

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

5 703 KAR 5:225. Continuous improvement planning for schools and districts.

6 RELATES TO: KRS 158.645, 158.649, 158.6451, 158.6453, 158.6455, 160.346, 20 U.S.C. 6311

7 STATUTORY AUTHORITY: KRS 158.649, 158.6453, 158.6455, 160.346

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6453 requires the Kentucky Board

9 of Education to create and implement a balanced statewide accountability system that measures

10 the achievement of students, schools, and districts; complies with the federal Elementary and

11 Secondary Education Act, 20 U.S.C. secs. 6301 et seq., as amended by the Every Student

12 Succeeds Act (ESSA), or its successor; and ensures accountability. KRS 158.6455 requires the

13 Kentucky Board of Education, following the revision of academic standards and development of

14 a student assessment program, to create an accountability system to classify schools and districts,

15 including a formula for accountability, goals for improvement, and rewards and consequences.

16 This administrative regulation establishes the comprehensive school and district improvement

17 plan process. The requirements are key components of the continuous improvement process in

18 Kentucky and ultimately fulfillment of school, district, and state goals under the Kentucky State

19 Plan as required by the ESSA.

20 Section 1. Definitions. (1) "Charter school" means a "public charter school" and shall have the

21 same meaning as defined in KRS 160.1590(12).

(2) "Charter school board of directors" or "governing board" means charter school board of directors and shall have the same meaning as defined in KRS 160.1590(6).

(3) "Comprehensive District Improvement Plan" or "CDIP" means a plan developed by the local school district with the input of parents, faculty, staff, and representatives of school councils from each school in the district, based on a review of relevant data that includes targets, strategies, activities, and a time schedule to support student achievement and student growth, and to eliminate achievement gaps among groups of students.

(4) "Comprehensive School Improvement Plan" or "CSIP" means a plan developed by the school council, or successor, and charter schools with the input of parents, faculty, and staff, based on a review of relevant data that includes targets, strategies, activities, and a time schedule to support student achievement and student growth, and to eliminate achievement gaps among groups of students.

Section 2. Monitoring. (1) The department shall review and approve all submissions required by this administrative regulation.

(2) The department shall monitor implementation of each CDIP or CSIP and shall provide guidance based upon information, which may include the following:

(a) Progress reports from the school through the district;

(b) Data reviews;

(c) On-site observation; and

(d) Other information supplied at the option of the district or school.

(3) In addition to the activities undertaken by the department, each school district or governing board shall monitor compliance of its respective schools.

Section 3. Comprehensive School and District Improvement Plan Process. (1) Each school or

district shall, ~~[by January 1 of each school year,]~~ develop, review, and revise a comprehensive school or district improvement plan.

(2) The structure of a school or district comprehensive improvement plan shall include:

(a) Completion of a narrative summary of the current state of the school ~~[the Continuous Improvement Diagnostic]~~ between August 1 and October 1 of each school year;

(b) Completion of the needs assessment between October 1 and November 1 of each school year that shall include:

1. A description of the data reviewed and the process used to develop the needs assessment;

2. A review of the previous plan and its implementation to inform development of the new plan;

~~[and]~~

3. Perception data gathered from the administration of a valid and reliable measure of teaching and learning conditions; and

4. Any additional requirements made necessary by the receipt of federal funds authorized by the Elementary and Secondary Education Act.

(c) Process for development of the CSIP or CDIP, to be completed between November 1 and January 1 of each school year, which shall include:

1. Analysis of data to determine causes and contributing factors;

2. Prioritization of needs; and

3. Development of goals, objectives, strategies, and activities based on the needs assessment and root cause analysis that shall include targets or measures of success, timelines, persons responsible, a budget that includes resources needed and source of funding, and a process for meaningful stakeholder communications and input;

(d) A set of assurances, approved by and on file with the local board of education, with a signed

1 declaration by the superintendent that all schools in the district are in compliance with the
2 requirements of the statutes and administrative regulations included in those assurances; ~~and~~

3 (e) A process for annual review and revision by the school or district;[.]

4 (f) A district level plan for providing an equitable education to English Learners, to be completed
5 by May 1 of each school year; and

6 (g) Other components required by state statutes or regulations. Unless otherwise noted, all
7 additional components of the CSIP or CDIP must be complete by May 1 of each school year.

8 (3) Continuous improvement and capacity building shall drive the development of the plan.

9 (4) Other required components in the process shall include:

10 (a) A standards-based process for measuring organizational effectiveness that shall include
11 purpose and direction, governance and leadership, teaching and assessing for learning, resources
12 and support systems, and using results for continuous improvement;

13 (b) A data driven self-evaluation based on the standards, including a means to gather meaningful
14 stakeholder input;

15 (c) A written improvement plan based on the issues identified in the self-evaluation;

16 (d) A set of assurances that includes a determination of compliance with each assurance and the
17 ability to upload any supporting documentation needed;

18 (e) Electronic submission of all elements of the plan;

19 (f) Monitoring implementation of the plan through implementation and impact checks; and

20 (g) Evaluation of the effectiveness based on the strategies and activities in the plan.

