

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (New Administrative Regulation)

5 703 KAR 5:270. Kentucky's Accountability System.

6 RELATES TO: KRS 158.645, 158.6451, 158.6453, 158.6455, 20 U.S.C. 6311

7 STATUTORY AUTHORITY: KRS 158.6453, 158.6455

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6453 requires the Kentucky Board

9 of Education to create and implement a balanced statewide assessment program that measures

10 the achievement of students, schools, and districts; complies with the federal Every Student

11 Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor; and ensures accountability.

12 KRS 158.6455 requires the Kentucky Board of Education to create an accountability system to

13 classify schools and districts, including a process for annual summative performance evaluations

14 and goals for improvement. This administrative regulation establishes the statewide system of

15 accountability, and meets requirements set forth in the federal Every Student Succeeds Act of

16 2015 at 20 U.S.C. 6311.

17 Section 1. Definitions. (1) "Achievement gap closure" means a combined measure of reducing

18 the performance difference between student demographic groups to each other and to proficiency

19 for each of the tested areas.

- 1 (2) “Behavior events” are student infractions involving drugs, weapons, harassment including
2 bullying, alcohol, tobacco, assault first degree, other assault or violence, and state resolutions not
3 reported.
- 4 (3) “Career counselor” or “career coach” means an individual who advises middle and high
5 school students on academic and career opportunities, as well as the post-secondary education
6 and training plans necessary to achieve such careers.
- 7 (4) “Catch up” means individual student performance below proficient grows enough to achieve
8 proficiency or to be on track to become proficient.
- 9 (5) “Chronic absenteeism” means a student who misses ten (10) percent or more of his/her
10 enrolled academic year.
- 11 (6) “Comparison student group” means the student demographic group being contrasted to the
12 reference group.
- 13 (7) “Consolidated student groups” means a non-duplicated aggregation of student groups ~~too~~
14 ~~small to be publicly reported individually~~ that includes: African American, Hispanic, Native
15 Hawaiian or other Pacific Islander, American Indian or Alaska Native, two or more races,
16 students with disabilities who have an individual education program (IEP), and English learners.
- 17 (8) “English learners” means students currently identified in the [area] indicators of growth and
18 transition readiness on an English language proficiency exam. For all other areas, it includes
19 students currently identified and those who continue to be monitored.
- 20 (9) “Essential skills” means the foundational abilities that include attendance, positive
21 dispositions, and communication needed to successfully complete academic, workplace, or
22 military responsibilities as demonstrated through a variety of co-curricular learning and
23 leadership experiences.

1 (10) “Federal student group designation” **[includes] means** target support and improvement, and
2 comprehensive support and improvement as provided in KRS 160.346.

3 (11) “Federally defined student demographic groups” include White, African American,
4 Hispanic, Asian, Native Hawaiian or other Pacific Islander, American Indian or Alaska Native,
5 two or more races, free/reduced-price meal eligible, students with disabilities who have an IEP,
6 and English learners.

7 (12) “Full academic year” means one hundred (100) or more instructional days of student
8 enrollment within the school year.

9 (13) “Graduation rate” means the percentage of students who enter high school and receive a
10 diploma based on their cohort in four (4) and five (5) years, adjusting for transfers in and out,
11 émigrés, and deceased students.

12 (14) “Growth” means a student’s continuous improvement toward proficiency or above.

13 **(15) “Indicator” means a component of the accountability system that provides specific**
14 **information on the school or district.**

15 (~~15~~16) “Individual education program” or “IEP” means an individual education program as
16 defined in 707 KAR 1:002.

17 (~~16~~17) “Keep up” means individual student performance at or above proficient that grows at a
18 rate to maintain proficiency or above.

19 (~~17~~18) “Less than catch up” means individual student performance below proficient and not on
20 track to become proficient.

21 (~~18~~19) “Local education agency” or “LEA” for the purposes of this regulation shall mean a
22 local school district as provided in KRS 161.010 and KRS 161.020 or a charter school board of
23 directors as provided in KRS 161.1590.

- 1 **(~~19~~20)** “Locally determined measure” means a LEA objective for students or schools to
2 achieve that is specific, measurable, achievable, relevant, and time bound.
- 3 **(~~20~~21)** “Move up” means individual student performance at proficient that grows at a rate to be
4 on track to become distinguished.
- 5 **(~~21~~22)** “Opportunity and access” means equitable availability to research-based student
6 experiences and school factors that impact student success.
- 7 **(~~22~~23)** “Practical significance” means a measure of the differences between student groups has
8 real meaning.
- 9 **(~~23~~24)** “Proficiency indicator” means the measure of academic status or performance for
10 reading/writing and mathematics on state assessments.
- 11 **(~~24~~25)** “Proficient” or “proficiency” means reaching the desired level of knowledge and skills
12 as measured on academic assessments.
- 13 **(~~25~~26)** “Rating” means the **process of** inclusion of an indicator in the formal overall rating of
14 the school or district.
- 15 **(~~26~~27)** “Reference group” means a student demographic group to which another group is
16 contrasted to provide a benchmark for performance.
- 17 **(~~27~~28)** “Separate academic indicator for science and social studies” means the measure of
18 academic status or performance for science and social studies on state assessments.
- 19 **(~~28~~29)** “Transition readiness” means the attainment of the necessary knowledge, skills, and
20 dispositions to successfully transition to the next level.
- 21 **(~~29~~30)** “Value table” means a set of numbers that are used to attribute scores to different
22 performance levels.
- 23 **(~~30~~31)** “Work ethic certification” means a process by which a student **~~is assessed based upon~~**
24 **~~his/her demonstration of] demonstrates~~** essential skills and workplace readiness.

