

Kentucky's Consolidated State Application Revised Accountability Workbook

for State Grants under Title IX, Part C, Section 9302 of the Elementary and
Secondary Education Act (Public Law 107-110)

ORIGINALLY APPROVED by U. S. Department of Education (USED) on June 10, 2003

FIRST REVISION

Amended per Conference Call with USED on September 15, 2003 -- Critical Elements 1.5, 1.6, 3.1, 3.2, 3.2a, 3.2b, 3.2c, 4.1, 5.4, 5.5, 7.1, 7.2, 8.1 and 10.2

(Amended Information Originally Submitted October 20, 2003; Re-submitted December 5, 2003, per November 19, 2003, Conference Call with USED; and resubmitted January 9, 2004, per e-mail from USED)

SECOND REVISION

Amended per Letter to USED on March 26, 2004, outlining proposed revisions; April 16, 2004 Phone Call with USED requesting clarification; May 6, 2004, E-mail Response to USED clarifying two points and May 18, 2004, Conference Call with USED -- Critical Elements 1.1, 1.4, 1.5, 1.6, 2.1, 2.2, 2.3, 3.1, 3.2, 3.2a, 4.1, 5.1, 5.4, 5.5, 7.1, 7.2, 7.3, 9.1 and 10.2

(Amended Information Submitted May 26, 2004, and resubmitted June 15, 2004, to add flexibility on participation rate offered in May 20, 2004, letter from USED)

THIRD REVISION

Amended per Letters to USED on February 18, 2005, and June 15, 2005, outlining the proposed revisions and per the July 15, 2005, Phone Call from USED to revise the workbook and submit it for official approval -- Critical Elements 3.2, 3.2a, 3.2b, 7.2 and 10.1



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KENTUCKY DEPARTMENT OF EDUCATION

Report from the Kentucky Department of Education
to

U. S. Department of Education
Office of Elementary and Secondary Education
Washington, D.C. 20202

FOURTH REVISION

Amended per Letter to USED on March 23, 2006, outlining the proposed revisions and per the June 21, 2006, e-mail from USED to revise the workbook and submit it for official approval -- Critical Elements 1.5, 3.2a, 3.2b, 10.1 and Attachment SD 3

FIFTH REVISION

Amended per Letter to USED on February 13, 2007 and June 7, 2007, outlining the proposed revisions and per the June 7, 2007, E-mail from USED to revise the workbook and submit it for official approval -- Critical Elements 1.3, 1.4, 3.2a, 3.2b, 5.3, and Attachment SD 3

SIXTH REVISION

Amended per Letter to USED on February 11, 2008, outlining the proposed revisions and telephone call on March 25, 2008 from USED indicating to revise the workbook and submit it for official approval – Critical Elements 5.4, 6.1, and Attachment SD 3.

SEVENTH REVISION

Amended per approval letter received from USED on September 4, 2009. The approved revisions are:

- Critical Element 1.4: 14-day notice requirement;
- Critical Element 1.4: Approving schools and Local Education Agencies (LEAs) identified for improvement, corrective action, or restructuring as supplemental education services (SES) providers;
- Critical Element 1.4: Offering SES in addition to public school choice in the first year of improvement and counting the costs of both toward an LEA's 20 percent obligation;
- Critical Element 1.4: Calculation of set asides for Title I Part A funds;
- Critical Element 1.4: Calculation of per-pupil amount for SES;
- Critical Element 1.4: Ability to grant LEAs a waiver of the carryover limitation;
- Critical Element 1.4: Timely AYP determinations; and 1.4: Assessments waived for school; and
- Attachment SD 3: Tests administered.

EIGHTH REVISION

Amended per approval letter received from USED on May 10, 2010 (graduation rate) and approval letter received from USED on October 6, 2010 (all other items below). The approved revisions are:

- Critical Element 1.4: Timely AYP determinations;
- Critical Element 1.5: State report card;
- Critical Element 3.2b: AYP reporting and Uniform averaging procedure;
- Critical Element 5.3: Including students with disabilities in AYP determinations;
- Critical Element 5.4: Including limited English proficient (LEP) students in AYP determinations;
- Critical Element 7.1: Graduation Rate; and
- Attachment SD 3: Tests administered.

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Instructions for Completing The Consolidated State Application Accountability Workbook

By January 31, 2003, States must complete and submit to the Department this Consolidated State Application Accountability Workbook. We understand that some of the critical elements for the key principles may still be under consideration and may not yet be final State policy by the January 31 due date. States that do not have final approval for some of these elements or that have not finalized a decision on these elements by January 31 should, when completing the Workbook, indicate the status of each element which is not yet official State policy and provide the anticipated date by which the proposed policy will become effective. In each of these cases, States must include a timeline of steps to complete to ensure that such elements are in place by May 1, 2003, and implemented during the 2002-2003 school year. By no later than May 1, 2003, States must submit to the Department final information for all sections of the Consolidated State Application Accountability Workbook.

Transmittal Instructions

To expedite the receipt of this Consolidated State Application Accountability Workbook, please send your submission via the Internet as a .doc file, pdf file, rtf or .txt file or provide the URL for the site where your submission is posted on the Internet. Send electronic submissions to conapp@ed.gov.

A State that submits only a paper submission should mail the submission by express courier to:

Celia Sims
U.S. Department of Education
400 Maryland Ave., SW
Room 3W300
Washington, D.C. 20202-6400
(202) 401-0113

PART I: Summary of Required Elements for State Accountability Systems

Instructions

The following chart is an overview of States' implementation of the critical elements required for approval of their State accountability systems. States must provide detailed implementation information for each of these elements in Part II of this Consolidated State Application Accountability Workbook.

For each of the elements listed in the following chart, States should indicate the current implementation status in their State using the following legend:

- F:** State has a final policy, approved by all the required entities in the State (e.g., State Board of Education, State Legislature), for implementing this element in its accountability system.
- P:** State has a proposed policy for implementing this element in its accountability system, but must still receive approval by required entities in the State (e.g., State Board of Education, State Legislature).
- W:** State is still working on formulating a policy to implement this element in its accountability system.

Summary of Implementation Status for Required Elements of State Accountability Systems

Principle 1: All Schools

F	1.1	Accountability system includes <i>all schools and districts in the state</i> .
F	1.2	Accountability system holds <i>all schools to the same criteria</i> .
F	1.3	Accountability system incorporates the <i>academic achievement standards</i> .
F	1.4	Accountability system provides <i>information in a timely manner</i> .
F	1.5	Accountability system includes <i>report cards</i> .
F	1.6	Accountability system includes <i>rewards and sanctions</i> .

Principle 2: All Students

F	2.1	The accountability system includes <i>all students</i> .
F	2.2	The accountability system has a consistent definition of <i>full academic year</i> .
F	2.3	The accountability system properly includes <i>mobile students</i> .

Principle 3: Method of AYP Determinations

F	3.1	Accountability system expects <i>all student subgroups, public schools, and LEAs to reach proficiency by 2013-2014</i> .
F	3.2	Accountability system has a method for determining whether <i>student subgroups, public schools, and LEAs made adequate yearly progress</i> .
F	3.2a	Accountability system establishes a <i>starting point</i> .
F	3.2b	Accountability system establishes <i>statewide annual measurable objectives</i> .
F	3.2c	Accountability system establishes <i>intermediate goals</i> .

Principle 4: Annual Decisions

F	4.1	The accountability system <i>determines annually the progress</i> of schools and districts.
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STATUS Legend:

F – Final state policy

P – Proposed policy, awaiting State approval

W – Working to formulate policy

Principle 5: Subgroup Accountability

F	5.1	The accountability system <i>includes all the required student subgroups</i> .
F	5.2	The accountability system holds <i>schools and LEAs accountable for the progress of student subgroups</i> .
F	5.3	The accountability system includes <i>students with disabilities</i> .
F	5.4	The accountability system includes <i>limited English proficient students</i> .
F	5.5	The State has determined the minimum number of students sufficient to yield statistically reliable information for each purpose for which disaggregated data are used.
F	5.6	The State has strategies to protect the privacy of individual students in reporting achievement results and in determining whether schools and LEAs are making adequate yearly progress on the basis of disaggregated subgroups.

Principle 6: Based on Academic Assessments

F	6.1	Accountability system is based <i>primarily on academic assessments</i> .
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Principle 7: Additional Indicators

F	7.1	Accountability system includes <i>graduation rate for high schools</i> .
F	7.2	Accountability system includes an <i>additional academic indicator for elementary and middle schools</i> .
F	7.3	Additional indicators are valid and reliable.

Principle 8: Separate Decisions for Reading/language arts and Mathematics

F	8.1	Accountability system holds students, schools and districts separately accountable for <i>reading/language arts and mathematics</i> .
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Principle 9: System Validity and Reliability

F	9.1	Accountability system produces <i>reliable decisions</i> .
F	9.2	Accountability system produces <i>valid decisions</i> .
F	9.3	State has a plan for addressing <i>changes in assessment and student population</i> .

Principle 10: Participation Rate

F	10.1	Accountability system has a means for calculating the <i>rate of participation</i> in the statewide assessment.
F	10.2	Accountability system has a means for <i>applying the 95% assessment criteria to student subgroups and small schools</i> .

STATUS Legend:

F – Final policy / P – Proposed Policy, awaiting State approval / W– Working to formulate policy

PART II: State Response and Activities for Meeting State Accountability System Requirements

INSTRUCTIONS

In Part II of this Workbook, States are to provide detailed information for each of the critical elements required for State accountability systems. States should answer the questions asked about each of the critical elements in the State's accountability system. States that do not have final approval for any of these elements or that have not finalized a decision on these elements by January 31, 2003, should, when completing this section of the Workbook, indicate the status of each element that is not yet official State policy and provide the anticipated date by which the proposed policy will become effective. In each of these cases, States must include a timeline of steps to complete to ensure that such elements are in place by May 1, 2003, and implemented during the 2002-2003 school year. By no later than May 1, 2003, States must submit to the Department final information for all sections of the Consolidated State Application Accountability Workbook.

PRINCIPLE 1. A single statewide Accountability System applied to all public schools and LEAs.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>1.1 How does the State Accountability System include every public school and LEA in the State?</p>	<p>Every public school and LEA is required to make adequate yearly progress and is included in the State Accountability System.</p> <p>State has a definition of “public school” and “LEA” for AYP accountability purposes.</p> <ul style="list-style-type: none"> • The State Accountability System produces AYP decisions for all public schools, including public schools with variant grade configurations (e.g., K-12), public schools that serve special populations (e.g., alternative public schools, juvenile institutions, state public schools for the blind) and public charter schools. It also holds accountable public schools with no grades assessed (e.g., K-2). 	<p>A public school or LEA is not required to make adequate yearly progress and is not included in the State Accountability System.</p> <p>State policy systematically excludes certain public schools and/or LEAs.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Many of the conflicting legal and policy issues identified between the more comprehensive Kentucky education reform and those of the Federal reform effort are resolved by implementing a matrix approach (i.e., a two dimensional model – one dimension meeting federal requirements and one meeting state requirements) for determining Adequate Yearly Progress (AYP). The Federal dimension is met by applying a strict interpretation of the language of “No Child Left Behind Act of 2001.” Federally defined 20th percentile starting points in reading and mathematics are calculated separately at the elementary, middle, and high school levels, and applied in a conjunctive manner to each school and district as required by Federal statute. (Reference **Figure 1**)

The following describes the state dimension referenced in **Figure 1**. Every Kentucky public school and LEA is required to make adequate yearly progress and is included in the State Accountability System. Kentuckians have high expectations when it comes to the education of young people in public schools. We expect high-quality teaching, high academic standards and top-notch student performance. We want evidence that high-quality teaching and learning are taking place in every school.

The goal for every school in the state is Proficiency as defined by the Kentucky Board of Education. The goal of Proficiency translates into a school accountability index value of 100. More specifically, the goal for the state is for each school to achieve an accountability index of at least 100 by 2014. In Kentucky’s accountability system, intermediate targets that will eventually take a school to the goal of 100 are set starting in 2002. We generate assessment reports to schools annually and identify and provide assistance annually to schools and districts that fall below expected intermediate goals. Assistance includes a review process and targets specific support based on the results of these reviews.

The state accountability system produces AYP decisions for all public schools, including public schools with variant grade configurations (e.g., K-12). Kentucky's A1 schools (K-12 schools serving the general population) are held responsible for the performance of students they refer to A2-A6 programs (programs serving special populations). Data from the A2-A6 programs is tracked back to the "sending" schools, except in certain cases specified in a revision underway by the Kentucky Board of Education (KBE) to 703 KAR 5:040, Statewide assessment and accountability program, relating accountability to A1 schools and A2-A6 programs, which is under consideration for final approval at the June 2-3, 2004, Kentucky Board of Education meeting. Those cases are as follows: students who have been placed in an alternative instructional setting by authorities outside the public school system (e.g., the court system) and who have not already been enrolled in a Kentucky public school or district for a full academic year. If the regulation receives final approval, the Kentucky Department of Education and the Kentucky Board of Education will assume accountability for this population. The system also holds accountable public schools with no grades assessed (e.g., K-2) through established feeder relationships. Every child is part of Kentucky's assessment and accountability system.

(For information about district accountability, reference 3.2.)

In 1989 the Kentucky Supreme Court deemed the entire system of public elementary and secondary education in Kentucky unconstitutional. The Court directed the Kentucky General Assembly to create and enact into law a new system of education that was both constitutional and based upon efficiency, adequacy and equity. The result was House Bill 940, the Kentucky Education Reform Act (KERA), which was enacted to provide an "adequate education for all students" as mandated by the courts. One of the most comprehensive statewide restructuring efforts ever attempted in the United States, KERA called for systemic change in finance, governance, curriculum and assessment and required the establishment of learning goals and identified procedures for defining and assessing every school's progress toward meeting the new goals.

On April 11, 1990, Governor Wallace Wilkinson signed House Bill 940, and the Kentucky Education Reform Act took effect on July 13 of that year. With KERA, the General Assembly established the framework for a major revision of Kentucky's education system. KERA required the establishment of learning goals, provided a procedure by which those goals would be defined and assessed, and created a series of rewards and assistance associated with the performance of schools on those assessments.

(See Kentucky Supporting Document 1 on page 56 for a history of the events and decisions that led to passage of the Kentucky Education Reform Act.)

Through a two-year period of public input and review, Kentucky developed six broad learning goals that encompassed 75 specific academic expectations. The KBE approved these in December 1991. Concerns arose about the measurability of learner goals 3 and 4 (see Table 1-1). These concerns led to the reduction of the "assessed" academic expectations to 57 in number. These were presented to the Kentucky Board of Education in early May 1994. Since that time, they have been known as Kentucky's academic expectations. In 1992 the Kentucky Instructional Results Information System (KIRIS) was implemented to measure progress toward the learning goals, with a focus on the expectations reflected in the first two goals and the noncognitive aspects outlined in goals 3, 4 and 6.

Table 1-1
Kentucky Learning Goals

Goal 1: Students will be able to use basic communication and mathematics skills.

Goal 2: Students will be able to apply core concepts and principles.

Goal 3: Students will become self-sufficient.

Goal 4: Students will become responsible group members.

Goal 5: Students will be able to think and solve problems.

Goal 6: Students will connect and integrate knowledge.

Based on eight years of experience, the 1998 Kentucky General Assembly refined Kentucky's assessment and accountability system to produce a more valid and reliable assessment system. House Bill 53 provided the framework for the Commonwealth Accountability Testing System, or CATS. This legislation directed the Kentucky Board of Education to build on the earlier system to improve assessment and accountability in Kentucky's public schools.

Kentucky developed this new assessment and accountability through a broad and collaborative process involving educators and citizens. Kentucky designed CATS to accurately and reliably measure public school progress in educating students and to provide a way to inform parents, guardians and other Kentuckians about each public school's effectiveness from year to year. As was KIRIS, CATS has become a nationally recognized, successful assessment and accountability system with a proven track record.

