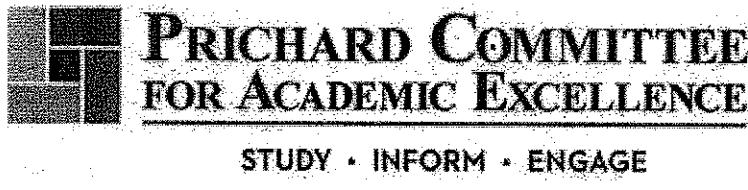


## Drury, Tina - Office of Guiding Support Services

---

**From:** Stu Silberman <[stu.silberman@prichardcommittee.org](mailto:stu.silberman@prichardcommittee.org)>  
**Sent:** Friday, March 20, 2015 10:52 AM  
**To:** Brown, Kevin - Associate Commissioner, Office of Guiding Support Services  
**Cc:** Sims, Rhonda - Director, Division of Support and Research  
**Subject:** Comments on proposed amendments to 703 KAR 5:200



March 20, 2015

Kevin Brown  
Associate Commissioner and General Counsel  
Kentucky Department of Education  
Office of Guiding Support Services  
500 Mero Street, CPT 131  
Frankfort, KY 40601

Dear Kevin,

On behalf of the Prichard Committee for Academic Excellence, I write today to comment on the proposed amendments to 703 KAR 5:200, the regulation on Next-Generation Learners. We appreciate the thoughtful work and the deep commitment to excellence for all students embodied in the regulation, and we hope the comments that follow will add strength to this important part of the Unbridled Learning system.

These thoughts are primarily about just a few issues:

- Using consistent wording about readiness,
- Identifying language mechanics as a tested subject and showing how those results are used,
- Making sure the mathematical steps are explicitly stated and a good match for the formulas that will actually be used,
- Providing easily accessible information on the options for showing career readiness,
- Eliminating sections that are no longer needed because 703 KAR 5:225 now gives a more complete approach to Unbridled Learning.

### Section 1. Definitions

There are two readiness definitions in the regulation. Section 1(2) (as amended) uses middle school results on the high school readiness test to define "college readiness." Subsection 3 defines "college-and career-readiness" for high schools without mentioning the bonus points that are specified later in the regulation. In addition, the later discussion in Section 4(4) confusingly says that college-and-career-readiness combines the middle school and high school versions. We respectfully suggest replacing those two definitions to provide a single definition of "readiness" that has two parts and can work smoothly throughout the rest of the regulation:

"Readiness" means:

- (a) for a middle school, the percentage of students in grade eight (8) whose scores on a high school readiness test meet benchmarks that are linked statistically to the ACT, calculated by averaging together the percentages for English, mathematics, and reading; and
- (b) for a high school, a readiness percentage calculated by dividing the number of graduates who have met an indicator for college readiness or career readiness by the number of graduates and adding a half a percentage point for each percent of graduates who have met benchmarks for both college readiness and career readiness.

The gap definition and the growth definition are each being amended to use two sets of results where the original regulation used one, but the definitions are not clear that old and new elements will be combined. Section 1(5) says gap means a percentage plus a reduction. Section 1(6) says growth means a percentage plus an individual movement. In addition, the added part of each definition seems to leave out part of the method the Kentucky Board of Education discussed. To fit the earlier careful discussions, we respectfully suggest these revised definitions:

“Gap” means the average of:

- (a) the percentage of students in the non-duplicated student gap group scoring proficient or distinguished on state-required content area tests, and
- (b) the percentage of novice reduction goals for individual student groups that a school has met on the state-required reading and mathematics tests.

“Growth” means the average of:

- (a) the percentage of students that show typical yearly growth in reading or mathematics, and
- (b) the percentage of students who move from one performance level to a higher performance level or continue to perform at the proficient or distinguished level in reading and mathematics.

