



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUG 14 2014

The Honorable Terry Holliday
Commissioner of Education
Kentucky State Department of Education
500 Mero Street
Frankfort, KY 40601

Dear Commissioner Holliday:

This letter is in response to Kentucky's May 1, 2014 request for a one-year extension of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA flexibility), so that Kentucky may continue to implement ESEA flexibility through the end of the 2014–2015 school year.

Our team has reviewed Kentucky's request and, pursuant to section 9401(d)(2) of the ESEA, I am pleased to extend Kentucky's ESEA flexibility request for one year, through the end of the 2014–2015 school year. My decision to extend Kentucky's ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling Kentucky to carry out important reforms to improve student achievement and that this extension is in the public interest. Further, I have determined that Kentucky's monitoring next steps have been adequately addressed through submission of documentation and other information. This letter also provides my approval of those amendments that Kentucky proposed that align with the principles of ESEA flexibility. A summary of Kentucky's approved amendments is enclosed with this letter, and Kentucky's approved request will be posted on the U.S. Department of Education's (ED) website.

I am also approving Kentucky's teacher and principal evaluation and support system guidelines subject to Kentucky's commitment to adjusting the matrix that it uses in its teacher evaluation and support system so that a teacher will not be rated as *Accomplished* (the second highest rating on Kentucky's four-level overall rating scale) if that teacher has a *Low* student growth rating (the lowest student growth rating on Kentucky's three-level student growth rating scale) through the State's regulatory process.

Kentucky's progress in implementing its approved ESEA flexibility request during the 2014–2015 school year will inform ED's decision regarding renewal of Kentucky's ESEA flexibility after the 2014–2015 school year. Additionally, if Kentucky remains on track to fully implement teacher and principal evaluation and support systems that meet all the requirements of Principle 3, including making the adjustment described above, Kentucky will be eligible for consideration for a longer renewal of ESEA flexibility in the Spring of 2015.

Kentucky continues to have an affirmative responsibility to ensure that it and its districts are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility. These laws include Title VI

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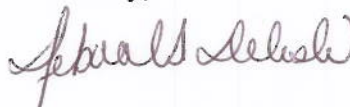
The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

I am confident that Kentucky will continue to implement the reforms described in its approved ESEA flexibility request and advance its efforts to hold schools and school districts accountable for the achievement of all students. If you need any additional assistance to implement your ESEA flexibility request, please do not hesitate to contact Collette Roney at Collette.Roney@ed.gov or Shevine Holeman at Shevine.Holeman@ed.gov.

Thank you for your commitment and continued focus on enhancing education for all of Kentucky's students.

Sincerely,

A handwritten signature in dark ink, appearing to read "Deborah S. Delisle".

Deborah S. Delisle
Assistant Secretary

Enclosure

cc: Mary Ann Miller, Policy Advisor

Approved Amendments to Kentucky's ESEA Flexibility Request

The following is a summary of amendments to Kentucky's approved ESEA flexibility request. The U.S. Department of Education (ED) approves these amendments because Kentucky's ESEA flexibility request, as amended, continues to be aligned with the principles of ESEA flexibility. Please refer to ED's website (<http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ky.html>) for Kentucky's complete ESEA flexibility request.

▪ **Consultation**

Revision: Kentucky described its process for eliciting feedback on its ESEA flexibility extension request from teachers and their representatives and other diverse communities including students, parents, community-based organizations, civil rights organizations, organizations representing students with disabilities and English Learners, business organizations, and Indian tribes. Based on this feedback, Kentucky detailed the revisions it incorporated into its ESEA flexibility extension request.

▪ **Transition to College- and Career-Ready Standards (Element 1.B) and Develop and Implement a State-Based System of Differentiated Recognition, Accountability, and Support (Element 2.A)**

Revision: Kentucky described how it enhanced its college- and career-ready standards (the Kentucky Core Academic Standards or KCAS) transition plan to ensure necessary support for English Learners and students with disabilities and the teachers that teach them. This description includes, for example, Kentucky's work to date on the required ED Office of Special Education Programs (OSEP) comprehensive and multi-year State Systemic Improvement Plan (SSIP) and information and resources to local educational agencies (LEAs) regarding implementation of the World-Class Instructional Design and Assessment (WIDA) English Language Development (ELD) standards.

