

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** Amendments to 703 KAR 5:240, Accountability Administrative Procedures and Guidelines  
**Date:** April 2021  
**Action Requested:** ☐ Review ☐ Action/Consent ☒ Action/Discussion  
**Held In:** ☒ Full Board ☐ Curriculum, Instruction and Assessment ☐ Operations

### SUMMARY OF ISSUE BEFORE THE BOARD:

To take action on the proposed amendments to 703 KAR 5:240, *Accountability Administrative Procedures and Guidelines*. KRS 158.6455 requires the Kentucky Board of Education (KBE) to promulgate administrative regulations to create and implement a balanced statewide assessment and accountability program that measures the achievement of students, schools and districts, complies with the Every Student Succeeds Act (ESSA) and ensures accountability.

### COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of the proposed amendments to 703 KAR 5:240, *Accountability Administrative Procedures and Guidelines*, in order to align with federal direction.

### APPLICABLE STATUTE OR REGULATION:

KRS 158.6451, 158.6453, 158.6455 and 703 KAR 5:240

### BACKGROUND:

#### *Existing Policy:*

703 KAR 5:240 establishes administrative procedures and guidelines for Kentucky's assessment and accountability program. The regulation covers: assigning students for school, district and state accountability, inclusion of schools in accountability and standard grade configuration, reporting of schools with changed service areas, data review, student participation in state assessments and students not participating in state required assessments.

#### *Summary of Issue:*

In August 2020, the U.S. Department of Education (USED) conducted a consolidated performance review of multiple federal programs. During the audit, USED found areas in need of improvement for specific program areas to more closely align with federal laws. Based on the USED findings, required actions are expected with no additional federal flexibility.

Currently, the regulation states that a student with an approved medical exemption or extraordinary circumstance shall be excluded from state-required assessments and state and federal accountability calculations. After receiving feedback from an audit conducted by the U.S.

Department of Education (USED), it is a federal requirement to remove extraordinary circumstance as an exemption option from state testing and only allow medical exemptions.

The Local Superintendents Advisory Council (LSAC) was consulted and a letter from this group expressing its recommendation should be received prior to the board meeting.

*Budget Impact:*

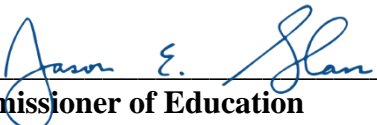
Amendments to 703 KAR 5:240 will have no impact on state funds.

**GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:**

The regulation will go before the Local Superintendent Advisory Council (LSAC) at its March 30 meeting. In addition, the regulation will go before the School Curriculum, Assessment and Accountability Council (SCAAC) at its March 16 meeting. Comments from both the LSAC and SCAAC meetings will be received by the April KBE meeting.

**CONTACT PERSON(S):**

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**Commissioner of Education**

Category:	<input type="checkbox"/> Educator Workforce Diversity	<input type="checkbox"/> Portrait of a Graduate Partnerships	<input type="checkbox"/> Racial Equity
	Commitment	<input checked="" type="checkbox"/> Student-Centered Accountability System	<input type="checkbox"/> Early Childhood
			<input type="checkbox"/> District Support