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KENTUCKY DEPARTMENT OF EDUCATION

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June 8, 2018

Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort, KY 40601

Re: 703 KAR 5:225. Continuous Improvement Planning for Schools and Districts

Dear Ms. Caudill:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 703 KAR 5:225, the Kentucky Board of Education proposes the attached suggested substitute.

Sincerely,

A handwritten signature in blue ink that reads "Todd G. Allen".

Todd G. Allen
Interim General Counsel

Attachment

c: Josh Collins, LRC

**Suggested Substitute
June 2018**

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Board of Education
Department of Education
(Amendment)**

703 KAR 5:225. Continuous Improvement Planning for Schools and Districts~~[School and district accountability, recognition, support, and consequences]~~.

RELATES TO: KRS 158.645, 158.649, 158.6451, 158.6453, 158.6455, 160.346, 20 U.S.C. ~~6311~~[7861]

STATUTORY AUTHORITY: KRS 158.649, 158.6453, 158.6455, 160.346

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6453 requires the Kentucky Board of Education to create and implement a balanced statewide accountability system~~[assessment program]~~ that measures the achievement of students, schools, and districts; complies with the federal Elementary and Secondary Education Act~~[No Child Left Behind Act of 2001]~~, 20 U.S.C. secs. 6301 et seq., as amended by the Every Student Succeeds Act (ESSA), or its successor; and ensures accountability. KRS 158.6455 requires the Kentucky Board of Education, following the revision of academic standards and development of a student assessment program, to create an accountability system to classify schools and districts, including a formula for accountability, goals for improvement, and rewards and consequences. This administrative regulation establishes the comprehensive school and district improvement plan process. The requirements are key components of the continuous improvement process in Kentucky and ultimately fulfillment of school, district, and state goals under the Kentucky State Plan as required by the ESSA~~[statewide system of accountability, recognition, support, and consequences, and meets requirements of the U.S. Department of Education to receive approval of a state-level waiver of specific requirements of the federal No Child Left Behind Act of 2001 pursuant to 20 U.S.C. 7861]~~.

Section 1. Definitions. (1) "Charter school" means a "public charter school" as defined in KRS 160.1590(12). ~~[;] ["Annual measurable objective" or "AMO" means the improvement goal for each school or district calculated from the total score of the next-generation learners component.]~~

(2) "Charter school board of directors" or "governing board" ***means charter school board of directors as defined [has the same meaning as] in KRS 160.1590(6).***~~[;]~~

~~(3)~~(2) "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)~~(3) "Comprehensive School Improvement Plan" or "CSIP" means a plan developed by the school council, or successor, and charter schools~~[pursuant to KRS 160.346]~~ 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. ~~(4) "District of distinction" means a highest-performing district that:~~

~~(a) Meets its current year AMO, student participation rate, and graduation rate goal;~~

~~(b) Has a graduation rate above eighty (80) percent for the prior two (2) years;~~

~~(c) Does not have a school categorized as a focus school or priority school; and~~

~~(d) Scores at the ninety-fifth (95th) percentile or higher on the Overall Score.~~

~~(5) "Focus district" means a district that has a non-duplicated student gap group score in the bottom ten (10) percent of non-duplicated student gap group scores for all districts. Focus calculations shall combine two (2) years of data.~~

~~(6) "Focus school" means a school that has a non-duplicated student gap group score in the bottom ten (10) percent of non-duplicated student gap group scores for all elementary, middle, and high schools; schools with an individual student subgroup by level that falls in the bottom five (5) percent for individual subjects; or high schools that have a graduation rate that has been less than eighty (80) percent for two (2) consecutive years. Focus calculations shall combine two (2) years of data; focus calculations for new or reconfigured schools shall use one (1) year of data.~~

~~(7) "Graduation rate goal" means the annual graduation rate goal set by the department for each high school and district that measures progression toward the statewide goal of ninety-eight (98) percent by 2024 and is computed by dividing, by ten (10), the difference between the 2014 baseline percent and ninety-eight (98) percent.~~

~~(8) "High progress district" means a district that:~~

~~(a) Meets its current year AMO, student participation rate, and graduation rate goal;~~

~~(b) Has a graduation rate above eighty (80) percent for the prior two (2) years; and~~

~~(c) Has an improvement score indicating the district is in the top ten (10) percent of improvement of all districts as determined by the difference in the two (2) most recent calculations of the overall score.~~