## Section 2 (Accountability Components)

This section about Next-Generation Learners, Next-Generation Programs and Supports, Next-Generation Schools and Districts, and Next-Generation Professionals may no longer be needed: When this regulation was first passed, Kentucky did not have a regulation showing the full set of accountability factors for Unbridled Learning. Now that 703 KAR 5:225 is in place, this section is potentially confusing, and we respectfully suggest deleting it. If this section is retained, we respectfully suggest that it should receive careful review to be sure it is still a fully accurate statement of current and planned components of the accountability system.

## Section 3. Next-Generation Learners

Section 3(1) lists five categories for which data will be reported, but the list does not match Section 1. We respectfully submit that:

- Items (a)-(c) should be amended to use the exact terms from the definitions: achievement, gap, and growth
- item (d) needs to be reconciled with Section 1. It currently says “readiness for college and career,” but that phrase is not defined at all. “College-and-career-readiness” cannot be substituted, because that is defined only in high school terms. If Section 1(2) and (3) are unchanged, Section 3(1)(d) needs to say “college readiness or college-and-career-readiness.” If Section 1 is revised to include a unified “readiness” definition, that term will fit in this location.

## Section 4(1) (Achievement Calculation)

The achievement calculation shown in Section 4(1)(a) leave out language mechanics. If the wording remains as is, the accountability calculations will need to follow the rules as stated, which will mean not including language mechanics results at all. We respectfully suggest amending this section to be clear that reading, mathematics, science, and social studies will each contribute 20% of the achievement calculation, writing will contribute 16%, and language mechanics will contribute 5%.

The points provided in Section 4(1)(a) are confusing: they allow a possible total of 500, but the school report cards report an achievement result that is clearly on a 0 to 100 scale. We respectfully recommend that this section be amended to be

stated clearly how the results for all six tested subjects will be combined into the number published in the school report cards.

#### Section 4(2) (Gap Calculation)

This section also leaves out language mechanics, and needs to be revised to be clear that reading, mathematics, science, and social studies will each contribute 20% of the gap calculation, writing will contribute 16%, and language mechanics will contribute 5%. To do that effectively, revisions will be needed to Section 4(2)(b)3 and also to Section 4(2)(d).

Novice reduction targets are an excellent idea, but the method for calculating them is not established anywhere in the current regulation. We respectfully recommend replacing the second sentence of Section 4(2)(e) with a more extended process, roughly as follows:

Annual novice reduction targets shall be calculated by taking the previous year's percent novice and dividing by 10 to identify the percentage reduction needed each year. Targets shall be calculated for African-American students, Hispanic students, American Indian or Native American students, students with limited English proficiency, students who qualify for free or reduced-price lunch, students with disabilities who have an Individual Education Plan as defined in 707 KAR 1:002, and students in the non-duplicated gap group, except that targets shall not be calculated for any group with fewer than 10 students in a tested grade.

The current instruction for making a percentage from the targets is also not clear. Where the current wording says "Points shall be awarded based on the percentage of the annual goal met in the following categories," we respectfully submit that it would be clearer to leave out the idea of an annual goal and say instead, "Points shall be awarded by dividing the number of targets met in the current year by the number of targets set based on the previous year's results, except that a target shall not be included in the calculation for any group with fewer than 10 students in a tested grade."

The 500 points for gap group and the 500 points for novice reduction again raise a question of how the school report card numbers will be produced. We respectfully urge the addition of language showing the further calculations that will produce a single 0-100 number for reporting to the public.

#### Section 4(3) (Growth)

This section begins with the words "individual student growth," but that term is not defined in section 1. We respectfully recommend deleting the words "individual student."

Section 4(3)(d)1 provides to one point for each percent showing typical or high growth in reading, but Section 4(3)(e) says the maximum reading points will be 50. As written, that would mean a school with 50% making typical growth would have reached the highest possible growth points based on student growth percentiles. The same problem applies in mathematics. We respectfully submit that the amendment to Section 4(3)(e) must be revised.

Section 4(3)(f) on categorical growth model calculations currently calls for division that will yield percentages, but does not specify how the percentages will be converted to points. We respectfully submit that the conversion method needs to be stated explicitly.

