FILED WITH LRC
TIME: 9 am
DEC 13 2018
Emily B Caudill
REGULATIONS COMPILER

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

5 703 KAR 5:270. Kentucky's Accountability System.

6 RELATES TO: KRS 158.645, 158.6451, 158.6453, 158.6455, 20 U.S.C. 6311

7 STATUTORY AUTHORITY: KRS 158.6453, 158.6455

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6453 requires the Kentucky Board

9 of Education to create and implement a balanced statewide assessment program that measures

10 the achievement of students, schools, and districts; complies with the federal Every Student

11 Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor; and ensures accountability.

12 KRS 158.6455 requires the Kentucky Board of Education to create an accountability system to

13 classify schools and districts, including a process for annual summative performance evaluations

14 and goals for improvement. This administrative regulation establishes the statewide system of

15 accountability, and meets requirements set forth in the federal Every Student Succeeds Act of

16 2015 at 20 U.S.C. 6311.

17 Section 1. Definitions. (1) "Achievement gap closure" means a combined measure of reducing

18 the performance difference between student demographic groups to each other and to proficiency

19 for reading and mathematics [~~each of the tested areas~~].

20 [(~~2) "Behavior events" are student infractions involving drugs, weapons, harassment including~~

21 ~~bullying, alcohol, tobacco, assault first degree, other assault or violence, and state resolutions not~~

1 ~~reported.~~

2 ~~(3) "Catch up" means individual student performance below proficient grows enough to achieve~~

3 ~~proficiency or to be on track to become proficient.~~

4 ~~(4) "Chronic absenteeism" means a student who misses ten (10) percent or more of his/her~~

5 ~~enrolled academic year~~].

6 (2) [~~(5)~~] "Comparison student group" means the student demographic group being contrasted to

7 the reference group.

8 (3) [~~(6)~~] "Consolidated student groups" means a non-duplicated aggregation of student groups

9 that includes: African American, Hispanic, Native Hawaiian or other Pacific Islander, American

10 Indian or Alaska Native, two (2) or more races, students with disabilities who have an individual

11 education program (IEP), and English learners.

12 (4) [~~(7)~~] "English learners" in the indicators of growth and transition readiness means students

13 currently identified on an English language proficiency exam. For all other areas, it means

14 students currently identified and those who continue to be monitored.

15 [~~(8) "Essential skills" means the foundational abilities that include attendance, positive~~

16 ~~dispositions, and communication needed to successfully complete academic, workplace, or~~

17 ~~military responsibilities as demonstrated through a variety of co-curricular learning and~~

18 ~~leadership experiences~~.]

19 (5) [~~(9)~~] "Federal student group designation" means targeted support and improvement, and

20 comprehensive support and improvement as provided in KRS 160.346.

21 (6) [~~(10)~~] "Federally defined student demographic groups" include White, African American,

22 Hispanic, Asian, Native Hawaiian or other Pacific Islander, American Indian or Alaska Native,

23 two (2) or more races, free/reduced-price meal eligible, students with disabilities who have an

IEP, and English learners.

(7) [~~(11)~~] "Full academic year" means 100 or more instructional days of student enrollment within the school year.

(8) [~~(12)~~] "Graduation rate" means the percentage of students who enter high school and receive a diploma based on their cohort in four (4) and five (5) years, adjusting for transfers in and out, émigrés, and deceased students.

(9) [~~(13)~~] "Growth" means a student's continuous improvement toward proficiency or above.

(10) [~~(14)~~] "Indicator" means a component of the accountability system that provides specific information on the school or district.

(11) [~~(15)~~] "Individual education program" or "IEP" means an individual education program as defined in 707 KAR 1:002.

[~~(16) "Keep up" means individual student performance at or above proficient that grows at a rate to maintain proficiency or above.~~

~~(17) "Less than catch up" means individual student performance below proficient and not on track to become proficient.~~]

(12) [~~(18)~~] "Local education agency" or "LEA" for the purposes of this administrative regulation shall mean a local school district as provided in KRS 161.010 and KRS 161.020 or a charter school board of directors as provided in KRS 161.1590.

[~~(19) "Move up" means individual student performance at proficient that grows at a rate to be on track to become distinguished.~~

~~(20) "Opportunity and access" means equitable availability to research-based student experiences and school factors that impact student success.~~]

(13) [~~(21)~~] "Practical significance" means a measure of the differences between student groups

1 has real meaning.

2 (14) [~~(22)~~]"Proficiency indicator" means the measure of academic status or performance for

3 reading and mathematics on state assessments.

4 (15) [~~(23)~~] "Proficient" or "proficiency" means reaching the desired level of knowledge and

5 skills as measured on academic assessments.

6 (16) "Quality of school climate and safety" means the measures of school environment.

7 (17) [~~(24)~~] "Rating" means the process of inclusion of an indicator in the formal overall rating of

8 the school or district.

9 (18) [~~(25)~~] "Reference group" means a student demographic group to which another group is

10 contrasted to provide a benchmark for performance.

11 (19) [~~(26)~~] "Separate academic indicator for science, social studies, and writing" means the

12 measure of academic status or performance for science, social studies, and writing on state

13 assessments.

14 (20) [~~(27)~~] "Transition readiness" means the attainment of the necessary knowledge, skills, and

15 dispositions to successfully transition to the next level.

16 (21) [~~(28)~~] "Value table" means a set of numbers that are used to attribute scores to different

17 performance levels.

