1560 Broadway, Suite 700, Denver, Colorado 80202; Telephone: 303/830-2200.

EDUC
2/12/91
A7-2

EDUC
2/12/91
A8

School Finance Litigation



-  Lawsuit Filed
-  Lawsuit Under Consideration
-  Education Finance System Ruled Unconstitutional In 1989 or 1990

note: The finance system passed by the Texas Legislature in 1990 was ruled invalid by a state district court in September of 1990. That decision is being appealed.

Accountability Methods

1. Performance Reporting

"What you measure is what you get"
statewide assessments
school report cards
performance indicators
new tests, better tests

2. Monitoring and Compliance

standards and regulations
procedural

3. Incentive Systems

performance based funding
school site as unit
new tests, better tests

4. Reliance on the Market

choice and vouchers

5. Changing the Locus of Control

school site management
community controlled schools

6. Changing Professional Roles

teacher professionalism
professional flexibility in classroom practice

EDUC
2/12/91
A9

GENERAL ASSEMBLY

Commonwealth of Kentucky

REGULAR SESSION 1990

HOUSE BILL NO. 940

THURSDAY, MARCH 24, 1990

Part I	Curriculum
Part II	Governance
Part III	Finance
Part IV	Amendments to Conform
Part V	Repeal and Reenactments
Part VI	Repealed Sections
Part VII	Revenue Measures
Part VIII	Noncodified Material

EDUC
2/12/91
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AN ACT relating to the reform of the Commonwealth's system of common schools, raising revenues incidental thereto, and responding to the Supreme Court's mandate in *Rose v. Council for Better Education, Inc.* and declaring an emergency.

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

Section 1. This Act may be cited as the "Kentucky Education Reform Act of 1990."

PART I - CURRICULUM

SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

The General Assembly recognizes that public education involves shared responsibilities. State government, local communities, parents, students and school employees must work together to create an efficient public school system. Parents and students must assist schools with efforts to assure student attendance, preparation for school and involvement in learning. The cooperation of all involved is necessary to assure that desired outcomes are achieved. It is the intent of the General Assembly to create a system of public education which shall allow and assist all students to acquire the following capacities:

- (1) Communication skills necessary to function in a complex and changing civilization;*
- (2) Knowledge to make economic, social, and political choices;*
- (3) Understanding of governmental processes as they affect the community, the state, and the nation;*
- (4) Sufficient self-knowledge and knowledge of his mental and physical wellness;*
- (5) Sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage;*
- (6) Sufficient preparation to choose and pursue his life's work intelligently; and*
- (7) Skills to enable him to compete favorably with students in other states.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

(1) Upon the effective date of this Act, the Council on School Performance Standards established by Executive Order 89-151 shall be reconvened by the chairman to frame the following six (6) goals for the schools of the Commonwealth in measurable terms which define the outcomes expected of students:

- (a) Schools shall expect a high level of achievement of all students.*
- (b) Schools shall develop their students' ability to:*
 - 1. Use basic communication and mathematics skills for purposes and situations they will encounter throughout their lives;*
 - 2. Apply core concepts and principles from mathematics, the sciences, the arts, the humanities, social studies, and practical living studies to situations they will encounter throughout their lives;*
 - 3. Become a self sufficient individual;*
 - 4. Become responsible members of a family, work group, or community including demonstrating effectiveness in community service;*
 - 5. Think and solve problems in school situations and in a variety of situations they will encounter in life; and*
 - 6. Connect and integrate experiences and new knowledge from all subject matter fields with what they have previously learned and build on past learning experiences to acquire new information through various media sources.*
- (c) Schools shall increase their students' rate of school attendance.*

(d) Schools shall reduce their students' dropout and retention rates.

(e) Schools shall reduce physical and mental health barriers to learning.

(f) Schools shall be measured on the proportion of students who make a successful transition to work, post-secondary education and the military.

(2) The Council on School Performance Standards shall employ necessary staff and shall be attached to the Department of Education for Administrative purposes. Members of the council and its committees may receive reimbursement of actual expenses for attending meetings and may be reimbursed for other actual and necessary expenses incurred in the performance of their duties authorized by the council. The expenses shall be paid out of the appropriation for the council.

(3) The Council on School Performance Standards shall establish a number of committees with statewide representation of certified personnel to frame the goals in measurable terms which specify the expected outcomes. The council shall make periodic progress reports and a final report by December 1, 1991, to the Governor, the State Board for Elementary and Secondary Education, and the Legislative Research Commission. After submitting its final report the council shall cease to exist. The State Board for Elementary and Secondary Education shall adopt the goals of the council.

(4) By July 1, 1993, the State Board for Elementary and Secondary Education shall disseminate to local school districts and schools a model curriculum framework which is directly tied to the goals, outcomes and assessment strategies developed pursuant to this section and Sections 2 and 4 of this Act. The framework shall provide direction to local districts and schools as they develop their curriculum. The framework shall identify teaching and assessment strategies, instructional material resources, ideas on how to incorporate the resources of the community, a directory of model teaching sites, and alternative ways of using school time.

SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

(1) The State Board for Elementary and Secondary Education shall be responsible for creating and implementing a statewide, primarily performance-based assessment program to ensure school accountability for student achievement of the goals set forth in Section 2 of this Act. The program shall be implemented as early as the 1993-94 school year but no later than the 1995-96 school year. The board shall also be responsible for administering an interim testing program to assess student skills in reading, mathematics, writing, science, and social studies in grades four (4), eight (8) and twelve (12). The tests shall be designed to provide the state with national comparisons and shall be the same as, or similar to those used by the National Assessment of Educational Progress. The interim testing program shall begin during the 1991-92 school year and shall be administered to a sample of students representative of each school and the state as a whole. The test scores shall be used, along with other factors described in Section 3 of this Act, to establish a baseline for determining school success during the 1993-94 school year.

(2) Upon the effective date of this Act, the state board shall contract with three (3) or more authorities in the field of performance assessment to design the specifications for the interim and full-scale statewide assessment development effort. The bid specifications shall include requirements that the successful bidder:

(a) Be a consultant to the Council on School Performance Standards as it develops the educational outcomes expected of students;

(b) Direct the development of the interim and full-scale assessment program; and

(c) Direct the development of the formula to be used to determine successful schools pursuant to Section 5 of this Act.

The assessment authorities shall review the bids and make a recommendation to the board. The authorities shall have no pecuniary interest with the successful bidder.

(3) In addition to statewide testing for the purpose of determining school success, the board shall have the responsibility of assisting local school districts and schools in developing and using continuous assessment strategies needed to assure student progress.

(4) By October 1 of each year, local boards of education shall publish in the newspaper with the largest circulation in the county an annual performance report on district accomplishments and activities pertaining to performance goals including, but not limited to, retention rates and student performance, the districts'

goals for the succeeding year, and other items as may be set forth in State Board for Elementary and Secondary Education administrative regulations.

