

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

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  
18 [~~reducing~~] the performance difference between student demographic groups to each other [~~and~~  
19 ~~to proficiency~~] for reading and mathematics [~~each of the tested areas~~].

20 [(2) "Behavior events" are student infractions involving drugs, weapons, harassment including  
21 bullying, alcohol, tobacco, assault first degree, other assault or violence, and state resolutions not

1 reported.

2 (3) "Catch up" means individual student performance below proficient grows enough to achieve  
3 proficiency or to be on track to become proficient.

4 (4) "Chronic absenteeism" means a student who misses ten (10) percent or more of his/her  
5 enrolled academic year].

6 (2) [(5)] "Comparison [**student**] group" means the student demographic group being contrasted  
7 to the reference group.

8 ~~[(3) [(6)] "Consolidated student groups" means a non-duplicated aggregation of student~~  
9 ~~groups that includes: African American, Hispanic, Native Hawaiian or other Pacific~~  
10 ~~Islander, American Indian or Alaska Native, two (2) or more races, students with~~  
11 ~~disabilities who have an individual education program (IEP), and English learners.]~~

12 (3) [(4)] [(7)] "English learners" in the indicators of growth and transition readiness means  
13 students currently identified on an English language proficiency exam. For all other areas, it  
14 means students currently identified and those who continue to be monitored.

15 [(8) "Essential skills" means the foundational abilities that include attendance, positive  
16 dispositions, and communication needed to successfully complete academic, workplace, or  
17 military responsibilities as demonstrated through a variety of co-curricular learning and  
18 leadership experiences.]

19 (4) [(5)] [(9)] "Federal student group designation" means targeted support and improvement, and  
20 comprehensive support and improvement as provided in KRS 160.346.

21 (5) [(6)] [(10)] "Federally defined student demographic groups" include White, African  
22 American, Hispanic, Asian, Native Hawaiian or other Pacific Islander, American Indian or  
23 Alaska Native, two (2) or more races, free/reduced-price meal eligible, students with disabilities

1 who have an IEP, and English learners.

2 (6) ~~[(7)]~~ ~~[(11)]~~ "Full academic year" means 100 or more instructional days of student enrollment  
3 within the school year.

4 (7) ~~[(8)]~~ ~~[(12)]~~ "Graduation rate" means the percentage of students who enter high school and  
5 receive a diploma based on their cohort in four (4) and five (5) years, adjusting for transfers in  
6 and out, émigrés, and deceased students.

7 (8) ~~[(9)]~~ ~~[(13)]~~ "Growth" means a student's continuous improvement toward proficiency or  
8 above.

9 (9) ~~[(10)]~~ ~~[(14)]~~ "Indicator" means a component of the accountability system that provides  
10 specific information on the school or district.

11 (10) ~~[(11)]~~ ~~[(15)]~~ "Individual education program" or "IEP" means an individual education  
12 program as defined in 707 KAR 1:002.

13 ~~[(16) "Keep up" means individual student performance at or above proficient that grows at a rate  
14 to maintain proficiency or above.~~

15 ~~(17) "Less than catch up" means individual student performance below proficient and not on  
16 track to become proficient.]~~

17 (11) ~~[(12)]~~ ~~[(18)]~~ "Local education agency" or "LEA" for the purposes of this administrative  
18 regulation shall mean a local school district as provided in KRS 161.010 and KRS 161.020 or a  
19 charter school board of directors as provided in KRS 161.1590.

20 ~~[(19) "Move up" means individual student performance at proficient that grows at a rate to be on  
21 track to become distinguished.~~

22 ~~(20) "Opportunity and access" means equitable availability to research-based student experiences  
23 and school factors that impact student success.]~~

1 (12) [(13)] [(21)] "Practical significance" means a measure of the differences between student  
2 groups has real meaning.

3 (13) [(14)] [(22)] "Proficiency indicator" means the measure of academic status or performance  
4 for reading and mathematics on state assessments.

5 (14) [(15)] [(23)] "Proficient" or "proficiency" means reaching the desired level of knowledge  
6 and skills as measured on academic assessments.

7 (15) [(16)] "Quality of school climate and safety indicator" means the measures of school  
8 environment.

9 (16) [(17)] [(24)] "Rating" means the process of inclusion of an indicator in the formal overall  
10 rating of the school or district.

11 (17) [(18)] [(25)] "Reference group" means a student demographic group to which another group  
12 is contrasted to provide a benchmark for performance.

13 (18) [(19)] [(26)] "Separate academic indicator for science, social studies, and writing" means the  
14 measure of academic status or performance for science, social studies, and writing on state  
15 assessments.

16 (19) [(20)] [(27)] "Transition readiness" means the attainment of the necessary knowledge, skills,  
17 and dispositions to successfully transition to the next level.

18 (20) [(21)] [(28)] "Value table" means a set of numbers that are used to attribute scores to  
19 different performance levels.

20 [(29)] "~~Work ethic certification~~" means a process by which a student demonstrates essential skills  
21 ~~and workplace readiness.~~

22 (21) [(22)] [(30)] "Writing" means the content area that includes on-demand writing, and editing  
23 and mechanics.

1 Section 2. Kentucky’s accountability system that is used to classify schools and LEAs shall  
2 include the indicators of: proficiency; separate academic indicator for science, social studies, and  
3 writing; growth; transition readiness; [~~achievement gap closure;~~] quality of school climate and  
4 safety [~~opportunity and access~~]; and graduation rate.

5 (1) The proficiency indicator shall be measured by student performance on state tests in reading  
6 and mathematics.

7 (2) A separate academic indicator shall be measured by student performance on state tests in  
8 science, social studies, and writing.

9 (3) The growth indicator shall be calculated at the elementary and middle school levels. The  
10 growth indicator shall be measured:

11 (a) Based on a growth value table in reading and mathematics; and

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

13 ~~[(4) The achievement gap closure indicator shall be measured as follows:~~

14 ~~(a) Reducing the gap in performance between the following comparison groups and~~  
15 ~~reference group in the combined content areas of reading and [,] mathematics [, science,~~  
16 ~~social studies, and writing]:~~

17 ~~1. African American, Hispanic, Asian, Native Hawaiian or other Pacific Islander, American~~  
18 ~~Indian or Alaska Native, White, and two (2) or more races compared to the reference~~  
19 ~~group, which shall be the highest of these;~~

20 ~~2. Free and [/] reduced-price meal eligible students compared to non-free and [/] reduced~~  
21 ~~/reduced-price meal eligible students;~~

22 ~~3. Students with disabilities who have an IEP compared to students without IEPs; and~~

23 ~~4. English learners compared to non-English learners.~~

1 ~~(b) Reducing the gap to proficiency for the combined content areas of reading and [,]~~  
2 ~~mathematics [, science, social studies, and writing by the following groups]: White, African~~  
3 ~~American, Hispanic, Asian, Native Hawaiian or other Pacific Islander, American Indian or~~  
4 ~~Alaska Native, two (2) or more races, free and [/] reduced and [/] reduced-price meal~~  
5 ~~eligible, students with disabilities who have an IEP, English learners, and a consolidated~~  
6 ~~student group.]~~

7 **(4) [(5)] The quality of school climate and safety indicator shall include perception data from**  
8 **surveys that measure insight to the school environment.** [The opportunity and access

9 indicator shall be measured for rich curricula, equitable access, and school quality 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.

20 (b) Middle schools that provide all students opportunities and access to:

21 1. Rich curricula annually including:

22 a. Visual and performing arts;

23 b. Health and physical education;

- 1 e. Science;
- 2 d. Social studies; and
- 3 e. ~~Career exploration including career and technical education courses, other courses that focus~~
- 4 ~~on essential skills and co-curricular learning and leadership experiences.~~
- 5 2. ~~School quality as indicated by a lack of student chronic absenteeism, behavior events, and~~
- 6 ~~physical restraint and seclusion.~~
- 7 3. ~~Equitable access of federally defined student demographic groups in proportion to the school~~
- 8 ~~population to gifted and talented services.~~
- 9 (e) ~~High schools that provide all students with opportunities and access to:~~
- 10 1. ~~Rich curricula including:~~
- 11 a. ~~Visual and performing arts;~~
- 12 b. ~~Health and physical education;~~
- 13 c. ~~Cultural studies or world language;~~
- 14 d. ~~Career and technical education (CTE), including specialized career pathways in state and~~
- 15 ~~regional high demand sectors as approved by Kentucky's Workforce Innovation Board; and~~
- 16 e. ~~Essential skills demonstrated as part of a work ethic certification.~~
- 17 2. ~~School quality as indicated by a lack of student chronic absenteeism, behavior events, and~~
- 18 ~~restraint and seclusion.~~
- 19 3. ~~Equitable access of federally defined student demographic groups to the following advanced~~
- 20 ~~coursework: advanced placement, international baccalaureate, Cambridge Advanced~~
- 21 ~~International, and dual credit.]~~
- 22 **(5)** ~~(6)~~ The transition readiness indicator shall be measured at high school for students meeting
- 23 the following criteria:

1 ~~[(a) At the elementary and middle school level, students meet or exceed the benchmark on a~~  
2 ~~composite score that combines student performance on state required assessments for reading,~~  
3 ~~mathematics, science, social studies, and writing. A composite score shall include the most~~  
4 ~~recent content area assessment by grade level available for each school. Students participating in~~  
5 ~~the alternate assessment program will have criteria based on alternate assessment requirements.~~  
6 ~~(b) At the high school level, students:]~~  
7 (a) [1.] Earn a regular or alternative high school diploma; and  
8 (b) [2.] Achieve academic readiness or career readiness.  
9 1. [a.] A school shall receive credit for each student demonstrating academic readiness by:  
10 a. [(i)] Scoring at or above the benchmark score as determined by the Council on Postsecondary  
11 Education (CPE) on the college admissions examination; or  
12 b. [(ii)] Completing six (6) ~~[or more]~~ hours of Kentucky Department of Education approved dual  
13 credit and receiving a grade of C [B] or higher in each course; or  
14 c. [(iii)] Completing two (2) ~~[or more]~~ advanced placement (AP) courses and receiving a score of  
15 three (3) or higher on each AP assessment; or  
16 d. [(iv)]-Receiving a score of five (5) or higher on two (2) examinations for international  
17 baccalaureate courses; or  
18 e. [(v)] Scoring at or above the benchmark on two (2) ~~[or more]~~ Cambridge Advanced  
19 International examinations; or  
20 f. [(vi)] Completing a combination of academic readiness indicators listed above.  
21 g. [(vii)] Demonstration of academic readiness listed in paragraph 5 [6] (b)1 [2.a.] of this section  
22 shall include one (1) quantitative reasoning or natural sciences and one (1) written or oral  
23 communication;;5] or **visual and performing** arts;;5] **or [and]** humanities;;5] or social and



1 behavioral sciences learning outcomes.