18 [~~(29) "Work ethic certification" means a process by which a student demonstrates essential skills~~

19 ~~and workplace readiness.~~]

20 (22) [~~(30)~~]"Writing" means the content area that includes on-demand writing, and editing and mechanics.

21 Section 2. Kentucky's accountability system that is used to classify schools and LEAs shall

22 include the indicators of: proficiency;-separate academic indicator for science, social studies, and

23 writing; growth; transition readiness; achievement gap closure; quality of school climate and

1 safety [~~opportunity and access~~]; and graduation rate.

2 (1) The proficiency indicator shall be measured by student performance on state tests in reading

3 and mathematics.

4 (2) A separate academic indicator shall be measured by student performance on state tests in

5 science, social studies, and writing.

6 (3) The growth indicator shall be calculated at the elementary and middle school levels. The

7 growth indicator shall be measured:

8 (a) Based on a growth value table in reading and mathematics; and

9 (b) Progress toward achieving English proficiency by English learners.

10 (4) The achievement gap closure indicator shall be measured as follows:

11 (a) Reducing the gap in performance between the following comparison groups and reference

12 group in the combined content areas of reading and [~~,~~] mathematics [~~, science, social studies, and~~

13 ~~writing~~]:

14 1. African American, Hispanic, Asian, Native Hawaiian or other Pacific Islander, American

15 Indian or Alaska Native, White, and two (2) or more races compared to the reference group,

16 which shall be the highest of these;

17 2. Free and [~~/~~] reduced-price meal eligible students compared to non-free and [~~/~~] reduced

18 /reduced-price meal eligible students;

19 3. Students with disabilities who have an IEP compared to students without IEPs; and

20 4. English learners compared to non-English learners.

21 (b) Reducing the gap to proficiency for the combined content areas of reading and [,]

22 mathematics [~~, science, social studies, and writing by the following groups~~]: White, African

23 American, Hispanic, Asian, Native Hawaiian or other Pacific Islander, American Indian or

1 Alaska Native, two (2) or more races, free and [/] reduced and [/] reduced-price meal eligible,

2 students with disabilities who have an IEP, English learners, and a consolidated student group.

3 (5) The quality of school climate and safety indicator. [~~The opportunity and access indicator~~

4 ~~shall be measured for rich curricula, equitable access, and school quality as follows:~~

5 ~~(a) Elementary schools that provide all students opportunities and access to:~~

6 ~~1. Rich curricula annually including:~~

7 ~~a. Visual and performing arts;~~

8 ~~b. Health and physical education;~~

9 ~~c. Science; and~~

10 ~~d. Social studies.~~

11 ~~2. School quality as measured by a lack of student chronic absenteeism, behavior events, and~~

12 ~~physical restraint and seclusion.~~

13 ~~3. Equitable access by federally defined student demographic groups in proportion to the school~~

14 ~~population to gifted and talented services excluding the primary talent pool.~~

15 ~~(b) Middle schools that provide all students opportunities and access to:~~

16 ~~1. Rich curricula annually including:~~

17 ~~a. Visual and performing arts;~~

18 ~~b. Health and physical education;~~

19 ~~c. Science;~~

20 ~~d. Social studies; and~~

21 ~~e. Career exploration including career and technical education courses, other courses that focus~~

22 ~~on essential skills and co-curricular learning and leadership experiences.~~

23 ~~2. School quality as indicated by a lack of student chronic absenteeism, behavior events, and~~

1 ~~physical restraint and seclusion.~~

2 ~~3. Equitable access of federally defined student demographic groups in proportion to the school~~

3 ~~population to gifted and talented services.~~

4 ~~(c) High schools that provide all students with opportunities and access to:~~

5 ~~1. Rich curricula including:~~

6 ~~a. Visual and performing arts;~~

7 ~~b. Health and physical education;~~

8 ~~c. Cultural studies or world language;~~

9 ~~d. Career and technical education (CTE), including specialized career pathways in state and~~

10 ~~regional high demand sectors as approved by Kentucky's Workforce Innovation Board; and~~

11 ~~e. Essential skills demonstrated as part of a work ethic certification.~~

12 ~~2. School quality as indicated by a lack of student chronic absenteeism, behavior events, and~~

13 ~~restraint and seclusion.~~

14 ~~3. Equitable access of federally defined student demographic groups to the following advanced~~

15 ~~coursework: advanced placement, international baccalaureate, Cambridge Advanced~~

16 ~~International, and dual credit.~~]

17 (6) The transition readiness indicator shall be measured <u>at high school</u> for students meeting the

18 following criteria:

19 [~~(a) At the elementary and middle school level, students meet or exceed the benchmark on a~~

20 ~~composite score that combines student performance on state-required assessments for reading,~~

21 ~~mathematics, science, social studies, and writing. A composite score shall include the most~~

22 ~~recent content area assessment by grade level available for each school. Students participating in~~

23 ~~the alternate assessment program will have criteria based on alternate assessment requirements~~.

1 ~~(b) At the high school level, students:~~]

2 (a) [~~1.~~] Earn a regular or alternative high school diploma; and

3 (b) [~~2.~~] Achieve academic readiness or career readiness.