21 ~~[(5) A CSIP shall also include the elements required of schools pursuant to KRS 158.649(5).]~~

22 (5) [(6)] The CDIP for each district shall be posted to the district's Web site. The CSIP for each
23 school shall be posted to the school's Web site.

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, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on ____, 2021, at _____ a.m./p.m. in the State Board Room, 5th Floor, 300 Sower Blvd, 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 through _____.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 703 KAR 5:225
Contact Person: Todd G. Allen, Todd.Allen@education.ky.gov
Phone Number: 502-564-4474

(1) Provide a brief summary of:

(a) What this administrative regulation does:

The Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA), 20 U.S.C 6301, requires states receiving Title I Part A funding to adopt a system of accountability. An element of that accountability system is a system of goal making and planning that is utilized by schools and districts. Districts will address identified needs through setting goals in their Comprehensive School Improvement Plan (CSIP) and Comprehensive District Improvement Plan (CDIP), which will be reviewed annually. Much of Kentucky's support and monitoring activities for all schools and districts regarding federal and state programs center around the development, revision and monitoring of the CSIP or CDIP.

(b) The necessity of this administrative regulation:

The amendments to this regulation reduce administrative burden by removing named diagnostics and creating provisions for elements of the CDIP or CSIP which may be incorporated by other state statutes or regulations. These changes provide added flexibility for KDE by allowing the department to remove unnecessary components out of Kentucky's improvement planning management system (eProve). The amendments also help ensure that the regulation stays up-to-date as required elements are changed by other state statutes or regulations.

(c) How this administrative regulation conforms to the content of the authorizing statute:

The regulation conforms to the authority given to the Kentucky Board of Education in KRS 158.6453 and 158.6455. It also aligns with the requirements under the ESEA, 20 U.S.C 6301, as reauthorized by the ESSA.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This regulation outlines the continuous improvement process in Kentucky that is used by schools and districts in their pursuit of their school, district, and state goals under the state accountability system. These are systems that will be utilized to meet federal requirements under the required accountability system.

(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:

These amendments create added flexibilities designed to reduce administrative burden for both

the KDE and local schools and districts. This is accomplished by removing named diagnostics, clarifying timelines, and creating provisions for the treatment of CSIP or CDIP elements added by other state statutes or regulations.

(b) The necessity of the amendment to this administrative regulation:

The continuous improvement process provided in this regulation is a necessary element of Kentucky's accountability system because of the direct tie to school and district goal setting and planning to meet those goals. It is also an element of the Kentucky State Plan that was submitted for approval to the United States Department of Education.

(c) How the amendment conforms to the content of the authorizing statute:

KRS 158.6453 and 158.6455 spell out the required elements of the assessment and accountability system. The continuous improvement process described in this regulation is directly tied to the goal setting and planning required to meet the improvement required in the accountability system and uses the data required in the assessment system.

(d) How the amendment will assist in the effective administration of the statutes:

The amendments to this regulation reduce administrative burden by removing named diagnostics and creating provisions for elements of the CDIP or CSIP which may be incorporated by other state statutes or regulations. These changes provide added flexibility for KDE by allowing the department to remove unnecessary components out of Kentucky's improvement planning management system (eProve). The amendments also help ensure that the regulation stays up-to-date as required elements are changed by other state statutes or regulations.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Those affected by the amendments made in this regulation include: All public schools and school districts. The KDE as it is tasked with providing guidance, support, technical assistance, and review and oversight of the submitted CSIPs and CDIPs.

(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:

Schools and districts already comply with the continuous improvement framework as provided in this regulation as it was a component of the previous system.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There should be no additional cost to schools and districts because they are already complying with the framework provided in this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

The supports provided in this regulation will lead schools and districts to sustainable school improvement through intentional goal setting, planning, reflection, and action.

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

(a) Initially:

The requirements in this regulation existed prior to the ESSA reauthorization and this regulation amendment. As a result, there is no initial cost. Federal funding is utilized for this work.

(b) On a continuing basis:

KDE incurs an ongoing cost of staff and resources. Federal funding is utilized for this work.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Federal funding under Title I Part A.

(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 will be necessary to implement this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This amendment does not establish 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 schools and districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(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?

Local education agencies and the Kentucky Department of Education will be impacted.

(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, and 20 U.S.C. 6301

(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.

No additional expenditures are anticipated because of this amendment.

(4) 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.

(5) 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.

(6) How much will it cost to administer this program for the first year?

This framework existed prior to the amendment in this regulation. As a result, there is no initial cost. Federal funding is utilized for this work.

(7) How much will it cost to administer this program for subsequent years?

KDE incurs an ongoing cost of staff and resources. Federal funding is utilized for this work.

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 (+/-): NA

Other Explanation: N/A