1 ~~(31)~~**32** “Writing” means the content area that includes on-demand writing, and editing and
2 mechanics.

3 Section 2. Kentucky’s accountability system that is used to classify schools and LEAs shall
4 include the indicators of proficiency, separate academic indicator for science and social studies,
5 growth, transition readiness, achievement gap closure, opportunity and access, and graduation
6 rate.

7 (1) The proficiency indicator shall be measured by student performance on state tests in
8 reading/writing and mathematics.

9 (2) A separate academic indicator shall be measured by student performance on state tests in
10 science and social studies.

11 (3) The growth indicator shall be calculated at the elementary and middle school levels. The
12 growth indicator shall be measured **[by awarding credit as follows]:**

13 (a) ~~[The percentage of students who meet or are on track to meet their annual personal
14 target for improvement based on an individual student trajectory toward proficiency]~~

15 **Based on a Growth Value Table** in reading and mathematics; and

16 (b) Progress toward achieving English proficiency by English learners.

17 (4) The achievement gap closure indicator shall be measured **[by awarding credit]** as follows:

18 (a) Reducing the gap in performance between the following comparison groups and reference
19 group in the combined content areas of reading/writing, mathematics, science, and social studies:

20 1. African American, Hispanic, Asian, Native Hawaiian or other Pacific Islander, American
21 Indian or Alaska Native, White, and two or more races compared to the reference group, which

22 shall be the highest of these;

23 2. Free/reduced-price meal eligible **students** compared to non-free/reduced-price meal eligible
24 **students**;

- 1 3. Students with disabilities who have an IEP compared to students without IEPs; and
- 2 4. English learners compared to non-English learners.
- 3 (b) Reducing the gap to proficiency for the combined content areas of reading/writing,
- 4 mathematics, science and social studies by the following groups: White, African American,
- 5 Hispanic, Asian, Native Hawaiian or other Pacific Islander, American Indian or Alaska Native,
- 6 two or more races, free/reduced-price meal eligible, students with disabilities who have an IEP,
- 7 English learners, and a consolidated student group.
- 8 (5) The opportunity and access indicator shall be measured ~~[by awarding credit]~~ for rich
- 9 curricula, equitable access, school quality, and whole child supports, as follows:
- 10 (a) Elementary schools that provide all students opportunities and access to:
- 11 1. Rich curricula annually including:
- 12 a. Visual and performing arts;
- 13 b. Health and physical education;
- 14 c. Science; and
- 15 d. Social studies.
- 16 2. School quality as measured by a lack of student chronic absenteeism, behavior events, and
- 17 physical restraint and seclusion.
- 18 3. Equitable access by federally defined student demographic groups in proportion to the school
- 19 population to gifted and talented services excluding the primary talent pool. [in grades four
- 20 ~~(4) and five (5).]~~
- 21 4. Whole child supports ~~[as the school determines]~~ by selecting two (2) of the following:
- 22 a. School-based counselor or mental health services provider;
- 23 b. School nurse; or
- 24 ~~[e.] [Library media specialist;]~~

- 1 ~~[d.] [Family resource/youth services center; or]~~
- 2 ~~[e]c.~~ Teachers with specialist certification in visual art, music, dance, theatre, media arts,
3 physical education, health, and world languages.
- 4 (b) Middle schools that provide all students opportunities and access to:
- 5 1. Rich curricula annually including:
- 6 a. Visual and performing arts;
- 7 b. Health and physical education;
- 8 c. Science;
- 9 d. Social studies; and
- 10 e. Career exploration including career and technical education courses, other courses that focus
11 on essential skills and co-curricular learning and leadership experiences.
- 12 2. School quality as indicated by a lack of student chronic absenteeism, behavior events, and
13 physical restraint and seclusion.
- 14 3. Equitable access of federally defined student demographic groups in proportion to the school
15 population to gifted and talented services.
- 16 4. Whole child supports ~~[as determined by the school]~~ by selecting two (2) of the following:
- 17 a. School-based counselor or mental health services provider;
- 18 b. School nurse; or
- 19 ~~[e.] [Library media specialist;]~~
- 20 ~~[d.] [Family resource/youth services center;]~~
- 21 ~~[e]c.~~ Teachers with specialist certification in visual arts, music, dance, theatre, media arts,
22 physical education, health, and world languages; or
- 23 ~~[f]d. [Access to e]Career~~ counselor or career coach.
- 24 (c) High schools that provide all students with opportunities and access to:

- 1 1. Rich curricula including:
 - 2 a. Visual and performing arts;
 - 3 b. Health and physical education;
 - 4 c. Cultural studies or world language;
 - 5 d. Career and technical education (CTE), including specialized career pathways in state and
 - 6 regional high demand sectors as approved by Kentucky’s Workforce Innovation Board; and
 - 7 e. Essential skills demonstrated as part of a work ethic certification.
- 8 2. School quality as indicated by a lack of student chronic absenteeism, behavior events, and
- 9 restraint and seclusion.
- 10 3. Equitable access of federally defined student demographic groups to the following advanced
- 11 coursework: advanced placement, international baccalaureate, Cambridge Advanced
- 12 International and dual credit.
- 13 4. Whole child supports ~~[as determined by the school]~~ by selecting two (2) of the following:
 - 14 a. School-based counselor or mental health services provider;
 - 15 b. School nurse; or
 - 16 ~~[c.] [Library media specialist;]~~
 - 17 ~~[d.] [Family resource/youth services center;]~~
 - 18 ~~[e] c.~~ Teachers with specialist certification in visual arts, music, dance, theatre, media arts,
 - 19 physical education, health, and world languages; or
 - 20 ~~[f] d.~~ ~~[Access to e]~~Career counselor or career coach.
- 21 ~~[5. Within opportunity and access, the locally determined indicator shall be included in the~~
- 22 ~~accountability rating of each LEA. Each LEA shall propose to the department the targeted~~
- 23 ~~goal or objective that is specific, measurable, achievable, relevant, and time bound.~~

1 ~~Through discussion and deliberation, the LEA and the department shall enter into an~~
2 ~~agreement on the goals or objectives of the locally determined indicator].~~

3 (6) The transition readiness indicator shall be measured ~~[by awarding credit]~~ for students
4 meeting the following criteria:

5 (a) At the elementary and middle school level, students meet or exceed the benchmark on a
6 composite score that combines student performance on state-required assessments for
7 reading/writing, mathematics, science, and social studies. A composite score shall include the
8 most recent content area assessment by grade level available for each school. Students
9 participating in the alternate assessment program will have criteria based on alternate assessment
10 requirements.

11 (b) At the high school level, students:

12 1. Earn a regular or alternative high school diploma; and

13 2. Achieve academic readiness or ~~[;]~~ career readiness. ~~[; or military readiness. as follows:]~~

14 a. A school shall receive credit for each student demonstrating academic readiness by:

15 i. Scoring at or above the benchmark score as determined by the Council on Postsecondary
16 Education (CPE) on the college admissions examination; or

17 ii. Completing six (6) or more hours of Kentucky Department of Education approved dual
18 credit and receiving a ~~[course]~~ grade of B or higher in each course; or

19 iii. Completing two (2) or more advanced placement (AP) courses and receiving a score of three
20 (3) or higher on ~~[the]~~ each AP assessment; or

21 iv. Receiving a score of five (5) or higher on two (2) examinations for international baccalaureate
22 courses; or

23 v. Scoring at or above the benchmark on two (2) or more Cambridge Advanced International
24 examinations~~[;]~~; or

- 1 vi. Completing a combination of academic readiness indicators listed above.
- 2 vii. Demonstration of academic readiness shall include one quantitative reasoning or
3 natural sciences and one written or oral communication, or arts and humanities, or social
4 and behavioral sciences learning outcomes.
- 5 b. A school shall receive credit for each student demonstrating career readiness by:
- 6 i. Scoring at or above the benchmark on industry certifications as approved by the Kentucky
7 Workforce Innovation Board on an annual basis; or
- 8 ii. Scoring at or above the benchmark on the Career and Technical Education End-of-
9 Program Assessment [~~Kentucky Occupational Skill Standards Assessment (KOSSA)~~ as
10 ~~appropriate~~] for articulated credit [~~and~~]; or
- 11 iii. Completing six (6) or more hours of Kentucky D[~~d~~]epartment of Education -approved CTE
12 dual credit, and receiving a [~~course~~] grade of B or higher in each course; or
- 13 [~~iv. Completing two (2) credits in a career and technical education program of study and~~
14 ~~was enrolled in a third credit in a CTE program of study; or]~~
- 15 iv. Completing a Kentucky D[~~d~~]epartment of Education -approved or labor cabinet-approved
16 apprenticeship; or
- 17 v[i]. Completing a Kentucky D[~~d~~]epartment of Education -approved alternate process to verify
18 exceptional work experience.
- 19 [~~e. A school shall receive credit for each student demonstrating military readiness by:~~
20 ~~i. Scoring at or above the department-approved benchmark of the Armed Forces Quality~~
21 ~~Test (AFQT) on the Armed Services Vocational Aptitude Battery (ASVAB); and~~
22 ~~ii. Enlisting in a branch of military service; or~~
23 ~~iii. Completing two (2) certificates of training and was enrolled in the third credit within a~~
24 ~~Junior Reserve Officer Training Corps (JROTC) program.]~~

1 **c. [d]**. For students who qualify as English learners in high school: Meeting criteria for English
2 language proficiency to be English language ready.

3 **d. [e]**. Students participating in the alternate assessment program shall meet criteria based on
4 **academic or career** alternate assessment requirements. **~~[and employability skills.]~~**

5 (7) The graduation rate indicator shall be measured for each high school using the four (4)-year
6 and extended five (5)-year cohort rate. The graduation rate shall be reported for all students and
7 student groups.

8 Section 3. Classification of schools and **~~[districts]~~ LEAs** in the state accountability system.

9 (1) Data shall be included in the overall rating for schools and LEAs for the following indicators:

10 (a) Proficiency (reading/writing and mathematics);

11 (b) Separate academic indicator (science and social studies);

12 (c) Growth (elementary and middle school);

13 (d) Transition readiness;

14 (e) Achievement gap closure;

15 (f) Opportunity and access (school quality/student success); and

16 (g) Graduation rate (high school).

17 (2) Data from individual student performance on state assessments administered as required in

18 KRS 158.6451 and KRS 158.6453 shall be included in the overall rating of each school and

19 LEA. This data shall include students with disabilities with IEPs who participate in the alternate
20 assessment program.

