

1 **Education and Workforce Development Cabinet**

2 **Kentucky Board of Education**

3 **Department of Education**

4 **(New administrative regulation)**

5 **703 KAR 5:250. Implementation of Intervention Options in Priority Schools and Districts**

6 RELATES TO: KRS 158.6453, 158.6455, 160.346, 158.782

7 STATUTORY AUTHORITY: KRS 156.029(7), 156.070(5), 158.6453, 158.6455,

8 160.346

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.029 (7) indicates the primary
10 function of the Kentucky Board of Education (KBE) is to adopt policies and administrative
11 regulations by which the Kentucky Department of Education shall be governed in planning and
12 operating programs within their jurisdiction. KRS 156.070 (5) requires the board, upon the
13 recommendation of the Commissioner of Education, to establish policy or act on all programs,
14 services and other matters which are within the administrative responsibility of the Department.
15 KRS 158.6453 (3) (a) vests in the KBE the responsibility to create an assessment system that
16 measures achievement of the state learning goals, ensures compliance with the federal No Child
17 Left Behind Act of 2001, 20 U.S.C. secs. 6301 et. seq. (NCLB) and ensures school
18 accountability. KRS 158.6455 requires the KBE to create an accountability system to classify
19 schools and districts, and to establish appropriate consequences for schools failing to meet their
20 accountability measures. KRS 160.346 requires the KBE to promulgate administrative

1 regulations to establish the process for implementing school interventions and alternate
 2 management options for schools, districts, and the state for persistently low-achieving schools,
 3 now identified as priority schools. In order to obtain approval of Kentucky’s ESEA Flexibility
 4 Waiver, which allows flexibility from specific requirements of NCLB, the USDE requires the
 5 KBE to identify the state’s lowest-achieving schools (formerly called persistently low-achieving
 6 schools) as priority schools, and for those priority schools to follow the requirements of 20 USC
 7 6301, Section 1003 (g) regarding school intervention options. This administrative regulation
 8 establishes the process and procedures for implementing school interventions and alternate
 9 governance options for priority schools and districts.

10 Section 1. Definitions.

11 (1) “Annual measurable objective (AMO)” is defined in 703 KAR 5:225 and means the
 12 improvement goal for each school or district calculated from the overall score.

13 (2) “District leadership review” **is [means]** an assessment, described in KRS 160.346, of the
 14 **[functioning of the]** school district’s **ability to manage an intervention in that school,**
 15 including **[for]** districts containing a priority school. **[, a determination of the district’s ability**
 16 **to manage an intervention in that school.]**

17 (3) “District[s] that contains a priority school” **is a [means]** district[s] that **has [have]** not been
 18 identified as **a** priority district[s] but that **has in its [have in their]** jurisdiction one or more
 19 priority schools.

20 (4) “Leadership review process” **is [means]** the review and audit process required under KRS
 21 158.6455 and 158.346 to establish appropriate consequences for priority schools, districts
 22 containing priority schools, and priority districts as defined in 703 KAR 5:225.

1 (5) “Leadership review team” **is [means]** a team approved by the Commissioner of Education to
 2 conduct a school or district leadership review required by KRS 160.346.

3 (6) “Persistently low-achieving school” is defined in KRS 160.346.

4 (7) “Priority school” is defined in 703 KAR 5:225^[5] and **is [means]** a school that has been
 5 identified as a persistently low-achieving school pursuant to KRS 160.346.

6 (8) “Priority district” is defined in 703 KAR 5:225 and **is [means]** a district that has an overall
 7 score in the bottom five (5) percent of overall scores for all districts that have failed to meet the
 8 annual measurable objective for the last three consecutive years.

9 (9) “School leadership review” **is [means an assessment]** described in KRS 160.346 **, and is an**
 10 **assessment** of the functioning of the school, including
 11 **(a)** a determination of the capacity of a principal **and [or]** school council to lead an intervention
 12 option in a priority school;^[5]

13 **(b) [and]** a recommendation **by the leadership review team** as to whether or not the council and
 14 principal **have capacity to lead the school to recovery, or** should be replaced.

15 (10) “School intervention” is defined in KRS 160.346.