~~(9) "High progress school" means:~~

~~(a) A Title I school that:~~

~~1. Meets its current year AMO, student participation rate, and graduation rate goal;~~

~~2. Has a graduation rate above eighty (80) percent for the prior two (2) years; and~~

~~3. Has an improvement score indicating the school is in the top ten (10) percent of improvement of all Title I elementary, middle, or high schools as determined by the difference in the two (2) most recent calculations of the overall score; or~~

~~(b) A Non-Title I school that:~~

~~1. Meets its current year AMO, student participation rate, and graduation rate goal;~~

~~2. Has a graduation rate above eighty (80) percent for the prior two (2) years; and~~

~~3. Has an improvement score indicating the school is in the top ten (10) percent of improvement of all non-Title I elementary, middle, or high schools as determined by the difference in the two (2) most recent calculations of the overall score.~~

~~(10) "Highest-performing district" means a district that:~~

~~(a) Meets its current year AMO, student participation rate, and graduation rate goal;~~

~~(b) Has a graduation rate above eighty (80) percent for the prior two years; and~~

~~(c) Scores at the ninetieth (90th) percentile or higher on the overall score except that a district shall not qualify as highest-performing if any school in the district is categorized as a focus school or priority school.~~

~~(11) "Highest performing school" means an elementary, middle, or high school level that:~~

~~(a) Meets its current year AMO, student participation rate, and graduation rate goal;~~

~~(b) Has a graduation rate above eighty (80) percent for the prior two (2) years; and~~

~~(c) Scores at the ninetieth (90th) percentile or higher on the overall score.~~

~~(12) "Mean" means the sum of the values divided by the number of values.~~

~~(13) "Next-generation instructional programs and supports" means a component of the state-wide accountability system for Kentucky public schools and districts based on reviews of instructional programs.~~

~~(14) "Next-generation learners" means a component of the state-wide accountability system for Kentucky public schools and districts based on student data.~~

~~(15) "Next-generation professionals" means a component of the state-wide accountability system for Kentucky public schools and districts based on teacher and administrator data.~~

~~(16) "Next-generation schools and districts" means a component of the state-wide accountability system that reports performance data for schools and districts.~~

~~(17) "Non-duplicated student gap group score" means an aggregate, non-duplicated count of achievement scores of student groups that include African/American, Hispanic, American-Indian, Limited-English-proficiency, students in poverty based on qualification for free and reduced-price lunch, and students with disabilities who have an Individualized Education Program (IEP).~~

~~(18) "Overall score" means the score resulting from a compilation of the accountability components listed in Section 2 of this administrative regulation that determines placement of a school or district in a classification for recognition, support, or consequences.~~

~~(19) "Participation rate" means the percent of all students and the student subgroups in the school or district that participate in annual statewide assessments, with a goal of ninety-five (95) percent.~~

~~(20) "Percentile" means the value of a variable below which a certain percent of numbers fall.~~

~~(21) "Priority district" means a district that has an overall score in the bottom five (5) percent of overall scores for all districts that have failed to meet the AMO for the last three (3) consecutive years.~~

~~(22) "Priority school" means a school that has an overall score in the bottom five (5) percent of overall scores by level for all schools that have failed to meet the AMO for the last three (3) consecutive years.~~

~~(23) "Progressing" means a designation attached to a school or district's classification as proficient, distinguished, or needs improvement to indicate that the school has met its AMO, student participation rate for the all students group and each subgroup, and has met its graduation rate goal.~~

~~(24) "School level" means the standard configuration of grade levels that form elementary, middle, and high schools as established in 703 KAR 5:240, Section 5.~~

~~(25) "School of Distinction" means a highest-performing elementary, middle, or high school that:~~

~~(a) Meets its current year AMO, student participation rate, and graduation rate goal, and is not identified as a focus school;~~

~~(b) Has a graduation rate above eighty (80) percent for the prior two (2) years; and~~

~~(c) Scores at the ninety-fifth (95th) percentile or higher on the overall score.~~

~~(26) "Standard deviation" means a measure of the dispersion of a set of data from its average.~~

~~(27) "Student subgroup" means a student group that includes African American, American Indian, Asian, White, Hispanic, English language learners, students in poverty or qualification for free or reduced-price lunch, or students with disabilities who have an Individualized Education Program (IEP).~~

