

ASSESSMENT REGULATIONS

- **703 KAR 5:140, Requirements for school and district report cards**
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703 KAR 5:140. Requirements for school and district report cards.

RELATES TO: KRS 158.031, 158.6453(20)

STATUTORY AUTHORITY: KRS 158.6453(20)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6453(20) requires the Kentucky Board of Education to promulgate an administrative regulation to define the implementation and the components of a school and district report card that clearly communicates with parents and the public about school and district performance. This administrative regulation establishes the standards for a school and district report card.

Section 1. Definitions. (1) "Average student/teacher ratio" means the total enrollment of the school (end of year membership) divided by the number of teachers on a full-time equivalent (FTE) basis, not including administrators, guidance counselors, or media specialists.

(2) "Average years of experience" means the average number of years of professional experience of classroom teachers excluding certified staff such as administrators, guidance counselors, or media specialists.

(3) "Base year" means the academic year immediately preceding the publication of the school report card components.

(4) "Core academic subject" means English, reading or language arts, mathematics, science, foreign language, civics and government, economics, arts, history, or geography.

(5) "District report card" means the summary of district and school information that may be published in the newspaper with the largest paid circulation in the county in which the district resides.

(6) "School" means an institution as defined in KRS 160.345(1)(b).

(7) "School report card" means the compilation of school information to be published on the Kentucky Department of Education Web site and linked to school Web sites or in a printed copy if requested.

(8) "School safety data" means a list of components as established in Section 2 of this administrative regulation, critical to providing for a safe school environment for students and school staff.

(9) "Spending per student - district" means the current expenditures made divided by the total primary through grade twelve (12) end of year average daily attendance in the district.

(10) "Spending per student - school" means the current expenditures made divided by the end-of-year average daily attendance in the school.

(11) "Spending per student - state" means the current expenditures made divided by the total primary through grade twelve (12) end of year average daily attendance in the state.

(12) "Total enrollment" means the number of primary through grade twelve (12) students enrolled in a school or district as reported by the local superintendent at the close of the year.

Section 2. School Report Card. A school report card shall include the following information:

(1) The name and address of the school, the name of its principal, and telephone, fax and e-mail contact information, all of which shall be current;

(2) The total enrollment of the school;

(3) The school level results of all components of Kentucky's accountability system to classify schools and districts, which is:

(a) Established in 703 KAR 5:200, Section 2; and

(b) Also known as the Unbridled Learning: College/Career-Ready for All Accountability System;

(4) Teacher qualification information, including:

(a) Average years of teaching experience;

(b) Percentage of teachers with emergency or provisional certification;

(c) Percentage of core academic subject classes not taught by highly qualified teachers;

(d) The number of teachers certified by the National Board for Professional Standards; and

(e) The professional qualifications of all teachers expressed as percentages, including bachelors, masters, Rank I, specialist, and Ph.D. or Ed.D. degrees;

(5) School safety data including:

(a) Whether visitors are required to sign in;

(b) Whether all parents receive the district discipline code;

(c) The percentage of classrooms with telephones able to access outside lines; and

(d) Data detailing safety violations of 1st Degree assault (with intent to cause injury), drug abuse, and weapons. The safety data shall include:

1. The number of incidents; and

2. The number of students suspended or expelled for that kind of incident;

(6) Student resource data including:

(a) Spending per student at the school, district and state level;

(b) Average student to teacher ratios at the school, district, and state level;

(c) Student to internet connected instructional computer ratios at the school, district and state level;

(d) Percentage of computers meeting the minimum standards for acceptable computers in Kentucky schools and districts pursuant to the master plan for education technology required by KRS 156.670;

(7) Parental involvement information including:

(a) Number of students whose parent or guardian had at least one (1) teacher conference;

(b) Number of parents and guardians voting in school council elections;

(c) Number of parents and guardians serving on the school council or its committees; and

(d) Number of school-related volunteer hours;

(8) The names of members of the current year school council with contact information, including telephone numbers or e-mail addresses where the members can be reached for questions or comments.

Section 3. As accurate, reliable data become available from student information systems, the Kentucky Department of Education shall link school, district, and state data to the school and district report cards, including existing reports, participation, and performance in Advanced Placement (AP) tests and courses, disaggregated to the extent permitted under KRS 160.700-160.730, which protects the confidentiality of an individual student's educational records.

Section 4. District Report Card. (1) A district report card shall include a district level summary of all school data required on the school report card and shall be the aggregation of the school report cards by grade level.

(2) The district report card shall include the names and appropriate addresses of the district superintendent and members of the local board of education.

(3) The district report card shall contain data and information that complies with the federal No Child Left Behind Act of 2001, and the waiver provisions of that act, as may be applicable to the Department, 20 U.S.C. secs. 6301 et seq., or its successor and the percentage of core academic subject classes not taught by highly qualified teachers aggregated and disaggregated by high poverty compared to low poverty schools (schools in the top quartile of poverty and the bottom quartile of poverty in the state).

(4) The district report card shall include a list of district schools with primary programs and the number of students in each school requiring five (5) years to complete the primary program.

Section 5. Reporting Requirements; Timelines. Prior to publication the principal and the superintendent or a designee shall review and approve the text and data provided for the school and district report cards. Each school report card and district report card shall be published on the Kentucky Department of Education Web site and the applicable school and district Web sites and shall be supplied by the school and districts in printed format if requested.

Section 6. Verification; Audits. (1) The Department of Education shall conduct an audit of school and district report cards for compliance with the provisions of this administrative regulation. School and district report card components generated at the school and district shall be delivered to the Department of Education upon request.

(2) If a school or district alters data without authorization, falsifies data, or publishes incorrect information in a component of the report card, it shall supply corrected information to the audience that received the incorrect information, using the same medium by which it conveyed the original information.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(4). (27 Ky.R. 881; Am. 2148; eff. 1-18-2001; 32 Ky.R. 1775; eff. 6-2-2006; 35 Ky.R. 1277; 2052; eff. 2-12-2009; 38 Ky.R. 1391; 39 Ky.R. 31; eff. 7-13-2012.)

703 KAR 5:200. Next-Generation Learners.

RELATES TO: KRS 158.6451, 158.6453, 158.6455, 158.860

STATUTORY AUTHORITY: KRS 158.6453; KRS 158.6455

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6453 requires the Kentucky Board of Education to create and implement a balanced statewide assessment program that measures the achievement of students, schools and districts, complies with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability. This administrative regulation establishes the assessment and accountability requirements for students.

Section 1. Definitions. (1) "Achievement" means student performance described with the student performance levels of novice, apprentice, proficient and distinguished on state-required content area tests.

(2) "College readiness" means the percentage of middle school students meeting ACT established benchmarks on the EXPLORE test in reading, English or mathematics.