The National Technical Advisory Panel for Assessment and Accountability (NTAPAA), a nationally respected group of six testing experts, has monitored both the design and implementation of this program to ensure reliable and valid decisions about school accountability. NTAPAA is an advisory committee constituted in statute. Current members are:

- Dr. James Catterall (NTAPAA Chairman), Professor, Graduate School of Education and Information Studies, UCLA
- Dr. Suzanne Lane, Professor of Educational Psychology, University of Pittsburgh
- Dr. Robert Linn, Professor, School of Education, University of Colorado at Boulder; President, American Educational Research Association
- Dr. David Miller, Chairman, Educational Psychology Department, University of Florida
- Dr. John Poggio, (NTAPAA Vice Chairman), Professor, Department of Educational Psychology Research, School of Education, University of Kansas
- Dr. Andy Porter, Professor, Vanderbilt University; Immediate Past President, American Educational Research Association

Thousands of educators and citizens participated in a broad and collaborative process to develop CATS. The new system, first administered in the spring of 1999, included changes that improved the reliability and validity of the test, reduced testing time and made the system fairer and easier to understand. Those changes include but are not limited to:

- Distributing the test components for the high school from primarily the junior year to across three grade levels;
- Reducing the contents of the required student writing portfolio in each accountability year;
- Limiting student answers on the open-response questions to the space provided on one 8.5 x 11 sheet of paper;
- Including multiple-choice questions on the Kentucky Core Content Tests and weighting them 33% of the score, and weighting the open response at 67% of the Kentucky Core Content Test component of CATS;
- Giving schools incremental credit for Novice and Apprentice growth in reading/language arts, mathematics, science and social studies;
- Reducing the testing window from 3 weeks to 2 weeks.

House Bill 53 shaped Kentucky's assessment and accountability system through several provisions that outline general features of a system of testing and school accountability, leaving many details of implementation to various committees that were enacted by the bill. For example, the School Curriculum, Assessment and Accountability Council (SCAAC) was created by House Bill 53 to study, review and make recommendations concerning Kentucky's system of setting academic standards, assessing learning, holding schools accountable for learning, and assisting schools to improve their performance. The council advises the Kentucky Board of Education (KBE) and the Legislative Research Commission (LRC) on issues related to the development and communication of the Academic Expectations and Core Content for Assessment, and the development and implementation of the statewide assessment and accountability program, including the distribution of rewards and imposition of sanctions. SCAAC is composed of 17 voting members appointed by the Governor. The membership represents parents, teachers, school district superintendents and assessment coordinators, school principals, business leaders and university professors. The appointments are made to assure broad geographical representation and representation of elementary, middle, and secondary school levels, as well as equal representation of the two sexes to the extent possible, and to assure that appointments reflect the minority racial composition of the state.

House Bill 53 also required the Legislative Research Commission to appoint the National Technical Advisory Panel on Assessment and Accountability (NTAPAA), which must be composed of no fewer than three professionals with a variety of expertise in education testing and measurement. The panel advises LRC, with approval of the director of the commission, the Kentucky Board of Education and the Department of Education.

See the website link in Attachment A (page 55) for the full text of regulations and relevant statutes. See Kentucky Supporting Document 1 on page 56 for an expanded history of Kentucky education reform.

Figure 1: Federal and State School/District Matrix Accountability Model

FEDERAL DIMENSION

STATE DIMENSION

	MAKE AYP	DID NOT MAKE AYP
MEET GOAL	NCLB: Rewards State: Rewards	State: Rewards NCLB: Sanctions
<u>MEET GOAL AND DID NOT MEET DROPOUT OR NOVICE REDUCTION</u>	NCLB: Rewards State: Sanctions	NCLB: Sanctions State: Sanctions
PROGRESSING	NCLB: Rewards State: Rewards	State: Rewards NCLB: Sanctions
PROGRESSING AND DID NOT MEET DROPOUT OR NOVICE REDUCTION OR SCHOOL DECLINE	NCLB: Rewards State: Sanctions	NCLB: Sanctions State: Sanctions
ASSISTANCE LEVEL 1	NCLB: Rewards State: Sanctions	NCLB: Sanctions State: Sanctions
ASSISTANCE LEVEL 2	NCLB: Rewards State: Sanctions	NCLB: Sanctions State: Sanctions
ASSISTANCE LEVEL 3	NCLB: Rewards State: Sanctions	NCLB: Sanctions State: Sanctions

Each cell represents a condition that can exist along both the state and federal dimensions (e.g., a school might meet AYP requirements on the federal dimension) and might be in Assistance level 1 in the state dimension. The descriptors above the diagonal within each cell are intended to illustrate positive consequences for school performance. The descriptors below the diagonals are intended to illustrate that sanctions result.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
1.2 How are all public schools and LEAs held to the same criteria when making an AYP determination?	<p>All public schools and LEAs are systematically judged on the basis of the same criteria when making an AYP determination.</p> <p>If applicable, the AYP definition is integrated into the State Accountability System.</p>	Some public schools and LEAs are systematically judged on the basis of alternate criteria when making an AYP determination.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

The Federal dimension is met by applying a strict interpretation of the language of "No Child Left Behind Act of 2001." Federally defined 20th percentile starting points in reading and mathematics are calculated separately at the elementary, middle, and high school levels, and applied in a conjunctive manner to each school and district as required by Federal statute. (Reference **Figure 1**)

The state dimension meets this requirement. The General Assembly and the Kentucky Board of Education have created an assessment and accountability system that systematically judges all public schools and districts on the basis of the same criteria when making AYP determinations. Kentucky has set the same high goals for all students, schools and districts. Kentucky expects realistic and specific gains by all schools and student subpopulations.

Kentucky expects each school to reach proficiency (100 on Kentucky's accountability index) by 2014. This expectation requires schools to make consistent growth from individual school baselines established in 2000 to the goal of 100 in 2014. Intermediate targets define how much progress a school must make to be on track toward meeting the goal. Schools that fail to meet those targets receive sanctions and appropriate interventions. Sanctions remain in place for two years. (Reference 703 KAR 5:020 and 4.1.)

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>1.3 Does the State have, at a minimum, a definition of <i>basic, proficient</i> and <i>advanced</i> student achievement levels in reading/language arts and mathematics?</p>	<p>State has defined three levels of student achievement: <i>basic, proficient</i> and <i>advanced</i>.¹</p> <p>Student achievement levels of <i>proficient</i> and <i>advanced</i> determine how well students are mastering the materials in the State's academic content standards; and the <i>basic</i> level of achievement provides complete information about the progress of lower-achieving students toward mastering the <i>proficient</i> and <i>advanced</i> levels.</p>	<p>Standards do not meet the legislated requirements.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Kentucky meets this standard by measuring the quality of student work against four performance levels. The levels, from lowest to highest, are Novice, Apprentice, Proficient and Distinguished (NAPD). Although redefined in June of 2001 and applied to assessment data beginning with the Spring of 1999, these performance levels have been in place since 1992. The first two levels of performance in reading/language arts, mathematics, science and social studies are now subdivided into three levels (Novice non-performance, Novice medium, Novice high, Apprentice low, Apprentice medium and Apprentice high) to better represent student performance.

Kentucky law states that all schools shall expect “a high level of achievement of all students.” That high level, as defined through a standards-setting process designed by the respected testing experts of the National Technical Advisory Panel for Assessment and Accountability (NTAPAA) and overseen by the Kentucky Board of Education, is the Proficient level.

Kentucky educators have two important resources for planning instruction and determining how well students master the materials. Kentucky’s Student Performance Standards clearly define Novice, Apprentice, Proficient and Distinguished work at each grade level and content area included in the annual state assessments. Kentucky’s Core Content for Assessment identifies content Kentuckians have determined essential for all students to know. (The Kentucky Core Content for Assessment and NAPD performance descriptions are available on the Kentucky Department of Education’s Web site, www.kentuckyschools.org.)

Kentucky’s student performance standards were set through a highly inclusive process involving more than 1,600 teachers, review by approximately 3,000 citizens and a final review and approval by the Kentucky Board of Education. The entire standards-setting process (see CATS 2002 Interpretative Guide) was designed and overseen by NTAPAA and Kentucky’s School Curriculum, Assessment and Accountability Council, a 17-member body of teachers, school administrators, business leaders, parents and other public education advocates.

(continued)

Critical Element 1.3 STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
(continued)

¹ System of State achievement standards will be reviewed by the Standards and Assessments Peer Review. The Accountability Peer Review will determine that achievement levels are used in determining AYP.

To ensure that Kentucky's standards are regularly updated, meet the requirements of the standards and assessment peer review guidance and to develop more interpretable achievement level cut scores, Kentucky is revising its standard setting process for 2007 to meet the annual testing requirements for reading and mathematics. The revised standard setting process consists of:

- Step 1. A review of current reading, mathematics and science performance standards descriptions for the four performance levels - *Novice*, *Apprentice*, *Proficient* and *Distinguished (NAPD)*. Educators will adjust or revise descriptions, where appropriate.
- Step 2. Preliminary 2007 reading, mathematics and science performance cut-scores will be computed using data collected via a contrasting-groups procedure conducted in tandem with April testing.
- Step 3. During the month of July 2007, Kentucky educators will review the cut scores using the Bookmark standards setting procedure. The cut-scores will be smoothed where appropriate.
- Step 4. Performance standards descriptions will be reviewed and adjusted as necessary to achieve correspondence to cut-scores.
- Step 5. The Kentucky Department of Education will publish the final performance standards descriptions and cut-scores and report 2007 AYP results using the final performance standards.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
1.4 How does the State provide accountability and adequate yearly progress decisions and information in a timely manner?	<p>State provides decisions about adequate yearly progress in time for LEAs to implement the required provisions before the beginning of the next academic year.</p> <p>State allows enough time to notify parents about public school choice or supplemental educational service options, time for parents to make an informed decision, and time to implement public school choice and supplemental educational services.</p>	Timeline does not provide sufficient time for LEAs to fulfill their responsibilities before the beginning of the next academic year.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

At the December 2004 meeting, the Kentucky Board of Education approved the following policy in order to provide accountability and adequate yearly progress (AYP) decisions and information in a timely manner:

- For Spring 2004, preliminary AYP decisions based on the reading and mathematics multiple choice portions of the test will be issued to schools and districts by August 2, 2004, followed by final AYP results based on the total reading and mathematics tests (both multiple choice and open-response) in early October. If preliminary AYP decisions result in NCLB consequences at the school or district level, NCLB consequences will be applied to schools/districts and options or services selected by parents will continue to be supported through the end of the current school year even if final data indicates the school did make AYP and sanctions should not have been applied. If preliminary AYP decisions indicate the school/district made AYP, but final data indicates the school/district did not make AYP, then appropriate NCLB sanctions will be applied immediately.
- For Spring 2005 and beyond, the current testing window will be moved back one week into the school year, with the current number of test forms and the test design maintained. The testing window will be condensed into a single two-week window for all schools/districts and would start no earlier than April 1. Final AYP decisions in reading and mathematics will then be issued to schools by the August 2 deadline, as long as negotiations with Kentucky's assessment contractor are successful in accomplishing the earlier return of reading and mathematics assessment results within the funds allocated for the state assessment contract.

2007 Revision

In 2007 Kentucky is fully implementing the Kentucky Core Content Test (KCCT) assessment program and a redesigned alternate assessment program. To assure valid and reliable assessments Kentucky is conducting Standard Setting and Alignment studies. To complete these tasks, Kentucky is anticipating that 2007 AYP determinations will not be available until September 2007.

(Continued)

Critical Element 1.4 STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
(continued)

2009 Revision

14-day notice requirement

Kentucky requested and received a one-year waiver of the Title I, Part A regulatory requirement for a local education agency (LEA) to provide parents of eligible students with notice of their public school choice options at least 14 days before the start of the school year (34 C.F.R § 200.37(b)(4)(iv)). This waiver applies only to the notice provided to parents of eligible children attending schools that are newly identified for improvement for the 2009-2010 school year or that made adequate yearly progress (AYP) in the previous year, and so could have possibly exited improvement for the 2009-2010 school year, but did not.

Approving schools and LEAs identified for improvement, corrective action, or restructuring as supplemental education services (SES) providers

Kentucky received a one-year waiver of 34 C.F.R § 200.47(b)(1)(iv)(A) and (B) to permit Kentucky to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as an SES provider in the 2009-2010 school year.

Offering SES in addition to public school choice in the first year of improvement and counting the costs of both toward a LEA's 20 percent obligation

Kentucky was granted a one-year waiver of ESEA section 1116(b)(10) and 34 C.F.R. § 200.48 to permit a LEA in Kentucky to offer SES in addition to public school choice to eligible students in Title I schools in the first year of school improvement and to count the costs of providing SES to these students toward the LEA's 20 percent obligation under 34 C.F.R. § 200.48.

Calculation of "set asides" for Title I Part A funds

Kentucky was granted a one-year waiver to permit an LEA or school, as applicable, in Kentucky to exclude all or part of the Title I Part A funds it receives through the American Recovery and Reinvestment Act of 2009 (ARRA) when calculating:

- A LEA's obligation to spend an amount equal to at least 20 percent of its FY 2009 Title I, Part A funds for public school choice-related transportation and SES (ESEA section 1116(b)(10); 34 C.F.R § 200.48(a)(2)).
- A LEA's obligation, if identified for improvement, to spend 10 percent of its FY 2009 Title I, Part A funds for professional development (ESEA section 1116(c)(7)(A)(iii); 34 C.F.R. § 200.52(a)(3)(iii)).
- A school's obligation, if identified for improvement, to spend 10 percent of its FY 2009 Title I, Part A funds for professional development (ESEA section 1116(b)(3)(A)(iii); 34 C.F.R. § 200.41(c)(5)).

Calculation of per-pupil amount for SES

Kentucky was granted a one-year waiver of ESEA section 1116(e)(6) and 34 C.F.R. § 200.48(c)(1) to permit a LEA in Kentucky to exclude some or all of the Title I, Part A funds it receives through the ARRA in calculating the per-pupil amount for SES.

Ability to grant LEAs a waiver of the carryover limitation

Kentucky was granted a two-year waiver of section 1127(b) of the ESEA to allow it to waive the carryover limitation in section 1127(a) of the ESEA more than once every three years for a LEA that needs the additional waiver because of supplemental Title I, Part A appropriation provided through the ARRA.

Timely AYP determinations

Kentucky was granted a one-year waiver of the statutory requirement to provide notice of public school choice before the start of the year as required under section 1116(b)(1)(E)(i) of the ESEA. For those schools that may be either newly identified for improvement for the 2009-2010 school year or that made AYP in the previous year, and so could possibly exit improvement for the 2009-2010 school year, the LEA may wait until the assessment results are available, after the start of the school year, before providing parents of eligible students with notice of their public school choice options.

(continued)

**Critical Element 1.4 STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
(continued)**

The waiver was provided due to the severe weather Kentucky experienced during the 2008-2009 school year, and its subsequent decision to delay administering the statewide assessment, which, in turn, delayed when assessment results were available to the state and its districts and schools.

Assessments waived for school

Kentucky was granted a one-year waiver of sections 1111(b)(3)(A), 1111(b)(3)(C)(vii), and 1116(a)(1)(A) of the ESEA to Belfry Middle School, Pike Co. Due to flooding that occurred during testing on May 8, 2009, which damaged the test materials at Belfry Middle School, it is not required to have an annual determination of whether it has made adequate yearly progress based on the assessment administered in the 2008-2009 school year. The school's existing school improvement status as of the 2008-2009 school year will remain in effect for the 2009-2010 school year.

