

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

5 703 KAR 5:270. Kentucky's Accountability System.

6 RELATES TO: KRS 158.645, 158.6451, 158.6453, 158.6455, 20 U.S.C. 6311

7 STATUTORY AUTHORITY: KRS 158.6453, 158.6455

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6453 requires the Kentucky Board
9 of Education to create and implement a balanced statewide assessment program that measures
10 the achievement of students, schools, and districts; complies with the federal Every Student Suc-
11 ceeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor; and ensures accountability.
12 KRS 158.6455 requires the Kentucky Board of Education to create an accountability system to
13 classify schools and districts, including a process for annual summative performance evaluations
14 and goals for improvement. This administrative regulation establishes the statewide system of
15 accountability, and meets requirements set forth in the federal Every Student Succeeds Act of
16 2015 at 20 U.S.C. 6311.

17 Section 1. Definitions. (1) ~~["Achievement gap" means a measure of the performance difference~~
18 ~~between student demographic groups to each other for reading and mathematics.~~

19 ~~(2) "Comparison group" means the student demographic group being contrasted to the reference~~
20 ~~group.~~

1 ~~(3) "English learners" in the indicators of growth and transition readiness means students cur-~~
2 ~~rently identified on an English language proficiency exam. For all other areas, it means students~~
3 ~~currently identified and those who continue to be monitored.]~~

4 "English learner progress indicator" means the combination of individual student growth for sta-
5 tus and the difference in school performance for change of English learners toward English lan-
6 guage proficiency. For all other indicators, it means students currently identified and those who
7 continue to be monitored.

8 (2) [(4)] "Federal student group designation" means targeted support and improvement, and addi-
9 tional targeted [comprehensive] support and improvement as provided in KRS 160.346.

10 ~~[(5) "Federally defined student demographic groups" include White, African American, Hispan-~~
11 ~~ic, Asian, Native Hawaiian or other Pacific Islander, American Indian or Alaska Native, two (2)~~
12 ~~or more races, free/reduced-price meal eligible, students with disabilities who have an IEP, and~~
13 ~~English learners.]~~

14 (3) [(6)] "Full academic year" means 100 or more instructional days of student enrollment within
15 the school year.

16 (4) [(7)] "Grade twelve (12) non-graduates" means all students enrolled in grade twelve (12) at
17 the end of the school year who do not graduate.

18 (5) [(8)] "Graduation rate" means the percentage of students who enter high school and receive a
19 diploma based on their cohort in four (4) and five (5) years, adjusting for transfers in and out,
20 émigrés, and deceased students.

21 ~~[(9) "Growth" means a student's continuous improvement toward proficiency or above.~~

22 ~~(10) "Indicator" means a component of the accountability system that provides specific infor-~~
23 ~~mation on the school or district.]~~

1 (6) “Indicator performance rating” means one of five colored-coded performance levels on each
2 state indicator that is determined by combining status and change.

3 ~~(7) [(11)] “Individual education program” or “IEP” means an individual education program as~~
4 ~~defined in 707 KAR 1:002.~~

5 ~~(8) [(12)] “Local education agency” or “LEA” for the purposes of this administrative regulation~~
6 ~~shall mean a local school district as provided in KRS 161.010 and KRS 161.020 or a charter~~
7 ~~school board of directors as provided in KRS 161.1590.~~

8 ~~[(13) “Practical significance” means a measure of the differences between student groups has real~~
9 ~~meaning.~~

10 ~~(14) “Proficiency indicator” means the measure of academic status or performance for reading~~
11 ~~and mathematics on state assessments.]~~

12 (9) “Overall performance rating” means one (1) of five (5) color-coded performance levels that
13 aggregates all available state indicator data that is determined by combining status and change.

14 (10) “Postsecondary readiness” means the attainment of the necessary knowledge, skills, and
15 dispositions to successfully transition to the next level.

