

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

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 submission and 703 KAR 5:225, School and district accountability, recognition, support and consequences, require states to develop a process to identify and serve schools that qualify as Priority Schools. The processes used to date are outlined in 702 KAR 5:120, Assistance to schools; guidelines for scholastic audit and 702 KAR 5:180, Intervention system for persistently low-achieving schools, and were initially developed several years ago to meet federal requirements to identify persistently low-achieving schools.

Parallel to the development of the initial ESEA Flexibility Waiver, the Kentucky Department of Education (KDE) began looking at transitioning from the previous scholastic audit process based on the *Standards and Indicators for School Improvement (SISI)* to a diagnostic review process based on the *AdvancEd Standards for Quality Schools and Systems*. In addition to being based on the most current research, use of the AdvancEd process allowed the KDE to realize substantial cost savings. A crosswalk (see Attachment 1) between the SISI and the AdvancEd standards was developed and showed close alignment between the two documents. The AdvancEd standards covered all of those standards included in the SISI, as well as some additional ones not addressed by the SISI. Satisfied that the content of the standards outlined in 703 KAR 5:180 had been satisfactorily addressed, the transition was undertaken and the new processes were initiated.

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

Promulgating this new regulation will require the repeal of the two existing regulations mentioned above, 703 KAR 5:120 and 703 KAR 5:180.

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, which is now being repealed.

Requirements of 703 KAR 5:180 still mandated by the U.S. Department of Education that are related to school interventions will be combined with the requirements of the new diagnostic review process to be part of the new regulation (703 KAR 5:250). A new regulation was drafted to minimize confusion between the old and new processes.

Since the first reading of the new regulation at the June meeting, language has been added to further outline the conditions surrounding the selection of an intervention option, and to clarify requirements under the restaffing and external management intervention options. These clarifications were added to make the document easier to understand and use.

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 agency's state regulations more closely with the approved ESEA Flexibility Waiver.

Groups Consulted and Brief Summary of Responses:

These regulations will be reviewed by the Local Superintendents Advisory Council (LSAC) at its next meeting that will occur prior to the board's August meeting. LSAC's feedback will be shared with the board via a letter from that body.

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Commissioner of Education

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