2010 Revision**Timely adequate yearly progress (AYP) determinations**

In 2010 Kentucky requested and received approval to delay public reporting of 2010 assessment results until the week of September 20, 2010, due to two significant events: H1N1 flu outbreaks and inclement weather. For the schools that enter into improvement status for the first time based on their 2009-2010 assessment results, Kentucky will require all sanctions to apply immediately upon receipt of the 2009-2010 test results. For the schools that are already aware of their upcoming status (*i.e.*, because they cannot enter or exit improvement), LEAs will notify parents of their public school choice options at least 14 days prior to the start of the school year. For the schools that enter into improvement status for the first time based on their 2009-2010 assessment results, Kentucky will require all sanctions to apply immediately upon receipt of the 2009-2010 test results. The following waivers were granted on April 15, 2010:

- Section 1116(a)(2) of the Elementary and Secondary Education Act (ESEA), which requires that a State education agency (SEA) ensure that the results of the state assessment administered in a given school year are available to a LEA before the beginning of the next school year.
- ESEA section 1116(b)(1)(E)(i), which requires that a LEA notify parents of their public school choice options before the start of the school year.
- 34 C.F.R. § 200.37(b)(4)(iv), which requires that a LEA provide parents of eligible students with notice of their public school choice options at least 14 days before the start of the school year.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
1.5 Does the State Accountability System produce an annual State Report Card?	<p>The State Report Card includes all the required data elements [see Appendix A for the list of required data elements].</p> <p>The State Report Card is available to the public at the beginning of the academic year.</p> <p>The State Report Card is accessible in languages of major populations in the State, to the extent possible.</p> <p>Assessment results and other academic indicators (including graduation rates) are reported by student subgroups</p>	<p>The State Report Card does not include all the required data elements.</p> <p>The State Report Card is not available to the public.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

The majority of data elements comprising Kentucky's state report card are posted on the Kentucky Department of Education's website each October as the Annual Kentucky Performance Report. This report has been expanded to include additional information required by NCLB.

The Annual Kentucky Performance Report includes:

- Information in the aggregate, on student achievement at each performance level on the state academic assessments (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged).
- Information that provides a comparison between the actual achievement levels of each group of students and the State's annual measurable objectives for each such group of students on each of the academic assessments required.
- The percentage of students not tested (disaggregated by the same categories); by Kentucky regulation and practice this percentage approaches zero, since the alternate portfolio program extends accountability to nearly all students exempted from the regular assessment.
- The most recent two-year trend in student achievement in each subject area for each grade level.
- Aggregate information on any other indicators used by the State to determine the adequate yearly progress of students in achieving State academic achievement standards.
- Information on the performance of local educational agencies in the State regarding making adequate yearly progress, including the number and names of each school identified for school improvement.
- Beginning with the Adequate Yearly Progress reporting for 2005-2006, a report on all tested students (accountable and non-accountable) at each performance level on the state academic assessments (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged) will be generated. Kentucky notes that information on all students tested has always been available to schools and districts in electronic form; however, now a specific report will be produced as part of the Kentucky Performance Report. This element was approved by the Kentucky Board of Education at its April 2006 meeting.

(continued)

**Critical Element 1.5 - STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
(continued)**

To comply with NCLB, Kentucky will be adding data to the Annual Performance Report as it becomes available to produce a state report card that meets the federal requirements.

- Graduation rates for secondary school students. While Kentucky currently reports dropout rates in the Kentucky Performance Report, graduation rates will also be provided as soon as it is technically possible. Kentucky cannot currently disaggregate graduation or dropout data beyond gender and ethnicity. This data will be incorporated as soon as Kentucky's student data system has the capacity to generate the required data elements. The state hopes that the tracking system will be implemented at the end of the 2004-05 school year; thus, since the requirement is to track students across time for four years, the first application of tracking a cohort through graduation would be the end of the 2007-2008 school year. Kentucky had previously hoped to upgrade the capacity of the student data system for this purpose by the end of 2003-2004. However, technical issues plus cost/budget shortages have delayed this implementation and may still impact the date of implementation.

Until this data capacity can be developed, the Kentucky Department of Education will rely on an application of the following graduation rate definition: the quotient of the number of current year grade 12 completers (standard diploma within four years, including students with disabilities whose IEPs stipulate they will need more than four years to obtain a standard diploma), divided by the number of current year grade 12 completers (includes standard diplomas plus certificates of completion), plus the number of current year grade 12 dropouts, plus the number of dropouts from the current 12th grade that dropped out as 11th graders, plus the number of dropouts from the current 12th grade class that dropped out as 10th graders, plus the number of dropouts from the current 12th grade class that dropped out as 9th graders.

A recent event in Kentucky related to the graduation rate definition found above was the passage of House Bill 178 by the 2004 regular session of the Kentucky General Assembly. House Bill 178 requires that students who transfer to a secondary GED program, or receive a GED by October 1 of the year after they drop out of school not be counted as dropouts.

The intent of House Bill 178 was to define a single definition of dropout that could be applied to both the Federal and State dimensions of accountability, and that would bring Kentucky into full compliance with the definition of dropout as published by the United States Department of Education's National Center for Educational Statistics (NCES). The Kentucky Board of Education at its April 2004 meeting aligned its policy with House Bill 178 directing the Kentucky Department of Education to fully implement the NCES definition/guidelines for dropout and create criteria for a state-approved secondary GED program.

As to how those students completing a secondary GED program or who receive a GED by October 1 of the year after they drop out of school will be reflected in the graduation rate formula described above, the students will be reflected in the denominator of the formula as completers. They will not be reflected in the numerator since they do not receive a standard diploma within four years.

The point must be made that this issue does not impact this version of Kentucky's accountability workbook that addresses provisions that are to apply to the 2004 spring test data. The first impact would occur on the 2005 spring test data, and since Kentucky lags its nonacademic data by one year, the actual application of this matter would not occur until the 2006 Adequate Yearly Progress Reports.

The professional qualifications of teachers in the state, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the state not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools (schools in the top quartile of poverty and the bottom quartile of poverty in the state). Data is collected identifying regularly certified teachers and teachers with emergency certification as well as teachers in and

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Critical Element 1.5 - STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
(continued)

out of field. By law, the Kentucky Education Professional Standards Board (EPSB) is the state agency responsible for teacher professional standards, certification and licensing. The EPSB is collaborating with the Kentucky Department of Education (KDE) and the Kentucky Board of Education on state activities under No Child Left Behind (NCLB) related to "highly qualified teachers." Kentucky is moving toward meeting the data requirements through equipping its statewide data system with the capacity to generate the required elements. However, technical issues plus cost/budget shortages have delayed this implementation and may still impact the date of implementation. In the interim, the data is being gathered by the EPSB through having districts post their data to a secure website. School districts are in the process of posting their data; approximately 75% of districts have posted their data and two reminders have gone out to the remaining 25%, with a deadline of May 31 for the submission of data. KDE will establish a link to the highly qualified teacher data once the data is complete on EPSB's secure Website (no later than mid to late summer 2004). Kentucky's state report card will be comprised of the Kentucky Performance Report and the link to the highly qualified teacher data.

Kentucky's state report card will parallel the school and district report cards, which the Kentucky Department of Education issues annually and posts on its Website. The current requirements for Kentucky's report card system are specified in Kentucky Administrative Regulation 703 KAR 5:140 and an incorporated document.

(See Kentucky Supporting Document 7 {SD 7} for details.)

School/district reports posted to the Kentucky Department of Education Website will indicate AYP status for each subpopulation meeting the minimum number of students requirement.

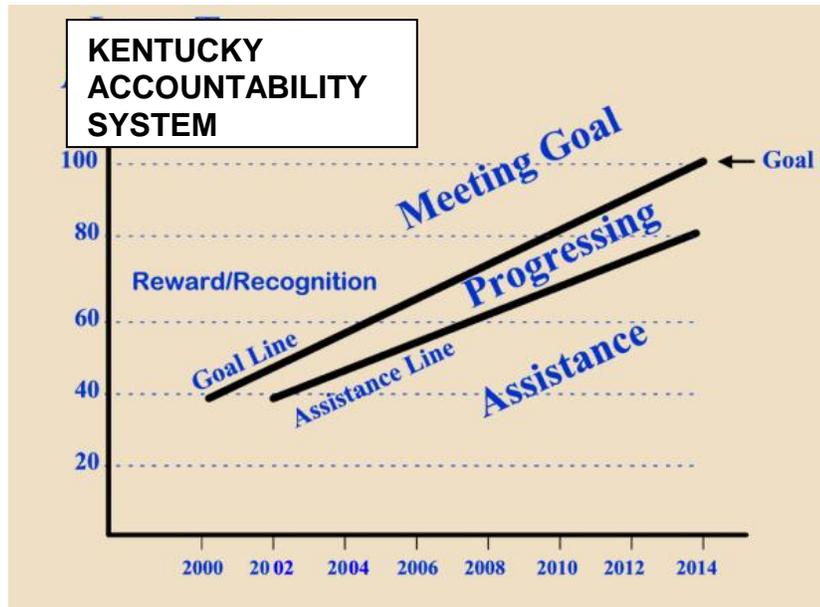
2010 Revision**State Report Card**

Kentucky is approved to modify its State Report Card to incorporate the most recent two-year trend in student achievement in reading and mathematics for grades 3-8 and the professional qualifications of teachers in the State, including the percentage teaching with emergency or provisional credentials, and the percentage of classes not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, as well as other required information that was previously lacking from the report card.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
1.6 How does the State Accountability System include rewards and sanctions for public schools and LEAs? ²	State uses one or more types of rewards and sanctions, where the criteria are: <ul style="list-style-type: none"> • Set by the State; • Based on adequate yearly progress decisions; and, • Applied uniformly across public schools and LEAs. 	State does not implement rewards or sanctions for public schools and LEAs based on adequate yearly progress.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Figure 2: State Dimension - Rewards and Sanctions



Federal and state rewards and sanctions are integrated as illustrated previously in Figure 1. Regulations on which the Kentucky Board of Education took final action in December 2003 give the Kentucky Department of Education and Kentucky Board of Education authority to reward schools/districts making adequate yearly progress for two consecutive years in both reading and mathematics. Figure 2 above illustrates how rewards and sanctions are applied through the state dimension.

² The state must provide rewards and sanctions for all public schools and LEAs for making adequate yearly progress, except that the State is not required to hold schools and LEAs not receiving Title I funds to the requirements of section 1116 of NCLB [§200.12(b)(40)].

PRINCIPLE 2. All students are included in the State Accountability System.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
2.1 How does the State Accountability System include all students in the State?	<p>All students in the State are included in the State Accountability System.</p> <p>The definitions of "public school" and "LEA" account for all students enrolled in the public school district, regardless of program or type of public school.</p>	Public school students exist in the State for whom the State Accountability System makes no provision.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

The Kentucky Board of Education gave final approval to 703 KAR 5:001, Assessment and Accountability Definitions, at its December 2003 meeting and then made additional amendments to this regulation at its February 2004 meeting due to comments received through the public hearing process. The definitions in 703 KAR 5:001 apply to all students. This regulation defines "full academic year" for a school and a district and specifies which students are included in AYP calculations.

Students with disabilities and Limited English Proficient (LEP) students may participate in state assessments using accommodations routinely used in the normal delivery of instruction, or without accommodations. For LEP students, these accommodations must be included in an program services plan approved by the principal. For Students with Disabilities, instructional accommodations must be documented in the Individualized Educational Plan (IEP). These data are included in accountability index calculations. For that small group of students with disabilities whose disability is so severe that with all possible accommodations the student cannot participate in the *regular* curriculum (less than 1%), Kentucky has an Alternate Portfolio derived from an agreed upon subset of Kentucky's Academic Expectations, and the data generated is included in accountability calculations such that each participating student has the same impact on the accountability index calculation as do all other students.

The website link for the full text of this regulation and the document incorporated by reference is included in Attachment A, page 55. For related discussion, reference discussion of Full Academic Year, 2.2.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
2.2 How does the State define "full academic year" for identifying students in AYP decisions?	<p>The State has a definition of "full academic year" for determining which students are to be included in decisions about AYP.</p> <p>The definition of full academic year is consistent and applied statewide.</p>	<p>LEAs have varying definitions of "full academic year."</p> <p>The State's definition excludes students who must transfer from one district to another as they advance to the next grade.</p> <p>The definition of full academic year is not applied consistently.</p>
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		
<p>The Kentucky Board of Education gave final approval of 703 KAR 5:001, Assessment and Accountability Definitions at its December 2003 meeting and made further amendments to the regulation at its February 2004 meeting due to comments received through the public hearing process. This regulation contains the following definitions for "full academic year":</p> <ul style="list-style-type: none"> ➤ "Full academic year for a district" means a district is accountable for any student who is enrolled in the district any one-hundred (100) instructional days from the district's first instructional day of the school year through the first day of the testing window for the appropriate accountability level established by the district. ➤ "Full academic year for a school" means a school is accountable for any student who is enrolled in the school any one-hundred (100) instructional days from the first instructional day of the school year through the first day of the testing window. <p>The Kentucky Department of Education received "transitional authority" from the U.S. Secretary of Education that these definitions not apply to the 2003 Spring assessment.</p> <p>The Kentucky Department of Education will begin to implement these definitions on assessment answer documents administered in the Spring of 2004.</p>		

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>2.3 How does the State Accountability System determine which students have attended the same public school and/or LEA for a full academic year?</p>	<p>State holds public schools accountable for students who were enrolled at the same public school for a full academic year.</p> <p>State holds LEAs accountable for students who transfer during the full academic year from one public school within the district to another public school within the district.</p>	<p>State definition requires students to attend the same public school for more than a full academic year to be included in public school accountability.</p> <p>State definition requires students to attend school in the same district for more than a full academic year to be included in district accountability.</p> <p>State holds public schools accountable for students who have not attended the same public school for a full academic year.</p>
<p>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		
<p>Until Kentucky's student data system can be adequately developed to meet this need, a data collection form will be distributed to each District Assessment Coordinator on which they will be able to indicate which students were not enrolled in the same school or district for a full academic year. This will be coded by district staff on each student's answer document.</p>		

PRINCIPLE 3. State definition of AYP is based on expectations for growth in student achievement that is continuous and substantial, such that all students are proficient in reading/language arts and mathematics no later than 2013-2014.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
3.1 How does the State's definition of adequate yearly progress require all students to be proficient in reading/language arts and mathematics by the 2013-2014 academic year?	The State has a timeline for ensuring that all students will meet or exceed the State's proficient level of academic achievement in reading/language arts ³ and mathematics, not later than 2013-2014.	State definition does not require all students to achieve proficiency by 2013-2014. State extends the timeline past the 2013-2014 academic year.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		
<p>At its August 2003 meeting, the Kentucky Board of Education (KBE) approved defining proficient for NCLB purposes to mean the same as proficient as it is applied in the Commonwealth Accountability Testing System (CATS). Also approved at the August 2003 meeting was a plan to use CATS data to compute federal Adequate Yearly Progress (AYP) for schools and districts based on NCLB criteria in reading and mathematics, in addition to holding schools accountable every two years for growth expectations as reflected in Kentucky's school growth charts.</p> <p>Both the definition of proficient and the plan to use CATS data to compute AYP for schools and districts based on NCLB criteria in reading and mathematics were incorporated into regulation by the KBE with final approval occurring at the December 2003 meeting.</p> <p>Reference 1.1 and 1.6. Reference the website link for statutes and regulations in Attachment A on page 55 for a detailed legal and regulatory description of the state dimension.</p>		

⁴ If the state has separate assessments to cover its language arts standards (e.g., reading and writing), the State must create a method to include scores from all the relevant assessments.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>3.2 How does the State Accountability System determine whether each student subgroup, public school and LEA makes AYP?</p>	<p>For a public school and LEA to make adequate yearly progress, each student subgroup must meet or exceed the State annual measurable objectives, each student subgroup must have at least a 95% participation rate in the statewide assessments, and the school must meet the State's requirement for other academic indicators.</p> <p>However, if in any particular year the student subgroup does not meet those annual measurable objectives, the public school or LEA may be considered to have made AYP, if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the State assessments for that year decreased by 10% of that percentage from the preceding public school year; that group made progress on one or more of the State's academic indicators; and that group had at least 95% participation rate on the statewide assessment.</p>	<p>State uses different method for calculating how public schools and LEAs make AYP.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

In December 2003, the Kentucky Board of Education finalized revisions to 703 KAR 5:130, School district accountability and 703 KAR 5:020, The formula for determining school accountability. Section 8 of 703 KAR 5:130 is devoted to district accountability requirements for meeting the provisions of the No Child Left Behind Act of 2001 (NCLB) and Sections 10, 11 and 12 of 703 KAR 5:020 specify the school accountability requirements for meeting NCLB provisions. The requirement for subpopulations of sufficient size to meet annual measurable objectives in reading and mathematics or meet the conditions of safe harbor is included in both of these regulations.