SECTION 5. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

It is the intent of the General Assembly that schools succeed with all students and receive the appropriate consequences in proportion to that success.

(1) The State Board for Elementary and Secondary Education shall promulgate administrative regulations to establish a system of determining successful schools and dispensing appropriate rewards. The system shall be based on the following:

(a) A school shall be the unit of measure to determine success;

(b) School success shall be determined by measuring a school's improvement over a two (2) year period;

(c) A school shall be rewarded for an increased proportion of successful students including those students who are at risk of school failure;

(d) A threshold level for school improvement shall be established by the board to determine the amount of success needed for a school to receive a reward. The threshold definition shall establish the percentage of increase required in a school's percentage of successful students as compared to a school's present proportion of successful students with consideration given to the fact that a school closest to having one hundred percent (100%) successful students will have a lower percentage increase required;

(e) Rewards shall be given to the school on behalf of the full-time, part-time, and itinerant instructional staff of a school who generate the reward when the school achieves at least one percent (1%) gain over its threshold as defined in paragraph (d) of this subsection. Substitute teachers shall not be used in calculating the reward;

(f) Rewards shall be calculated by applying the percentage set by the General Assembly in the biennial budget to the current annual salary of each certified staff person employed in the school on the last working day of the year of the reward. The reward for part-time and itinerant staff shall be calculated for the proportion of time spent in the school. In determining the percentage to be applied to a school for calculation of the rewards for the school's staff, consideration shall be given to the fact that schools already having a high percentage of successful students shall have a lower requirement for a percentage increase in its number of successful students. The staff person's identity in connection to his share of the reward shall be maintained when his share of the reward is deposited to the school's account;

(g) The certified staff members shall by majority rule collectively decide on the ways the reward funds shall be spent. Each individual staff person shall use the amount he earned in accordance with the decisions made by the total staff. Rewards shall not be added to a staff person's base salary and shall not be defined as compensation for retirement purposes under KRS 161.220(10); and

(h) The Department of Education shall send the school's reward to the local district office for transmittal to the school.

(2) The State Board for Elementary and Secondary Education, after adopting the goals of the Council on School Performance Standards and determining the definition of a successful student, shall adopt by administrative regulation the formula to be used to determine successful schools. The formula shall be a calculus of factors which reflect the school outcomes described in Section 3 of this Act.

(3) A school that does not reach its threshold level as defined in paragraph (d) of subsection (1) of this section but maintains the previous proportion of successful students shall be required to develop a school improvement plan and shall be eligible to receive funds from the school improvement fund pursuant to KRS 158.805. A school that does not reach its threshold level but maintains the previous proportion of successful students after the second biennial review shall be required to meet the provisions of subsection (4) of this section.

(4) A school in which the proportion of successful students declines by less than five percent (5%) shall be required to develop a school improvement plan, shall be eligible to receive funds from the school improvement fund, and shall have one (1) or more Kentucky distinguished educators assigned to the school to carry out the duties as described in Section 6 of this Act. If the school does not meet its original threshold after the next biennial review the school shall be subject to the requirements of subsection (5) of this section.

EDUC
2/12/91
A10-4

(5) A school in which the proportion of successful students declines by five percent (5%) or more shall be declared by the State Board for Elementary and Secondary Education to be a "school in crisis." When a school is declared to be a "school in crisis," the following actions shall be required:

(a) The full-time and part-time certified staff of that school shall be placed on probation;

(b) The principal shall immediately notify the students' parents of the students' right to transfer to a successful school with procedures for initiating the request;

(c) Within thirty (30) days after the declaration by the state board under this subsection or no later than thirty (30) days before the start of the next school year whichever is later, any student in that school may request and shall be allowed to transfer to a successful school as determined under the provisions of subsection (2) of this section. The superintendent shall select the receiving successful school in the home district or make arrangements with a neighboring district. If two (2) districts cannot agree, the superintendent of the student's resident district shall request the State Board for Elementary and Secondary Education to resolve the issue and make a decision on the placement of the student within thirty (30) days of the request. The board of the district in which the student resides shall be responsible for all tuition and transportation costs incurred as a result of a student transferring from a "school in crisis" to a successful school. If a decline in student enrollment causes overstaffing at the "school in crisis," personnel shall be reduced or transferred pursuant to KRS 161.760 and 161.800.

(d) One (1) or more Kentucky distinguished educators shall be assigned to the school by the commissioner of education to carry out the duties as described in Section 6 of this Act. Notwithstanding any other statute to the contrary, at the end of six (6) months, the Kentucky distinguished educator shall evaluate and make a recommendation to the superintendent regarding the retention, dismissal, or transfer of each full-time and part-time certified staff member. Recommendations for transfer shall conform to any employer-employee bargained contract which is in effect. Recommendations for dismissal shall be binding on the superintendent who shall notify the staff member pursuant to KRS 161.790. This evaluation process shall continue every six (6) months until the school is no longer a "school in crisis" as determined by the State Board for Elementary and Secondary Education; and

(e) The school shall be required to develop a school improvement plan and shall be eligible to receive funds from the school improvement fund.

(6) The State Board for Elementary and Secondary Education shall develop a system of rewards and sanctions for certified staff who are not assigned to a school in a local school district. The system shall be analogous to the system described in subsections (1) through (5) of this section. Rewards shall be given to non-school based staff when the district's proportion of successful students increases above a threshold adopted by the state board and comparable to the threshold adopted for schools. Sanctions shall be imposed when the proportion of successful students in the district declines in the same proportion used to determine school sanctions under subsections (3), (4), and (5) of this section. A school district that does not meet its threshold shall be required to develop a district improvement plan defined in KRS 158.650.

(7) A school district in which the proportion of successful students declines by five percent (5%) or more shall be assigned one (1) or more Kentucky distinguished educators to assist the system, evaluate personnel, and notwithstanding any other statute to the contrary, make personnel recommendations every six (6) months on retention, dismissal, or transfer. Personnel recommendations shall be made to the superintendent. Recommendations on the superintendent's status shall be made to the local board of education. If the recommendation is to terminate the superintendent, the board shall terminate the contract pursuant to KRS 160.350. If a district has a declining proportion of successful students for two (2) consecutive biennial assessment periods, the district shall be declared an education development district pursuant to KRS 158.685 and the board members and the superintendent shall be removed under the provisions of KRS 156.132 and 156.136.

(8) The State Board for Elementary and Secondary Education shall adopt administrative regulations to establish a process whereby a school shall be allowed to appeal a performance judgment which it considers grossly unfair. The state board may adjust a performance judgment on appeal when evidence of highly unusual circumstances warrants the conclusion that the performance judgment is based on fraud or a mistake in computations, is arbitrary, is lacking any reasonable basis, or when there are significant new circumstances occurring during the biennial assessment period which are beyond the control of the school.

