

## **704 KAR 3:390. Extended school services.**

RELATES TO: KRS 158.070, 158.6451, 158.6459

STATUTORY AUTHORITY: KRS 156.070, 158.070

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(4) authorizes the Kentucky Board of Education to promulgate administrative regulations necessary for the efficient management, control, and operation of the schools and programs under its jurisdiction. KRS 158.070(9) requires schools to provide continuing education for students who need additional instructional time to achieve the outcomes defined in KRS 158.6451. KRS 158.070(9) requires the Kentucky Board of Education to promulgate administrative regulations establishing criteria for the allotment of grants to local school districts to provide these services and for waivers to deliver those services during the regular school day. This administrative regulation establishes requirements for extended school services.

Section 1. Definitions. (1) "Diagnostic assessment" means an assessment that is used to identify gaps in student learning in specific content areas.

(2) "Extended school services" or "ESS" means instructional and support services provided:

(a) By school districts for students who are unlikely to achieve proficiency, transition to the next level of learning successfully, or be able to meet the academic expectations in 703 KAR 4:060 without additional time or differentiated opportunity to learn;

(b) At times separate from the regular school day, regular school week, or the minimum school term, unless a district's request for a waiver meets the criteria established in Section 7 of this administrative regulation and has been approved by the commissioner; and

(c) As interventions included in the student's intervention plan, to ensure that the student remains in school and is on track to meet goals for postsecondary education and career after high school.

(3) "Formative assessment" is defined by KRS 158.6453(1)(e).

(4) "Individual learning plan" means a plan to help students in grades 6 through 12 better focus their coursework on individual goals as they prepare for postsecondary studies and careers.

(5) "Interim assessments" is defined by KRS 158.6453(1)(f).

(6) "Student intervention plan" means a plan written to identify the specific intervention goals for a student and used to track student progress on those goals.

(7) "Summative assessment" is defined by KRS 158.6453(1)(j).

(8) "Support services" means services that provide technical, administrative, and logistical support to facilitate and enhance instruction and that:

(a) Are provided to enable the student to realize the benefits of the instructional program; and

(b) Include services, such as transportation, instructional materials or supplies, student snacks, school-based counseling, community-based mentoring, academic advising, parent training for follow through, or referrals for social, health, or financial assistance through appropriate service agencies.

Section 2. Instructional Program. (1) The major emphases of extended school services shall be to provide additional time and differentiated opportunity to learn in a program in which rigorous academic and enrichment content are aligned with individual student needs to improve the present level of performance in one (1) or more content areas. Priority for ESS services shall be placed on designing and delivering services to students at academic risk with the specific objective that students are able to:

- (a) Progress from grade to grade with their cohort;
- (b) Exit elementary school ready to meet academic expectations at the middle school level;
- (c) Exit middle school ready to meet academic expectations at the high school level; and
- (d) Exit high school ready to meet academic expectations at the postsecondary education level and in the workplace, with particular emphasis on literacy and mathematics.

(2) The extended school services provided to a student shall be planned, documented, and evaluated through the student intervention plan. The instructional program for extended school services shall include:

(a) Diagnostic assessments to determine areas of highest academic need of the individual student;

(b) Development of goals, in consultation with classroom teachers, parents, and students, for eliminating the identified academic need, including timelines and specific measurable outcomes;

(c) Formative and summative assessments to facilitate student progress and to determine if the student has achieved the learning goals of the student's intervention plan;

(d) Instructional strategies that are differentiated and that do not replicate practices that have proven to be ineffective for the student in the traditional classroom;

(e) A plan for collaboration and consistent use of interventions among the teachers supporting the student in core academic classes and those providing supports through extended school services;

(f) Counseling and academic advising to remove barriers to achievement; and

(g) Regular communication with the parent or guardian.

(3) The instructional program may utilize a variety of scheduling models including:

(a) Programs operated during the regular school day as provided in Section 7 of this administrative regulation;

(b) Extended day programs which are scheduled at any time outside of the regular school day;

(c) Night programs;

(d) Saturday programs;

(e) Summer programs; or

(f) Flexible school calendars which allow eligible students to attend school for a longer period of time than other students.

(4) The district's comprehensive school improvement plan shall include opportunities to collaborate with businesses, colleges, and community organizations to provide services and advising in off-campus locations as part of or aligned with the extended school services programs.

