

Office of Education Accountability
Comments on Proposed Change to 703 KAR 5:200; 5:240; and 5:225
January 27, 2015

Responses: February 2, 2015

703 KAR 5:200

Section 1 (2) replace “high school readiness” with “high school readiness test in grade eight (8).
(p. 1, line 17)

This is more specific to language specified in KRS 158.6453 (5) (a) (5)

KDE agrees with the proposed change.

Section 4 (2) (c))(1)(2) (p. 7 line 6) change language to reflect that the sum and the points refer to percentage of students, not number of students. (p. 7, line 6)

No change necessary. When read in its entirety (including subsections (1), (2), and (3)), Section 4 (2)(c) provides a complete explanation of the calculation. KDE has applied and interpreted this portion of the regulation without issue since 2012.

Section 4(2)(d) states that the non-duplicated gap group shall have a minimum of 10 students per content area to report gap data. Is this related only to public reporting or will the gap calculation not be included in the overall learners score? This should be clarified. 703 KAR 5:225 section 4 (6)(d) states that the gap calculation will not be calculated when there are fewer than 10 students in a gap group.
(p. 7, line 12)

No change necessary. 703 KAR 5:200 Section 4(6)(e) addresses situations when data cannot be calculated. If the non-duplicated gap group has fewer than 10 students, gap data will not be reported or used pursuant to the regulation.

Section 4 (2)(f) states that annual novice reduction targets shall be calculated. The method used to calculate the targets should be described.
(p. 7, line 16)

No change necessary. The novice reduction calculation begins by setting a baseline and annual targets. The goal of the annual targets is to reduce the number of students scoring novice over time. Details of the calculations will be communicated outside the regulation.

Section 4(2)(i) should provide more detail or incorporate a document for reference for the calculation of the novice reduction target, the categories that generate the 500 points and how these points are distributed. The proposed regulation does not provide enough detail to allow educators to understand the impact of the novice reduction category on different types of schools.
(p. 8, line 9)

No change necessary. The novice reduction calculation begins by setting a baseline and annual targets. The goal of the annual targets is to reduce the number of students scoring novice over time. Details of the calculations will be communicated outside the regulation.

Section 4 (3)(e) states that one point is awarded for each percent of students that show typical or high growth in reading and 1 point for the same in math and Section 4 (3)(e) states that there is a maximum of 50 growth points in reading and 50 points in math. What would be the total points for a school in which 100 percent of students show typical or high growth in each subject?
(p. 9, line 6)

No change necessary. A school can earn a total of 100 points for its student growth percentile assuming the school achieves a maximum of 50 points in both reading and mathematics.

The same question applies to Section 4 (3)(f)1-2 that give 1 point for each percent of students meeting categorical growth calculations in reading and 1 point in math and Section 4 (3)(f) 5 that sets a maximum of 100 points in this category.
(p. 9, line 10)

No change necessary. A school can earn a total of 100 points for its categorical growth model calculation assuming the school achieves a maximum of 50 points in both reading and mathematics.

Section 4 (4)(b)(3) references “career ready measures as recognized by the Kentucky Board of Education.” The regulation should also reference a specific document.
(p. 10, line 18)

No change necessary. “Career ready” is the level of preparation a high school graduate needs in order to proceed to the next step in a chosen career, whether that is postsecondary coursework, industry certification, or entry into the workforce. The career measures for technical skill attainment are reviewed annually as a means of assessments with economic sectors and industry recognized certifications. Because of the alignment of programming to economic and private sector needs, career measures are ever-evolving. Pursuant to KRS 156.070 (1), it is appropriate and necessary for the KBE, upon recommendation of the Commissioner, to exercise its discretion in the addition of career measures.

Section 4(4)(d) replace “high school readiness” with “high school readiness test that is administered in the eighth grade and”
(p. 11, line 7)

KDE agrees with the proposed change. “High school readiness test” will be changed to “high school readiness test in grade eight (8).”

Section 4 (6) (a) KDE should reexamine the proportion of points assigned at the high school level to achievement relative to the other categories such as growth and CCR. The achievement component within the learners is the only component that provides a direction indication of whether all students in the school are mastering state content standards yet this component accounts for only 20 percent of the learners model and 14 percent of the total accountability points. The proportion of points assigned to achievement at the high school level are lower than at the other levels.