For AYP determinations, any Kentucky school/district in which a subpopulation does not score at or above the annual measurable objective, the school as a whole, or the district will be considered to have failed in meeting AYP in the specific content area unless the "safe harbor" provisions apply. Subpopulations identified in Kentucky include: White, African-American, Hispanic, Asian, Other, Economically Deprived, LEP and Students with Disabilities. As finalized in regulation at the February 2004 Kentucky Board of Education meeting, each subpopulation must have at least 10 students in a subpopulation in each grade in which NCLB assessments are administered and at least 60 students in the subpopulation in these grades combined or the subpopulation constitutes at least fifteen percent (15%) of the students in these grades combined. Kentucky will apply a 99% confidence interval around each percent proficient in order to establish with appropriate confidence that the point in question is statistically different than the annual measurable objective.

At its February 2004 meeting, the Kentucky Board of Education finalized the policy for "safe harbor" in regulation, (703 KAR 5:001, Assessment and Accountability Definitions), stating that if a school or district does not meet the reading or mathematics annual measurable objectives (AMO), the school or district is considered to have met the annual measurable objective in reading or mathematics if the school or district reduces its percent of total students or subpopulation(s), (whichever group(s) did not meet the reading or mathematics annual measurable objective), scoring below proficient by 10%; and students in the same population or subpopulation(s) demonstrate improvement or obtain a 100 or higher on the prior year academic index. Since disaggregation of data for graduation rate and accountability indices cannot yet occur due to technical issues and cost/budget shortages affecting upgrading the capacity of the student data system for this purpose, Kentucky will use the academic index for safe harbor purposes in the interim. It is hoped that the tracking system will be implemented by the end of the 2004-05 school year; however, technical issues and budget shortages could further delay the date of implementation.

At the October 2003 Kentucky Board of Education meeting, the Board approved clarification of its decisions on graduation rate and additional academic indicator. These clarifications were incorporated into state regulations on which final action was taken in December 2003. The clarification on graduation rate is summarized below:

Graduation rate data used for this purpose will be "lagged" one year in order to assist in meeting NCLB required reporting timelines.

"NCLB growth on the graduation rate" means: a graduation rate that is equal to or greater than the corresponding annual goal; or, a graduation rate that exceeds that of the prior year.

<u>Year</u>	<u>Graduation Rate Goal</u> (The goal estimates the tracking of a cohort of students over a four-year period; Example—freshman class of 1998-99 tracked over 1998-1999, 1999-2000, 2000-2001 and 2001-2002.)
2002	71.00
2003	73.25
2004	75.50
2005	77.75
2006	80.00
2007	82.25
2008	84.50
2009	86.75
2010	89.00
2011	91.25
2012	93.50
2013	95.75
2014	98.00

As to the additional academic indicator, the Kentucky Board of Education did approve regulatory amendments in December 2003 to designate the full accountability index, lagged by one year in order to meet NCLB required reporting timelines, as the additional academic indicator for the elementary and middle school levels. NCLB requires states to use graduation rate for the additional academic indicator at the high school level. However, subsequent action by the Board occurred in June 2005 to change the additional academic indicator at the elementary and middle school levels to a fairer measure for schools and districts that continues to focus on all seven content areas tested in Kentucky. The Board amended its regulatory language to make the CATS biennial classification and the CATS mid-point classification, whichever is the most current classification, serve as the criteria for meeting the additional academic indicator. Thus, schools classified as any category of Progressing or Meets Goal would be considered as meeting the requirement for the additional academic indicator. Data would still be lagged by one year in order to meet NCLB required reporting timelines. For example, in 2005, the 2004 CATS biennial classification would be applied and in 2006, the 2005 CATS mid-point classification would be used. The Board also approved regulatory language to allow the opportunity to recognize growth in addition to school classification for schools in the Assistance category. Schools in the Assistance category must demonstrate growth in the accountability index at or above the statewide average for the specific grade-level configuration to be designated as meeting the additional academic indicator requirement. This additional caveat was proposed by the Local Superintendents Advisory Council, a statutorily created group that reviews and provides advice on every regulation change considered by the Board.

The specific regulatory language approved on June 9, 2005, to make the changes described above to the additional academic indicator for the elementary and middle school levels was:

- 703 KAR 5:001, Section 1, (11) (b), (12) (b), and (13) (b); 703 KAR 5:020, Section 10, (5) (b); and 703 KAR 5:130, Section 8, (5) (b). "A school classification of any category of Progressing or Meets Goal in the CATS biennial or midpoint classification, whichever occurred more recently, at the elementary and middle school levels; or for a school in the Assistance category which demonstrates growth in the accountability index at or above the state average for the specific grade-level configuration.
- 703 KAR 5:020, Section 10, (2) (b) and 703 KAR 5:130, Section 8, (2) (b). "School classification criteria as described in subsection (5) (b) of this Section;"

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>3.2a What is the State’s starting point for calculating Adequate Yearly Progress?</p>	<p>Using data from the 2001-2002 school year, the State established separate starting points in reading/language arts and mathematics for measuring the percentage of students meeting or exceeding the State’s proficient level of academic achievement.</p> <p>Each starting point is based, at a minimum, on the higher of the following percentages of students at the proficient level: (1) the percentage in the State of proficient students in the lowest-achieving student subgroup; or, (2) the percentage of proficient students in a public school at the 20th percentile of the State’s total enrollment among all schools ranked by the percentage of students at the proficient level.</p> <p>A State may use these procedures to establish separate starting points by grade span; however, the starting point must be the same for all like schools (e.g., one same starting point for all elementary schools, one same starting point for all middle schools...).</p>	<p>The State Accountability System uses a different method for calculating the starting point (or baseline data).</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

At its August 2003 meeting, the Kentucky Board of Education (KBE) adopted a motion to establish starting points for determining federal AYP using Spring 2002 Commonwealth Accountability Testing System (CATS) data in reading and mathematics. The KBE also approved a motion to define percent proficient and above for purposes of making federal school and district AYP annual decisions in reading and mathematics to mean the same as percent proficient and above as applied in the CATS. These decisions were formalized into administrative regulations that were given final approval by the KBE at its December 2003 meeting.

A detailed description of the procedures for calculating starting points and annual measurable objectives applicable to the state dimension can be accessed through the website link cited for regulations in Attachment A on page 55.

The Board's adopted starting points and annual measurable objectives that result are summarized in **Table 1** below.

Table 1: NCLB Starting Points - % at or Above Proficient and Measurable Annual Objectives

Year	Elementary		Middle		High		Primary – 08		Primary – 12		7-12	
	Reading	Math	Reading	Math	Reading	Math	Reading	Math	Reading	Math	Reading	Math
2001-02	47.27	22.45	45.60	16.49	19.26	19.76	46.44	19.47	37.38	19.57	32.43	18.13
2002-03	47.27	22.45	45.60	16.49	19.26	19.76	46.44	19.47	37.38	19.57	32.43	18.13
2003-04	47.27	22.45	45.60	16.49	19.26	19.76	46.44	19.47	37.38	19.57	32.43	18.13
2004-05	53.86	32.14	52.40	26.93	29.35	29.79	53.14	29.54	45.21	29.62	40.88	28.36
2005-06	53.86	32.14	52.40	26.93	29.35	29.79	53.14	29.54	45.21	29.62	40.88	28.36
2006-07	53.86	32.14	52.40	26.93	29.35	29.79	53.14	29.54	45.21	29.62	40.88	28.36
2007-08	60.45	41.84	59.20	37.37	39.45	39.82	59.83	39.6	53.04	39.68	49.32	38.60
2008-09	67.04	51.53	66.00	47.81	49.54	49.85	66.53	49.67	60.86	49.73	57.77	48.83
2009-10	73.64	61.23	72.80	58.25	59.63	59.88	73.22	59.74	68.69	59.79	66.22	59.07
2010-11	80.23	70.92	79.60	68.68	69.72	69.91	79.92	69.8	76.52	69.84	74.66	69.30
2011-12	86.82	80.61	86.40	79.12	79.82	79.94	86.61	79.87	84.35	79.89	83.11	79.53
2012-13	93.41	90.31	93.20	89.56	89.91	89.97	93.31	89.93	92.17	89.95	91.55	89.77
2013-14	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

In the spring of 2006, Kentucky administered the Augmented Norm Referenced Test (NRT) in grades where the Kentucky Core Content Test (KCCT) was not previously administered to meet the NCLB requirements of annual testing in reading and mathematics at grades 3-8. The Augmented NRT was a one-year solution to meeting the grades 3-8 testing requirement for 2006, and beginning in spring 2007 Kentucky will assess reading and mathematics in grades 3-8 with a new KCCT in all required grades. Because of this transition, Kentucky will invoke the flexibility offered by the Wellstone Amendment for Adequate Yearly Progress (AYP) determinations for 2006.

Kentucky's previous accountability plan included averaging data from two or three years preceding the current year to make AYP determinations if the school or student subpopulations of sufficient size did not meet their AMOs for reading and mathematics using current year data for calculations. However, with implementation of the Augmented NRT in the spring of 2006, there will only be one year of data available in those grades. Without data from previous years for the augmented grades, the existing KCCT grades will continue to be used for accountability purposes to calculate AYP. AYP for 2006 will be calculated by averaging two years of data from the existing KCCT grades in reading and mathematics for all schools and districts and subpopulations of sufficient size for the two years combined. The confidence interval will also be based on the same set of data as the AMO. While the Augmented NRT data will not be included in AYP determinations for 2006, the results will still be reported with other assessment results for 2006. This approach was approved by the Kentucky Board of Education at its April 2006 meeting and it will be incorporated into 702 KAR 5:020 at the Board's August meeting.

In 2007, Kentucky is returning to the Uniform Averaging Procedure using two options in NCLB legislation. First, Section 1111(b)(2)(J)(i), indicates that a State may average data from the school year for which the determination is made with data from one or two school years immediately preceding that school year. Additionally, Section 1111(b)(2)(J)(iii), permits the State to use data across grades in a school.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>3.2b What are the State's annual measurable objectives for determining adequate yearly progress?</p>	<p>State has annual measurable objectives that are consistent with a state's intermediate goals and that identify for each year a minimum percentage of students who must meet or exceed the proficient level of academic achievement on the State's academic assessments.</p> <p>The State's annual measurable objectives ensure that all students meet or exceed the State's proficient level of academic achievement within the timeline.</p> <p>The State's annual measurable objectives are the same throughout the State for each public school, each LEA, and each subgroup of students.</p>	<p>The State Accountability System uses another method for calculating annual measurable objectives.</p> <p>The State Accountability System does not include annual measurable objectives.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Kentucky has established separate reading and mathematics intermediate goals or annual measurable objectives for elementary, middle, and high school grades that begin with two plateau periods of three years each, including the 2002 baseline year, where the annual measurable objective remains the same. The first increase in intermediate goals will take place in the 2004-2005 school year, the second increase in the 2007-2008 school year and then annually thereafter. (Reference Table 1, page 28) This model allows schools some time to understand and adjust to the new federal requirements.

The intermediate goals for elementary, middle and high school reading and mathematics will be applied to each school building, as well as to each subgroup at the school building level to determine AYP status. When calculating the results statewide, for school districts, and for school buildings that span multiple levels, as well as for subgroups within them, the intermediate goal will be an average of the elementary, middle and high school intermediate goals for reading and mathematics respectively.

In the spring of 2006, Kentucky administered the Augmented Norm Referenced Test (NRT) in grades where the Kentucky Core Content Test (KCCT) was not previously administered to meet the NCLB requirements of annual testing in reading and mathematics at grades 3-8. The Augmented NRT was a one-year solution to meeting the grades 3-8 testing requirement for 2006, and beginning in spring 2007 Kentucky will assess reading and mathematics in grades 3-8 with a new KCCT in all required grades. Because of this transition, Kentucky will invoke the flexibility offered by the Wellstone Amendment for Adequate Yearly Progress (AYP) determinations for 2006.

Kentucky's previous accountability plan included averaging data from two or three years preceding the current year to make AYP determinations if the school or student subpopulations of sufficient size did not meet their AMOs for reading and mathematics using current year data for calculations. However, with

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Critical Element 3.2b STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
(continued)

implementation of the Augmented NRT in the spring of 2006, there will only be one year of data available in those grades. Without data from previous years for the augmented grades, the existing KCCT grades will continue to be used for accountability purposes to calculate AYP. AYP for 2006 will be calculated by averaging two years of data from the existing KCCT grades in reading and mathematics for all schools and districts and subpopulations of sufficient size for the two years combined. The confidence interval will also be based on the same set of data as the AMO. While the Augmented NRT data will not be included in AYP determinations for 2006, the results will still be reported with other assessment results for 2006. This approach was approved by the Kentucky Board of Education at its April 2006 meeting and it will be incorporated into 702 KAR 5:020 at the Board's August meeting.

In 2007 Kentucky is shifting from the Augmented NRT assessment to a total KCCT assessment. To assure valid and reliable assessments Kentucky is conducting Standard Setting and Alignment studies. To complete these tasks, Kentucky is anticipating that 2007 AYP determinations will not be available until September 2007. Kentucky plans to address this delay by requiring:

1. Schools identified for improvement that may move forward in the school improvement timeline as a result of not making AYP based on the 2006-07 test results, will prepare to offer the next level of student services. For example, a school in year one of improvement will prepare to offer supplemental educational services to students should the AYP results from the 2006-07 move the school into School Improvement Year Two. Also, schools that have missed AYP for one year, will prepare to offer public school choice, if the 2006-07 assessment results demonstrate the school has not met AYP for a second consecutive year.
2. Schools identified for improvement, corrective action, or restructuring that have made AYP based on assessments administered in the 2005-06 school year that could exit school improvement if making AYP based on assessments administered in the 2006-07 school year:

These schools will continue to offer services into the 2007-08 school year (supplemental educational services or public school choice). When AYP determinations are released, if the school makes AYP for the second consecutive year based on the 2006-07 assessment results, the school will then exit school improvement, corrective action, or restructuring.

Kentucky also is returning to the Uniform Averaging Procedure using two options in NCLB legislation. First, Section 1111(b)(2)(J)(i), indicates that a State may average data from the school year for which the determination is made with data from one or two school years immediately preceding that school year. Additionally, Section 1111(b)(2)(J)(iii), permits the State to use data across grades in a school.

2010 Revision

AYP Reporting

Kentucky is approved to amend the calculation for the other academic indicator at elementary and middle school levels. Schools and districts shall demonstrate improvement on the state-required assessment for Science, Social Studies and Writing On-Demand. "Improvement" shall be defined as an increase in the current year aggregate percentage of students scoring proficient and above compared to the prior year or performance at or above the state aggregate percentage or decrease in the aggregate percentage of students scoring at the Novice level for all five state-required content areas combined. Students included in the calculation for other academic indicator at elementary and middle school shall be those students enrolled for any 100 instructional days of the current school year being reported. For the calculation of safe harbor for school or districts that have not met the reading or mathematics annual measurable objectives (AMOs), the performance of total students or subpopulations not meeting the AMOs shall be improved by reducing the percentage of students scoring below proficient by 10 percent.

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**Critical Element 3.2b STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
(continued)**Uniform averaging procedure

Kentucky will average data in 2010 and also in 2011 from the school year for which the determination is made with the data from one or two school years immediately preceding the school year.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
3.2c What are the State's intermediate goals for determining adequate yearly progress?	<p>State has established intermediate goals that increase in equal increments over the period covered by the State timeline.</p> <ul style="list-style-type: none"> • The first incremental increase takes effect not later than the 2004-2005 academic year. • Each following incremental increase occurs within three years. 	<p>The State uses another method for calculating intermediate goals.</p> <p>The State does not include intermediate goals in its definition of adequate yearly progress.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Reference 3.2b and Table 1.