4 1. [~~a.~~] A school shall receive credit for each student demonstrating academic readiness by:

5 a. [~~(i)~~] Scoring at or above the benchmark score as determined by the Council on Postsecondary

6 Education (CPE) on the college admissions examination; or

7 b. [~~(ii)~~] Completing six (6) [~~or more~~] hours of Kentucky Department of Education approved dual

8 credit and receiving a grade of C [~~B~~] or higher in each course; or

9 c. [~~(iii)~~] Completing two (2) [~~or more~~] advanced placement (AP) courses and receiving a score of

10 three (3) or higher on each AP assessment; or

11 d. [~~(iv)~~]-Receiving a score of five (5) or higher on two (2) examinations for international

12 baccalaureate courses; or

13 e. [~~(v)~~] Scoring at or above the benchmark on two (2) [~~or more~~] Cambridge Advanced

14 International examinations; or

15 f. [~~(vi)~~] Completing a combination of academic readiness indicators listed above.

16 g. [~~(vii)~~] Demonstration of academic readiness listed in paragraph 6 (b)1 [~~2.a.~~] of this section

17 shall include one (1) quantitative reasoning or natural sciences and one (1) written or oral

18 communication, or arts and humanities, or social and behavioral sciences learning outcomes.

19 2. [~~b.~~] A school shall receive credit for each student demonstrating career readiness by:

20 a. [~~(i)~~] Scoring at or above the benchmark on industry certifications as approved by the Kentucky

21 Workforce Innovation Board on an annual basis; or

22 b. [~~(ii)~~] Scoring at or above the benchmark on the career and technical education end-of-program

23 assessment for articulated credit; or

1 c. [~~(iii)~~] Completing six (6) [~~or more~~] hours of Kentucky Department of Education approved
2 CTE dual credit, and receiving a grade of C [~~B~~] or higher in each course; or
3 d. [~~(iv)~~] Completing a Kentucky Department of Education approved or labor cabinet-approved
4 apprenticeship; or
5 e. [~~(v)~~] Completing a Kentucky Department of Education approved alternate process to verify
6 exceptional work experience.
7 3. [~~c.~~] For students who qualify as English learners in high school: Meeting criteria for English
8 language proficiency to be English language ready.
9 4. [~~d.~~] Students participating in the alternate assessment program shall meet criteria based on
10 academic or career alternate assessment requirements.
11 (7) The graduation rate indicator shall be measured for each high school using the four (4)-year
12 and extended five (5)-year cohort rate. The graduation rate shall be reported for all students and
13 student groups.
14 Section 3. Classification of Schools and LEAs in the State Accountability System. (1) Data shall
15 be included in the overall rating for schools and LEAs for the following indicators:
16 (a) Proficiency (reading and mathematics);
17 (b) Separate academic indicator (science, social studies, and writing);
18 (c) Growth (elementary and middle school);
19 (d) Transition readiness (high school);
20 (e) Achievement gap closure;
21 (f) Quality of school climate and safety [~~Opportunity and access (school-quality/student~~
22 ~~success)~~]; and
23 (g) Graduation rate (high school).

1 (2) Data from individual student performance on state assessments administered as required in
2 KRS 158.6451 and KRS 158.6453 shall be included in the overall rating of each school and
3 LEA. This data shall include students with disabilities with IEPs who participate in the alternate
4 assessment program.
5 (3) Data in the overall rating shall be attributed to grade level spans for schools and LEA as
6 established in this subsection.
7 (a) Elementary schools shall include data from: proficiency; separate academic indicator for
8 science, social studies, and writing; growth; achievement gap closure; quality of school climate
9 and safety [~~transition readiness; opportunity and access~~]; and federal student group designation.
10 (b) Middle schools shall include data from: proficiency; separate academic indicator for science,
11 social studies, and writing; growth; achievement gap closure; quality of school climate and safety
12 [~~transition readiness; opportunity and access~~]; and federal student group designation.
13 (c) High schools shall include data from: proficiency; separate academic indicator for science,
14 social studies, and writing; achievement gap closure; transition readiness; graduation rate; quality
15 of school climate and safety [~~opportunity and access;~~] and federal student group designation.
16 (d) LEAs shall include data from: school proficiency; separate academic indicator for science,
17 social studies, and writing, growth; achievement gap closure; transition readiness; graduation
18 rate; and quality of school climate and safety [~~opportunity and access~~].
19 Section 4. Calculations for Reporting Categories. (1) Proficiency for reading and mathematics
20 shall be rated equally in elementary, middle and high schools and LEAs by awarding points as
21 described in paragraph 2(b) of this section.
22 (2) The separate academic indicator for science, social studies, and writing shall be rated in
23 elementary, middle and high schools, and in LEAs by awarding points as described in paragraph

2(b) of this section. The highest proportion shall be attributed to science and social studies.

(a) For any content area (reading, mathematics, science, social studies, and writing) where data are not available, the data of the remaining content areas shall be redistributed proportionally across proficiency and separate academic indicator.

(b) The following chart shall be used to calculate the points for proficiency and the separate academic indicator:

Proficiency Levels	Points Awarded for Each Percent of Students
Novice	0
Apprentice	.5
Proficient	1
Distinguished	1.25

(3) The achievement gap closure indicator that includes gap to group and gap to proficiency shall be calculated as established in this subsection.

(a) School achievement gap closure between student demographic comparison groups and reference groups shall be determined by:

1. Determining the student demographic groups to be included in this subsection, which shall include the following student demographic groups that have at least ten (10) students: African American, Hispanic, Asian, Native Hawaiian or other Pacific Islander, American Indian or Alaska Native, two (2) or more races, and White.

a. Comparing African American, Hispanic, Asian, Native Hawaiian or other Pacific Islander, American Indian or Alaska Native, two (2) or more races, and White to a reference group. The reference group shall be the highest performing racial [/] ethnic student group that has at least ten (10) students and constitutes at least ten (10) percent of the students enrolled in the school;

b. Free/reduced-price meal eligible students compared to non-free/reduced-price meal eligible students;

1 c. Students with disabilities who have an IEP compared to students without IEPs; and

2 d. English learners compared to non-English learner students.