16 ~~(11) [(15)] “Proficient” or “proficiency” means reaching the desired level of knowledge and~~
17 ~~skills as measured on academic assessments.~~

18 ~~(12) [(16)] “Quality of school climate and safety indicator” means the measures of school envi-~~
19 ~~ronment.~~

20 ~~[(17) “Rating” means the process of inclusion of an indicator in the formal overall rating of the~~
21 ~~school or district.~~

22 ~~(18) “Reference group” means a student demographic group to which another group is contrasted~~
23 ~~to provide a benchmark for performance.~~

1 ~~(19) "Separate academic indicator for science, social studies, and writing" means the measure of~~
2 ~~academic status or performance for science, social studies, and writing on state assessments.]~~

3 (13) "State assessment results for reading and mathematics indicator" means the measure of aca-
4 ademic status or performance for reading and mathematics on state assessments.

5 (14) "State assessment results for science, social studies, and writing indicator" means the meas-
6 ure of academic status or performance for science, social studies, and writing on state assess-
7 ments.

8 (15) "State indicator" means a component of the accountability system as defined in KRS
9 158.6455.

10 ~~[(20) "Transition readiness" means the attainment of the necessary knowledge, skills, and dispo-~~
11 ~~sitions to successfully transition to the next level.]~~

12 (16) [(21)] "Value table" means a set of numbers that are used to attribute scores to different per-
13 formance levels.

14 (17) [(22)] "Writing" means the content area that includes on-demand writing, and editing and
15 mechanics.

16 Section 2. Kentucky's accountability system that is used to classify schools and LEAs shall in-
17 clude the state indicators of: state assessment results for reading and mathematics [~~proficiency~~];
18 state assessment results [~~separate academic indicator~~] for science, social studies, and writing;
19 English learner progress [~~growth~~]; postsecondary [~~transition~~] readiness; quality of school climate
20 and safety; and graduation rate.

21 (1) The state assessment results for reading and mathematics [~~proficiency~~] indicator shall be
22 measured by student performance on state tests in reading and mathematics.

1 (2) The state assessment results for science, social studies, and writing [~~A separate academic~~] in-
2 dicator shall be measured by student performance on state tests in science, social studies, and
3 writing.

4 (3) The English learner progress indicator shall be measured by student performance on an Eng-
5 lish proficiency test. The English learner progress indicator shall be measured based on a growth
6 value table. Additional tables shall incorporate the federal flexibilities of age upon entry to U.S.
7 schools, initial English language proficiency level, and degree of interrupted schooling. [~~The~~
8 ~~growth indicator shall be calculated at the elementary and middle school levels. The growth indi-~~
9 ~~cator shall be measured:~~

10 (a) ~~Based on a growth value table in reading and mathematics; and~~

11 (b) ~~Progress toward achieving English proficiency by English learners.]~~

12 (4) The quality of school climate and safety indicator shall include perception data from surveys
13 that measure insight to the school environment.

14 (5) The postsecondary [~~transition~~] readiness indicator shall be measured at high school for stu-
15 dents meeting the following criteria:

16 (a) Earn a regular or alternative high school diploma plus grade twelve (12) non-graduates; and

17 (b) Achieve academic readiness or career readiness.

18 1. A school shall receive credit for each student demonstrating academic readiness by:

19 a. Scoring at or above the benchmark score as determined by the Council on Postsecondary Edu-
20 cation (CPE) on the college admissions examination or college placement examination; or

21 b. Completing two (2) [~~six (6) hours of~~] Kentucky Department of Education approved dual credit
22 courses and receiving a grade of C or higher in each course; or

