

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Amendments to 703 KAR 5:070, Inclusion of Special Populations in the State-Required Assessment and Accountability Programs

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 5:070, *Inclusion of Special Populations in the State-Required Assessment and Accountability Programs*.

KRS 158.6453 requires the Kentucky Board of Education (KBE) to create and implement a statewide assessment program that measures the achievement of students, schools and districts, complies with the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95 and ensures accountability.

KRS 158.6455 provides the KBE with the authority to promulgate administrative regulations to establish a system of determining successful schools and a system of rewards and assistance for certified staff in schools and districts.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of the proposed amendments to 703 KAR 5:070, *Inclusion of Special Populations in the State-Required Assessment and Accountability Programs*.

APPLICABLE STATUTE OR REGULATION:

KRS 158.6453, 158.6455 and 703 KAR 5:070

BACKGROUND:

Existing Policy:

703 KAR 5:070 establishes procedures for the inclusion of special student populations in the state-required content assessment and accountability programs. The state-required content assessment and accountability programs are inclusive of all students at specific grade levels. This regulation provides direction for the inclusion of special populations in these programs.

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.

With the federal findings and other internal audits on specific programs, it is necessary to amend language in the regulation to meet federal and state requirements. Specifically, kindergarten students taking the English Language Proficiency Exam, ACCESS, must be allowed to exit English Learner (EL) status if they meet or exceed exit criteria. Kentucky has not allowed kindergarten students to exit EL status in the past. In addition, in order to reduce common misunderstandings, the Kentucky Department of Education (KDE) would like to clean-up language in the regulation so that it is more accurate and concise. To review an overall summary of changes to the regulation, please see the Summary of Changes to Material Incorporated by Reference that has been provided.

In addition, 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 5:070 will have no impact on state funds.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

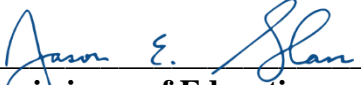
The regulation will go before the Local Superintendent Advisory Council (LSAC) at its March 30 meeting. In addition, the regulation will go before the School Curriculum, Assessment and Accountability Council (SCAAC) at its March 16 meeting. Comments from both the LSAC and SCAAC meetings will be received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

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Commissioner of Education

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