

Education and Workforce Development Cabinet

Kentucky Board of Education

Department of Education

(Amendment)

704 KAR 3:390. Extended school services.

RELATES TO: KRS 158.070, 158.6451, 158.6459

STATUTORY AUTHORITY: KRS 156.070, 158.070

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.070(9) requires schools to provide continuing education for students who need additional instructional time to achieve the outcomes defined in KRS 158.6451. KRS 158.070(9) requires the Kentucky Board of Education to promulgate administrative regulations establishing criteria for the allotment of grants to local school districts to provide these services and for waivers to deliver those services during the regular school day. This administrative regulation establishes~~ed~~ requirements for extended school services.

Section 1. Definitions. ~~[(1) "A5 program" means an alternative program, which is a district-operated and district-controlled facility with no definable attendance boundaries, that is designed to provide services to at-risk populations with unique needs. Its population composition and characteristics change frequently and are controlled by the local school district student assignment practices and policies (i.e., the local district personnel have input with regard to the identification of students receiving services provided by the A5 school as opposed to~~

~~unconditionally accepting court ordered placements). Students enrolled in A5 program typically include:~~

~~(a) Actual dropouts returning to an alternate educational environment;~~

~~(b) Potential or probable dropouts;~~

~~(c) Drug abusers;~~

~~(d) Physically abused students;~~

~~(e) Discipline problem students;~~

~~(f) Nontraditional students (e.g., students who have to work during the school day); or~~

~~(g) Students needing treatment (e.g., emotional or psychological).~~

~~(2) "A6 program" means a district operated instructional program in a nondistrict operated institution or school.]~~

(1) ~~[(3)]~~ "Diagnostic Assessment;" ~~["formative assessment"]~~ or "benchmark assessment;" means an assessment that is used to identify ~~[identify]~~ gaps in student learning in specific content areas.

(2) ~~[(4)]~~ "Extended school services" or "ESS" means instructional and support services provided:

(a) By school districts for students who are unlikely to achieve proficiency, transition to the next level of learning successfully, or be able to meet the academic expectations in 703 KAR 4:060 without additional time or differentiated opportunity to learn;

(b) A[t times separate from the regular school day, regular school week, or the minimum school term,; unless a district's request for a waiver meets the criteria established in Section 7 of this administrative regulation and has been approved by the Commissioner of Education; and

(c) As interventions included in the student's intervention plan, in primary through grade 5, or in the student's Individual Learning Plan, in grades 6 through 12, to ensure that the student remains in school and is on track to meet goals for postsecondary education and career after high school.

(3) ~~[(5)]~~ "Formative assessment" means the process used by teachers and students during instruction that provides feedback to adjust ongoing teaching and learning to improve students' achievement of intended learning outcomes.

(4) ~~[(6)]~~ "Individual Learning Plan" means a plan to help students in grades 6 through 12 better focus their coursework on individual goals as they prepare for postsecondary studies and careers.

(5) ~~[(7)]~~ "Interim or benchmark assessments" means assessments that are administered at the school or district level at prescribed intervals and aimed at collecting student instructional data.

(6) ~~[(8)]~~ "Summative assessment" means tests given at the end of instruction to determine what was learned.

(7) ~~[(9)]~~ "Support services" means noninstructional components of a program that:

(a) Are provided to enable the student to realize the benefits of the instructional program; and

(b) May include transportation, instructional materials or supplies, student snacks, school-based counseling, community-based mentoring, academic advising, parent training for follow through, or referrals for social, health or financial assistance through appropriate service agencies.

Section 2. Instructional Program. (1) The major emphases of extended school services shall be to provide additional time and differentiated opportunity to learn in a program in which rigorous academic and enrichment content are aligned with individual student needs to improve the present level of performance in one (1) or more content areas. Priority for ESS services shall be placed on designing and delivering services to students at academic risk with the specific objective that students are able to:

- (a) Progress from grade to grade with their cohort;
- (b) Exit elementary school ready to meet academic expectations at the middle school level;
- (c) Exit middle school ready to meet academic expectations at the high school level; and
- (d) Exit high school ready to meet academic expectations at the [of] postsecondary education level and in the workplace, with particular emphasis on literacy and mathematics.

