



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 19, 2017

The Honorable Stephen Pruitt  
Commissioner of Education  
Kentucky Department of Education  
300 Sower Boulevard, Fifth Floor  
Frankfort, KY 40601

Dear Commissioner Pruitt:

Thank you for submitting Kentucky's consolidated State plan to implement requirements of covered programs under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), and of the amended McKinney-Vento Homeless Assistance Act (McKinney-Vento Act).

I am writing to provide initial feedback based on the U.S. Department of Education's (the Department's) review of your consolidated State plan. As you know, the Department also conducted, as required by the statute, a peer review of the portions of your State plan related to ESEA Title I, Part A, ESEA Title III, Part A, and the McKinney-Vento Act using the Department's *State Plan Peer Review Criteria* released on March 28, 2017. Peer reviewers examined these sections of the consolidated State plan in their totality, while respecting State and local judgments. The goal of the peer review was to support State- and local-led innovation by providing objective feedback on the technical, educational, and overall quality of the State plan and to advise the Department on the ultimate approval of the plan. I am enclosing a copy of the peer review notes for your consideration.

Based on the Department's review of all programs submitted under Kentucky's consolidated State plan, including those programs subject to peer review, the Department is requesting clarifying or additional information to ensure the State's plan has met all statutory and regulatory requirements, as detailed in the enclosed table. Each State has flexibility in how it meets the statutory and regulatory requirements. Please note that the Department's feedback may differ from the peer review notes. I encourage you to read the full peer notes for additional suggestions and recommendations for improving your consolidated State plan.

ESEA section 8451 requires the Department to issue a written determination within 120 days of a State's submission of its consolidated State plan. Given this statutory requirement, I ask that you revise Kentucky's consolidated State plan and resubmit it through OMB Max by January 4, 2018. We encourage you to continue to engage in consultation with stakeholders, including representatives from the Governor's office, as you develop and implement your State plan. If you would like to take more time to resubmit your consolidated State plan, please contact your Office of State Support Program Officer in writing and indicate your new submission date.

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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.*

Please recognize that if we accommodate your request for additional time, a determination on the ESEA consolidated State plan may be rendered after the 120-day period.

Department staff will contact you to support Kentucky in addressing the items enclosed with this letter. If you have any immediate questions or need additional information, I encourage you to contact your Program Officer for the specific Department program.

Please note that the Department only reviewed information provided in Kentucky's consolidated State plan that was responsive to the Revised Template for the Consolidated State Plan that was issued on March 13, 2017. Each State is responsible for administering all programs included in its consolidated State plan consistent with all applicable statutory and regulatory requirements. Additionally, the Department can only review and approve complete information. If Kentucky indicated that any aspect of its plan may change or is still under development, Kentucky may include updated or additional information in its resubmission. Kentucky may also propose an amendment to its approved plan when additional data or information are available consistent with ESEA section 1111(a)(6)(B). The Department cannot approve incomplete details within the State plan until the State provides sufficient information.

Thank you for the important work that you and your staff are doing to support the transition to the ESSA. The Department looks forward to working with you to ensure that all children have the opportunity to reach their full potential.

Sincerely,

/s/

Jason Botel  
Principal Deputy Assistant Secretary,  
Delegated the authority to perform the  
functions and duties of the position of  
Assistant Secretary, Office of  
Elementary and Secondary Education

Enclosures

cc: Governor  
State Title I Director  
State Title II Director  
State Title III Director  
State Title IV Director  
State Title V Director  
State 21st Century Community Learning Center Director  
State Director for McKinney-Vento Homeless Assistance Act: Education for Homeless  
Children and Youths Program