- 1 c. Completing two (2) advanced placement (AP) courses and receiving a score of three (3) or
2 higher on each AP assessment; or
- 3 d. Receiving a score of five (5) or higher on two (2) examinations for international baccalaureate
4 courses; or
- 5 e. Scoring at or above the benchmark on two (2) Cambridge Advanced International examina-
6 tions; or
- 7 f. Completing a combination of academic readiness indicators listed above.
- 8 g. Demonstration of academic readiness listed in paragraph 5 (b)1 of this section shall include
9 one (1) quantitative reasoning or natural sciences and one (1) written or oral communication; or
10 visual and performing arts; or humanities; or social and behavioral sciences learning outcomes.
- 11 2. A school shall receive credit for each student demonstrating career readiness by:
- 12 a. Scoring at or above the benchmark on industry certifications as approved by the Kentucky
13 Workforce Innovation Board on an annual basis; or
- 14 b. Scoring at or above the benchmark on the career and technical education end-of program as-
15 sessment for articulated credit; or
- 16 c. Completing two (2) [~~six (6) hours of~~] Kentucky Department of Education approved CTE dual
17 credit courses, and receiving a grade of C or higher in each course; or
- 18 d. Completing a Kentucky Department of Education approved or labor cabinet-approved appren-
19 ticeship. [~~or~~]
- 20 [~~e. Completing a Kentucky Department of Education approved alternate process to verify excep-~~
21 ~~tional work experience.~~
- 22 3. ~~For students who qualify as English learners in high school: Meeting criteria for English lan-~~
23 ~~guage proficiency to be English language ready.]~~

1 3 [4]. Students participating in the alternate assessment program shall meet criteria based on aca-
2 demic or career alternate assessment requirements.

3 (6) The graduation rate indicator shall be measured for each high school using the four (4)-year
4 and extended five (5)-year cohort rate. The graduation rate shall be reported for all students and
5 student groups.

6 Section 3. Classification of Schools and LEAs in the State Accountability System. (1) Data shall
7 be included in the overall performance rating for schools and LEAs for the following state indi-
8 cators:

9 (a) State Assessment Results [~~Proficiency~~] (reading and mathematics);

10 (b) State Assessment Results [~~Separate academic indicator~~] (science, social studies, and writing);

11 (c) English learner progress [~~Growth (elementary and middle school)~~];

12 (d) Postsecondary [~~Transition~~] readiness (high school);

13 (e) Quality of school climate and safety; and

14 (f) Graduation rate (high school).

15 (2) Data from individual student performance on state assessments administered as required in
16 KRS 158.6451 and KRS 158.6453 shall be included in the overall performance rating of each
17 school and LEA. This data shall include students with disabilities with IEPs who participate in
18 the alternate assessment program.

19 (3) Data in the overall performance rating shall be attributed to grade level spans for schools and
20 LEA as established in this subsection.

21 (a) Elementary schools shall include data from: state assessment results for reading and mathe-
22 matics [~~proficiency~~]; state assessment results [~~separate academic indicator~~] for science, social

1 studies, and writing; English learner progress [~~growth~~]; quality of school climate and safety; and
2 federal student group designation.

3 (b) Middle schools shall include data from: state assessment results for reading and mathematics
4 [~~proficiency~~]; state assessment results [~~separate academic indicator~~] for science, social studies,
5 and writing; English learner progress [~~growth~~]; quality of school climate and safety; and federal
6 student group designation.

7 (c) High schools shall include data from: state assessment results for reading and mathematics
8 [~~proficiency~~]; state assessment results [~~separate academic indicator~~] for science, social studies,
9 and writing; English learner progress; postsecondary [~~transition~~] readiness; graduation rate; qual-
10 ity of school climate and safety; and federal student group designation.

11 (d) LEAs shall include data from: school state assessment results for reading and mathematics
12 [~~proficiency~~]; state assessment results [~~separate academic indicator~~] for science, social studies,
13 and writing, English learner progress [~~growth~~]; postsecondary [~~transition~~] readiness; graduation
14 rate; and quality of school climate and safety.

15 Section 4. Calculations for Reporting Categories. (1) State assessment results [~~Proficiency~~] for
16 reading and mathematics shall be rated equally in elementary, middle and high schools and
17 LEAs by awarding points as described in paragraph 2(b) of this section.

