

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amendment)

703 KAR 5:080. Administration Code for Kentucky's Educational Assessment Program.

RELATES TO: KRS 158.6453, 158.6455

STATUTORY AUTHORITY: KRS 156.070, 158.6453, 158.6455

NECESSITY, FUNCTION, AND CONFORMITY: KRS ~~158.6453~~~~[158.6455]~~ requires the Kentucky Board of Education to promulgate administrative regulations that minimize the number of days of testing and outline the procedures to be used during the testing process to ensure test security, including procedures for testing makeup days, and to comply with federal assessment requirements~~[to establish a system for identifying and rewarding successful schools and to establish appropriate consequences for schools failing to meet or exceed their assistance line]~~. This administrative regulation establishes an Administration Code for Kentucky's Educational Assessment Program for appropriate testing practices for state required tests.

Section 1. Incorporation by Reference.

(1) The "Administration Code for Kentucky's Educational Assessment Program", August 2024~~[February 2014]~~, is incorporated by reference.

(2) This document may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, Office of Assessment and Accountability, 5th Floor, 300 Sower Boulevard, Frankfort, Kentucky, Monday through Friday, 8 a.m. through 4:30 p.m. This material may be viewed at: https://www.education.ky.gov/AA/distsupp/Documents/703_KAR_5080.pdf.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

ROBBIE FLETCHER, Ed.D., Commissioner

SHARON PORTER ROBINSON, Chairperson

APPROVED BY AGENCY: August 8, 2024

FILED WITH LRC: August 9, 2024 at 3:05 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 23, 2024 at 10 a.m., in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes administrative procedures and guidelines for administering state-required assessments included in accountability reporting.

(b) The necessity of this administrative regulation:

KRS 158.6453 requires the Kentucky Board of Education to promulgate administrative regulations that minimize the number of days of testing and outline the procedures to be used during the testing process to ensure test security, including procedures for testing makeup days, and to comply with federal assessment requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation establishes administrative procedures and guidelines for administering state-required assessments included in accountability reporting, including processes for ensuring test security.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation provides specific details and guidance to ensure consistent implementation and security of the state-required assessments.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment updates language to reflect the transition from paper-based testing to primarily online testing and other updates that improve test security and test administration practices.

(b) The necessity of the amendment to this administrative regulation:

The amendment is necessary due to a transition from primarily paper-based tests to primarily online tests and to provide clarity regarding test administration procedures.

(c) How the amendment conforms to the content of the authorizing statutes:

This amendment establishes practices that protect the confidentiality and validity of the state-required tests.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment establishes procedures and guidelines for consistent implementation of the state-required tests in Kentucky's assessment program.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Local schools and districts and the Kentucky Department of Education are impacted by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The Kentucky Department of Education will update training materials. Minimal action is required by schools and districts as a result of the amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There will be no additional cost to Kentucky's public schools or districts or the Kentucky Department of Education.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Protecting the security and validity of state-required assessments supports trust in the score results and the accountability results to which they contribute.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

Additional costs are not anticipated.

(b) On a continuing basis:

Additional costs are not anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The Kentucky Department of Education's general funds will be used for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish any fees either directly or indirectly.

(9) TIERING: Is tiering applied?

Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all school districts.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 158.6453 requires the Kentucky Board of Education to promulgate administrative regulations that minimize the number of days of testing and outline the procedures to be used during the testing process to ensure test security, including procedures for testing makeup days, and to comply with federal assessment requirements.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Kentucky Board of Education is the promulgating agency. The Kentucky Department of Education.

(a) Estimate the following for the first year:

Expenditures:No additional expenditures are anticipated as a result of this administrative regulation.

Revenues:No revenue will be generated as a result of this administrative regulation.

Cost Savings:Cost savings are not expected as a result of this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

No differences in expenditures, revenues, or cost savings are expected as a result of this administrative regulation.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

The affected local entities are Kentucky public school districts.

(a) Estimate the following for the first year:

Expenditures:Kentucky's public-school districts will not incur cost.

Revenues:No revenue will be generated as a result of this administrative regulation.

Cost Savings:This regulation will not generate cost savings for Kentucky's public-school districts.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

No differences in expenditures, revenues, or cost savings are expected as a result of this administrative regulation.

(4) Identify additional regulated entities not listed in questions (2) or (3):

There are no additional regulated entities not mentioned in questions 2 or 3.

(a) Estimate the following for the first year:

Expenditures:Not applicable

Revenues:Not applicable

Cost Savings:No answer provided.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

Not applicable

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

This administrative regulation does not result in any new expenditures, revenues, or cost savings.

(b) Methodology and resources used to determine the fiscal impact:

This administrative regulation does not result in any new expenditures, revenues, or cost savings.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

This regulation will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion:

The administrative regulation is not anticipated to result in any new expenditures for the entities identified in questions (2) – (4).