21 (3) Data in the overall rating shall be attributed to grade level spans for schools and LEAs as

22 established in this subsection.

1 (a) Elementary schools shall include data from proficiency, separate academic indicator for
2 science and social studies, growth, achievement gap closure, transition readiness, opportunity
3 and access, and federal student group designation.

4 (b) Middle schools shall include data from proficiency, separate academic indicator for science
5 and social studies, growth, achievement gap closure, transition readiness, opportunity and access,
6 and federal student group designation.

7 (c) High schools shall include data from proficiency, separate academic indicator for science and
8 social studies, achievement gap closure, transition readiness, graduation rate, opportunity and
9 access, and federal student group designation.

10 (d) LEAs shall include data from school proficiency, separate academic indicator for science and
11 social studies, growth, achievement gap closure, transition readiness, graduation rate, and
12 opportunity and access, including a locally determined measure.

13 **(e) Within opportunity and access, the locally determined measure shall be included in the**
14 **accountability rating of each LEA. Each LEA shall propose to the department the targeted**
15 **goal or objective that is specific, measurable, achievable, relevant, and time bound.**
16 **Through discussion and deliberation, the LEA and the department shall enter into an**
17 **agreement on the goals or objectives of the locally determined measure.**

18 Section 4. Calculations for reporting categories.

19 (1) Proficiency for reading/writing and mathematics shall be rated equally in elementary, middle,
20 and high schools and ~~[in districts]~~ LEAs by awarding points as described in paragraph 2(c) of
21 this section.

22 (2) The separate academic indicator for science and social studies shall be rated equally in
23 elementary, middle and high schools and in LEAs ~~[for science and social studies]~~ by awarding
24 points as described in paragraph 2(c) of this section.

- 1 (a) For proficiency and the separate academic indicator, weights shall be equal across content
 2 areas.
- 3 (b) ~~[If data is not available]~~ For any [the] content area (reading/writing, mathematics, science,
 4 and social studies) where data are not available, the weight shall be redistributed
 5 proportionally across proficiency and separate academic indicator.
- 6 (c) The following chart shall be used to calculate the points for proficiency and the separate
 7 academic indicator:

Proficiency Levels	Points Awarded for Each Percent of Students
Novice	0
Apprentice	.5
Proficient	1
Distinguished	1.25

- 8 (3) The achievement gap closure indicator that includes gap to group and gap to proficiency
 9 shall be calculated as established in this subsection.
- 10 (a) School achievement gap closure between student demographic comparison groups and
 11 reference groups shall be determined by:
- 12 1. Determining the student demographic groups to be included in this subsection, which shall
 13 include the following student demographic groups that have at least ten (10) students, African
 14 American, Hispanic, Asian, Native Hawaiian or other Pacific Islander, American Indian or
 15 Alaska Native, two or more races, and White.
- 16 a. Comparing [Reference group compared to] African American, Hispanic, Asian, Native
 17 Hawaiian or other Pacific Islander, American Indian or Alaska Native, two or more races, and
 18 White to a reference group. The reference group shall be the highest performing racial/ethnic
 19 student group that has at least ten (10) students and constitutes at least ten (10) percent of the
 20 students enrolled in the school;

- 1 b. Free/reduced-price meal eligible students compared to non-free/reduced-price meal eligible
2 students;
- 3 c. Students with disabilities who have an IEP compared to students without IEPs; and
4 d. English learners compared to non-English learner students.
- 5 2. Combining scores for each tested content area assessment using points in accordance with
6 paragraph 2(c) of Section 4 of this administrative regulation for each student demographic group.
- 7 3. Using a statistical analysis for each pair of comparison-reference groups, the department shall
8 determine if a significant gap has been sufficiently reduced between the comparison group and
9 reference group and is both statistically and practically significant. If so, the gap closure for the
10 student demographic group will be considered “significant” and the school will receive one (1)
11 gap closure point. If the gap between groups is not significantly reduced, the gap will be
12 considered “not significant” and the school will receive zero gap closure points.
- 13 (b) School achievement gap closure between student demographic groups and proficiency shall
14 be determined as follows:
- 15 1. Determine which student demographic groups have at least ten (10) students that are to be
16 included in this subsection. Student demographic groups included in the subsection shall include:
- 17 a. White;
18 b. African American;
19 c. Hispanic or Latino;
20 d. Asian;
21 e. Native Hawaiian or other Pacific Islander;
22 f. American Indian or Alaska Native;
23 g. Two or more races/ethnicities;
24 h. Students in poverty based on eligibility for free/reduced-price meals;