**Items That Require Additional Information or Revision in Kentucky’s Consolidated State Plan**

<b>Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)</b>	
<p>A.2.iii: Eighth Grade Math Exception: Strategies</p>	<p>The ESEA and its implementing regulations permit a State to exempt only an eighth-grade student who takes the high school mathematics course associated with the end-of-course assessment the State administers to high school students under ESEA section 1111(b)(2)(B)(v)(I)(bb) from the mathematics assessment the State typically administers in eighth grade under ESEA section 1111(b)(2)(B)(v)(I)(aa). It is not clear in Kentucky’s plan that the Kentucky Department of Education (KDE) will administer an end-of-course mathematics assessment in high school in 2017-2018 that it will use for Federal accountability purposes. It also is not clear that KDE will limit the exception to eighth-grade students. Additionally, KDE does not indicate that the students to whom this exception applies must take a State-administered end-of-course or nationally recognized mathematics assessment that is more advanced when enrolled in high school. Finally, consistent with 34 CFR § 200.5(b)(4), a State must describe its strategies to provide all students in the State the opportunity to be prepared for and to take advanced mathematics coursework in middle school. The KDE does not provide this description, but instead notes that local school-based councils make decisions regarding course offerings using the Kentucky Model Curriculum Framework.</p>
<p>A.3.i: Native Language Assessments Definition</p>	<p>Although the KDE provides a definition of “languages other than English that are present to a significant extent in the participating student population,” the definition does not encompass at least the most populous language other than English. 34 CFR § 200.6(f)(4)(i) requires that a State provide a definition of “languages other than English that are present to a significant extent in the participating student population” that encompasses at least the most populous language other than English spoken by the State’s participating student population. After revising its definition, additional State plan revisions may be necessary in response to the revised consolidated State plan requirements in A.3.iii-iv in accordance with that definition.</p>
<p>A.4.i.b: Additional Subgroups at SEA Discretion</p>	<p>The ESEA requires a State to include in its accountability system subgroups of students, including economically disadvantaged students, students from each major racial and ethnic group, children with disabilities, and English learners. The KDE states that it will include subgroups in its accountability system, as well as a “non-duplicated aggregation of student groups, often too small to be reported separately.” Based on the information the KDE provided, it is unclear whether the KDE is including all subgroups, including students from each major racial and ethnic group, in its accountability system.</p>

<p>A.4.iv.a: Academic Achievement Indicator</p>	<ul style="list-style-type: none"><li>• The ESEA requires a State to establish and describe its Academic Achievement indicator. While the KDE provides general information on the Academic Achievement indicator, the KDE does not provide sufficient information regarding how the indicator is calculated, including how stars are awarded. Additionally, the KDE describes the indicator as both proficiency and as a weighted index. Because the KDE has not provided sufficient information, it has not fully described the indicator.</li><li>• The Academic Achievement indicator required under ESEA section 1111(c)(4)(B)(i)(I) must be measured by proficiency on the annual assessments required under ESEA subsection (b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics) and must annually measure performance for all students and for each subgroup of students. The KDE states that it is using a proficiency index that weights students from the lowest level (Novice) to the highest level (Distinguished). To clarify its consistency with the statutory requirement to include all students, the KDE should articulate how its approach will ensure that a school’s performance on the indicator reflects each student’s performance (e.g., how it will ensure that the performance of each student contributes to the overall performance on the indicator, including by ensuring that no student’s performance overcompensates for the results of a student who is not yet proficient).</li><li>• For the Academic Achievement indicator required under ESEA section 1111(c)(4)(B)(i)(I), a State may only include proficiency on the annual assessments required under ESEA section 1111(b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics); a State may include performance on assessments other than those required under ESEA section 1111(b)(2)(B)(v)(I) (e.g., science) in the indicator for public elementary and secondary schools that are not high schools as required under ESEA section 1111(c)(4)(B)(ii) (i.e., the Other Academic indicator) or in the School Quality or Student Success indicator for any schools, including high schools. It is unclear whether the KDE intends to include performance on writing in the Academic Achievement indicator, which does not appear to be a test administered to meet the assessment requirements in ESEA section 1111(b)(2)(B)(v)(I) because it is only administered in grades five, eight, and eleven.</li><li>• ESEA section 1111(c)(4)(E)(ii) requires that a State calculate the Academic Achievement indicator by including in the denominator the greater of 95 percent of all students (or 95 percent of students in each subgroup, as the case may be) or the number of students participating in the assessments. The KDE states that those students who do not participate in State assessments receive the lowest reportable score for accountability calculations but does</li></ul>
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	<p>not provide sufficient information to determine that the State is meeting this requirement.</p>
<p>A.4.iv.b: Other Academic Indicator for Elementary and Secondary Schools that are Not High Schools</p>	<ul style="list-style-type: none"> <li>• The KDE has four measures that comprise its Other Academic indicator: 1) growth in reading and math in elementary and middle school; 2) a separate other academic indicator for science and social studies at elementary, middle, and high school; 3) transition readiness at elementary, middle, and high school; and 4) achievement gap closure at elementary, middle, and high school. Three of those measures include high schools: science and social studies indicator, transition readiness, and achievement gap closure. However, the indicator required under ESEA section 1111(c)(4)(B)(ii) must be limited to elementary and secondary schools that are not high schools. A State may include these measures for high schools as School Quality or Student Success indicators.</li> <li>• The ESEA requires a State to describe an indicator for public elementary and secondary schools that are not high schools (i.e., the Other Academic indicator) that includes, at the State’s discretion, a measure of student growth or another valid and reliable statewide academic indicator that allows for meaningful differentiation in school performance. While the KDE provides general information on what will comprise the growth in reading and math measure within the indicator, it does not provide sufficient information regarding how the measure within the indicator is calculated, including how its approach as outlined in its Growth Value Table, as used for all measures within the Other Academic Indicator, will ensure that a school’s performance on the indicator reflects each student’s performance, in order to determine whether the KDE meets the statutory requirements. Additionally, while the KDE provides general information on the transition readiness indicator, it does not provide sufficient information regarding how the measure within the indicator is calculated, including assessment scores used for this calculation, in order to determine whether the KDE meets the statutory requirements.</li> </ul>
<p>A.4.iv.d: Progress in Achieving English Language Proficiency Indicator</p>	<p>The ESEA requires a State to establish and describe in its State plan a Progress in Achieving English Language Proficiency indicator that is the same indicator across all schools and LEAs in the State, is based on the State’s definition of English language proficiency, is measured by the State’s English language proficiency assessment, and includes the State-determined timeline for students to achieve English language proficiency. In its State plan, the KDE includes a measure of progress in achieving English language proficiency within the Other Academic indicator and in the “transition readiness” indicator in high schools. As a result, the KDE does not meet the statutory requirements for the Progress in Achieving English Language Proficiency indicator. Additionally, to the extent the KDE describes a measure of progress in achieving English</p>