(3) "College and career-readiness" means a readiness percentage calculated by dividing the number of high school graduates who have successfully met an indicator of readiness for college or career with the total number of graduates.

(4) "Full Academic Year" means 100 or more instructional days of enrollment within the school year.

(5) "Gap" means the percentage of students in the non-duplicated student gap group scoring proficient or distinguished on state-required content area tests.

(6) "Growth" means the percentage of students that show typical yearly growth in reading or mathematics using the student growth percentile.

(7) "Next-generation instructional programs and supports" means a component of the state-wide accountability system for Kentucky public schools and districts based on reviews of instructional programs.

(8) "Next-generation learners" means a component of the state-wide accountability system for Kentucky public schools and districts based on student data.

(9) "Next-generation professionals" means a component of the state-wide accountability system for Kentucky public schools and districts based on teacher and administrator data.

(10) "Next-generation schools and districts" means a component of the state-wide accountability system that reports performance data for schools and districts.

(11) "Student growth percentile" means each student's rate of change compared to other students with a similar test score history.

(12) "Typical yearly growth" means a student growth percentile at 40 or above.

Section 2. (1) Except as provided in subsections (2) or (3) of this section, Kentucky's accountability system to classify schools and districts shall consist of the following components:

(a) Next-generation learners, as established in this administrative regulation; and

(b) Next-generation instructional programs and support, as established in 703 KAR 5:230.

(2) Following the effective date of an administrative regulation promulgated by the Kentucky Board of Education to establish the requirements for next-generation schools and districts, Kentucky's accountability system to classify schools and districts shall consist of:

(a) The two (2) components included in subsection (1) of this section; and

(b) The next generation schools and districts component.

(3) Following the effective date of an administrative regulation promulgated by the Kentucky Board of Education to establish the requirements for next-generation professionals, Kentucky's accountability system to classify schools and districts shall consist of:

(a) The two (2) components included in subsection (1) of this section;

(b) The next-generation schools and district component, if the administrative regulation referenced in subsection (2) has become effective; and

(c) The next-generation-professionals component.

Section 3. Next-Generation Learners. (1) Data shall be reported for schools and districts in the following categories:

(a) Achievement;

(b) Gap;

(c) Individual student growth;

(d) Readiness for college or career; and

(e) Graduation rate.

(2) Data from individual student performance on state assessments administered as required in KRS 158.6451 and KRS 158.6453 shall be included in the next-generation learners component. This data shall include students with disabilities who participate in the alternate assessment program.

(3) Data in reporting categories shall be attributed to grade level spans for schools and districts as established in this subsection.

(a) Elementary schools shall receive data from achievement, gap, and individual student growth.

(b) Middle schools shall receive data from achievement, gap, individual student growth, and readiness for college.

(c) High schools shall receive data from achievement, gap, individual student growth, readiness for college or career, and graduation rate.

Section 4. Calculations for Reporting Categories. (1) Achievement shall be reported in next-generation learners as established in this subsection.

(a) In elementary, middle, and high schools, for each content area of reading, mathematics, science, social studies, and writing one (1) point for each percent of students scoring proficient or distinguished shall be awarded. One-half (.5) point shall be awarded for each percent of students scoring apprentice. Points shall not be awarded for novice students.

(b) A bonus for distinguished performance shall be calculated as required by this paragraph.

1. The bonus formula shall consider both the percent of students scoring at distinguished and at novice so that a bonus for distinguished student performance shall not overcompensate for novice student performance.

2. Each percent of students scoring distinguished shall receive an additional one-half (.5) point and each percent of students scoring novice shall receive a negative one-half (.5) point.

3. The value generated for novice shall be combined with the value generated for distinguished.

4. Except as provided in subparagraph 6. of this subsection, for schools and districts with a higher distinguished value, the difference between the two (2) values shall be added to the achievement calculation as a bonus for distinguished.

5. For schools and districts with a higher novice value, points shall not be added to the achievement calculation.

6. The distinguished bonus shall not allow the content area value for a school or district to exceed 100 percent.

(c) The following chart shall be used to calculate the points in accordance with paragraphs (a) and (b) of this subsection:

Proficiency Levels	Points Awarded for Each Percent of Students
Novice	0
Apprentice	.5
Proficient	1
Distinguished	1
Bonus for Distinguished (offset by Novice)	.5 for each percentage of distinguished) MINUS .5 for each percentage of novice)

(d)1. In accordance with KRS 158.860(7) and KRS 158.6453(5)(e), a district or school council may determine that high school end-of-course examination results be used for a percentage of a student's final grade in the course.

2. Beginning in the 2011-2012 academic year, end-of-course examinations shall be administered in reading, mathematics, science, and social studies, in accordance with the vendors secured through the state procurement process.

3. If the district or school council's policies do not include end-of-course examination grades in the grading policy or if the end-of-course examination grade percentage is less than twenty (20) percent, the district shall submit an annual report to the Commissioner of Education that provides justification for not using end-of-course examinations for at least twenty (20) percent of a student's final grade in the course.

4. Beginning with the 2012-2013 academic year, the report shall be submitted to the Commissioner of Education on or before December 31.

(2) Gap shall be reported in next-generation learners as established in this subsection.

(a) A single gap group called the non-duplicated gap group shall be created. This group shall consist of an aggregate, non-duplicated count of students in the following demographic categories:

1. African American;
2. Hispanic;
3. American Indian or Native American;
4. Limited English proficiency;
5. Students in poverty based on qualification for free or reduced price lunch; and
6. Students with disabilities that have an Individualized Education Program (IEP).

(b)1. For each tested content area, students scoring proficient or higher in the non-duplicated gap group shall be summed.

2. The sum shall yield a single gap number of students proficient or higher with:

- a. No student counting more than one (1) time; and
 - b. All students in the included groups counted once.
3. The individual content area gap percentages shall be averaged for an overall gap percentage.

(c) The non-duplicated gap group shall have a minimum of ten(10) students per content area in the school or district in order to report gap data.

(d) A maximum total of 500 points shall be awarded for gap. The points shall be distributed equally among the content areas tested.

(3) Individual student growth shall be reported in next-generation learners as established in this subsection.

(a) Individual student growth shall be computed based on a student growth percentile model.

(b) At elementary and middle schools, calculations shall include scores from students with data from reading assessments across two (2) years and mathematics assessments across two (2) years.

(c) At high school, calculations shall include scores from students with data from college readiness reading and mathematics assessments across two (2) years.

(d)1. One (1) point shall be awarded for each percent of students that shows typical or high growth in reading and one (1) point shall be awarded for each percent of students that shows typical or high growth in mathematics.