16 Section 2. Leadership review team selection and membership. (1) Members of the leadership
 17 review team shall be selected **by the Department, and approved by the commissioner or his**
 18 **or her designee** from qualified applicants **[approved by the Department]**. The team members
 19 shall complete Department-provided or -approved training in any areas needed to effectively
 20 perform their duties. Members shall hold appropriate certification or qualifications for the
 21 position being represented, and the team shall not include any members currently employed by
 22 the district or school under review.

1 (2) The team shall be approved by the commissioner or his **or her** designee and shall include the
 2 following representation:

3 (a) **The chairperson, who shall be designated by the Department or its' designee, shall be**

4 **1. An** experienced administrator **employed [approved]** by the Department to provide highly
 5 skilled education assistance as required by KRS 158.782;

6 **2. An** experienced certified administrator member of the audit team; or

7 **3. A** similarly qualified state-designated professional [~~to serve as chairperson~~].

8 **The chair may serve in addition to the six (6) members outlined in (b) through (g), or may**
 9 **be selected from those one of those six (6) members who also meets the qualifications of this**
 10 **paragraph.**

11 (b) An individual **employed [selected]** by the Department to provide highly skilled education
 12 assistance as required by KRS 158.782;

13 (c) A teacher **who is actively teaching or has taught within the last three years;**

14 (d) A principal **who is currently serving or has served as a principal within the last three**
 15 **years;**

16 (e) A district level administrator **who is currently serving or has served in a district**
 17 **administrative position within the last three years;**

18 (f) A parent or legal guardian **of [who has or has had]** a school-aged child; and

19 (g) A university representative **who is currently serving or has served in that capacity within**
 20 **the last three years.**

1 Section 3. School Leadership Review (1) Within ninety (90) days of identification as a priority
2 school by the Department, a school leadership review shall be scheduled to review the
3 functioning of the school council and the specific leadership capacity of the principal.

4 (2) The determination of the ~~school council's and~~ principal's ability to lead the intervention in
5 the school shall be based upon an assessment of capacity in the following areas:

6 **(a) The principal demonstrates maintenance and communication of a visionary purpose**
7 **and direction committed to high expectations for learning as well as shared values and**
8 **beliefs about teaching and learning;**

9 **(b) The principal leads and operates the school under a governance and leadership style**
10 **that promotes and supports student performance and system effectiveness;**

11 **(c) The principal establishes a data-driven system for curriculum, instructional design and**
12 **delivery ensuring both teacher effectiveness and student achievement;**

13 **(d) The principal ensures that systems are in place for collection and use of data;**

14 **(e) The principal ensures that systems are in place to allocate human and fiscal resources**
15 **to support improvement and ensure success for all students; and**

16 **(f) The principal ensures that the school implements a comprehensive assessment system**
17 **that generates a range of data about student learning and system effectiveness and uses the**
18 **results to guide continuous improvement.**

19 **(3) The determination of the school council's ability to lead the intervention in the school**
20 **shall be based upon an assessment of capacity in the following areas:**

21 **(a) Purpose and direction supporting high expectations for all students;**

22 **(b) Effective governance and leadership systems and processes**

1 **(c) Curriculum, instructional design and delivery that ensure both teacher effectiveness**
 2 **and student achievement;**

3 **(d) Comprehensive, continuous assessment and data analysis processes;**

4 **(e) Provision of sufficient human and fiscal resources to support improvement; and**

5 **(f) Commitment to a culture of evaluation and continuous improvement.**

6 **(4)[(3)]** The school leadership review shall include analysis of state and local education data,
 7 review of comprehensive school improvement plans and other planning documents; interviews
 8 with students, parents, **all school council members,** school and district personnel and
 9 community members; direct observation; administration of teacher and principal working
 10 conditions surveys and student satisfaction surveys; **review of school council minutes and**
 11 **agendas;** administration of the “Missing Piece of the Proficiency Puzzle, June 2007” as well as
 12 other methods that may be required to obtain the necessary information.