18 (2) State assessment results [~~The separate academic indicator~~] for science, social studies, and
19 writing shall be rated in elementary, middle and high schools, and in LEAs by awarding points as
20 described in paragraph 2(b) of this section. [~~The highest proportion shall be attributed to science~~
21 ~~and social studies.~~]

1 (a) For any content area (reading, mathematics, science, social studies, and writing) where data
 2 are not available, the data of the remaining content areas shall be redistributed proportionally
 3 across state assessment results state [~~proficiency and separate academic~~] indicators.

4 (b) The following chart shall be used to calculate the points for state assessment results in read-
 5 ing and mathematics and state assessment results in science, social studies, and writing [~~profi-~~
 6 ~~ciency and the separate academic indicator~~]:

Proficiency Levels	Points Awarded for Each Percent of Students
Novice	0
Apprentice	.5
Proficient	1
Distinguished	1.25

7 [~~(3) Growth shall be rated for elementary and middle schools as established in this subsection.~~

8 (a) ~~Novice and apprentice performance levels for growth calculations shall be subdivided into~~
 9 ~~novice high, novice low; and apprentice high, apprentice low.~~

10 (b) ~~The school calculation for mathematics shall be the sum of the total points from the growth~~
 11 ~~value table for all students divided by the total number of scores.~~

12 (c) ~~The values in the growth value table below shall be used in calculating growth in this subsec-~~
 13 ~~tion.~~

Growth Value Table (Points for student performance in Year 2, given Performance in Year 1)						
	Novice		Apprentice		Pro- fi- cient	Distin- guished
Year — 1 Student Perfor- mance	Low	High	Low	High		
Distin- guished	0	0	0	0	0	50
Proficient	0	0	0	0	50	100

Apprentice High	0	0	0	50	100	150
Apprentice Low	0	0	50	100	150	200
Novice High	0	50	100	150	200	250
Novice Low	0	100	150	200	250	300

1 ~~(d) The school calculation for reading shall be the sum of the total points for all students from the~~
2 ~~growth value table plus growth for English language proficiency as described in Section 4(3)(e)~~
3 ~~of this administrative regulation divided by the total number of scores.]~~

4 (3) [(e)] Progress toward achieving English proficiency by English learners shall be calculated as
5 follows:

6 (a) [1-] Individual growth shall be compared to prior year performance on an English proficiency
7 exam.

8 (b) [2-] The exit benchmark and English learner growth value tables created involving Kentucky
9 educators and advised by technical experts shall be utilized.

10 (c) [3-] Points for each English learner based on the English learner growth value table shall be
11 averaged [summed].

12 (d) The value tables shall be included in the Every Student Succeeds Act Consolidated State Plan
13 and negotiated with the United States Department of Education.

14 (e) [a. Depending on further analysis,] Kentucky shall [may] modify the value table and its use to
15 reflect factors that may impact English learners' progress toward language proficiency, including
16 age upon entry to U.S. schools, initial English language proficiency level, and degree of inter-
17 rupted schooling.

18 ~~[b. The values in the growth value table below shall be used in calculating growth in this subsec-~~
19 ~~tion.~~

WIDA ACCESS score previous year	WIDA ACCESS score current year							
	1	1.5	2.0	2.5	3.0	3.5	4.0	4.5
4.0	0	0	0	0	0	0	50	100
3.5	0	0	0	0	0	50	100	150
3.0	0	0	0	0	50	100	150	200
2.5	0	0	0	50	100	150	200	250
2.0	0	0	50	100	150	200	250	300
1.5	0	50	100	150	200	250	300	300
1.0	0	100	150	200	250	300	300	300

1 ~~4. Total points for English learners shall be added to the sum of the reading growth points for all~~
2 ~~students in reading as described in Section 4(3)(e) of this administrative regulation.~~

3 ~~(f) For an overall school growth score, an average of reading scores that includes growth for~~
4 ~~English learners on an English proficiency exam and mathematics growth scores shall be calcu-~~
5 ~~lated.]~~

6 (4) The quality of school climate and safety indicator shall be rated for elementary, middle, high
7 schools, and LEAs as established in this subsection. The Kentucky Board of Education shall ap-
8 prove the measures of quality of school climate and safety.