(2) The extended school services provided to a student shall be planned, documented and evaluated through the intervention plan~~[,]~~ in ~~[at]~~ primary through grade 5, or in the student's Individual Learning Plan~~[,]~~ in grades 6 through 12. The instructional program for extended school services shall include:

- (a) Diagnostic assessments to determine areas of highest academic need of the individual student;
 - (b) Development of goals, in consultation with classroom teachers, for eliminating the identified academic need, including timelines and specific measurable outcomes;
 - (c) Formative and summative assessments to facilitate student progress and to determine if the student has achieved the learning goals of the intervention plan;
 - (d) Instructional strategies that are varied and that do not replicate practices that have proven to be ineffective for the student in the traditional classroom;
 - (e) A plan for collaboration and consistent use of interventions among the teachers supporting the student in core academic classes and those providing supports through extended school services;
 - (f) Counseling and academic advising to remove barriers to achievement; and
 - (g) Regular communication with the parent or guardian.
- (3) The instructional program may utilize a variety of scheduling models including:

- (a) Programs operated during the regular school day as provided in Section 7 of this administrative regulation;
- (b) Extended day programs which are scheduled at any time outside of the regular school day;
- (c) Night programs;
- (d) Saturday programs;
- (e) Summer programs; or
- (f) Flexible school calendars which allow eligible students to attend school for a longer period of time than other students.
- (4) The district's comprehensive school improvement plan shall include opportunities to collaborate with businesses, colleges, and community organizations to provide services and advising in off-campus locations as part of or aligned with the extended school services programs.
- (5) Extended school services programs shall not supplant instructional time of the regular school program, but shall extend time and provide differentiated opportunity to learn in a specific area of academic need.
- (6) Certified staff, including administrators, teachers, and advisors, shall collaborate to plan, deliver, and evaluate extended school services instruction and supports [~~in collaboration~~] as part of a student's Individual Learning Plan (ILP).
- (7) Teachers providing instruction in extended school programs shall meet the same professional qualifications as teachers who are employed in the regular school program.
- (8) Teachers providing instruction in extended school programs shall be provided with professional development on effective instructional strategies for meeting the needs of at-risk students and the use of formative assessment strategies to monitor progress.

(9) Certified staff shall supervise noncertified tutors.

(10) Extended school services shall be provided to eligible students who are in the first year of the primary school program through the twelfth grade. Students shall be eligible to receive these services until they graduate from the twelfth grade or reach ~~[become]~~ twenty-one (21) years of age, whichever comes first.

Section 3. Student Selection. (1) Each school district shall select pupils who need additional instructional time as described in Section 2(1) of this administrative regulation [~~who need additional instructional time~~]. A student shall not be selected or assigned to receive extended school services for disciplinary purposes or for any kind of in-school suspension. [~~The needs of students in A5 and A6 programs shall be considered in the selection process.~~]

(2) Within its scope of authority, a local board of education or school council may mandate the participation of eligible students in ~~[to]~~ extended school services through the adoption of a written policy, which shall describe all conditions under which attendance will be required and shall provide a description of any exceptions permissible under the policy.

(3) Conditions for attendance for extended school service shall include:

(a) Identification of the learning goals and benchmarks that, if achieved, indicate that the student may exit the extended school services program;

(b) The conditions under which a student's absence may be considered excused or unexcused;
and

(c) The arrangements for transporting the students mandated to attend.

(4) The local school board shall provide notice of the policy in the district's annual extended school services program report which is submitted at the same time as the district's comprehensive school improvement plan.

(5) One (1) or more of the following shall be used to determine which students shall be eligible for and in greatest need of extended school services:

(a) Teacher recommendation;

(b) Academic performance data, including diagnostic, formative, interim, benchmark, or summative assessments;

(c) Student performance on high school, college, or workforce readiness assessments required by KRS 158.6459; or

(d) Behavioral and developmental progress as documented in formal and informal assessments and reports.

(6) Local school boards shall approve and disseminate procedures whereby pupils who have a greater need as determined by the eligibility criteria shall be referred and selected first to receive extended school services. These procedures shall not exclude students who have greater academic need from referral or selection for extended school services due to the inability of the parent or student to provide transportation.

(7) A local school district shall solicit input from parents and the community to identify potential barriers to participation. Identified barriers shall be addressed through engagement with community partners or off-campus locations of after school, weekend, or evening services.