2. Typical yearly growth shall be at or above the fortieth (40th) student growth percentile.

3. Points shall not be awarded for students showing lower than typical growth.

(e) For elementary, middle, and high schools, total points shall be 100 for each content area of reading and mathematics for a total of 200.

(4) College-and-career-readiness shall be reported in next-generation learners as established in this subsection.

(a) A readiness percentage for each high school shall be calculated by dividing the number of high school graduates that have successfully met at least one (1) indicator of readiness, as listed in paragraph (b) of this subsection, by the total number of graduates. An individual student shall only be attributed to the calculation one (1) time.

(b) The indicators of readiness shall include the percent of students meeting:

1. The Kentucky Council on Postsecondary Education's System-wide Benchmarks on the ACT in Reading, English and Mathematics established in "College Readiness Indicators", incorporated by reference in 13 KAR 2:020;

2. The Kentucky Council on Postsecondary Education's College Placement Test Benchmarks established in "College Readiness Indicators", incorporated by reference in 13 KAR 2:020; or

3. The career measures as recognized by the Kentucky Board of Education.

(c)1. An individual student shall earn a bonus of one-half (.5) point in the calculation of the readiness percentage if the student met:

a. Either the:

(i) System-wide Benchmarks on the ACT in Reading, English and Mathematics as established in 13 KAR 2:020; or

(ii) College Placement Test Benchmarks as established in 13 KAR 2:020; and

b. The career measures as recognized by the Kentucky Board of Education.

2. The bonus shall not allow the calculation of the readiness percentage for a school or district to exceed 100 percent.

(d) For middle schools, a readiness for college percentage shall be calculated by determining the percentage of students who meet the ACT EXPLORE benchmarks for reading, English, and mathematics as established by ACT, Inc. based on the data from the national administrations of the ACT EXPLORE.

(e) For middle schools, the percent of students in each tested area of reading, English, and mathematics meeting the benchmark score shall be averaged. This value shall be reported as the middle school college readiness percentage.

(5) Graduation rate shall be reported in next-generation learners as established in this subsection.

(a) In accordance with the requirements in "Briefing Packet: Graduation Rate Data 2010 State Trends", the graduation rate shall be computed using the:

1. Averaged freshman graduation rate for the years of 2011-2012 and 2012-2013; or

2. The cohort graduation rate beginning with the 2013-2014 year.

(b) The graduation rate for each school and district shall be reported publicly by the Department of Education in the next-generation

learners component. Graduation rate data shall be lagged one (1) year for reporting.

(6) The total points for next-generation learners shall be awarded as follows:

(a) The total number of points earned in each category of achievement, gap, individual student growth, readiness for college or career, and graduation rate shall be weighted in the following manner:

Grade Range	Achievement	Gap	Growth	Readiness for College or Career	Graduation Rate	Total
Elementary	30	30	40	n/a	n/a	100
Middle	28	28	28	16	n/a	100
High	20	20	20	20	20	100

(b) The total number of points in next-generation learners shall classify schools and districts into one (1) of three (3) classifications:

1. Distinguished;
2. Proficient; and
3. Needs improvement.

(c) Within each of the three (3) classifications, public reports by the Department shall indicate the direction in which school and district performance is moving compared to the prior year report.

(d) In accordance with KRS 158.6455, the Kentucky Board of Education shall amend this administrative regulation or promulgate a new administrative regulation to determine the placement of schools and districts into one (1) of three (3) classifications and the establishment of goals using a standard-setting process utilizing results from the first operational administration of new assessments in 2011-2012. The process shall:

1. Be advised by the National Technical Advisory Panel on Assessment and Accountability; School Curriculum, Assessment and Accountability Council; and the Office of Education Accountability;

2. Use accepted technical procedures and involve Kentucky school and district administrators and teachers; and

3. Be reviewed by the Kentucky Board of Education. Following its review, the Kentucky Board of Education shall approve the final cut scores and goals that determine placement in one (1) of the three (3) classifications by administrative regulation.

(e) If data cannot be calculated for any category of next-generation learners, the weights shall be redistributed using an equal proportion to categories that shall be reported for the school or district.

(7)(a) Students enrolled for a full academic year shall be included in the calculations for achievement, gap, individual student growth, and readiness for college or career for a school and district.

(b) Graduation rate calculations shall include both students enrolled and students earning diplomas.

Section 5. Incorporation by Reference. (1) "Briefing Packet: Graduation Rate Data 2010 State Trends", August 2, 2011, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (37 Ky.R. 3042; Am. 38 Ky.R. 627; 1329; eff. 2-3-2012.)

703 KAR 5:225. School and district accountability, recognition, support, and consequences.

RELATES TO: KRS 158.645, 158.6451, 158.6453, 158.6455, 20 U.S.C. 7861

STATUTORY AUTHORITY: KRS 158.6453; 158.6455

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6453 requires the Kentucky Board of Education to create and implement a balanced statewide assessment program that measures the achievement of students, schools, and districts; complies with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor; and ensures accountability. KRS 158.6455 requires the Kentucky Board of Education, following the revision of academic standards and development of a student assessment program, to create an accountability system to classify schools and districts, including a formula for accountability, goals for improvement, and rewards and consequences. This administrative regulation establishes the statewide system of accountability, recognition, support, and consequences, and meets requirements of the U.S. Department of Education to receive approval of a state-level waiver of specific requirements of the federal No Child Left Behind Act of 2001 pursuant to 20 U.S.C. 7861.

Section 1. Definitions. (1) "Annual measurable objective" or "AMO" means the improvement goal for each school or district calculated from the overall score.

(2) "Comprehensive District Improvement Plan" or "CDIP" means a plan developed by the local school district with the input of parents, faculty, staff, and representatives of school councils from each school in the district, based on a review of relevant data that includes targets, strategies, activities, and a time schedule to support student achievement and student growth, and to eliminate achievement gaps among groups of students.

(3) "Comprehensive School Improvement Plan" or "CSIP" means a plan developed by the school council or successor pursuant to KRS 160.346 with the input of parents, faculty, and staff, based on a review of relevant data that includes targets, strategies, activities, and a time schedule to support student achievement and student growth, and to eliminate achievement gaps among groups of students.

(4) "District of distinction" means a highest-performing district that:

- (a) Meets its current year AMO starting in 2012-2013, student participation rate, and graduation rate goal;
- (b) Has a graduation rate above sixty (60) percent for the prior two (2) years;
- (c) Does not have a school categorized as a focus school or priority school; and
- (d) Scores at the ninety-fifth (95th) percentile or higher on the Overall Score.

(5) "Focus district" means a district that has a non-duplicated student gap group score in the bottom ten (10) percent of non-duplicated student gap group scores for all districts.