The high school growth measure is weaker as an indication of student growth in mastery of state standards than it is at the elementary and middle school levels because 1) it assess growth in only about one fourth of high school students as opposed to two thirds or more at elementary and all students in the middle school; and 2) the high school readiness tests are not as closely aligned to state standards as are the K-PREP tests. The alignment between the concepts tested on 10th grade college readiness test that will be used in place of the ACT and the ACT itself is not yet known.

No change necessary. The suggested change involves disagreements that may exist for policy developed by KDE and adopted by KBE following extensive research and feedback from various stakeholders, including SCAAC and LSAC. Discussion and feedback regarding the proportion of points occurred three (3) years ago when the regulation was first promulgated, and has occurred again through the current amendment process. Most importantly, in the Unbridled Learning model with multiple measures, “achievement” impacts all areas.

Section 4 (6) (a) KDE should reexamine the proportion of points assigned at the high school level to achievement relative to the other learner categories such as growth and CCR and increase the points for achievement. The achievement component within the learners is the only component that provides a direction indication of whether all students in the school are mastering state content standards yet this component accounts for only 20 percent of the learners model and 14 percent of the total accountability points. The proportion of points assigned to achievement at the high school level is lower than at the other levels.

The high school growth measure is weaker as an indication of student growth in mastery of state standards than it is at the elementary and middle school levels because 1) it assesses growth in only about one fourth of high school students as opposed to two thirds or more at the elementary level and all students at the middle school; level and 2) the high school readiness tests are not as closely aligned to state standards as are the K-PREP tests. The alignment between the concepts tested on 10th grade college readiness test that will be used in place of the ACT and the ACT itself is not yet known.

Further, as OEA noted in its 2014 CCR report, the measures included in CCR are not as reliable as a means of distinguishing outcomes among schools as are other achievement measures. For example, schools vary in the percentage of students considered college ready by passing ACT versus a combination of ACT, Compass, or KYOTE tests. There is preliminary evidence of much lower postsecondary outcomes for students who become college ready by Compass or KYOTE tests alone than by ACT tests.

Under the current weight system, it is possible for a high school to be considered distinguished and high performing even if its achievement is below average. The table below shows the points awarded to one distinguished/high-performing high school, Leslie County High compared with Lafayette High school, a school with slightly lower learners’ points but much higher achievement in reading and math. Despite being labeled distinguished and high-performing, Leslie County High scores lower than the state in reading and math proficiency and on ACT tests. Reading and math scores (and other subjects, not shown) in Lafayette High School far exceed Leslie County High’s and the state’s. Leslie County High’s performance designation is boosted by its high CCR points, gained largely by students receiving bonus points for being college and career ready. According to OEA’s analysis of KDE data, the percentage of students considered college ready by Compass and KYOTE tests alone at Leslie County High (12%) was four times higher than the state’s (3%).

The discrepancy that can exist between a high school's total accountability points and performance designation and its achievement on reading and math tests could undermine the face validity and credibility of the accountability system at the high school level.

**Learners Points, Accountability Summary, And Reading And Math Achievement
Leslie County High Versus Lafayette High School
2014**

		State	Leslie County High School	Lafayette High School
% Proficient and Distinguished	Reading	55.4	55.1	67
	Math	37.9	31.6	57
% 11th Grade Students Met CPE ACT Benchmark	Reading	47.1	43.6	65
	Math	43.5	33.3	63
Learners Points	Achievement		58.3	70.1
	Gap		36.9	37.2
	Growth		62.6	62.3
	CCR		91	77.6
	Graduation		98.3	92
	Total Weighted Summary Score		69.5	67.8
Accountability Summary	Overall Score		76.3	75.2
	Percentile Rank		94	88
	Classification		Distinguished	Proficient

Source: KDE student report card data.

