

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Review Item:

Update on compliance with achievement gap legislation

Applicable Statutes and Regulations:

KRS 157.3175, KRS 157.318, KRS 158.070, KRS 158.305, KRS 158.6451, KRS 158.6453 (Senate Bill 1 2009), KRS 158.6455, KRS 158.649, KRS 158.782, KRS 158.792, KRS 158.803, KRS 158.842, KRS 158.844, KRS 158.847, KRS 158.848, KRS 160.346, KRS 164.525, KRS 164.0207, 702 KAR 3:250, 703 KAR 5:140, 703 KAR 5:190, 703 KAR 5:225, 703 KAR 5:260, 704 KAR 3:095, 704 KAR 3:303, 704 KAR 3:305, 704 KAR 3:390, 704 KAR 3:410, 704 KAR 3:420, 704 KAR 3:440, 704 KAR 3:480, 704 KAR 3:530, 704 KAR 3:540, and 704 KAR 5:070

History/Background:

Existing Policy. KRS 158.649 requires the Kentucky Department of Education to provide each school council, or the principal if a school-based decision making council does not exist, data on the performance of the school's students as shown by the state assessment program described in KRS 158.6453. The data must include information on the performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, English proficiency, and participation in the federal free and reduced price lunch program. KRS 158.649 defines "achievement gap" as a substantive performance difference on each of the tested areas, by grade level of the state assessment program, between these groups of students.

Pursuant to KRS 158.649, the Kentucky Department of Education must provide, to each school council (or to the principal if a school council does not exist) an equity analysis. The equity analysis identifies substantive differences, on each of the tested areas by grade level of the state assessment program, between the various groups of students.

KRS 158.649 also prescribes specific duties for local boards of education, school-based decision making councils (principals if a school council does not exist), principals, and superintendents.

Each local board of education must adopt a policy to review the academic performance on state assessments of various groups of students. (KRS 158.649(3))

After obtaining the agreement of the school-based decision making council (or the principal if there is not a council) and the agreement of the superintendent, the local

board must establish a biennial target for each school for reducing identified gaps in achievement. (KRS 158.649(3))

Each February 1, in odd-numbered years, with the involvement of parents, faculty, and staff, the school-based decision making council (the principal if there is not a council) must set each school's biennial targets for eliminating any achievement gap. The school-based decision making council (the principal if there is not a council) submits the proposed targets to the superintendent. The superintendent and the school-based decision making council (the principal if there is not a council) must agree on the biennial targets before those targets are submitted to the local board of education for approval. (KRS 158.649(4))

By April 1 of each odd-numbered year, each school-based decision making council (principal if there is not a council), must review data and revise the consolidated plan if an achievement gap exists. The review, and any revision, must include parents, faculty, and staff. The revised consolidated plan must include targets, strategies, activities, and a time schedule to eliminate the achievement gap. The revised plan must include:

- (a) Curriculum alignment within the school and with schools that send or receive the school's students;
- (b) Evaluation and assessment strategies to continuously monitor and modify instruction to meet student needs and support proficient student work;
- (c) Professional development to address the goals of the plan;
- (d) Parental communication and involvement;
- (e) Attendance improvement and dropout prevention; and
- (f) Technical assistance that will be accessed. (KRS 158.649(5))

Whether or not there is a school-based decision making council, the principal must convene a public meeting, at the school, to present and discuss the plan. This public meeting must take place before the plan is submitted to the superintendent, and then to the local board of education. (KRS 158.649(6))

The local board of education, using disaggregated assessment results, must determine whether each school achieved the school's targets for each group of students. Data for groups of students numbering ten (10) or fewer is not considered. (KRS 158.649(7))

KRS 158.649 requires two tiers of review at the local level. On the first tier, each school-based decision making council (the principal if there is not a council), with the input of parents, faculty, and staff, must review data and determine if an achievement gap exists. On the second tier, each local board of education must determine whether each school achieved the school's targets for each group of students.