2 2. [~~b.~~] A school shall receive credit for each student demonstrating career readiness by:

3 a. [(i)] Scoring at or above the benchmark on industry certifications as approved by the Kentucky  
4 Workforce Innovation Board on an annual basis; or

5 b. [(ii)] Scoring at or above the benchmark on the career and technical education end-of-program  
6 assessment for articulated credit; or

7 c. [(iii)] Completing six (6) [~~or more~~] hours of Kentucky Department of Education approved  
8 CTE dual credit, and receiving a grade of C [~~B~~] or higher in each course; or

9 d. [(iv)] Completing a Kentucky Department of Education approved or labor cabinet-approved  
10 apprenticeship; or

11 e. [(v)] Completing a Kentucky Department of Education approved alternate process to verify  
12 exceptional work experience.

13 3. [~~e.~~] For students who qualify as English learners in high school: Meeting criteria for English  
14 language proficiency to be English language ready.

15 4. [~~d.~~] Students participating in the alternate assessment program shall meet criteria based on  
16 academic or career alternate assessment requirements.

17 (6) [(7)] The graduation rate indicator shall be measured for each high school using the four (4)-  
18 year and extended five (5)-year cohort rate. The graduation rate shall be reported for all students  
19 and student groups.

20 Section 3. Classification of Schools and LEAs in the State Accountability System. (1) Data shall  
21 be included in the overall rating for schools and LEAs for the following indicators:

22 (a) Proficiency (reading and mathematics);

23 (b) Separate academic indicator (science, social studies, and writing);

- 1 (c) Growth (elementary and middle school);
- 2 (d) Transition readiness (high school);
- 3 ~~[(e) Achievement gap closure;]~~
- 4 (e) [(f) Quality of school climate and safety [~~Opportunity and access (school quality/student~~
- 5 ~~success)~~]; and
- 6 (f) [(g) Graduation rate (high school).

7 (2) Data from individual student performance on state assessments administered as required in  
8 KRS 158.6451 and KRS 158.6453 shall be included in the overall rating of each school and  
9 LEA. This data shall include students with disabilities with IEPs who participate in the alternate  
10 assessment program.

11 (3) Data in the overall rating shall be attributed to grade level spans for schools and LEA as  
12 established in this subsection.

13 (a) Elementary schools shall include data from: proficiency; separate academic indicator for  
14 science, social studies, and writing; growth; ~~[achievement gap closure;]~~ quality of school  
15 climate and safety [~~transition readiness; opportunity and access~~]; and federal student group  
16 designation.

17 (b) Middle schools shall include data from: proficiency; separate academic indicator for science,  
18 social studies, and writing; growth; ~~[achievement gap closure;]~~ quality of school climate and  
19 safety [~~transition readiness; opportunity and access~~]; and federal student group designation.

20 (c) High schools shall include data from: proficiency; separate academic indicator for science,  
21 social studies, and writing; ~~[achievement gap closure;]~~ transition readiness; graduation rate;  
22 quality of school climate and safety [~~opportunity and access~~]; and federal student group  
23 designation.

1 (d) LEAs shall include data from: school proficiency; separate academic indicator for science,  
2 social studies, and writing, growth; [~~achievement gap closure;~~] transition readiness; graduation  
3 rate; and quality of school climate and safety [~~opportunity and access~~].

4 Section 4. Calculations for Reporting Categories. (1) Proficiency for reading and mathematics  
5 shall be rated equally in elementary, middle and high schools and LEAs by awarding points as  
6 described in paragraph 2(b) of this section.

7 (2) The separate academic indicator for science, social studies, and writing shall be rated in  
8 elementary, middle and high schools, and in LEAs by awarding points as described in paragraph  
9 2(b) of this section. The highest proportion shall be attributed to science and social studies.

10 (a) For any content area (reading, mathematics, science, social studies, and writing) where data  
11 are not available, the data of the remaining content areas shall be redistributed proportionally  
12 across proficiency and separate academic indicator.

13 (b) The following chart shall be used to calculate the points for proficiency and the separate  
14 academic indicator:

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

15 ~~[(3) The achievement gap closure indicator that includes gap to group and gap to~~  
16 ~~proficiency shall be calculated as established in this subsection.~~

17 ~~(a) School achievement gap closure between student demographic comparison groups and~~  
18 ~~reference groups shall be determined by:~~

19 ~~1. Determining the student demographic groups to be included in this subsection, which~~  
20 ~~shall include the following student demographic groups that have at least ten (10) students:~~

1 ~~African American, Hispanic, Asian, Native Hawaiian or other Pacific Islander, American~~  
2 ~~Indian or Alaska Native, two (2) or more races, and White.~~

3 ~~a. Comparing African American, Hispanic, Asian, Native Hawaiian or other Pacific~~  
4 ~~Islander, American Indian or Alaska Native, two (2) or more races, and White to a~~  
5 ~~reference group. The reference group shall be the highest performing racial [/] ethnic~~  
6 ~~student group that has at least ten (10) students and constitutes at least ten (10) percent of~~  
7 ~~the students enrolled in the school;~~

8 ~~b. Free/reduced-price meal eligible students compared to non-free/reduced-price meal~~  
9 ~~eligible students;~~

10 ~~c. Students with disabilities who have an IEP compared to students without IEPs; and~~

11 ~~d. English learners compared to non-English learner students.~~

12 ~~2. Combining scores for reading and mathematics [each tested] content area assessment~~  
13 ~~using points in accordance with paragraph 2(b) of Section 4 of this administrative~~  
14 ~~regulation for each student demographic group.~~

15 ~~3. Using a statistical analysis for each pair of comparison-reference groups, the department~~  
16 ~~shall determine if a significant gap has been sufficiently reduced between the comparison~~  
17 ~~group and reference group and is both statistically and practically significant. If so, the gap~~  
18 ~~closure for the student demographic group will be considered "significant" and the school~~  
19 ~~will receive one (1) gap closure point. If the gap between groups is not significantly~~  
20 ~~reduced, the gap will be considered "not significant" and the school will receive zero gap~~  
21 ~~closure points.~~

22 ~~(b) School achievement gap closure between student demographic groups and proficiency~~  
23 ~~shall be determined as follows:~~

- 1 ~~1. Determine which student demographic groups have at least ten (10) students that are to~~  
2 ~~be included in this subsection. Student demographic groups included in the subsection shall~~  
3 ~~include:~~
- 4 ~~a. White;~~
  - 5 ~~b. African American;~~
  - 6 ~~c. Hispanic or Latino;~~
  - 7 ~~d. Asian;~~
  - 8 ~~e. Native Hawaiian or other Pacific Islander;~~
  - 9 ~~f. American Indian or Alaska Native;~~
  - 10 ~~g. Two (2) or more races [/] ethnicities;~~
  - 11 ~~h. Students in poverty based on eligibility for free and [/] reduced-price meals;~~
  - 12 ~~i. Students with disabilities who have an IEP;~~
  - 13 ~~j. English learners; and~~
  - 14 ~~k. A consolidated student group.~~
- 15 ~~2. Combining scores for reading and mathematics [all] content area assessments into an~~  
16 ~~index using points in accordance with paragraph 2(b) of Section 4 of this administrative~~  
17 ~~regulation for each student demographic group.~~
- 18 ~~3. Compare the index to the current year's annual target developed by the Kentucky~~  
19 ~~Department of Education for each student demographic group in the combined content~~  
20 ~~areas of reading and [,] mathematics [, science, social studies, and writing].~~
- 21 ~~4. If the current year index is equal to or greater than the current year's annual target for~~  
22 ~~each student demographic group in the combined content areas of reading and [,]~~  
23 ~~mathematics[, science, social studies, and writing], the student demographic group gap~~

1 ~~shall be considered "reduced" and the school shall receive two (2) gap closure points.~~

2 ~~5. If the current year index is equal to or greater than the current year's annual target for~~  
3 ~~each student demographic group in the combined content areas of reading and [,]~~  
4 ~~mathematics[, science, social studies, and writing] minus a sufficient percentage point, the~~  
5 ~~student demographic group gap is considered "partially reduced" and the school shall~~  
6 ~~receive one (1) gap closure point.~~

7 ~~6. If the current year index is less than the current year's annual target for each student~~  
8 ~~demographic group in the combined content areas of reading and [,] mathematics[, science,~~  
9 ~~social studies, and writing] minus a sufficient percentage point, the student demographic~~  
10 ~~group gap is considered "not reduced" and the school shall receive zero gap closure points.~~

11 ~~(e) Sum the total achievement gap closure points across all student demographic groups~~  
12 ~~and divide by the number of student demographic groups for gap to group and gap to~~  
13 ~~proficiency.~~

14 ~~(d) Based on total achievement gap closure points, the Kentucky Department of Education~~  
15 ~~shall conduct a standards setting process involving Kentucky educators and advised by~~  
16 ~~technical experts shall place the school and LEA into categories of very low, low, medium,~~  
17 ~~high, or very high.~~

18 ~~(e) Each student demographic group shall have a minimum of ten (10) students per content~~  
19 ~~area in the school or LEA in order to include gap data in accountability.]~~

20 [(f) In calculating the achievement gap closure indicator, the reduction of achievement gap  
21 between student demographic groups shall be weighted thirty three (33) percent and the  
22 reduction of the gap to proficiency shall be weighted sixty seven (67) percent.]

23 ~~(3) [(4)] Growth shall be rated for elementary and middle schools as established in this~~

1 subsection.

2 (a) Novice and apprentice performance levels for growth calculations shall be subdivided into  
 3 novice high, novice low; and apprentice high, apprentice low.

4 ~~[(b) Based on prior and current year performance, points for student performance level shall be~~  
 5 ~~assigned from a growth value table based on a projection of student performance and reported~~  
 6 ~~using the following terms: less than catch up, catch up, keep up, and move up.]~~

7 ~~(b) [(e)]~~ The school calculation for mathematics shall be the sum of the total points from the  
 8 growth value table for all students divided by the total number of scores.