(6) "Focus school" means a school that has a non-duplicated student gap group score in the bottom ten (10) percent of non-duplicated student gap group scores for all elementary, middle, and high schools; schools with an individual student subgroup within assessment grades by level with a score in the third (3rd) standard deviation below the state average for all students; or high schools that have a graduation rate that has been less than sixty (60) percent for two (2) consecutive years.

(7) "Graduation rate goal" means the annual graduation rate goal set by the department for each high school and district that measures progression toward the statewide goal of ninety-eight (98) percent by 2022 and is computed by dividing, by eleven (11), the difference between the 2011 baseline percent and ninety-eight (98) percent.

(8) "High-progress district" means a district that:

- (a) Meets its current year AMO starting in 2012-2013, student participation rate, and graduation rate goal;
- (b) Has a graduation rate above sixty (60) percent for the prior two (2) years; and
- (c) Has an improvement score indicating the district is in the top ten (10) percent of improvement of all districts as determined by the difference in the two (2) most recent calculations of the overall score.

(9) "High-progress school" means:

(a) A Title I school that:

1. Meets its current year AMO starting in 2012-2013, student participation rate, and graduation rate goal;
2. Has a graduation rate above sixty (60) percent for the prior two (2) years; and
3. Has an improvement score indicating the school is in the top ten (10) percent of improvement of all Title I elementary, middle, or high schools as determined by the difference in the two (2) most recent calculations of the overall score; or

(b) A Non-Title I school that:

1. Meets its current year AMO starting in 2012-2013 student participation rate, and graduation rate goal;
2. Has a graduation rate above sixty (60) percent for the prior two (2) years; and
3. Has an improvement score indicating the school is in the top ten (10) percent of improvement of all non-Title I elementary, middle, or high schools as determined by the difference in the two (2) most recent calculations of the overall score.

(10) "Highest-performing district" means a district that:

- (a) Meets its current year AMO starting in 2012-2013, student participation rate, and graduation rate goal;
- (b) Has a graduation rate above sixty (60) percent for the prior two years; and
- (c) Scores at the ninetieth (90th) percentile or higher on the overall score except that a district shall not qualify as highest-performing if any school in the district is categorized as a focus-school or priority school.

(11) "Highest-performing school" means an elementary, middle, or high school level that:

- (a) Meets its current year AMO starting in 2012-2013, student participation rate, and graduation rate goal;
- (b) Has a graduation rate above sixty (60) percent for the prior two years; and
- (c) Scores at the ninetieth (90th) percentile or higher on the overall score.

(12) "Mean" means the sum of the values divided by the number of values.

(13) "Next-generation instructional programs and supports" means a component of the state-wide accountability system for Kentucky public schools and districts based on reviews of instructional programs.

(14) "Next-generation learners" means a component of the state-wide accountability system for Kentucky public schools and districts based on student data.

(15) "Next-generation professionals" means a component of the state-wide accountability system for Kentucky public schools and districts based on teacher and administrator data.

(16) "Next-generation schools and districts" means a component of the state-wide accountability system that reports performance data for schools and districts.

(17) "Non-duplicated student gap group score" means an aggregate, non-duplicated count of achievement scores of student groups that include African/American, Hispanic, American Indian, Limited English proficiency, students in poverty based on qualification for free and reduced price lunch, and students with disabilities who have an Individualized Education Program (IEP).

(18) "Overall score" means the score resulting from a compilation of the accountability components listed in Section 2 of this administrative regulation that determines placement of a school or district in a classification for recognition, support, or consequences.

(19) "Participation rate" means the percent of all students and the student subgroups in the school or district that participate in annual statewide assessments, with a goal of ninety-five (95) percent.

(20) "Percentile" means the value of a variable below which a certain percent of numbers fall.

(21) "Priority district" means a district that has an overall score in the bottom five (5) percent of overall scores for all districts that have failed to meet the AMO for the last three (3) consecutive years.

(22) "Priority school" means a school that has been identified as a persistently low-achieving or PLA school as defined by KRS 160.346.

(23) "Progressing" means a designation attached to a school or district's classification as proficient, distinguished, or needs improvement to indicate that the school has met its AMO, student participation rate for the all students group and each subgroup, and has met its graduation rate goal.

(24) "School level" means the standard configuration of grade levels that form elementary, middle, and high schools as established in 703 KAR 5:240, Section 5.

(25) "School of Distinction" means a highest-performing elementary, middle, or high school that:

(a) Meets its current year AMO starting in 2012-2013, student participation rate, and graduation rate goal;

(b) Has a graduation rate above sixty (60) percent for the prior two (2) years; and

(c) Scores at the ninety-fifth (95th) percentile or higher on the overall score.

(26) "Standard deviation" means a measure of the dispersion of a set of data from its average.

(27) "Student subgroup" means a student group that includes African-American, American Indian, Asian, White, Hispanic, English language learners, students in poverty on qualification for free or reduced price lunch, or students with disabilities who have an Individualized Education Program (IEP).

Section 2. Statewide System of Accountability, Recognition, Support, and Consequences. (1) The accountability system established by 703 KAR chapter 5 shall be called Unbridled Learning: College and Career Ready for All.

(2) An overall score shall be used to classify schools and districts for recognition, support, and consequences. The overall score shall be a compilation of the following accountability components:

(a) Next-Generation Learners, as established in 703 KAR 5:200;

(b) Next-Generation Instructional Programs and Support, as established in 703 KAR 5:230; and

(c) Next-Generation Professionals, as established in an administrative regulation that will be promulgated by the Kentucky Board of Education to establish the requirements for Next-Generation Professionals.

Section 3. Weighting of Components Comprising the Overall Score. (1) The timeline and weighting of each component as a percentage of the overall score shall occur as follows:

Year	Component	Percentage of Overall Score
2011-2012	Next-Generation Learners	100 percent
2012-2013 and 2013-2014	Next-Generation Learners	Seventy-seven (77) percent
	Next-Generation Instructional Programs and Support	Twenty-three (23) percent
2014-2015 and subsequent years	Next-Generation Learners	Seventy (70) percent
	Next-Generation Instruction Programs and Support	Twenty (20) percent
	Next-Generation Professionals	Ten (10) percent

(2) If data cannot be calculated for any component, the weights shall be distributed equally to the other components that shall be reported for the school or district.

Section 4. Classifications, Annual Measurable Objectives, and Goals. (1) A school level or district shall be classified based on the overall score in accordance with the requirements established in this subsection.