PRINCIPLE 4. State makes annual decisions about the achievement of all public schools and LEAs.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
4.1 How does the State Accountability System make an annual determination of whether each public school and LEA in the State made AYP?	AYP decisions for each public school and LEA are made annually. ⁴	AYP decisions for public schools and LEAs are not made annually.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		
<p>At its August 2003 meeting, the Kentucky Board of Education adopted a plan to use Commonwealth Accountability Testing System (CATS) data to compute federal Adequate Yearly Progress (AYP) for all schools and districts based on No Child Left Behind criteria in reading and mathematics, in addition to holding schools accountable every two years for growth expectations as reflected in Kentucky's growth charts. This policy was applied immediately to 2002-2003 CATS data and was incorporated into administrative regulations, which received final approval at the December 2003 Kentucky Board of Education meeting, for implementation in subsequent years.</p> <p>A detailed description of how the state dimension addresses this need can be accessed through the website link for regulations cited in Attachment A on page 55.</p> <p>District accountability is addressed in 3.2.</p>		

⁴ Decisions may be based upon several years of data and data may be averaged across grades within a public school [§1111(b)(2)(J)].

PRINCIPLE 5. All public schools and LEAs are held accountable for the achievement of individual subgroups.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
5.1 How does the definition of adequate yearly progress include all the required student subgroups?	<p>Identifies subgroups for defining adequate yearly progress: economically disadvantaged, major racial and ethnic groups, students with disabilities, and students with limited English proficiency.</p> <p>Provides definition and data source of subgroups for adequate yearly progress.</p>	State does not disaggregate data by each required student subgroup.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		
<p>Public schools and districts will be accountable for the performance of student subpopulations as required by the “No Child Left Behind Act of 2001” so long as the subgroup meets the minimum group size requirement specified in this document. (See 3.2 for the minimum group size set by the Kentucky Board of Education.)</p> <p>Within the state dimension, Kentucky also addresses this requirement (Reference website for accessing regulations found in Attachment A on page 55). Kentucky requires, as stipulated in 703 KAR 5:070 and its incorporated document, the assessment of and accountability for all students, including those subpopulations sometimes omitted from accountability systems, e.g., transient students, students with disabilities, students with severe disabilities and limited English proficient students.</p> <p>Reference Senate Bill 168 (website is cited in Attachment A on page 55 for accessing Senate Bill 168, which is codified as KRS 158.649).</p>		

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
5.2 How are public schools and LEAs held accountable for the progress of student subgroups in the determination of adequate yearly progress?	Public schools and LEAs are held accountable for student subgroup achievement: economically disadvantaged, major ethnic and racial groups, students with disabilities, and limited English proficient students.	State does not include student subgroups in its State Accountability System.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		
Reference 5.1.		

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>5.3 How are students with disabilities included in the State's definition of adequate yearly progress?</p>	<p>All students with disabilities participate in statewide assessments: general assessments with or without accommodations or an alternate assessment based on grade level standards for the grade in which students are enrolled.</p> <p>State demonstrates that students with disabilities are fully included in the State Accountability System.</p>	<p>The State Accountability System or State policy excludes students with disabilities from participating in the statewide assessments.</p> <p>State cannot demonstrate that alternate assessments measure grade-level standards for the grade in which students are enrolled.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Kentucky meets this standard. All students in the state are included in the State Accountability System (see 2.1 above).

For students who qualify, Kentucky's assessment program offers accommodations in assessments. The accommodations must be stipulated in the student's Individual Education Plan (IEP) or 504 and must have been used with the student for instruction throughout the school year. For example, if a student's IEP allows a scribe during regular instruction, the student will be allowed to have a scribe for the statewide assessment. For details, reference 703 KAR 5:070, Inclusion of All Students. (See website cited in Attachment A for accessing regulations on page 55)

Students who cannot participate in the regular assessment, even with accommodations, are required to submit an alternate portfolio. Alternate portfolios are collections of work produced by students with severe disabilities (i.e., the less than 1 percent of the total student population for whom traditional assessments would be an inappropriate measure). Kentucky's alternate portfolio was designed and developed by teachers and parents of the target student population. It is derived from an agreed-upon set of Kentucky's academic expectations and is focused on communications and quantitative as well as other academic skills.

Alternate portfolios provide a valid and reliable means of assessing the instruction provided to these students. The rubric for assessing the work collected in the alternate portfolios is designed to reflect research-based, effective-practice instructional strategies. This assessment provides school accountability information that can be used to facilitate improvements in classroom instructional practices. Data from all student assessments, including alternate portfolios, are included in school accountability calculations. In this way, each student participating in assessment has the same impact on the school's accountability index.

Students who qualify for this form of assessment usually have profound cognitive disabilities, and the alternate portfolio is the only way they can participate in the assessment and accountability system. With few exceptions, all students in Kentucky must participate in the regular assessment or the alternate portfolio. Fewer than 1% of students qualify each year for exemption from testing (usually a medical exemption verified by a physician).

The disaggregation of this data and use of it in making AYP decisions will include only students eligible for services under IDEA.

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Critical Element 5.3 STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
(continued)

Starting with 2007, Kentucky in collaboration with Human Development Institute (HDI) at the University of Kentucky and with assistance from the Office of Special Education Programs (OSEP) through a General Supervision Enhancement Grant (GSEG) and the National Alternate Assessment Center (NAAC), has modified the Kentucky Alternate Assessment Program to provide:

- Student scores with the same weights as student scores from the regular assessments, and
- Separate scores for reading and mathematics at grades 3-8 and high school, and science at elementary school, middle school and high school.

After extensive research, development and teacher training, portfolios were compiled and scored.

Activities to be completed this summer include:

- Standard setting for all components
- External alignment
- Release of student score results
- Inclusion of scores in AYP determinations

2010 Revision

Provisions within the No Child Left Behind (NCLB) Act require that the reporting of proficient scores for Alternate Assessment students in reading and mathematics be restricted to one percent or less of the district's population of accountable students. During the most recent federal monitoring visit, Kentucky was cited for not applying the one percent cap during the reporting of NCLB results.

Kentucky submitted the following steps to USED that have been approved and has applied the steps to the district's data to reduce the number of Alternate Assessment students reported as proficient to the allowable one-percent maximum.

One Percent Cap Steps

Step 1: Identification of Districts Exceeding One Percent Cap

Kentucky Department of Education conducts data analysis to identify districts in which greater than one percent of Alternate Assessment students have scored proficient or above.

Step 2: Notification of Districts Exceeding One Percent Cap

District Assessment Coordinators (DACs) in districts exceeding the one percent cap are notified of this condition and provided an opportunity to submit additional information for the Kentucky Department of Education to consider.

Step 3: Justification Submitted by Districts Exceeding One Percent Cap

Districts submit to the Kentucky Department of Education an explanation to justify why the district has exceeded the one percent cap.

Step 4: Review of Justification

Kentucky Department of Education staff reviews the justification submitted from districts and decides to support or not support the justification. Districts will be notified of the decision. Reasons to support the justification will be based on federal guidance. For example, Kentucky has several districts with small total student populations—small size may be a supportable reason for exceeding the one percent cap. If supported, district work is completed and Kentucky Department of Education staff move to Step 6. If not supported, districts move to Step 5.

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**Critical Element 5.3 STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
(continued)****Step 5: Determination of Necessary Data Change**

The Kentucky Department of Education in order to bring the district into alignment with the one percent cap will use the following process to calculate which proficient scores are counted as non-proficient at the district level.

Scores of proficient students are reassigned first, and scores of distinguished students are reassigned second. The reassignments are done in priority order from the lowest to the highest scale score. In the event that there are several students with the same scale score, reassignment occurs in the following order:

1. Student records with the most recent date of birth are reassigned first, followed by the next most recent date of birth, and so on, until the least recent date of birth is reassigned.
2. Student records with the lowest State Student Identification Number (SSID) are reassigned first, followed by the next highest SSID, and so on, until the highest SSID is reassigned.

Step 6: Generation of AYP—NCLB Reports

The Kentucky Department of Education generates and releases publicly the Adequate Yearly Progress determinations for No Child Left Behind.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
5.4 How are students with limited English proficiency included in the State's definition of adequate yearly progress?	<p>All LEP students participate in statewide assessments: general assessments with or without accommodations or a native language version of the general assessment based on grade level standards.</p> <p>State demonstrates that LEP students are fully included in the State Accountability System.</p>	LEP students are not fully included in the State Accountability System.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Kentucky has incorporated into the Kentucky Board of Education's finalized regulation, 703 KAR 5:070, Procedures for the inclusion of special populations in the state-required assessment and accountability programs, the additional flexibility provisions offered to states in the February 23, 2004, letter from U. S. Secretary of Education Rod Paige. The Board included these provisions in its finalized regulation in order that they will apply to the Spring 2004 assessment administration. These provisions will better meet the instructional needs of LEP students.

Specific language added to 703 KAR 5:070 to implement these flexibility provisions reads as follows:

“For purposes of calculating a school or district’s academic indices and for determining adequate yearly progress in the federal dimension of the state’s accountability program, schools and districts shall for two years maintain in the subgroup of students with limited English proficiency students who have attained English proficiency based on a state-approved English language proficiency assessment in conjunction with professional judgment. However, when determining whether the subgroup of students with limited English proficiency meets the state-defined minimum group size, these students who have attained English proficiency shall not be required to be counted as students with limited English proficiency.”

“Each school shall assess all students with limited English proficiency enrolled on the first day of the testing window in all parts of the state-required assessments and their scores shall be included in accountability calculations consistent with state law, unless the students are in their first year of enrollment in a United States school.”

Students with limited English proficiency in the first year of enrollment in a United States school shall be required to take an English language proficiency assessment and if the student enrolls in a grade in which a state-required mathematics test is administered, the NCLB-required mathematics assessment with accommodations or modifications or both as appropriate.

All students with limited English proficiency enrolled on the first day of the testing window shall be included in calculations of the school and district’s participation rate. A student with limited English proficiency in the first year of enrollment in a United States school shall be included in the school and district’s participation rate based on the student’s participation in the NCLB-required mathematics assessment, if the student is enrolled in a grade where a NCLB-required mathematics assessment is administered. For students with limited English proficiency who are enrolled for the first year in a U.S. school and are not in a grade in which there is a NCLB-required mathematics test, their participation shall be based on taking an English language proficiency assessment (or the NCLB-required reading assessment if the school or district chooses to administer it).

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**Critical Element 5.4 STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
(continued)**

Students with limited English proficiency in their first year of enrollment in a U.S. school shall not be required to participate in the state-required reading, science, social studies, practical living/vocational studies, arts and humanities, or writing on-demand assessments. For these students, these assessments shall be optional at the discretion of the school and district.

For the purposes of calculating a school's academic indices in the state dimension and for determining adequate yearly progress, each school shall be held accountable based on an aggregated average of the academic performance of the elementary, middle, or high school students who have been enrolled in the school for a full academic year in the accountability grades; and each district shall be held accountable based on an aggregated average of the academic performance of the elementary, middle, or high school students who have been enrolled in the district for a full academic year in the accountability grades. These accountability requirements shall also apply to limited English proficient subpopulations of sufficient size, except for students with limited English proficiency who are in their first year of enrollment in a U.S. school.

For students with limited English proficiency who are in their first year of enrollment in a U.S. school and have been enrolled for a full academic year as defined in 703 KAR 5:001, a school and district may choose to include results from the NCLB-required mathematics assessment (and, if given, the state-required reading, science, social studies, arts and humanities, practical living/vocational studies, and writing on demand assessments) in accountability calculations for both the school's academic indices in the state dimension and for determining adequate yearly progress. If this option is exercised, the decision shall be consistent across all content areas for the student.

For students who have been identified with limited English proficiency, it may be necessary to permit instructionally consistent accommodations or modifications, or both for the assessment administration. Any accommodations or modifications or both shall be based on an assessment of English language proficiency, consistent with the normal on-going delivery of instructional services, and stated in the student's Program Services Plan."

(Note: The use of the terms "accommodations" and "modifications" do not imply any change in content or achievement standards used to assess students with disabilities or students with limited English proficiency. In general the word "accommodations" refers to providing such services as reading or scribing consistent with the delivery of instructional services. The word "modifications" refers to providing assessment and large print, Braille, on computer, or on audiotape. None of these conditions change the content of the assessment to which the student is exposed, or standards against which the assessments are scored.)

In 2008 Kentucky is modifying the participation requirements for limited English proficient (LEP) students enrolled in Kentucky schools. Limited English proficient students in the first year ever in a U.S. school will be required to take the KCCT mathematics test (in grades 3-8 and 11) , and the KCCT science test (in grades 4, 7, and 11). The mathematics and science test are required for NCLB participation.

The school or district may choose to have limited English proficient students participate in the state required reading test (optional for NCLB participation and accountability calculations) if this is their first year of enrollment in a U.S. school

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**Critical Element 5.4 STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
(continued)****2007 Revision**

Starting with 2007, Kentucky in collaboration with Human Development Institute (HDI) at the University of Kentucky and with assistance from the Office of Special Education Programs (OSEP) through a General Supervision Enhancement Grant (GSEG) and the National Alternate Assessment Center (NAAC), has modified the Kentucky Alternate Assessment Program to provide:

Limited English proficient students enrolled in their second year or more of enrollment in a U.S. school shall participate in all parts of the required reading, mathematics, and science tests. These students also participate in all additional content areas required in Kentucky and scores are included in state accountability calculations.

Kentucky is beginning the review and possible revision process to Kentucky Administrative Regulation 703 KAR 5:070 to clarify assessment and accountability requirements for limited English language students. Directions to district and school staff are included in the 2008 District and Building Assessment Coordinators' Manual starting on page 21. The manual is available on the Kentucky Department of Education web site at:

<http://education.ky.gov/KDE/Administrative+Resources/Testing+and+Reporting+/District+Support/Kentucky+Core+Content+Test/KCCT+Spring+Administration.htm>

2010 Revision

Provisions within the No Child Left Behind (NCLB) Act, requires reporting of scores for limited English proficient students in reading and mathematics. During the most recent federal monitoring visit, Kentucky was cited for not providing the needed data elements as outlined in the Title I/III audit.

Kentucky has modified the statewide Student Information System to capture the required student data. Kentucky has also updated the State Report that has been approved and is available on the Kentucky Department of Education web site at:

<http://www.education.ky.gov/KDE/About+Schools+and+Districts/School+Report+Cards>

School Report Cards and District Report Cards are also available on the Kentucky Department of Education website at:

<http://applications.education.ky.gov/schoolreportcardarchive/>

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>5.5 What is the State's definition of the minimum number of students in a subgroup required for reporting purposes? For accountability purposes?</p>	<p>State defines the number of students required in a subgroup for reporting and accountability purposes, and applies this definition consistently across the State.⁵</p> <p>Definition of subgroup will result in data that are statistically reliable.</p>	<p>State does not define the required number of students in a subgroup for reporting and accountability purposes.</p> <p>Definition is not applied consistently across the State.</p> <p>Definition does not result in data that are statistically reliable.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Kentucky has a policy that meets this standard. Kentucky requires each reported subpopulation to be based on at least 10 students at each grade/content area tested within a school or district. Taking into consideration the requirements of the Family Education Rights to Privacy Act (FERPA), this minimum n-count would permit the public disclosure of all data on which calculations are based (except when all students in a given subpopulation score at the same performance level). Kentucky policy and Senate Bill 168 are based on the assumption that the release of data on groups smaller than 10 might disclose the performance of an individual student. While not rigidly specified in statistical methodology, these minimums conform to generally accepted statistical standards. This criterion is reasonable considering FERPA requirements, the public's need to examine subpopulation performance, and research/statistical requirements. The Kentucky Board of Education is gravely concerned that if Kentucky raised the minimum n-count beyond that necessitated by FERPA and by statistical considerations, an unintended result would be the exclusion of specific subpopulations from the accountability system. Kentucky has high expectations for *all* students.

