

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Consent Item:

703 KAR 4:041, Repeal of 703 KAR 4:040, Interim Methods for Verifying Successful Completion of the Primary Program (Second Reading)

Commissioner's Recommendation:

The Commissioner recommends that 703 KAR 4:040, Interim Methods for Verifying Successful Completion of the Primary Program be repealed.

Rationale:

To repeal the regulation eliminates unnecessary requirements since 704 KAR 3:440 now establishes permanent primary program guidelines. Additionally, the Commissioner directed staff to repeal those regulations that are unnecessary. The first reading took place during the April 2016 Kentucky Board of Education meeting; it is now back for a second reading and final approval.

Action Question

Should the Kentucky Board of Education approve 703 KAR 4:041?

Applicable Statute or Regulation:

156.160(1)(a), KRS 158.030, KRS 158.031, 703 KAR 4:040, 704 KAR 3:440

History/Background:

Existing Policy: KRS 158.030 originally established the primary school program and required the promulgation of administrative regulations to address methods for verifying successful completion. This statute was later revised to address entrance ages. Primary program requirements are now set forth in KRS 158.031, which provides the Kentucky Board of Education (KBE) with authority to establish administrative regulations, including methods of verifying successful completion of the primary school program.

In 1993, 703 KAR 4:040 established the interim methods for verifying successful completion of the primary program under KRS 158.030. Primary program guidelines are now governed by KRS 158.031 and 704 KAR 3:440.

Summary: When 703 KAR 4:040 was approved in 1993, the purpose was to provide a temporary measure of student readiness to advance to fourth grade. During implementation of these interim methods for verifying successful completion of the

primary program, the Kentucky Department of Education (KDE) built the components of a permanent primary program. Now, 704 KAR 3:440 establishes permanent primary program guidelines pursuant to authority set forth in KRS 158.031.

KRS 158.031 provides local school districts with authority to determine successful completion of the primary program by assessing the best educational interest of the student. KDE provides guidance on primary program retention and advancement through its website.

Budget Impact: No impact occurs to state funds due to the repeal of this regulation.

Groups Consulted and Brief Summary of Responses

The Local Superintendents Advisory Council was consulted and no concerns were raised about repealing the regulation. A letter from this group expressing their recommendation should be received prior to the June meeting.

Contact Person:

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Commissioner of Education

Date:

June 2016

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Repealer)

5 703 KAR 4:041. Repeal of 703 KAR 4:040. Interim methods for verifying successful completion
6 of the primary program.

7 RELATES TO: KRS 158.030, 158.031, 158.6451

8 STATUTORY AUTHORITY: KRS 156.070, 156.160, 158.031

9 NECESSITY, FUNCTION, AND CONFORMITY:

10 This is to repeal administrative regulation 703 KAR 4:040, Interim methods for verifying
11 successful completion of the primary program. The regulation was promulgated in 1993 as an
12 interim regulation. Since that time, the General Assembly enacted KRS 158.031 providing
13 different requirements related to primary programs. Pursuant to KRS 158.031, 704 KAR 3:440,
14 Primary school program guidelines, now governs the requirements of primary school programs.
15 Therefore, 703 KAR 4:040 is neither applicable nor necessary.

16 Section 1. 703 KAR 4:040, Interim methods for verifying successful completion of the primary
17 program, is hereby repealed.

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)

Stephen L. Pruitt, 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 XX, at XX. 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 XX. 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.

703 KAR 4:040. Interim methods for verifying successful completion of the primary program.

RELATES TO: KRS 158.030, 158.6451

STATUTORY AUTHORITY: KRS 156.070, 158.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.030 requires the State Board for Elementary and Secondary Education to promulgate an administrative regulation establishing methods for verifying successful completion of the primary school program. Successful completion must be defined in terms of student achievement of the goals set forth in KRS 158.6451.

Section 1. The determinations of successful completion of the primary program shall be made on an individual student basis.

Section 2. Ongoing evidence to support the determination shall include teacher observations and anecdotal records, student products or performances, and evidence of student self-reflection or assessment.

Section 3. The development of the student exiting the primary program shall be consistent with performance expectations which would support student success in the fourth grade.

Section 4. A school team, which includes the parent of the identified child, will consider and recommend the appropriate early or delayed exit for any student in the primary program. Such review will take place at least thirty (30) days before such decision takes effect.

Section 5. (1) Consistent with the six (6) learning goals of KRS 158.6451, the following shall be the focus for determining student eligibility to exit the primary program:

- (a) Student expresses himself clearly and effectively in oral and written form;
- (b) Student processes oral and written information as evidenced through listening and reading;
- (c) Student demonstrates confidence in his ability to communicate;
- (d) Student applies mathematical procedures to problem-solving;
- (e) Student applies mathematical concepts including computation, measurement, estimation, and geometry;
- (f) Student collects, displays, and interprets data;
- (g) Student demonstrates use of monetary values in an economic system;
- (h) Student demonstrates appropriate and relevant investigation skills to solve specific problems in real life situations;
- (i) Student creatively expresses ideas and feelings;
- (j) Student applies democratic principles in relationships with peers;
- (k) Student identifies contributions of diverse individuals, groups, and cultures;
- (l) Student demonstrates responsibility for personal belongings;
- (m) Student shows respect for the property and rights of others;
- (n) Student displays self-control and self-discipline;
- (o) Student accesses appropriate resources for learning in school, at home, and in the community;
- (p) Student participates in group activities cooperatively;
- (q) Student chooses appropriate processes and strategies to solve given problems; and
- (r) Student applies previously learned knowledge and concepts to new situations.