	<p>language proficiency within other indicators, the description is limited to how the KDE will measure progress in achieving English language proficiency at the student-level. Because the KDE does not describe how student-level progress will translate into a school-level indicator, it has not fully described the Progress in Achieving English Language Proficiency indicator.</p>
<p>A.4.iv.e: School Quality or Student Success Indicator(s)</p>	<p>The ESEA requires a State’s accountability system to annually measure, for all students and separately for each subgroup of students, one or more indicators of School Quality or Student Success (SQSS) that allow for meaningful differentiation in school performance, and are valid, reliable, comparable, and statewide. In its State plan, the KDE includes in its SQSS indicator a measure to be proposed by each LEA and public charter school and a menu of “Whole Child Supports” from which schools may select two measures. Because these components of the State’s SQSS indicator are not statewide and do not allow for meaningful differentiation in school performance, KDE has not met the statutory requirements.</p>
<p>A.4.v.a: State’s System of Annual Meaningful Differentiation</p>	<p>The ESEA requires each State to establish and describe in its State plan its system of annual meaningful differentiation for all public schools in the State, including a description of how the system is based on all indicators, for all students and all subgroups of students. The KDE provides a table showing how school and LEA ratings are assigned but indicates that levels of performance will be determined in the future through a standards-setting process for these ratings, which range from ‘very low’ to ‘very high.’ The KDE has not provided sufficient information to determine whether the SEA’s accountability system meets statutory requirements to meaningfully differentiate all public schools in the State and include the performance of all students and each subgroup of students on each of the indicators in the State’s accountability system.</p>
<p>A.4.v.b: Weighting of Indicators</p>	<ul style="list-style-type: none"> <li>• The ESEA requires a State to describe the weighting of each indicator in its system of annual meaningful differentiation, including that the Academic Achievement, Other Academic, Graduation Rate, and Progress in Achieving English Language Proficiency indicators each receive substantial weight individually; and that those indicators receive, in the aggregate, much greater weight than the School Quality or Student Success indicator(s), in the aggregate. As discussed in A.4.iv.d above, the ESEA requires a State to establish and describe a Progress in Achieving English Language Proficiency indicator in its accountability system. The ESEA also requires that the Progress in Achieving English Language Proficiency indicator receive substantial weight individually. The KDE has not described the Progress in Achieving English Language Proficiency indicator nor has it provided the weight for that indicator. Additionally, the information regarding weighting of indicators shown in the tables on pages 71-73 of the State plan is unclear. Because the KDE does not provide specific weights that it</li> </ul>