Section 4(3)(g) may also need revision so that schools are not limited to 50 categorical points, because that would give credit only for the first 50% of students who move to a higher category or maintain as proficient or distinguished. If a higher percentage moves or maintains, the current wording would not allow a school's score to rise in response to that better performance.

Does Section (4)(3)(e) address points for student growth percentiles, and does Section (4)(3)(g) deal with points for categorical growth? Nothing in the current wording says that, and while it may be possible to infer the right step, it would be better for that to be explicit. We respectfully recommend adding words that make those two connections completely clear.

Finally, we respectfully recommend adding language to show how the points for student growth percentiles and the points available for categorical growth will be converted into numbers between 0 and 100 that will be reported in the school report card.

#### Section 4(4) (Readiness)

This section begins with the term “college-and-career-readiness,” continuing the confusion about which versions are meant for middle schools and high schools. Accordingly, we respectfully submit that using the simpler “readiness” here and giving it a combined definition in Section 1 is a simplification that can add worthwhile clarity.

The Prichard Committee supports the inclusion of career readiness in this section, and hopes the regulation can be amended to add transparency about the measures being used or the benchmarks being applied to the career part of the equation. Now that the measures and benchmarks have been chosen, we respectfully ask that they be listed in this part of the regulation. Alternatively, if the lists are still subject to annual change, we respectfully ask that the regulation specify that the Department will publish a complete list of the measures and benchmarks to be used each year, with a deadline on or near July 1 so that students, parents, educators, and other Kentuckians may know in advance what expectations will be applied in the accountability calculation for the then-impending school year:

Section 4(4)(c) calls for adding a bonus of one-half point for each student who is both college ready and career ready. We respectfully suggest amending that subsection to say “A bonus of half a point shall be added to the readiness percentage for each one percent of students who meet” both standards. (To understand the urgency of this clarification, consider a school with 400 graduates, 100 who are college ready, and another 100 who are both college ready and career ready. The current language says that school will get 50 points from dividing 200 who are ready by 400 who graduate, and another 50 points by multiplying the twice-ready 100 by 0.5, for a total of 100. That is surely not the desired outcome.)

Section 4(4)(d) calls for using a test of high school readiness to produce “a readiness for college percentage,” and Section 4(4)(e) calls for using those results to report a “college readiness” percentage. We respectfully recommend using consistent language in those two sections and in the Section’s definitions, and we suggest again that the discussion can be clearer by using the simpler term “readiness.”

Finally, we respectfully ask that language be added to this subsection specifying how the percentages at each level will be converted into the 0-100 number reported in school report cards.

#### Section 4(5) (Graduation)

The Prichard Committee supports the use of a cohort graduation rate and respectfully asks that the regulation specify whether a four-year-rate, a five-year-rate, or a cohort rate based on some other time frame will be used.

Happily, the graduation rate is already on a 0-100 scale, so no conversion is needed to understand that entry in the school report card.

#### Section 4(6) (Total Points for Next-Generation Learners)

Section 4(6)(a) shows the weights will be used to combine the earlier calculations, but it is currently open to multiple interpretations:

- The simplest interpretation would begin by multiplying achievement points by the numbers shown, gap points by the number shown, and so on, and then simply adding the results. In high school achievement, multiplying the maximum 500 points by 20 would yield 10,000 points just for that one part of the total, and adding later calculations would push the results much higher.
- A more sophisticated interpretation would infer that the five calculations each needs to be converted to a 100 point scale before multiplying and adding—but that would still leave high school achievement with a maximum of 100 points, and multiplying that by 20 would yield 2,000 points for achievement and many more for the others.
- A still more advanced interpretation would infer that the calculations from subsections 1 through 5 need to be moved to a 100-point scale and the weights need to be divided by 100 before the final multiplication and addition.

Of the three interpretations, the first is the best fit for the current wording, and the last one, which yields the Next-Generation Learners total score actually seen in school report cards, requires inferences on a level that should not be needed to complete calculations this important. We respectfully ask that this problem be addressed fully. More specifically, please:

- Add the “convert to 100” steps to the achievement, gap, growth, and readiness components, as already requested above.
- Revise the wording of Section 4(6)(a) to say “the total number of points earned in each category of achievement, gap, growth, readiness, and graduation rate shall be calculated by multiplying by the weights below and dividing the result by 100.

