After the January 4 release of Senate Bill 1 2017, and following a period of study and discussion, the Kentucky Coalition for Arts Education expressed several concerns and requests to the primary sponsor of the bill. Since we forwarded our perspective on aspects of the bill that affect arts education, we have been advised of several revisions, bulleted below, for which we thank the relevant decision-makers.

- **Section 2 KRS 1546.160 subsection (1) (a) 3.** [pp. 7–8] Senator Wilson told the Interim Joint Education Committee that this portion of the bill, which would have allowed non-arts substitution for the required credit in Visual and Performing Arts, has been stricken.

- **Section 4 KRS 158.6453 subsection (17) (a) [pp. 38–39]** Whereas inclusion of the profile report in the school report card is not required of schools in the bill, we have been informed that drafters are presently working toward requiring the electronic link to the profiles to be part of the school report card.

- **Section 4. KRS 158.6453 subsection (18) (b) [p. 40]** We have been informed that the language has been strengthened to require the Department of Education to provide “guidelines” rather than the softer “recommendations” regarding student access to opportunities in non-tested programs.

- **Section 5. KRS 158.6455 subsection (1) (b) 7. a. [p. 43]** We have been informed that the language that regards measures of post-secondary readiness has been revised such that statute will indicate students are “postsecondary ready” by measure of a college readiness test OR industry-recognized measures.

This progress notwithstanding, as the bill nears consideration by the Senate Education Committee, we have several reservations we will describe below.

1. **Section 4. KRS 158.6453 subsection (20) (a) [p.40]** We would like to see the inclusion of students’ opportunities to access as inserted below, indicated with gray shading.

   (a) The Kentucky Department of Education, in consultation with the review committees described in subsection (18)(a) of this section, shall develop a school profile report to be used by all schools to document how they will address the adopted academic standard in their implementation of the programs as described in subsection (18)(b) of this section, which includes program length and time, courses offered, staffing, resources, and facilities. Documentation may include, but should not be limited to, student opportunities and experiences in co-curricular and extracurricular activities.

Rationale:

Adding the program descriptors of time, courses, staffing, resources, and facilities would create a stronger statutory link between School Profiles and program guidelines. An unintended consequence of listing “extra-curricular” could be a school’s conversion of non-tested curricular programs into after-school programs as long as they aligned with standards, thus removing the assurance of equal
access. After-school programs are valuable enrichments to basic school programs but should not supplant them. The suggested additional language would clarify the proper role of co-curricular and extra-curricular activities as enrichments to school’s curricular offerings.

2. Section 4. KRS 158.6453 subsection (20) (b) [p. 40] We are concerned with a loss of importance for the arts and other non-tested subjects to school-level decision-makers. For comparison, current statute per SB-1 2009 provides that:
   a. Program reviews shall be included in the assessment system
   b. There shall be audits of the program reviews
   c. School councils shall analyze findings from program reviews in order to improve programs.

Recently, a 2017 SB1 Overview, distributed at the 1/30/17 meeting of the Interim Joint Education Committee, states:

Program Reviews: removes costly, time-consuming, and ineffective Program Reviews. More effective accountability can foster support for qualified visual and performing arts teachers to teach anchor standards and artistic processes within coherent curricula. Program Reviews would be replaced by comprehensive profile reports that ensure quality program implementation.

As program reviews are replaced by School Profiles, we would like to see these qualities remain in statute to avoid weakening their importance in schools:
   a. Non-tested program performance remain part of the accountability reporting system, without which these programs become less important and they will lose support, as has happened in the past
   b. Schools remain accountable for the accurate and honest reporting of program data beyond the local complaint by a staff member, parent, or student.
   c. Profile data still used to inform program improvement.

We recommend the following change to the accountability expectation in the bill:
(c) The Kentucky Department of Education shall develop procedures for ensuring the accuracy of school profile reports that may include, but not be limited to, the use of audits; and shall develop a protocol for addressing formal concerns related to a school's implementation of the programs described in subsection (18)(b) of this section. If a school staff member, student, or a student's parent has concerns regarding deficiencies in a school's implementation of the programs described in subsection (18) of this section, he or she may submit a written inquiry to the school council.
(d) Data from the school’s profile report, as described in subsection (20) (a) of this section, shall be included in the state accountability system reporting.
(e) The KDE shall provide guidelines for using the results of the school profile in a school’s improvement plan.
3. Section 5. KRS 158.6455 subsection (1) (b) 1. c. [p. 42] In a listing of what the accountability system shall include, the bill reads as follows:

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<td>1. c. The summative performance evaluation shall be based on a combination of academic and school quality indicators and measures, with greater weight assigned to the academic measures. The results of program assessments of arts and humanities, practical living skills and career studies, and writing programs;</td>
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Considering the removal of the obsolete mention of program reviews, we suggest the insertion of language below, indicated with gray shading, to include school profiles and the specific non-tested programs. This is in order to avoid weakening the place of the arts and other non-tested subjects in the schools.

3. Section 5. KRS 158.6455 subsection (1) (b) 7. b. [p. 43] The first sentence, as it stands, will legislate that a school is to receive more accountability weight for students who earn industry-recognized certifications, licensures, or credentials identified as high demand, which has the clear and well-meant intent of balancing the workforce supply with the workplace demand, yet any incentive for schools to council students into one area of study over another will result in administrators exercising their influence for points at the expense of what is right for students. This is a known phenomenon, and we ask for the portion of the first sentence that ties rewards to student postsecondary options to be stricken.