9 (5) Postsecondary ~~[Transition]~~ readiness shall be calculated by dividing the number of high
10 school graduates plus grade twelve (12) non-graduates who have met measures of postsecondary
11 ~~[transition]~~ readiness ~~[plus the number of English learners who have achieved English language~~
12 ~~proficiency]~~ by the total number of graduates plus grade twelve (12) non-graduates ~~[plus the~~
13 ~~number of graduates who have received English language services during high school]~~. Credit
14 for students obtaining an industry-recognized certification, licensure, or credential in specialized
15 career pathways in state and regional high demand sectors as approved by Kentucky's Work-
16 force Innovation Board is one and one-quarter (1.25) points. Credit for students obtaining all
17 other readiness indicators is one (1.0) point.

1 (6) Graduation rate is the percentage of students completing the requirements for a Kentucky
2 high school diploma compared to the cohort of students beginning in grade nine. The accounta-
3 bility system shall include a four (4) year cohort rate and an extended five (5) year cohort rate.
4 Each rate shall be weighted equally.

5 (7) The indicator performance rating shall be assigned as follows:

6 (a) Indicators identified in Section 3 shall have a rating of very low, low, medium, high, or very
7 high by school and LEA for status.

8 (b) Indicators identified in Section 3 shall have a rating of declined significantly, declined, main-
9 tained, increased, or increased significantly by school and LEA for change.

10 (c) Each state indicator combines status and change and reports an indicator performance level
11 using a color-coded table.

12 ~~(8) [(7)] The [overall rating shall be assigned as follows:~~

13 ~~(a) The] indicators for each school and LEA as identified in Section 3 of this administrative regu-~~
14 ~~lation shall contribute to the overall performance rating of schools and LEAs.~~

15 ~~[(b) Indicators identified in Section 3 shall have a rating of very low, low, medium, high, or very~~
16 ~~high by school and LEA level.]~~

17 ~~(9) [(e)] A standard setting process shall be conducted involving Kentucky educators and advised~~
18 ~~by technical experts to recommend [determine] very low to very high performance levels for sta-~~
19 ~~tus and declined significantly to increased significantly for change on each indicator including~~
20 ~~state assessment results for reading and mathematics [proficiency], state assessment results for~~
21 ~~science, social studies, and writing [separate academic indicator], English learner progress~~
22 ~~[growth], postsecondary [transition] readiness, graduation rate, and quality of school climate and~~
23 ~~safety.~~

1 (10) [(8)] An overall performance [~~star~~] rating for elementary, middle, and high schools shall be
 2 reported using a color [~~five (5) star~~] rating system to communicate performance of schools, with
 3 red [~~one (1) star~~] being the lowest rating and blue [~~five (5) stars~~] being the highest rating. Color
 4 ratings shall include five performance levels from highest to lowest: Blue, Green, Yellow, Or-
 5 ange, and Red. Performance of schools, LEAs, and state will be reported by level (elementary,
 6 middle, and high) as applicable. The School Report Card shall display the color [~~star~~] ratings
 7 earned for each school, LEA, and state (by level) [~~and the total five (5) stars available~~].

Overall Accountability Weights						
	<u>State Assessment Results</u> [Proficiency] (Reading and Mathematics)	<u>State Assessment Results</u> [Separate Academic Indicator] (Science, Social Studies, and Writing)	<u>English learner progress</u> [Growth (including English Language Learners)]	Quality of School Climate and Safety	<u>Postsecondary</u> [Transition] Readiness [(High school includes English language learners)]	Graduation Rate (4 and 5 year cohort)
Elementary[and Middle] Schools	<u>51</u> [35]	<u>40</u> [26]	<u>5</u> [35]	4	--	---
Middle Schools	<u>46</u>	<u>45</u>	<u>5</u>	<u>4</u>		
High Schools	45	<u>20</u> [15]	<u>5</u> [—]	4	<u>20</u> [30]	6

8 (b) The performance on state indicators is combined [~~that contribute to the overall star ratings~~]
 9 using the amounts in the Overall Accountability Weights table to generate an overall perfor-
 10 mance [~~shall be determined by a standard setting process involving Kentucky educators~~].