No change necessary. The suggested change involves disagreements that may exist for policy developed by KDE and adopted by KBE following extensive research and feedback from various stakeholders, including SCAAC and LSAC. Senate Bill 1 (2009 GA) provided authority to the KBE for establishing a system for identifying successful schools, including “other factors deemed appropriate” by the KBE. Discussion and feedback regarding weights for various accountability measures occurred three years ago when the regulation was first promulgated, and has occurred again through the current amendment process. For decades, the world of educational achievement has repeatedly warned never to use just one measure for student or school accountability. Students and schools deserve a system that allows multiple pathways to demonstrate readiness and it would be wrong to use just one measure. KBE stands behind the use of an accountability system that uses multiple measures.

As the accountability model was developed from 2010-2012, discussion and feedback led to adoption of various accountability measures. Next Generation Learners points are assigned based on five measures at the high school level, four measures at the middle school level, and three measures at the elementary school level. The High School Accountability Model uses

Achievement, Gap, Growth, College/Career Readiness, and Graduation Rate as measures of Next Generation Learners within a quality high school. During promulgation of the regulation, it was determined that all five measures are equally important and were assigned equal weight within the Next Generation Learners category. Since the five measures included in the High School Accountability Model are equally weighted, there are a variety of ways to achieve a high score. For example, although a school may perform well in the area of achievement, its overall score will decrease for lower performance in other components. As a result, achievement plays a role in not only the “achievement” measure, but also in the CCR, growth and gap measures. Achievement is the strongest predictor of rating in the accountability model.

703 KAR 5:225

Section 1(4)(a) refers to AMO starting in 2012-2013. Should reference to this year be removed in this section and the entire document as it is now obsolete?

(p. 2, line 14)

KDE agrees with the proposed change. The phrase “starting in 2012-2013” will be removed.

Section 1 (6) states that individual subgroups are ranked “within assessment grades by level” whereas Section 4(7)(a) states that schools are ranked by level and does not mention grade. Are students ranked in reading and math at each grade or are the reading and math scores aggregated to the school level?

(p. 3, line 3)

KDE will make the following change to eliminate confusion: The phrase “within assessment grades” will be removed.

Section 1(7) What is the graduation rate goal for districts that do not have a high school?

(p. 3, line 9)

No change necessary. Pursuant to Sections 3 and 4 of the regulation, grades K-8 schools are not responsible for the grades 9-12 (or “high school”) components. See 703 KAR 5:200 Section 3 and 703 KAR 5:225 Section 3 (2).

The regulation includes graduation rate goals in definitions for highest-performing and high-progress districts and schools. It is also not clear how the graduation goal requirement applies to elementary and middle schools and to districts with no high schools. If the graduation goal requirement and graduation rate above 80 percent does not apply to elementary and middle schools and does not apply to districts with no high schools, then it should be stated in the regulation. This issue applies to:

Section 1(8) (a)and(b)

Section 1 (9) (a) 1&2

Section 1 (9)(b)1&2

Section 1 (10) (a)&(b)

Section 1 (11) (a) &(b)

Section 1 (23)

Section 1(25)

No change necessary. Pursuant to Sections 3 and 4 the regulation, school scores are calculated by level of elementary, middle or high school. If the district does not have a high school, there will be no high school data. Weights will be distributed equally to the other components for the district as indicated in 703 KAR 5:200 Section 3 and 703 KAR 5:225 Section 3 (2).

Section 1(22) according to this definition, the number of priority schools in a given year is variable and dependent on the number of schools that do not meet their AMO for three consecutive years. The total number of priority schools may exceed the number of schools that are eligible to apply for federal grants linked with priority school status. If this happens, how will the schools that are eligible to apply for federal grants be chosen from the total list of priority schools?

(p. 6, line 4)

No change necessary. Priority schools eligible for federal funding will be determined in order of lowest performance. Kentucky's current ESEA waiver from the U.S. Department of Education encompasses the requirement that schools meet AMOs three consecutive years or be considered for priority school status.

Section 4 (1)(b) and (c) use the term "overall score" in a way that is not consistent with the term as it is defined in the regulation. This results in confusion, especially in (c) as to the meaning of the overall score remaining constant. It is the cut score in the baseline year that remains constant and not the overall score for any particular school or district in the baseline year. The language should be changed to clarify that the distribution of overall scores will be used to establish cut scores for placing districts and schools in different performance classifications
(p. 8, line 8)

KDE agrees with the proposed change to eliminate confusion. In Section 4 (1)(c), the term "overall score" will be changed to "overall score associated with specific percentiles."