Revision: Kentucky clarified how it fully includes all students, including students that take the State's alternate assessment based on alternate academic achievement standards, in its accountability system under ESEA flexibility.

▪ **Develop and Administer Annual, Statewide, Aligned, High-Quality Assessments That Measure Student Growth (Element 1.C)**

Revision: Kentucky changed the way that it will meet the high-quality assessment requirement under ESEA flexibility by indicating that it has developed and begun annually administering statewide aligned, high-quality assessments that measure student growth in reading/language arts (RLA) and in mathematics in at least grades 3-8 and once in high school in all LEAs rather than consider administration of the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments in 2014–2015 and beyond. Please note that approval of this amendment does not constitute approval of the assessments that Kentucky intends to implement in 2014–2015 and beyond. Kentucky will need to submit the assessments for peer review when the new assessment peer-review process is available.

- **Develop and Implement a State-Based System of Differentiated Recognition, Accountability, and Support (Element 2.A) and Set Ambitious But Achievable Annual Measurable Objectives (Element 2.B)**

Revision: Kentucky changed its graduation rate calculation from the Averaged Freshman Graduation Rate to the four-year adjusted-cohort rate as defined in 34 C.F.R. § 200.19(b), consistent with ED's July 21, 2009 approval for an extension of the timeline on which Kentucky would implement the regulatory rate.

Revision: Kentucky revised the timeline on which it will incorporate the Next-Generation Professionals element (*i.e.*, its Professional Growth and Effectiveness System or PGES) into its accountability model under ESEA flexibility. Specifically, it will incorporate this element into its accountability system in 2015–2016 as opposed to 2014–2015 as indicated in its approved ESEA flexibility request. In addition, Kentucky indicated that it will add two components to the Program Review element of its accountability model under ESEA flexibility, a K-3 component and a world language component.

Revision: Kentucky described how it expanded components of its accountability system under ESEA flexibility to help ensure appropriate supports for English Learners and students with disabilities and the teachers that teach them. For example, it described the role of the State's Leadership Networks, educational cooperatives, PD 360 program, comprehensive school and district improvement plans (CSIPs and CDIPs), and the monitoring of and technical assistance to Priority, Focus, and Other Title I Schools in addressing the needs of English Learners and students with disabilities and the teachers that teach them. The CSIPs and CDIPs serve a critical role in guiding and informing Kentucky staff as to the progress and challenges of schools in addressing the needs of students. Throughout its extension request, Kentucky described how its work to support schools in addressing the needs of students has evolved since its originally approved ESEA flexibility request.

- **Set Ambitious But Achievable Annual Measurable Objectives (Element 2.B)**

Revision: Kentucky provided school targets for its accountability system based on 2012–2013 assessment results to replace the simulated targets provided in its approved ESEA flexibility request prior to when it fully implemented its accountability system under ESEA flexibility.

Revision: Kentucky indicated that it would continue both to study and gather stakeholder feedback regarding its accountability system under ESEA flexibility as new elements are added in order to inform possible adjustments or refinements to the system.

- **Priority Schools (Element 2.D)**

Revision: Kentucky elaborated on the support provided to Priority Schools through the District 180 Education Recovery process intended to help strengthen the intervention efforts in these schools through application of a common framework that allows for personalization based on the unique context of each Priority School.

Revision: Kentucky clarified the criteria for being identified as a Priority District and that it will first identify Priority Districts after the 2014–2015 school year.

Revision: Kentucky elaborated on the activities it is implementing to ensure appropriate monitoring of and technical assistance to Priority Schools focused specifically on addressing the needs of English Learners and students with disabilities. For example, in December 2013, Kentucky invited a team from ED's OSEP to help inform their efforts to support the needs of students with disabilities.

