

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

703 KAR 5:280, School improvement procedures.

Commissioner's Recommendation:

The Interim Commissioner recommends approval of 703 KAR 5:280 to align the school improvement procedures for schools and local education agencies with the 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 Action (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 Section 1111(c)(4)(C) of ESSA, state education agencies receiving federal funding associated with Title I, Part A of the law shall “establish a system of meaningfully differentiating, on an annual basis, all public schools in the State.” Further, Section 1111(c)(4)(D) of ESSA requires, using that state-developed system of meaningful differentiation, schools be identified for comprehensive support and improvement or targeted support and improvement. In order to meet ESSA requirements in the area of school improvement, the Kentucky General Assembly passed Senate Bill 1 (SB1) during its 2017 Regular Session.

Summary: Kentucky has been recognized nationally for its success in the area of school improvement.¹ Looking forward, and considering the freedoms ESSA permits, Kentucky seeks to expand upon its successes to continue serving its struggling schools.

In accordance with the provisions of ESSA and SB1, 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 SB1:

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); or,
- 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 the Kentucky Department of Education (KDE) or other entities as provided in SB1; 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:

The KBE approved the Statement of Consideration for this regulation at its meeting on April 11, 2018. Thereafter, additional conversations took place between KDE and staff at the Legislative Research Commission. Based on those conversations, this regulation has

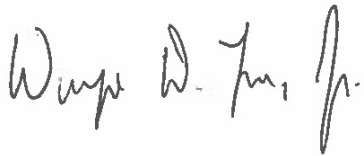
¹ In 2016, Mass Insight Education conducted a State Diagnostic Assessment of the turnaround work being led by the Kentucky Department of Education. That study can be accessed here: <https://cepa.stanford.edu/sites/default/files/wp17-05-v201706.pdf>.

been further amended and, accordingly, is being brought back to the KBE for consideration and final action.

LSAC reviewed this regulation at its November 28, 2017 meeting and again at its January 30, 2018 meeting.

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A handwritten signature in black ink, appearing to read "Wayne D. Furr, Jr." with a stylized flourish at the end.

Interim Commissioner of Education

Date:

June 2018