SECTION 6. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

(1) The State Board for Elementary and Secondary Education shall promulgate administrative regulations to set forth the criteria for the Kentucky distinguished educators program which shall be implemented by July 1, 1991. The designation of "Kentucky Distinguished Educator" shall be given to the state's most outstanding and highly skilled certified educators who deserve recognition and are willing to fulfill the following purposes of the program:

(a) Serving as teaching ambassadors to spread the message that teaching is an important and fulfilling profession;

(b) Assisting the Department of Education with research projects and staff development efforts;

(c) Accepting assignments in schools whose percentage of successful students declined as described in Section 5 of this Act. The assignments shall require the educator to:

1. Work in a school full-time for a designated period of time to assist the school staff with implementing its school improvement plan. The educator shall have the authority to make decisions previously made by the school staff;

2. Help to increase the effectiveness of the staff, parents, the civic and business community, and government and private agencies in improving the school's performance; and

3. Evaluate and make recommendations on the retention, dismissal, or transfer of certified staff in a "school in crisis."

4. Complete an intensive training program, provided by the Department of Education and approved by the State Board for Elementary and Secondary Education, prior to being assigned to assist a school's staff with implementing its school improvement plan. The training program shall include, but shall not be limited to instruction in the methods of personnel evaluation, school organization, school curriculum and assessment.

(2) The Kentucky distinguished educators program criteria shall include:

(a) A selection process which shall allow for self nomination, provide a broad spectrum of instructional positions, and generate statewide representation.

(b) Beginning with the 1992-93 school year, special recognition shall be given to five (5) Kentucky distinguished educators each year in the form of a one (1) year sabbatical leave to work with instructional personnel across the state and to serve as teaching ambassadors to the state at large.

(c) Each recipient shall receive a monetary award of two hundred fifty dollars (\$250) when selected and shall also be paid in accordance with his current salary for other program requirements which arise pursuant to subsection (1) of this section. The Department of Education shall be responsible for all expenses incurred as a result of the Kentucky distinguished educators program except those expenses associated with the funding of the position of the person who replaces the Kentucky distinguished educator when he is assigned to an unsuccessful school or district.

(d) Kentucky distinguished educators assigned to an unsuccessful school shall receive a salary supplement of fifty percent (50%) of his annual salary for each year of service in that capacity. The state board shall determine if reimbursement for vehicle mileage shall be allowed. If his assigned school achieves the threshold level in the next biennial review, he shall receive his portion of the reward due to the entire staff calculated on his base salary regardless of decisions made by the school staff pursuant to subsection (1)(g) of Section 5 of this Act.

(e) The Kentucky distinguished educator shall be granted professional leave pursuant to KRS 161.770 though the time may exceed two (2) years if determined by the state board to be necessary. The Kentucky distinguished educator shall not lose any employee benefits as a result of his special assignment.

(f) A Kentucky distinguished educator shall not be assigned to a school or to a district assignment in the district in which he is employed.

Section 7. KRS 158.805 is amended to read as follows:

EDUC
7/12/91
A10-6

(1) There is hereby created the *Commonwealth school improvement* [educational innovation incentive] fund to *assist local schools in pursuing new and innovative strategies* [encourage the development of innovative programs] to meet the educational needs of the *school's students and raise the school's performance level* [citizens of the Commonwealth of Kentucky]. The State Board for Elementary and Secondary Education shall utilize the *Commonwealth school improvement* [educational innovation incentive] fund to provide grants to *schools* [teachers and local school districts] for the following purposes:

(a) To support teachers and administrators in the development of sound and innovative approaches to improve instruction or management;

(b) To assist in replicating successful programs *developed in other* districts [where special needs or opportunities exist];

(c) To encourage cooperative instructional or management approaches to specific *school* [local or regional] educational problems; and

(d) To *encourage* [provide challenge grants to] teachers and administrators to conduct experimental [or model] programs to test concepts and applications being advanced as solutions to specific educational problems.

(2) The State Board for Elementary and Secondary Education shall develop criteria for awards of grants from the *Commonwealth school improvement* [educational innovation incentive] fund to *schools in educationally deficient districts pursuant to KRS 158.685 through the 1993-94 school year. Beginning with the 1994-95 school year, grants shall go to schools which do not meet their threshold as defined in Section 5 of this Act.* The Governor shall appoint an advisory committee which shall include teachers, administrators, teacher educators, and representatives of the general public to assist in the planning and implementation of the *Commonwealth school improvement* [educational innovation incentive] fund. The members of the advisory committee shall serve without compensation, but shall be reimbursed for all reasonable expenses incurred in the discharge of official duties. The committee shall advise the board on application procedures, review of proposals, evaluation criteria, reporting requirements and other matters relating to the fund as requested by the board.

(3) The State Board for Elementary and Secondary Education shall have the sole authority to approve grants from the fund. The advisory committee shall review proposals for grants and make recommendations to the board relating to the merits of each proposal.

(4) The State Board for Elementary and Secondary Education may establish priorities for *the use of the funds and, through the Department of Education, shall provide assistance to schools in preparing their grant proposals* [experimental or model programs which shall be eligible for funding from the fund for a period not to exceed two (2) years. Two (2) or more school districts undertaking cooperative instructional or management projects shall be eligible for funding on an annual basis for a period not to exceed five (5) years. All other projects shall be eligible for funding for a period not to exceed one (1) year]. The board shall require that no funds awarded under the *Commonwealth school improvement* [educational innovation incentive] fund are used to supplant funds from any other source. Requests for necessary equipment may be approved at the discretion of the *state* board, however the cost of equipment purchased by any grantee shall not exceed twenty percent (20%) of the total amount of money awarded for each proposal and shall be matched by local funds on a dollar for dollar basis.

(5) The State Board for Elementary and Secondary Education [is authorized to award grants from the fund to teachers, schools, local school districts or groups of school districts on the basis of qualified proposals. A minimum of twenty percent (20%) of available funds shall be designated for grants to teachers. A minimum of thirty percent (30%) of available funds shall be designated for grants to individual schools. The state board for elementary and secondary education] shall establish maximums for specific grant awards. All fund recipients shall provide the board with an accounting of all money received from the fund and shall report the results and conclusions of any funded projects to the State Board for Elementary and Secondary Education. All fund recipients shall provide the board with adequate documentation of all projects to enable replication of successful projects in other areas of the state.