13 **(5)[(4)]** Following the review, a report shall be submitted to the commissioner that specifically
 14 makes:

15 **(a) a determination of the capacity of a principal and school council to lead an intervention**
 16 **option in a priority school;**

17 **(b) a recommendation by the leadership review team as to whether or not the principal has**
 18 **capacity to lead the school to recovery, or should be replaced;**

19 **(c) a recommendation by the leadership review team as to whether or not the school**
 20 **council has capacity to lead the school to recovery or whether school council authority**
 21 **should be transferred;**

- 1 **(d) If the school council is determined to have capacity, it shall retain its authority;**
 2 **however, if the school council is determined not to have capacity, the council shall either be**
 3 **determined to remain as an advisory council or shall be replaced by the commissioner.**
 4 **[recommendations regarding whether the:**
 5 **(a) School council has the capability and capacity to continue its roles and responsibilities**
 6 **established in KRS 160.345; and**
 7 **(b) Principal has the capability and capacity to continue his or her roles and**
 8 **responsibilities established in KRS 160.345; whether the council shall be retained in an**
 9 **advisory capacity; and if retained, whether the current membership of the school council**
 10 **shall be replaced by the commissioner.]**
 11 **(6)[(5)]** A school leadership assessment shall be repeated as often as the commissioner deems
 12 necessary, based on student achievement scores, progress on implementation of the
 13 comprehensive school improvement plan (CSIP) and other factors related to student
 14 achievement.
 15 **(7)[(6)]** Pursuant to KRS 160.346 (8), the authority of the school council shall be restored if the
 16 school meets its AMO for two consecutive years.
 17 **(8)[(7)] The commissioner shall notify a school that it has exited [In order to exit]** priority
 18 status **when the school**
 19 **(a) [the school shall meet] Meets** annual measurable objective (AMO) goals for three
 20 consecutive years,
 21 **(b) Is** no longer identified by the applicable percent calculation of being in the lowest five (5)
 22 percent, and

1 **(c) Scores [score]** at or above a seventy (70) percent graduation rate for three consecutive years.
2 Section 4. District Leadership Review. (1) Within ninety (90) days of identification by the KDE
3 as a district containing a priority school, or as a priority district, a district leadership review shall
4 be scheduled to review the functioning of the district administration and its specific leadership
5 capacity related to each identified school.

6 (2) The determination of the district's ability to manage the intervention in the priority school
7 shall be based upon an assessment of capacity in the following areas:

8 (a) Purpose and direction supporting high expectations for all students;
9 (b) Effective governance and leadership systems and processes
10 (c) Curriculum, instructional design and delivery that ensure both teacher effectiveness and
11 student achievement;
12 (d) Comprehensive, continuous assessment and data analysis processes;
13 (e) Provision of sufficient human and fiscal resources to support improvement; and
14 (f) Commitment to a culture of evaluation and continuous improvement.

15 (3) The district leadership review shall include analysis of state and local education data, **school**
16 **board minutes**, review of comprehensive school improvement plans and other planning
17 documents; interviews with **school board members**, students, parents, school and district
18 personnel and community members; direct observation; administration of teacher and principal
19 working conditions surveys and student satisfaction surveys; administration of the "Missing
20 Piece of the Proficiency Puzzle, June 2007" as well as other methods that may be required to
21 obtain the necessary information.

1 (4) Following the review, a report shall be submitted to the commissioner that specifically makes
2 a recommendation regarding whether the district has the capability and capacity to manage the
3 intervention in the identified school(s).

4 (5) There shall be only one (1) district leadership review per district, per year, regardless of the
5 number of priority schools located in the district.

6 (6) A district leadership assessment shall be repeated as often as the commissioner deems
7 necessary, based on student achievement scores, progress on implementation of the
8 comprehensive district improvement plan (CDIP) and other factors related to student
9 achievement.

10 Section 5. Notification to Schools and Districts of Leadership Assessment Determination. (1)

11 After completion of the leadership reviews and within thirty (30) days of receipt of the reports,
12 the commissioner shall notify in writing the school council, principal, superintendent, and local
13 board of education of the determination regarding:

14 (a) School council **capacity and** authority;

15 (b) Principal **capacity and** authority; and

16 (c) District capacity **and authority**.

