

Summary of Changes to 703 KAR 5:280 – School improvement procedures.

Change	Reason
<p>Section 1: Revises the definitions of “advisory leadership team,” “audit,” “school audit,” “school improvement plan,” “turnaround plan,” and “turnaround team” to correct cross-references therein and revises the definition of “audit team” to align with Senate Bill (SB) 158 (2020); adds the definition for “model and practice school” and incorporates such within the definition of “local education agency” to align with House Bill (HB) 366 (2020); and, renumbers as needed. (P. 2, Lines 13-14 and 17-19; P. 3, Lines 11-14, 16-18, and 21-22; P. 4, Lines 1, 3, 5, 7, and 9).</p>	<p>Changes to the definitions of “advisory leadership team,” “audit,” “school audit,” “school improvement plan,” “turnaround plan,” and “turnaround team” are minimal and primarily correct cross-references to statutory language that shifted due to SB 158 (2020).</p> <p>Revisions to the definition of “audit team” are necessary as SB 158 (2020) designates the Kentucky Department of Education (KDE) act as the audit team in every school identified for comprehensive support and improvement (CSI).</p> <p>A definition for the term “model and practice school” as well as reference to a “model and practice school” within the definition of “local education agency” is included in response to HB 366 (2020).</p>
<p>Sections 2 and 3: Deletes all language within the section titled “Notification of Status for Comprehensive Support and Improvement,” which implemented prior legislative language permitting local education agencies to select the audit team. (P. 4, Lines 10-14; P. 5, Lines 5-17 and 19-20 and 22).</p> <p>Renumbers Section 3 titled “Audit Team Membership” as Section 2. (P. 5, Lines 13-22; P. 6, Lines 1-20).</p>	<p>SB 158 (2020) designates the KDE act as the audit team in every CSI school, which makes the previous language in Section 2 of the regulation unnecessary in the future.</p>
<p>Section 4: Renumbers as Section 3 and removes reference to audit components that the KDE “recommends,” which will now be required as part of the audit conducted by the KDE. (P. 6, Line 21; P. 7, Lines 1-2). Also removes references to audit teams led by an entity separate from the KDE. (P. 8, Lines 14-21; P. 10, Lines 12-15).</p> <p>Aligns determinations regarding principal capacity with the Professional Standards for Educational Leaders approved by the National Policy Board for Educational</p>	<p>SB 158 (2020) designates the KDE act as the audit team in every CSI school, which makes the previous language about non-KDE led audit teams unnecessary in the future. This change also eradicates the need for the Kentucky Board of Education (KBE) to recommend that non-KDE led teams incorporate additional components within the audit that align to existing practices of audit teams staffed by the KDE.</p> <p>The Professional Standards for Educational Leaders are organized around the domains, qualities, and values of leadership work that research and practice indicate contribute to students’ academic success and well-being.</p>

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<p>Administration and incorporated by reference in 16 KAR 3:090, Certifications for advanced educational leaders. (P. 7, Lines 18-21).</p> <p>Removes language pertaining to the authority of the school-based decision making (SBDM) council in schools identified for CSI. (P. 8, Lines 22-23; P. 9, Lines 1-3).</p> <p>Inserts language regarding audits conducted in any “model and practice school” identified for CSI. (P. 9, Lines 19-22; P. 10, Lines 1-11).</p>	<p>Each Standard defines the work of effective educational leaders in that particular realm and elaborates on the work that is necessary to meet the Standard and, ultimately, move the needle on student learning and achieve more equitable outcomes. Formally incorporating these Standards into the principal capacity recommendation will ensure this important audit and turnaround component remains student-centric as well as grounded in current research and will allow the audit team to determine whether the educational leader of that CSI school is ready to effectively meet the challenges and opportunities of leading turnaround efforts in one of Kentucky’s lowest performing schools.</p> <p>Pursuant to KRS 13A.120(2)(e)-(f), an administrative body shall not promulgate a regulation when a statute “prescribes the same or similar procedure” or when a statute “sets forth a comprehensive scheme.” Because SBDM authority in CSI schools is comprehensively addressed in KRS 160.346(8)(b) and (15), language in this regulation that delineates similar procedures related to that subject matter have been deleted.</p> <p>Reference to audits conducted on a “model and practice school” identified for CSI is necessary to implement HB 366 (2020) within existing school improvement procedures.</p>
<p>Section 5: Renumbers as Section 4 and removes references to audit teams led by an entity separate from the KDE. (P. 10, Line 16; P. 11, Line 13; P. 12, Lines 6-14).</p>	<p>SB 158 (2020) designates the KDE act as the audit team in every CSI school, which makes the previous language about non-KDE led audit teams unnecessary in the future.</p>
<p>Section 6: Renumbers as Section 5 and inserts language regarding audits conducted in any “model and practice school” identified for CSI. (P. 12, Lines 17 and 20). Also corrects cross-references to KRS 160.346. (P. 13, Line 9).</p> <p>Most substantively, this Section is revised to articulate a process by which a school or district could appeal the recommendation regarding the principal or school leader’s leadership capacity and authority or the</p>	<p>Reference to audits conducted on a “model and practice school” identified for CSI is necessary to implement HB 366 (2020) within existing school improvement procedures.</p> <p>Correcting cross-references to statutory language is necessary to ensure the regulation aligns with SB 158 (2020).</p> <p>SB158 (2020) revised KRS 158.6455(6) to require the KBE set forth in regulation “a process whereby a school or school district shall be allowed to appeal any</p>