At the October 2003 meeting, due to advice from NTAPAA, SCAAC, LSAC and the review of procedures approved in other states, the Kentucky Board of Education clarified its "n" count criteria for calculating participation rate to designate that there be 10 students per grade and 60 students per school in grades where NCLB assessments are required. This is intended to address problems anticipated when students cannot be tested for reasons beyond the control of the school or student. This new criteria for calculating participation rate was given final approval in December 2003 as part of the state regulation amendment process.

With regard to accountability calculations, each subpopulation must have at least 10 students in a subpopulation in each grade in which NCLB assessments are administered and 60 students in the subpopulation in these grades combined or the subpopulation constitutes at least fifteen percent (15%) of the students in these grades combined. Thus, the sufficient "n" count size for both accountability and participation rate is consistent at 10/60. The Kentucky Board of Education finalized the "n" count for accountability calculations in regulation at its February 2004 meeting.

⁵ The minimum number is not required to be the same for reporting and accountability.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
5.6 How does the State Accountability System protect the privacy of students when reporting results and when determining AYP?	Definition does not reveal personally identifiable information. ⁶	Definition reveals personally identifiable information.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		
<p>Kentucky meets this standard. Kentucky has a policy to protect the privacy of individual students in reporting achievement results and determining AYP. Kentucky requires each subpopulation on which reporting or accountability calculations are to be based to include at least 10 students at each grade tested within a school or district. Taking into consideration requirements of the Family Education Rights to Privacy Act (FERPA), this minimum n-count would permit the public disclosure of all data on which calculations are based (except when all students in a given subpopulation score at the same performance level). Kentucky policy and SB168 are based on the assumption that the release of data on groups smaller than 10 might disclose the performance of an individual student. While not rigidly specified in statistical methodology, these minimums conform to generally accepted statistical standard and seem reasonable considering FERPA requirements, the public need to examine subpopulation performance, and research/statistical requirements.</p>		

⁶ The Family Education Rights and Privacy Act (FERPA) prohibits an LEA that receives Federal funds from releasing, without the prior written consent of a student's parents, any personally identifiable information contained in a student's education record.

PRINCIPLE 6. State definition of AYP is based primarily on the State’s academic assessments.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
6.1 How is the State’s definition of adequate yearly progress based primarily on academic assessments?	<p>Formula for AYP shows that decisions are based primarily on assessments.⁷</p> <p>Plan clearly identifies which assessments are included in accountability.</p>	<p>Formula for AYP shows that decisions are based primarily on non-academic indicators or indicators other than the State assessments.</p>
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		
<p>Kentucky meets this standard by basing its definition of AYP on academic assessments. The state’s accountability index is based primarily on academic assessments to determine progress. Once an academic index has been calculated for each content area test administered within a school, the school’s accountability index for a particular year can then be determined. The weights used to calculate a school’s accountability index vary slightly depending upon whether the school is an elementary, middle or high school.</p> <p>Starting in 2008 Kentucky officially includes science as a required NCLB assessment. Kentucky has administered an accountable state science assessment at the elementary, middle and high school since school year 1991-1992. Since 1996-1997 the science assessment has been administrated at grades of 4, 7 and 11. The science assessment is developed from Kentucky content standards in science, has a general and alternate science assessment, and science results are reported at the state, district and school level.</p> <p>Kentucky is submitting evidence to USED in a separate document of the four criteria outlined in <i>Core Information for Science Standards and Assessments for 2007-08</i>. The required evidence and process to follow are provided in the February 28, 2008 letter from Kerri L Briggs, Ph.D., and are due to USED on April 21, 2008.</p> <p>.</p>		

⁷ State Assessment System will be reviewed by the Standards and Assessments Peer Review Team.

PRINCIPLE 7. STATE DEFINITION OF AYP INCLUDES GRADUATION RATES FOR PUBLIC HIGH SCHOOLS AND AN ADDITIONAL INDICATOR SELECTED BY THE STATE FOR PUBLIC MIDDLE AND PUBLIC ELEMENTARY SCHOOLS (SUCH AS ATTENDANCE RATES).

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
7.1 What is the State definition for the public high school graduation rate?	<p>State definition of graduation rate:</p> <ul style="list-style-type: none"> • Calculates the percentage of students, measured from the beginning of the school year, who graduate from public high school with a regular diploma (not including a GED or any other diploma not fully aligned with the state's academic standards) in the standard number of years; or, • Uses another more accurate definition that has been approved by the Secretary; and • Must avoid counting a dropout as a transfer. <p>Graduation rate is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause⁸ to make AYP.</p>	State definition of public high school graduation rate does not meet these criteria.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		
<p>The Kentucky Board of Education (KBE) approved in August 2003 to include graduation rate at the high school level as part of the calculation for meeting federal AYP. Graduation rate will be applied to the federal dimension beginning with the 2003 school year. Kentucky's definition of graduation rate will count only students completing high school in four or less years and students with disabilities whose IEPs stipulate they will need more than four years to obtain a standard diploma as graduates. Certificates of completion will not be counted as graduates, but will be included in the denominator of the calculation. Students taking more than four years to graduate will also be counted as completers in the denominator.</p> <p>Graduation rate will actually mean the <u>quotient of</u>: the number of current year grade 12 completers (standard diploma within four years, including students with disabilities whose IEPs stipulate they will need more than four years to obtain a standard diploma), <u>divided by</u> the number of current year grade 12 completers (includes standard diplomas plus certificates of completion), plus the number of current year grade 12 dropouts, plus the number of dropouts from the current 12th grade that dropped out as 11th graders, plus the number of dropouts from the current 12th grade class that dropped out as 10th graders, plus the number of dropouts from the current 12th grade class that dropped out as 9th graders.</p> <p><i>(continued)</i></p>		

⁸ See USC 6311(b)(2)(I)(i), and 34 C.F.R. 200.20(b)

Critical Element 7.1 STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
(continued)

At the October 2003 Kentucky Board of Education meeting, the Board approved graduation rate targets for each year from 2002 until 2014 and they were incorporated into state regulation. The goals are provided in the table below. As indicated in the table, the state goal is 98% graduation by the year 2014. This target is consistent with the Kentucky Board of Education goal of a 100% graduation, but recognizes that the NCLB definition can never reach 100% because it does not count certificate of completion students as graduates. NCLB growth on the graduation rate means: a graduation rate that is equal to or greater than the corresponding annual.

2010 Revision Beginning in 2010, the state will require a graduation rate that exceeds that of the prior year by a minimum of 2 percent. Due to federal requirements, the Kentucky Department of Education will interpret 703 KAR 5:001, Assessment and Accountability Definitions, Section 1(11)(c) to mean improvement in the prior year graduation rate that exceeds that of the prior year to mean at least a 2 point floor as interpreted by USED per federal regulations. Thus, the "exceeds" in the state regulation means and will be implemented as applying to those schools that have a 2 point or greater improvement from the prior year.

Year	Goal
2002	71.00
2003	73.25
2004	75.50
2005	77.75
2006	80.00
2007	82.25
2008	84.50
2009	86.75
2010	89.00
2011	91.25
2012	93.50
2013	95.75
2014	98.00

If a school feels that the calculated graduation rate is in error or unjust, the school may appeal through an established appeals process (703 KAR 5:050).

Kentucky is approved for a two-year extension of the deadline to report its four-year adjusted cohort graduation rate. Kentucky will first be required to report its four-year adjusted cohort graduation rate in the fall of 2013 and include it in AYP determinations based on assessments administered in 2013-2014. Kentucky will use the National Center for Educational Statistics' Averaged Freshman Graduation Rate (AFGR) as its transitional rate until Kentucky begins using a four-year adjusted cohort graduation rate. Beginning with AYP determinations based on assessments administered in 2010-2011, Kentucky will include the AFGR in AYP determinations in the aggregate and disaggregated by subgroups at the school, district and state level, as required by 34 C.F.R. § 200.19(b)(7)(iii).

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>7.2 What is the State's additional academic indicator for public elementary schools for the definition of AYP? For public middle schools for the definition of AYP?</p>	<p>State defines the additional academic indicators, e.g., additional State or locally administered assessments not included in the State assessment system, grade-to-grade retention rates or attendance rates.⁹</p> <p>An additional academic indicator is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause to make AYP.</p>	<p>State has not defined an additional academic indicator for elementary and middle schools.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

At its June 2005 meeting, the Kentucky Board of Education changed its additional academic indicator at the elementary and middle school levels from the full accountability index to the CATS biennial classification and the CATS mid-point classification, whichever is the most currently available classification. Thus, schools classified as any category of Progressing or Meets Goal would be considered as meeting the requirement for the additional academic indicator. Data would still be lagged by one year in order to meet NCLB required reporting timelines. For example, in 2005, the 2004 CATS biennial classification would be applied and in 2006, the 2005 CATS mid-point classification would be used. The Board also approved regulatory language to allow the opportunity to recognize growth in addition to school classification for schools in the Assistance category. Schools in the Assistance category must demonstrate growth in the accountability index at or above the statewide average for the specific grade-level configuration to be designated as meeting the additional academic indicator requirement. This additional caveat was proposed by the Local Superintendents Advisory Council, a statutorily created group that reviews and provides advice on every regulation change considered by the Board.

The specific regulatory language approved on June 9, 2005, to make the changes described above to the additional academic indicator for the elementary and middle school levels was:

- 703 KAR 5:001, Section 1, (11) (b), (12) (b), and (13) (b); 703 KAR 5:020, Section 10, (5) (b); and 703 KAR 5:130, Section 8, (5) (b). "A school classification of any category of Progressing or Meets Goal in the CATS biennial or midpoint classification, whichever occurred more recently, at the elementary and middle school levels; or for a school in the Assistance category which demonstrates growth in the accountability index at or above the state average for the specific grade-level configuration.
- 703 KAR 5:020, Section 10, (2) (b) and 703 KAR 5:130, Section 8, (2) (b). "School classification criteria as described in subsection (5) (b) of this Section;"

⁹ NCLB only lists these indicators as examples.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
7.3 Are the State's academic indicators valid and reliable?	<p>State has defined academic indicators that are valid and reliable.</p> <p>State has defined academic indicators that are consistent with nationally recognized standards, if any.</p>	<p>State has an academic indicator that is not valid and reliable.</p> <p>State has an academic indicator that is not consistent with nationally recognized standards.</p> <p>State has an academic indicator that is not consistent within grade levels.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Kentucky meets the requirement for valid and reliable academic indicators. Kentucky's assessment and accountability system is nationally recognized as being both valid and reliable. The 1998 amendments to the Kentucky Education Reform Act (House Bill 53) were based on two complete reviews by national panels of technical experts and a wide range of public input including a task force appointed by the governor. The 1998 amendments provided for a variety of advisory processes including a panel of nationally recognized experts. These panels designed the 1998 revisions and the revisions went through a thorough public review procedure culminating in regulations governing the new system established by the Kentucky Board of Education. As established in statute and department policy, a series of technical reports and research/validity studies are ongoing and an institutionalized component of the Commonwealth Accountability Testing System (CATS). The National Technical Advisory Panel on Assessment and Accountability (NTAPAA), an advisory committee constituted in statute, is made up of nationally recognized testing experts (reference 1.1). Kentucky's academic content standards were established within the context of the nationally recognized content standards and have been nationally recognized in Education Week's "Quality Counts" report.

The Commonwealth Accountability Testing System Spring 2002 Technical Manual (available on the Kentucky Department of Education website at: <http://www.education.ky.gov/KDE/Administrative+Resources/Testing+and+Reporting+/CATS/Accountability+System/2002+Technical+Report.htm?SUBMIT=Search>)

provides extensive documentation of the reliability and validity of the state's academic indicators. This document was produced by CTB/McGraw-Hill and NTAPAA.

Reference "Kentucky Nonacademic Data" for more detailed documentation on collection procedures.

PRINCIPLE 8. AYP is based on reading/language arts and mathematics achievement objectives.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
8.1 Does the state measure achievement in reading/language arts and mathematics separately for determining AYP?	<p>State AYP determination for student subgroups, public schools and LEAs separately measures reading/language arts and mathematics.¹⁰</p> <p>AYP is a separate calculation for reading/language arts and mathematics for each group, public school, and LEA.</p>	<p>State AYP determination for student subgroups, public schools and LEAs averages or combines achievement across reading/language arts and mathematics.</p>
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		
<p>At its August 2003 meeting, the Kentucky Board of Education agreed to define proficient for No Child Left Behind (NCLB) purposes to mean the same as proficient as applied in the Commonwealth Accountability Testing System (CATS). Additionally, the board adopted a plan to use CATS data to compute federal AYP for schools and districts in reading and mathematics based on NCLB criteria, in addition to holding schools accountable every two years for growth expectations as reflected in Kentucky's school growth charts. Federal AYP goals for reading and mathematics were set through 2014 at the elementary, middle and high school levels that apply to the school, district and its subpopulations.</p>		

¹⁰ If the state has more than one assessment to cover its language arts standards, the State must create a method for including scores from all the relevant assessments.

PRINCIPLE 9. State Accountability System is statistically valid and reliable.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>9.1 How do AYP determinations meet the State's standard for acceptable reliability?</p>	<p>State has defined a method for determining an acceptable level of reliability (decision consistency) for AYP decisions.</p> <p>State provides evidence that decision consistency is (1) within the range deemed acceptable to the State, and (2) meets professional standards and practice.</p> <p>State publicly reports the estimate of decision consistency, and incorporates it appropriately into accountability decisions.</p> <p>State updates analysis and reporting of decision consistency at appropriate intervals.</p>	<p>State does not have an acceptable method for determining reliability (decision consistency) of accountability decisions, e.g., it reports only reliability coefficients for its assessments.</p> <p>State has parameters for acceptable reliability; however, the actual reliability (decision consistency) falls outside those parameters.</p> <p>State's evidence regarding accountability reliability (decision consistency) is not updated.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Applying this standard to the Federal dimension is difficult because only one year's data collected under real operational conditions exists. Simulations would imply that decision consistency will not be as satisfactory as that obtained on the state dimension.

Applying this requirement to the state dimension, Kentucky exceeds this standard. For example, a school classification (or decision consistency) study is performed by one of the Kentucky Department of Education's contractors each year. More specifically, at the end of every Commonwealth Accountability Testing System (CATS) accountability cycle, Kentucky's public schools are placed in one of three classifications (Meeting Goal, Progressing, Assistance) defined by each school's School Growth Chart and based on its end-of-cycle Kentucky Core Content Tests (KCCT), norm-referenced tests (NRT) and nonacademic indices. While this array of data provides a very stable base for making classification decisions, because no measurement system is perfect, it is important to specifically document this accuracy. The CATS school classification accuracy is important to educators, policy makers, (including the School Curriculum, Assessment and Accountability Council, or SCAAC), technical reviewers (including the National Technical Advisory Panel on Assessment and Accountability, or NTAPAA), and other special interest groups.

A school classification accuracy study was conducted in a series of analyses specifically developed for Kentucky by HumRRO and approved by NTAPAA that combines (1) Generalizability Theory analyses of KCCT and NRT data, (2) formulas for the additional variance estimates, and (3) a Bayesian approach to estimating the school classification accuracy. *The final product of this study was an estimate for each school of the probability that its "true" (but unknowable) classification is the same as the classification it actually obtained.* The original study for the end of the 2002 Accountability Cycle was based upon two years of data (i.e., 2001 and 2002 combined). The results are presented in the following table.

Kentucky can quantify the accuracy of its accountability system in detail.

School Classification Results Based Upon Two Years of Data

Expected True Category	Assigned Category Before Novice and Drop Criteria Applied		
	Meets Goal	Progressing	Assistance
Meets Goal	68.4%	1.7%	0.0%
Progressing	31.0%	84.6%	13.4%
Assistance	0.6%	13.7%	86.6%
Col. Total	100%	100%	100%
N	567	491	87

77% of schools are expected to be accurately classified given the baseline SEM adjustment.