9 ~~(c) [(d)]~~ The values in the growth value table below shall be used in calculating growth in this  
 10 subsection.

Growth Value Table (Points for student performance in Year 2, given Performance in Year 1)						
[Projected]	Novice		Apprentice		Proficient	Distinguished
[Current] Year 1 Student Performance	Low	High	Low	High		
Distinguished	0 [-1.50 (L)]	0 [-1.25 (L)]	0 [-1.00 (L)]	0 [-0.75 (L)]	0 [0.00 (K)]	50 [0.25 (K)]
Proficient	0 [-1.00 (L)]	0 [-0.75 (L)]	0 [-0.50 (L)]	0 [-0.25 (L)]	50 [0.25 (K)]	100 [0.50 (M)]
Apprentice High	0 [-0.75 (L)]	0 [-0.50 (L)]	0 [-0.25 (L)]	50 [0 (L)]	100 [0.25 (C)]	150 [0.75 (M)]
Apprentice Low	0 [-0.50 (L)]	0 [-0.25 (L)]	50 [0 (L)]	100 [0.25 (L)]	150 [0.50 (C)]	200 [1.00 (M)]
Novice High	0 [-0.25 (L)]	50 [0 (L)]	100 [0.25 (L)]	150 [0.50 (C)]	200 [0.75 (C)]	250 [1.25 (M)]
Novice Low	0 [(L)]	100 [0.25 (L)]	150 [0.50 (C)]	200 [0.75 (C)]	250 [1.00 (C)]	300 [1.50 (M)]

Less than Catch Up (L)

Moving Up (M)

Catching Up (C)

Keeping Up (K)

11 ~~(d) [(e)]~~ The school calculation for reading shall be the sum of the total points for all students

12 from the growth value table plus growth for English language proficiency as described in Section

13 ~~4(3)(e) [(4)(f)] [(g)]~~ of this administrative regulation divided by the total number of scores.

1 ~~(e)~~ [(f)] Progress toward achieving English proficiency by English learners shall be calculated as  
 2 follows:

3 1. Individual growth shall be compared to prior year performance on an English proficiency  
 4 exam.

5 2. The exit benchmark and English learner growth value table created involving Kentucky  
 6 educators and advised by technical experts shall be utilized.

7 3. Points for each English learner based on the English learner growth value table shall be  
 8 summed.

9 a. Depending on further analysis, Kentucky may modify the value table and its use to reflect  
 10 factors that may impact English learners’ progress toward language proficiency, including age  
 11 upon entry to U.S. schools, initial English language proficiency level, and degree of interrupted  
 12 schooling.

13 b. The values in the growth value table below shall be used in calculating growth in this  
 14 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	0 [-1.5]	0 [-1.25]	0 [-1.0]	0 [-.75]	0 [-.50]	0 [-.25]	50 [0]	100 [-.25]
3.5	0 [-1.25]	0 [-1.0]	0 [-.75]	0 [-.50]	0 [-.25]	50 [0]	100 [-.25]	150 [-.5]
3.0	0 [-1.0]	0 [-.75]	0 [-.50]	0 [-.25]	50 [0]	100 [-.25]	150 [-.50]	200 [-.75]
2.5	0 [-.75]	0 [-.50]	0 [-.25]	50 [0]	100 [.25]	150 [-.50]	200 [-.75]	250 [1.0]
2.0	0 [-.50]	0 [-.25]	50 [0]	100 [-.25]	150 [-.50]	200 [-.75]	250 [1.0]	300 [1.25]
1.5	0 [-.25]	50 [0]	100 [-.25]	150 [-.50]	200 [-.75]	250 [1.0]	300 [1.25]	300 [1.5]
1.0	0	100 [-.25]	150 [-.50]	200 [-.75]	250 [1.0]	300 [1.25]	300 [1.5]	300 [1.5]

15 4. Total points for English learners shall be added to the sum of the reading growth points for all  
 16 students in reading as described in Section 4~~(3)(e)~~[(4)(f)][(g)] of this administrative regulation.

17 ~~(f)~~ [(g)] For an overall school growth score, an average of reading scores that includes growth for



1 English learners on an English proficiency exam and mathematics growth scores shall be  
2 calculated.

3 **(4)** ~~[(5)]~~ The quality of school climate and safety ~~[opportunity and access]~~ indicator shall be  
4 rated for elementary, middle, high schools, and LEAs as established in this subsection.

5 ~~[(a) Opportunity and access school calculation shall sum the total number of points for the  
6 categories for rich curricula, equitable access, and school quality based on data collected from  
7 Kentucky's student information system and other statewide systems for individual students.]~~

8 ~~[(a)]~~ ~~[(b)]~~ The Kentucky Board of Education shall approve the measures of **quality of school**  
9 climate and safety ~~[opportunity and access]~~ **[including the accumulation of credit]**.

10 ~~[(b)]~~ ~~[(c)]~~ **A standard setting process shall be conducted involving Kentucky educators and**  
11 **advised by technical experts to determine very low to very high performance levels [within]**  
12 **quality of school climate and safety** ~~[opportunity and access]~~.

13 **(5)** ~~[(6)]~~ Transition readiness shall be ~~[rated as established by this subsection]~~.

14 ~~[(a) A transition readiness percentage shall be]~~ calculated by dividing the number of high school  
15 graduates who have met measures of transition readiness plus the number of English learners  
16 who have achieved English language proficiency by the total number of graduates plus the  
17 number of graduates who have received English language services during high school. Credit for  
18 students obtaining an industry-recognized certification, licensure, or credential in specialized  
19 career pathways in state and regional high demand sectors as approved by Kentucky's  
20 Workforce Innovation Board is one and one-quarter (1.25) points. Credit for students obtaining  
21 all other readiness indicators is one (1.0) point.

22 ~~[(b) A transition readiness percentage shall be calculated for elementary and middle schools by~~  
23 ~~dividing the number of students who have met a benchmark on a composite score that combines~~

1 student performance on state required tests in reading, mathematics, science, social studies, and  
2 writing for transition readiness by the total number of accountable students.]

3 **(6) [(7)]** Graduation rate is the percentage of students completing the requirements for a  
4 Kentucky high school diploma compared to the cohort of students beginning in grade nine. **The**  
5 **accountability system [Kentucky]** shall include a four (4) year cohort rate and an extended five  
6 (5) year cohort rate. Each rate shall be weighted equally.

7 **(7) [(8)]** The overall rating shall be assigned as follows:

8 (a) The indicators for each school and LEA as identified in Section 3 of this administrative  
9 regulation shall contribute to the overall rating of schools and LEAs.

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

12 **(c) A standard setting process shall be conducted involving Kentucky educators and**  
13 **advised by technical experts to determine very low to very high performance levels for each**  
14 **indicator including proficiency, separate academic indicator, growth, transition readiness,**  
15 **graduation rate, and quality of school climate and safety.**

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

20 **(8) [(a) Overall ratings]** **An overall star rating for elementary, middle, and high schools**  
21 shall be reported using a five (5) star rating system to communicate performance of schools,  
22 **[LEAs, and the state]** with one (1) star being the lowest rating and five (5) stars being the  
23 highest rating. **Performance of schools, LEAs, and state will be reported by level**

1 (elementary, middle, and high) as applicable.

[Elementary/Middle Schools]									
Overall Rating	Proficiency (Reading & Mathematics)	Separate Academic Indicator (Science, Social Studies, and Writing)	Growth (including English Language Learners)	Achievement Gap Closure	Quality of School Climate and Safety [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).  *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	Low	High	High	High]			
4 Stars	Any 5-star combination except Achievement Gap Closure is Medium						[High Medium]		No designation
	One Medium, <del>three</del> [four] High <del>Two</del> [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						[High Medium High-Low]		No designation or TSI
	Three [Four] Medium, one High <del>Three</del> [Four] Medium, one Low								
2 Stars	Two [Three] Medium, two Low <del>One</del> Medium, <del>three</del> [four] Low						[Medium Low]	No designation or TSI	
1 Star	Five [Six Low] or Very Low Or bottom 5%*							CSI or TSI]	

2

[High Schools]									
Overall Rating	Proficiency (Reading & Mathematics)	Separate Academic Indicator (Science, Social Studies, & Writing)	Other Academic Indicator Transition Readiness (including English Language Learners)	Achievement Gap Closure	Quality of School Climate and Safety [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	
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						High Medium		No designation
	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						High Medium High-Low		No designation or TSI
	Four Medium, one High  Four Medium, one Low								

2 Stars	Three Medium, two Low One Medium, four Low	Medium Low	No designation or TSI	1 Star rating.
1 Star	Six Low or Very Low Or bottom 5%*		CSI or TSI]	

1

[LEA									
Overall Rating	Proficiency (Reading & Mathematics)	Separate Academic Indicator (Science, Social Studies, & Writing)	Growth (including English Language Learners)	Achievement Gap Closure	Quality of School Climate and Safety [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.								
5 Stars	Very High	Very High	Very High	Very High	Very High	Very High	Very High	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.	
	High	High	Low	High	Very High	High	High		
4 Stars	Any 5-star combination except Achievement Gap Closure is Medium							High Medium	
	One Medium, five High Three Medium, three High								
3 Stars	Any 4- or 5-Star combination except Achievement Gap Closure is Low Or Any 4- or 5-Star combination							High Medium  High Low	
	Five Medium, one High Five Medium, one Low								
2 Stars	Four Medium, two Low Two Medium, four Low							Medium Low	
1 Star	Six Low or Very Low							Low]	

2 (a) [(b)] Each star rating reflects grade span [a combination of school] performance on the  
3 indicators and weights in the table below. [The range of performance in the tables  
4 elementary, [/] middle schools, high schools and LEAs as shown below indicate the upper  
5 bound and the lower bound of performance described as very low, low, medium, high, and  
6 very high.]