~~Section 2. Statewide System of Accountability, Recognition, Support, and Consequences. (1) The accountability system established by 703 KAR chapter 5 shall be called Unbridled Learning: College and Career Ready for All.~~

~~(2) An overall score shall be used to classify schools and districts for recognition, support, and consequences. The overall score shall be a compilation of the following accountability components:~~

- ~~(a) Next-Generation Learners, as established in 703 KAR 5:200;~~
- ~~(b) Next-Generation Instructional Programs and Support, as established in 703 KAR 5:230; and~~
- ~~(c) Next-Generation Professionals, as established in an administrative regulation that will be promulgated by the Kentucky Board of Education to establish the requirements for Next-Generation Professionals.~~

~~Section 3. Weighting of Components Comprising the Overall Score. (1) The timeline and weighting of each component as a percentage of the overall score shall occur as follows:~~

Year	Component	Percentage of Overall Score
2014-2015	Next-Generation Learners	77 percent
	Next-Generation Instructional Programs and Support	23 percent
2015-2016 and subsequent years	Next-Generation Learners	70 percent
	Next-Generation Instruction Programs and Support	20 percent
	Next-Generation Professionals	10 percent

~~(2) If data cannot be calculated for any component, the weights shall be distributed equally to the other components that shall be reported for the school or district.~~

~~Section 4. Classifications, Annual Measurable Objectives, and Goals. (1) A school level or district shall be classified based on the overall score in accordance with the requirements established in this subsection.~~

~~(a) By level of elementary, middle, or high, a distribution of scores from the overall score shall be computed in order to determine the percentiles associated with each overall score.~~

~~(b) The overall score associated with specific percentiles shall classify a school level or district as follows:~~

Percentile based on Overall Score	School or District Classification
At or above ninety (90)	Distinguished
At or above seventy (70)	Proficient
Below seventy (70)	Needs Improvement

~~(c) The overall score associated with specific percentiles used to classify a school or district as distinguished, proficient, or needs improvement shall be recalculated as the components of the accountability system listed in Section 2 of this administrative regulation are added. When all components have been added, the overall score associated with specific percentiles used to classify a school or district as distinguished, proficient, or needs improvement shall remain constant for a period of five (5) years before calculation of the overall score associated with specific percentiles shall be re-established.~~

~~(2) Each school level or district shall receive an AMO. The method for determining the AMO shall be as follows:~~

~~(a) Using the total score of next-generation learners, a mean and standard deviation shall be computed for the elementary, middle, and high school levels; and~~

~~(b) The mean and standard deviation shall be recalculated as adjustments of next-generation learners component are made.~~

~~(3)(a) The AMO goal for a school level or district classified as needs improvement shall be to increase the total score by one-third (1/3) of a standard deviation in a five (5) year period and shall not be set lower than 1.0.~~

~~(b) The AMO goal for a school level or district classified as proficient or distinguished shall be one-half (1/2) the goal of a needs improvement school or district annually and shall not be set lower than 0.5.~~

~~(4) Each school level or district classified as distinguished, proficient, or needs improvement that meets its AMO goal, student participation rate, and graduation rate goal shall be further classified as progressing.~~

~~(5) For a school level with a changed school service area as established in 703 KAR 5:240, Section 6, the AMO shall be recalculated based on current students. A school or district may submit a plan to recalculate the AMO as established in this subsection.~~

~~(a) A school or a district may request that individual students be tracked across schools or that the district AMO be used for the school.~~

~~(b) The department shall approve the plan and shall assure accurate calculations and the inclusion of all students.~~

~~(c) Upon approval, the plan shall be implemented and remain in effect until an additional change in school service area occurs.~~

~~(d) The granting of a request for a different method to recalculate an AMO shall include a requirement that each affected school and district waive in writing its right to make the request the basis of a subsequent appeal of a school's classification.~~

~~(e) The intent to submit a plan to recalculate the AMO shall be received by the department by June 30 of the year prior to which the AMO recalculation shall occur.~~

~~(6) A focus school identified using the non-duplicated student gap group score method shall be determined in accordance with the requirements established in this subsection.~~

~~(a) The non-duplicated student gap group shall be ranked for all schools in the state.~~

~~(b) The schools in the lowest ten (10) percent of the non-duplicated student gap group scores by level shall be called focus schools.~~

~~(c) Additional Title I schools shall be added to the list as needed to ensure that the list includes at least ten (10) percent of the Title I schools.~~