3 2. Combining scores for reading and mathematics [~~each tested~~] content area assessment using

4 points in accordance with paragraph 2(b) of Section 4 of this administrative regulation for each

5 student demographic group.

6 3. Using a statistical analysis for each pair of comparison-reference groups, the department shall

7 determine if a significant gap has been sufficiently reduced between the comparison group and

8 reference group and is both statistically and practically significant. If so, the gap closure for the

9 student demographic group will be considered "significant" and the school will receive one (1)

10 gap closure point. If the gap between groups is not significantly reduced, the gap will be

11 considered "not significant" and the school will receive zero gap closure points.

12 (b) School achievement gap closure between student demographic groups and proficiency shall

13 be determined as follows:

14 1. Determine which student demographic groups have at least ten (10) students that are to be

15 included in this subsection. Student demographic groups included in the subsection shall include:

16 a. White;

17 b. African American;

18 c. Hispanic or Latino;

19 d. Asian;

20 e. Native Hawaiian or other Pacific Islander;

21 f. American Indian or Alaska Native;

22 g. Two (2) or more races [/] ethnicities;

23 h. Students in poverty based on eligibility for free and [/] reduced-price meals;

i. Students with disabilities who have an IEP;

j. English learners; and

k. A consolidated student group.

2. Combining scores for reading and mathematics [~~all~~] content area assessments into an index using points in accordance with paragraph 2(b) of Section 4 of this administrative regulation for each student demographic group.

3. Compare the index to the current year's annual target developed by the Kentucky Department of Education for each student demographic group in the combined content areas of reading and [~~,~~] mathematics [~~, science, social studies, and writing~~].

4. If the current year index is equal to or greater than the current year's annual target for each student demographic group in the combined content areas of reading and [~~,~~] mathematics[~~, science, social studies, and writing~~], the student demographic group gap shall be considered "reduced" and the school shall receive two (2) gap closure points.

5. If the current year index is equal to or greater than the current year's annual target for each student demographic group in the combined content areas of reading and [~~,~~] mathematics[~~, science, social studies, and writing~~] minus a sufficient percentage point, the student demographic group gap is considered "partially reduced" and the school shall receive one (1) gap closure point.

6. If the current year index is less than the current year's annual target for each student demographic group in the combined content areas of reading and [~~,~~] mathematics[~~, science, social studies, and writing~~] minus a sufficient percentage point, the student demographic group gap is considered "not reduced" and the school shall receive zero gap closure points.

(c) Sum the total achievement gap closure points across all student demographic groups and

divide by the number of student demographic groups for gap to group and gap to proficiency.

(d) Based on total achievement gap closure points, the Kentucky Department of Education shall conduct a standards setting process involving Kentucky educators and advised by technical experts shall place the school and LEA into categories of very low, low, medium, high, or very high.

(e) Each student demographic group shall have a minimum of ten (10) students per content area in the school or LEA in order to include gap data in accountability.

[~~(f) In calculating the achievement gap closure indicator, the reduction of achievement gap between student demographic groups shall be weighted thirty-three (33) percent and the reduction of the gap to proficiency shall be weighted sixty-seven (67) percent.~~]

(4) Growth shall be rated for elementary and middle schools as established in this subsection.

(a) Novice and apprentice performance levels for growth calculations shall be subdivided into novice high, novice low; and apprentice high, apprentice low.

[~~(b) Based on prior and current year performance, points for student performance level shall be assigned from a growth value table based on a projection of student performance and reported using the following terms: less than catch up, catch up, keep up, and move up.~~]

(b) [~~(c)~~] The school calculation for mathematics shall be the sum of the total points from the growth value table for all students divided by the total number of scores.

(c) [~~(d)~~] The values in the growth value table below shall be used in calculating growth in this subsection.

Growth Value Table (Points for student performance in Year 2, given Performance in Year 1)						
[~~Projected~~]	Novice		Apprentice		Proficient	Distinguished
[~~Current~~] Year 1 Student Performance	Low	High	Low	High		
Distinguished	0 [~~-1.50~~	0 [~~-1.25~~	0 [~~-1.00~~	0 [~~-0.75~~	0 [~~0.00 (K)~~]	50 [~~0.25 (K)~~]

	~~(L)]~~	~~(L)]~~	~~(L)]~~	~~(L)]~~		
Proficient	0 ~~[-1.00 (L)]~~	0 ~~[-0.75 (L)]~~	0 ~~[-0.50 (L)]~~	0 ~~[-0.25 (L)]~~	50 ~~[0.25 (K)]~~	100 ~~[0.50 (M)]~~
Apprentice High	0 ~~[-0.75 (L)]~~	0 ~~[-0.50 (L)]~~	0 ~~[-0.25 (L)]~~	50 ~~[0 (L)]~~	100 ~~[0.25 (C)]~~	150 ~~[0.75 (M)]~~
Apprentice Low	0 ~~[-0.50 (L)]~~	0 ~~[-0.25 (L)]~~	50 ~~[0 (L)]~~	100 ~~[0.25 (L)]~~	150 ~~[0.50 (C)]~~	200 ~~[1.00 (M)]~~
Novice High	0 ~~[-0.25 (L)]~~	50 ~~[0 (L)]~~	100 ~~[0.25 (L)]~~	150 ~~[0.50 (C)]~~	200 ~~[0.75 (C)]~~	250 ~~[1.25 (M)]~~
Novice Low	0 ~~[(L)]~~	100 ~~[0.25 (L)]~~	150 ~~[0.50 (C)]~~	200 ~~[0.75 (C)]~~	250 ~~[1.00 (C)]~~	300 ~~[1.50 (M)]~~