Section 8. KRS 158.650 is amended to read as follows:

As used in KRS 158.680 to 158.710 [158.660 to 158.750], unless the context otherwise requires:

(1) "Department" means the [state] Department of Education;

EDUC
2/12/91
A10-7

(2) "Competencies" means the possession of skills, knowledge and understandings to the degree they can be demonstrated or measured;

(3) ["Basic skills" means reading, writing, spelling, mathematics, and library research reference skills;

(4) "Performance [Product] goals" means expected student and school district outcomes as approved by the State Board for Elementary and Secondary Education;

(4) "Interim performance goal" means the specified amount of improvement the district shall achieve toward meeting the performance goal agreed upon in the district improvement plan;

(5) "Process goals" means systematic and orderly procedures including specific actions and time frames to be followed in achieving performance [product] goals;

(6) ["Library research reference skills" means the ability to locate and utilize various sources of information;

(7) "Standards" means acceptable levels of attainment school districts shall meet in student, program, [and] service [offerings] and operational performance [students shall meet in attaining the basic skills] as established in administrative regulations adopted by the State Board for Elementary and Secondary Education;

(7)(8) "Educationally deficient school district [districts]" means a school district [districts] which does [do] not meet minimum standards in student, program, [and] service [offerings] or operational performance [in which insufficient numbers of students meet minimum standards of attainment of basic skills];

(8) "Education development district" means an educationally deficient district which fails to meet all process goals or to achieve all interim performance goals according to the timelines established in the district improvement plan;

(9) "Annual performance report" means the report published annually by each local board of education that presents the district's performance with regard to performance [product] goals as established by State Board for Elementary and Secondary Education administrative regulations; and

(10) ["Accreditation report" means the report prepared by a department evaluation team and approved by the State Board for Elementary and Secondary Education that assesses the availability and adequacy of the resources that are needed in a local school district to provide an adequate education program as defined by State Board for Elementary and Secondary Education administrative regulation; and

(11) "District [Educational] improvement plan" means the plan developed by a local school district in consultation with the Department of Education, [and approved by, the State Board for Elementary and Secondary Education] that establishes the process goals and timelines for correcting [to correct] identified deficiencies in the achievement of performance [product] goals and the interim performance goals. The plan shall be [is] approved by the local board of education and the State Board for Elementary and Secondary Education.

Section 9. KRS 158.680 is amended to read as follows:

There shall be appointed by the Governor a State Advisory Committee for Educational Improvement in accordance with the following:

(1) The State Advisory Committee for Educational Improvement shall be eighteen (18) members broadly representative of citizens, parents, teachers and administrators. Their principal duties shall be to advise the Governor, the State Board for Elementary and Secondary Education and the department on [in] the implementation of the provisions of KRS 158.650 to 158.710 and Sections 4 and 5 of this Act [158.660 to 158.750].

(2) All members shall be voting members appointed by the Governor and shall serve terms of four (4) years, except that the original appointments will be made as follows:

(a) Five (5) members for four (4) year terms;

(b) Five (5) members for three (3) year terms;

(c) Four (4) members for two (2) year terms; and

EDUC
2/12/91
A10-8

(d) Four (4) members for a one (1) year term.

(3) The State Advisory Committee for Educational Improvement shall elect a chairman annually from its membership;

(4) The members shall be remunerated for actual and necessary expenses incurred while attending meetings of the State Advisory Committee for Educational Improvement or while serving in the capacity as representative of the State Advisory Committee for Educational Improvement.

(5) The State Advisory Committee for Educational Improvement shall meet at least three (3) times each year at ~~such~~ times and places as it determines by resolution.

Section 10. KRS 158.685 is amended to read as follows:

(1) The State Board for Elementary and Secondary Education shall **adopt administrative regulations establishing** ~~establish~~ standards which school districts shall meet in **student, program, [and] service and operational performance** ~~offerings and set forth the minimum performance for students in the basic skills pursuant to KRS 158.660~~. **The State Board for Elementary and Secondary Education shall promulgate regulations establishing operational performance standards by January 1, 1991. These standards shall become effective on July 1, 1991.**

(2) The State Board for Elementary and Secondary Education shall declare a school district to be educationally deficient when, in any school year, the district fails to meet ~~or make satisfactory progress toward meeting~~ minimum **student, program, [and] service or operational performance** standards ~~or an insufficient number of students, as defined by State Board for Elementary and Secondary Education administrative regulations, fail to attain or fail to make satisfactory progress toward meeting standards set for the basic skills established pursuant to subsection (1) of this section~~.

(3) The **chief state school officer** ~~superintendent of public instruction, upon approval of the state board for elementary and secondary education,~~ shall provide consultation and assistance to any school district which has been declared educationally deficient by the State Board for Elementary and Secondary Education ~~in eliminating the deficiency~~. The school **district** ~~districts~~ shall be provided consultation and guidance relative to programs, services, finances, personnel, and any other areas **where** ~~wherein~~ appropriate changes would be reasonably calculated to eliminate or alleviate the deficiency and in developing and implementing **a district** ~~an educational~~ improvement plan pursuant to KRS 158.710. ~~The [Such] changes[, whenever allowable under Kentucky Revised Statutes,] may include [more expeditious correction of accreditation report deficiencies,] improved personnel administration, more efficient management practices and other administrative and academic actions to improve the local district's [districts'] performance. The Department of Education shall submit to the local board and superintendent a list of the services and technical assistance the department shall provide. The services listed may include activities and programs offered for the improvement of all districts. The list of services shall be attached to the district improvement plan when it is submitted to the State Board for Elementary and Secondary Education for approval.~~

(4) Failure by an educationally deficient school district to **meet the process goals, interim performance goals, or timelines set in the district improvement plan** ~~implement the approved educational improvement plan shall be grounds for the superintendent of public instruction, with the concurrence of the State Board for Elementary and Secondary Education, to intervene in the operation of a local school district and limit the authority of the local superintendent and local board of education to act in the following areas:~~

(a) Expenditure of funds;

(b) Employment and dismissal of personnel;

(c) Establishment and modification of the school calendar;

(d) Instructional program and policies;

(e) Student code of conduct; and

(f) Other areas as may be designated by State Board for Elementary and Secondary Education administrative regulation.

(5) Action initiated pursuant to subsection (4)(b) of this section, relative to employment and dismissal of personnel, shall be in accordance with the provisions of KRS 161.720 to 161.810 and 161.990. To facilitate

the implementation of the educational improvement plan in an educationally deficient school district, the superintendent of public instruction, with the approval of the state board for elementary and secondary education, may require an annual reallocation of an amount not to exceed twenty-five percent (25%) of the power equalization program funds received by the district to address program and service needs outlined in the educational improvement plan.

(6) Failure to implement the educational improvement plan] shall constitute grounds for removal of the superintendent and local board members from office and this action shall be initiated by the chief state school officer pursuant to KRS 156.132 and [to] 156.136. The district shall also be declared an education development district. The State Board for Elementary and Secondary Education shall appoint the members of the district's board of education which shall have all the powers, duties, and responsibilities of an elected board except as provided in this section. The appointed members shall serve a four (4) year term or until the district qualifies for an elected board and the duly elected members have taken office, whichever occurs first. When a new superintendent of schools is selected by the local board, the chief state school officer shall approve the selection before the appointment shall become official. The local board shall revise the district improvement plan with the assistance of the Department of Education. The Department of Education shall continue to provide the district consultation and assistance pursuant to subsection (3) of this section. Local board elections shall resume in the first even-numbered year following two (2) consecutive years of meeting the performance standards set by the State Board for Elementary and Secondary Education. This section shall not [be deemed to] create a statutory cause of action for educational malpractice by students, their parents or guardians.