(a) By level of elementary, middle, or high, a distribution of scores from the overall score shall be computed in order to determine the percentiles associated with each overall score;

(b) The overall score associated with specific percentiles shall classify a school level or district as follows:

Percentile based on Overall Score	School or District Classification
At or above ninety (90)	Distinguished
At or above seventy (70)	Proficient
Below seventy (70)	Needs Improvement

(c) The overall score used to classify a school or district as distinguished, proficient, or needs improvement shall be recalculated as the components of the accountability system listed in Section 2 of this administrative regulation are added. When all components have been added, the overall score used to classify a school or district as distinguished, proficient, or needs improvement shall remain constant for a period of five (5) years before calculation of the overall score shall be re-established.

(2) The mean and standard deviation shall be recalculated and the AMO for each school or district shall be reset as the components of the overall score are added. When all three (3) components of the overall score have been included, the AMO for each school and district shall be set for a five (5) year period before the mean and standard deviation are re-established.

(3) Each school level or district shall receive an AMO. The method for determining the AMO shall be as follows:

(a) Using the overall score, a mean and standard deviation shall be computed for the elementary, middle, and high school levels; and

(b) The mean and standard deviation shall be recalculated as the components of the accountability system are added and shall follow the timeline established in Section 3 of this administrative regulation.

(4)(a) The AMO goal for a school level or district classified as needs improvement shall be to increase the overall score by .07 of a standard deviation annually.

(b) The AMO goal for a school level or district classified as proficient or distinguished shall be to increase the overall score by .035 of a standard deviation annually.

(5) Each school level or district classified as distinguished, proficient, or needs improvement that meets its AMO goal, student participation rate, and graduation rate goal shall be further classified as progressing.

(6) For a school level with a changed school service area as established in 703 KAR 5:240, Section 6, the AMO shall be recalculated based on current students. A school or district may submit a plan to recalculate the AMO as established in this subsection.

(a) A school or a district may request that individual students be tracked across schools or that the district AMO be used for the school.

(b) The Department shall approve the plan and shall assure accurate calculations and the inclusion of all students.

(c) Upon approval, the plan shall be implemented and remain in effect until an additional change in school service area occurs.

(d) The granting of a request for a different method to recalculate an AMO shall include a requirement that each affected school and district waive in writing its right to make the request the basis of a subsequent appeal of a school's classification.

(e) The intent to submit a plan to recalculate the AMO shall be received by the department by June 30 of the year prior to which the AMO recalculation shall occur.

(7) A focus school identified using the non-duplicated student gap group score method shall be determined in accordance with the requirements established in this subsection.

(a) The nonduplicated student gap group shall be ranked for all schools in the state.

(b) The schools in the lowest ten (10) percent of the nonduplicated student gap group scores by level shall be called focus schools.

(c) Additional Title I schools shall be added to the list as needed to ensure that the list includes at least ten (10) percent of the Title I schools.

(d) Non-duplicated student gap groups by school shall have at least ten (10) students in order for the calculation to occur.

(8) A focus school identified using the third (3rd) standard deviation method shall be determined as established in this subsection.

(a) By level of elementary, middle, or high, the state average of proficient and distinguished students in each subject area of reading, mathematics, science, social studies, and writing shall be computed, and a standard deviation by subject area for all students shall be computed.

(b) Student subgroups shall number at least twenty-five (25) students in order for the calculation to occur.

(c) A school having an individual student subgroup by level and subject that falls below the third (3rd) standard deviation cut score shall be identified as a focus school.

Section 5. Recognition. (1) Recognition categories shall include Schools or Districts of Distinction, Highest-Performing Schools or Districts, and High-Progress Schools or Districts. Schools and districts in these categories shall receive notification from the Commissioner of Education within five (5) days of release of the annual accountability data, identifying the category of recognition and the rewards for which they are eligible.

(2)(a) Each recognized school or district shall be authorized to use a department-approved web logo and other promotional materials as may be designated by the department reflecting the category of recognition earned.

(b) Subject to availability of funds, financial rewards may be used in conjunction with other recognition activities, and may include funding for special professional growth opportunities or support to enable recognized schools or districts to partner with and mentor a lower-performing school or district.

(c) Highest-performing and high-progress schools and districts shall receive special recognition as determined by the Commissioner of Education.

(3) A school or district identified for recognition shall continue to meet eligibility criteria in order to retain its designation and receive recognition for that category.

(4) A school or district identified as a priority school or district or a focus school or district shall not be eligible for recognition as a highest-performing school or district or a school or district of distinction, but may receive recognition as a high-progress school or district, if it meets the definition established in Section 1 of this administrative regulation and the requirements of this section.

(5) In order to qualify for recognition beginning in 2012-2013, a school or district shall meet the AMO goal, graduation rate goal, and student participation rate, and each high school's graduation rate shall be above sixty (60) percent.

Section 6. Supports and Consequences. (1) Supports and consequences categories shall include Priority Schools and Districts and Focus Schools and Districts.

(2) A priority school or district shall undergo the education recovery processes established in KRS 160.346 and 703 KAR 5:180, in addition to the requirements and consequences established in this administrative regulation.

(3) A focus school or district shall be required to revise its CSIP or CDIP consistent with the requirements of this section and Section 9 of this administrative regulation.

(4) A school or district that is identified as a priority or focus school or district shall receive notification from the Commissioner of Education within five (5) days of release of the annual accountability data, identifying its category and the required supports and consequences that shall apply.

(5) A school or district that is identified as a priority or focus school or district for the first time shall revise its CSIP or CDIP within ninety (90) days of receiving the notice from the Commissioner of Education.

Section 7. Continuing Consequences for Schools and Districts that Remain in Priority or Focus Status for More Than One (1) Year. (1) To exit the priority status, the school or district shall:

(a) Meet AMO goals for three (3) consecutive years;

(b) No longer be identified by the applicable percent calculation of being in the lowest five (5) percent; and

(c) Score at or above a seventy (70) percent graduation rate for three (3) consecutive years.

(2) To exit the focus status, the requirements of this subsection shall be met.

(a) A focus school in the nonduplicated student gap group category shall:

1. Be above the lowest ten (10) percent category;

2. Show improvement; and

3. Meet AMO for two (2) years in a row.

(b) A focus school in the third standard deviation category shall have the individual subgroup that triggered the school's placement in the category to:

1. Rise above the third standard deviation cut score;

2. Show improvement; and

3. Meet AMO for two (2) years in a row.

(c) A focus school in the category due to graduation rate shall:

1. Have a graduation rate higher than seventy (70) percent; and

2. Meet AMO for two (2) years in a row.

(d) A focus district in the non-duplicated student gap group category shall be above the lowest ten (10) percent category.

(3)(a) A school or district that is identified as a priority school or district for two (2) or more consecutive times, or a school or district that remains in the focus school or district category for three (3) consecutive years, shall revise its CSIP or CDIP as specified in Section 9 of this administrative regulation within ninety (90) days of receiving notice from the Commissioner of Education.

(b) The superintendent and the council shall review, revise, and agree upon the CSIP.

