

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** Approval of 704 KAR 3:395, Extended School Services (ESS)

**Date:** December 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 regulation 704 KAR 3:395, Extended School Services (ESS).

### COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends that the Kentucky Board of Education (KBE) approve 704 KAR 3:395, Extended School Services (ESS).

### APPLICABLE STATUTE OR REGULATION:

KRS 158.070, 158.6451

### BACKGROUND:

#### *Existing Policy:*

KRS 158.070(8) provides that schools must provide continuing education for those students who are determined to need additional time to achieve the educational goals outlined for Kentucky's schools in KRS 158.6451. KRS 158.070(8) requires the KBE to promulgate an administrative regulation establishing the provisions for how extended school programs meet the educational goals set by the General Assembly; the grant process and funding calculation; and the waiver process required by the law.

#### *Summary of Issue:*

The Extended School Services (ESS) program was adopted as part of the Kentucky Education Reform Act with the goal of providing supplemental instructional support for students not achieving Kentucky's academic goals during regular instructional time. The program has been funded since 1991 and is outlined in statute.

ESS is devoted specifically to improving academic outcomes for struggling students and provides funding for districts to focus on students performing below expectations. The funding model emphasizes the need to provide additional supports for those students. The allocation of funding to school districts is based on three factors: reading and math novice percentages; current rates of economic deprivation (at-risk students); and the average daily attendance. Districts follow a similar process to distribute funds to individual schools.

Two primary changes are made to Section 4 of the regulation which details the allocation formula. The proposed language changes include updating language specifying: 1) the academic performance indicator being utilized; and 2) the economic deprivation indicator being utilized.

The extended school services allocation formula has relied, in part, on information from the state accountability and assessment system. The allocation formula detailed in this regulation reflects the latest changes and aligns with the updated state accountability and assessment statutes and regulations. The formula previously utilized an overall score, but that is no longer calculated. Instead, the formula will rely on the reading and math combined novice percentage.

The calculation for economic deprivation has relied on the participation rates of students in the National School Lunch Program. However, that definition was not included in the regulation. This update adds the definition of at-risk students as those approved for the free lunch program under state and federal guidelines. This also brings this definition into alignment with the at-risk definition utilized for the Support Education Excellence in Kentucky (SEEK) funding formula in KRS 157.360(2)(a).

*Budget Impact:*

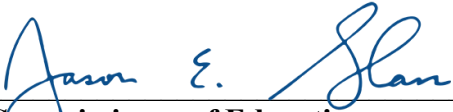
These amendments do not create additional fiscal burdens for schools, districts, or the KDE. However, the regulation will now base the calculation on the math and reading novice percentage rather than the overall score that was calculated in the last accountability system. While the overall appropriation from the General Assembly does not change, there will be slight shifts in allocations to district.

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

The proposed regulation will be reviewed by the Local Superintendent’s Advisory Council (LSAC) at its meeting scheduled for November 23, 2021.

**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
<input type="checkbox"/> Commitment	<input type="checkbox"/> Student-Centered Accountability System	<input type="checkbox"/> Early Childhood
		<input checked="" type="checkbox"/> District Support