Section 11. KRS 158.710 is amended to read as follows:

Each educationally deficient district and education development [local school] district [in the state] shall assume the following responsibilities and functions in implementing the provisions of KRS 158.680 to 158.710 [158.660 to 158.750]:

(1) The [Each local school] district shall develop a plan to improve the education of all students enrolled in preschool and the primary program [grades one (1) through grade twelve (12)]. In developing the plan [these plans] and prior to [their] approval by the local board of education, the district [local districts] shall involve local citizens, parents, students, teachers, and administrators. The district, pursuant to [School districts declared to be educationally deficient by the State Board for Elementary and Secondary Education under] KRS 158.685, shall involve Department of Education consultants in the development of the [their] plan;

(2) [Each local district board of education shall by May 1, 1988, and every three (3) years thereafter; submit to the state Department of Education for approval a local plan for educational improvement which will be in effect for three (3) years or until such time as it is revised, whichever occurs first. If a plan is revised, succeeding plans will be submitted to the state Department of Education every three (3) years from the date of revision. School districts declared to be] Educationally deficient districts and education development districts pursuant to [by the State Board for Elementary and Secondary Education under] KRS 158.685 shall submit a plan each year or more frequently if ordered by the State Board for Elementary and Secondary Education listing new process goals, the interim performance goals, and timelines until the deficiency has been eliminated;

(3) Local school personnel shall ascertain areas of strength and areas needing [of needed] improvement in the school program as revealed by the test results and other student assessments and with the advice and counsel of the representatives mentioned in subsection (1) of this section, shall develop appropriate programs to address educational areas needing [of needed] improvement for all students in preschool and the primary program [grades one (1) through grade twelve (12)];

(4) The district [educational] improvement plan developed and submitted [by each local school district] to the department shall include the following:

- (a) Performance [Process] goals or interim performance goals;
- (b) Product goals;
- (c) A list of individuals, by occupation, or groups involved in developing the plan;
- (d) The areas of needed improvement as revealed by the district assessment results;
- (e) A list of priorities for program implementation;

(f) The objectives and activities deemed appropriate and necessary for alleviating the observed educational areas of needed improvement;

(g) A calendar of events *and* [; or] timeline, for implementation;

(h) A brief report, each succeeding year *or more frequently if required by the State Board for Elementary and Secondary Education* after submission of the initial plan, of the program status and [of] progress made in areas of needed improvement.

(5) The district improvement plan shall be coordinated with the master staff development plan and the Department of Education shall provide technical assistance in the planning, implementation, and evaluation of this coordination.

(6) Effective June 30, 1996, KRS 158.650 to 158.710 shall become null and void.

Section 12. KRS 156.095 is amended to read as follows:

(1) The State Board for Elementary and Secondary Education shall establish, direct and maintain a statewide program of *professional development to improve* [in-service teacher training for the purpose of improving] instruction in the public [common] schools [and for the improvement of the leadership qualities and professional competence of principals, supervisors and teachers and for such other services in the improvement of instruction in the public common schools as may be approved from time to time by the State Board for Elementary and Secondary Education].

(2) Each local school district *superintendent* [board for elementary and secondary education] shall appoint a certified school employee to fulfill the role and responsibilities of a *professional development coordinator* [an in-service education director]. The manner of appointment, qualifications, and duties of the *professional development coordinator* [in-service education director] shall be as established by State Board for Elementary and Secondary Education regulations.

(3) The State Board for Elementary and Secondary Education shall provide an annual training program for local school district *professional development coordinators* [in-service education directors]. The training program may include, but not be limited to, the demonstration of various approaches to needs assessment; instruction in methods to involve both teachers and administrators in actively planning, delivering and evaluating programs; presenting options for meeting *professional development* [in-service] needs, especially through individualized programs; and identification of resources needed for quality, motivational *professional development* [in-service] programs.

(4) The State Board for Elementary and Secondary Education shall provide for a series of state sponsored, *professional development* [in-service education] programs for *certified personnel* [teachers] throughout the Commonwealth. *Professional development shall focus on the following areas during the 1990-91 and 1991-92 school years:*

(a) *The Kentucky Education Reform Act of 1990;*

(b) *School-based decision making;*

(c) *Performance-based student assessment;*

(d) *Non-graded primary programs;*

(e) *Research-based instructional practices;*

(f) *Instructional uses of technology; and*

(g) *Effective awareness and sensitivity training so teachers can motivate and nurture students of diverse cultures* [The programs shall be of one (1) day duration and located at selected sites statewide. The State Board for Elementary and Secondary Education shall request that each school district permit teachers to earn credit for one (1) in-service education day through attendance at the state sponsored program. No tuition or fees shall be charged teachers attending state sponsored in-service programs, although participants shall be responsible for travel and other expenses. Educational content of state sponsored in-service programs shall be as determined by the State Board for Elementary and Secondary Education].

EDUC
2/12/91
A10-11

(5) The Department of Education shall *provide professional development activities at times and locations which are convenient for school personnel. During the 1990-91 and 1991-92 school years, school districts shall use the four (4) days designated for professional development in KRS 158.070 to acquire skills and knowledge in the areas listed in subsection (4) of this section. The master professional development plan shall reflect the districts' choices from the required areas for the 1990-91 and 1991-92 school years. A district's master professional development plan which has been developed in conjunction with the district improvement plan pursuant to KRS 158.685, shall be exempt from the requirements of this subsection [employ professional staff whose primary responsibility shall be the provision of assistance to local districts in developing in-service education programs; evaluation of the quality of existing in-service programs; identification of resource persons to assist with presentations; and other duties related to the development, evaluation and improvement of local plans for in-service education of teachers.*

(6) The State Board for Elementary and Secondary Education may provide limited funding on a one-time basis to assist in the development and presentation of demonstration in-service programs in selected local school districts.

(7) All teachers who have the aides in their classrooms shall receive in-service training as specified by the State Board for Elementary and Secondary Education on the effective utilization and evaluation of the aides].

(6)[(8)] Local school districts with an enrollment of *twenty thousand (20,000) [sixty-five thousand (65,000)]* or more students shall be exempt from the requirements of this section *if [provided] they meet the standards for professional development [in-service training programs]* established by the State Board for Elementary and Secondary Education.