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<p>capacity and authority. (P. 13, Lines 10-22; P. 14, Lines 1-21).</p>	<p>judgment made by the department...of a principal, superintendent, school, or school district which it considers grossly unfair.” The added language in subsections (4)-(5) of this Section of the regulation satisfies this legal obligation.</p>
<p>Section 7: Renumbers as Section 6 and ensures the turnaround team in a CSI school is on the KBE’s approved turnaround vendor list. (P. 14, Line 22; P. 15, Lines 3-7). Also removes language requiring submission to the KDE of a non-KDE led turnaround team’s “documented success at turnaround diagnosis, training, and improved performance of organizations” as well as requirements for utilizing local staff and community partners to serve as the turnaround team. (P. 15, Lines 7-23; P. 16, Lines 1-6).</p> <p>Includes language clarifying that all CSI schools are eligible to apply for funding under 20 U.S.C. 6303 and that any funding awarded thereunder may be used to assist with funding a non-KDE led turnaround team. (P. 16, Lines 10-15).</p> <p>Also corrects cross-references to KRS 160.346. (P. 15, Lines 4-5, P. 16, Lines 19-20; P. 17, Line 8).</p>	<p>Changes in this Section of the regulation implement statutory revisions related to entities qualified to act as turnaround teams in CSI schools. Specifically, SB158 (2020) revised KRS 160.346(1)(a) to define the “approved turnaround vendor list” and revised (8)(a) to require a “local board of education...select a vendor from the approved turnaround vendor list to provide a turnaround training and support team to the school identified for comprehensive support and improvement.”</p> <p>Further, language requiring submission to the KDE of a non-KDE led turnaround team’s “documented success at turnaround diagnosis, training, and improved performance of organizations” has been removed as that information will be evaluated prior to an entity gaining placement on the approved turnaround vendor list. Similarly, requirements for locally staffed turnaround teams have been deleted as those are no longer permissible under KRS 160.346.</p> <p>Language regarding funding available to CSI schools has been added in order to comply with KRS 160.346(9), as revised by SB 158 (2020), which requires the KBE “promulgate administrative regulations on how the disbursement amounts shall be determined, which shall be based on the department's past practice for determining allocations for school improvement.” Because KRS 13A.120(2)(e)-(f) prohibits an administrative body from promulgating a regulation when a statute “prescribes the same or similar procedure” or when a statute “sets forth a comprehensive scheme” and because funding available to CSI schools is provided pursuant to 20 U.S.C. 6303 and governed by federal statutes and regulations, additional details related to allocations for school improvement are not appropriate for inclusion in this regulation.</p> <p>Correcting cross-references to statutory language is necessary to ensure the regulation aligns with SB 158 (2020).</p>

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<p>Section 8: Renumbers as Section 7, inserts language regarding a “model and practice school” identified for CSI, and corrects cross-references to KRS 160.346. (P. 17, Lines 20 and 23; P. 18, Lines 2-3).</p>	<p>Reference to a “model and practice school” identified for CSI is necessary to implement HB 366 (2020) within existing school improvement procedures.</p> <p>Correcting cross-references to statutory language is necessary to ensure the regulation aligns with SB 158 (2020).</p>
<p>Sections 9-12: Renumbers as Sections 8-11. (P. 19, Line 6; P. 20, Lines 3 and 11; P. 21, Line 4).</p>	<p>These are technical changes to account for deletion of Section 2 language.</p>
<p>Section 13: Renumbers as Section 12 and inserts language regarding a “model and practice school” supporting a significant number of CSI schools. (P. 21, Lines 4, 8-9, 11-12, and 18-19).</p>	<p>Reference to a “model and practice school” supporting a significant number of CSI schools is necessary to implement HB 366 (2020) within existing school improvement procedures.</p>
<p>Sections 14-15: Renumbers as Sections 13-14. (P. 22, Lines 1 and 14).</p>	<p>These are technical changes to account for deletion of Section 2 language.</p>
<p>Section 15 (newly added): Sets forth the parameters of the KBE’s approved turnaround vendor list. (P. 23, Lines 9-22; P. 24, Lines 1-22; P. 25, Lines 1-11).</p>	<p>Changes in this Section of the regulation implement statutory revisions related to entities qualified to act as turnaround teams in CSI schools. Specifically, SB158 (2020) revised KRS 160.346(1)(a) to define the “approved turnaround vendor list” and revised (8)(a) to require a “local board of education...select a vendor from the approved turnaround vendor list to provide a turnaround training and support team to the school identified for comprehensive support and improvement.”</p>
<p>Section 16: Deletes the Notification of Non-Department Audit Team Form and adds the following new form: Turnaround Vendor Application. (P. 25, Lines 13 and 15).</p>	<p>Notification of Non-Department Audit Team Form is no longer referenced in the regulation or used in school improvement procedures and, accordingly, has been deleted.</p> <p>The Turnaround Vendor Application implements, along with language in the newly added Section 15 of the regulation, SB158 (2020), which revised KRS 160.346(1)(a) to define the “approved turnaround vendor list” and revised (8)(a) to require a “local board of education...select a vendor from the approved turnaround vendor list to provide a turnaround training and support team to the school identified for comprehensive support and improvement.”</p>