11 (c) Indicator and overall performance color ratings shall be recommended during standards set-
 12 ting. The recommendation from the standards setting committee shall be approved as defined in
 13 KRS 158.6455.

1 ~~[(c) If achievement gaps are found in schools and LEAs earning a four (4) or five (5) star rating,~~
2 ~~the star rating will be reduced by one (1) star.~~

3 ~~1. Achievement gap shall be calculated between student demographic comparison groups and~~
4 ~~reference groups for reading and mathematics combined by:~~

5 ~~a. Determining the student demographic groups to be included in this subsection, which shall in-~~
6 ~~clude the following student demographic groups that have at least ten (10) students: African~~
7 ~~American, Hispanic, Asian, Native Hawaiian or other Pacific Islander, American Indian or Alas-~~
8 ~~ka Native, two (2) or more races, and White.~~

9 ~~(i) Comparing African American, Hispanic, Asian, Native Hawaiian or other Pacific Islander,~~
10 ~~American Indian or Alaska Native, two (2) or more races, and White to a reference group. The~~
11 ~~reference group shall be the highest performing racial and ethnic student group that has at least~~
12 ~~ten (10) students and constitutes at least ten (10) percent of the students enrolled in the school;~~

13 ~~(ii) Free and reduced price meal eligible students compared to non-free and reduced price meal~~
14 ~~eligible students;~~

15 ~~(iii) Students with disabilities who have an IEP compared to students without IEPs; and~~

16 ~~(iv) English learners compared to non-English learner students.~~

17 ~~b. Using a statistical analysis for each pair of comparison and reference groups, the department~~
18 ~~shall determine if a gap between the comparison group and reference group is both statistically~~
19 ~~and practically significant.]~~

20 (d) Kentucky will identify schools to determine required federal designations [~~bottom five (5)~~
21 ~~percent and ten (10) percent~~] based on the overall performance [~~indicators~~] of the accountability
22 [~~(five) 5-star~~] system.

1 (e) If data cannot be calculated for an indicator, the weights shall be redistributed proportionally
2 to remaining state indicators that shall be reported for the school or LEA.

3 (11) [~~9~~] School accountability indicators shall be assigned as follows:

4 (a) Students enrolled for a full academic year shall be included in the calculations for state as-
5 essment results for reading and mathematics [~~proficiency~~], state assessment results [~~a separate~~
6 ~~academic indicator~~] for science, social studies, and writing, English learner progress [~~growth~~],
7 quality of school climate and safety, and postsecondary [~~transition~~] readiness for a school and
8 LEA.

9 (b) Graduation rate calculations shall be based on the students' final enrollment.

10 (c) Student demographic groups shall have a minimum of thirty (30) [~~ten (10)~~] students to be in-
11 cluded in school rating calculations.

12 (d) In accordance with KRS 158.6455, schools and districts shall be placed into one (1) of five
13 (5) color [~~(5) star~~] ratings established by a standards-setting process utilizing results from the
14 first operational administration of assessments [~~in 2018-19~~]. The process shall:

15 1. Be advised by the National Technical Advisory Panel on Assessment and Accountability; the
16 School Curriculum, Assessment and Accountability Council; Local Superintendent Advisory
17 Council, and the Office of Education Accountability; and

18 2. Use accepted technical procedures and involve Kentucky school and district administrators
19 and teachers.

20 Section 5. Additional Public Reporting Requirements. (1) The Kentucky Department of Educa-
21 tion shall report disaggregated data for each state indicator of the state assessment and accounta-
22 bility system.

1 (2) Progress on long-term and interim goals shall be reported publicly as required by the federal
2 Every Student Succeeds Act and submitted in Kentucky's Consolidated State Plan. Goals shall
3 be developed for every student group, including all students, for academic achievement in each
4 content area of reading, mathematics, science, social studies, and writing~~[-and the content areas~~
5 ~~combined~~]; graduation rate based on four (4) year and five (5) year adjusted cohorts; and pro-
6 gress on English proficiency for English learners.