~~(d) Non-duplicated student gap groups by school shall have at least ten (10) students in order for the subject area calculation to occur.~~

~~(7) A focus school identified using the bottom five (5) percent method shall be determined as established in this subsection.~~

~~(a) By level of elementary, middle, or high, individual student subgroups shall be ranked on the percentage of proficient and distinguished students for all schools in the state in each subject area of reading, mathematics, science, social studies, and writing.~~

~~(b) Student subgroups shall number at least twenty-five (25) students in order for the calculation to occur.~~

~~(c) A school having an individual student subgroup by level and subject that falls below the bottom five (5) percent cut score shall be identified as a focus school.~~

~~Section 5. Recognition. (1) Recognition categories shall include Schools or Districts of Distinction, Highest-Performing Schools or Districts, and High-Progress Schools or Districts. Schools and districts in these categories shall receive notification from the Commissioner of Education within five (5) days of release of the annual accountability data, identifying the category of recognition and the rewards for which they are eligible.~~

~~(2)(a) Each recognized school or district shall be authorized to use a department-approved web logo and other promotional materials as may be designated by the department reflecting the category of recognition earned.~~

~~(b) Subject to availability of funds, financial rewards may be used in conjunction with other recognition activities, and may include funding for special professional growth opportunities or support to enable recognized schools or districts to partner with and mentor a lower-performing school or district.~~

~~(c) Highest-performing and high-progress schools and districts shall receive special recognition as determined by the Commissioner of Education.~~

~~(3) A school or district identified for recognition shall continue to meet eligibility criteria in order to retain its designation and receive recognition for that category.~~

~~(4) A school or district identified as a priority school or district or a focus school or district shall not be eligible for recognition as a highest-performing school or district or a school or district of distinction, but may receive recognition as a high-progress school or district, if it meets the definition established in Section 1 of this administrative regulation and the requirements of this section.~~

~~(5) In order to qualify for recognition, a school or district shall meet the AMO goal, graduation rate goal, and student participation rate, and each high school's graduation rate shall be above eighty (80) percent.~~

~~Section 6. Supports and Consequences. (1) Supports and consequences categories shall include Priority Schools and Districts and Focus Schools and Districts.~~

~~(2) A priority school or district shall undergo the education recovery processes established in~~

KRS 160.346 and 703 KAR 5:260, in addition to the requirements and consequences established in this administrative regulation.

~~(3) A focus school or district shall be required to revise its CSIP or CDIP consistent with the requirements of this section and Section 9 of this administrative regulation.~~

~~(4) A school or district that is identified as a priority or focus school or district shall receive notification from the Commissioner of Education within five (5) days of release of the annual accountability data, identifying its category and the required supports and consequences that shall apply.~~

~~(5) A school or district that is identified as a priority or focus school or district for the first time shall revise its CSIP or CDIP within ninety (90) days of receiving the notice from the Commissioner of Education.~~

~~Section 7. Continuing Consequences for Schools and Districts that Remain in Priority or Focus Status for More Than One (1) Year. (1) To exit the priority status, the school or district shall:~~

~~(a) Meet AMO goals for three (3) consecutive years;~~

~~(b) No longer be identified by the applicable percent calculation of being in the lowest five (5) percent; and~~

~~(c) Score at or above an eighty (80) percent graduation rate for three (3) consecutive years.~~

~~(2) To exit the focus status, the requirements of this subsection shall be met.~~

~~(a) A focus school in the non-duplicated student gap group category shall:~~

~~1. Be above the lowest ten (10) percent category;~~

~~2. Show improvement in the non-duplicated student gap group; and~~

~~3. Meet AMO for two (2) years in a row.~~

~~(b) A focus school in the bottom five (5) percent category shall have the individual subgroup that triggered the school's placement in the category to:~~

~~1. Rise above the bottom five (5) percent cut score;~~

~~2. Show improvement in the individual subgroup that triggered the school's placement; and~~

~~3. Meet AMO for two (2) years in a row.~~

~~(c) A focus school in the category due to graduation rate shall:~~

~~1. Have a graduation rate higher than eighty (80) percent; and~~

~~2. Meet AMO for two (2) years in a row.~~

~~(d) A focus district in the non-duplicated student gap group category shall be above the lowest ten (10) percent category.~~

~~(3)(a) A school or district that is identified as a priority school or district for two (2) or more consecutive times, or a school or district that remains in the focus school or district category for three (3) consecutive years, shall revise its CSIP or CDIP as specified in Section 9 of this administrative regulation within ninety (90) days of receiving notice from the Commissioner of Education.~~

