

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Impact of Senate Bill 158 (2020) on Accountability, Graduation Requirements and School Improvement

Date: August 2020

Action Requested: ☒ Review ☐ Action/Consent ☐ Action/Discussion

Held In: ☒ Full Board ☐ Curriculum, Instruction and Assessment ☐ Operations

SUMMARY OF ISSUE BEFORE THE BOARD:

To review and discuss the impact to accountability, graduation requirements and school improvement resulting from the enactment of Senate Bill (SB) 158 (2020).

APPLICABLE STATUTE OR REGULATION:

KRS 156.160, 158.140, 158.142, 158.6453, 158.6455 and 160.346; 703 KAR 5:270, 703 KAR 5:280, 704 KAR 3:303, 704 KAR 3:305 and 704 KAR Chapter 8; and, 20 U.S.C. 6301, et seq. and 20 U.S.C. 6311.

BACKGROUND:

Existing Policy:

Accountability System

As stated in KRS 158.6455, it is the intent of the General Assembly that schools succeed with all students and receive the appropriate consequences in proportion to that success. The Kentucky Board of Education (KBE) shall create an accountability system to classify districts and schools in accordance with the academic standards and student assessment programs developed pursuant to KRS 158.6453.

Currently, 703 KAR 5:270, Kentucky's accountability system, defines Kentucky's accountability system and the indicators used to measure district and school performance. The accountability system has six indicators that are used to classify schools and districts in a 5-star system. The indicators used for the 5-star rating are Proficiency, Separate Academic, Growth (elementary/middle only), Graduation (high only), Quality of School Climate and Safety, and Transition Readiness (high only).

Graduation Requirements

KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation. KRS 158.142(3)(b) requires the board to promulgate administrative regulations establishing requirements for early graduation from high school. The content standards for the courses of study are established in the *Kentucky Academic Standards* incorporated by reference in 704 KAR 3:303 and 704 KAR Chapter 8. 704 KAR 3:305 establishes the minimum requirements necessary for entitlement to a high school diploma.

School Improvement Processes

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 targeted support and improvement (TSI). In concert with the requirements of the ESSA, the Kentucky General Assembly previously passed education reform in SB 1 (2017) and SB 175 (2019) addressing, among other items, the identification of schools for CSI and TSI in KRS 160.346.

Summary of Issue:

SB 158 (2020) became law on July 15, 2020 and significantly impacts Kentucky's accountability system, graduation requirements and school improvement processes.

Accountability System

SB 158 amends KRS 158.6455 to create an accountability system that shall include an annual meaningful differentiation of all public schools in the state using multiple measures that describe the overall performance of each district, school and student subgroup. Performance shall be based on a combination of academic and school quality indicators and measures known as "state indicators." Those indicators shall exclusively include student assessment results, progress toward achieving English proficiency by limited English proficiency students, quality of school climate and safety, high school graduation rates, and postsecondary readiness. In addition, the accountability system performance for each district, school and student subgroup determined by the state indicators shall be based on a combination of annual performance, hereinafter called "status," and improvement over time, hereinafter called "change." Staff from the Office of Assessment and Accountability (OAA) will provide further detail on the accountability system and new legislation that impacts the system at the August KBE meeting.

Graduation Requirements

704 KAR 3:305, Kentucky's new minimum high school graduation requirements, became effective on April 5, 2019. SB 158, however, makes significant changes to the state and local graduation requirements for students who entered high school in the 2019-2020 school year and thereafter. Section 3(1)(d) establishes that the minimum requirements for high school graduation may not include a postsecondary readiness indicator used in the state accountability system or a minimum score on a statewide assessment. Section 4(6) also states that a local board may not adopt any high school graduation requirements that include achieving a minimum score on a statewide assessment. Thus, SB 158 specifically impacts graduation qualifiers and graduation prerequisites as defined in Section 1 of 704 KAR 3:305 and the Early Graduation Program (704 KAR 3:305(5)).

School Improvement Processes

SB 158 further refines Kentucky's implementation of the ESSA, particularly as it relates to the identification of schools for TSI. Now, as revised by SB 158, KRS 160.346(2) states:

(a) Beginning with the 2020-2021 school year, and annually thereafter, the department shall identify a school for targeted support and improvement if the school has one (1) or more of the

same subgroups, 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.

(b) Beginning with the 2021-2022 school year, and every three (3) years thereafter, the department shall identify a school for additional targeted support and improvement if the school has one (1) or more subgroups, 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 the school was identified in the immediately preceding year for targeted support and improvement as described in paragraph (a) of this subsection.

Additionally, SB 158 moves the identification of CSI schools to every three years beginning with the 2021-2022 school year; requires all newly identified CSI schools receive an audit conducted by the KDE; and, mandates turnaround efforts in CSI schools be led by an entity on the KBE's "approved turnaround vendor list," which is newly defined in the bill and may include teams staffed by the KDE.

BUDGET IMPACT:

The KDE anticipates incurring additional expenses to cover the costs of implementing SB 158 (2020). This legislation outlines changes to the accountability system that will require extensive staff time with OAA leadership, psychometric services with the Center for Assessment and EdMeasure, validity and reliability studies, training stakeholders on the accountability system and an updated School Report Card. The implementation of a new accountability structure will become the major focus of the work of OAA. Activities to transition between old and new systems will change and potentially expand current contracts that support the accountability system.

The implementation of SB 158 also requires changes to state minimum high school graduation requirements and the Early Graduation Program that will increase costs to the KDE in the form of additional staff time, specifically for the Office of Teaching and Learning, but also potentially for the Offices of Assessment and Accountability, Career and Technical Education and Student Transition, and Special Education and Early Learning, as well as in the development of dedicated resources and communications to support the transition to new graduation requirements.

Changes to school improvement processes resulting from implementation of SB 158 also may increase costs to the KDE in the form of additional staff time and dedicated resources, specifically in the Office of Continuous Improvement and Support and with regard to the creation and maintenance of an "approved turnaround vendor list." However, 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:

In the coming months, multiple stakeholders are anticipated to be consulted in the implementation of SB 158 (2020), including on amendments to related administrative regulations. Future stakeholders include, but are not limited to, the Title I Committee of Practitioners; National Technical Advisory Panel on Assessment and Accountability (NTAPAA); School Curriculum, Assessment and Accountability Council (SCAAC); District Assessment Coordinators (DAC) Advisory Group; and Local Superintendents Advisory Council (LSAC).

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