

Education and Workforce Development Cabinet

Kentucky Board of Education

Kentucky Department of Education

(Amendment)

704 KAR 5:070. Common kindergarten entry screener.

RELATES TO: KRS 156.070, 156.160

STATUTORY AUTHORITY: KRS 156.070, 156.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070 gives the Kentucky Board of Education the management and control over all programs operated in the public schools. KRS 156.160 gives the Kentucky Board of Education specific authority to promulgate administrative regulations establishing standards which school districts shall meet in student, operational, and program service to students. This administrative regulation establishes minimum requirements for administration of a common kindergarten entry screener in school districts, to determine a student's readiness for school in the five (5) domains of school readiness established in this administrative regulation.

Section 1. Definitions. (1) "Prior early learning settings" means the following five (5) categories of early learning settings in which each student participated prior to attending kindergarten:

(a) Child care center;

(b) Head Start program;

(c) State funded preschool;

(d) Home; or

(e) Other.

(2) "School readiness" means a student entering school is ready to engage in and benefit from early learning experiences that best promote the student's success.

(3) "Screener" means an instrument designed to identify students who need further diagnostic assessment for evaluation.

(4) "System of measurement" means the use of multiple assessments for multiple purposes across the learning continuum for data to be tracked and used to guide continuous improvement for students.

Section 2. Required Common Kindergarten Entry Screener. In accordance with KRS Chapter 45A, the Department shall adopt a statewide common kindergarten entry screener that:

(1) Aligns with the definition of school readiness and the standards established in Building a Strong Foundation for School Success: Kentucky's Early Childhood Standards;

(2) Assesses the domains of adaptive, cognitive, communication, motor, and social emotional as established in Building a Strong Foundation for School Success: Kentucky's Early Childhood Standards;

(3) Is a reliable and valid screener for its intended purposes for the target populations, including English learners and students with disabilities; and

(4) Produces point-in-time student level results that indicate level of school readiness in the five domains listed in subsection (2) of this section.

Section 3. Administration of the Common Kindergarten Entry Screener. (1) Beginning in the 2013-2014 academic year, each Kentucky public school district shall administer the common kindergarten entry screener adopted by the Department in accordance with Section 2 of this administrative regulation.

(2) Each school district shall administer the common kindergarten entry screener to each student entering kindergarten in the school district no earlier than fifteen (15) days prior to the start of the current academic year and no later than the thirtieth (30th) instructional day of the academic year.

Section 4. Data Collection and Reporting. (1) Each school containing kindergarten students shall enter the data from the common kindergarten entry screener in the student information system within **fifteen (15) [thirty (30)] instructional** days of the district's administration of the common kindergarten entry screener **but no later than October 15 of each academic year.**

(2) Data shall be reported by the Department at an aggregate level by:

- (a) School district;
- (b) School readiness domain;
- (c) Student demographics; and
- (d) Prior early learning settings.

Section 5. District use of the common kindergarten entry screener. (1) A district shall provide individual student results of the screener to parents or guardians of individual students.

(2) A district shall not use the common kindergarten entry screener results to determine eligibility for enrollment. All students who meet the enrollment requirements of KRS 159.010 shall be entitled to enter kindergarten without regard to the results of the common kindergarten entry screener.

(3) Districts may use the common kindergarten entry screener data as a system of measurement in the following ways:

- (a) To inform districts, parents, and communities about early learning in order to close the school readiness gap;

(b) To make informed policy decisions at the local level to support early learning experiences prior to school entry;

(c) To establish local goals for program improvement in order to achieve early learning outcomes; and

(d) To include data as evidences in the kindergarten through 3rd grade Program Evaluation under 703 KAR 5:230.

(4) The results of the screener shall not be utilized as part of the school's or districts' overall score to determine recognition or support contained in any administrative regulation promulgated by the Board pursuant to KRS 158.6455.

