

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Amendment to 703 KAR 5:280, School Improvement Procedures (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 proposed amendments to 703 KAR 5:280, School improvement procedures to align with the requirements of Senate Bill (SB) 175 (2019).

COMMISSIONER’S RECOMMENDATION:

The Commissioner recommends approval of 703 KAR 5:280, as amended, to implement the changes SB 175 (2019) made to the identification of schools for targeted support and improvement (TSI) as well as to align the regulation with KRS 160.346, as amended by SB 175 (2019), and proposed revisions to Kentucky’s Consolidated State Plan.

APPLICABLE STATUTE OR REGULATION:

KRS 156.029(7); KRS 156.070(5); KRS 158.6453; KRS 158.6455; KRS 160.346; 20 U.S.C. 6301, et seq.; and, 20 U.S.C. 6311.

BACKGROUND:

Existing Policy:

The Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act (ESSA), requires, in Section 1111(c)(4)(D) and 1111(d)(1), that the Kentucky Department of Education (KDE) identify schools for comprehensive support and improvement (CSI) and requires, in Section 1111(d)(2), the KDE identify schools for TSI. In concert with the requirements of the ESSA, the Kentucky General Assembly passed education reform in SB 1 (2017) addressing, among other items, the identification of schools for CSI and TSI pursuant to KRS 160.346. Previously, KRS 160.346(2) required a school to be identified for TSI if it had one or more subgroups performing as poorly as all students in any of the lowest performing 5% of schools by level (identified annually beginning in 2018-2019) or had one or more subgroups performing as poorly as all students in any of the lowest performing 10% of schools by level for two consecutive years (identified annually beginning in 2020-2021).

Summary of Issue:

During the most recent legislative session, the Kentucky General Assembly passed SB 175 (2019) to further refine Kentucky’s implementation of the ESSA, particularly as it relates to the development of standards and assessments, postsecondary readiness, and the identification of

schools for TSI. Now, as revised by SB 175 (2019), KRS 160.346(2) states:

(a) Beginning with the 2019-2020 school year, and annually thereafter, the department shall identify a school for targeted support and improvement if the school has at least one (1) subgroup, as defined by ESSA, whose performance in the state accountability system by level is at or below that of all students in any of the lowest-performing five percent (5%) of all schools for three (3) consecutive years and the school is in the lowest-performing ten percent (10%) of all schools by level.

(b) Beginning with the 2020-2021 school year, and every three (3) years thereafter, the department shall identify a school for additional targeted support and improvement if the school has at least one (1) subgroup, as defined by ESSA, whose performance in the state accountability system by level is at or below the summative performance of all students in any of the lowest-performing five percent (5%) of all schools identified under subsection (3)(a) of this section and has been identified for targeted support and improvement as described in paragraph (a) of this subsection.

Amendments to 703 KAR 5:280 are necessary to implement the changes SB 175 (2019) made to the identification of schools for TSI as well as to align the regulation with KRS 160.346, as amended by SB 175 (2019), and proposed revisions to Kentucky's Consolidated State Plan. Specifically, amendments to 703 KAR 5:280 distinguish between schools identified for TSI and those identified for Additional Targeted Support and Improvement (ATSI) and establish the exit criteria for schools identified for TSI and ATSI.

Budget Impact:

The amendment of this administrative regulation has no fiscal impact on state funds. Providing a system of school improvement procedures and supports continues to be required by federal and state law, and Kentucky is estimated to receive \$600,000 in federal funding under Title I, Part A to support school improvement in identified schools.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The Local Superintendents Advisory Council (LSAC) reviewed this regulation at its meeting on May 28, 2019. At that time, no member expressed concerns regarding changes being proposed to the regulation; however, members did ask questions pertaining to existing processes related to schools identified for CSI and TSI.

One specific question related to implementing, within this regulation, a process by which the school and district audit results could be appealed or rebutted prior to public release.

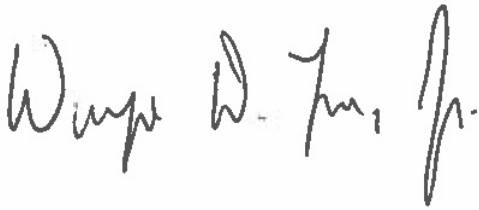
Commissioner Lewis noted several potential barriers to implementation, including permissibility under statute, the distinction between KDE and non-KDE led teams, and potential funding and administrative burdens. Commissioner Lewis also explained that KRS 160.346, as amended by SB 1 (2017), made significant changes to the process in that principal and district capacity components, while required parts of the audit, are merely recommendations under the new structure. Appeal of a recommendation is unnecessary when the superintendent is not obligated

to act on the principal capacity determination and when the district capacity determination does not dictate any specific outcome.

The LSAC will review this regulation for a second time at its meeting on July 30, 2019. Their additional feedback will be shared with the KBE prior to the August meeting.

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Commissioner of Education

Category: <input type="checkbox"/> District Innovation	<input checked="" type="checkbox"/> Strengthening Educators	<input type="checkbox"/> Family/Community Involvement	
<input checked="" type="checkbox"/> Student/Family Supports	<input checked="" type="checkbox"/> Student Interventions	<input checked="" type="checkbox"/> Coursework Completion	<input type="checkbox"/> Accountability Reporting