If the local board of education determines that a school has not met its target to reduce the achievement gap, the local board must require the school's school-based decision making council (the principal if there is not a council), to revise the school's improvement plan. These revisions must include a description of the use of professional

development funds, and funds allocated for continuing education, and the revisions must be submitted to the superintendent for review and approval. The revised plan must disclose how the school will meet the academic needs of the students in the various groups. (KRS 158.649(8))

If a school fails to meet its targets to reduce the gap in student achievement for any student group for two (2) consecutive years, the superintendent must report such failure to the commissioner of education. The school's improvement plan must be subject to review and approval by the Kentucky Department of Education and the school shall submit an annual status report. The Kentucky Department of Education may, but is not required to, provide assistance to schools as it deems necessary to assist each school in meeting its goals. (KRS 158.649(9))

KRS 158.649 does not contain any provisions that directly address the outcome if a school-based decision making council (the principal if there is not a council), the principal, the superintendent, or the local board of education fails to fulfill the obligations established by KRS 158.649.

The role of the Kentucky Department of Education, as described in KRS 158.649, is to provide to each school council (the principal if a school-based decision making council does not exist) data on the performance of the school's students as shown by the state assessment program. The Kentucky Department of Education must provide, to each school council (the principal if a school council does not exist), an equity analysis. The equity analysis identifies substantive differences, on each of the tested areas by grade level of the state assessment program, between the various groups of students.

As noted above, the Kentucky Department of Education is permitted, but not required to provide assistance to schools as it deems necessary to assist each school in meeting its goals. (KRS 158.649(9)) However, KRS 158.649 establishes a floor, not a ceiling, for support provided by the Kentucky Department of Education.

Under KRS 158.649(9), school improvement plans may be reviewed. However, the Kentucky Department of Education reviews all school improvement plans. Annually and repeatedly, the Kentucky Department of Education prompts schools regarding the reporting requirements relative to the achievement gap, and provides that reporting be completed through the Adaptive System of School Improvement Support Tools (ASSIST). ASSIST is a web-based platform used by schools to facilitate improvement planning and to streamline compliance and accountability reporting requirements.

Pursuant to KRS 158.649 and 703 KAR 5:225, every school in Kentucky must annually develop, review, and revise a comprehensive school improvement plan that includes biennial targets, strategies, activities, and a time schedule calculated to eliminate the achievement gap among various groups of students to the extent that such a gap exists. Using ASSIST for improvement planning allows schools to use a single source to house and track their work toward continuous improvement planning. Each school completes a

diagnostic tool in ASSIST that addresses the school's achievement gap, and updates gap goals.

The Kentucky Department of Education, annually and repeatedly, prompts schools regarding the requirement of district level review and approval, reminds schools that local school boards must be informed, and reminds schools that appropriate action must be taken to close achievement gaps.

KRS 158.649, 703 KAR 5:225, and other applicable statutes and regulations contain extensive reporting requirements. Compliance with identifying and reporting upon achievement gaps, without strategic action to close those gaps, is insufficient.

Although the Kentucky Department of Education has exceeded its responsibilities under KRS 158.649, through the Novice Reduction Plan endorsed by the Kentucky Board of Education, the department has additionally and further strengthened its efforts to reduce achievement gaps. The focus of the Novice Reduction Plan is to decrease the number of students performing at the Novice level under the accountability model, and to raise achievement among specific groups of students.

The Novice Reduction Plan cuts across curriculum, instruction, interventions, accountability and assessment. Through this plan, the Kentucky Department of Education will work with districts to:

- design and deploy standards;
- design and deliver instruction;
- design and deliver an assessment literacy process;
- review, analyze and apply data results;
- design, align and deliver support processes;
- establish a learning culture and environment;
- align community support partners; and
- monitor implementation of legal requirements.

The most effective strategies within these areas will be identified and shared with schools and districts so they will have resources to use as they review their work focus on Novice Reduction.

Impact on Getting to Proficiency:

The purpose of KRS 158.649 was to create mechanisms by which school-based decision making councils (principals if there is not a council), school principals, superintendents, and local boards of education, using data from state performance measures and equity analyses provided by the Kentucky Department of Education, review and revise student achievement targets to close achievement gaps.

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

Commissioner of Education

Date:

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