- 1 i. Students with disabilities who have an IEP;
 - 2 j. English learners; and
 - 3 k. A consolidated student group.
- 4 2. Combining scores for all content area assessments **into an index** using points in accordance
 - 5 with paragraph 2(c) of Section 4 of this administrative regulation for each student demographic
 - 6 group.
 - 7 3. Compare the **index [percent proficient and above]** to the current year’s annual target
 - 8 **developed by the Kentucky Department of Education** for each student demographic group in
 - 9 the combined content areas of reading/writing, mathematics, science, and social studies.
 - 10 4. If the current year **index [percent proficient]** is equal to or greater than the current year’s
 - 11 annual target for each student demographic group in the combined content areas of
 - 12 reading/writing, mathematics, science, and social studies, the student demographic group gap
 - 13 shall be considered “reduced” and the school will receive two (2) gap closure points.
 - 14 5. If the current year **index [percent proficient]** is equal to or greater than the current year’s
 - 15 annual target for each student demographic group in the combined content areas of
 - 16 reading/writing, mathematics, science, and social studies minus a sufficient percentage point, the
 - 17 student demographic group gap is considered “partially reduced” and the school shall receive
 - 18 one (1) gap closure point.
 - 19 6. If the current year **index [percent proficient]** is less than the current year’s annual target for
 - 20 each student demographic group in the combined content areas of reading/writing, mathematics,
 - 21 science, and social studies minus a sufficient percentage point, the student demographic group
 - 22 gap is considered “not reduced” and the school shall receive zero gap closure points.
- 23 (c) Sum the total achievement gap closure points across all student demographic groups **and**
- 24 **divide by the number of student demographic groups** for gap to group and gap to proficiency.

- 1 (d) Based on total achievement gap closure points, **the Kentucky Department of Education**
2 **will conduct** a standards setting process involving Kentucky educators and advised by technical
3 experts shall place the school and LEA into categories of very low, low, medium, high, or very
4 high.
- 5 (e) Each student demographic group shall have a minimum of ten (10) students per content area
6 in the school or LEA in order to **[report] include** gap data **in accountability**.
- 7 (f) In calculating the achievement gap closure indicator, the reduction of achievement gap
8 between student demographic groups shall be weighted thirty-three (33) percent and the
9 reduction of the gap to proficiency shall be weighted sixty-seven (67) percent.
- 10 (4) Growth shall be rated for elementary and middle schools as established in this subsection.
- 11 (a) Novice and apprentice performance levels for growth calculations shall be subdivided into
12 novice high, novice low; and apprentice high, apprentice low.
- 13 (b) Based on prior and current year performance, points for student performance level shall be
14 assigned **from a growth value table** based on a projection of student performance **[from a**
15 **growth value table]** and reported using the following terms: less than catch up, catch up, keep
16 up, and move up.
- 17 (c) The school calculation for mathematics shall be the sum of the total points from the growth
18 value table for **[each] all** students divided by the total number of scores.
- 19 (d) The values in the growth value table below shall be used in calculating growth in this
20 subsection.

Growth Value Table

Projected	Novice	Novice	Apprentice	Apprentice	Proficient	Distinguished
Current	Low	High	Low	High		
Distinguished	-1.50 (L)	-1.25 (L)	-1.00 (L)	-0.75 (L)	0.00 (K)	0.25 (K)
Proficient	-1.00 (L)	-0.75 (L)	-0.50 (L)	-0.25 (L)	0.25 (K)	0.50 (M)
Apprentice High	-0.75 (L)	-0.50 (L)	-0.25 (L)	0 (L)	0.25 (C)	0.75 (M)
Apprentice Low	-0.50 (L)	-0.25 (L)	0 (L)	0.25 (L)	0.50 (C)	1.00 (M)
Novice High	-0.25 (L)	0 (L)	0.25 (L)	0.50 (C)	0.75 (C)	1.25 (M)
Novice Low	0 (L)	0.25 (L)	0.50 (C)	0.75 (C)	1.00 (C)	1.50 (M)

Less than Catch Up (L)

Moving Up (M)

Catching Up (C)

Keeping Up (K)

- 1 (e) The school calculation for reading shall be the sum of the total points for ~~each~~ all students
- 2 from the growth value table plus growth for English language proficiency as described in Section
- 3 4(4)(g) of this regulation divided by the total number of scores.
- 4 (f) Progress toward achieving English proficiency by English learners shall be calculated as
- 5 follows:
- 6 1. Individual growth shall be compared to prior year performance on an English proficiency
- 7 exam.
- 8 2. A standards setting process ~~shall be~~ was conducted involving Kentucky educators and
- 9 advised by technical experts to determine an exit ~~criteria~~ benchmark and a value table ~~shall~~
- 10 be was generated.
- 11 3. Points for each English learner based on the English learner growth value table shall be
- 12 summed.
- 13 a. Depending on further analysis, Kentucky may modify the value table and its use to reflect
- 14 factors that may impact English learners' progress toward language proficiency, including age

1 upon entry to U.S. schools, initial English language proficiency level, and degree of interrupted
 2 schooling.
 3 b. The values in the growth value table below shall be used in calculating growth in this
 4 subsection.

WIDA ACCESS score previous year	WIDA ACCESS score current year							
	1	1.5	2.0	2.5	3.0	3.5	4.0	4.5
4.0	-1.25	-1.25	-1.0	-.75	-.50	-.25	0	.25
3.5	-1.0	-1.0	-.75	-.50	-.25	0	.25	.50
3.0	-1.0	-.75	-.50	-.25	0	.25	.50	.75
2.5	-.75	-.50	-.25	0	.25	.50	.75	1.0
2.0	-.50	-.25	0	.25	.50	.75	1.0	1.25
1.5	-.25	0	.25	.50	.75	1.0	1.25	1.25
1.0	0	.25	.50	.75	1.0	1.0	1.0	1.0

5 4. Total points for English learners shall be added to the sum of the reading growth points for
 6 **[non-English learner] all** students in reading as described in Section 4(4)(g) of this regulation.
 7 (g) For an overall school growth score, an average of reading scores that includes growth for
 8 English learners on an English proficiency exam and mathematics growth scores shall be
 9 calculated.
 10 (5) The opportunity and access indicator shall be rated for elementary, middle, **[and]** high
 11 schools, **and LEAs** as established in this subsection.
 12 (a) Opportunity and access school calculation shall sum the total number of points for the
 13 categories for rich curricula, equitable access, school quality, and whole child supports **based on**
 14 **data collected from Kentucky’s student information system and other statewide systems for**
 15 **individual students.**
 16 (b) The Kentucky Board of Education shall approve the measures of opportunity and access
 17 including the accumulation of credit.

