

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

703 KAR 5:191, Repeal of 703 KAR 5:190, Assistance to Low-Achieving Schools and Repeal of 703 KAR 5:260, Implementation of Intervention Options in Priority Schools and Districts (Second Reading)

Commissioner's Recommendation:

The Commissioner recommends approval of the repeal of these administrative regulations in order to align the school improvement procedures for schools and districts with requirements under the Every Student Succeeds Act (ESSA) and Senate Bill 1 (2017).

Rationale:

The repeal of 703 KAR 5:190 and 703 KAR 5:260 is necessary to fully align the current school improvement regulatory framework with the changes made under the federal Every Student Succeeds Act (ESSA) and Senate Bill 1 (2017).

Action Question:

Should the Kentucky Board of Education (KBE) approve the repeal of 703 KAR 5:190 and 703 KAR 5:260?

Applicable Statute or Regulation:

KRS 156.029(7), KRS 156.070(5), KRS 158.6453, KRS 158.6455, KRS 158.782, KRS 160.346, 20 USC 6311

History/Background:

Existing Policy: Kentucky has been recognized nationally for its success in the area of school improvement. This administrative regulation established the implementation of intervention options in priority schools. The intervention options referenced were the four available for intervention in a priority school under No Child Left Behind (NCLB). Since the passage of the Every Student Succeeds Act, states now have more flexibility in determining the appropriate intervention options available for struggling schools. Additionally, Senate Bill 1 (2017) changed the framework for Kentucky school improvement efforts in response to the changes made by the federal Every Student Succeeds Act (ESSA).

Summary: This administrative regulation repeals 703 KAR 5:190, Assistance to low-achieving schools, as well as 703 KAR 5:260, Implementation of intervention options in priority schools and districts. It is important to note that the ESSA maintains the need for state support and monitoring for low-achieving schools. The Kentucky Department of Education (KDE) will maintain support and continue to monitor schools identified for Comprehensive Support and Improvement, in compliance with ESSA, through the school improvement framework relocated to 703 KAR 5:280, School improvement (20 U.S.C 6311 (c)-(d)).

KRS 158.782 no longer requires the KBE to promulgate administrative regulations to set forth the criteria for highly skilled education assistance to schools.

Budget Impact: The support described in the former statute and regulation is still required under ESSA, therefore there is no change. This support is ongoing and provided with federal funding (approximately \$5,383,511) and state funding (approximately \$1,710,252).

Groups Consulted and Brief Summary of Responses:

LSAC reviewed the regulation at its November 28, 2017 meeting. There were no questions specific to this regulation. Other questions related to school improvement were addressed under 703 KAR 5:280, School Improvement Procedures.

LSAC will review the regulation a second time at its January 30, 2018 meeting and their feedback will be shared with the KBE prior to the February meeting.

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Commissioner of Education

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