Overall Accountability Weights						
	Proficiency (Reading and Mathematics)	Separate Academic Indicator (Science, Social Studies, and Writing)	Growth (including English Language Learners)	Quality of School Climate and Safety	Transition Readiness (High school includes English language learners)	Graduation Rate (4 and 5 year cohort)
Elementary/ Middle Schools	35	26	35	4	--	---
High Schools	45	15	---	4	30	6

1 ~~[(e) The relationship between each category and the approximate weight of proficiency, a~~  
 2 ~~separate academic indicator for science, social studies, and writing, achievement gap~~  
 3 ~~closure, growth, transition readiness, quality of school climate and safety [opportunity and~~  
 4 ~~access], and graduation rate shall be included in the overall rating.]~~

5 ~~(b) [(d) The individual indicators and the overall rating shall be developed through a~~  
 6 ~~standard setting process involving Kentucky educators and advised by technical experts.]~~

7 The performance on indicators that contribute to the overall star ratings shall be  
 8 determined by a standards setting process involving Kentucky educators. [During the  
 9 standard setting process, the approximate weights in the following table shall be  
 10 considered. The proposed ranges in the table indicate the relative emphasis between  
 11 indicators. The ranges are set to guide Kentucky educators to determine the combination of  
 12 performance from very high to very low within the indicator during standard setting.]

<del>[Overall Accountability Weights</del>							
	<del>Proficiency (Reading and Mathematics)</del>	<del>Separate Academic Indicator (Science, Social Studies, and Writing)</del>	<del>Growth (including English Language Learners)</del>	<del>Achievement Gap Closure</del>	<del>Quality of School Climate and Safety [Opportunity &amp; Access]</del>	<del>Transition Readiness [(Composite at grades 5 &amp; 8)] (High school includes English language) learners)</del>	<del>Graduation Rate (4 and 5 year cohort)</del>
<del>Elementary/ Middle Schools</del>	<del>15-25</del>	<del>15-25</del>	<del>20-30</del>	<del>15-25</del>	<del>10-20</del>	<del>--- [5-10]</del>	<del>---</del>
<del>High Schools</del>	<del>10-40</del>	<del>10-20</del>	<del>---</del>	<del>10-25</del>	<del>10-20</del>	<del>15-30</del>	<del>5-15</del>
<del>Districts</del>	<del>10-20</del>	<del>10-20</del>	<del>10-20</del>	<del>10-20</del>	<del>10-20</del>	<del>10-20</del>	<del>5-15]</del>

13 ~~[(e) A school shall receive a federal student group designation for statistically significant~~  
 14 ~~achievement gaps or low performing students and shall not be rated above three (3) stars.]~~

15 (c) [(f)] If achievement gaps are found in schools and LEAs earning a four (4) or five (5)  
 16 star rating, the star rating will be reduced by one (1) star.

17 1. Achievement gap shall be calculated between student demographic comparison groups  
 18 and reference groups for reading and mathematics combined by:

1 **a. Determining the student demographic groups to be included in this subsection, which**  
2 **shall include the following student demographic groups that have at least ten (10) students:**  
3 **African American, Hispanic, Asian, Native Hawaiian or other Pacific Islander, American**  
4 **Indian or Alaska Native, two (2) or more races, and White.**  
5 **(i) Comparing African American, Hispanic, Asian, Native Hawaiian or other Pacific**  
6 **Islander, American Indian or Alaska Native, two (2) or more races, and White to a**  
7 **reference group. The reference group shall be the highest performing racial and ethnic**  
8 **student group that has at least ten (10) students and constitutes at least ten (10) percent of**  
9 **the students enrolled in the school;**  
10 **(ii) Free and reduced price meal eligible students compared to non-free and reduced price**  
11 **meal eligible students;**  
12 **(iii) Students with disabilities who have an IEP compared to students without IEPs; and**  
13 **(iv) English learners compared to non-English learner students.**  
14 **b. Using a statistical analysis for each pair of comparison and reference groups, the**  
15 **department shall determine if a gap between the comparison group and reference group is**  
16 **both statistically and practically significant. [~~Schools and LEAs shall not be rated above~~**  
17 **three (3) stars if they:**  
18 **1. Have an achievement gap closure indicator of low (L) or very low (VL), or**  
19 **2. Are identified for targeted support and improvement (TSI), or**  
20 **3. Have statistically significant achievement gaps.]**  
21 **(d) [(g)] Kentucky will identify schools to determine bottom five (5) percent and ten (10) percent**  
22 **based on the indicators of the (five) 5-star system.**  
23 **(e) [(h)] If data cannot be calculated for an indicator, the weights shall be redistributed**

1 proportionally to remaining indicators that shall be reported for the school or LEA.

2 **(9)** ~~[(10)]~~ School accountability indicators shall be assigned as follows:

3 (a) Students enrolled for a full academic year shall be included in the calculations for  
4 proficiency, a separate academic indicator for science, social studies, and writing, **[achievement**  
5 **gap-closure]**, growth, quality of school climate and safety, and transition readiness for a school  
6 and LEA.

7 ~~[(b) Opportunity and access calculations shall be based on the students' enrollment.]~~

8 (b) ~~[(e)]~~ Graduation rate calculations shall be based on the students' final enrollment.

9 (c) ~~[(d)]~~ Student demographic groups shall have a minimum of ten (10) students to be included in  
10 school rating calculations.

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

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

17 2. Use accepted technical procedures and involve Kentucky school and district administrators  
18 and teachers.

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

21 (2) Progress on long-term and interim goals shall be reported publicly as required by the federal  
22 Every Student Succeeds Act. Goals shall be developed for every student group, including all  
23 students, for academic achievement in each content area of reading, mathematics, science, social

1 studies, and writing, and the content areas combined; graduation rate based on four (4) year and  
2 five (5) year adjusted cohorts; and progress on English proficiency for English learners.

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

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

12 **(5) Performance levels of each indicator (proficiency, a separate academic indicator for**  
13 **science, social studies, and writing, growth, transition readiness, quality of school climate**  
14 **and safety, and graduation rate) from very low to very high on each indicator will be**  
15 **determined by Kentucky educators with a standards setting process.**

16 **(6) Federal designations and statistically and practically significant achievement gaps will**  
17 **be reported for each school, LEA, and state.**



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)

\_\_\_\_\_  
Wayne D. Lewis, Ph.D.  
Commissioner of Education

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Hal Heiner, Chairperson  
Kentucky Board of Education

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this proposed administrative regulation shall be held on January 24, 2019, 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 January 31, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

**CONTACT PERSON:** Deanna L. Durrett, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5<sup>th</sup> Floor, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321; email [regcomments@education.ky.gov](mailto:regcomments@education.ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 703 KAR 5:270  
Contact Person: Deanna Durrett, [Deanna.Durrett@education.ky.gov](mailto:Deanna.Durrett@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 and mathematics), separate academic indicator (science, social studies and writing), growth (elementary and middle schools only), graduation rate (high school only), transition readiness, and quality of school climate and safety. 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: This administrative regulation establishes state accountability requirements for Kentucky's public local education agencies (LEAs) and schools. The amendments to this regulation will change certain accountability indicators and measures in the system. The amendments will change the letter grade requirement for dual credit in Transition Readiness at the high school from a "B" to a "C", and eliminate the Transition Readiness Indicator at the elementary and middle school levels. In addition, the way growth is measured will be changed at the elementary and middle school levels. The projection of growth has been removed and new value tables for both Growth and English Learners is included in the amendments. Another amendment to the regulation involves simplifying Achievement Gap Closure and focusing on reading and mathematics instead of all content areas and how it will be calculated. In addition, Achievement Gap will be measured by Gap to Group instead of both Gap to Group and Gap to Proficiency. The last amendment will remove the Opportunity and Access Indicator and remove all those measures. The agency will add a Quality of School Climate and Safety Indicator that will be based on surveys that will be added to the state accountability system.

(b) The necessity of the amendment to this administrative regulation: After feedback from first year implementation of the accountability indicators from review of federal and state law and comments from various stakeholders, additional regulatory changes are proposed to simplify the accountability system and to continue complying with legal requirements.

(c) How the amendment 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 the amendment 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 and mathematics), separate academic indicator (science, social studies and writing), growth (elementary and middle schools only), graduation rate (high school only), transition readiness, and quality of school climate and safety. The multiple indicators incorporate the student test results and school quality measures. The regulations amendments 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.

(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 quality school climate and safety for 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: Deanna Durrett, [Deanna.Durrett@education.ky.gov](mailto:Deanna.Durrett@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

STATEMENT OF CONSIDERATION  
Relating to 703 KAR 5:270  
Kentucky's Accountability System

Kentucky Board of Education  
Department of Education

(Amended After Comments)

- I. A public hearing was held on the above regulation on January 24, 2019 at 10:00 a.m. Eastern Time at 300 Sower Boulevard, Frankfort, Kentucky.
- II. The following individuals attended this public hearing or submitted written or verbal comments:

<u>Name</u>	<u>Title and Affiliation</u>
Adams, Holly	Not Specified
Adkins, Sarah	Educator, Not Specified
Agro, Nicole	Student, University of Kentucky
Arnold, Kendra	Educator, Madison County Schools
Arora, Mudita	Dietitian, Unknown
Austin, Lydia	Educator, Bourbon County Schools
Banks, Hannah	Parent
Barrett, Danielle	Dietitian, Knox County
Bayens, Christopher	Educator, Jefferson County Schools
Begley, John	Retired Educator, Hite Art Institute, University of Louisville
Berry, Kattie	Educator, Breckinridge County Schools
Best, Emily	Educator, Jessamine County Schools
Blevins, Kristy	Educator, Kentucky School for the Deaf
Boeglen, Wendy	Retired Educator
Boian, Debbie	Coordinator, Fayette County Schools
Brassfield, Fred	Educator, Fayette County Schools
Bratcher, Crystal	Educator, Grayson County Schools
Bridges, Grant	Educator, Jefferson County Schools
Broderick, Wesley	Educator, Nelson County Schools
Brumley, David	Educator, Madison County Schools
Burchett, Caleb	Educator, Not Specified
Bussell, Anne	Parent
Campbell, Deborah	Educator, Madison County Schools