(8) Schools shall inform parents and guardians of extended school services including:

(a) The rationale for offering extended school services, including data about educational achievement and future ~~[further]~~ earnings, opportunities for postsecondary education and training, and consequences of failure to achieve the high school diploma;

(b) A specific notification to parents or guardians of their child's eligibility to be assigned ~~[receive or assignment]~~ to extended school services, including the manner in which a

personalized intervention plan and goals will be included as part of the student's Individual Learning Plan to help ensure that the student is able to achieve the student's academic and career goals; and

(c) Written procedures for parents or guardians to request reconsideration of their child~~ren~~'s ~~[identification or lack of identification of]~~ eligibility for extended school services.

Section 4. Funding. (1) Each school district shall be eligible to receive a grant award from available funds to provide extended school services. Available funds shall be the amount of the total appropriation less two (2) percent for state administrative costs.

(2) The ~~C~~ommissioner of ~~E~~ducation shall distribute ~~[determine]~~ the total appropriation as follows ~~[the award for which each school district is eligible division of funds]:~~

(a) One-third (1/3) of the total funds shall be distributed based on the most current average daily attendance (ADA);

(b) One-third (1/3) ~~[sixth (1/6)]~~ of the total funds shall be distributed based on the most current rates of economic deprivation (ED);

~~[(c) One sixth (1/6) of the total funds shall be distributed based on the most current dropout rates (DR); and]~~

~~(c) (d)~~ One-third (1/3) ~~[sixth (1/6)]~~ of the total funds shall be distributed based on the most current state assessment overall score (OS) ~~[CATS Academic Indices (AI)]~~.

3. (a) The state total for ED shall be the sum of all districts' ED quotients. Each district's ED quotient shall be calculated by multiplying the district's ED times the district's ADA;

(b) The state total for OS [AI] shall be the sum of all districts' OS [AI] quotients. Each district's OS [AI] quotient shall be calculated by subtracting the OS [AI] from 100 and then multiplying the difference by the district's ADA;

(c) The state total for ADA shall be the sum of the ADA for all districts;

~~[(3) Actual district allocations shall be calculated as follows:]~~

~~[(a) Determine the state total for ADA by summing the ADA for all districts;]~~

4. [(3)] Actual district allocations shall be calculated as follows:

(a) ~~[(b)]~~ Determine the percentage each district shall receive for ADA by dividing the district's ADA by the state total ADA. The resulting percentage multiplied times the total funds available for average daily attendance shall equal the amount the district shall receive for ADA;

~~[(c) State totals for ED, AI, and DR shall be calculated as follows:]~~

(b)[4] Determine the percentage each district shall receive for ED by multiplying the district's ED times the district's ADA and divide the result by the state's total ED, as determined by paragraph 3a [4] of this subsection. The resulting percentage multiplied times the total funds available for economic deprivation shall equal the amount the district shall receive for ED;

~~[1. The state total for ED shall be the sum of all districts' ED quotients. Each district's ED quotient shall be calculated by multiplying the district's ED times the district's ADA;~~

~~2. The state total for OS [AI] shall be the sum of all districts' OS [AI] quotients. Each district's OS [AI] quotient shall be calculated by subtracting the OS [AI] from 100 and then multiplying the difference by the district's ADA;]~~

~~[3. The state total for DR shall be the sum of all district's DR quotients. Each district's DR quotient shall be calculated by multiplying the district's DR times the district's ADA;]~~

~~[(d) Determine the percentage each district shall receive for ED by multiplying the district's ED times the district's ADA and divide the result by the state's total ED, as determined by paragraph 1 of this subsection. The resulting percentage multiplied times the total funds available for economic deprivation shall equal the amount the district shall receive for ED;]~~

~~(c)(4)(e)~~ Determine the percentage each district shall receive for OS [AI] by multiplying the district's OS [AI] times the district's ADA and divide the result by the state's total OS [AI] as determined by paragraph 3 (b)(e)2 of this subsection. The resulting percentage multiplied times the total funds available for overall score [academic indices] shall equal the amount the district shall receive for OS [AI];

~~{(f) Determine the percentage each district shall receive for DR by multiplying the district's DR times the district's ADA and divide the result by the state's total DR as determined by paragraph (e)3 of this subsection. The resulting percentage times the total funds available for dropout rate shall equal the amount the district shall receive for DR;}~~ and

~~(5) (g)~~ Sum the district's portions for ADA, ED, and OS [AI, and DR] to determine the district's total ESS allocation.

(6) In addition to the grant funds calculated by the funding formula outlined in Section 4 of this administrative regulation, districts may receive an award for improvement in their overall score from the previous to the current academic year. This award is to be distributed proportionally to those schools in the district whose overall scores have improved from the previous to the current year.