One byproduct of the school classification study is the standard errors of measurement (SEM) produced in the generalizability part of the study. These are the same standard errors used to adjust the Goal Line and the Assistance Line in the Long-Term Accountability Model. Standard error values for three school levels (elementary, middle and high school), based upon and two years of data for various school sizes generally range from .5 for larger schools up to 3.0 for smaller sized schools.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
9.2 What is the State's process for making valid AYP determinations?	State has established a process for public schools and LEAs to appeal an accountability decision.	State does not have a system for handling appeals of accountability decisions.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		
<p>Kentucky has a process for making valid AYP determinations. KRS 158.6455 requires the Kentucky Board of Education to promulgate administrative regulations to establish a process whereby a school shall be allowed to appeal a performance judgment considered to be grossly unfair. The pertinent administrative regulation establishes the procedures for an appeal of a performance judgment consistent with KRS 158.6455. These procedures include:</p> <ul style="list-style-type: none"> • Recognition of due process consistent with KRS Chapter 13B that stipulates the right to a hearing and use of an independent hearing officer. • Provision for schools with a 45-day window to review data and circumstances related to potential appeal. • Provision giving the Kentucky Board of Education the authority upon appeal to change a school's performance judgment if the Board deems evidence and circumstances warrant such change. 		

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>9.3 How has the State planned for incorporating into its definition of AYP anticipated changes in assessments?</p>	<p>State has a plan to maintain continuity in AYP decisions necessary for validity through planned assessment changes, and other changes necessary to comply fully with NCLB.¹¹</p> <p>State has a plan for including new public schools in the State Accountability System.</p> <p>State has a plan for periodically reviewing its State Accountability System, so that unforeseen changes can be quickly addressed.</p>	<p>State's transition plan interrupts annual determination of AYP.</p> <p>State does not have a plan for handling changes: e.g., to its assessment system, or the addition of new public schools.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Kentucky meets this standard. When the Commonwealth Accountability Testing System was created in 1998, the General Assembly established a process for periodically reviewing and maintaining the system. The General Assembly charged the Kentucky Board of Education to take a leadership role in this process. The legislature left many details of implementation to various committees:

The National Technical Advisory Panel on Assessment and Accountability (NTAPAA, reference 1.1) monitors both the design and implementation of this program to ensure reliable and valid decisions about school accountability. NTAPAA reports regularly to the Kentucky General Assembly and the Kentucky Board of Education.

The School Curriculum, Assessment and Accountability Council (SCAAC, reference 1.1) reviews and makes recommendations concerning Kentucky's system of setting academic standards, assessing learning, holding schools accountable for learning, and assisting schools to improve their performance. The council advises the board and the state's Legislative Research Commission (LRC) on issues related to the development and implementation of the statewide assessment and accountability program, including the distribution of rewards and imposition of sanctions.

The Office of Education Accountability (OEA), a branch of the Governor's Office, has a "watchdog" role. OEA investigates, studies, monitors and evaluates all aspects of the public K-12, vocational-technical and higher education systems. OEA's broad responsibilities include (and go beyond) the accuracy of reports, equity in funding, allegations of wrongdoing, the validity of the state assessment program, and the effectiveness of the state's teacher certification program. OEA reports to the Kentucky Board of Education, LRC and the Education Assessment and Accountability Review Subcommittee of the Kentucky General Assembly.

¹¹ Several events may occur which necessitate such a plan. For example, (1) the State may need to include additional assessments in grades 3-8 by 2005-2006; (2) the State may revise content and/or academic achievement standards; (3) the State may need to recalculate the starting point with the addition of new assessments; or (4) the State may need to incorporate the graduation rate or other indicators into its State Accountability System. These events may require new calculations of validity and reliability.

The Education Assessment and Accountability Review Subcommittee (EAARS) is a subcommittee of the Kentucky General Assembly that hears scheduled reports from the Kentucky Board of Education, OEA and NTAPAA and reviews implementation of the state's assessment and accountability system.

The Kentucky Board of Education consulted with OEA, EAARS, SCAAC and NTAPAA concerning:

- Strategies to develop the additional reading/language arts and mathematics assessments needed to meet assessment requirements in grades 3 through 8;
- Strategies to extrapolate reading/language arts and mathematics performance cutpoints from the grades 4/5 and grades 7/8 empirical standards; and
- Strategies to incorporate new assessments into accountability procedures.

Kentucky is committed to maintaining effective partnerships with these groups and others to ensure the state's compliance with No Child Left Behind.

Website for accessing the full text of regulations and relevant statutes is included in Attachment A on page 55.

PRINCIPLE 10. In order for a public school or LEA to make AYP, the State ensures that it assessed at least 95% of the students enrolled in each subgroup.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
10.1 What is the State's method for calculating participation rates in the State assessments for use in AYP determinations?	<p>State has a procedure to determine the number of absent or untested students (by subgroup and aggregate).</p> <p>State has a procedure to determine the denominator (total enrollment) for the 95% calculation (by subgroup and aggregate).</p> <p>Public schools and LEAs are held accountable for reaching the 95% assessed goal.</p>	<p>The state does not have a procedure for determining the rate of students participating in statewide assessments.</p> <p>Public schools and LEAs are not held accountable for testing at least 95% of their students.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Kentucky will require a list of students not tested along with necessary demographic data to be submitted at the beginning of the testing window. Kentucky will include all students in this calculation.

On the state dimension, Kentucky meets this standard. Each year, Kentucky has more than 99% participation in the statewide assessment program. Kentucky checks the roster of students assessed against the roster of students enrolled to calculate the rate of participation.

Kentucky schedules a two-week testing window (expanded for 2003 to four weeks) that allows adequate time for make-up exams to be administered. Kentucky's participation rate is so high because schools must test *all* students enrolled in the school on the first day of the testing window, regardless of how long a student has attended the school. Students who are not tested and have not received an exemption from testing are assigned the lowest performance category (i.e., Novice Non-performance). Such students will be considered not tested in calculating the "95% participation rate." This serves as a disincentive to excluding students from participation in state assessments. The percent absent or untested, as well as total enrollment, can be calculated and reported by subgroup and the aggregate.

At the October 2003 meeting, due to advice from NTAPAA, SCAAC, LSAC and the review of procedures approved in other states, the Kentucky Board of Education clarified its "n" count criteria for calculating participation rate to designate that there be 10 students per grade and 60 students per school in grades where NCLB assessments are required. This is intended to address problems anticipated when students cannot be tested for reasons beyond the control of the school or student. This new criteria for calculating participation rate was given final approval in December 2003 as part of the state regulation amendment process.

Due to the change in procedure for calculating Adequate Yearly Progress for spring 2006 scores, explained in 3.2a and 3.2b, the same methodology relative to averaging must be applied to participation rate for consistency. Kentucky's previous accountability plan computed participation rate for the current year or as an average of the most recent two or three years preceding the current year if the school or student subpopulations of sufficient size did not meet the 95% participation rate using current year data for calculations. However, participation rate will now be computed as an average of the most recent two years for all schools and districts and subpopulations of sufficient size for the two years combined. This change will be incorporated into 703 KAR 5:020, The formula for determining school accountability at the August 2006 meeting of the Kentucky Board of Education.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>10.2 What is the State's policy for determining when the 95% assessed requirement should be applied?</p>	<p>State has a policy that implements the regulation regarding the use of 95% allowance when the group is statistically significant according to State rules.</p>	<p>State does not have a procedure for making this determination.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Kentucky has a policy for determining when the 95% assessed requirement should be applied. Reference 703 KAR 5:001, 703 KAR 5:020 and 703 KAR 5:160 that can be accessed through the link found on page 55.

Reference discussion of minimum group size.

Appendix A**Required Data Elements for State Report Card****1111(h)(1)(C)**

1. Information, in the aggregate, on student achievement at each proficiency level on the state academic assessments (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student).
2. Information that provides a comparison between the actual achievement levels of each student subgroup and the State's annual measurable objectives for each such group of students on each of the academic assessments.
3. The percentage of students not tested (disaggregated by the student subgroups), except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.
4. The most recent two-year trend in student achievement in each subject area, and for each grade level, for the required assessments.
5. Aggregate information on any other indicators used by the state to determine the adequate yearly progress of students in achieving state academic achievement standards disaggregated by student subgroups.
6. Graduation rates for secondary school students disaggregated by student subgroups.
7. Information on the performance of local educational agencies in the state regarding making adequate yearly progress, including the number and names of each school identified for school improvement under section 1116.
8. The professional qualifications of teachers in the state, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the state not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools (which for this purpose means schools in the top quartile of poverty and the bottom quartile of poverty in the state).

Kentucky Supporting Documents

The documents listed below are found on pages 56 – 64.

- SD 1. Events Leading to the Kentucky Education Reform Act
- SD 3. Testing in Reading/language arts and Mathematics at Grades 3-8
- SD 4. Policy Issues in the Implementation of the Added Accountability Components
- SD 5. NAEP Participation Requirements and Implications
- SD 7. School/District/State Report Cards

Attachments – These attachments are located at the websites provided below.

A: Kentucky Revised Statutes & Kentucky Administrative Regulations

KRS 158.645 - KRS 158.6455 (The Kentucky Revised Statutes can be found at <http://www.lrc.state.ky.us/KRS/158-00/CHAPTER.HTM>)

All of the administrative regulations listed below can be found at <http://www.lrc.state.ky.us/kar/TITLE703.HTM>

- 703 KAR 5:001 – Assessment and accountability definitions
- 703 KAR 5:020 – The formula for determining school accountability
- 703 KAR 5:040 – Statewide assessment and accountability program, relating accountability to A1 schools and A2-A6 programs
- 703 KAR 5:050 – Statewide Assessment and Accountability Program; school building appeal of performance judgments
- 703 KAR 5:070 – Procedures for the inclusion of special populations in the state-required assessment and accountability programs
- 703 KAR 5:080 – Administration Code for Kentucky's Educational Assessment
- 703 KAR 5:120 – Assistance for schools; guidelines for scholastic audit
- 703 KAR 5:130 – School district accountability
- 703 KAR 5:140 – Requirements for school and district report cards
- 703 KAR 5:160 – Commonwealth Accountability Testing System administration procedures

SB 168 - Regular Session of the Kentucky General Assembly – 2002 (Codified as KRS 158.649). KRS 158.649 can be found at <http://www.lrc.state.ky.us/KRS/158-00/CHAPTER.HTM>

B: Commonwealth Accountability Testing System Spring 2002 Technical Manual – The 2002 Technical Manual can be found at:

<http://www.education.ky.gov/KDE/Administrative+Resources/Testing+and+Reporting+/CATS/Accountability+System/2002+Technical+Report.htm?SUBMIT=Search>

C: Accuracy of School Classification study – The study can be accessed at:

<http://www.education.ky.gov/KDE/Administrative+Resources/Testing+and+Reporting+/CATS/Accountability+System/School+Classification+Accuracy.htm?SUBMIT=Search>

Kentucky Supporting Document (SD) 1

Events Leading to the Kentucky Education Reform Act

- November 1985 – The Council for Better Education, a nonprofit corporation formed by 66 school districts, seven boards of education and 22 public school students, sued the state of Kentucky for not providing an efficient system of education.
- October 1988 – Franklin County Circuit Court Judge Ray Corns found for the plaintiffs.
- February 1989 – Governor Wallace Wilkinson issued an executive order creating a twelve-member Council on School Performance Standards and directed the council to determine what all students should know and be able to do and how learning should be assessed.
- June 1989 – The Kentucky Supreme Court directed the General Assembly to recreate and reestablish a “new, efficient system of common schools” that complied with the Kentucky Constitution. The Court defined an efficient system of common schools as an organization that provides a “free and adequate education to all students throughout the state regardless of geographical location or local fiscal resources.”
- September 1989 – The Council on School Performance Standards produced the report *Preparing Kentucky Youth for the Next Century: What Students Should Know and Be Able To Do and How Learning Should Be Assessed* and presented it to the Curriculum Committee of the Legislative Task Force charged with creating Kentucky’s new system. In the report, the Council recommended six broad learning goals for all students, with particular emphasis on what students should be able to do. The Council also recommended that the state launch a major effort to assess student performance beyond what can be measured by paper-and-pencil tests. The Council also recommended that the state initiate long-range development efforts that support implementation of the new learning goals.
- In 1990, the Council’s recommendations were incorporated into House Bill 940, the Kentucky Education Reform Act, as a first step in redefining the school curriculum and providing what the courts required as an adequate education for all students.

SD 3**Testing in Reading/Language Arts and Mathematics at Grades 3-8:**

In summary, at a special meeting on May 23, 2002, the National Technical Advisory Panel on Assessment and Accountability (NTAPAA) considered five possible models for meeting the NCLB requirement for testing in reading/language arts and mathematics at grades 3-8. The panel continued this discussion at its regularly scheduled June and September meetings. The Kentucky Board of Education reviewed this issue at its regularly scheduled meetings in June, August and October of 2002. NTAPAA prefers the use of an Augmented Norm-Referenced Test (NRT) to supplement Kentucky's standards-based assessment, and the Kentucky Board of Education supports this approach.

Kentucky Core Content Test and Augmented NRT Model

- The augmented CTBS would be administered in reading/language arts at grades 3, 5, 6 and 8, and in mathematics in grades 3, 4, 6 and 7 for 2005-06 only. The Kentucky Core Content Tests (KCCT) Reading/language arts Assessment would continue to be administered in grades 4 and 7, and the KCCT Mathematics Assessment in grades 5 and 8. Kentucky is working with a new testing vendor, Measured Progress, to produce a Kentucky Core Content Test at all required grades to be administered beginning in the spring of 2007.
- The CTBS would be augmented with KCCT-like and grade-appropriate open-response items to assure appropriate coverage of both the Kentucky core content and student performance standards. Depending on the content alignment of the NRT to Kentucky's Core Content for Assessment, it may be necessary to augment the NRT with a small number of multiple-choice items to facilitate year-to-year equating designs. A contractor could score these open-response items, but strategies to involve Kentucky teachers in the scoring will be developed and implemented.
- Kentucky would review the core content for assessment standards to build grade-specific reading/language arts and mathematics assessments designed to more closely support the desired curriculum at each grade level. The *grade-specific* Program of Studies will provide the specific guidance in applying the grade 4 reading/language arts core content for assessment to grades 3 and 5; the grade 7 reading/language arts core content for assessment to grades 6 and 8; the grade 5 mathematics core content for assessment to grades 3 and 4; and the grade 8 mathematics core content for assessment to grades 6 and 7.
- Although the Kentucky Core Content for Assessment is intended to be generalized to the elementary and middle school levels as well as the high school level, it is derived from the Kentucky Program of Studies, which is grade-specific. The Kentucky Program of Studies will be used in conjunction with the Kentucky Core Content for Assessment to produce grades 3-8 grade-specific reading/language arts and mathematics content standards.
- To ensure that our standards are regularly updated, meet the requirements of the standards and assessment peer review guidance and to develop more interpretable achievement level cut scores, Kentucky will revise its standard setting process for the Augmented NRT that was used in 2005-06 to meet the annual testing requirements for reading and mathematics. The revised standard setting process consists of two phases:

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SD 3 (continued)

In Phase One, performance level descriptions for the four performance levels - Novice, Apprentice, Proficient, and Distinguished (NAPD) - are drafted, and the cut scores for new grade levels are interpolated from existing cut scores. The Kentucky Department of Education and its contractor will work in collaboration to develop preliminary NAPD performance level descriptions, use field-test data to interpolate and extrapolate cut scores in the new grade levels, and select an interpolation/extrapolation procedure.

- In Phase Two, committees of Kentucky educators will convene to study the cut scores in each grade level using a modification of the Bookmark Standard Setting Procedure. Committees of Kentucky educators will work to validate the preliminary cut scores on the operational test scale. These educators will recommend changes to the cut scores, if needed, and will write final NAPD performance level descriptions. In summary, the process will be as follows:

Standard Setting Steps

Phase One:

Step 1: Develop preliminary performance level descriptions.

Step 2: Choose and approve an interpolation procedure.

Phase Two:

Step 3: Place interpolated cut scores onto the operational test scale.

Step 4: Kentucky educators review the cut scores using the Bookmark Procedure.

Step 5: Smooth cut scores, as needed.

Step 6: Update performance level descriptions.

Step 7: Finalize and accept cut scores and performance level descriptions.