Carloftis, Emma	Student
Case, Andrew	Educator, Harrison County Schools
Chen, Steve	Educator, Morehead State University
Clark, Jennifer	Educator, Carter County Schools
Coker, Michelle	Child Nutrition Director, Fayette County Schools
Collins, Heather	Parent
Correa, Lisa	Educator, Bowling Green Independent Schools
Couch, JoAnna	Patient Navigator, Unknown
Crisp, Jason	Educator, Harrison County Schools
Crossman, Frank	Educator, Scott County Schools
Dewey, Jane	Educator, Kentucky Coalition for Arts Education
Dillon, Sally	Parent
Duncan, Jeffrey	Educator, Jefferson County Schools
Duncan, Robert	Educator, Not Specified
Durbin, Amy	FRYSC Coordinator, Nelson County Schools
Dusing, Kelly	Educator, Fleming County Schools
Edwards, Karen	Educator, Eastern Kentucky University
Edwards, Peter	Educator, Madison County Schools
Ellsworth, Rachel	Not Specified
Faw, Susan	Retired Educator
Fernandez, Megan	Educator, Oldham County Schools
Foley, Craig	Educator, Frankfort Independent Schools
Forrester, Emily	Educator, Glasgow Independent Schools
Franzini, Maria	Parent
Gabbard, Lindsay	Dietitian, Unknown
Gamble, Antje	Educator, Murray State University
Gay, David	Educator, Grant County Schools
Geddes, Mary Jo	Educator, Fayette County Schools
Gibbs, Rachel	Educator, Jefferson County Schools
Gieseke, Paula	Educator, Christian County Schools
Goldsmith, Jaime	Counselor, Jefferson County Schools
Grant, Jodi	Educator, Bullitt County Schools
Hager, Lisa	Educator, Not Specified
Haigh, Joan	Parent
Hale, Crystal	Educator, Not Specified
Hamblin, Mechelle	Educator, Jefferson County Schools
Hamilton, Mary	Not Specified
Hamm, Josh	Educator, Pendleton County Schools
Hardin, Jamie	Educator, Larue County Schools
Harrison, Susan	Educator, Jefferson County Schools
Harwood, Julie	Educator, Boone County Schools
Hill, Daniel	Educator, Fayette County Schools
Hill, Nick	Educator, Harrison County Schools
Hisel, Devonna	Educator, Not Specified
Hochradel, Rebecca	Educator

Howell, Kellye	Coordinator, Christian County Health Department
Hunter, Pauline	Dietitian, Unknown
Huff, Chris	Not Specified
Huff, Christine	Educator, Laurel County Schools
Iceman, Candice	Educator, Shelby County Schools
Jackson, Cindy	Educator, Jefferson County Schools
Jones, Jenny	Educator, Clark County Schools
Jones, Michelle	Director, Kentucky Education Association
Justice, Courtney	Educator, Pike County Schools
Kennedy, Patrick	Educator, Garrard County Schools
Kenney, Christopher	Educator, Jefferson County Schools
Kercheville, Timothy	Not Specified
Kinkade, Niki	Executive Director, Community Arts Center
Kisling, Jeremy	Educator, Not Specified
Knudsen, Dana	Parent
Lawrence, Jessica	Director, Cairn Guidance
Layman, Pam	Retired Educator
Luster, Tara	Educator, Casey County Schools
Lutz, James	Not Specified
Lutz, Patricia	Not Specified
McDonald, Wes	Educator, Daviess County Schools
McKinney, Molly	Educator, Eastern Kentucky University
McWaters, Emily	Educator, Bullitt County Schools
Meaux, Wanda	Educator, Fayette County Schools
Mehta, Erika	Not Specified
Messer, Samantha	Educator, Cincinnati Public Schools
Minnis, Dennis	Educator, Bullitt County Schools
Modlin, Jane	Educator, Ashland Independent Schools
Moore, Sylvia	Retired Director, Mercer County Schools
Moseley, Dave	Educator, Jefferson County Schools
Murphy, Margaret	Dietitian, University of Kentucky
Myers, Taylor	Educator, Ballard County Schools
Neace, Juli	Educator, Boone County Schools
Neal, Jamie	Educator, Simpson County Schools
Nichols, Susan	Not Specified
Noland, Melody	Professor, Not Specified
Owen, Rodger	Educator, Franklin County Schools
Parks, Kaleb	Educator, Grayson County Schools
Perlin-Gump, Christine	Educator, Oldham County Schools
Pinchot, Mahaila	Student, Murray State University
Porter, LaDonda	Educator, Fayette County Schools
Posey, Thomas	Educator, Mason County Schools
Powell, Sarah	Parent
Prather, Joseph	Research Specialist, Jefferson County Schools
Pulliam, Debbie	Educator, Harrison County Schools
Rice, Hillary	Educator, Ashland Independent Schools

Richardson, Robin	Educator, Jefferson County Schools
Riggs, Kim	Educator, Jefferson County Schools
Ritter, Patricia	Teaching Artist, VSA of Kentucky
Roberts, Susan	Educator, Not Specified
Rose, Utarius	Student, Murray State University
Rucker, Linda	Educator, Bullitt County Schools
Rudloff, Andee	Not Specified
Rumple, Morgan	Coordinator, Unknown
Saalwaechter, Bobbie	Educator, Ohio County Schools
Sasso, Sandra	Educator, Murray State University
Schmidt, Sarah	Parent
Sexton, Erin	Educator, Jefferson County Schools
Sharp, Tina	Educator, Barren County Schools
Shepherd, Phillip	Executive Director, Kentuckians for the Arts
Shrum, Heather	Dietitian, Unknown
Sims, Jennifer	Educator, Hart County Schools
Sivils, Vanessa	Student, Murray State University
Skillern, Ada	Educator, Oldham County Schools, Hope Street Group Kentucky Teacher Fellow
Slay, Jenny	Educator, Fayette County Schools
Smith, Angela	Educator, Corbin Independent Schools
Smoot, Kelsie	Educator, Jefferson County Schools
Spade, Jennifer	Educator, Ashland Independent Schools
Sparks, Jamie	Director, KY Association for Health, Physical Education, Recreation and Dance
Spradlin, Shannon	Educator, Jessamine County Schools
Stalnaker, Amanda	Educator, Boone County Schools
Stark, Angela	Educator, Fayette County Schools
Steward, Jeremy	Educator, Jefferson County Schools
Stone, Billie	Educator, Not Specified
Sweazy, Karen	Educator, Jefferson County Schools
Sweeney, Chad	Educator, Hardin County Schools
Taylor, Georgena	Not Specified
Thoman, Lindsay	Student, University of Kentucky
Thompson, Erica	Resident, Jefferson County
True, Tracey	Dietitian, Unknown
Tucker, Kathryn	Dietitian, Unknown
Vanhoosier, Stacy	Educator, Russell County Schools
Wallace, Amy	Parent
Walters, Jacqueline	Dietitian, Unknown
Weaver, Blake	Educator, Barren County Schools
Webster, Allie	Educator, Gallatin County Schools
Williams, Jaclynn	Not Specified
Williams, Tina	Educator, Berea Community Schools
Williams, Rebecca	Educator, Murray State University
Willis, Lauren	Educator, Campbellsville University

Wilson, Alescia	Educator, Livingston County Schools
Wilson, Susan	Dietitian, University of Louisville Physicians
Wolf, Brianne	Educator, Jefferson County Schools
Wurzer, Katherine	Educator, Rolph Literacy Academy
Young, Candace	Educator, Madison County Schools
Young, Kara	Educator, Jefferson County Schools
Zarotny, Kim	Parent

III. The following people from the promulgating administrative body attended the public hearing and/or responded to written comments:

Name and Title

Rhonda Sims, Associate Commissioner, Office of Standards, Assessment and Accountability  
 Deanna Durrett, Associate Commissioner and General Counsel, Office of Legal Services  
 Todd Allen, Deputy General Counsel, Office of Legal Services  
 Michael Hackworth, Policy Advisor, Office of Standards, Assessment and Accountability  
 Jennifer Stafford, Director, Division of Assessment and Accountability Support  
 Kevin Hill, Director, Division of Assessment Data and Analysis  
 Thomas Clouse, Program Manager, Division of Program Standards  
 Micki Ray, Literacy Consultant, Division of Program Standards  
 Joy Barr, Program Consultant, Division of Assessment and Accountability Support  
 Jennifer Larkins, Program Consultant, Division of Assessment and Accountability Support  
 Landon Tingle, Policy Advisor, Office of Career and Technical Education and Student Transition

IV. Summary of Comments and Responses

(1) Subject Matter: Transition Readiness

(a) Comments: A commenter is concerned that the student body should not be taking industry tests that adults take and students and programs should not be held accountable for the success or failures of a program by using an adult test.

Individuals speaking or offering written comments or concerns on this subject matter include:  
 Dave Moseley

(b) Response: The agency carefully considered the comment.

Senate Bill 1 (2017) requires that the Kentucky accountability system include postsecondary readiness for each high school student, which shall be included as an academic indicator, and shall be measured by achievement of college credit, postsecondary articulated credit, apprenticeship time toward a credential or associate degree, or any industry-recognized certifications, licensures, or credentials, with more weight in accountability for industry-recognized certifications, licensures, or credentials identified as high demand.

To determine which industry certifications are included in Kentucky's accountability system, Senate Bill 1 establishes a process used to determine which industry certifications are

recommended for the list and the level of demand for certifications on the list. In order to be considered “industry-recognized,” certifications must go through a verification process. The Kentucky Center for Education and Workforce Statistics (KCEWS) works with each local workforce investment board to give job and demand data for the region. Local workforce investment boards work with local economic development organizations and business to compile a list of industry-recognized certifications, licensures, and credentials, ranked by demand for that region. The lists are then given to the Kentucky Workforce Innovation Board (KWIB). Finally, the KWIB and KDE work together to edit and refine the list before KDE disseminates to all school districts. This work is done to ensure industry-recognized credentials are practical, relevant, and that they align with career pathways.

Industry certifications are not the only measure for career readiness in Kentucky’s Transition Readiness Indicator. The options that a student has for career readiness are meeting benchmarks on industry certifications, scoring at or above the benchmark on the Career and Technical Education End-of-Program Assessment for articulated credit, earning a grade of C or higher in each course on six hours of KDE-approved CTE dual credit, completing a KDE/Labor Cabinet approved apprenticeship or by completing the KDE approved alternate process to verify exceptional work experience.

After careful consideration, the agency declines to amend the regulation regarding the use of industry certifications for accountability under Transition Readiness.

(2) Subject Matter: Quality of School Climate and Safety

(a) Comments: Comments in this section are related to the removal of the Opportunity and Access Indicator which includes the removal of Rich Curricula measures and the detail of the Quality of School Climate and Safety Indicator.