7 (3) The goal for academic achievement operationalizes both the improvement of proficient and
8 distinguished performance for all students and each student group and the reduction of achieve-
9 ment gaps as defined in KRS 158.649 ~~[in student group performance by fifty (50) percent by~~
10 ~~2030]~~. Each student group of ten (10) or more students shall be reported on the School Report
11 Card. The data will be suppressed as necessary for reporting to meet the Family Educational
12 Rights and Privacy Act (FERPA) ~~[Each student group of ten (10) or more students shall be com-~~
13 ~~pared to the reference group of the highest performing student group that is at least ten (10) per-~~
14 ~~cent of the student population].~~

15 ~~[(4) Goals for graduation rate shall be generated for a four (4) year adjusted cohort to ninety five~~
16 ~~(95) percent for all students and an extended five (5) year cohort to ninety six (96) percent for all~~
17 ~~students. The goal for progress on English language proficiency shall be based on the percent of~~
18 ~~students making progress toward attainment of the English language.~~

19 ~~(5) Performance levels of each indicator (proficiency for reading and mathematics, a separate~~
20 ~~academic indicator for science, social studies, and writing, growth, transition readiness, quality~~
21 ~~of school climate and safety, and graduation rate) from very low to very high on each indicator~~
22 ~~will be determined by Kentucky educators with a standards setting process.~~

1 ~~(6) Federal designations and statistically and practically significant achievement gaps will be re-~~
2 ~~ported for each school, LEA, and state. (44 Ky.R. 848, 1567, 2008; eff. 2-26-2018; 45 Ky.R.~~
3 ~~2179, 2707, 3068; eff. 5-31-2019; 46 Ky.R. 2144; eff. 7-31-2020.)]~~

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)

Jason E. Glass, Ed.D.
Commissioner of Education

(Date)

Lu Young, Ed.D.
Kentucky Board of Education Chairperson

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on _____, 2021 at _____ a.m. in the State Board Room, 5th Floor, Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until _____, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Todd Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, KY 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov .

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 703 KAR 5:270
Contact Person: Todd Allen, 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 state accountability requirements for Kentucky's public local education agencies (LEAs) and schools.

(b) The necessity of this administrative regulation: KRS 158.6453 requires the Kentucky Board of Education to create and implement a balanced statewide assessment program that measures the achievement of students, schools and districts, complies with the federal Every Student Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability.

KRS 158.6455 requires the Kentucky Board of Education (KBE) to create an accountability system to classify schools and districts, including a process for annual summative performance evaluations and goals for improvement.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides specific details for establishing the indicators and measures of the state-required accountability system for Kentucky public LEAs and schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides specific details for establishing the statewide accountability program that rates LEAs and schools based on performance of multiple indicators: state assessment results (reading and mathematics), state assessment results (science, social studies and writing), English learner progress, graduation rate (high school only), postsecondary readiness (high school only) and quality of school climate and safety. The multiple indicators incorporate the student test results and school quality measures. The regulation complies with state statute and the federal Every Student Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability.

(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: This administrative regulation establishes state accountability requirements for Kentucky's public local education agencies (LEAs) and schools. The amendments to this regulation will change certain accountability indicators and measures in the system due to recently passed legislation, Senate Bill (SB) 158 (2020).

SB 158 (2020) 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.” In addition, SB 158 (2020) changes the definition for achievement gap.

(b) The necessity of the amendment to this administrative regulation: After recently passed legislation, Senate 158 (2020), it is necessary to amend the accountability regulation to align with state statute.

(c) How the amendment conforms to the content of the authorizing statute: This administrative regulation provides specific details for establishing the indicators and measures of the state-required accountability system for Kentucky public LEAs and schools.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation provides specific details for establishing the statewide accountability program that rates LEAs and schools based on performance of multiple indicators: state assessment results (reading and mathematics), state assessment results (science, social studies and writing), English learner progress, graduation rate (high school only), postsecondary readiness (high school only) and quality of school climate and safety. The multiple indicators incorporate the student test results and school quality measures. The regulations amendments complies with state statute and the federal Every Student Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All public LEAs and schools in Kentucky with schools grade 3 or higher and supporting staff in the Kentucky Department of Education (KDE).