1 (c) A standard setting process shall be conducted involving Kentucky educators, and advised by
2 technical experts to determine very low to very high performance levels within opportunity and
3 access.

4 (6) Transition readiness shall be rated as established by this subsection.

5 (a) A transition readiness percentage shall be calculated by dividing the number of high school
6 graduates who have met measures of transition readiness plus the number of English learners
7 who have achieved English language proficiency by the total number of graduates plus the
8 number of graduates who have received English language services during high school. Credit for
9 students obtaining an industry-recognized certification, licensure, or credential in specialized
10 career pathways in state and regional high demand sectors as approved by Kentucky's
11 Workforce Innovation Board is one and one-quarter (1.25) points. Credit for students obtaining
12 all other readiness indicators is one (1.0) point.

13 (b) A transition readiness percentage shall be calculated for elementary and middle schools by
14 dividing the number of students who have met a benchmark on a composite score that combines
15 student performance on state-required tests in reading/writing, mathematics, science, and social
16 studies for transition readiness by the total number of accountable students.

17 (7) Graduation rate is the percentage of students completing the requirements for a Kentucky
18 high school diploma compared to the cohort of students beginning in grade nine. Kentucky shall
19 include a four (4) year cohort rate and an extended five (5) year cohort rate. Each rate shall be
20 weighted equally.

21 (8) The overall rating shall be assigned as follows:

22 (a) The indicators for each school and **[district] LEA** as identified in Section 3 of this
23 administrative regulation shall contribute to the overall rating of schools and LEAs.

1 (b) Indicators identified in Section 3 shall have a rating of very low, low, medium, high, or very
 2 high by school and LEA level.

3 (9) An overall rating based upon performance on the set of indicators for elementary and middle
 4 schools, high schools, and LEAs shall be assigned during a standards setting process. The tables
 5 below illustrate some of the combinations of performance for each star rating:

6 (a) Overall ratings shall be reported using a five (5) star rating system to communicate
 7 performance of schools, LEAs, and the state with one (1) star being the lowest rating and five (5)
 8 stars being the highest rating.

9 (b) Each star rating reflects a combination of school performance on indicators. The range of
 10 performance in the tables elementary/middle schools, high schools and LEAs as shown below
 11 indicate the upper bound and the lower bound of performance described as very low, low,
 12 medium, high, and very high.

13 Elementary/Middle Schools

Overall Rating	Proficiency (Reading/ Writing & Mathematics)	Separate Academic Indicator (Science & Social Studies)	Growth (including English Language Learners)	Achievement Gap Closure	Opportunity & Access	Transition Readiness (Composite scores at grades 5 and 8)	Federal Student Group Designation	Notes	
	Note: Standard setting will confirm level of indicator performance necessary for the Star ratings.							Can receive no higher than a 3-Star rating if Achievement Gap Closure is "Low (L)," "Very Low (VL)" or if identified for Targeted Support and Improvement (TSI).	
5 Stars	Very High High	Very High High	Very High Low	Very High High	Very High High	Very High High	No designation		
4 Stars	Any 5-star combination except Achievement Gap Closure is Medium						High Medium	No designation	*Schools identified for Comprehensive Support and Improvement (CSI) are classified with a 1 Star rating.
	One Medium, four High Three Medium, two High								
3 Stars	Any 4- or 5-Star combination except Achievement Gap Closure is Low Or Any 4- or 5-Star combination						No designation TSI		
	Four Medium, one High					High Medium	No designation or TSI		
	Four Medium, one Low					High Low			
2 Stars	Three Medium, two Low					Medium Low	No designation or TSI		
	One Medium, four Low								
1 Star	Six Low or Very Low Or bottom 5%*						TSI		

14

1 High Schools

Overall Rating	Proficiency (Reading/ Writing & Mathematics)	Separate Academic Indicator (Science & Social Studies)	Other Academic Indicator Transition Readiness (including English Language Learners)	Achievement Gap Closure	Opportunity & Access	Graduation Rate	Federal Student Group Designation	Notes
Note: Standard setting will confirm level of indicator performance necessary for the Star ratings.								Can receive no higher than a 3-Star rating if Achievement Gap Closure is "Low (L)," "Very Low (VL)" or if identified for Targeted Support and Improvement (TSI). *Schools identified for Comprehensive Support and Improvement (CSI) are classified with a 1 Star rating.
5 Stars	Very High	Very High	Very High	Very High	Very High	Very High	No designation	
	High	High	High	High	Very High	Very High		
4 Stars	Any 5-star combination except Achievement Gap Closure is Medium						No designation	
	One Medium, four High Three Medium, two High					High Medium	No designation	
3 Stars	Any 4- or 5-Star combination except Achievement Gap Closure is Low Or Any 4- or 5-Star combination						No designation	
	Four Medium, one High Four Medium, one Low					High Medium High Low	TSI No designation or TSI	
2 Stars	Three Medium, two Low One Medium, four Low					Medium Low	No designation or TSI	
	1 Star	Six Low or Very Low Or bottom 5%*						TSI