17 (2) The notification shall include a statement of the appeal process to the KBE as required by
18 KRS 160.346. The commissioner shall make the final report publicly available.

19 Section 6. Authority to Select an Intervention Option. (1) If the school leadership review

20 determines that the school council has sufficient capacity to manage the recovery, and the district
21 leadership review determines the district has the capacity to support the recovery, the school
22 council shall, within thirty (30) days after the receipt of the commissioner's notification, choose

1 an intervention option pursuant to KRS 160.346 and develop an action plan. The council shall
2 present the option and plan to the local board of education, which shall give final approval and
3 provide the necessary support and resources for the recovery effort.

4 (2) If the school leadership review determines that the school council does not have sufficient
5 capacity to manage the recovery and recommends the council's **role become advisory**
6 **[authority be transferred]** and the district leadership review finds sufficient district capacity to
7 support the recovery and recommends the council's authority be transferred to the
8 superintendent, the superintendent shall, within forty-five (45) days after the receipt of the
9 commissioner's notification or thirty (30) days after the action of the KBE if an appeal is filed,
10 make a recommendation for an intervention option and submit the choice to the local board of
11 education, which shall make the final determination on the intervention option

12 (3) If the school leadership review determines that the school council has sufficient capacity to
13 manage the recovery, and the district leadership review determines the district does not have the
14 capacity to support the recovery, the school council shall, within thirty (30) days after the receipt
15 of the commissioner's notification or thirty (30) days after the action of the KBE if an appeal is
16 filed, choose the intervention option and submit its choice to the local board of education, which
17 shall review the option chosen by the school council and submit the choice to the commissioner
18 who shall approve the choice.

19 (4) If the school leadership review determines that the school council does not have sufficient
20 capacity to manage the recovery and recommends the council's **role become advisory**
21 **[authority be transferred]**, and the district leadership review finds the district lacks sufficient
22 capacity to support the recovery and recommends the council's authority be transferred to the

1 commissioner, the commissioner shall, within forty-five (45) days after receipt of these
 2 determinations and in consultation with the advisory school council, superintendent and local
 3 board of education, determine the intervention option. The identified school and local district
 4 shall implement the intervention option with support from the Department.

5

School council has capacity to lead the intervention	District has capacity to lead the intervention	Who chooses the intervention option?
Yes	Yes	School council chooses option and develops action plan, which is submitted to board, board approves and provides necessary support.
No	Yes	Superintendent recommends to local board, board has final approval
Yes	No	School council chooses option, submits to board, board reviews and submits to commissioner of education, commissioner approves
No	No	Commissioner chooses in consultation with advisory school council, superintendent and local board. School and district implement with KDE support.

6 **Section 7. Replacement of school council members by the Commissioner of Education. (1)**

7 **When the commissioner is required to appoint advisory school council members, he shall**

8 **select three (3) teachers and two (2) parents from the school. These members may come**

9 **from a list of nominees submitted by the superintendent.**

10 **(2) He shall select candidates who are capable of providing leadership in the turnaround**

11 **environment of the school, and meet the requirements of KRS 160.345.**

12 **(3) The appointed council shall remain in advisory capacity until the school meets the**

13 **requirements of KRS 160.346(8).**

14 **(4) The commissioner shall fill any subsequent vacancy through this procedure, until such**

15 **time as full authority is restored to the school council.**

1 Section **8 [7]**. Implementation of Intervention Options. (1) A school or district engaging in the
2 Re-staffing Option shall:

3 (a) Replace the principal with a certified principal who has specific training in turning around
4 low-achieving schools and grant the new leader sufficient operational flexibility, including
5 staffing, calendars, time, and budgeting, to fully implement a comprehensive approach in order
6 to substantially improve student achievement outcomes and, if a high school, increase high
7 school graduation rates. The current principal shall be eligible to remain if ~~[the school~~
8 ~~leadership review recommends and]~~ the commissioner's report determines the principal has
9 the capacity to lead the recovery ~~[or if the school leadership review recommends and the~~
10 ~~commissioner determines the current school council shall remain in an advisory capacity].~~

11 (b) Replace the school council with individuals appointed by the commissioner pursuant to
12 Section 7 of this administrative regulation. The current school council shall be eligible to
13 remain if ~~[the school leadership review recommends and]~~ the commissioner's report
14 determines the school council has the capacity to lead the recovery.