~~(7)(4)~~ To ensure the opportunity for all school districts to provide effective extended school services of adequate size and scope, a school district shall not receive a grant of less than \$15,000.

~~(8)(5)~~ Grant awards shall be made to each school district upon approval by the Commissioner of Education [commissioner of education] of an application described [as prescribed] in Section 5 of this administrative regulation. Regular grant funds shall be available for use by [school] districts for fifteen (15) months through September 30 of the last year of the grant period. All

1 services shall be delivered by September 30 of the last year of the grant period and all
 2 expenditures shall be paid for extended school services by December 30 of the last year of the
 3 grant period.

4 ~~(9) [(6)]~~(a) Funds received for extended school services shall be expended for instructional and
 5 support services necessary to provide an effective program.

6 (b) These services shall include salaries of personnel.

7 (c) Transportation and staff development related to the provision of extended school services
 8 shall be considered permissible support services. Support may include expenditures for field
 9 trips, which shall not exceed two (2) percent of the district's allocation for students served by the
 10 extended school services program.

11 (d) Funds for extended school services shall not be used for capital outlay or indirect costs.

12 (e) School districts shall be authorized to enter into contractual arrangements if needed to
 13 provide comprehensive extended school service programs.

14 (f) ~~The F[f]~~unds may be expended for instructional materials and supplies if a need is
 15 demonstrated and the district does not have the supplies and materials available.

16 (g) Part of these funds may be used for up to three (3) percent of the district's allocation for plant
 17 operation ~~[of plant]~~ for a summer extended school services program; this allocation ~~[which]~~ shall
 18 be prorated if other programs are taking place at the same time and place.

19 (h) Part of these funds may be used for administrative costs, which shall not exceed five (5)
 20 percent of the district's allocation.

21 (i) Students shall not receive monetary compensation to attend the extended school services
 22 program.

(j) School districts shall maintain ~~have~~ on file the written criteria for the selection of personnel employed in extended school services and shall ensure staffing decisions are made to best meet the needs of students.

~~(10) [(7)]~~ Financial records for extended school services shall be maintained by each school district and shall be submitted to the Department of Education via the state technology system.

Section 5. Requesting Funds. (1) ~~The~~ A request for the use of extended school services funds shall be submitted as part of the district's comprehensive improvement plan.

(2)(a) District applications for funds shall be approved by the Commissioner of Education ~~[commissioner of education]~~ prior to the encumbrance or expenditure of funds for extended school services by any school district, including the contracting of ~~for~~ personnel for extended school services.

(b) Approval of programs as described in each district's comprehensive improvement plan, required program reports, and request for a waiver for alternative service delivery shall be based on this administrative regulation and KRS 158.070.

Section 6. Program Evaluation. School districts providing extended school services shall submit to the Department of Education:

(1) Student data obtained through the student information system and the Individual Learning Plan in place at the end of the regular school term and any summer term in which funds are expended for extended school services;

(2) Evaluation and evaluative data as approved in the waiver application, if the school district receives approval to implement extended school services during the regular school day; and

(3) Data relative to the effectiveness of the extended school service program, including:

(a) Pre- and post-student qualitative and quantitative performance data;

1 (b) Student attendance at extended school services; and

2 (c) Promotion and graduation data.

3 Section 7. Waiver for Alternative Service Delivery. The Commissioner of Education

4 ~~[commissioner of education]~~ may consider a request for a waiver to operate an extended school

5 services ~~[a]~~ program during the school day or to use an alternative delivery format. A request for

6 a waiver shall include:

7 (1) A rationale describing why a daytime program is needed;

8 (2) A description of the instructional program, that meets the criteria established in Section 2 of

9 this administrative regulation;

10 (3) A description of the student selection process that meets the criteria in Sections 2 and 3 of

11 this administrative regulation; and

12 (4) A detailed ~~[Detailed,]~~ and accurate budget that includes ~~[using]~~ correct MUNIS codes. A

13 person compensated with extended school services ~~[ESS]~~ funds shall devote his or her time to

14 delivering extended school ~~[ESS]~~ services during the time period for which he or she is being

15 compensated with extended school services ~~[ESS]~~ funds (17 Ky.R. 695; eff. 10-14-90; Am. 19

16 Ky.R. 994; 1375; eff. 12-9-92; 23 Ky.R. 186; eff. 9-5-96; 29 Ky.R. 1349; 2094; eff. 2-3-03; 35

17 Ky.R. 1281; 1739; 2054; eff. 2-12-2009.)