	<p>will use and does not describe how it will adjust the weighting for schools for which an indicator cannot be calculated due to the minimum number of students, it is unclear whether the KDE meets the statutory requirements.</p> <ul style="list-style-type: none"> <li>• The ESEA requires that the Academic Achievement, Other Academic, Graduation Rate, and Progress in Achieving English Language Proficiency indicators each receive substantial weight individually and, in the aggregate, much greater weight than the School Quality or Student Success indicator or indicators, in the aggregate. In its system of school identification, a school could have a low score for all indicators except for the School Quality or Student Success indicators, and then would not be identified for Comprehensive Support and Improvement. Therefore, KDE has not sufficiently described how the academic indicators receive much greater weight, in the aggregate, than the School Quality or Student Success indicators in the final summative determination that is used to identify schools.</li> </ul>
<p>A.4.vi.a Comprehensive Support and Improvement Schools— Lowest Performing</p>	<p>The KDE states that it will use the “pool of schools identified in the lowest star rankings” to determine the bottom five and ten percent of schools. At another point in the plan, however, the State has also written that its one star schools are the bottom five percent of all Title I schools. The ESEA requires that a State identify not less than the lowest-performing five percent of schools receiving Title I, Part A funds in the State. Based on the information provided, it is unclear how the KDE is identifying schools for Comprehensive Support and Improvement and whether the KDE is identifying not less than the lowest five percent of all schools receiving Title I funds in the State for Comprehensive Support and Improvement.</p>
<p>A.4.vi.e: Targeted Support and Improvement Schools— “Consistently Underperforming” Subgroups</p>	<p>The ESEA requires a State to describe a methodology for identifying schools with one or more consistently underperforming subgroups, as defined by the State, that considers performance of each subgroup of students on all indicators in the statewide system of annual meaningful differentiation. Although the KDE includes some description of its methodology, it is unclear how KDE is identifying these schools based on subgroup performance.</p>
<p>A.4.vi.f: Targeted Support and Improvement Schools— Additional Targeted Support</p>	<p>The ESEA requires a State to describe its methodology for identifying additional targeted support schools in which the performance of any subgroup of students, on its own, would lead to identification as a comprehensive support and improvement school under ESEA section 1111(c)(4)(D)(i)(I) using the State’s methodology under ESEA section 1111(c)(4)(D) (i.e., the State’s methodology for identifying for comprehensive support and improvement the lowest-performing five percent of Title I schools). While the KDE includes some description of its methodology, because it is unclear how the SEA’s methodology for identifying these schools is based on subgroup performance, the KDE has not fully described its methodology for identifying</p>

	these schools.
A.4.vii: Annual Measure of Achievement	The KDE has stated that LEAs are not required to assess foreign exchange students or include them in accountability determinations. The ESEA requires that all students enrolled in the school when the assessments are administered be assessed on the statewide assessments and be included in the accountability system, unless the student has not attended the school for at least half a school year, consistent with the “partial attendance” rule in ESEA section 1111(c)(4)(F).
A.4.viii.a: Exit Criteria for Comprehensive Support and Improvement Schools	The ESEA requires a State to establish and describe statewide exit criteria that ensure continued progress to improve student academic achievement and school success in the State. In its State plan, the KDE describes its exit criteria for Comprehensive Support and Improvement Schools, but does not provide sufficient information regarding which measures schools must meet to exit and for which year a school must meet performance (year identified or year exited). Therefore, the KDE has not provided sufficient information to determine whether it has met statutory requirements.
A.4.viii.b: Exit Criteria for Schools Receiving Additional Targeted Support	The ESEA requires a State to establish and describe statewide exit criteria that ensure continued progress to improve student academic achievement and school success in the State. In its State plan, the KDE describes its exit criteria for its schools receiving additional targeted Support (Tier II Targeted Support and Improvement), but does not provide sufficient information regarding for which year a school must meet performance (year identified or year exited). Therefore, the KDE has not provided sufficient information to determine whether it has met statutory requirements. Additionally, the KDE states that LEAs determine exit criteria, although the KDE sets a minimum requirement for schools to exit status as a school receiving additional targeted support. Because KDE permits LEAs to determine exit criteria, it is unclear if the exit criteria ensure continued progress to improve student academic achievement and school success in the State and are statewide.
A.5: Disproportionate Rates of Access to Educators	The KDE does not describe whether low-income and minority students in Title I, Part A schools are served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers. Additionally, the KDE does not describe the measures that it will use to evaluate and publicly report on its progress in addressing this disproportionality. The ESEA requires that a State describe the extent, if any, that low-income children enrolled in schools assisted under Title I, Part A are served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers. The ESEA also requires a State describe the measures that it will use to evaluate and publicly report its progress with respect to how low-income and minority children are not served at disproportionate rates by ineffective, out-of-field, and inexperienced teachers.