(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:

(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: KDE, LEAs and schools shall implement the specific details of the assessment and accountability system. The regulation defines the indicators and measures to be included in the accountability system used to evaluate and rate the performance of Kentucky’s public LEAs and schools. The system is a multi-dimensional model that uses student- and school-based data to differentiate performance. The KDE implements and manages the accountability system, as established and promulgated in regulation by the KBE. LEAs and schools implement the required assessments and processes that generate data reported annually in the accountability system. The data reported help schools and districts improve student achievement, ensure students are ready to transition to the next step of education or life, and provide quality school climate and safety for students.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The accountability system requires no additional direct costs to the LEAs and schools. LEA's and schools may choose to implement new programs or services in response to the new accountability system that may result in additional costs for LEA's and schools, however, this would be a locally determined decision. KDE anticipates additional indirect cost to implement new accountability system. Additional costs are expected to implement new accountability and reporting requirements codified in SB 158 (2020).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The accountability system has several key goals: promote higher levels of student learning and achievement, include quality of school climate and safety, build a culture of high expectation and continuous improvement, and communicate a clear and honest understanding of strengths and opportunities for improvement in LEAs and schools. In addition, achievement gaps will be reported outside of accountability.

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

(a) Initially: The transition to the new accountability system will require KDE to implement activities such as standard setting, additional staff time, and the support of experts, each with associated costs. The accountability system requires no additional cost to the LEAs and schools. KDE anticipates additional costs to implement new assessments and reporting requirements codified in Senate Bill 1 (2017 Kentucky General Assembly). The results of these assessments are used to rate schools in the accountability system established by this regulation.

(b) On a continuing basis: Senate Bill 1 requires continual reviews of standards and assessments. There will be ongoing costs to implement new assessments and meet reporting requirements, particularly the release of some assessment items annually. These activities directly support the accountability system established in this regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State general and federal 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 increased fees or funding are anticipated as a result of this regulation, however activities related to this regulation as required by SB 1 (2017) may require additional funding as described above.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Regulation does not establish or increase 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 schools and LEAs.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 703 KAR 5:270
Contact Person: Todd Allen, 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? Public Local Education Agencies (LEAs) and schools.

(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; 20 U.S.C. secs. 6301 et seq.

(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.

(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? No revenue will be generated.

(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? No revenue will be generated.

(c) How much will it cost to administer this program for the first year? The transition to the new accountability system will require the Kentucky Department of Education (KDE) to implement activities such as standard setting, additional staff time, and the support of experts, each with associated costs. The accountability system requires no additional cost to the LEAs and schools. KDE anticipates additional costs to implement new assessments and reporting requirements codified in Senate Bill 1 (2017 Kentucky General Assembly). The results of these assessments are used to rate schools in the accountability system established by this regulation.

(d) How much will it cost to administer this program for subsequent years? Senate Bill 1 requires continual reviews of standards and assessments. There will be ongoing costs to implement new assessments and meet reporting requirements, particularly the release of some assessment items annually. These activities directly support the accountability system established in this regulation.

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

Revenues (+/-): N/A

Expenditures (+/-):The transition to the new accountability system will require KDE to implement activities such as standard setting, additional staff time, and the support of experts, each with associated costs. The accountability system requires no additional cost to the LEAs and schools. KDE anticipates additional costs to implement new assessments and reporting requirements codified in Senate Bill 1 (2017 Kentucky General Assembly). The results of these assessments are used to rate schools in the accountability system. Senate Bill 1 requires continual reviews of standards and assessments. There will be ongoing costs to implement new assessments and meet reporting requirements, particularly the release of some assessment items annually. These activities directly support the accountability system established in this regulation.

Other Explanation: N/A