

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** 703 KAR 5:240, Amendment to Accountability Administrative Procedures and Guidelines (Second Reading)

**Date:** August 2019

**Action Requested:**  Review  Action/Consent  Action/Discussion

**Held In:**  Full Board  Curriculum, Instruction and Assessment  
 Finance  Operations Management

### SUMMARY OF ISSUE BEFORE THE BOARD:

To take action on the proposed amendments to 703 KAR 5:240, Accountability procedures and guidelines.

### COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends the amendment of 703 KAR 5:240 to align with Kentucky's new accountability regulation, 703 KAR 5:270, along with state and federal requirements.

### APPLICABLE STATUTE OR REGULATION:

703 KAR 5:270, KRS 158.6451, 158.6453, 158.6455

### BACKGROUND:

#### *Existing Policy:*

KRS 158.6455 requires the Kentucky Board of Education (KBE) to promulgate administrative regulations to create and implement a balanced statewide assessment and accountability program that measures the achievement of students, schools and districts, complies with the Every Student Succeeds Act (ESSA), and ensures accountability.

This administrative regulation establishes administrative procedures and guidelines for Kentucky's assessment and accountability program. The regulation covers: assigning students for school, district and state accountability, inclusion of schools in accountability and standard grade configuration, reporting of schools with changed service areas, data review, student participation in state assessments, and students not participating in state required assessments.

#### *Summary of Issue:*

With the new accountability regulation, 703 KAR 5:270, in effect, it is important to amend this regulation so they both align. It also is important to align the regulation to both state and federal requirements. A few issues of miss-alignment within the regulation are:

- the regulation references 703 KAR 5:200, Next generation learners, which is the old accountability regulation that recently was repealed;

- the regulation references 703 KAR 5:225, Continuous improvement planning for schools and districts, which was amended and no longer applies to this regulation;
- Kentucky no longer uses End-of-Course (EOC) assessments in high school for accountability and moved to an End-of-Span assessment that is administered at grade 10 (reading and mathematics) and grade 11 (science, social studies and writing); and,
- the regulation includes medical exemptions, but does not include extraordinary circumstances for students to be exempted from testing.

Additionally, the regulation currently states that foreign exchange students may be assessed with state required assessments, but the foreign exchange students shall not be included in the accountability calculations. During the review of Kentucky's initial consolidated State plan in 2018, the United States Department of Education informed Kentucky that its policy for foreign exchange students must be modified. All foreign exchange students who have been enrolled for a full academic year (i.e. 100 days of enrollment) shall be tested and included in accountability.

*Budget Impact:*

Amendments to 703 KAR 5:240 will have no impact on state funds.

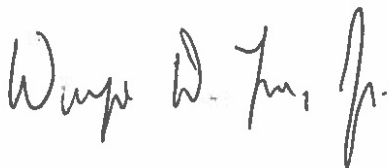
**GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:**

The regulation went before LSAC at its May 28 meeting and will go before LSAC again on July 30. At its May 28 meeting, members suggested a change to the standard grade configuration for elementary and middle schools and Kentucky Department of Education staff agreed to further investigate the suggestion and make appropriate changes if needed. Comments from the LSAC meeting on July 30 should be received by the August meeting.

In addition, the regulation will go before the School Curriculum, Assessment and Accountability Council (SCAAC) on July 16, with feedback expected by the August board meeting.

**CONTACT PERSON(S):**

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**Commissioner of Education**

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