(c) The CSIP or CDIP shall be posted to the appropriate school or district Web site.

(4)(a) In addition to the requirements of this section, a priority school or district that is identified for three (3) or more consecutive times, or a focus school or district that is identified for four (4) or more consecutive years, shall revise its CSIP or CDIP as specified in Section 9 of this administrative regulation.

(b) The superintendent and the council shall review, revise, and agree upon the CSIP, which shall then be electronically transmitted to KDE within ninety (90) days of receiving notice from the Commissioner of Education.

(c) The CSIP or CDIP shall be posted to the appropriate school or district Web site.

(d) The school or district shall engage in the following actions:

1. Participate in a set of improvement strategies outlined by an accreditation process;

2. If directed by the department, receive the assignment of a high-achieving partner school or district of similar demographics for mentor activities as directed by the department; and

3. Accept ongoing assistance and resources throughout the year as assigned or approved by the department.

Section 8. Monitoring. (1) The department shall review and approve all submissions required by this administrative regulation.

(2) The department shall monitor implementation of each CDIP or CSIP and shall provide guidance based upon information gathered from the following:

(a) Progress reports from the school through the district;

(b) Data reviews;

(c) On-site observation; and

(d) Other information supplied at the option of the district or school.

(3) In addition to the activities undertaken by the Department, each school district shall monitor compliance of individual schools within the district.

Section 9. Comprehensive School and District Improvement Plan Process. (1) Each school or district shall annually develop, review, and revise a comprehensive school or district improvement plan.

(2) The structure of a school or district comprehensive improvement plan shall include:

(a) Executive summary that shall include a vision and a mission;

- (b) Needs assessment that shall include:
 1. A description of the data reviewed and the process used to develop the needs assessment;
 2. A review of the previous plan and its implementation to inform development of the new plan; and
 3. Perception data gathered from the administration of a valid and reliable measure of teaching and learning conditions;
- (c) Process for development that shall include:
 1. Analysis of data to determine causes and contributing factors;
 2. Prioritization of needs; and
 3. Development of goals, objectives, strategies, and activities based on the needs assessment and root cause analysis, that shall include targets or measures of success, timelines, persons responsible, a budget that includes resources needed and source of funding, and a process for meaningful stakeholder communications and input;
- (d) A set of assurances, approved by and on file with the local board of education, with a signed declaration by the superintendent that all schools in the district are in compliance with the requirements of the statutes and administrative regulations included in those assurances; and
- (e) A process for annual review and revision by the school or district.
- (3) Continuous improvement and capacity building shall drive the development of the plan.
- (4) Other required components in the process shall include:
 - (a) A standards-based process for measuring organizational effectiveness that shall include purpose and direction, governance and leadership, teaching and assessing for learning, resources and support systems, and using results for continuous improvement;
 - (b) A data driven self-evaluation based on the standards, including a means to gather meaningful stakeholder input;
 - (c) A written improvement plan based on the issues identified in the self-evaluation;
 - (d) A set of assurances that includes a determination of compliance with each assurance and the ability to upload any supporting documentation needed;
 - (e) Electronic submission of all elements of the plan;
 - (f) Monitoring implementation of the plan through implementation and impact checks; and
 - (g) Evaluation of the effectiveness based on the strategies and activities in the plan.
- (5) A CSIP shall also include the elements required of schools by KRS 158.649(5).
- (6) A CSIP or CDIP for a priority or focus school or district shall also address the following:
 - (a) Curriculum alignment for schools within the district and within each individual school, ensuring the instructional program is:
 1. Research-based;
 2. Rigorous;
 3. Aligned with the Kentucky Core Academic Standards as established in 704 KAR 3:303; and
 4. Based on student needs;
 - (b) Provision of time for collaboration on the use of data to inform evaluation and assessment strategies to continuously monitor and modify instruction to meet student needs and support proficient student work, if a priority or focus school;
 - (c) Activities to target the underperforming areas of achievement, gap, growth, college and career readiness, or graduation rate;
 - (d) Activities to target demonstrators of weakness in program reviews;
 - (e) Activities to target areas of need identified in teacher and leader effectiveness measures;
 - (f) School safety, discipline strategies, and other non-academic factors that impact student achievement, such as students' social, emotional, and health needs, if a priority or focus school;
 - (g) Design of the school day, week, or year to include additional time for student learning and teacher collaboration, if a priority or focus school;
 - (h) Specific strategies to address gaps in achievement and graduation rates between the highest-achieving student performance group and the lowest-achieving student performance group, if a focus school or district; and
 - (i) Short-term, monthly plans for the first ninety (90) days of implementation, and the establishment of teacher turnaround teams with intensive year-round training focused on teacher effectiveness and school improvement in the professional development component of its plan, if a priority school.
- (7) A priority or focus district shall use a variety of relevant sources that shall include perception data gathered from the administration of a valid and reliable measure of teaching and learning conditions to inform the needs assessment required by the CDIP. A district containing a priority or focus school shall assist those schools in using these data to inform the needs assessment required by the CSIP.
- (8) The Commissioner's Raising Achievement and Closing Gaps Council and the Commissioner's Parents Advisory Council shall provide guidance to focus schools and districts as they conduct their needs assessments and revise their CSIPs and CDIPs.
- (9) A priority school shall document meaningful family and community involvement in selecting the intervention strategies that shall be included in the revised CSIP.
- (10) The CDIP for a district with a priority or focus school shall include the support to be provided to the priority or focus school by the district. The priority or focus school's CSIP shall include the support that will be provided by the district to the school.
- (11) The CDIP for each district shall be posted to the district's Web site. The CSIP for each school shall be posted to the school's Web site. (38 Ky.R. 1919; Am. 39 Ky.R. 60; 480; 9-10-2012.)

703 KAR 5:230. Next Generation Instructional Programs and Support.

RELATES TO: KRS 158.6451, 158.6453, 158.6455

STATUTORY AUTHORITY: KRS 158.6453, 158.6455

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6453 requires the Kentucky Board of Education to create and implement a balanced statewide assessment program that measures the achievement of students, schools and districts, complies with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor and ensures accountability. This administrative regulation establishes the program review requirements for district and school accountability.

Section 1. Definitions. (1) "Demonstrator" means a statement that illustrates what is happening in a school.

(2) "Field tested" means that districts use the program review tools in their schools for the purpose of establishing reliability and validity.

(3) "Next-generation instructional program and support" means the component of the accountability model that contains program reviews in arts and humanities, practical living skills and career studies, writing, K-3, and world language.

(4) "Standards" means the four (4) program review standards of curriculum and instruction, formative and summative assessment, professional development and support services, and administrative leadership support and monitoring.

