

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amended After Comments)

5 703 KAR 5:140. Requirements for school and district report cards.

6 RELATES TO: KRS 158.031, 158.6453 (17) [~~(20)~~] STATUTORY AUTHORITY: KRS

7 158.6453 (17) [~~(20)~~]

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6453 (17) [~~(20)~~] requires the

9 Kentucky Board of Education to promulgate an administrative regulation to define the

10 implementation and the components of a school and district report card that clearly

11 communicates with parents and the public about school and district performance. This

12 administrative regulation establishes the standards for a school and district report card.

13 Section 1. Definitions. (1) "Average student/teacher ratio" means the total enrollment of the

14 school (end of year membership) divided by the number of teachers on a full-time equivalent

15 (FTE) basis, not including administrators, guidance counselors, or media specialists.

16 (2) "Average years of experience" means the average number of years of professional experience

17 of classroom teachers excluding certified staff such as administrators, guidance counselors, or

18 media specialists.

19 (3) "Base year" means the academic year immediately preceding the publication of the school

20 report card components.

~~[(4) "Core academic subject" means English, reading or language arts, mathematics, science, foreign language, civics and government, economics, arts, history, or geography.]~~

~~(4) [(5)] "District report card" means the summary of district and school information that shall [may] be published [in the newspaper with the largest paid circulation in the county in which the district resides] pursuant to KRS 160.463.~~

~~(5) "Membership" means the number of kindergarten through grade (12) students enrolled in a school or district as reported by the local superintendent at the close of the year.~~

~~(6) "Parent" shall have the same meaning as defined in KRS 160.345(1)(d).~~

~~**(7) "Prominent location" means a school entryway or common area where community members, parents, students and other educational stakeholders visit in the school.**~~

~~(7) [(8)] [(6)] "School" means an institution as defined in KRS 160.345(1)(b).~~

~~**(8) [(9)] [(7)] "School report card" means the public reporting mechanism established pursuant to 20 U.S.C. 6311(h) and KRS 158.6453 (17)(a). [compilation of school information to be published on the Kentucky Department of Education Web site and linked to school Web sites or in a printed copy if requested.]**~~

~~**(9) [(10)] [(8)] "School safety data" means a list of components as established in Section 2 of this administrative regulation, critical to providing for a safe school environment for students and school staff.**~~

~~**(10) [(11)] [(9)] "Spending per student - district" means the current expenditures made divided by the [total primary through grade twelve (12)] membership [end of year average daily attendance] in the district.**~~

~~**(11) [(12)] [(10)] "Spending per student - school" means the current expenditures made divided by the membership [end of year average daily attendance] in the school.**~~

~~(12) [(13)] [(11)]~~ "Spending per student - state" means the current expenditures made divided by the ~~[total primary through grade twelve (12)]~~ membership ~~[end of year average daily attendance]~~ in the state.

~~[(12) "Total enrollment" means the number of primary through grade twelve (12) students enrolled in a school or district as reported by the local superintendent at the close of the year.]~~

Section 2. School Report Card. In addition to the requirements of 20 U.S.C. 6311(h) and KRS 158.6453(17)(a), a [A] school report card shall include the following information:

(1) The name and address of the school, the name of its principal, ~~[and]~~ telephone, ~~[fax]~~ and email contact information, all of which shall be current at the time the card is published;

(2) The membership ~~[total enrollment]~~ of the school;

(3) The school level results of all components of Kentucky's accountability system to classify schools and districts, which is established in 703 KAR 5:270, Section 2;[:]

~~[(a) Established in 703 KAR 5:200, Section 2; and~~

~~(b) Also known as the Unbridled Learning: College/Career Ready for All Accountability System;]~~

(4) Teacher qualification information, including:

(a) Average years of teaching experience;

~~[(b) Percentage of teachers with emergency or provisional certification;~~

~~(c) Percentage of core academic subject classes not taught by highly qualified teachers;]~~

(b) [(d)] The number of teachers certified by the National Board for Professional Standards; and

