STATEMENT OF CONSIDERATION

Relating to 703 KAR 5:240

Accountability Administrative Procedures and Guidelines

Kentucky Board of Education

Department of Education

Not Amended After Comments

1. A public hearing was held on the above regulation on October 21, 2019 at 10:00 a.m. Eastern Time at 300 Sower Boulevard, Frankfort, Kentucky.
2. The following individuals attended this public hearing or submitted written or verbal comments:

Name Title and Affiliation

James Barrett Educator, Owsley County Schools

Tanya Begley Educator, Owsley County Schools

Tim Bobrowski Educator, Owsley County Schools

Tina Bobrowski Educator, Owsley County Schools

Amanda Brown Educator, Owsley County Schools

Brett Burns Educator, Owsley County Schools

Thomas Burns Educator, Owsley County Schools

Tammy Clifton Educator, Owsley County Schools

Heather Cornett Educator, Owsley County Schools

Eugena Gabbard Educator, Owsley County Schools

Tonya Gibson Educator, Owsley County Schools

Dianna Gilbert Educator, Owsley County Schools

Steve Grove Educator, Owsley County Schools

Jennifer Hall Educator, Owsley County Schools

Sylvia Havicus Educator, Owsley County Schools

Rachel Hisel Educator, Owsley County Schools

Vanessa Johnson Educator, Owsley County Schools

Jed Lewis Educator, Owsley County Schools

Kim Little Educator, Owsley County Schools

Noah Noble Educator, Owsley County Schools

Stevi Nolan Educator, Owsley County Schools

Tyler Roberts Educator, Owsley County Schools

Pam Sandlin Educator, Owsley County Schools

Robert Smith Educator, Owsley County Schools

Brent Turner Educator, Owsley County Schools

1. The following people from the promulgating administrative body attended the public hearing and/or responded to written comments:

Name and Title

Rhonda Sims, Associate Commissioner, Office of Standards, Assessment and Accountability

Todd Allen, Deputy General Counsel, Office of Legal Services

Michael Hackworth, Policy Advisor, Office of Standards, Assessment and Accountability

Jennifer Stafford, Division Director, Division of Assessment and Accountability Support

John Landon, Staff Attorney, Office of Legal Services

IV. Summary of Comments and Responses

1. Subject Matter: Assigning Students for School and District Accountability
2. Comments: Many commenters believe that the regulation should be amended to reflect 100 days of enrollment at the A1 school before a student from a non-A1 school is held accountable to the A1 schools. Commenters expressed concern that it is unfair to small districts to hold schools accountable for the students who they haven’t taught for 100 days.

In addition, a commenter asked on whether it has been considered to award quarter or half stars in the rating system.

Individuals speaking or offering written comments or concerns on this subject matter include: James Barrett, Tanya Begley, Tim Bobrowski, Tina Bobrowski, Amanda Brown, Brett Burns, Thomas Burns, Tammy Clifton, Heather Cornett, Eugena Gabbard, Tonya Gibson, Diana Gilbert, Steve Grove, Jennifer Hall, Sylvia Havicus, Rachel Hisel, Vanessa Johnson, Jed Lewis, Kim Little, Noah Noble, Stevi Nolan, Tyler Roberts, Pam Sandlin, Robert Smith and Brent Turner.

1. Response: The agency carefully reviewed and considered all comments.

As stated in KRS 158.6453, the Kentucky Board of Education shall be responsible for creating and implementing a balanced statewide assessment program that measures the students’, schools’, and districts’ achievement of the goals set forth in KRS 158.645 and 158.6451, to ensure compliance with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure accountability.

Without the requirements set forth in Section 2 of 703 KAR 5:240, many students enrolled in non-A1 programs would not be included in the accountability system. Inclusion of all students in the state’s school accountability system is an equity issue. Individual students or groups of students not included may not receive supports or proper interventions critical for success.

Educators make important decisions on student placement. School leaders place students in a range of settings that provide the best learning environment for each student. It is incumbent for the school and district to make appropriate placements for the students.

The staff in the Office of Standards, Assessment and Accountability at the Kentucky Department of Education (KDE) understand the impact an individual student can have in the accountability calculations for schools and districts, particularly those with smaller populations. To ensure that accountability calculations and student rosters are correct, it is extremely important that districts and schools participate in the data review windows that KDE offers throughout the year. If there are any discrepancies during those windows, tickets shall be created by the district for KDE staff to investigate. If there are any errors, KDE will correct so that accountability will be correct.

After careful consideration, the agency declines to amend the regulation regarding the requirements set forth in assigning students for school and district accountability.

The star rating system is not under purview of this administrative regulation.

Summary of Statement of Consideration and

Action Taken by Promulgating Administrative Body

The public hearing on this administrative regulation was held October 21, 2019 at 10:00 a.m. in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky and written comments were received. The agency responded to the comments and will not amend the administrative regulation.