~~Less than Catch Up (L)~~
~~Moving Up (M)~~
~~Catching Up (C)~~
~~Keeping Up (K)~~

(d) [~~(e)~~] The school calculation for reading shall be the sum of the total points for all students from the growth value table plus growth for English language proficiency as described in Section 4(4)(f)[~~(g)~~] of this administrative regulation divided by the total number of scores.

(e) [~~(f)~~] Progress toward achieving English proficiency by English learners shall be calculated as follows:

1. Individual growth shall be compared to prior year performance on an English proficiency exam.

2. The exit benchmark and English learner growth value table created involving Kentucky educators and advised by technical experts shall be utilized.

3. Points for each English learner based on the English learner growth value table shall be summed.

a. Depending on further analysis, Kentucky may modify the value table and its use to reflect factors that may impact English learners' progress toward language proficiency, including age upon entry to U.S. schools, initial English language proficiency level, and degree of interrupted schooling.

b. The values in the growth value table below shall be used in calculating growth in this

1 subsection.

WIDA ACCESS score previous year	WIDA ACCESS score current year							
	1	1.5	2.0	2.5	3.0	3.5	4.0	4.5
4.0	0 [~~-1.5~~]	0 [~~-1.25~~]	0 [~~-1.0~~]	0 [~~-.75~~]	0 [~~-.50~~]	0 [~~-.25~~]	50 [0]	100 [~~.25~~]
3.5	0 [~~-1.25~~]	0 [~~-1.0~~]	0 [~~-.75~~]	0 [~~-.50~~]	0 [~~-.25~~]	50 [0]	100 [~~.25~~]	150 [~~.5~~]
3.0	0 [~~-1.0~~]	0 [~~-.75~~]	0 [~~-.50~~]	0 [~~-.25~~]	50 [0]	100 [~~.25~~]	150 [~~.50~~]	200 [~~.75~~]
2.5	0 [~~-.75~~]	0 [~~-.50~~]	0 [~~-.25~~]	50 [0]	100 [.25]	150 [~~.50~~]	200 [~~.75~~]	250 [~~1.0~~]
2.0	0 [~~-.50~~]	0 [~~-.25~~]	50 [0]	100 [~~.25~~]	150 [~~.50~~]	200 [~~.75~~]	250 [~~1.0~~]	300 [~~1.25~~]
1.5	0 [~~-.25~~]	50 [0]	100 [~~.25~~]	150 [~~.50~~]	200 [~~.75~~]	250 [~~1.0~~]	300 [~~1.25~~]	300 [~~1.5~~]
1.0	0	100 [~~.25~~]	150 [~~.50~~]	200 [~~.75~~]	250 [~~1.0~~]	300 [~~1.25~~]	300 [~~1.5~~]	300 [1.5]

2 4. Total points for English learners shall be added to the sum of the reading growth points for all

3 students in reading as described in Section 4(4)(f)[~~(g)~~] of this administrative regulation.

4 (f) [~~(g)~~] For an overall school growth score, an average of reading scores that includes growth for

5 English learners on an English proficiency exam and mathematics growth scores shall be

6 calculated.

7 (5) The quality of school climate and safety [~~opportunity and access~~] indicator shall be rated for

8 elementary, middle, high schools, and LEAs as established in this subsection.

9 ~~[(a) Opportunity and access school calculation shall sum the total number of points for the~~

10 ~~categories for rich curricula, equitable access, and school quality based on data collected from~~

11 ~~Kentucky's student information system and other statewide systems for individual students.]~~

12 (a) [~~(b)~~] The Kentucky Board of Education shall approve the measures of school climate and

13 safety [~~opportunity and access~~] including the accumulation of credit.

14 (b) [~~(c)~~] A standard setting process shall be conducted involving Kentucky educators and advised

15 by technical experts to determine very low to very high performance levels within quality of

16 school climate and safety [~~opportunity and access~~].

17 (6) Transition readiness shall be [~~rated as established by this subsection.~~

1 ~~(a) A transition readiness percentage shall be~~] calculated by dividing the number of high school
2 graduates who have met measures of transition readiness plus the number of English learners
3 who have achieved English language proficiency by the total number of graduates plus the
4 number of graduates who have received English language services during high school. Credit for
5 students obtaining an industry-recognized certification, licensure, or credential in specialized
6 career pathways in state and regional high demand sectors as approved by Kentucky's
7 Workforce Innovation Board is one and one-quarter (1.25) points. Credit for students obtaining
8 all other readiness indicators is one (1.0) point.
9 [~~(b) A transition readiness percentage shall be calculated for elementary and middle schools by~~
10 ~~dividing the number of students who have met a benchmark on a composite score that combines~~
11 ~~student performance on state required tests in reading, mathematics, science, social studies, and~~
12 ~~writing for transition readiness by the total number of accountable students.~~]
13 (7) Graduation rate is the percentage of students completing the requirements for a Kentucky
14 high school diploma compared to the cohort of students beginning in grade nine. Kentucky shall
15 include a four (4) year cohort rate and an extended five (5) year cohort rate. Each rate shall be
16 weighted equally.
17 (8) The overall rating shall be assigned as follows:
18 (a) The indicators for each school and LEA as identified in Section 3 of this administrative
19 regulation shall contribute to the overall rating of schools and LEAs.
20 (b) Indicators identified in Section 3 shall have a rating of very low, low, medium, high, or very
21 high by school and LEA level.
22 (9) An overall rating based upon performance on the set of indicators for elementary and middle
23 schools, high schools, and LEAs shall be assigned during a standards setting process. The tables