15 (c) Use competencies adopted by the local board of education to measure the effectiveness of
16 staff who can work within the turnaround environment to meet the needs of students to:

- 17 1. Screen all existing staff and rehire no more than fifty (50) percent; and
- 18 2. Select new staff;

19 (d) Select new staff to replace those transferred or dismissed;

20 (e) Implement strategies designed to increase opportunities for career growth, including more
21 flexible working conditions that are designed to recruit, place, and retain staff with the skills
22 necessary to meet the needs of the students in the turnaround school;

- 1 (f) Provide staff with ongoing, high-quality, job-embedded professional development that is
2 aligned with the school's comprehensive instructional program and designed with school staff to
3 ensure that they are equipped to facilitate effective teaching and learning and have the capacity
4 to successfully implement school reform strategies;
- 5 (g) Adopt a new governance structure which shall include requiring the school to provide
6 quarterly progress reports to the local board of education and the Department;
- 7 (h) Use data to identify and implement an instructional program that is research-based and
8 vertically aligned from one (1) grade to the next as well as aligned with the required core
9 academic standards established in 704 KAR 3:303;
- 10 (i) Promote the continuous use of student data from formative, interim, and summative
11 assessments to inform and differentiate instruction in order to meet the academic needs of
12 individual students;
- 13 (j) Establish schedules and implement strategies that provide increased learning time; and
- 14 (k) Provide appropriate social, emotional, and community-oriented services and supports for
15 students.
- 16 (2) A school or district engaging in the External Management Option shall:
- 17 (a) Choose an education management organization (EMO) from a list of approved EMO's
18 established by the KBE pursuant to **Section 9 of this administrative regulation [this section]**;
- 19 (b) Contract with the EMO to provide day to day management of the school; and
- 20 (c) Provide quarterly progress reports to the local board of education and the Department.
- 21 (3) A school or district engaging in the Transformation Option shall:

- 1 (a) Replace the principal who led the school prior to commencement of the transformation model
2 with a certified principal who has specific training in turning around low-achieving schools. The
3 current principal shall be eligible to remain if ~~[the school leadership review recommends and]~~
4 the Commissioner's s report determines the principal has the capacity to lead the recovery and has
5 specific training in turning around low-achieving schools;
- 6 (b) Replace the school council with individuals appointed by the commissioner. The current
7 school council shall be eligible to remain if ~~[the school leadership review recommends and]~~
8 the commissioner's s report determines they have ~~[the school council has]~~ the capacity to lead the
9 recovery ~~[or if the school leadership review recommends and the commissioner determines~~
10 ~~that the current school council shall remain]~~ in an active or advisory capacity.
- 11 (c) Use rigorous, transparent, and equitable evaluation systems for teachers and principals that:
- 12 1. Take into account data on student growth as a significant factor as well as other factors such as
13 multiple observation-based assessments of performance and ongoing collections of professional
14 practice reflective of student achievement and increased high-school graduations rates; and
 - 15 2. Are designed and developed with teacher and the principal's involvement;
- 16 (d) Identify and provide additional leadership and compensation opportunities to school leaders,
17 teachers, and other staff who have increased student achievement and high-school graduation
18 rates, if applicable, and identify and remove those who, after ample opportunities have been
19 provided for them to improve their professional practice, have not done so;
- 20 (e) Provide staff with ongoing, high-quality, job-embedded professional development that is
21 aligned with the school's comprehensive instructional program and designed with school staff to