SECTION 13. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

(1) *During the 1990-91 school year, the school district shall receive a planning grant to be used in conjunction with other districts to plan for professional development activities through the 1994-95 school year. By June 30, 1991, each district, except those districts with an enrollment of twenty thousand (20,000) or more students, shall have joined a consortium involving two (2) or more districts and shall have submitted a preliminary professional development plan to the Department of Education. The plan shall describe the way the consortium will utilize the professional development activities available from the Department of Education described in Section 12 of this Act during the 1991-92 school year and outline in general terms the types of professional development and the delivery mechanism which will be used during the 1992-93, 1993-94, and 1994-95 school years. When a consortium is operational, a consortium plan may replace plans for individual districts which are members of the consortium.*

(2) *During the school years 1991-92 through 1994-95, the consortia shall receive the districts' professional development funds to provide a high quality, coordinated professional development program to the staff of the member districts.*

(3) *After July 1, 1995, a school district shall be allowed to withdraw from the consortium and expend its professional development funds on any professional development activities it chooses.*

SECTION 14. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) *The term "teacher" for the purpose of this section means any person for whom certification is required as a basis of employment in the public schools of the state with the exception of principals, assistant principals, and head teachers.*

(2) *By January 1, 1991, each local board of education shall adopt a policy for implementing school-based decision making in the district which shall include but not be limited to a description of how the district's policies, including those developed pursuant to KRS 160.340, have been amended to allow the professional staff members of a school to be involved in the decision making process as they work to meet educational goals established in Sections 2 and 3 of this Act. The policy shall also address and comply with the following:*

(a) *Each participating school shall form a school council which shall be composed of two (2) parents, three (3) teachers, and the principal or administrator. The membership of the council may be increased, but it may only be increased proportionately. The parent representatives on the council shall not be relatives of any employee of the school.*

EDUC
2/12/91
A10-12

(b) The teacher representatives shall be elected for one (1) year terms by a majority of the teachers. The parent representatives shall be selected for one (1) year terms. The parent members shall be elected by the parent members of the parent teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. The principal or head teacher shall be the chair of the school council.

(c) The school council shall have the responsibility to set school policy which shall provide an environment to enhance the students' achievement and help the school meet the goals established by Sections 2 and 3 of this Act. The principal or head teacher shall be the primary administrator and the instructional leader of the school, and with the assistance of the total school staff shall administer the policies established by the school council and the local board.

(d) All certified staff at a school may be participants in the school-based decision making. The staff shall divide into committees according to their areas of interest, such as, but not limited to, grouped grade levels, subject areas, and special programs. Each committee shall elect by a majority of the committee a chair, who shall serve for a term of one (1) year. The committee shall submit its recommendations to the school council for consideration.

(e) The school council and each of its committees shall determine the frequency of and agenda for their meetings. Matters relating to formation of school councils that are not provided for by this section shall be addressed by local board policy.

(f) The meetings of the school council shall be open to the public and all interested persons may attend. However, the exceptions to open meetings provided in KRS 61.810 shall apply.

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

(h) The school council shall determine which instructional materials and student support services shall be provided in the school. Subject to available resources, the local board shall allocate an appropriation to each school that is adequate to meet the school's needs related to instructional materials and school-based student support services, as determined by the school council.

(i) From a list of applicants recommended by the local superintendent, the principal at the participating school shall select personnel to fill vacancies, after consultation with the school council. Requests for transfer shall conform to any employer-employee bargained contract which is in effect. If the vacancy to be filled is the position of principal, the school council shall select the new principal from among those persons recommended by the local superintendent. Personnel decisions made at the school level under the authority of this subsection shall be binding on the superintendent who completes the hiring process. The superintendent shall provide additional applicants upon request.

(j) The school council shall adopt a policy to be implemented by the principal in the following additional areas:

1. Determination of curriculum, including needs assessment, curriculum development, alignment with state standards, technology utilization, and program appraisal within the local school board's policy;
2. Assignment of all instructional and non-instructional staff time;
3. Assignment of students to classes and programs within the school;
4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board;
5. Determination of use of school space during the school day;
6. Planning and resolution of issues regarding instructional practices;
7. Selection and implementation of discipline and classroom management techniques, including responsibilities of the student, parent, teacher, counselor, and principal; and
8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation and supervision.

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

(a) *School budget and administration, including: discretionary funds; activity and other school funds; funds for maintenance, supplies, and equipment; and accounting and auditing;*

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

(c) *School improvement plans, including the form and function of strategic planning and its relationship to district planning;*

(d) *Professional development plans developed pursuant to Sections 12 and 13 of this Act;*

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

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

(g) *Requirements for waiver of district policies;*

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

(i) *A process for appealing a decision made by a school council.*

(4) *In addition to the authority granted to the school council in this section, the local board may grant to the school council any other authority permitted by law. The board shall make available liability insurance coverage for the protection of all members of the school council from liability arising in the course of pursuing their duties as members of the council.*

(5) *After the effective date of this Act, any school in which two-thirds (2/3) of the faculty vote to implement school-based decision making shall do so. By June 30, 1991, each local board shall submit to the chief state school officer the name of at least one (1) school which shall implement school-based decision making the following school year. The board shall select a school in which two-thirds (2/3) of the faculty vote to implement school-based decision making. If no school in the district votes to implement school-based decision making, the local board shall designate one (1) school of its choice. All schools shall implement school-based decision making by July 1, 1996, in accordance with this section and with the policy adopted by the local board pursuant to this section. Upon a favorable vote of a majority of the faculty at the school, a school performing above its threshold level requirement as determined by the Department of Education pursuant to Section 5 of this Act may apply to the State Board for Elementary and Secondary Education for exemption from the requirement to implement school-based decision making, and the state board shall grant the exemption. Notwithstanding the provisions of this section, a local school district shall not be required to implement school-based decision making if the local school district contains only one (1) school.*

(6) *The Department of Education shall develop sample guidelines to assist local boards in the development of their policies, and the department shall provide professional development activities to assist schools in implementing school-based decision making.*

(7) *A school that chooses to have school-based decision making but would like to be exempt from the administrative structure set forth by this section may develop a model for implementing school-based decision making including, but not limited to, a description of the membership, organization, duties and responsibilities of a school council. The school shall submit the model through the local board of education to the chief state school officer and the State Board for Elementary and Secondary Education for approval. The application for approval of the model shall show evidence that it has been developed by representatives of the parents, students, certified personnel and the administrators of the school and that two-thirds (2/3) of the faculty have agreed to the model.*

(8) *The State Board for Elementary and Secondary Education, upon recommendation of the chief state school officer, shall adopt by administrative regulation a formula by which school district funds shall be allocated to each school council.*

(9) There is hereby established a school council discretionary fund to be administered by the Department of Education and the department shall establish guidelines to be met to qualify for such funds. Each year that school councils are in existence the department shall distribute the funds appropriated to the fund to the schools participating in school-based decision making. The amount of funds received by each participating school shall be determined on a proportionate share basis by considering each participating school's total pupil enrollment. However, schools receiving funds from the Commonwealth school improvement fund under Section 7 of this Act shall not be eligible to participate in this fund.