2 LEA

Overall Rating	Proficiency (Reading/ Writing & Mathematics)	Separate Academic Indicator (Science & Social Studies)	Growth (including English Language Learners)	Achievement Gap Closure	Opportunity & Access	Transition Readiness (Composite at grades 5 and 8, High school includes English language learners)	Graduation Rate (4 and 5 year cohort)	Notes
Note: Standard setting will confirm level of indicator performance necessary for the Star ratings.								Can receive no higher than a 3-Star rating if Achievement Gap Closure is "Low (L)," "Very Low (VL)" or there is a significant number of schools identified as CSI or TSI.
5 Stars	Very High	Very High	Very High	Very High	Very High	Very High	Very High	
	High	High	Low	High	Very High	High	High	
4 Stars	Any 5-star combination except Achievement Gap Closure is Medium							
	One Medium, five High Three Medium, three High						High Medium	
3 Stars	Any 4- or 5-Star combination except Achievement Gap Closure is Low Or Any 4- or 5-Star combination						High Medium	
	Five Medium, one High Five Medium, one Low						High Low	

2 Stars	Four Medium, two Low	Medium Low
1 Star	Two Medium, four Low Six Low or Very Low	Low

1 (c) The relationship between each category and the approximate weight of proficiency, a separate
 2 academic indicator for science and social studies, achievement gap closure, growth, transition
 3 readiness, opportunity and access, and graduation rate shall be included in the overall rating.

4 (d) The **individual indicators and the** overall rating shall be developed through a standard
 5 setting process involving Kentucky educators, and advised by technical experts. During the
 6 standard setting process, the approximate weights in the following table shall be considered.

7 The proposed ranges in the table indicate the relative emphasis between indicators. The ranges
 8 are set to guide Kentucky educators to determine the combination of performance from very high
 9 to very low within the indicator during standard setting.

10 Overall Accountability Weights

	Proficiency (Reading/ Writing and Mathematics)	Separate Academic Indicator (Science and Social Studies)	Growth (including English Language Learners)	Achievement Gap Closure	Opportunity & Access	Transition Readiness (Composite at grades 5 & 8) (High school includes English language)	Graduation Rate (4 and 5 year cohort)
Elementary/ Middle Schools	15-25	15-25	20-30	15-25	10-20	5-10	---
High Schools	10-20	10-20	---	15-25	10-20	20-30	5-15
Districts	10-20	10-20	10-20	10-20	10-20	10-20	5-15

11 (e) A school shall receive a federal student group designation for statistically significant
 12 achievement gaps or low-performing students **and [~~Schools or LEAs with statistically~~**
 13 **significant achievement gaps may] shall** not be rated above three stars.

14 **(f) Schools and LEAs may not be rated above three stars if they:**

1 **1. Have an achievement gap closure indicator of low (L) or very low (VL), or**

2 **2. Are identified for targeted support and improvement (TSI), or**

3 **3. Have statistically significant achievement gaps.**

4 **(f)g** Using the pool of schools identified in the lowest star ratings, Kentucky will rank schools
5 to determine bottom five (5) percent and ten (10) percent based on the indicators of proficiency,
6 separate academic indicator for science and social studies, and growth at elementary and middle
7 and the indicators of proficiency, separate academic indicator for science and social studies, and
8 transition readiness at high school.

9 **(g)h** If data cannot be calculated for an indicator, the weights shall be redistributed using an
10 equal proportion to **remaining** indicators that shall be reported for the school or LEA.

11 (10) School accountability indicators shall be assigned as follows:

12 (a) Students enrolled for a full academic year shall be included in the calculations for
13 proficiency, a separate academic indicator for science and social studies, achievement gap
14 closure, growth, and transition readiness for a school and LEA.

15 (b) Opportunity and access calculations shall be based on the students' enrollment.

16 (c) Graduation rate calculations shall be based on the students' final enrollment.

17 (d) Student demographic groups shall have a minimum of ten (10) students to be included in
18 school rating calculations.

19 (e) In accordance with KRS 158.6455, schools and districts shall be placed into one (1) of five
20 (5) star ratings established by a standards-setting process utilizing results from the first
21 operational administration of assessments in 2018-19. The process shall:

1 1. Be advised by the National Technical Advisory Panel on Assessment and Accountability; the
2 School Curriculum, Assessment and Accountability Council; and the Office of Education
3 Accountability; and

4 2. Use accepted technical procedures and involve Kentucky school and district administrators
5 and teachers.

6 Section 5. Public reporting requirements. (1) The Kentucky Department of Education shall report
7 disaggregated data for each indicator of the state assessment and accountability system.

8 (2) Progress on long-term and interim goals shall be reported publicly as required by the federal
9 Every Student Succeeds Act. Goals shall be developed for every student group, including all
10 students, for academic achievement in each content area of reading/writing, mathematics,
11 science, social studies, and the content areas combined; graduation rate based on four (4) year
12 and five (5) year adjusted cohorts; and progress on English proficiency for English learners.

13 (3) The goal for academic achievement operationalizes both the improvement of proficient and
14 distinguished performance for all students and each student group and the reduction of gaps in
15 student group performance by fifty (50) percent by 2030. Each student group of ten (10) or more
16 students shall be compared to the reference group of the highest performing student group that is
17 at least ten (10) percent of the student population.

