

## **KENTUCKY DEPARTMENT OF EDUCATION**

### **STAFF NOTE**

#### **Action/Discussion Item:**

Request from Leslie, Owsley, Knox and Wolfe County School Districts for waiver of Section (4) of 702 KAR 7:125, Pupil Attendance

#### **Applicable Statute or Regulation:**

KRS 158.070

#### **Action Question:**

Should the Kentucky Board of Education (KBE) grant the request of the Knox, Leslie, Owsley, and Wolfe County School Districts for a waiver of language in Section (4) of 702 KAR 7:125 to allow instructional programs to be conducted through on-line, phone and other non-traditional methods on days when school could not otherwise occur due to weather or health-related events?

#### **History/Background:**

***Existing Policy.*** With very few exceptions, each school year a number of school districts miss as many as 30 days of instruction due to weather and health-related events. In the legislative session of 2011, the General Assembly enacted House Bill 427. This bill included language regarding the establishment of a pilot program for districts that regularly experience significant learning loss due to weather or health-related events to make up the lost instructional time through “non-traditional” programs.

HB 427 states:

“Notwithstanding any other statute to the contrary, the commissioner of education may grant up to the equivalent of ten instructional days for school years 2010-2011 and 2011-2012 for school districts that have missed an average of 20 or more days in the previous three years and use alternative methods of instruction, including virtual learning, on days when the school district is closed for health or safety reasons, on nontraditional days, or during nontraditional time. Average daily attendance for purposes of Support Education Excellence in Kentucky funding during the instructional time granted shall be calculated in compliance with administrative regulations promulgated by the Kentucky Board of Education.”

Several districts applied for the pilot and implemented the program. As shown, the language was for a two-year period and the mild winter of 2012 didn’t allow districts to get a good set of data for the second year. As an alternative to the statutory language, these districts (Knox, Leslie, Owsley, and Wolfe) are now making a request of the

Kentucky Board of Education for a waiver under KRS 156.160(2)(a) of 702 KAR 7:125, the Pupil Attendance regulation. The districts seek relief from the requirement under Section 4 that states:

“(4) Pupils shall be physically present in the school to be counted in attendance except under the following conditions:

(c) The pupil is participating in an off-site virtual high school class or block. A student may be counted in attendance for a virtual high school class or block for the year or semester in which the student initially enrolled in the class or block if the student demonstrates proficiency in accordance with local policies required by 704 KAR 3:305, Section 5(2)(b) or (3);”

The districts are asserting that the statutory language originally enacted meets this requirement and seeks relief. This waiver is requested in order to reduce learning loss that occurs due to high numbers of instructional days missed prior to summative testing in the spring. The waiver will allow more students to achieve the goal of being college- and career-ready. The Kentucky Board of Education would be approving an individual waiver for each district listed above. As approved by each local board of education, the approval will be contained in the board minutes available for review at each district’s central office. The original copy of each district’s request is also available at each district’s central office.

#### **Staff Recommendation(s) and Rationale(s):**

Staff recommends that the KBE approve the following districts for a waiver of Section (4) of 702 KAR 7:125. Each district’s process and procedures are explained below.

- 1) **Knox County** – The Knox County Public Schools (KCPS) will provide educational services and learning opportunities for all students based upon curriculum standards for a maximum of ten days using the means of delivery listed below. The KCPS Snow Bound Plan will not be a substitute for the district’s established “Plan B” that calls for schools to be open with bus transportation provided on state maintained roads. Students will have three options for completing assignments and assessments.
  - **Option A:** Schools will be open with staff members from 10:00 a.m. to 3:00 p.m. Parents will transport their children to a local school. Schools may work with their staff to arrange for earlier and later drop-off and pick-up of students. School food service will provide a mid-day snack for students who choose to participate in this option.
  - **Option B:** Students who have high-speed Internet access via computer or other device will participate in digital learning opportunities including, but not limited to, teacher-created websites and blogs and utilize the web-based component of district-licensed software programs already in place (i.e., Novel Stars, TCA ACT Test Prep, Study Island, The Island, Discovery Ed, March 2 Success, and other reading and math programs). This option will be specific for each

school based on their current subscriptions to web-based instructional software and the number of teachers who currently maintain a classroom website. Professional development will be provided during the fall for teachers who wish to establish an online presence for their class(es).

- **Option C:** Students may choose to complete an educational packet at home that includes aligned instruction and formative assessments. Electronic (DVD) and/or paper formats will be available for students who have limited or no access to technology (Internet).

For all available options, students will have up to three school days after each non-traditional Snow Bound day to submit assignments to their teacher. Students who have questions about assignments that were given on a non-traditional day (online and/or packet) will be able to receive additional clarification and support from their teacher before or after school, and when possible during class, prior to submitting their work.

- 2) **Leslie County** – Leslie County’s plan was created on the premise that it is imperative to keep quality instruction occurring during extended periods of missed calendar days due to weather-related circumstances. Learning should not and cannot be confined to the school day or school building. Distance learning is an optimal way to keep students engaged in instruction. The staff and administrators of Leslie County feel it is crucial to continue implementing the Snow Bound Plan in 2012-2013 that was very effective during the 2011-12 school year. With this initiative, instruction is ongoing on days missed, in a geographical area that is prone to inclement weather. In Leslie County, approximately 75% of its students are equipped with high speed Internet access. The remaining 25% will have the option of traditional snow packets. Available resources include Study Island that is correlated to the new common core standards for all grades, ACT prep and AP courses for grades 9-12. Renaissance Learning, Brain Pop, and other web-based instructional tools will be utilized. For each resource, the district has adequate means of tracking the percentage of students completing lessons in detailed reports.
- 3) **Owsley County** – For the 2012-13 school year Snow Bound initiative, Owsley County proposes to focus instruction on Reading, Language, Writing, and Mathematics. The program will include monitoring and management of the assignment of activities, monitoring and management of student ability to complete Internet-based activities, and monitoring and evaluation of student performance. Each grade level will utilize Blackboard Learning to deliver instruction. The program will be applied to all grade levels (K-12). The Owsley County School District will develop a partnership for student learning with the Owsley County Public Library, Owsley County Action Team, and the local telephone cooperative(PRTC) and it will utilize the Booneville Sentinel to assist parents/guardians about snow day(s) activities and events.

- 4) **Wolfe County** – For the 2012-2013 school year, the Non-Traditional Instruction Pilot will include continued emphasis on learning activities that have at-home learning components so that student learning will be seamless and transparent. Instructional modules will be refined, enriched, and strengthened to increase rigor and relevance and include additional technology components and increased congruence with standards. Literacy continues to be an area of emphasis. Teachers received training during the summer on content area literacy strategies and priority is placed on student activities that will engage students in close reading of content and critical thinking/writing related to the reading. The above framework will continue to guide our work as well. Instructional activities will be extended to become even more hybrid in nature, with more emphasis on inquiry-based learning that involves students in real life reading, writing, and problem solving that requires application of content standards to contextual problems. The teacher component will allow teachers to continue work in professional learning communities (PLCs) and continue the work around district priorities, which have also been expanded to include teacher work relative to the new Teacher Professional Growth and Effectiveness System. Teachers will continue to work on Data Walls and other work around identifying students who have intervention needs and planning relevant instruction based on student needs.

**Impact on Getting to Proficiency:**

These waivers will allow these districts to conduct instructional programs through on-line, phone and other non-traditional methods on days when school could not otherwise occur due to weather or health-related events and improve student learning by providing more instruction prior to the annual summative assessment than would normally occur.

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Commissioner of Education

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