Section 15. KRS 157.317 is amended to read as follows:

(1) The State Board for Elementary and Secondary [Department of] Education through administrative regulations shall develop and implement a statewide early childhood education [kindergarten] program which shall include basic principles of child development, early childhood education, and all other related concepts which deal with generally accepted early childhood [kindergarten] programs, including the delivery of health and social services to children as needed.

(2) (a) The Kentucky Early Childhood Advisory Council is created to advise the chief state school officer on the implementation of early childhood education programs. The Department of Education shall provide staff and administrative support for the council.

(b) The Kentucky Early Childhood Advisory Council shall consist of one (1) member of the State Board for Elementary and Secondary Education appointed by the chairman and sixteen (16) members appointed by the Governor. The sixteen (16) appointed members shall include one (1) representative from each of the following agencies or groups: preschool teachers, public school teachers, elementary school principals, parents, child care providers, community education, the Interagency Task Force on Family Resource Centers and Youth Services Centers, the Head Start Association, the Head Start Director, the Head Start Program, the Infant/Toddler Coordinating Council, the Department for Health Services, the Department for Social Services, the Department for Social Insurance, the colleges of education, and the colleges of home economics.

(c) Members shall serve a four (4) year term, except initial appointments shall be set so that three (3) members shall serve one (1) year, three (3) members shall serve two (2) years, four (4) members shall serve three (3) years, and four (4) members shall serve four (4) years.

SECTION 16. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:

(1) Beginning with the 1990-91 school year, it shall be the responsibility of each local school district to assure that a developmentally appropriate half-day preschool education program is provided for each child who is four (4) years of age by October 1 of each year and at risk of educational failure. Any school district which can show a lack of facilities to comply with this section may apply for an exemption to delay implementation until 1991-92. All other four (4) year old children shall be served to the extent placements are available. The State Board for Elementary and Secondary Education, upon the recommendation of the chief state school officer, shall adopt administrative regulations establishing the guidelines for the program. Administrative regulations shall establish eligibility criteria, program guidelines, and standards for personnel.

(2) "Developmentally appropriate preschool program" means a program which focuses on the physical, intellectual, social, and emotional development of young children. The preschool program shall help children with their interpersonal and socialization skills.

(3) Funds appropriated by the General Assembly for the preschool education programs shall be granted to local school districts according to a grant allotment system approved by the State Board for Elementary and Secondary Education. Children who are at risk shall be identified based on the federal school lunch program eligibility criteria for free lunch. Appropriations shall be separate from all other funds appropriated to the Department of Education.

(4) The chief state school officer shall receive and review proposals from local school districts for grants to operate or oversee the operation of developmentally appropriate preschool education programs. Districts may submit proposals for implementing new services, enhancing existing preschool education services, or contracting for services. In designing a local early childhood education program, each district shall work with existing preschool programs to avoid duplication of programs and services and to avoid supplanting federal funds.

(5) Each program proposal shall include, at a minimum:

EDUC
2/12/91
AR-15

- (a) *A description of the process conducted by the district to assure that the parents or guardians of all eligible participants have been made aware of the program and of their right to participate;*
 - (b) *A description of the planned educational programming and related services;*
 - (c) *The estimated number of children participating in the program;*
 - (d) *Strategies for involving children with disabilities;*
 - (e) *Estimated ratio of staff to children with the maximum being one (1) adult for each ten (10) children;*
 - (f) *The estimated percentage of children participating in the program who are at risk of educational failure;*
 - (g) *Information on the training and qualifications of program staff and documentation that the staff meet required standards;*
 - (h) *A budget and per-child expenditure estimate;*
 - (i) *A plan to facilitate active parental involvement in the preschool program, including provisions for complementary parent education when appropriate;*
 - (j) *Facilities and equipment which are appropriate for young children;*
 - (k) *The days of the week and hours of a day during which the program shall operate;*
 - (l) *A plan for coordinating the program with existing medical and social services, including a child development and health screening component;*
 - (m) *Assurances that participants shall receive breakfast or lunch;*
 - (n) *Program sites which meet state and local licensure requirements;*
 - (o) *A plan for coordinating program philosophy and activities with the local district's primary school program; and*
 - (p) *An evaluation component.*
- (6) *Programs shall reflect an equitable geographic distribution representative of all areas of the Commonwealth.*

SECTION 17. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:

- (1) *Effective with the 1991-92 school year, any child who has been identified as handicapped in accordance with Public Law 94-142 as amended by Public Law 99-457, or as exceptional by KRS 157.220 and corresponding administrative regulations, and who is three (3) or four (4) years of age, or who may become five (5) years of age after October 1 of the current year, shall be eligible for a free and appropriate preschool education and related services.*
- (2) *The General Assembly shall provide funds to be used for preschool education programs and related services for handicapped children. Appropriations shall be separate from all other state funds appropriated to the Department of Education and shall be administered in accordance with applicable state statutes and administrative regulations and Public Law 94-142 as amended by Public Law 99-457.*
- (3) *Eligible local school districts shall receive funds based on the number of appropriately identified handicapped children being served on December 1 of the prior year, except during the 1991-92 school year funds shall be allotted based on the number of children being served on September 30, 1991. Local school districts may develop cooperative arrangements with other school districts or organizations in accordance with KRS 157.280.*
- (4) *The State Board for Elementary and Secondary Education shall adopt administrative regulations related to the administration and supervision of programs, eligibility criteria, personnel requirements, and the use of funds.*

SECTION 18. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

EDUC
2/12/91
A10-16

(1) There is hereby created an interagency Task Force on Family Resource Centers and Youth Services Centers which shall consist of sixteen (16) members appointed by the Governor. The sixteen (16) members appointed shall include one (1) representative from each of the following agencies or groups:

- (a) Department of Education;
- (b) Department for Employment Services of the Cabinet for Human Resources;
- (c) Department for Health Services of the Cabinet for Human Resources;
- (d) Department for Mental Health and Mental Retardation Services of the Cabinet for Human Resources;
- (e) Department for Social Services of the Cabinet for Human Resources;
- (f) Department for Social Insurance of the Cabinet for Human Resources;
- (g) Justice Cabinet;
- (h) Governor's Office;
- (i) Workforce Development Cabinet;
- (j) Parents;
- (k) Teachers;
- (l) Local school administrators;
- (m) Local school boards;
- (n) Local community mental health-mental retardation programs;
- (o) Local health departments; and
- (p) Local community action agencies.

(2) The task force shall be appointed and begin to meet immediately upon the effective date of this Act to formulate a five (5) year implementation plan establishing family resource and youth services centers designed to meet the needs of economically disadvantaged children and their families. The secretary of the Cabinet for Human Resources shall call the first meeting, at which time the task force by majority vote shall elect a task force chair to serve a one (1) year term. A new chair shall be elected annually thereafter, and the chair may succeed himself. The Cabinet for Human Resources shall provide adequate staff to assist in the development and implementation of the task force's plan.

