

# **KENTUCKY DEPARTMENT OF EDUCATION**

## **STAFF NOTE**

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

703 KAR 5:250, Intervention options in priority schools and districts (Second Reading)

703 KAR 5:121, Repeal of 703 KAR 5:120, Assistance to schools; guidelines for scholastic audit (Second Reading)

703 KAR 5:181, Repeal of 703 KAR 5:180, Intervention system for persistently low-achieving schools (Second Reading)

### **Action Question:**

Should the Kentucky Board of Education approve 703 KAR 5:250, 703 KAR 5:121 and 703 KAR 5:181?

### **Applicable Statute(s) or Regulations:**

KRS 156.029(7), 156.070(5), 158.6453, 158.6455, 160.346

### **History/Background:**

*Existing Policy.* Kentucky's ESEA Flexibility Waiver application and 703 KAR 5:225, School and district accountability, recognition, support and consequences, require states to develop a process to identify schools that qualify as Priority Schools.

While the scholastic audit process outlined in 703 KAR 5:120, Assistance to schools; guidelines for scholastic audit and 703 KAR 5:180, Intervention system for persistently low-achieving schools used the Standards and Indicators for School Improvement (SISI) and provided an excellent foundation for Kentucky's accountability work that was extremely innovative at its inception, Kentucky's new Unbridled Learning: College and Career Ready for All accountability system is based on moving all students to a higher standard – college and career readiness. Since the time of SISI's initial development in 2000 and the revision in 2004, research in the field of school improvement has expanded to provide a deeper understanding of the approach needed to assist schools in preparing students to meet these higher standards.

To this end, 703 KAR 5:250, Intervention options in priority schools and districts, creates a new system of leadership reviews that incorporates the best elements from the previous regulations, retains those elements necessary to assure continued compliance with federal requirements, and provides a more streamlined and flexible approach for addressing the needs of Priority Schools. The new regulation includes team selection and membership requirements; leadership review processes, timelines and criteria; and selection and implementation of intervention processes.

Promulgating this new regulation requires the repeal of the two existing regulations mentioned above. 703 KAR 5:120 was passed in 2004 and established the accountability process under the Commonwealth Accountability Testing System (CATS) that required schools to be identified as Level 1, 2, or 3 schools based on an index score placing the schools below their assistance line, and required the performance of a scholastic review or a scholastic audit, depending on their classification level. The regulation also provided the process for selecting and assigning

scholastic audit teams. The statutory requirements that the regulation was designed to implement are no longer in place.

703 KAR 5:180 was developed in 2010 to implement revisions to the requirements of the federal School Improvement Grant regulations and KRS 160.346, which required KDE to identify the state's persistently low-achieving schools, perform an assessment to review the functioning of the school council and the specific leadership capacity of the principal, and make recommendations as to whether the council and principal should be replaced. The assessment was required to be done by a team selected pursuant to the requirements of 703 KAR 5:120. Current requirements of this regulation related to school interventions will be combined with the requirements of the new leadership review process to comprise the new regulation. A new regulation was used to minimize confusion between the old and new processes.

Since the December KBE meeting, revisions have been made to the regulation as a result of comments received from the Office of Education Accountability (OEA). The changes were primarily formatting and clarifying changes, and the addition of language regarding the determination of capacity for school councils.

**Staff Recommendation and Rationale:**

Staff recommends approval of 703 KAR 5:250, 703 KAR 5:121 and 703 KAR 5:181. 703 KAR 5:250 creates a new system of leadership reviews that incorporates the best elements from the two regulations being repealed and aligns the Priority Schools process with the ESEA waiver. 703 KAR 5:120 and 703 KAR 5:180 are no longer needed.

**Impact on Getting to Proficiency:**

Streamlining and updating processes for implementing leadership reviews in Priority Schools will both improve the review process and allow educational recovery staff to more quickly and effectively begin school improvement activities. It also aligns the department's state regulations with the approved ESEA Flexibility Waiver.

**Groups Consulted and Brief Summary of Responses:**

These regulations will be reviewed by the Local Superintendents Advisory Council prior to the February meeting. A letter from that group providing its input will be sent to the board prior to the February board meeting.

**Contact Person:**

Susan G. Allred, Interim Associate Commissioner  
Office of Next Generation Schools and Districts  
(502) 564-5130  
[Susang.allred@education.ky.gov](mailto:Susang.allred@education.ky.gov)

A handwritten signature in black ink, appearing to read "Jay Holliday". The signature is written in a cursive style with a large, sweeping initial "J".

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**Commissioner of Education**

**Date:**

February 2013