Section 6. To determine whether students can accomplish the above, teachers shall:

- (1) Collect a variety of student work samples;
- (2) Complete observational checklists of academic, social, and developmental progress; and
- (3) Maintain anecdotal records. (19 Ky.R. 1702; eff. 3-4-93.)

704 KAR 3:440. Primary school program guidelines.

RELATES TO: KRS 156.160(1)(a)

STATUTORY AUTHORITY: KRS 156.070, 156.160(1)(a), 158.030(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160(1)(a) requires the State Board for Elementary and Secondary Education to establish by administrative regulation the standards that school districts shall meet in student, program service, and operational performance. KRS 158.030 establishes the primary school program and requires the promulgation of administrative regulations to address methods for verifying successful completion of the primary school program.

Section 1. Definitions. The following definitions shall apply to this administrative regulation:

- (1) "Developmentally appropriate practices" means instructional practices that address the physical, aesthetic, cognitive, emotional and social domains of children and that permit them to progress through an integrated curriculum according to their unique learning needs.
- (2) "Multiage and multiability classrooms" means flexible grouping and regrouping of children of different age, sex and ability who may be assigned to the same teacher(s) for more than one (1) year.
- (3) "Continuous progress" means a student's unique progression through the primary school program at his own rate without comparison to the rate of others or consideration of the number of years in school. Retention and promotion with the primary school program are not compatible with continuous progress.
- (4) "Authentic assessment" means assessment that occurs continually in the context of the learning environment and reflects actual learning experiences that can be documented through observation, anecdotal records, journals, logs, actual work samples, conferences and other methods.
- (5) "Qualitative reporting methods" means progress is communicated through a variety of home-school communiques, which address the growth and development of the whole child as he progresses through the primary school program.
- (6) "Professional teamwork" means all professional staff in the primary school program communicate and plan on a regular basis and use a variety of instructional delivery systems such as team teaching and collaborative teaching.
- (7) "Positive parent involvement" means the establishment of productive relationships between the school and the home, individuals, or groups than enhance communication, promote understanding and increase opportunities for children to experience success in the primary school program.

Section 2. Primary School Program Attributes. Each primary school program shall include all the following attributes:

- (1) Developmentally appropriate educational practices;
- (2) Multiage and multiability classrooms;
- (3) Continuous progress;
- (4) Authentic assessment;
- (5) Qualitative reporting methods;
- (6) Professional teamwork; and
- (7) Positive parent involvement.

Section 3. Students in the Primary School Program. (1) Children who attend the primary school program shall not be described as enrolled in a specific grade level. Students who transfer from a school system that uses grade levels of kindergarten through third grade shall be enrolled in the primary school program and placed according to their developmental needs.

(2) Each elementary school shall design the primary school program to address the learning needs of all children who meet the entry age for the primary school program and who are not ready to enter the fourth grade. Individual placement decisions for children who are eligible for special education and related services shall be determined by the appropriate admissions and release committee, pursuant to 707 KAR 1:051.

Section 4. Curriculum. (1) The curriculum of the primary school program shall address the goals of education and the model curriculum framework set forth in KRS 158.6451.

(2) Instructional practices in the primary school program shall motivate and nurture children of diverse cultures; shall address the social, emotional, physical, aesthetic and cognitive needs of children; and shall be based upon the following principles of how young children learn:

- (a) Young children learn at different rates and through different styles.
 - (b) Young children learn as they develop a sense of self-confidence in a positive learning environment.
 - (c) Young children learn best with "hands on" experiences where they are encouraged to question, explore and discover.
 - (d) Young children learn best through an integrated curriculum by engaging in real-life activities and learning centers.
 - (e) Young children learn best in a social environment where they can converse with others to expand their language and their thinking.
- (3) Students enrolled in the primary school program shall progress through the curriculum at their individual learning rates.
- (4) Parents and legal guardians of children enrolled in the primary school program shall receive regular reports at a minimum of four (4) times per year regarding the children's individual progress in meeting the goals of education set forth in KRS 158.6451(1) and successful completion of the primary school program.

Section 5. Implementation. (1) By June 15, 1992, each elementary school shall submit an action plan to the Department of Education describing the steps to be taken for beginning implementation in 1992-93 and full implementation by 1993-94 in order to implement the primary school program as described in this administrative regulation. The procedures and instructions for the plan are contained in "Procedures for Developing the Primary Program Action Plan," effective date of April 1992, which is hereby incorporated by reference. This document may be inspected, copied, and obtained at the Kentucky Department of Education, Division of Early Childhood, 21st Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, Monday - Friday, 8 a.m. - 4:30 p.m.

(2) Beginning June 1, 1993, each elementary school shall submit an annual evaluation report to the Department of Education describing the steps to be taken to improve the quality of the primary school program. The evaluation report shall follow the format contained in "Procedures for Developing the Primary Program Action Plan" document cited in subsection (1) of this section.

(3) The action plan and subsequent evaluation reports shall include input from parents, teachers and support staff of children enrolled in the primary school program. The action plan and subsequent evaluation reports shall be adopted by the school-based decision making council if one exists, or by the local district superintendent if the school does not have a council.

(4) Each elementary school shall make the action plan and subsequent evaluation reports available for public inspection. A copy of the action plan and subsequent evaluation reports shall be kept on file by the local school district superintendent. (18 Ky.R. 3559; Am. 19 Ky.R. 397; eff. 8-1-92.)