Section 2. Next-Generation Instructional Programs and Support. Data from program reviews administered as required in KRS 158.6451 and 158.6453 shall be included in the next-generation instructional programs and support component.

Section 3. Field Testing and Public Reporting of Raw Scores. (1) Program reviews shall be field tested for the purpose of establishing validity and reliability and the results publically reported before inclusion in the accountability model.

(2) Beginning in the 2011-2012 academic year, field testing and public reporting shall be conducted in the following program review areas:

- (a) Arts and humanities;
- (b) Practical living skills and career studies; and
- (c) Writing.

(3) In the 2012-2013 academic year, field testing and public reporting shall be conducted in the area of kindergarten through 3rd grade program evaluation.

(4) In the 2014-2015 academic year, field testing and public reporting shall be conducted in the area of world language.

Section 4. Accountability. (1) After program reviews have been field tested to determine reliability and validity, program review scores shall be included in the accountability model.

(a) Beginning in the 2012-2013 academic year, the following program reviews shall be included in accountability:

- 1. Arts and humanities;
- 2. Practical living skills and career studies; and
- 3. Writing.

(b) Beginning in the 2013-2014 academic year, the following program reviews shall be included in accountability:

- 1. Kindergarten through 3rd grade program evaluation; and
- 2. The areas identified in paragraph (a) of this subsection.

(c) Beginning in the 2015-2016 academic year, the following program reviews shall be included in accountability:

- 1. World language; and
- 2. The areas identified in paragraph (b) of this subsection.

(2) Performance on program reviews shall be reported in next generation instructional programs and support as follows:

(a) Elementary, middle and high schools shall receive points at the demonstrator level within each of the four (4) standards of the program review;

(b) Each elementary, middle, and high school's points earned for each demonstrator shall be added together to achieve a total number of points for each standard;

(c) Each elementary, middle, and high school's points earned for each standard resulting from adding all points earned across demonstrators shall be added together to achieve an overall raw score for each program review; and

(d) A school's points shall be multiplied by the appropriate weight to determine program classification, in accordance with Section 5(1) of this administrative regulation.

Section 5. Weights. (1) The total number of points earned for each program review shall be weighted in the following manner:

Beginning with the 2012-2013 academic year:

Grade Range	Arts/ Humanities	Practical Living	Writing	Year 1 Total
Elementary	33.3	33.3	33.3	100
Middle	33.3	33.3	33.3	100
High	33.3	33.3	33.3	100

Beginning with the 2013-2014 academic year:

Grade Range	Arts/ Humanities	Practical Living	Writing	K-3	Year 2 and beyond Total
Elementary	25	25	25	25	100
Middle	33 1/3	33 1/3	33 1/3	NA	100
High	33 1/3	33 1/3	33 1/3	NA	100

Beginning with the 2015-2016 academic year:

Grade Range	Arts/ Humanities	Practical Living	Writing	K-3	World Language	Year 2 and beyond Total
Elementary	20	20	20	20	20	100

Middle	25	25	25	NA	25	100
High	25	25	25	NA	25	100

(2) If data cannot be calculated for any program review, the weights shall be redistributed proportionally.

Section 6. Classification of Schools: (1) The appropriate weights, in accordance with Section 5(1) of this administrative regulation, shall be applied to the school's raw score calculated to determine the school's classification in the instructional programs and support component of the accountability model as established in accordance with 703 KAR 5:200, Section 2(2).

(2) In accordance with KRS 158.6455, the Kentucky Board of Education shall amend this administrative regulation or promulgate a new administrative regulation to determine the placement of schools and districts into one (1) of three (3) classifications and the establishment of goals using a standard-setting process utilizing results from the first operational administration of new assessments in 2011-2012. The process shall:

(a) Be advised by the National Technical Advisory Panel on Assessment and Accountability; School Curriculum, Assessment and Accountability Council; and the Office of Education Accountability;

(b) Use accepted technical procedures and involve Kentucky school and district administrators and teachers; and

(c) Be reviewed by the Kentucky Board of Education. Following its review, the Kentucky Board of Education shall approve the final cut scores and goals that determine placement in one (1) of the three (3) classifications by administrative regulation.

(3) The final cut scores established for next-generation instructional programs and support shall classify schools and districts into one (1) of three (3) classifications:

(a) Distinguished;

(b) Proficient; and

(c) Needs improvement. (38 Ky.R. 711; 1332; eff. 2-3-2012.)

703 KAR 5:240. Accountability administrative procedures and guidelines.

RELATES TO: KRS 158.6451, 158.6453, 158.6455

STATUTORY AUTHORITY: KRS 158.6453, 158.6455

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6453(3)(a) requires the Kentucky Board of Education to promulgate administrative regulations to create and implement a balanced statewide assessment and accountability program that measures the achievement of students, schools, and districts; complies with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor; and ensures accountability. This administrative regulation establishes administrative procedures and guidelines for Kentucky's assessment and accountability program.

Section 1. Definitions. (1) "A1" means a school that:

- (a) Is under administrative control of a principal and eligible to establish a school-based decision-making council; and
 - (b) Is not an alternative education program operated by, or as a part of, another school.
- (2) "Alternative education program" is defined by KRS 160.380(1)(a).
- (3) "Full Academic Year" means 100 or more instructional days of enrollment within the school year.

Section 2. Assigning Students for School and District Accountability. (1) A student enrolled in an A1 school for a full academic year shall be counted in the membership of the A1 school and shall be attributed to the A1 school for accountability purposes. This shall include state agency children or other students who have been enrolled in an A1 school by any authority.

(2) A student enrolled in an A1 school and attending an alternative education program during the year as a result of local school district policies or procedures shall be counted in the membership of the A1 school and shall be attributed to the A1 school for accountability purposes if the student's combined enrollment in the A1 school and alternative education program is a full academic year.

(3) A student enrolled in an alternative education program for a full academic year as a result of local school district policies or procedures shall be attributed to the accountability of the A1 school that the student would have attended if not enrolled in the alternative education program.

(4) A student not enrolled in any A1 school or an alternative education program for a full academic year, but enrolled in a district for a full academic year, shall be assigned to the district for accountability purposes.

Section 3. Assigning Students for State Accountability. (1) Students enrolled in alternative education programs, and not attributed to an A1 school or district, shall be aggregated into a state level accountability report.

(2) If a student, before completing a full academic year in a school or district as provided in Section 2 of this administrative regulation, is enrolled in an alternative education program by a court, a governmental agency other than a Kentucky public school, or Kentucky school district, the student shall be accountable to the state.

Section 4. Inclusion of Schools in Accountability. (1) All A1 schools shall receive annual accountability classifications as established in 703 KAR 5:200, Section 4(6)(b), for the state's assessment and accountability system and shall receive recognition or support as provided by 703 KAR 5:225.