1 below illustrate some of the combinations of performance for each star rating:

2 (a) Overall ratings shall be reported using a five (5) star rating system to communicate

3 performance of schools, LEAs, and the state with one (1) star being the lowest rating and five (5)

4 stars being the highest rating.

Elementary/Middle Schools								
Overall Rating	Proficiency (Reading & Mathematics)	Separate Academic Indicator (Science, Social Studies, and Writing)	Growth (including English Language Learners)	Achievement Gap Closure	Quality of School Climate and Safety [~~Opportunity & Access~~]	[~~Transition Readiness (Composite scores—at grades—5 and 8)~~]	Federal Student Group Designation	Notes
	Note: Standard setting will confirm level of indicator performance necessary for the Star ratings.							Can receive no higher than a 3-Star rating if Achievement Gap Closure is "Low (L)," "Very Low (VL)" or if identified for Targeted Support and Improvement (TSI).
5 Stars	Very High High	Very High High	Very High Low	Very High High	Very High High	[~~Very High~~ ~~High~~]	No designation	
4 Stars	Any 5-star combination except Achievement Gap Closure is Medium						No designation	
	One Medium, three [~~four~~] High Two [~~Three~~] Medium, two High					[~~High~~ ~~Medium~~]		
3 Stars	Any 4- or 5-Star combination except Achievement Gap Closure is Low Or Any 4- or 5-Star combination						No designation TSI	*Schools identified for Comprehensive Support and Improvement (CSI) are classified with a 1 Star rating.
	Three [~~Four~~] Medium, one High Three [~~Four~~] Medium, one Low					[~~High Medium~~ ~~High Low~~]	No designation or TSI	
2 Stars	Two [~~Three~~] Medium, two Low One Medium, three [~~four~~] Low					[~~Medium Low~~]	No designation or TSI	
1 Star	Five [~~Six Low~~] or Very Low Or bottom 5%*						CSI or TSI	

5

High Schools								
Overall Rating	Proficiency (Reading & Mathematics)	Separate Academic Indicator (Science, Social Studies, & Writing)	Other Academic Indicator Transition Readiness (including English Language Learners)	Achieve-ment Gap Closure	Quality of School Climate and Safety [~~Oppor-tunity & Access~~]	Graduation Rate	Federal Student Group Designation	Notes
	Note: Standard setting will confirm level of indicator performance necessary for the Star ratings.							Can receive no higher than a 3-Star rating if Achievement Gap Closure is "Low (L)," "Very Low (VL)" or if identified for Targeted Support and Improvement (TSI).
5 Stars	Very High High	Very High High	Very High High	Very High High	Very High Very High	Very High Very High	No designation	
4 Stars	Any 5-star combination except Achievement Gap Closure is Medium						No designation	
	One Medium, four High Three Medium, two High					High Medium	No designation	
3 Stars	Any 4- or 5-Star combination except Achievement Gap Closure is Low Or Any 4- or 5-Star combination						No designation	*Schools identified for

			TSI	
	Four Medium, one High Four Medium, one Low	High Medium High Low	No designation or TSI	Comprehensive Support and Improvement (CSI) are classified with a 1 Star rating.
2 Stars	Three Medium, two Low One Medium, four Low	Medium Low	No designation or TSI	
1 Star	Six Low or Very Low Or bottom 5%*		CSI or TSI	

LEA								
Overall Rating	Proficiency (Reading & Mathematics)	Separate Academic Indicator (Science, Social Studies, & Writing)	Growth (including English Language Learners)	Achieve-ment Gap Closure	Quality of School Climate and Safety [~~Opportunity & Access~~]	Transition Readiness [~~(Composite at grades 5 and 8,~~] (High school includes English language learners)	Graduation Rate (4 and 5 year cohort)	Notes
	Note: Standard setting will confirm level of indicator performance necessary for the Star ratings.							Can receive no higher than a 3-Star rating if Achievement Gap Closure is "Low (L)," "Very Low (VL)" or there is a significant number of schools identified as CSI or TSI.
5 Stars	Very High High	Very High High	Very High Low	Very High High	Very High Very High	Very High High	Very High High	
4 Stars	Any 5-star combination except Achievement Gap Closure is Medium							
	One Medium, five High Three Medium, three High						High Medium	
3 Stars	Any 4- or 5-Star combination except Achievement Gap Closure is Low Or Any 4- or 5-Star combination						High Medium	
	Five Medium, one High Five Medium, one Low						High Low	
2 Stars	Four Medium, two Low Two Medium, four Low						Medium Low	
1 Star	Six Low or Very Low						Low	

(b) Each star rating reflects a combination of school performance on indicators. The range of performance in the tables elementary, [/] middle schools, high schools and LEAs as shown below indicate the upper bound and the lower bound of performance described as very low, low, medium, high, and very high.

