

# **KENTUCKY DEPARTMENT OF EDUCATION**

## **STAFF NOTE**

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

703 KAR 5:080, Administration Code for Kentucky's Educational Assessment Program (Second Reading)

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

KRS 158.6451, KRS 158.6453, 703 KAR 5:080

### **Action Question:**

Should the Kentucky Board of Education (KBE) approve revisions to 703 KAR 5:080 that governs test administration and security procedures for state-required assessments and optional tests reported in the accountability system?

### **History/Background:**

*Existing Policy.* Senate Bill 1 (SB1), passed by the 2009 Kentucky General Assembly, established multiple assessment requirements and charged the Kentucky Board of Education (KBE) to create a new accountability system to classify districts and schools. With the guidance and approval of the KBE, the new accountability model, Unbridled Learning: College- and Career-Ready for All, offers a balanced approach organized around the KBE's four strategic priorities of next-generation learners, professionals, support systems and schools/districts.

As staff in the Office of Assessment and Accountability (OAA) work on implementation of the state-required assessments, test administration and security procedures are being examined. With the increased focus nationally on test security issues and cheating allegations, the Kentucky Department of Education contracted with Caveon to conduct a testing security audit. The results of the audit, information gleaned from KDE's testing allegation process and data gathered from conversations with stakeholders have shaped the proposed revisions to this regulation.

The proposed changes are not sweeping in nature and accomplish the following:

- incorporate test security suggestions from Kentucky's security audit,
- clarify issues highlighted during the allegation process and in conversations with stakeholders, and
- make improvements to language and format.

Since the first reading of the regulation, staff has continued to seek feedback and edit the proposed revisions. All changes made after the first reading are highlighted in yellow within the regulation.

Most of the additional changes made since the first reading remove outdated references or unnecessary statements, create consistency within the regulation (i.e., word usage, terminology or capitalization/punctuation), or add language to communicate ideas more clearly. These changes do not alter the intent or meaning of the regulation and are not listed separately in the staff note.

Four changes that more substantially affect content are listed below.

1. Educational Defensibility in the opening Rationale section is edited to clarify test preparation and to align better to the Test Preparation section.
2. Under the Classroom Materials section, a separate statement is added about resources specified in a student's education plan (i.e., IEP, 504 Plan or PSP) may be available in the testing environment.
3. Under Inclusion of Special Populations, a statement is added to clarify that properly-administered accommodations are intended to support students in earning valid and reliable test results. Accommodations do not automatically lead to student proficiency.
4. In Step 6 under Violations, performance judgment is replaced with accountability classification and a reference is added to 703 KAR 5:240, Accountability Administrative Procedures and Guidelines.

#### **Staff Recommendation and Rationale:**

Staff recommends approving the proposed revisions to 703 KAR 5:080. The revisions should enhance consistent test administration and improve test security.

#### **Impact on Getting to Proficiency:**

The new accountability system establishes how schools/districts are held responsible for ensuring Kentucky's students are proficient and prepared for success. The revised regulation clarifies test administration and security procedures to ensure consistent test administration across the Commonwealth.

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

The School Curriculum, Assessment and Accountability Council (SCAAC) reviewed the proposed regulation during its November meeting. To encourage feedback, All District Assessment Coordinators, Office of Education Accountability (OEA) and Directors of Special Education were sent the regulation for review. The District Assessment Coordinators advisory group and the Local Superintendents Advisory Council (LSAC) have discussed the proposed revisions. Feedback from the groups has been incorporated into the regulation. LSAC will send a letter to the board prior to the December meeting with their final feedback. Any additional feedback that is received prior to the KBE December meeting will be shared at the meeting.

**Contact Person:**

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A handwritten signature in black ink, appearing to read "Ken Draut". The signature is written in a cursive style with a large initial "K".

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**Commissioner of Education**

**Date:**

December 2013