Section 4 (6)(d) states that non-duplicated student gap groups must have at least ten students in order for calculations to occur. Are 10 students necessary in every subject? If so, this should be stated.
(p. 11, line 8)

KDE will make the following change for greater clarity: In Section 4 (6)(d), the term "calculation" will be changed to "subject area calculation."

Section 4 (7)(a) – will the lowest five percent be taken in each subject area or for the combined achievement score for the subgroup?
(p. 11, line 12)

No change necessary. Section 4 (7)(a) states that "individual student subgroups shall be ranked on the percentage of proficient and distinguished students for all schools in the state in *each* subject area..."

Section 4 (7)(b) with the exception of the FRL subgroup this provision will exclude most schools in the state from this calculation.
(p. 11, line 16)

No change necessary. The student subgroup calculation is made using data for two years pursuant to Section 1 (6). There are very few Kentucky schools excluded from this calculation as a result.

Section 7 (2)(a)(2) and 2(b)2 "show improvement" should be defined. Is it improvement only in the particular subgroup and subject area that caused the school to be identified a focus school?
(p. 13, line 23)

KDE will make the following change for greater clarity: In Section 7 (2)(a)(2) and Section 7 (2)(b)(2), the phrase "show improvement" will be replaced with "show improvement in the non-duplicated student gap group."

Section 7 (2)(a)(3) and (b)(3)The requirement to meet AMO is tied to the learners score for all students and is not necessarily the cause of the school being identified as a focus school. It would make more sense if focus schools could exit focus status by showing improvement in the same area that triggered the focus school identification.

(p. 14,line 1&6))

No change necessary. The suggested change involves policy developed by KDE following extensive research and feedback from various parties, including steering groups. Kentucky's current ESEA waiver requirements from the U.S. Department of Education encompass the use of AMOs as set forth in the regulation for the exit of focus status.

703 KAR 5:240

Line 10 remove “and accountability” because the statute referenced does not require KBE to develop an accountability program.

(p. 1, line 10)

KDE will make the following change for greater clarity: The introduction of 703 KAR 5:240 will be amended to include KRS 158.6455(2)(a) as an enabling statute which relates to accountability.

Section 1 (1)(a) and (b) remove current language and add “meets the criteria in KRS 160.345(1)(b)”. Having an SBDM is not a requirement of an A1 school (i.e. some priority schools).

(p. 1, line 16)

No change necessary. Section 1 (1)(a) indicates that a school only be eligible to establish an SBDM, not that an SBDM is required.

Section 2 (1) (a) remove “shall be counted in the membership of the A1 school and” because enrollment for a full academic year is not the same as membership. Remove all other similar uses of the term “membership” such as in Section 2(2).

(Page 2, line 2)

KDE will make the following change for greater clarity: In Section 2 (1) and (2), the term “membership” will be replaced with “accountability membership.”

Section 4 2(d) should provide some criteria by which alternative schools can be identified for state support or regulation as the criteria in 703 KAR 5:225 do not apply to alternative schools.

(p. 3, line 21)

No change necessary. The KBE intentionally provided discretion to the commissioner for support and recognition of alternative schools. Discretion is necessary due to the limitation of resources that may be available for this purpose. Scores of alternative programs are reported pursuant to Section 4 (2)(a).

Section 5 (2) clarify that “levels” means “school levels”.

(p. 4, line 6)

KDE will make the following change for greater clarity: The term “levels” in Section 5(2) will be replaced with “grade level configurations.”

Section 7 (4)(b) states that the committee to review appeals “may” include a variety of individuals i.e. teacher, counselor, superintendent. This permissive language could lead to inconsistencies in the types of members included in different committees. Consider providing more specific guidance on the types of individuals that should be included.

(p. 5, line 21)

No change necessary. Section 7 (4)(b) provides discretion to the commissioner for appointment of committee members under various circumstances, including time constraints. The appointment process set forth in this subsection has a long history of successful application.