(c) The relationship between each category and the approximate weight of proficiency, a separate academic indicator for science, social studies, and writing, achievement gap closure, growth, transition readiness, quality of school climate and safety [~~opportunity and access~~], and graduation rate shall be included in the overall rating.

1 (d) The individual indicators and the overall rating shall be developed through a standard setting

2 process involving Kentucky educators and advised by technical experts. During the standard

3 setting process, the approximate weights in the following table shall be considered.

4 The proposed ranges in the table indicate the relative emphasis between indicators. The ranges

5 are set to guide Kentucky educators to determine the combination of performance from very high

6 to very low within the indicator during standard setting.

Overall Accountability Weights							
	Proficiency (Reading and Mathematics)	Separate Academic Indicator (Science, Social Studies, and Writing)	Growth (including English Language Learners)	Achievement Gap Closure	Quality of School Climate and Safety [~~Opportunity & Access~~]	Transition Readiness [~~(Composite at grades 5 & 8)~~] (High school includes English language) learners)	Graduation Rate (4 and 5 year cohort)
Elementary/ Middle Schools	15-25	15-25	20-30	15-25	10-20	~~---~~ [~~5-10~~]	---
High Schools	10-40	10-20	---	10-25	10-20	15-30	5-15
Districts	10-20	10-20	10-20	10-20	10-20	10-20	5-15

7 (e) A school shall receive a federal student group designation for statistically significant

8 achievement gaps or low-performing students and shall not be rated above three (3) stars.

9 (f) Schools and LEAs shall not be rated above three (3) stars if they:

10 1. Have an achievement gap closure indicator of low (L) or very low (VL), or

11 2. Are identified for targeted support and improvement (TSI), or

12 3. Have statistically significant achievement gaps.

13 (g) Kentucky will identify schools to determine bottom five (5) percent and ten (10) percent

14 based on the indicators of the (five) 5-star system.

15 (h) If data cannot be calculated for an indicator, the weights shall be redistributed proportionally

16 to remaining indicators that shall be reported for the school or LEA.

17 (10) School accountability indicators shall be assigned as follows:

18 (a) Students enrolled for a full academic year shall be included in the calculations for

19 proficiency, a separate academic indicator for science, social studies, and writing, achievement

1 gap closure, growth, quality of school climate and safety, and transition readiness for a school
2 and LEA.
3 [~~(b) Opportunity and access calculations shall be based on the students' enrollment.~~]
4 (b) [~~(c)~~] Graduation rate calculations shall be based on the students' final enrollment.
5 (c) [~~(d)~~] Student demographic groups shall have a minimum of ten (10) students to be included in
6 school rating calculations.
7 (d) [~~(e)~~] In accordance with KRS 158.6455, schools and districts shall be placed into one (1) of
8 five (5) star ratings established by a standards-setting process utilizing results from the first
9 operational administration of assessments in 2018-19. The process shall:
10 1. Be advised by the National Technical Advisory Panel on Assessment and Accountability; the
11 School Curriculum, Assessment and Accountability Council; and the Office of Education
12 Accountability; and
13 2. Use accepted technical procedures and involve Kentucky school and district administrators
14 and teachers.
15 Section 5. Public reporting requirements. (1) The Kentucky Department of Education shall report
16 disaggregated data for each indicator of the state assessment and accountability system.
17 (2) Progress on long-term and interim goals shall be reported publicly as required by the federal
18 Every Student Succeeds Act. Goals shall be developed for every student group, including all
19 students, for academic achievement in each content area of reading, mathematics, science, social
20 studies, and writing, and the content areas combined; graduation rate based on four (4) year and
21 five (5) year adjusted cohorts; and progress on English proficiency for English learners.
22 (3) The goal for academic achievement operationalizes both the improvement of proficient and
23 distinguished performance for all students and each student group and the reduction of gaps in

1 student group performance by fifty (50) percent by 2030. Each student group of ten (10) or more
2 students shall be compared to the reference group of the highest performing student group that is
3 at least ten (10) percent of the student population.
4 (4) Goals for graduation rate shall be generated for a four (4) year adjusted cohort to ninety-five
5 (95) percent for all students and an extended five (5) year cohort to ninety-six (96) percent for all
6 students. The goal for progress on English language proficiency shall be based on the percent of
7 students making progress toward attainment of the English language.

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).

12/12/2018
(Date)

Wayne D. Lewis
Commissioner of Education

12/12/18
(Date)

Hal Heiner, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on January 24, 2019, at 10:00 a.m. in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. 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 January 31, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Deanna L. Durrett, 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

Regulation Number: 703 KAR 5:270
Contact Person: Deanna Durrett, Deanna.Durrett@education.ky.gov
Phone number: 502-564-4474

(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes state accountability requirements for Kentucky's public local education agencies (LEAs) and schools.

(b) The necessity of this administrative regulation: KRS 158.6453 requires the Kentucky Board of Education to create and implement a balanced statewide assessment program that measures the achievement of students, schools and districts, complies with the federal Every Student Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides specific details for establishing the indicators and measures of the state-required accountability system for Kentucky public LEAs and schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides specific details for establishing the statewide accountability program that rates LEAs and schools based on performance of multiple indicators: proficiency (reading/writing and mathematics), separate academic indicator (science and social studies), growth (elementary and middle schools only), graduation rate (high school only), transition readiness, achievement gap closure, and opportunity and access. The multiple indicators incorporate the student test results and school quality measures. The regulations complies with state statute and the federal Every Student Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability.