- **Focus Schools (Element 2.E)**

Revision: Kentucky identified additional "Third Standard Deviation" Focus Schools consistent with the method described in its approved ESEA flexibility request based on 2012–2013 assessment results and updated the table in its request indicating the number of Focus Schools in the State.

Revision: Kentucky adjusted its strategies to monitor and provide technical assistance to Focus Schools to help ensure that they identify and implement strategies to address the needs of students that led to them being identified as Focus Schools. As part of this adjustment, Kentucky assigned a direct point of contact to each Focus School to streamline and strengthen support and guidance with respect to Focus Schools implementing their approved CSIPs.

Kentucky also elaborated on the processes that it had already put into place to help ensure that Focus Schools implement interventions to address the needs of students that led them to being identified as Focus Schools. For example, the State described the regulatory requirement for districts with identified Focus Schools to implement various supports to these schools to ensure the needs of students are being met, the assurance that district superintendents must make regarding efforts to support the work in Focus Schools, and the Closing the Gap Diagnostic Process required of Focus Schools to help target and address the needs of students.

Revision: Kentucky clarified that it will replace with another Focus School each Focus School that exits Focus School status per Kentucky's approved exit criteria.

- **Other Title I Schools (Element 2.F)**

Revision: Kentucky described the requirement that all schools and districts use the Adaptive System of School Improvement Support Tool (ASSIST) platform to complete their CSIPs or CDIPs, respectively. Kentucky elaborated on the resources provided to schools and districts on the ASSIST process, how staff gauge school and district progress and identify technical assistance needs based on the CSIPs and CDIPs, and how this has helped to streamline the planning, reporting, and support provided to schools and districts.

- **Build State Educational Agency (SEA), Local Educational Agency (LEA), and School Capacity to Improve Student Learning (Element 2.G)**

Revision: Kentucky clarified the role of the regional universities in the State's reform efforts, the Education Recovery staff, and the support provided through the ASSIST process. In addition, Kentucky adjusted its strategies to monitor and provide technical assistance to Title I schools and districts to help facilitate their efforts at addressing the needs of students. Finally, Kentucky added

some activities to support schools and districts and removed others to account for what it has learned thus far in implementing its approved request.

Revision: Kentucky described how its education partners have collaborated to help ensure sufficient funds to support reforms for its pre-kindergarten through grade 12 education reform work.

- **Develop and Adopt Guidelines for Local Teacher and Principal Evaluation (Element 3.A)**

Revision: Kentucky changed its approach to teacher and principal evaluation and support systems that meet the requirements for such systems under ESEA flexibility from what it proposed in its approved request and revised the text throughout this element accordingly. Specifically, the State will implement a “matrix” model in which teachers receive a student growth rating (to include data from the statewide assessments for grades and subjects for which there are such data), a professional practice rating, and an overall performance category. Kentucky regulation specifies that, among other requirements, the model includes student growth as a significant factor in determining a teacher and principal overall performance category. The State piloted these systems in 2013–2014, will provide teachers and principals ratings based on the systems in the 2014–2015 school year, and will use them to inform personnel and accountability decisions in 2015–2016.

- **Ensure LEAs Implement Teacher and Principal Evaluation and Support Systems (Element 3.B)**

Revision: Consistent with the amendment above, Kentucky provided the regulatory citations that articulate the requirements of the statewide teacher and principal evaluation systems and any locally developed systems that districts may develop and implement if they choose not to implement the statewide model.

- **Non-Substantive Amendments**

Revision: Kentucky updated text throughout elements of its approved ESEA flexibility request to clarify the intent and implementation of certain elements, elaborate on certain elements where the initial information may not have been sufficiently detailed, and indicate activities that have occurred since the State was approved for ESEA flexibility. Most of these amendments were in response to the significant outreach that Kentucky conducted in order to ensure that education stakeholders across the State understood Kentucky’s ESEA flexibility request and how it was implementing it. Other amendments were as a result of requested clarification and elaboration from ED.