Section 6. Incorporation by Reference. (1) "Building a Strong Foundation for School Success: Kentucky's Early Childhood Standards", **2013** [~~June 2009~~], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, Office of Next Generation Learners, 18th Floor, Capitol Plaza Tower, 500 Mero Street, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

(Date)

Terry Holliday, Ph.D.
Commissioner of Education

(Date)

Roger L. Marcum, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on May 21, 2015, at 1:00 p.m. in the State Board Room, First Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through close of business June 1, 2015. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 704 KAR 5:070

Agency Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a screening program to identify school readiness for each student entering kindergarten in Kentucky public schools.

(b) The necessity of this administrative regulation: This regulation is necessary: (1) As part of a system of measurement to inform districts, parents and communities about early learning in order to close the school readiness gap; (2) To inform policy decisions at the local level to support early learning experiences prior to school entry; (3) To establish local goals for program improvement in order to achieve early learning outcomes; and (4) To utilize the data as part of the Kindergarten through Grade Three (3) Program Review.

(c) How this administrative regulation conforms to the content of the authorizing statute: KRS 156.160 gives the Kentucky Board of Education specific authority to promulgate administrative regulations establishing standards which school districts shall meet in program service to students. Promulgation and amendment of this administrative regulation falls within the Kentucky Board of Education's authority in this statute.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes a specific program and standards beneficial to the education of children in Kentucky. KRS 156.070 and 156.160 charge the Kentucky Board of Education with the duty to promulgate administrative regulations establishing programs and standards. The amendment to this regulation outlines a new timeframe for the data entry for the common kindergarten entry screener.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment revises the timeframe for entering data for the common kindergarten entry screen in order to facilitate statewide data analysis for more timely decision making.

(b) The necessity of the amendment to this administrative regulation: The previous timeframe was prohibiting a timely analysis of statewide data to create reports that inform program decision making/continuous improvement.

(c) How the amendment conforms to the content of the authorizing statute: The amendment merely changes the time period for entering the data from the administration of the common kindergarten entry screener.

(d) How the amendment will assist in the effective administration of the statutes: Data made available in a more timely fashion ensures actionable decisions that will improve services.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All public school districts in Kentucky that have kindergarten programs.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The proposed amendment to the regulation will impact identified schools and districts by shortening the window for data entry from the common kindergarten entry screener so that actionable reports can be generated in a more timely manner.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: School districts and schools will need to enter the data from the common kindergarten entry screener provided by the Kentucky Department of Education within fifteen (15) days of the district's administration of the screener but no later than October 15th of each school year.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to the districts and schools for this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The school districts and schools will benefit from the proposed amendment. School districts and schools will receive more timely data collected during the common kindergarten entry screener, which will enhance the following benefits:

- Inform districts, parents and communities about early learning in order to close the school readiness gap;
- Inform policy decisions at the local level to support early learning experiences prior to school entry;
- Establish local goals for program improvement in order to achieve early learning outcomes;
- Utilize the data as part of the Kindergarten through Grade three (3) Program Review.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The amendment will not result in additional costs.

(b) On a continuing basis:

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This amendment will not result in additional costs. The existing common kindergarten entry screener is paid with state general fund dollars.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase will be necessary. The proposed amendment will not result in additional costs.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all school districts containing kindergarten programs.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 704 KAR 5:070
 Contact Person: Kevin C. Brown
 Phone number: 502-564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? School districts.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.070 and 156.160.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There will be no additional revenue or expense as a result of the amendment to this administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? The proposed amendment will cost nothing (The regulation for the common kindergarten screener costs the Kentucky Department of Education initially costs the Department about \$800,000 the first two years of implementation.)

(d) How much will it cost to administer this program for subsequent years? The amendment will not result in additional costs. (The cost per year to implement a statewide kindergarten screener is about \$240,000 each year to maintain the needed implementation level. Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

Summary Page - Incorporation by Reference

704 KAR 5:070. Common Kindergarten Entry Screener

- (1) The following documents are incorporated by reference:
 - (a) "Kentucky Early Childhood Standards", 2013 [~~June 2009~~]
- (2) This document is used to define school readiness and the 5 domains of school readiness.
- (3) The document incorporated by reference consist of (170) pages.