~~(b) The superintendent and the council shall review, revise, and agree upon the CSIP.~~

~~(c) The CSIP or CDIP shall be posted to the appropriate school or district Web site.~~

~~(4)(a) In addition to the requirements of this section, a priority school or district that is identified for three (3) or more consecutive times, or a focus school or district that is identified for four (4) or more consecutive years, shall revise its CSIP or CDIP as specified in Section 9 of this administrative regulation.~~

~~(b) The superintendent and the council shall review, revise, and agree upon the CSIP, which shall then be electronically transmitted to KDE within ninety (90) days of receiving notice from the Commissioner of Education.~~

~~(c) The CSIP or CDIP shall be posted to the appropriate school or district Web site.~~

~~(d) The school or district shall engage in the following actions:~~

- ~~1. Participate in a set of improvement strategies outlined by an accreditation process;~~
- ~~2. If directed by the department, receive the assignment of a high-achieving partner school or district of similar demographics for mentor activities as directed by the department; and~~
- ~~3. Accept ongoing assistance and resources throughout the year as assigned or approved by the department.]~~

Section 2[8]. 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~~[gathered from]~~ 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[their] respective~~[individual]~~ schools~~[within the district]~~.

Section 3[9]. Comprehensive School and District Improvement Plan Process. (1) Each school or district shall, by January 1 of each school year,~~[annually]~~ 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 the Continuous Improvement Diagnostic between August 1 and October 1 of each school year~~[Executive summary that shall include a vision and a mission];~~

(b) Completion of the needs assessment between October 1 and November 1 of each school year ~~that[, which]~~ shall include~~[Needs assessment 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;

(c) Process for development of the CSIP or CDIP, to be completed between November 1 and January 1 of each school year, which~~[that]~~ 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

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

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

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

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

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

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

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

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

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

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

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

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

~~(6)[A CSIP or CDIP for a priority or focus school or district shall also address the following:~~

~~(a) Curriculum alignment for schools within the district and within each individual school, ensuring the instructional program is:~~

~~1. Research based;~~

~~2. Rigorous;~~

~~3. Aligned with the Kentucky Core Academic Standards as established in 704 KAR 3:303; and~~

~~4. Based on student needs;~~

~~(b) Provision of time for collaboration on the use of data to inform evaluation and assessment strategies to continuously monitor and modify instruction to meet student needs and support proficient student work, if a priority or focus school;~~

~~(c) Activities to target the underperforming areas of achievement, gap, growth, readiness, or graduation rate;~~

~~(d) Activities to target demonstrators of weakness in program reviews;~~

~~(e) Activities to target areas of need identified in teacher and leader effectiveness measures;~~

~~(f) School safety, discipline strategies, and other non-academic factors that impact student achievement, such as students' social, emotional, and health needs, if a priority or focus school;~~

~~(g) Design of the school day, week, or year to include additional time for student learning and teacher collaboration, if a priority or focus school;~~

~~(h) Specific strategies to address gaps in achievement and graduation rates between the highest-achieving student performance group and the lowest-achieving student performance group, if a focus school or district; and~~

~~(i) Short-term, monthly plans for the first ninety (90) days of implementation, and the establishment of teacher turnaround teams with intensive year-round training focused on teacher effectiveness and school improvement in the professional development component of its plan, if a priority school.~~

(7) A priority or focus district shall use a variety of relevant sources that shall include perception data gathered from the administration of a valid and reliable measure of teaching and learning

~~conditions to inform the needs assessment required by the CDIP. A district containing a priority or focus school shall assist those schools in using these data to inform the needs assessment required by the CSIP.~~

~~(8) The Commissioner's Raising Achievement and Closing Gaps Council and the Commissioner's Parents Advisory Council shall provide guidance to focus schools and districts as they conduct their needs assessments and revise their CSIPs and CDIPs.~~

~~(9) A priority school shall document meaningful family and community involvement in selecting the intervention strategies that shall be included in the revised CSIP.~~

~~(10) The CDIP for a district with a priority or focus school shall include the support to be provided to the priority or focus school by the district. The priority or focus school's CSIP shall include the support that will be provided by the district to the school.~~

~~(11) The CDIP for each district shall be posted to the district's Web site. The CSIP for each school shall be posted to the school's Web site.~~