

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Amendment to 703 KAR 5:280, School Improvement Procedures (Second Reading)

Date: December 2020

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 act on proposed amendments to 703 KAR 5:280, School improvement procedures, which is being revised to align with the requirements of Senate Bill (SB) 158 (2020).

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of 703 KAR 5:280, as amended, to align with the requirements of SB 158 (2020).

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 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:

During the most recent legislative session, the Kentucky General Assembly passed SB 158 (2020) to further refine Kentucky's implementation of the ESSA, particularly as it relates to the identification of schools for TSI. Now, as revised by SB 158 (2020), 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 (2020) 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; permits the appeal of “any judgment made by the department...of a principal, superintendent, school, or school district which it considers grossly unfair;” 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.

Amendments to 703 KAR 5:280 are necessary to implement the changes SB 158 (2020) made to the identification of and support for CSI and TSI schools.

Budget Impact:

Changes to school improvement processes resulting from implementation of SB 158 (2020) 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:

The Local Superintendents Advisory Council (LSAC) reviewed this regulation at its meeting on September 29, 2020. At that time, no member of the LSAC raised concerns regarding the contents of the revised regulation.

The LSAC will review this regulation for a second time at its meeting on November 24, 2020. Their additional feedback will be shared with the KBE prior to the December meeting.

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