18 (4) Goals for graduation rate shall be generated for a four (4) year adjusted cohort to ninety-five
19 (95) percent for all students and an extended five (5) year cohort to ninety-six (96) percent for all
20 students. The goal for progress on English language proficiency shall be based on the percent of
21 students making progress toward attainment of the English language.

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)

Mary Gwen Wheeler, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on October 26, 2017, at 10:00 a.m. in the State Board Room, Fifth Floor, 300 Sower Boulevard, 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 October 31, 2017. 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, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321; email kevin.brown@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 703 KAR 5:270
Contact Person: Kevin C. Brown, kevin.brown@education.ky.gov
Phone number: 502-564-4474

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes state accountability requirements for Kentucky's public local education agencies (LEAs) and schools.

(b) The necessity of this administrative regulation: KRS 158.6453 requires the Kentucky Board of Education to create and implement a balanced statewide assessment program that measures the achievement of students, schools and districts, complies with the federal Every Student Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides specific details for establishing the indicators and measures of the state-required accountability system for Kentucky public LEAs and schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides specific details for establishing the statewide accountability program that rates LEAs and schools based on performance of multiple indicators: proficiency (reading/writing and mathematics), separate academic indicator (science and social studies), growth (elementary and middle schools only), graduation rate (high school only), transition readiness, achievement gap closure, and opportunity and access. The multiple indicators incorporate the student test results and school quality measures. The regulations complies with state statute and the federal Every Student Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability.

(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: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statute: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All public LEAs and schools in Kentucky with schools grade 3 or higher and supporting staff in the Kentucky Department of Education (KDE).

(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:

(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: KDE, LEAs and schools shall implement the specific details of the assessment and accountability system. The regulation defines the indicators and measures to be included in the accountability system used to evaluate and rate the performance of Kentucky's public LEAs and schools. The system is a multi-dimensional model that uses student- and school-based data to differentiate performance. The Kentucky Department of Education implements and manages the accountability system, as established and promulgated in regulation by the Kentucky Board of Education. LEAs and schools implement the required assessments and processes that generate data reported annually in the accountability system. The data reported help schools and districts improve student achievement and growth, close the achievement gap among groups, ensure students are ready to transition to the next step of education or life, and provide opportunity and access for all students.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The accountability system requires no additional direct costs to the LEAs and schools. LEA's and schools may choose to implement new programs or services in response to the new accountability system that may result in additional costs for LEA's and schools, however, this would be a locally determined decision. KDE anticipates additional indirect cost to implement new accountability system. Additional costs are expected to implement new assessments and reporting requirements codified in Senate Bill 1 (2017 Kentucky General Assembly).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The accountability system has several key goals: promote higher levels of student learning and achievement, reduce achievement gaps and ensure equity, establish opportunity and access for students to receive a quality education, build a culture of high expectation and continuous improvement, and communicate a clear and honest understanding of strengths and opportunities for improvement in LEAs and schools.

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

(a) Initially: The transition to the new accountability system will require KDE to implement activities such as standard setting, additional staff time, and the support of experts, each with associated costs. The accountability system requires no additional cost to the LEAs and schools. KDE anticipates additional costs to implement new assessments and reporting requirements codified in Senate Bill 1 (2017 Kentucky General Assembly). The results of these assessments are used to rate schools in the accountability system established by this regulation.

(b) On a continuing basis: Senate Bill 1 requires continual reviews of standards and assessments. There will be ongoing costs to implement new assessments and meet reporting requirements, particularly the release of some assessment items annually. These activities directly support the accountability system established in this regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State general and federal funds.

(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 increased fees or funding are anticipated as a result of this regulation, however activities related to this regulation as required by SB 1 (2017) may require additional funding as described above.

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

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 703 KAR 5:270
Contact Person: Kevin C. Brown, kevin.brown@education.ky.gov
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? Public Local Education Agencies (LEAs) and schools.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 158.6453; KRS 158.6455; 20 U.S.C. secs. 6301 et seq.

(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.

(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? No revenue will be generated.

(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? No revenue will be generated.

(c) How much will it cost to administer this program for the first year? The transition to the new accountability system will require the Kentucky Department of Education (KDE) to implement activities such as standard setting, additional staff time, and the support of experts, each with associated costs. The accountability system requires no additional cost to the LEAs and schools. KDE anticipates additional costs to implement new assessments and reporting requirements codified in Senate Bill 1 (2017 Kentucky General Assembly). The results of these assessments are used to rate schools in the accountability system established by this regulation.

(d) How much will it cost to administer this program for subsequent years? Senate Bill 1 requires continual reviews of standards and assessments. There will be ongoing costs to implement new assessments and meet reporting requirements, particularly the release of some assessment items annually. These activities directly support the accountability system established in this regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-): The transition to the new accountability system will require KDE to implement activities such as standard setting, additional staff time, and the support of experts, each with

associated costs. The accountability system requires no additional cost to the LEAs and schools. KDE anticipates additional costs to implement new assessments and reporting requirements codified in Senate Bill 1 (2017 Kentucky General Assembly). The results of these assessments are used to rate schools in the accountability system. Senate Bill 1 requires continual reviews of standards and assessments. There will be ongoing costs to implement new assessments and meet reporting requirements, particularly the release of some assessment items annually. These activities directly support the accountability system established in this regulation.

Other Explanation: N/A