(2)(a) For reporting purposes, all alternative education programs shall receive annual reports based on tested students.

(b) Reports for alternative education programs shall be separate from the A1 school accountability reporting.

(c) The alternative education programs reports shall outline the unique features and characteristics of the alternative education program and the appropriate uses and limitations of the data.

(d) State support and recognition as provided in 703 KAR 5:225 may apply to an alternative education program at the discretion of the Commissioner of Education if resources are available.

Section 5. Standard Grade Configuration for Accountability. (1) Accountable grade level configurations shall be elementary, middle, or high school.

(a) Elementary shall include any configuration of grades K-5 or K-6.

(b) Middle school shall include any configuration of grades 5-8 or 6-8.

(c) High school shall include any configuration of grades 9-12.

(2) An A1 school or an alternative education program shall fall into one (1), two (2), or three (3) levels for accountability reporting.

Section 6. Reporting of Schools with Changed School Service Area. (1)(a) For reporting purposes, a school's past data trend shall be removed from public reporting if a school has a significant change in its stable population.

(b) A school shall be considered to have a stable population, if as a result of a change in service area boundaries or local board of education policies affecting student population served by a school, the population of the school remains at sixty (60) percent or higher of its original students from the previous year in the accountability grades.

(c) To determine if the population is stable, the number of students in the stable population shall be divided by the total number of students in the grades included in the accountability calculations.

1. If the stable population is sixty (60) percent or higher, the school's past trend data shall be reported.

2. If the stable population is less than sixty (60) percent, the school's past trend data shall not be reported.

(2) A school district shall notify the Department of Education of any school that has an unstable population compared to the prior years by October 1.

Section 7. Data Review and School or District Appeal of Accountability Classifications. (1) A written request for a data review shall be submitted to the Department of Education within ten (10) days after the Department of Education officially releases the final accountability classifications as established in 703 KAR 5:200, Section 4(6)(b), to the public.

(2) A written appeal of a final accountability classification shall be submitted to the Commissioner of Education within forty-five (45) days after the Department of Education officially releases the accountability classifications. The appeal of a final classification shall:

(a) Identify clearly the basis for the wrongful effect on the calculations used to place a school into a classification; and

(b) Detail the requested adjustment to be made to the calculations used to place a school into a classification.

(3)(a) The request for an appeal for a school accountability classification shall be signed by the principal upon approval of the school council. If there is no school council, the request shall also be signed by the superintendent, upon approval of the local board of education.

(b) The request for an appeal for a district accountability classification shall be signed by the superintendent upon approval of the local board of education.

(4)(a) Department of Education staff shall review the request for an appeal against the standards set forth in KRS 158.6455(8).

(b) A committee shall be appointed by the Commissioner of Education to review the pending appeals and make recommendations to the

Commissioner of Education as to whether to dispute an appeal. The committee may include a teacher, a parent, a principal, a district assessment coordinator, a superintendent, and a counselor.

(c) If the appeal is disputed by the department, it shall submit the request to the hearing officer for the Kentucky Board of Education.

(5) The hearing officer shall conduct a hearing in accordance with KRS Chapter 13B. The hearing officer shall submit a written recommended order to the Kentucky Board of Education for the board's consideration in rendering its final order, in accordance with KRS Chapter 13B.

Section 8. Student participation in state assessments. (1)(a) All students enrolled shall participate at the appropriate grade level for the state-required assessments in grades 3-8, the college readiness tests, and the writing on demand tests.

(b) For assessment and accountability purposes, the state shall not use the primary level designator and all students in grades 3-12 shall be assigned a single grade level. The assigned grade level shall determine the state tests to administer.

(c) Exceptions for testing shall be made for medical-exempted students and foreign-exchange students.

(d) Students categorized as English Learners (EL) shall follow testing guidelines set forth by the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor.

(2) High school students shall participate in the state-required end of course testing program after completing the appropriate course linked to the end of course test.

(3) For the state assessments in grades 3-8, the college readiness tests, and the writing on demand tests, a school shall test all students during the test window that are enrolled in each accountability grade on the first day of the school's testing window and shall complete a roster in the electronic application provided by the Kentucky Department of Education.

(4) For the end-of-course examination, the school shall test all students enrolled at the completion of the course associated with the state-required end-of-course examination and shall complete a roster in the electronic application provided by the Kentucky Department of Education.

(5) A student retained in a grade in which state-required assessments are administered shall participate in the assessments for that grade again and shall continue to be included in all accountability calculations. A high school student who re-takes a course attached to an end-of-course examination shall take the end-of-course examination at the end of the appropriate coursework.

(6) A student who is suspended or expelled but continues to receive instructional services required under KRS 158.150 shall participate in the state-required assessments.

Section 9. Students Not Participating in State-Required Assessments. (1) If a student does not participate in state-required assessments, the school at which the student was enrolled on the first day of the testing window shall include the student in the roster in the electronic application provided by the Department of Education.

(2) A student who does not take the state assessments and does not qualify for approved exempted status shall be assigned the lowest reportable score on the appropriate test for accountability calculations.

(3) A student reaching the age of twenty-one (21) years of age who no longer generates state funding under Support Education Excellence in Kentucky shall not be required to participate in state-required assessments.

(4) A student who is expelled and legally not provided instructional services under the standards established in KRS 158.150 shall not be considered to be enrolled for a full academic year, and shall not be included in accountability calculations.

(5) If a student has been expelled or suspended at some point during a year and is enrolled but does not complete the state-required assessment, the student shall be included in the accountability calculation.

(6)(a) If participation in the state-required assessment would jeopardize a student's physical, mental or emotional well-being, a school or district shall submit a request for medical exemption, which shall be subject to the approval of the Department of Education and which describes the medical condition that warrants exempting a student from the assessments.

(b) An identified disability or handicapping condition alone shall not be considered sufficient reason for granting a medical exemption to state-required assessment and accountability requirements.

(c) A student with an approved medical exemption shall be excluded from state-required assessments and state and federal accountability calculations.

(7) A foreign exchange student may be assessed with state-required assessments, but the foreign exchange student scores shall not be included in the accountability calculations.

(8) If the student moves out of state or to a private school before state-required assessments can be completed in the school or district's announced testing window, the student shall be excluded from accountability calculations.

Section 10. Required Participation in the National Assessment of Educational Progress (NAEP) and State-Required Field Testing. (1) If a school is selected by the U.S. Department of Education or its designated contractors to participate in NAEP testing, the school shall participate fully.

(2) If a school is selected by the Kentucky Department of Education to participate in field testing for state assessment purposes, the school shall participate fully.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(4). (38 Ky.R. 1407; 39 Ky.R. 32; eff. 7-13-2012.)