We believe Section 4(6)(b), (c), and (d) all became obsolete when 703 KAR 5:225 went into effect. We respectfully recommend that they be deleted.

#### Section 4(7) (Calculation Details)

Section (4)(7)(b) has a provision on graduation rate calculations that we find unclear. We respectfully request a review of that language to determine whether it is relevant to the cohort rate calculation, and we suggest deleting it if it is no longer relevant.

#### Conclusion

We are grateful for the thoughtful work that has gone into this set of revisions and appreciate the opportunity to contribute these comments. If we can clarify any of these thoughts, please do not hesitate to let me know.

Sincerely,



Stu Silberman  
Executive Director  
Prichard Committee

---

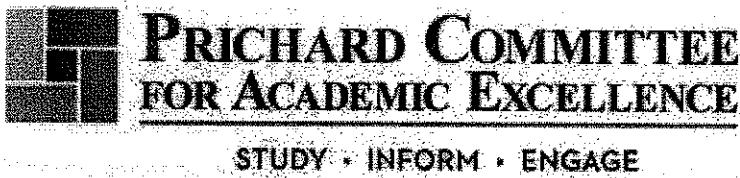
\* Note that 707 KAR 1:002 uses “individual” rather than “individualized” as the first term in its IEP definition.

**Drury, Tina - Office of Guiding Support Services**

---

**From:** Stu Silberman <[stu.silberman@prichardcommittee.org](mailto:stu.silberman@prichardcommittee.org)>  
**Sent:** Friday, March 20, 2015 10:53 AM  
**To:** Brown, Kevin - Associate Commissioner, Office of Guiding Support Services  
**Cc:** Sims, Rhonda - Director, Division of Support and Research  
**Subject:** Comments on proposed amendments to 703 KAR 5:225

**Importance:** High



March 20, 2015

Kevin Brown  
Associate Commissioner and General Counsel  
Kentucky Department of Education  
Office of Guiding Support Services  
500 Mero Street, CPT 131  
Frankfort, KY 40601

Dear Kevin,

On behalf of the Prichard Committee for Academic Excellence, I write today to comment on the proposed amendments to 703 KAR 5:225, the regulation on school and district accountability, recognition, support, and consequences. We appreciate the thoughtful work and the deep commitment to excellence for all students embodied in the regulation, and we hope the comments that follow will add strength to this important part of the Unbridled Learning system.

These thoughts are primarily about just a few issues:

- Clarifying how graduation rates will be used, both to set graduation goals and to identify priority schools,
- Removing unneeded language about the 2012-13 introduction of Unbridled Learning,
- Providing that proficient or distinguished identifications will no longer be available to focus schools,
- Ensuring that annual measurable objectives are set for each year and never set below 1.0 for needs improvement schools or 0.5 for proficient and distinguished schools.

For "graduation rate goal" in Section 1(7), we respectfully ask for that section to specify whether a four-year rate, a five-year rate, or some other version of the adjusted cohort graduation rate will be used. We also ask for explicit language about whether alternative diplomas will be counted.

For Section 1 (8), (9), (10), (11) and (25), please consider deleting the words "starting in 2012-13," which are not needed for future accountability decisions.

In the definition for Priority Schools in Section 1(22), there is no provision for considering graduation rates. KRS 160.346 requires that graduation rates be a basis for identifying persistently low achieving schools with graduation rates below 60% for three years, and Kentucky's NCLB waiver specifies that Title 1 funds will be used to support Title 1 high schools with graduation rates at that level if they are identified as priority schools. Please revise that definition to show at least

the 60% for three years as a basis for identification. Please also consider setting a higher bar, since all schools in Kentucky now have cohort graduation rates above 70 and only five are below 80.

In Section 1(25), defining "School of Distinction," a new provision has been added saying that a Focus School cannot be recognized for distinction. That appears to be unnecessary, as Section 5(4) already includes that rule.