(c) [(e)] The professional qualifications of all teachers expressed as percentages, including bachelors, masters, Rank I, specialist, and Ph.D. or Ed.D. degrees;

(5) School safety data including:

- (a) Whether visitors are required to sign in;
- (b) Whether all parents receive the district discipline code;
- (c) The percentage of classrooms with telephones able to access outside lines; and
- (d) Data detailing school safety incidents ~~[violations]~~ reported pursuant to 20 U.S.C. 6311(h) and KRS 158.444 as well as additional safety violations required to be reported as part of the Civil Rights Data Collection or another reporting mechanism mandated by state or federal law. ~~[of 1st Degree assault (with intent to cause injury), drug abuse, and weapons. The safety data shall include:~~
- ~~1. The number of incidents; and~~
- ~~2. The number of students suspended or expelled for that kind of incident;]~~
- (6) Student resource data including:
- (a) Spending per student at the school, district and state level;
- (b) Average student to teacher ratios at the school, district, and state level; and
- (c) Student to internet connected instructional computer ratios, ~~[at the school, district and state level;]~~
- ~~[(d) Percentage of computers meeting the minimum standards for acceptable computers in Kentucky schools and districts pursuant to the master plan for education technology required by KRS 156.670;]~~
- (7) Measures of parental ~~[Parental]~~ involvement pursuant to KRS 158.6453 (17)(a) ~~[information]~~ including:
- (a) Number of students whose parent or guardian had at least one (1) teacher conference;
- (b) Number of parents and guardians voting in school based decision making council elections;
- and

(c) Number of parents and guardians serving on the school based decision making council. ~~[or its committees; and~~

~~(d) Number of school-related volunteer hours;]~~

(8) The names of school based decision making council members at ~~[of]~~ the end of the base  
[current] year ~~[school council with contact information, including telephone numbers or e-mail addresses where the members can be reached for questions or comments].~~

~~[Section 3. As accurate, reliable data become available from student information systems, the Kentucky Department of Education shall link school, district, and state data to the school and district report cards, including existing reports, participation, and performance in Advanced Placement (AP) tests and courses, disaggregated to the extent permitted under KRS 160.700-160.730, which protects the confidentiality of an individual student's educational records.]~~

Section 3 ~~[4]~~. District Report Card. In addition to the requirements of 20 U.S.C. 6311(h) and KRS 158.6453(17)(a), a district report card shall include the following information:

(1) A ~~[district report card shall include a]~~ district level summary of all school data required on the school report card and shall be the aggregation of the school report cards by [grade] level (elementary, middle and high);[-]

(2) The ~~[district report card shall include the]~~ name[s] and email ~~[appropriate]~~ address[es] of the current ~~[district]~~ superintendent at the time the card is published;

(3) [and] The names of the members of the local board of education at the end of the base year; and [-]

(4) [(3)] The [district report card shall contain data and information that complies with the federal No Child Left Behind Act of 2001, and the waiver provisions of that act, as may be applicable to the Department, 20 U.S.C. secs. 6301 et seq., or its successor and the] professional

1 qualifications of teachers [~~percentage of core academic subject classes not taught by highly~~  
2 ~~qualified teachers~~] shall be aggregated. [~~and disaggregated high poverty compared to low~~  
3 ~~poverty schools (schools in the top quartile of poverty and the bottom quartile of poverty in the~~  
4 ~~state).~~]

5 [~~(4) The district report card shall include a list of district schools with primary programs and the~~  
6 ~~number of students in each school requiring five (5) years to complete the primary program.~~]

7 Section 4. Data Verification and Publication [~~5. Reporting Requirements; Timelines~~]. (1) Prior  
8 to publication the principal and the superintendent or a designee shall review and approve the  
9 [~~text and~~] data included in [~~provided for~~] the school and district report cards. Each school report  
10 card and district report card shall be published on the Kentucky Department of Education Web  
11 site and the applicable school and district Web sites [~~and shall be supplied by the school and~~  
12 ~~districts in printed format if requested~~].