(5) Extended school services programs shall not supplant instructional time of the regular school program, but shall extend time and provide differentiated opportunity to learn in a specific area of academic need.

(6) Certified staff, including administrators, teachers, and advisors, shall collaborate to plan, deliver, and evaluate extended school services instruction and supports as part of a student's intervention plan.

(7) Teachers providing instruction in extended school programs shall meet the same professional qualifications as teachers who are employed in the regular school program.

(8) Teachers providing instruction in extended school programs shall be provided with professional development on effective instructional strategies for meeting the needs of at-risk students and the use of formative assessment strategies to monitor progress.

(9) Certified staff shall supervise noncertified tutors.

(10) Extended school services shall be provided to eligible students who are in the first year

of the primary school program through the twelfth grade. Students shall be eligible to receive these services until they graduate from the twelfth grade or reach twenty-one (21) years of age, whichever comes first.

Section 3. Student Selection. (1) Each school district shall select pupils who need additional instructional time or differentiated opportunity to learn as described in Section 2(1) of this administrative regulation. A student shall not be selected or assigned to receive extended school services for disciplinary purposes or for any kind of in-school suspension.

(2) Within its scope of authority, a local board of education may mandate the participation of eligible students in extended school services through the adoption of a written policy, which shall describe all conditions under which attendance will be required and shall provide a description of any exceptions permissible under the policy.

(3) The policy for attendance in extended school services shall include:

(a) Identification of the learning goals and benchmarks that, if achieved, indicate that the student may exit the extended school services program;

(b) The conditions under which a student's absence may be considered excused or unexcused; and

(c) The arrangements for transporting the students mandated to attend.

(4) If requested by the Kentucky Department of Education, the local school board shall provide notice of the policy in the district's annual extended school services program report, which is submitted at the same time as the district's comprehensive school improvement plan.

(5) One (1) or more of the following shall be used to determine which students shall be eligible for and in greatest need of extended school services:

(a) Teacher recommendation;

(b) Academic performance data, including diagnostic, formative, interim, or summative assessments;

(c) Student performance on high school, college, or workforce readiness assessments required by KRS 158.6459; or

(d) Behavioral and developmental progress as documented in formal and informal assessments and reports.

(6) Local school boards shall approve and disseminate procedures whereby pupils who have a greater need as determined by the eligibility criteria shall be referred and selected first to receive extended school services. These procedures shall not exclude students who have greater academic need from referral or selection for extended school services due to the inability of the parent or student to provide transportation.

(7) A local school district shall solicit input from parents and the community to identify potential barriers to participation. Identified barriers shall be addressed through engagement with community partners or off-campus locations of after school, weekend, or evening services.

(8) Schools shall inform parents and guardians of extended school services including:

(a) The rationale for offering extended school services, including data about educational achievement and future earnings, opportunities for postsecondary education and training, and consequences of failure to achieve the high school diploma;

(b) A specific notification to parents or guardians of their child's eligibility to be assigned to extended school services, including the manner in which a personalized student intervention plan and goals will be included as part of the student's individual learning plan to help ensure that the student is able to achieve the student's academic and career goals; and

(c) Written procedures for parents or guardians to request reconsideration of their child's eligibility for extended school services.

Section 4. Funding. (1) Each school district shall be eligible to receive a grant award from available funds to provide extended school services. Available funds shall be the amount of the total appropriation less two (2) percent for state administrative costs.

(2) The commissioner shall distribute the remaining appropriation as follows:

(a) One-third (1/3) of the total funds shall be distributed based on the most current average daily attendance (ADA);

(b) One-third (1/3) of the total funds shall be distributed based on the most current rates of economic deprivation (ED); and

(c) One-third (1/3) of the total funds shall be distributed based on the most current state assessment overall score (OS).

(3)(a) The state total for ED shall be the sum of all districts' ED quotients. Each district's ED quotient shall be calculated by multiplying the district's ED times the district's ADA.

(b) The state total for OS shall be the sum of all districts' OS quotients.

(c) The state total for ADA shall be the sum of the ADA for all districts.