Several commenters are concerned about the removal of the Opportunity and Access Indicator, which would remove Visual and Performing Arts (VPA) and health education and physical education in accountability and want to ensure that quality arts, health, and physical education programs are available for all students in the state of Kentucky. This would include supporting the needs of the whole child, protecting time and holding students accountable for discipline-specific, standards-based, and sequenced instruction in the arts disciplines as well as in health and physical education, ensuring and supporting high quality specialized arts teachers providing instruction for all Kentucky public school students, beginning in preschool, and providing for public reporting of every schools’ VPA and health and physical education programs’ strengths based on specific program standards.

One commenter recommended new legislation requiring minimum arts education components at all schools. Suggested legislation would include an established number of protected minutes, mandatory arts education each day in elementary school, arts instruction programs that offer students choice and exploration opportunities and a minimum one-hour VPA credit requirement at high school, along with additional arts standards-based electives. Commenter also recommended that KBE establish an arts advisory council to guide arts-related decision making.

Many commenters discussed what they believe to be potential benefits of Arts programs, such as students learning to be successful outside of the traditional classroom and learning vital 21st Century life skills such as problem-solving and other critical thinking skills. A few commenters emphasized a correlation between the Arts and academic success.

Several commenters expressed their thoughts about how students could be impacted by not including the arts and health and physical education in accountability. Commenters believe that the heritage, community and culture of Kentuckians would be lost or that students would not learn to appreciate them. Some commenters suggested that school climate, as well as dropout and graduation rates would be negatively affected. Commenters expressed the opinion that if the arts and health and physical education are not included in accountability, they will not be funded, prioritized or taught.

A commenter states that program evaluations based on best practices are the best way to improve instruction and ensure program accountability. With reference to this, the commenter recommends the development of program assessments that are better for statewide reporting and accountability. Another commenter believes arts programs gives schools immediate feedback on students' abilities.

One commenter states that gathering data on VPA programs is not difficult, but state data should be collected on items such as instructional access, minutes allotted to art, number of classes offered, how many students have access, how many resources are allotted to instruction, and teacher credentials. It is recommended that KDE develop a task force of arts educators, associations, community artists, and experts to develop program standards and an accountability tool, while also guiding schools to improve arts education.

Several commenters express concerns about not including health and physical education in accountability. Commenters state that students need daily exercise and information that will help them make good health decisions because the current condition of Kentuckians' health needs much improvement. Factors of concern include the lack of nutrition knowledge and high rate of obesity in Kentucky; the costs of lost work days and medical care related to preventable lifestyle diseases and the resulting impact on the economy; the percentage of teen pregnancies; and the amount of stress, drug use, depression, suicide and other mental and emotional needs among students.

One commenter suggests adding an eighth indicator called "well-rounded curricula" to ensure children gain capacities, skills and concepts set forth by statute, and that this indicator would be noted on the school report card. Another commenter suggests that KDE restore the Access and Opportunity indicator and its definition, standards, and measures and include the indicator in the accountability measures. Outside the assessment and accountability system, the commenter recommends that the Education Professional Standards Board gather data on teacher certification with regards to arts programs.

In addition, a few commenters believe that the Quality of School Climate and Safety indicator does not provide the same degree of implementation detail, nor does it clarify how the indicator will be incorporated into the accountability system.

One commenter was opposed to removing health and physical education from high school graduation requirements. Commenter recommended requiring physical activity during the school day as well as drug education and life and resiliency skills.

Individuals speaking or offering written comments or concerns on this subject matter include: Sarah Adkins, Nicole Agro, Kendra Arnold, Mudita Arora, Lydia Austin, Hannah Banks, Danielle Barrett, Christopher Bayens, John Begley, Kattie Berry, Emily Best, Kristy Blevins, Wendy Boeglen, Debbie Boian, Fred Brassfield, Crystal Bratcher, Grant Bridges, Wesley Broderick, David Brumley, Caleb Burchett, Anne Bussell, Deborah Campbell, Emma Carloftis, Andrew Case, Steve Chen, Jennifer Clark, Michelle Coker, Heather Collins, Lisa Correa, JoAnna Couch, Jason Crisp, Frank Crossman, Jane Dewey, Sally Dillon, Jeffrey Duncan, Robert Duncan, Amy Durbin, Kelly Dusing, Karen Edwards, Peter Edwards, Rachel Ellsworth, Susan Faw, Megan Fernandez, Craig Foley, Emily Forrester, Maria Franzini, Lindsay Gabbard, Antje Gamble, David Gay, Mary Geddes, Rachel Gibbs, Paula Gieseke, Jaime Goldsmith, Jodi Grant, Lisa Hager, Joan Haigh, Crystal Hale, Mechelle Hamblin, Mary Hamilton, Josh Hamm, Jamie Hardin, Susan Harrison, Julie Harwood, Daniel Hill, Nick Hill, Devonna Hisel, Rebecca Hochradel, Kellye Howell, Pauline Hunter, Chris Huff, Christine Huff, Candice Iceman, Cindy Jackson, Jenny Jones, Michelle Jones (Kentucky Education Association), Courtney Justice, Patrick Kennedy, Christopher Kenney, Timothy Kercheville, Niki Kinkade, Jeremy Kisling, Dana Knudsen, Jessica Lawrence, Pam Layman, Tara Luster, James Lutz, Patricia Lutz, Wes McDonald, Molly McKinney, Emily McWaters, Wanda Meaux, Erika Mehta, Samantha Messer, Dennis Minnis, Jane Modlin, Sylvia Moore, Margaret Murphy, Taylor Myers, Juli Neace, Jamie Neal, Melody Noland, Rodger Owen, Kaleb Parks, Christine Perlin-Gump, Mahaila Pinchot, LaDonda Porter, Thomas Posey, Sarah Powell, Debbie Pulliam, Hillary Rice, Robin Richardson, Kim Riggs, Patricia Ritter, Susan Roberts, Utarius Rose, Linda Rucker, Andee Rudloff, Morgan Rumble, Bobbi Saalwaechter, Sandra Sasso, Sarah Schmidt, Erin Sexton, Tina Sharp, Phillip Shepherd, Heather Shrum, Jennifer Sims, Vanessa Sivils, Ada Skillern, Jenny Slay, Angela Smith, Kelsie Smoot, Jennifer Spade, Jamie Sparks, Shannon Spradlin, Amanda Stalnaker, Angela Stark, Jeremy Stewart, Billie Stone, Karen Sweazy, Chad Sweeney, Georgena Taylor, Lindsay Thoman, Tracey True, Kathryn Tucker, Stacy Vanhoosier, Amy Wallace, Jacqueline Walters, Blake Weaver, Allie Webster, Jaclynn Williams, Tina Williams, Rebecca Williams, Lauren Willis, Alescia Wilson, Susan Wilson, Brianne Wolf, Katherine Wurzer, Candace Young, Kara Young and Kim Zarotny.

(b) Response: The agency carefully considered all comments received.

Administrative regulation 704 KAR 3:303, Required Kentucky Academic Standards (KAS), incorporates by reference the minimum required standards that all Kentucky students should

have the opportunity to learn before graduating high school. Annually, each local district provides an assurance to signify that all students had access and opportunity to learn these standards. While the KDE is responsible for the development of academic standards, state law assigns each local school-based decision making (SBDM) council the authority to design the school's curriculum and determine appropriate instructional materials based upon language found in KRS 160.345. Therefore, SBDMs have the flexibility to fulfil the requirements of the KAS and incorporate additional subject matter in a way that best meets the needs of their students.

The agency is aware of the physical, mental and emotional challenges Kentucky students face and shares commenters' concerns. In addition, the agency supports health and physical education for all Kentucky students. Districts, schools and SBDM councils determine which programs, pathways and curriculum are offered to their students. Although the regulation does not provide credit in accountability for students who take health and physical education classes, schools can certainly decide to prioritize those courses and go beyond minimum requirements in the opportunities and experiences they offer to students.

Pursuant to 704 KAR 3:540, the Kentucky Academic Course Code List contains a listing of course codes and descriptions along with certifications that fit the parameters for given courses. Senate Bill 1 (2017) called for the repeal of Common Core State Standards and established a process for the review and revision of academic standards. The KBE approved newly revised health education standards and physical education standards, to be implemented the 2019-2020 academic year, at its October 2018 board meeting. Moreover, per Senate Bill 1 (2017), the Kentucky Department of Education will begin the development of visual and performing arts standards during the 2021-2022 school year. The adoption of standards will provide guidance with regards to implementing high quality world language programs in Kentucky schools. Throughout this process, the KDE will solicit and collect feedback on the visual and performing arts standards to inform the development and revision process. Educator involvement is encouraged. Professional learning opportunities for the visual and performing arts will be provided prior to implementation, which is currently scheduled for the 2022-2023 academic year.

The creation of legislation is not under the purview of this regulation.

Although the KDE supports VPA, Health and Physical Education, the content areas will not be included in the overall accountability system. The KDE will assure that VPA, Health and Physical Education are publicly reported on an annual basis. Public reporting is in accordance with KRS 158.6453 Section 3 (20) as amended in Senate Bill 1 (2017). An advisory committee made up of certified teachers and specialists from Kentucky's public schools and postsecondary institutions in these subject areas identified the process and method for collecting the information necessary to demonstrate program length and time, courses offered, staffing, resources and facilities for each of the subject areas. The annual School Profile Report highlights programs offered in schools as well as how schools implement standards-based instruction for Health and Physical Education (Practical Living), Career and Technical Education (Career Studies), Visual and Performing Arts, and World Languages (Foreign Language). The annual School Profile Report is linked to the Kentucky School Report Card.



In addition to the School Profile Report, KDE has been collaborating with a vendor throughout the past year to develop a new school report card that has recently been released to the public. Within the new report card, Visual and Performing Arts, Physical Education and Health, and World Languages are highlighted under General Education Coursework. Within this section of the school report card, there is a listing of program area offerings, course offerings with student enrollment, staffing, school budget allocation to the programs, professional development hours offered to those teaching in these programs, number of instructional minutes students receive, and access to program specific facilities.

Teacher certification requirements are established by the Education Professional Standards Board within the Office of Educator Licensure and Effectiveness and are outside the purview of this accountability regulation.

The KDE will use surveys to collect data for the Quality of School Climate and Safety Indicator. Language regarding the use of surveys for this indicator has been added to the regulation. Additional research and work is needed on these surveys and will not be part of Kentucky's accountability system until the 2019-2020 school year. A specific weight has been added for the indicator to demonstrate how it will contribute to the accountability system.