- 1 ensure they are equipped to facilitate effective teaching and learning and have the capacity to
2 successfully implement school reform strategies which shall include:
- 3 1. Subject-specific pedagogy;
 - 4 2. Instruction that reflects a deeper understanding of the community served by the school; and
 - 5 3. Differentiated instruction;
- 6 (f) Implement strategies designed to increase opportunities for career growth which shall include
7 more flexible working conditions designed to recruit, place, and retain staff with the skills
8 necessary to meet the needs of the students in a transformation school;
- 9 (g) Use data to identify and implement an instructional program that is research-based and
10 vertically aligned from one (1) grade to the next as well as aligned with state academic standards;
- 11 (h) Promote the continuous use of student data from formative, interim, and summative
12 assessments to inform and differentiate instruction in order to meet the academic needs of
13 individual students;
- 14 (i) Increase learning time and create community-oriented schools that:
- 15 1. Establish schedules and implement strategies that provide increased learning time; and
 - 16 2. Provide ongoing mechanisms for family and community engagement;
- 17 (j) Provide operational flexibility and sustained support that:
- 18 1. Gives the school sufficient operational flexibility, including staffing, calendar, time, and
19 budgeting to fully implement a comprehensive approach to substantially improve student
20 achievement outcomes and increase high school graduation rates; and
 - 21 2. Ensures that the school participates in ongoing, intensive technical assistance and related
22 support from the local district and the state; and

1 (k) Provide quarterly progress reports to the local board of education and the Department.

2 (4) A school or district engaging in the School Closure Option shall develop a plan for the
3 closure of the school. The plan shall include:

4 (a) A process for the transfer of students to higher performing schools in the district;

5 (b) A determination by the local board of education regarding staff assignments and the use of
6 the existing facility and other assets;

7 (c) A method of monitoring the progress of students in their new school environment; and

8 (d) A quarterly progress report to the local board of education and the Department.

9 **Section 9 [8]. Establishment of Approved External Management Organizations.** (1) The list of
10 approved EMOs shall be created by the commissioner following the application process
11 established in subsection (2) of this section.

12 (2) The commissioner shall issue a request for information to solicit EMO applicants who shall
13 detail the scope of the services they are able to provide to a persistently low-achieving school.

14 The request for information shall include the following information to solicit the EMO's
15 qualifications:

16 (a) The ability of the EMO to staff the school with dynamic leadership with experience in turning
17 around low-performing schools during the period of the contract;

18 (b) The ability of the EMO to conduct a needs assessment in the school and develop a plan of
19 action based on the needs assessment;

20 (c) The ability of the EMO to deliver a comprehensive list of services designed to turnaround the
21 school(s);

22 (d) The ability of the EMO to screen staff and make decisions on staff assignments;

- 1 (e) Its familiarity with Kentucky school laws and administrative regulations;
- 2 (f) The experience of the EMO in turning around low-achieving schools;
- 3 (g) References from other low-achieving schools or school districts supporting the EMO's ability
- 4 to turn around low-achieving schools;
- 5 (h) Evidence by the EMO that its provision of services includes instructional leadership,
- 6 professional learning support for teachers and other staff, and services to families and
- 7 community stakeholders;
- 8 (i) Evidence of the EMO's financial stability, any pending or threatened litigation, and liability
- 9 insurance coverage; and
- 10 (j) Other information required pursuant to KRS Chapter 45A.

11 (3) The commissioner shall review all responses and determine which applicants meet the

12 criteria in subsection (2) of this section. The qualifying applicants shall be submitted to the KBE

13 for approval. The list of approved EMOs shall be made public upon approval by the KBE.

14 ~~**[Section 9. Replacement of council members by the Commissioner of Education. (1) When**~~

15 ~~**the commissioner is required to appoint advisory council members, he shall select three (3)**~~

16 ~~**teachers and two (2) parents from a list of nominees submitted by the superintendent.**~~

17 ~~**(2) He shall select candidates who are capable of providing leadership in the turnaround**~~

18 ~~**environment of the school, and meet the requirements of KRS 160.345.**~~

19 ~~**(3) The appointed council shall remain in advisory capacity until the school meets the**~~

20 ~~**requirements of KRS 160.346(8)**~~

21 ~~**(4) The commissioner shall fill any subsequent vacancy through this procedure, until such**~~

22 ~~**time as full authority is restored to the council.]**~~

1 Section 10. Incorporation by Reference. (1) "The Missing Piece of the Proficiency Puzzle, June
2 2007", is incorporated by reference.

3 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
4 the Kentucky Department of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky
5 40601, Monday through Friday, 8 a.m. to 4:30 p.m.