

## **KENTUCKY DEPARTMENT OF EDUCATION**

### **STAFF NOTE**

#### **Action/Discussion Item:**

703 KAR 5:280, School Improvement Procedures (Second Reading)

#### **Commissioner's Recommendation:**

The Commissioner recommends approval of this new administrative regulation in order to align the school improvement procedures for schools and local education agencies with requirements of the Every Student Succeeds Act (ESSA) and Senate Bill 1 (2017).

#### **Rationale:**

This administrative regulation establishes a system of school improvement procedures and supports. Such supports are necessary in order to provide schools and local education agencies with interventions that build capacity in school leadership, establish a positive school climate and culture, and promote data-driven decision making to support school improvement. This regulation is necessary to provide the school improvement framework of Kentucky's Every Student Succeeds Act (ESSA) consolidated state plan.

#### **Action Question:**

Should the Kentucky Board of Education (KBE) approve administrative regulation 703 KAR 5:280?

#### **Applicable Statute or Regulation:**

20 U.S.C. 6311; KRS 156.029(7); KRS 156.070(5); KRS 158.6453; KRS 158.6455; KRS 160.346; 703 KAR 5:225; 703 KAR 5:260; 703 KAR 5:190

#### **History/Background:**

***Existing Policy:*** Under Title I Part A of the ESSA, states receiving federal funding associated with that part of the law shall “establish a system of meaningfully differentiating, on an annual basis, all public schools in the State.” (Section 1111(c)(4)(C)). ESSA then requires, using that state-developed system of meaningful differentiation, that schools be identified for comprehensive support and improvement or targeted support and improvement (Section 1111(c)(4)(D)). The passage of Senate Bill 1 (SB 1) during the 2017 Kentucky Legislative Session updated the statutory framework in the area of school improvement in order to meet the new requirements of the federal law.

**Summary:** Kentucky has been recognized nationally for its success in the area of school improvement (see the study by Mass Insight found at the following link: <https://cepa.stanford.edu/sites/default/files/wp17-05-v201706.pdf>). Looking forward and considering the freedoms permitted in the ESSA, Kentucky seeks to expand upon its successes to continue serving its struggling schools.

In accordance with the provisions of ESSA and SB 1, Title I and non-Title I schools with low accountability performance and ratings will be identified for Targeted Support and Improvement (TSI), as well as Comprehensive Support and Improvement (CSI). The following criteria for identification are provided in SB 1:

**Comprehensive Support and Improvement:**

- CSI I: Bottom 5% of Title I or non-Title I schools (by level – elementary, middle or high school, beginning 2018-2019);
- CSI II: Less than 80% graduation rate for Title I or non-Title I high schools (beginning 2018- 2019); or
- CSI III: Title I or non-Title I schools previously identified for Tier II Targeted Support for at least 3 years and have not exited (beginning 2021-2022).

**Targeted Support and Improvement:**

- Tier I Targeted Support (Early Warning) – Consistently Underperforming Subgroups: One or more subgroups performing as poorly as all students in any of the lowest performing 10% of Title I schools or non-Title I schools (by level – elementary, middle or high school) based on school performance, for two consecutive years (identified annually, beginning 2020-2021);
- Tier II Targeted Support (Low Performance) – Low Performing Subgroup(s): One or more subgroups performing as poorly as all students in any lowest performing 5% of Title I schools or non-Title I schools (by level – elementary, middle or high school) based on school performance (identified annually beginning 2018-19).

This regulation establishes the systems and support to be provided for identified schools, as well as the timelines for administration of the required school and LEA audits, creation and implementation of turnaround and school improvement plans, the support provided by KDE or other entities as provided in SB 1 and exit criteria for identified schools.

**Budget Impact:** Kentucky receives \$800,000 in federal funding under Title I Part A to support school improvement in identified schools.

**Groups Consulted and Brief Summary of Responses:**

LSAC reviewed the new regulation at its November 28, 2017 meeting. LSAC members asked for clarification regarding new terms, CSI and TSI. There were also questions regarding the calculation of the bottom five (5) percent of schools. Staff clarified that the achievement score for accountability would be used in making this determination. Additionally, there was an overarching concern about the number of schools that could be

identified under the new entrance criteria. Staff indicated that models had not yet been conducted in Kentucky due to the lack of needed data to complete the modeling. However, staff did note that nationally, other states have indicated that they will be identifying more schools in need of assistance. Finally, LSAC members had additional clarifying questions regarding changes from SB 1 regarding the selection and funding of the audit and turnaround teams.

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

**Contact Person:**

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A handwritten signature in blue ink that reads "Stephen L. Pruitt". The signature is written in a cursive style with a large, stylized 'S' and 'P'.

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**Commissioner of Education**

**Date:**

February 2018