This approach was approved by the Kentucky Board of Education at its April 2006 meeting.

Implementation Plan – Kentucky Core Content Test and Augmented NRT

The following implementation plan complies with the “No Child Left Behind Act of 2001” requirements to assess reading/language arts and mathematics in grades 3-8 by school year 2005-2006 while continuing current assessments and expansions in such a way that instruction can be strengthened and all students can be provided the opportunity to reach proficiency.

SD 3 (continued)**Table 2 ILLUSTRATION -- NCLB Compliant Assessment Model**

TABLE 6: ILLUSTRATION - ASSESSMENT PROGRAM FULLY IMPLEMENTED BY 2005-2006											
Grade	Augmented		Standards-Based - KCCT							Writing Portfolio	Alternate Portfolio
	NRT -	CTBS/5	Reading	Math	Science	Social Studies	Writing	Arts & Humanities	Practical Living/Vocational Studies		
End of Primary (grade 3)	x	x									
4		x	x		x		x			x	x
5	x			x		x		x	x		
6	x	x									
7		x	x		x		x			x	
8	x			x		x		x	x		x
9	x*	x*									
10			x						x		
11				x	x	x		x			
12							x			x	x

* Augmentation not required

Because Kentucky began a school accountability process in 1990 with major revisions resulting from actions of the 1998 Kentucky General Assembly, and because the system has many of the same objectives as NCLB, the following timelines start with the 1998-1999 school year.

School Years 1998-1999 and 1999-2000:

- Revised the Kentucky Core Content for Assessment.
- Implemented the new Kentucky Core Content Test.
- Set baselines and biennial goals for all schools, including the content areas of reading/language arts and mathematics based on a biennial calculation.
- Included an NRT component in the school accountability process.

School Year 2000-2001:

- 5th Grade Reading/language arts – Administered second pilot of the reading/language arts component of the 4th grade Kentucky Core Content Test to address School Year 1999-2000 Pilot 1 logistical concerns.
- Established student performance standards appropriate to the new Kentucky Core Content Test.

School Year 2001-2002:

- 5th Grade Reading/language arts -- Expanded pilot of the reading/language arts component of the 4th grade Kentucky Core Content Test at the 5th grade to include a larger sample of students. (This program will be discontinued and replaced by the use of *augmented* CTBS/5 assessments.)

School Year 2002-2003:

- LEP Assessment -- Implemented requirements for administering English proficiency assessments to LEP students.

(continued)

SD 3 (continued)

School Year 2003-2004

- Reviewed content of KCCT item pool to determine usability of current items in NRT augmentation.
- Develop multiple-choice items needed for year-to-year equating and open-response items needed to sufficiently cover standards (content and performance standards).
- Develop additional items beyond those normally needed for KCCT test development to augment NRT.

Content Alignment Analyses: Several content analyses of the current assessments are critical. The context for the content studies will be the Kentucky Core Content for Assessment and an additional dimension classifying items by cognitive complexity. The purpose will not be to alter or change the content structure but to provide a context for understanding and using the relationships between the two assessments. While there would be no intent to modify the NRT content for purposes of producing CTBS/5 normative data, it would be necessary to augment the content of the NRT at grades where it is being used to meet the requirements of NCLB. It would also be necessary to place the additional items on the scale such that they can be used in reporting. Strategies to equate this augmented scale from year to year would need to be agreed upon.

School Year 2004-2005

- Develop needed items for augmentation of NRT.
- Field test NRT augmentation items.
- Design augmented NRT Form(s) – single/multiple forms.
- Consider scaling and equating issues related to the augmentation of the NRT.

School Year 2005-2006

- Only administration of augmented NRT Form(s).
- Teacher focus groups establish instructional descriptors of Novice/Apprentice/Proficient/Distinguished performance levels in reading/language arts at grades 3, 5, 6 and 8, and in mathematics in grades 4, 5, 6 and 7.
- Full Implementation of Assessment and Reporting Requirements of the "No Child Left Behind Act of 2001".

School Year 2006-2007

- Work with Measured Progress to produce a KCCT in all required grade levels.
- Administer the KCCT in all required grade levels in the spring of 2007.

2007 Revision

- Administration of KCCT reading at grades 3-8 and 10, KCCT mathematics at grades 3-8 and 11 and KCCT science at grades 4, 7 and 11.

School Year 2007-2008

- Administration of NCLB required assessments in reading at grades 3-8 and 10, mathematics at grades 3-8 and 11, and science at grades 4, 7 and 11 continue as in previous years.

School Year 2008-2009

- Administration of NCLB required assessments in reading at grades 3-8 and 10, mathematics at grades 3-8 and 11, and science at grades 4, 7 and 11 continue as in previous years.

School Year 2009-2010

- Administration of NCLB required assessments in reading at grades 3-8 and 10, mathematics at grades 3-8 and 11, and science at grades 4, 7 and 11 continue as in previous years.

SD 4**Policy Issues in the Implementation of Added Accountability Components**

LONGITUDINAL COMPONENT POSSIBILITIES:

- Determine the expected percent of Proficient/Distinguished students at grades 4-8 in reading/language arts and mathematics based on the performance of the same cohort of students in previous grades.
- If a school is in rewards (meets goal or progressing) based on the current model, add to the financial rewards if the school produces more than expected Proficient/Distinguished students.
- If a school is in rewards based on the current model, redirect some or all of the rewards to identified instructional needs if the school produces less than expected Proficient/Distinguished students.
- If a school is in an assistance category, adjust instructional interventions to meet identified needs.

SUBPOPULATION GAP REDUCTION POSSIBILITIES:

- Determine if school is at or above school/subpopulation-specific Assistance and/or Meets Goal points.
- If a school is in rewards (meets goal or progressing) based on the current model and meets or exceeds school/subpopulation Assistance/Meets Goal points, add to the financial rewards if the school meets gap-reduction objectives.
- If a school is in rewards based on the current model, redirect some or all of the rewards to identified instructional needs of a particular subpopulation if the school fails to meet or exceed school/subpopulation Assistance/Meets Goal points.
- If a school is in an assistance category, adjust instructional interventions to meet identified needs of specific subpopulation(s).

School Year 2002-2003 & School Year 2003-2004

- Review current district accountability model for consistency with NCLB accountability expectations.
- Develop alternatives to incorporate policies that adjust the distribution of rewards and appropriate targeted assistance based on:
 - Longitudinal data in reading/language arts and mathematics from grades 3 through 8;
 - Magnitude of gaps in performance in reading/language arts and mathematics from grades 3 through 8 and in grades 10 through 12 between –
 - Racial/ethnic groups (minority/majority subpopulation differences);
 - Limited English Proficient and Non-Limited English Proficient students;
 - Students with disabilities and students without disabilities (Students with disabilities may not include “504” students. Kentucky has traditionally included both groups of students eligible for services available under the Individuals with Disabilities Act and Section 504 ...); and
 - Students eligible for free and reduced lunch and those not eligible for such services.
- Analyze and evaluate data modeling alternatives related to the above policy options.
- Review data and implications of data on policy options with legally identified advisory processes and by the public at large.
- Select the options to be incorporated into Kentucky’s accountability model needed to become fully compliant with the requirements of “No Child Left Behind Act of 2001.”
- Present Kentucky Board of Education with policy options.
- Kentucky Board of Education review and approval.

SD 5

NAEP Participation Requirements and Implications

Beginning with the 2002-2003 school year, local education agencies (LEAs) will have to participate in the administration of the state NAEP assessments of reading/language arts and mathematics if selected as part of the state sample. These are expected to be limited to grades 4 and 8 although there does seem to be authority to administer some state assessments at the 12th grade pending availability of funds. It is not specified that a state would have to participate in such 12th grade assessments.

“(2) the State will, beginning in school year 2002–2003, participate in biennial State academic assessments of 4th and 8th grade reading/language arts and mathematics under the National Assessment of Educational Progress carried out under section 411(b)(2) of the National Education Statistics Act of 1994 if the Secretary pays the costs of administering such assessments; ...

“(F) an assurance that the local educational agency will participate, if selected, in the State National Assessment of Educational Progress in 4th and 8th grade reading/language arts and mathematics carried out under section 411(b)(2) of the National Education Statistics Act of 1994; – **(NCLB 2001: Section 1111(c))**

“(F) an assurance that the local educational agency will participate, if selected, in the State National Assessment of Educational Progress in 4th and 8th grade reading/language arts and mathematics carried out under section 411(b)(2) of the National Education Statistics Act of 1994; – **(NCLB 2001: Section 1112(b)(1))**

“(d) PARTICIPATION.—

“(1) VOLUNTARY PARTICIPATION.—Participation in any assessment authorized under this section shall be voluntary for students, schools, and local educational agencies.

“(2) STUDENT PARTICIPATION.—Parents of children selected to participate in any assessment authorized under this section shall be informed before the administration of any authorized assessment, that their child may be excused from participation for any reason, is not required to finish any authorized assessment, and is not required to answer any test question.

“(3) STATE PARTICIPATION.—

“(A) VOLUNTARY.—Participation in assessments authorized under this section, other than reading/language arts and mathematics in grades 4 and 8, shall be voluntary.

“(B) AGREEMENT.—For reading/language arts and mathematics assessments in grades 4 and 8, the Secretary shall enter into an agreement with any State carrying out an assessment for the State under this section. Each such agreement shall contain provisions designed to ensure that the State will participate in the assessment. – **(NCLB 2001: Section 602 - AMENDMENT TO THE NATIONAL EDUCATION STATISTICS ACT OF 1994)**

While it is clearly stated in federal statute that states will not be rewarded or punished based on state NAEP, NAEP data will be a component considered in the *validation* of the results of state assessments (both at a single point in time and changes over time). Both the educational community and the public at large will use NAEP in this way. It will be most important to understand the relationships between the NAEP curriculum frameworks and Kentucky's Core Content for Assessment. NAEP will become a more visible assessment component at the national and state levels. There are also sets of NAEP-released items and instructional support that might be applicable to Kentucky's efforts when this relationship is more fully understood.

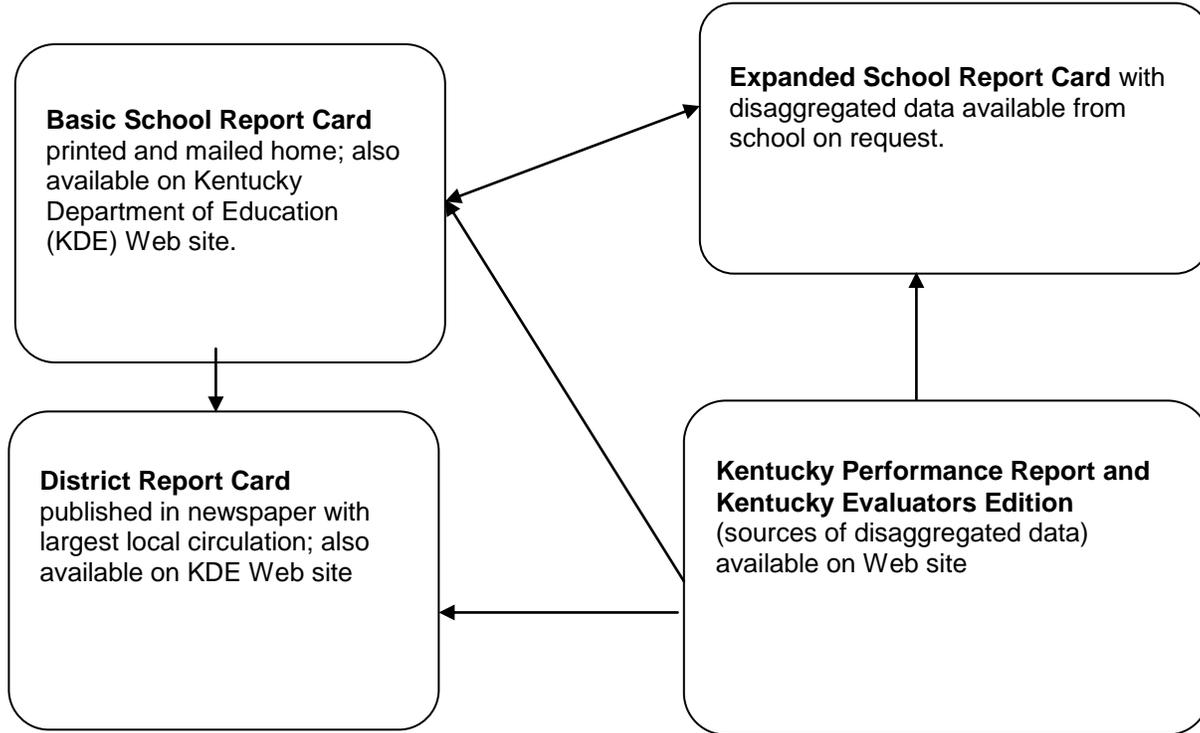
SD 7**School/District/State Report Cards**

Figure 3 Kentucky School/District Report Card and Related Data

A state report card paralleling the school and district report cards will be produced. Figure 16 diagrams the relationships among the major sources of publicly available data at the school/district/regional/state levels. The current requirements for Kentucky's report card system are specified in Kentucky Administrative Regulation 703 KAR 5:140 and an incorporated document.

The Basic School Report Card is a four-page document containing the essential data elements identified by parent groups and other focus groups. It is delivered to each parent in paper format in January. Parent focus groups were clear in their recommendation that this basic report card should be brief and to-the-point. The Basic Report Card's purpose is to provide an overview of the school and to encourage further interaction between parents and the school. Figure 16 emphasizes the interrelationship between the basic and expanded report cards and how both draw heavily from the assessment and Kentucky Department of Education financial reports, which are also public documents. The Kentucky Performance Report refers to a summary of school, district, regional and state data that is distributed to schools and districts 150 days after the beginning of each annual test administration and is typically available to the public two to three weeks later.

The Expanded School Report Card's purpose is to provide the detailed data or information (e.g., disaggregated student performance data) parents and community residents need to be effectively involved in the improvement of schools. The Expanded School Card must be available for parent or public review at the same time the Basic School Report Card is available.

The District Report Card aggregates data from the Basic School Report Card and draws information from publicly available assessment reports. This District Report Card must be published in the newspaper of largest circulation within the district in February.

Additional Report Card Items Required by "No Child Left Behind Act of 2001":

- *Information, in the aggregate, on student achievement at each proficiency level on the state academic assessments, disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged.* All information is available in the Kentucky Performance Report by mid-fall each year.
- *Information that provides a comparison between the actual achievement levels of each group of students and the state's annual measurable objectives for each such group of students on each of the academic assessments required.* This information is summarized on the Kentucky Performance Report.
- *The percentage of students not tested (disaggregated by the same categories).* By Kentucky regulation and practice, this percentage approaches zero, since the alternate portfolio program extends accountability to nearly all students exempted from regular assessment.
- *The most recent two-year trend in student achievement in each subject area for each grade level.* This information is available in the Kentucky Performance Report.
- *Aggregate information on any other indicators used by the state to determine the adequate yearly progress of students in achieving state academic achievement standards.* This information is available in the Kentucky Performance Report and on the Kentucky Department of Education Web site.
- *Graduation rates for secondary school students.* While Kentucky now reports dropout rates in the Kentucky Performance Report, graduation rates as defined by NCES will also be provided.
- *Information on the performance of local education agencies in the state regarding making adequate yearly progress, including the number and names of each school identified for school improvement.* This information is available in the Kentucky Performance Report and on the Kentucky Department of Education Web site.
- *The professional qualifications of teachers in the state, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the state not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which means schools in the top quartile of poverty and the bottom quartile of poverty in the state.* Kentucky collects data identifying regularly certified teachers and teachers with emergency certification as well as teachers in and out of field. Presuming that "highly qualified educators" will be limited to regularly certified staff in field, these numbers should be available from the Kentucky Education Professional Standards Board.

Using the data available from the resources mentioned above, the Kentucky Department of Education will provide an acceptable state report card meeting NCLB requirements. School/district reports posted to the Kentucky Department of Education Website will indicate AYP status for each subpopulation meeting the minimum number of students requirement.