A.7: School Transitions	The KDE describes how it will support LEAs receiving Title I, Part A funds to provide effective transitions of students; however, the KDE does not specifically address how it will work with LEAs to provide effective transitions of students to middle grades. The ESEA requires a State to describe how it will support LEAs receiving Title I, Part A funds in meeting the needs of students at all levels of schooling (particularly students in middle grades and high school), including how a State will work with such LEAs to provide effective transitions of students to middle grades and high school to decrease the risk of students dropping out.
<b>Title I, Part C: Education of Migratory Children</b>	
B.1: Supporting Needs of Migratory Children	<p>KDE describes how, in planning and implementing the Migrant Education Program (MEP), it will address the unique educational needs of migratory children, including preschool migratory children and migratory children who have dropped out of school, through:</p> <ul style="list-style-type: none"> <li>○ The full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;</li> <li>○ Joint planning among local, State, and Federal educational programs serving migratory children, including language instruction educational programs under Title III, Part A; and</li> <li>○ The integration of services available under Title I, Part C with services provided by those other programs.</li> </ul> <p>However, the ESEA requires that a State also describe how it will evaluate the MEP in the areas described above, to ensure the unique educational needs of migratory children are addressed.</p>
<b>Title IV, Part A: Student Support and Academic Enrichment Grants</b>	
F.2: Awarding Subgrants	The ESEA requires a State plan to include a description of how the SEA will ensure that awards made to LEAs under Title IV, Part A, Subpart 1 are in amounts that are consistent with ESEA section 4105 (a)(2). In its response to this requirement, KDE mentions that it will, as required by statute, allocate funds to LEAs based on Title I, Part A allocations. KDE should clarify that it is referring to the <b>prior year's</b> Title I, Part A allocations, as required by ESEA section 4105(a)(1).
<b>Title IV, Part B: 21st Century Community Learning Centers</b>	
G.1: Use of Funds	KDE briefly describes how it will use the funds set aside for administrative purposes, but does not clearly delineate between the administrative functions and the activities it will undertake with the five percent “State activity” funds. The ESEA requires that a State describe the State activities it will carry out under the program, which may include monitoring and evaluating programs; providing capacity building, training, and technical assistance; conducting a comprehensive evaluation of the effectiveness of programs; providing training and technical assistance to applicants or recipients; ensuring activities are aligned with external organizations,

	if available; working with stakeholders to review and improve State policies to improve program implementation; coordinating funds with other Federal and State funds; and/or providing a list of pre-screened external organizations.
<b>Title V, Part B, Subpart 2: Rural and Low-Income School Program</b>	
H.1: Outcomes and Objectives	The ESEA requires a State to provide information on program objectives and outcomes for activities under Title V, Part B, Subpart 2, including how the SEA will use funds to help all students meet the challenging State academic standards. While KDE provides a description about its program objectives and outcomes under the ESEA generally, KDE does not identify its objectives and outcomes for activities under the Rural and Low-Income School program (RLIS) (e.g., which of the objectives and outcomes under the ESEA programs in 5222(a) are the objectives and outcomes for RLIS; or objectives and outcomes tailored specifically to KDE’s plans for RLIS). The ESEA requires a State to include a description of how it will use RLIS funds to help all students meet the challenging State academic standards.
<b>Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B</b>	
I.2: Dispute Resolution	In its State plan, KDE describes procedures for the resolution of disputes regarding educational placement. KDE does not, however, include procedural timelines or any other information that indicates that these procedures would result in the <i>prompt</i> resolution of disputes. The McKinney-Vento Act requires a State to describe procedures for the prompt resolution of disputes.
I.3: Support for School Personnel	While KDE describes programs for State and school personnel to heighten the awareness of the specific needs of homeless children and youth, KDE does not describe programs for school personnel to heighten the awareness of school personnel of the specific needs of <i>runaway and homeless</i> children and youth. The McKinney-Vento Act requires the State to describe programs for school personnel (including the LEA liaisons for homeless children and youth, principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such school personnel of the specific needs of runaway and homeless children and youth.
I.4: Access to Services	In its State plan, KDE describes procedures that ensure that homeless youth and youth separated from public schools are identified and accorded equal access to appropriate secondary education and support services. It is not clear, however, that the procedures result in the removal of barriers that prevent homeless students from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies. The McKinney-Vento Act requires a State to describe procedures that ensure that homeless youth in school are identified and accorded equal access to appropriate secondary

	education and support services, including by identifying and removing barriers that prevent youth described in this clause from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies. ( <i>Requirement 1.4ii</i> )
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