(4) Actual district allocations shall be calculated as follows:

(a) Determine the percentage each district shall receive for ADA by dividing the district's ADA by the state total ADA. The resulting percentage multiplied times the total funds available for average daily attendance shall equal the amount the district shall receive for ADA;

(b) Determine the percentage each district shall receive for ED by multiplying the district's ED times the district's ADA and divide the result by the state's total ED, as determined by subsection (3) of this section. The resulting percentage multiplied times the total funds available for economic deprivation shall equal the amount the district shall receive for ED;

(c) Determine the percentage each district shall receive for OS by multiplying the district's OS times the district's ADA and divide the result by the state's total OS as determined by subsection (3) of this section. The resulting percentage multiplied times the total funds available for overall score shall equal the amount the district shall receive for OS; and

(d) Sum the district's portions for ADA, ED, and OS to determine the district's total ESS allocation.

(5) To ensure the opportunity for all school districts to provide effective extended school services of adequate size and scope, a school district shall not receive a grant of less than \$15,000.

(6) Grant awards shall be made to each school district upon approval by the commissioner of an application described in Section 5 of this administrative regulation. Regular grant funds shall be available for use by districts for fifteen (15) months through September 30 of the last year of the grant period. All services shall be delivered by September 30 of the last year of the grant period and all expenditures shall be paid for extended school services by December 30 of the last year of the grant period.

(7)(a) Funds received for extended school services shall be expended for instructional and support services necessary to provide an effective program.

(b) These services shall include salaries of personnel.

(c) Transportation and staff development related to the provision of extended school services shall be considered permissible support services.

(d) Funds for extended school services shall not be used for capital outlay or indirect costs.

(e) School districts shall be authorized to enter into contractual arrangements if needed to provide comprehensive extended school service programs.

(f) Funds may be expended for instructional materials and supplies if a need is demonstrated and the district does not have the supplies and materials available.

(g) Part of these funds may be used for administrative costs, which shall not exceed five (5) percent of the district's allocation.

(h) Students shall not receive monetary compensation to attend the extended school services program.

(i) School districts shall maintain on file the written criteria for the selection of personnel employed in extended school services and shall ensure staffing decisions are made to best meet the needs of students.

(8) Financial records for extended school services shall be maintained by each school district and shall be submitted to the Department of Education via the state technology system.

Section 5. Requesting Funds. (1) A request for the use of extended school services funds shall be submitted as part of the district's comprehensive improvement plan.

(2)(a) District applications for funds shall be approved by the commissioner prior to the encumbrance or expenditure of funds for extended school services by any school district, including the contracting of personnel for extended school services.

(b) Approval of programs as described in each district's comprehensive improvement plan, required program reports, and request for a waiver for alternative service delivery shall be based on this administrative regulation and KRS 158.070.

Section 6. Program Evaluation. For the purpose of program evaluation, the Kentucky Department of Education shall collect in the student information system the following data for all schools:

- (1) Number of students receiving extended school services;
- (2) Content areas where services received;
- (3) Hours of service provided;
- (4) Demographic data for students receiving extended school services; and
- (5) Student improvement as a result of extended school services.

Section 7. Waiver for Alternative Service Delivery. (1) The commissioner may consider a request for a waiver to operate an extended school services program during the school day or to use an alternative delivery format. A request for a waiver shall include:

- (a) A rationale describing why a daytime program is needed;
- (b) A description of the instructional program that meets the criteria established in Section 2 of this administrative regulation;
- (c) A description of the student selection process that meets the criteria in Sections 2 and 3 of this administrative regulation; and
- (d) A detailed and accurate budget that includes correct MUNIS codes. A person compensated with extended school services funds shall devote his or her time to delivering extended school services during the time period for which he or she is being compensated with extended school services funds.

(2) For the purpose of program evaluation, the Kentucky Department of Education shall collect the following additional data from schools receiving a daytime waiver:

- (a) Evaluation and evaluative data as approved in the waiver application; and
- (b) Data relative to the effectiveness of the extended school service program, including:
  1. Pre- and post-student qualitative and quantitative performance data;
  2. Student attendance at extended school services; and
  3. Promotion and graduation data. (17 Ky.R. 695; eff. 10-14-90; Am. 19 Ky.R. 994; 1375; eff. 12-9-92; 23 Ky.R. 186; eff. 9-5-96; 29 Ky.R. 1349; 2094; eff. 2-3-03; 35 Ky.R. 1281; 1739; 2054; eff. 2-12-2009; 40 Ky.R. 678; 1263; eff. 1-3-2014.)