

Fern Creek High School

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October 4, 2016

Commissioner Dr. Stephen L. Pruitt
Kentucky Department of Education
300 Sower Boulevard, 5th Floor
Frankfort, KY 40601

Dear Commissioner Pruitt:

Fern Creek High School Appeals the Novice Reduction Calculation as resulting in an “arbitrary” designation of the school’s performance level.

Justification for Appeal:

KRS 158.6455 System to identify and reward successful schools -- School accountability system -- Consequences for schools not meeting accountability measures -- Review and audit process -- Formula for school accountability and improvement goal -- District accountability -- Appeals of performance judgments. It is the intent of the General Assembly that schools succeed with all students and receive the appropriate consequences in proportion to that success. ...

(8) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate administrative regulations in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A, to establish a process whereby a school shall be allowed to appeal a performance judgment which it considers grossly unfair. Upon appeal, an administrative hearing shall be conducted in accordance with KRS Chapter 13B. The state board may adjust a performance judgment on appeal when evidence of highly unusual circumstances warrants the conclusion that the performance judgment is based on fraud or a mistake in computations, is arbitrary, is lacking any reasonable basis, or when there are significant new circumstances occurring during the biennial assessment period which are beyond the control of the school. Effective: March 25, 2009

KAR being appealed

703 KAR 5:200 Section 4: 4. 2 (e) Reduction of novice student calculation. Annual novice reduction targets shall be calculated for student groups with a minimum of ten (10) novice

students. Points shall be awarded based on the percentage of the annual goal met in the following demographic categories and the non-duplicated gap group:

Rationale: Novice Reduction has a disproportionate effect on larger schools due to poor construction of the regulation. This regulation is skewed to penalize larger schools as the calculation is not based on a percentage a school's total students, but simply provides an arbitrary cutoff number of 10. By setting the number at ten, all large schools are almost guaranteed to have gap groups for which they are held accountable, while smaller schools will be exempt from the accountability measure.

Example of the "arbitrary" nature of the regulation: The exclusion of one LEP student from our SDRR decreases the Fern Creek's index from 75.4 to 74.3.

The difference in these scores changes the school's designation from "Distinguished" to "Proficient." The difference in these scores changes Fern Creek from a school that has met its AMO to a school that has not. The difference in these scores is due to one student. One student represents .0625% of Fern Creek's population, but approximately 2% of our Learner's Score.

Further details of the disproportionate impact of one LEP student on our 2015-2016 SDRR.

- 1) We believe this further exposes the problems with the AMO reset that has us assuming this student's Novice in 2014-2015. The Trackback law changed for 2015-2016 calculations. However, OAA applied the law retroactively to 2014-2015, thus significantly changing the constitution of 2014-2015's gap group.
- 2) We believe that the SDRR should be held consistent for any category dependent on a biennial assessment: Growth and Novice Reduction. We should not receive accountability scores for a student one year (Novice in AEOC) and not the next.

Example: We no longer have a Gap group in LEP for 2014-2015 for one LEP student in question that was the 10th student to establish the Gap Group in 2014-2015. After the law was applied retroactively, that student's accountability went to the district as she then attended Westport TAPP.

Sincerely,



Nathan R. Meyer, EdD
Principal, Fern Creek High School