13 [~~Section 6. Verification; Audits. (1) The Department of Education shall conduct an audit of~~  
14 ~~school and district report cards for compliance with the provisions of this administrative~~  
15 ~~regulation. School and district report card components generated at the school and district shall~~  
16 ~~be delivered to the Department of Education upon request.~~]

17 (2) If a school or district [~~alters data without authorization,~~] falsifies data[;] or publishes incorrect  
18 information in a component of the report card, it shall supply corrected information to the  
19 Department of Education in accordance with timelines set for publication of the School Report  
20 Card.

21 **Section 5. Communication on federal and state school accountability classifications.**

22 **(1) (a) Each public elementary and secondary school shall display the school's current**  
23 **federal and state accountability classification in a prominent location in the school; or**

~~(b) The principal in collaboration with the school based decision making council shall hold an advertised public meeting that includes both parents and community members to discuss the school's current federal and state accountability classification and plan for sustainability or improvement.~~

~~(c) The superintendent of the local education agency shall determine whether each public elementary and secondary school shall display the school's current federal and state accountability classification in a prominent location or conduct an advertised public meeting to discuss the school's current federal and state accountability classification and plan for sustainability or improvement.~~

~~(2) Each school shall provide written or an electronic form of notification within 30 days of public release of data to the parent or legal guardian of any student who attends that school. The written or an electronic form of notification shall include the current federal and state accountability school classification which includes a graphic of the star ratings, include the link to the school report card and may include additional information such as school programs.~~

~~(3) In case of a change to the school's federal and state accountability classification, schools shall update the display or conduct an advertised public meeting and provide written or an electronic form of notification to the parent or legal guardian.~~ [audience that received the

incorrect information, using the same medium by which it conveyed the original information. (27

Ky.R. 881; Am. 2148; eff. 1-18-2001; 32 Ky.R. 1775; eff. 6-2-2006; 35 Ky.R. 1277; 2052; eff.

2-12-2009; 38 Ky.R. 1391; 39 Ky.R. 31; eff. 7-13-2012.)]

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)

\_\_\_\_\_  
Kevin C. Brown  
Interim Commissioner of Education

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

\_\_\_\_\_  
Chairperson  
Kentucky Board of Education



## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 703 KAR 5:140  
Contact Person: Todd Allen, [todd.allen@education.ky.gov](mailto:todd.allen@education.ky.gov)  
Phone number: 502-564-4474

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the standards for a school and district report card.

(b) The necessity of this administrative regulation: : KRS 158.6453 (17) requires the Kentucky Board of Education to promulgate an administrative regulation to define the implementation and the components of a school and district report card that clearly communicates with parents and the public about school and district performance.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides information necessary for the state report card program. The regulation relates to the reporting requirements of KRS 158.6453, KRS 158.6455 and the requirements of 20 U.S.C. 6311(h).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides requirements for school and district report cards.

(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: The amendments align the school and district report cards to the new federal and state requirements. It also adds a new section on communication around federal and state school accountability classifications.

(b) The necessity of the amendment to this administrative regulation: The amendment aligns the school and district report card program to federal and state guidelines.

(c) How the amendment conforms to the content of the authorizing statute: The amendment provides information necessary for the report card program. The amendment relates to reporting data from requirements of KRS 158.6453, KRS 158.6455 and the Every Student Succeeds Act of 2015.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will provide definitions and components required in the school and district report card.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All public school districts in Kentucky and supporting staff at the Kentucky Department of Education.

(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: The regulation will impact schools and districts by providing school and district report card requirements.

(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: Schools and school districts will have to verify information and data in the report cards for accuracy. In addition, schools will have to place the accountability ratings in a prominent location in the school building, or hold an advertised public meeting to discuss the school's accountability rating, plan for sustainability or improvement. In addition, each school shall provide a written or electronic form of communication that states the accountability rating, which includes star ratings, program offered, and a link to the school report card.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Amendments to the regulation may impact school budgets. Schools may be responsible for printing and mailing costs associated with written notifications to parents and guardians, along with minimal costs associated with displaying accountability classifications in a prominent location. The Kentucky Department of Education will provide templates to districts as guidance for the letters and displays.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Kentucky schools and districts will have a clear communication tool on academic performance, educational opportunities, transition readiness, school accountability, school safety and financial transparency.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Additional costs are not anticipated.