(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: This administrative regulation establishes state accountability requirements for Kentucky's public local education agencies (LEAs) and schools. The amendments to this regulation will change certain accountability indicators and measures in the system. The amendments will change the letter grade requirement for dual credit in Transition Readiness at the high school from a "B" to a "C", and eliminate the Transition Readiness Indicator at the elementary and middle school levels. In addition, the way growth is measured will be changed at the elementary and middle school levels. The projection of growth has been removed and new value tables for both Growth and English Learners is included in the amendments. Another amendment to the regulation involves simplifying Achievement Gap Closure and focusing on reading and mathematics instead of all content areas and how it will be calculated. The last amendment will change the Opportunity and Access Indicator and measures. All the measures in the regulation beforehand for Opportunity and Access will be removed and the indicator name will be changed to Quality of School Climate and Safety to align with state statute.

(b) The necessity of the amendment to this administrative regulation: After feedback from first year implementation of the accountability indicators from review of federal and state law and comments from various stakeholders, additional regulatory changes are proposed to simplify the accountability system and to continue complying with legal requirements.

(c) How the amendment conforms to the content of the authorizing statute: This administrative regulation provides specific details for establishing the indicators and measures of the state-required accountability system for Kentucky public LEAs and schools.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation provides specific details for establishing the statewide accountability program that rates LEAs and schools based on performance of multiple indicators: proficiency (reading and mathematics), separate academic indicator (science, social studies and writing), growth (elementary and middle schools only), graduation rate (high school only), transition readiness, achievement gap closure, and quality of school climate and safety. The multiple indicators incorporate the student test results and school quality measures. The regulations amendments complies with state statute and the federal Every Student Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All public LEAs and schools in Kentucky with schools grade 3 or higher and supporting staff in the Kentucky Department of Education (KDE).

(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: KDE, LEAs and schools shall implement the specific details of the assessment and accountability system. The regulation defines the indicators and measures to be included in the accountability system used to evaluate and rate the performance of Kentucky's public LEAs and schools. The system is a multi-dimensional model that uses student- and school-based data to differentiate performance. The Kentucky Department of Education implements and manages the accountability system, as established and promulgated in regulation by the Kentucky Board of Education. LEAs and schools implement the required assessments and processes that generate data reported annually in the accountability system. The data reported help schools and districts improve student achievement and growth, close the achievement gap among groups, ensure students are ready to transition to the next step of education or life, and provide opportunity and access for all students.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The accountability system requires no additional direct costs to the LEAs and schools. LEA's and schools may choose to implement new programs or services in response to the new accountability system that may result in additional costs for LEA's and schools, however, this would be a locally determined decision. KDE anticipates additional indirect cost to implement new accountability system. Additional costs are expected to implement new

assessments and reporting requirements codified in Senate Bill 1 (2017 Kentucky General Assembly).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The accountability system has several key goals: promote higher levels of student learning and achievement, reduce achievement gaps and ensure equity, establish opportunity and access for students to receive a quality education, build a culture of high expectation and continuous improvement, and communicate a clear and honest understanding of strengths and opportunities for improvement in LEAs and schools.

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

(a) Initially: The transition to the new accountability system will require KDE to implement activities such as standard setting, additional staff time, and the support of experts, each with associated costs. The accountability system requires no additional cost to the LEAs and schools. KDE anticipates additional costs to implement new assessments and reporting requirements codified in Senate Bill 1 (2017 Kentucky General Assembly). The results of these assessments are used to rate schools in the accountability system established by this regulation.

(b) On a continuing basis: Senate Bill 1 requires continual reviews of standards and assessments. There will be ongoing costs to implement new assessments and meet reporting requirements, particularly the release of some assessment items annually. These activities directly support the accountability system established in this regulation.

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

(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 increased fees or funding are anticipated as a result of this regulation, however activities related to this regulation as required by SB 1 (2017) may require additional funding as described above.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Regulation does not establish or increase fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and LEAs.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 703 KAR 5:270
Contact Person: Deanna Durrett, Deanna.Durrett@education.ky.gov
Phone number: 502-564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Public Local Education Agencies (LEAs) and schools.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 158.6453; KRS 158.6455; 20 U.S.C. secs. 6301 et seq.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated.

(c) How much will it cost to administer this program for the first year? The transition to the new accountability system will require the Kentucky Department of Education (KDE) to implement activities such as standard setting, additional staff time, and the support of experts, each with associated costs. The accountability system requires no additional cost to the LEAs and schools. KDE anticipates additional costs to implement new assessments and reporting requirements codified in Senate Bill 1 (2017 Kentucky General Assembly). The results of these assessments are used to rate schools in the accountability system established by this regulation.

(d) How much will it cost to administer this program for subsequent years? Senate Bill 1 requires continual reviews of standards and assessments. There will be ongoing costs to implement new assessments and meet reporting requirements, particularly the release of some assessment items annually. These activities directly support the accountability system established in this regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-):The transition to the new accountability system will require KDE to implement activities such as standard setting, additional staff time, and the support of experts, each with associated costs. The accountability system requires no additional cost to the LEAs and schools. KDE anticipates additional costs to implement new assessments and reporting requirements codified in Senate Bill 1 (2017 Kentucky General Assembly). The results of these assessments are used to rate schools in the accountability system. Senate Bill 1 requires continual reviews of standards and assessments. There will be ongoing costs to implement new assessments and meet reporting requirements, particularly the release of some assessment items annually. These activities directly support the accountability system established in this regulation.

Other Explanation: N/A