The inclusion of an additional indicator would increase the level of complexity of the accountability system and would require defined measures and data collection processes that can be validated and that results in differentiation of schools.

The agency declines to amend the regulation to include Visual and Performing Arts, health and physical education in accountability or as an additional indicator. However, the agency supports including these content areas in public reporting through the School Profile Report and the School Report Card.

Current graduation requirements include ½ credit of Health, to include the content contained in the Kentucky Academic Standards for Health, and ½ credit of Physical Education to include the content contained in the Kentucky Academic Standards for Physical Education. Proposed new graduation requirements do not remove the credit requirements for Health and Physical Education. Graduation requirements are outside the purview of this accountability regulation.

(3) Subject Matter: Achievement Gap

(a) Comments: Comments in this section relate to simplifying the Achievement Gap Closure Indicator, the use of “Gap to Group” versus “Gap to Proficiency”, or even if it should remain an indicator within the system.

A commenter believes that using the reading and math content areas is a step in the right direction and the achievement gap closure indicator is an important piece in the accountability system. The commenter believes that creating a simpler system with a laser focus will support in this effort.

The Kentucky Education Association (KEA) believes eliminating the goal of closing achievement gaps in the areas of science, social studies and writing ignores the nature and root causes of achievement gaps, and would have the unintended effect of narrowing the curriculum, contrary to the intent of ESSA. The KEA also believes focusing on reading and math is not sufficient. The association recommends that the regulations reflect support for items such as a rich curriculum, smaller class sizes, wraparound services, early childhood education with home-visitation, optimal ratios of specialized instructional support personnel, and afterschool programs, all of which the association indicates have been proven effective at closing achievement gaps.

One commenter would like the KDE to consider whether or not the Achievement Gap Closure Indicator should remain an indicator in the system or if it should limit the overall star ratings. The commenter states that schools are already being labeled as Targeted Support and Improvement (TSI) if they have one or more of their student groups performing as poorly as all students in any lowest 5% of Title 1 or non-Title 1 schools based on performance.

One commenter believes that the “Gap to Proficiency” data is needed to identify the most important gap. The commenter believes that this approach would be more easily understood by schools, parents and the community and that it’s important to have each group ultimately improving toward proficiency. The commenter feels that the “Gap to Group” piece should be removed as it duplicates and complicates the indicator by creating more complexity and confusion to have two types of gap groups, and two sets of targets.

Another commenter advocates to use the “Gap to Proficiency” as well. The commenter states that with targets set for each group, the expectation is all students increase in proficiency. The commenter believes that “Gap to Group,” can be highly inconsistent, can be biased against schools that serve more diverse populations, can always be decreased if the top performing group comes down, and a statistically significant gap will always exist for a least certain groups such as some disability groups.

Individuals speaking or offering written comments or concerns on this subject matter include: Holly Adams, Michelle Jones (Kentucky Education Association), Joseph Prather and Erica Thompson

(b) Response: The agency carefully considered all comments received.

The agency agrees that the Achievement Gap Closure Indicator needs to be simplified and agrees to make changes to the regulation.

The Achievement Gap Closure Indicator will no longer remain an indicator in the accountability system. Instead, having an achievement gap will limit the overall star ratings of schools and LEAs. Achievement gap will remain focused on the content areas of reading and mathematics only.

In addition, “Gap to Proficiency” will also be eliminated and the agency will use “Gap to Group.” “Gap to group” will focus on reducing the gap in performance between a comparison group and a reference group.

The agency has removed language from the regulation around Achievement Gap Closure as an indicator and added language around how achievement gap will be used to limit overall star ratings.

The regulation requires that evaluation of achievement gaps between groups in schools consider both statistical and practical significance. Statistical significance safeguards against mistakenly saying a school has an achievement gap when it does not. Practical significance (e.g., consideration of effect size) safeguards against saying a school does not have an achievement gap when it does, or that it does have a gap but the difference is so small it does not matter. As encouraged by these comments, both of these factors will be considered in evaluating achievement gap accurately and confidently, applied to the real world situations of Kentucky schools including n-count, number of student groups, and other factors. The very large majority of students with disabilities in Kentucky should be able to engage in the general grade-level standards and instruction and make progress towards proficiency with appropriate accommodations and instruction. The Kentucky Board of Education has consistently held that schools should be held to high standards and students with disabilities should be provided with opportunities to learn consistent with the same expectations as other students, with the exception of a very small number of students with severe cognitive disabilities. The achievement gap measure is part of a system of accountability measures—reducing an achievement gap by reducing the performance of the higher performing group would be offset in accountability by lower performance on measures of student proficiency and growth.

Supports for closing achievement gaps such as a rich curriculum, smaller class sizes, wraparound services, early childhood education with home-visitation, optimal ratios of specialized instructional support personnel, and afterschool programs, are outside the purview of this accountability regulation.

(4) Subject Matter: Language Clarification

(a) Comments: A comment in this section relates to using the term “visual and performing arts” rather than “arts and humanities” in the regulation and other KDE documents.

A commenter is concerned that language in the regulation needs to be changed in order to be consistent with changes in the academic standards for visual and performing arts and additional other citations in KDE documents. The commenter addresses that on page 8, line 18, the appropriate term should be “visual and performing arts” rather than “arts and humanities.”

Individuals speaking or offering written comments or concerns on this subject matter include:  
Phillip Shepherd

(b) Response: The agency carefully consider the comment received.

The agency agrees to change the wording in the regulation from “arts and humanities” to “visual and performing arts.”

(5) Subject: General Comments

(a) Comments: Comments in this section relate to the weighting of the indicators, star rating charts and comments on measures for which schools should be held accountable.

A commenter believes that for 2017-2018 accountability, the profile of performance approach was complicated and not easy to communicate. The commenter stresses that with more indicators, it is harder to explain. The commenter explains the need for each indicator to have specific weights instead of a range of weights and questions on whether or not the accountability regulation needs to include the star rating charts.

Another commenter, representing the Kentucky Education Association, believes that schools should be held accountable for other indicators of school effectiveness which should be determined collaboratively with education stakeholders. The commenter argues the indicators should include, among other things, chronic absenteeism, the number and percentage of students participating in rigorous coursework (including honors, AP, IB, dual enrollment, early college) the number and percentage of students with access to courses infused with 21<sup>st</sup> century skills, and the number and percentage of students participating in foreign languages, creative and fine arts.

Individuals speaking or offering written comments or concerns on this subject matter include: Michelle Jones (Kentucky Education Association) and Susan Nichols

(b) Response: The agency reviewed and considered all comments received.

The agency agrees that the profile of performance approach was complicated and not easy to communicate. The agency has amended the regulation to use exact weights where possible and has amended the weight chart. The star rating charts within the regulation have been removed and language has been added to describe the rating system.

Some of the indicators suggested for school effectiveness are currently included in the system within transition readiness, such as dual credit, and advanced coursework. Students have the option to demonstrate transition readiness in those areas. In addition, foreign languages and creative arts and fine arts can also fall under the academic measures in transition readiness. Chronic absenteeism is reported in the school report card. The agency declines to add additional indicators.

Summary of Statement of Consideration  
And Action Taken by Promulgating Administrative Body

The public hearing on this administrative regulation was held on January 24, 2019 at 10:00 a.m., in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky and written comments were received. The agency responded to the comments and amends the administrative regulation as follows:

Page 1

Section 1 (1)

Lines 17-18

Remove the words “closure”, “combined”, “reducing”, “and to proficiency” in the definition of Achievement gap closure.

Page 2

Section 1 (2)

Line 6

Remove the word “student” in “Comparison student group”

Page 2

Section 1 (3)

Lines 8-11

Delete the following:

“ (3) [(6)] "Consolidated student groups" means a non-duplicated aggregation of student groups that includes: African American, Hispanic, Native Hawaiian or other Pacific Islander, American Indian or Alaska Native, two (2) or more races, students with disabilities who have an individual education program (IEP), and English learners.”

Page 2

Section 1 (4)

Line 12

Renumber definitions 3-21 due to the removal of the consolidated student group definition.

Page 4

Section 1 (16)

Line 6

After the word “safety”, insert “indicator”

Page 4

Section 2

Line 23

Remove “achievement gap closure;”

Page 5

Section 2 (4)

Line 10

Delete the following:

“(4) The achievement gap closure indicator shall be measured as follows:

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

1. African American, Hispanic, Asian, Native Hawaiian or other Pacific Islander, American Indian or Alaska Native, White, and two (2) or more races compared to the reference group, which shall be the highest of these;

2. Free and [/] reduced-price meal eligible students compared to non-free and [/] reduced /reduced-price meal eligible students;

3. Students with disabilities who have an IEP compared to students without IEPs; and

4. English learners compared to non-English learners.

(b) Reducing the gap to proficiency for the combined content areas of reading and [,] mathematics [, science, social studies, and writing by the following groups]: White, African American, Hispanic, Asian, Native Hawaiian or other Pacific Islander, American Indian or Alaska Native, two (2) or more races, free and [/] reduced and [/] reduced-price meal eligible, students with disabilities who have an IEP, English learners, and a consolidated student group.”

Page 6

Section 2 (5)

Line 3

Renumber to number “(4)” and insert the following after the word indicator “shall include perception data from surveys that measure the perceived quality of the school environment.”

Page 7

Section 2 (6)

Line 17

Renumber to number “(5)”

Page 8

Section 2 (6)(b)1.g.

Line 16

Change “6(b)1” to “5(b)1”

Page 8

Section 2 (6)(b)1.g.

Line 18

After “communication” insert a “;” and delete “,”. After “arts” insert a “;” and delete “,” and insert the word “or” and delete “and”. After humanities insert a “;” and delete “,”.

Page 9

Section 2 (7)

Line 11

Renumber to number “(6)”

Page 9  
Section 3 (1)  
Line 20  
Remove “(e) Achievement gap closure;”

Page 9  
Section 3 (1)  
Line 21  
Change “(f)” to “(e)”

Page 9  
Section 3 (1)  
Line 23  
Change “(g)” to “(f)”

Page 10  
Section 3 (3) (a)  
Line 8  
Remove “achievement gap closure;”

Page 10  
Section 3 (3) (b)  
Line 11  
Remove “achievement gap closure;”

Page 10  
Section 3 (3) (c)  
Line 14  
Remove “achievement gap closure;”

Page 10  
Section 3 (3) (d)  
Line 17  
Remove “achievement gap closure;”

Page 11  
Section 4 (3)  
Line 7  
Delete the following:

“(3) The achievement gap closure indicator that includes gap to group and gap to proficiency shall be calculated as established in this subsection.