(b) On a continuing basis: Additional costs are not anticipated. Only costs for the KDE to continue to work with a school report card vendor.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Kentucky Department of Education operating 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 increase in fees or funding.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any 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 school districts.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 703 KAR 5:140  
Contact Person: Todd Allen, [todd.allen@education.ky.gov](mailto:todd.allen@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? School districts

(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, Every Student Succeeds Act of 2015, 20 U.S.C. 6311

(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. There will be no additional revenue generated by this administrative regulation.

(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? None.

(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? None.

(c) How much will it cost to administer this program for the first year? Amendments to 703 KAR 5:140 will have no impact on state funds. However, amendments to the regulation may impact school budgets. Schools may be responsible for printing and mailing costs associated with written notifications to parents and guardians, along with minimal costs associated with displaying accountability classifications in a prominent location. The Kentucky Department of Education will provide templates to districts as guidance for the letters and displays.

(d) How much will it cost to administer this program for subsequent years? Amendment adds no additional costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: Regulation does not generate revenue or establish fees.

STATEMENT OF CONSIDERATION  
Relating to 703 KAR 5:140  
Requirements for School and District Report Cards

Kentucky Board of Education  
Department of Education

Amended After Comments

I. A public hearing was scheduled for the above regulation on February 24, 2020 at 10:00 a.m. Eastern Time at the Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky, but was cancelled because no one registered to attend.

II. The following individuals submitted written comments:

<u>Name</u>	<u>Title and Affiliation</u>
James Gwilliam	Ph.D. Candidate, Unknown
Donna Popham	Educator, Hancock County Schools

III. The following people from the promulgating administrative body responded to written comments:

Name and Title  
Todd Allen, Interim General Counsel, Office of Legal Services  
David Couch, Associate Commissioner, Office of Education Technology  
Rhonda Sims, Associate Commissioner, Office of Assessment and Accountability  
Michael Hackworth, Executive Advisor, Office of Assessment and Accountability  
Lisa Moore, Executive Advisor, Office of Education Technology  
Jennifer Stafford, Division Director, Division of Assessment and Accountability Support  
DeDe Connor, Division Director, Division of School Data Services  
Whitney Crowe, Executive Advisor, Office of Continuous Improvement  
John Landon, Staff Attorney, Office of Legal Services

IV. Summary of Comments and Responses

(1) Subject Matter: Communication on federal and state school accountability classifications.

(a) Comments: A commenter believes that the new section added on communication on federal and state school accountability classification is unnecessary and further micromanages school districts. The commenter states that school ratings and report cards are published in local papers and are online for anyone who cares enough to look. The commenter feels that this proposed new requirement to prominently display each school's rating is an effort to inform the public of the school's performance, most parents/guardians won't understand the criteria for

scoring and the different areas that are measured. The commenter states that if KDE wants to help parents/guardians to become better informed, they should hold public meetings to explain the different aspects of the actual method of measurement so that when their student's school district releases ratings, they will understand what it actually means.

Individuals speaking or offering written comments or concerns on this subject matter include:  
Donna Popham

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

KRS 158.6453 (17) states that the Kentucky Board of Education shall promulgate an administrative regulation under KRS Chapter 13A to establish a reporting structure for assessments. The statute states that the reporting structure include a school report card that clearly communicates with parents and the public about school performance. The school report card shall be sent to the parents of the students of the districts, and information on electronic access to a summary of the results for the district shall be published in the newspaper with the largest circulation in the county. To meet the requirement that the school report card must be sent to parents, the unique URL to the school's report card may be shared with parents through electronic communication or paper format. The requirement that districts share information on electronic access also can be met by publishing the URL in the newspaper with the largest circulation in the county.