In Section 3(1), the table of weights no longer needs to mention 2011-12, 2012-13, or 2013-14. Please consider deleting those reports.

In October 2014, the Education Trust released a compelling report on "Making Sure All Children Matter: Getting School Accountability Signals Right." That report pointed out that in Kentucky, "average math proficiency rates of African American students at schools earning a Distinguished rating are lower than average math proficiency rates of white students in Needs Improvement schools." In light of that analysis, we respectfully recommend revisions to Section 4(1) to specify the classifications of proficient and distinguished will no longer be given to schools that are identified as focus schools.

The AMO wording in Section 4(3) raise two concerns. First, the amended language specifies only how a five-year goal will be set, with no wording that can produce objectives for single years. Second, that the 2014 Next Generation Learner Scores have a standard deviation of 7.521: setting A which will yield AMOs of 0.501 for needs improvement schools and 0.25 for proficient and distinguished schools, and we respectfully submit that those AMOS would be too low to fit Kentucky's commitment to improve student outcomes and reach college and career readiness for all. Accordingly, we respectfully recommend two amendments:

- Section 4(3)(a) for Needs Improvement schools should have added language after the part about a five year period, saying "and divide that result by five to set one year AMOs, except that the AMO for Needs Improvement schools shall not be set lower than 1.0."
- Section 4(3)(b) for Proficient and Distinguished schools should have added language after the part about a five year period, saying "and divide that result by five to set one year AMOs, except that the AMO for Proficient and Distinguished schools shall not be lower than 0.5."

#### Conclusion

We are grateful for the thoughtful work that has gone into this set of revisions and appreciate the opportunity to contribute these comments. If we can clarify any of these thoughts, please do not hesitate to let me know.

Sincerely,



Stu Silberman  
Executive Director  
Prichard Committee



March 23, 2015

RECEIVED  
MAR 31 2015  
By: KDA

Mr. Kevin C. Brown, General Counsel  
Kentucky Department of Education  
First Floor, Capital Plaza Tower  
500 Mero Street  
Frankfort, Kentucky 40601

Re: 703 KAR 5:200: Written comments on Next-Generation Learners

Dear Mr. Brown:

The Kentucky Education Association submits the following written comments on the proposed administrative regulation, 703 KAR 5:200, entitled "Next-Generation Learners."

Members of the Kentucky Education Association believe that the reduction of novice calculation should be based on the performance of the non-duplicated group only rather than all seven categories listed in the current draft of 703 KAR 5:200. Consequently, we recommend the deletion from the regulation the following categories: African American; Hispanic; American Indian or Native American; Limited English proficiency; Students in poverty based on qualification for free or reduced price lunch; and Students with disabilities that have an Individualized Education Program (IEP).

Removing these categories would cause a single student to impact gap calculation only once. Should the categories named above remain, a single student could impact the gap calculation as many as five times. KEA recognizes the importance of reducing the number of novice students in all categories; however, we are concerned that language currently in the regulation would not do so. Instead, schools could focus attention on students who are in multiple categories to the exclusion of students who appear in only one category.

At first glance, one might wonder if the removal of the categories would cause the two measures used for gap calculation to be identical. This is not the case. The non-duplicated gap group calculation recognizes those members of the non-duplicated group who have scored proficient or distinguished. The suggested movement to non-duplicated group only for reduction of novice student calculation recognizes the movement of any student in the non-duplicated group from novice to either apprentice, proficient, or distinguished.

Some will suggest that various categories are being camouflaged by this approach. This may be addressed by including novice reduction targets for each of the previously named categories as part of the requirements for a school or a district to exit priority status.

Thank you for considering our concerns on this very important matter.

Sincerely,

*Stephanie Winkler*

Stephanie Winkler, President

*Mary Ann Blankenship*

Mary Ann Blankenship, Executive Director

401 Capital Avenue
Frankfort, KY 40601
1 502/875-2889 or 1 800/231-4532
Fax: 1 502/227-9002
Internet: <a href="http://www.kea.org">www.kea.org</a>