(a) School achievement gap closure between student demographic comparison groups and reference groups shall be determined by:

1. Determining the student demographic groups to be included in this subsection, which shall include the following student demographic groups that have at least ten (10) students: African American, Hispanic, Asian, Native Hawaiian or other Pacific Islander, American Indian or

Alaska Native, two (2) or more races, and White.

a. Comparing African American, Hispanic, Asian, Native Hawaiian or other Pacific Islander, American Indian or Alaska Native, two (2) or more races, and White to a reference group. The reference group shall be the highest performing racial [/] ethnic student group that has at least ten (10) students and constitutes at least ten (10) percent of the students enrolled in the school;

b. Free/reduced-price meal eligible students compared to non-free/reduced-price meal eligible students;

c. Students with disabilities who have an IEP compared to students without IEPs; and

d. English learners compared to non-English learner students.

2. Combining scores for reading and mathematics [each tested] content area assessment using points in accordance with paragraph 2(b) of Section 4 of this administrative regulation for each student demographic group.

3. Using a statistical analysis for each pair of comparison-reference groups, the department shall determine if a significant gap has been sufficiently reduced between the comparison group and reference group and is both statistically and practically significant. If so, the gap closure for the student demographic group will be considered "significant" and the school will receive one (1) gap closure point. If the gap between groups is not significantly reduced, the gap will be considered "not significant" and the school will receive zero gap closure points.

(b) School achievement gap closure between student demographic groups and proficiency shall be determined as follows:

1. Determine which student demographic groups have at least ten (10) students that are to be included in this subsection. Student demographic groups included in the subsection shall include:

a. White;

b. African American;

c. Hispanic or Latino;

d. Asian;

e. Native Hawaiian or other Pacific Islander;

f. American Indian or Alaska Native;

g. Two (2) or more races [/] ethnicities;

h. Students in poverty based on eligibility for free and [/] reduced-price meals;

i. Students with disabilities who have an IEP;

j. English learners; and

k. A consolidated student group.

2. Combining scores for reading and mathematics [all] content area assessments into an index using points in accordance with paragraph 2(b) of Section 4 of this administrative regulation for each student demographic group.

3. Compare the index to the current year's annual target developed by the Kentucky Department of Education for each student demographic group in the combined content areas of reading and [,] mathematics [, science, social studies, and writing].

4. If the current year index is equal to or greater than the current year's annual target for each student demographic group in the combined content areas of reading and [,] mathematics[, science, social studies, and writing], the student demographic group gap shall be considered "reduced" and the school shall receive two (2) gap closure points.

5. If the current year index is equal to or greater than the current year's annual target for each student demographic group in the combined content areas of reading and [,] mathematics[, science, social studies, and writing] minus a sufficient percentage point, the student demographic



group gap is considered "partially reduced" and the school shall receive one (1) gap closure point.

6. If the current year index is less than the current year's annual target for each student demographic group in the combined content areas of reading and [,] mathematics[, science, social studies, and writing] minus a sufficient percentage point, the student demographic group gap is considered "not reduced" and the school shall receive zero gap closure points.

(c) Sum the total achievement gap closure points across all student demographic groups and divide by the number of student demographic groups for gap to group and gap to proficiency.

(d) Based on total achievement gap closure points, the Kentucky Department of Education shall conduct a standards setting process involving Kentucky educators and advised by technical experts shall place the school and LEA into categories of very low, low, medium, high, or very high.

(e) Each student demographic group shall have a minimum of ten (10) students per content area in the school or LEA in order to include gap data in accountability.”

Page 14

Section 4 (4)

Line 11

Renumber to number “(3)”

Page 15

Section 4 (4) (d)

Line 3

Change “4(4)(f)” to “4(3)(e)”

Page 16

Section 4 (4) (e) 4.

Line 3

Change “4(4)(f)” to “4(3)(e)”

Page 16

Section 4 (5)

Line 7

Renumber to number “(4)”

Page 16

Section 4 (5) (a)

Line 12

Delete “(a)”

Page 16

Section 4 (5) (a)

Line 12

Insert “quality of ” after “of”

Page 16

Section 4 (5) (a)

Line 13

Delete “including the accumulation of credit”

Page 16

Section 4 (5) (b)

Lines 14-16

Delete the following:

“(b) [(c)] A standard setting process shall be conducted involving Kentucky educators and advised by technical experts to determine very low to very high performance levels within quality of school climate and safety.”

Page 16

Section 4 (6)

Line 17

Renumber to number “(5)”

Page 17

Section 4 (7)

Line 13

Renumber to number “(6)”

Page 17

Section 4 (7)

Line 14

Delete “Kentucky” and insert “The accountability system”

Page 17

Section 4 (8)

Line 17

Renumber to number “(7)”

Page 17

Section 4 (8)

Line 22

Insert the following:

“(c) A standard setting process shall be conducted involving Kentucky educators and advised by technical experts to determine very low to very high performance levels for each indicator including proficiency, separate academic indicator, growth, transition readiness, graduation rate, and quality of school climate and safety.”

Page 17

Section 4 (9)

Lines 22-23

Delete the following:

“(9) An overall rating based upon performance on the set of indicators for elementary and middle

schools, high schools, and LEAs shall be assigned during a standards setting process. The tables below illustrate some of the combinations of performance for each star rating.”

Page 18

Section 4 (9) (a)

Line 2

Delete “(a) Overall ratings” and insert “An overall star rating for elementary, middle, and high schools” before “shall”

Page 18

Section 4 (9) (a)

Line 3

Delete “LEAs, and the state”

Page 18

Section 4 (9) (a)

Line 4

Insert new sentence after “rating.” “Performance of schools, LEAs, and state will be reported by level (elementary, middle, and high) as applicable.”

Page 18

Section 4 (9) (a)

Remove the “Elementary/Middle Schools” chart

Pages 18-19

Section 4 (9) (a)

Remove the “High Schools” chart

Page 19

Section 4 (9) (a)

Remove the “LEA” chart

Page 19

Section 4 (9) (b)

Line 2

Remove “(b)” and replace with “(a)”

Page 19

Section 4 (9) (b)

Line 2

After “span” remove “a combination of school”

Page 19

Section 4 (9) (b)

Line 2

After “on” insert the word “the”

Page 19  
Section 4 (9) (b)  
Line 2  
After “indicators” insert “and weights in the table below.”

Page 19  
Section 4 (9) (b)  
Lines 2-5  
Delete the following:  
“The range of performance in the tables elementary, [ / ] middle schools, high schools and LEAs as shown below indicate the upper bound and the lower bound of performance described as very low, low, medium, high, and very high.”

Page 19  
Section 4 (9) (c)  
Line 6  
Insert new “Overall Accountability Weights” chart

Page 19  
Section 4 (9) (c)  
Lines 6-9  
Delete the following:  
“(c) The relationship between each category and the approximate weight of proficiency, a separate academic indicator for science, social studies, and writing, achievement gap closure, growth, transition readiness, quality of school climate and safety [opportunity and access], and graduation rate shall be included in the overall rating.”

Page 20  
Section 4 (9) (d)  
Line 1  
Insert “(b) The performance on indicators that contribute to the overall star ratings shall be determined by a standards setting process involving Kentucky educators.”

Page 20  
Section 4 (9) (d)  
Lines 1-6  
Delete the following:  
“(d) The individual indicators and the overall rating shall be developed through a standard setting process involving Kentucky educators and advised by technical experts. During the standard setting process, the approximate weights in the following table shall be considered. The proposed ranges in the table indicate the relative emphasis between indicators. The ranges are set to guide Kentucky educators to determine the combination of performance from very high to very low within the indicator during standard setting.”

Page 20  
Section 4 (9) (d)  
Delete “Overall Accountability Weights” chart

Page 20  
Section 4 (9) (e)  
Lines 7-8  
Delete the following:

“(e) A school shall receive a federal student group designation for statistically significant achievement gaps or low-performing students and shall not be rated above three (3) stars.”

Page 20  
Section 4 (9) (e)  
Line 7

Insert the following:

“(c) If achievement gaps are found in schools and LEAs earning a four (4) or five (5) star rating, the star rating will be reduced by one (1) star.

1. Achievement gap shall be calculated between student demographic comparison groups and reference groups for reading and mathematics combined by:

a. Determining the student demographic groups to be included in this subsection, which shall include the following student demographic groups that have at least ten (10) students: African American, Hispanic, Asian, Native Hawaiian or other Pacific Islander, American Indian or Alaska Native, two (2) or more races, and White.

(i) Comparing African American, Hispanic, Asian, Native Hawaiian or other Pacific Islander, American Indian or Alaska Native, two (2) or more races, and White to a reference group. The reference group shall be the highest performing racial and ethnic student group that has at least ten (10) students and constitutes at least ten (10) percent of the students enrolled in the school;

(ii) Free and reduced price meal eligible students compared to non-free and reduced price meal eligible students;

(iii) Students with disabilities who have an IEP compared to students without IEPs; and

(iv) English learners compared to non-English learner students.

b. Using a statistical analysis for each pair of comparison and reference groups, the department shall determine if a gap between the comparison group and reference group is both statistically and practically significant.”

Page 20  
Section 4 (9) (f)  
Lines 9-13

Delete the following:

“Schools and LEAs shall not be rated above three (3) stars if they:

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

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

3. Have statistically significant achievement gaps.”

Page 20  
Section 4 (9) (g)  
Line 13  
Remove “(g)” and replace with “(d)”

Page 20  
Section 4 (9) (h)  
Line 15  
Remove “(h)” and replace with “(e)”

Page 20  
Section 4 (10)  
Line 17  
Renumber as number “(9)”

Page 20  
Section 4 (10) (a)  
Line 19  
Delete “achievement gap closure,”

Page 22  
Section 5  
Line 8  
Insert the following:  
“(5) Performance levels of each indicator (proficiency, a separate academic indicator for science, social studies, and writing, growth, transition readiness, quality of school climate and safety, and graduation rate) from very low to very high on each indicator will be determined by Kentucky educators with a standards setting process.”

Page 22  
Section 5  
Line 12  
Insert the following:  
“(6) Federal designations and statistically and practically significant achievement gaps will be reported for each school, LEA, and state.”