School and district report cards provide information about each school district, including test performance, teacher qualifications, student safety, awards, parent involvement and much more. School report cards help open the lines of communication between the school, the homes of its students and its local community. Parents can use school report cards when they visit their child's school for conferences and other meetings.

Since 2018, the KDE has been working collaboratively with a school report card vendor, BrightBytes, to develop an online school report card that meets both federal and state requirements. Since the beginning of development, KDE and BrightBytes have worked together to make the report card user friendly to all stakeholders, including parents, and have been working on various enhancements each year to meet the needs of all viewers.

After careful consideration, the agency agrees to amend the regulation by removing the proposed new section, Section 5, in its entirety. The proposed added reporting is comparable to the requirements of the SRC previously established in Kentucky statute. Requiring schools to do similar reporting is unnecessary. Beyond the school report card state-level requirements, districts and schools continue to have ability to hold meetings and distribute information about performance on assessment and accountability results. The agency will continue to enhance the school report card and provide districts and schools with the resources needed to communicate results.

(2) Subject Matter: Reporting of Assaults on Teachers, Staff, and Students.

(a) Comments: The commenter states, “I would like to see the number of assaults on teachers, staff, and students to be reported.” The commenter also states that “school assaults are being swept under-the-rug by school districts” and challenges “the Department of Education to really discover how many teachers are getting beat up in the classroom by little kids who do not know how to behave.”

The commenter included several additional observations and comments that did not directly relate to the School Report Regulation.

Individuals speaking or offering written comments or concerns on this subject matter include:  
James Gwilliam

(b) Response: The agency carefully reviewed the comments.

As proposed, 703 KAR 5:140, Section 2(5)(d) requires a school report card include, among other items, “data detailing school safety incidents reported pursuant to...KRS 158.444.” KRS 158.444 requires the Kentucky Department of Education “establish and maintain a statewide data collection system” and requires districts report within such system “all incidents of violence and assault against school employees and students.”

Accordingly, the Kentucky Department of Education collects, pursuant to KRS 158.444, and publicly reports data on assaults, including incidents of “Assault, 1<sup>st</sup> Degree” as well as “Other Assault or Violence,” which includes, for example, Abuse of a Teacher as established in KRS 161.190. Publicly reported student behavior incidents are available within each school, district, and statewide School Report Card and, as required by KRS 158.444, are disaggregated by “sex, race, and grade level.”

No amendments have been made in response to this comment.

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

A public hearing was scheduled for the above regulation on February 24, 2020 at 10:00 a.m. Eastern Time at the Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky, but was cancelled because no one registered to attend. Written comments were accepted through February 29, 2020. The agency responded to the comments and amends the regulation as follows:

Page 2

Section 1 (7)

Lines 9-10

Delete the following: “(7) “Prominent location” means a school entryway or common area where community members, parents, students and other educational stakeholders visit in the school.”

Pages 2 and 3

Section 1

Line 11

Renumber definitions 7-12 due to the removal of the “prominent location” definition.

Pages 6 and 7

Section 5

Line 21

Delete the following:

“Section 5. Communication on federal and state school accountability classifications.

(1) (a) Each public elementary and secondary school shall display the school’s current federal and state accountability classification in a prominent location in the school; or

(b) The principal in collaboration with the school based decision making council shall hold an advertised public meeting that includes both parents and community members to discuss the school’s current federal and state accountability classification and plan for sustainability or improvement.

(c) The superintendent of the local education agency shall determine whether each public elementary and secondary school shall display the school’s current federal and state accountability classification in a prominent location or conduct an advertised public meeting to discuss the school’s current federal and state accountability classification and plan for sustainability or improvement.

(2) Each school shall provide written or an electronic form of notification within 30 days of public release of data to the parent or legal guardian of any student who attends that school. The written or an electronic form of notification shall include the current federal and state accountability school classification which includes a graphic of the star ratings, include the link to the school report card and may include additional information such as school programs.

(3) In case of a change to the school’s federal and state accountability classification, schools shall update the display or conduct an advertised public meeting and provide written or an electronic form of notification to the parent or legal guardian.”