(3) The plan developed by the task force shall include a five (5) year effort to implement a network of family resource centers across the Commonwealth. The centers shall be located in or near each elementary school in the Commonwealth in which twenty percent (20%) or more of the student body are eligible for free school meals. The plan developed for the centers by the task force shall promote identification and coordination of existing resources and shall include, but not be limited to, the following components for each site:

- (a) Full-time preschool child care for children two (2) and three (3) years of age;
- (b) After school child care for children ages four (4) through twelve (12), with the child care being full-time during the summer and on other days when school is not in session;
- (c) Families in training, which shall consist of an integrated approach to home visits, group meetings and monitoring child development for new and expectant parents;
- (d) Parent and child education (PACE) as described in KRS 158.360;
- (e) Support and training for child day care providers; and

EDUC
2/12/91
A10-17

(f) *Health services or referral to health services, or both.*

(4) *The plan developed by the task force shall include a five (5) year schedule to implement a network of youth services centers across the Commonwealth. The centers shall be located in or near each school, except elementary schools, serving youth over twelve (12) years of age and in which twenty percent (20%) or more of the student body are eligible for free school meals. The plan developed for the centers by the task force shall promote identification and coordination of existing resources and include the following components for each site:*

- (a) *Referrals to health and social services;*
- (b) *Employment counseling, training and placement;*
- (c) *Summer and part-time job development;*
- (d) *Drug and alcohol abuse counseling; and*
- (e) *Family crisis and mental health counseling.*

(5) *The task force shall complete its implementation plan for the program prior to January 1, 1991, and local school districts shall develop initial plans for their family resource centers and youth services centers by June 30, 1991. By June 30, 1992, family resource centers and youth services centers shall be established in or adjacent to at least one-fourth of the eligible schools, with expansion by one-fourth by June 30 of each year thereafter until the centers have been established in or adjacent to all eligible schools.*

(6) *A grant program is hereby established to provide financial assistance to eligible school districts establishing family resource centers and youth services centers. The Cabinet for Human Resources shall promulgate administrative regulations to establish criteria for the awarding of the grants. In no case shall a school district operate a family resource center or a youth services center which provides abortion counseling or makes referrals to a health care facility for purposes of seeking an abortion. The grant applications shall be reviewed by the task force, which shall make its recommendations to the secretary of the Cabinet for Human Resources.*

(7) *The task force shall continue to monitor the family resource centers and the youth services centers, review grant applications, and otherwise monitor the implementation of the plan until December 31, 1995, at which time the task force shall cease to exist. During its existence the task force shall report at least annually to the secretary of the Cabinet for Human Resources, the Governor, and the Legislative Research Commission.*

(8) *Members of the task force may be reimbursed for actual expenses for attending meetings and for other actual and necessary expenses incurred in the performance of their duties authorized by the task force. The expenses shall be paid out of the appropriation for the task force.*

SECTION 19. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

As used in Sections 19 to 22 of this Act unless the context indicates otherwise:

(1) *"Council" means the Council for Education Technology.*

(2) *"Technology" includes, but is not limited to, computers, telecommunications, cable television, interactive video, film, low-power television, satellite communications, and microwave communications.*

SECTION 20. A NEW SECTION OF KRS CHAPTER 168 IS CREATED TO READ AS FOLLOWS:

The General Assembly of the Commonwealth of Kentucky recognizes that technology plays an important role in enlarging and enriching the school experiences of students and is vital to an efficient system of public schools.

SECTION 21. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

(1) *There is hereby established the Council for Education Technology which shall be an advisory group attached to the State Board for Elementary and Secondary Education. The Council shall develop a specific plan for education technology within broad parameters established by the State Board for Elementary and Secondary Education.*

EDUC
2/12/91
A10-18

(2) The council shall consist of nine (9) members who shall be appointed by the Governor upon the effective date of the Act, with the consent of the House of Representatives and the Senate. If the General Assembly is not in session at the time of appointment, the consent of the General Assembly shall be obtained during the time the General Assembly next convenes. Members shall be acknowledged leaders in research, technology, economic development, education, and business. Membership shall not be restricted to Kentucky residents, and every effort shall be made to obtain the services of those whose intelligence and knowledge of education and technology will be of greatest benefit to the Commonwealth. A majority of the membership present at any meeting shall constitute a quorum for the official conduct of business.

(3) Members shall be appointed for four (4) year terms and may be reappointed. Upon the effective date of this Act, the initial members of the board shall be appointed as follows: two (2) members shall be appointed for terms of two (2) years; three (3) members shall be appointed for terms of three (3) years; and four (4) members shall be appointed for terms of four (4) years. Members shall receive no compensation but may be reimbursed for actual and necessary expenses in accordance with state laws and regulations.

(4) Immediately upon receiving notice of the appointment of all members, the chief state school officer shall call an organizational meeting. At this meeting the chief state school officer shall preside as temporary chairman, and the council shall elect from among the members a chairman and any other officers it deems necessary, and define the duties of the officers.

(5) At the organizational meeting, or at any subsequent meeting, the council may elect an executive committee, not fewer than three (3) in number. The council shall define the scope, duties, and powers of the executive committee to transact business between meetings.

(6) Meetings shall be held at least two (2) times per year at a time and place designated by the chairman. The State Board for Elementary and Secondary Education shall provide staff support for the council.

(7) The duties and responsibilities of the council shall include, but not be limited to, the following:

(a) Developing a long range plan for the efficient and equitable use of technology at all levels from primary school through higher education, including vocational and adult education. The plan shall focus on the technology requirements of classroom instruction, literacy laboratories, instructional management, distance learning, and communications as they relate to the Commonwealth's outcome goals for students as described in Section 3 of this Act;

(b) Creating, overseeing, and monitoring a well planned and efficient statewide network of technology services designed to meet the educational and informational needs of the schools;

(c) Working with private enterprise to encourage the development of technology products specifically designed to answer Kentucky's educational needs;

(d) Encouraging an environment receptive to technological progress in education throughout the Commonwealth;

(e) Recommending a policy governing the granting of right of ways for the laying of fiber optic cable in a manner to insure that all of Kentucky's citizens are served equitably, that the fiber optic system is available for educational technology purposes, and that the private and public sectors are partners in the venture; and

(f) Receiving, holding, investing, and administering all funds received by the council for the purpose of carrying out its duties and responsibilities, as set out in this section. These funds shall be spent with the aim of achieving equality of education throughout the Commonwealth.

SECTION 22. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

(1) By January 1, 1991, the council shall develop the broad parameters of the initial five (5) year plan for education technology and submit the plan to the Legislative Research Commission for approval. Implementation of the first stages of the plan shall begin immediately upon approval. The plan shall outline the Commonwealth's five (5) year activities related to purchasing, developing and using technology to:

(a) Improve learning and teaching and the ability to meet individual students' needs to increase student achievement;

(b) Improve curriculum delivery to help meet the needs for educational equity across the state;