

**ESEA FLEXIBILITY  
Amendment Submission Template**

Dear Assistant Secretary:

I am writing on behalf of the Kentucky Department of Education (KDE) to request approval to amend the State’s approved ESEA flexibility request. The relevant information, outlined in the *ESEA Flexibility Amendment Submission Process* document, is provided in the table below.

<b>Flexibility Element(s) Affected by the Amendment</b>	<b>Brief Description of Element as Originally Approved</b>	<b>Brief Description of Requested Amendment</b>	<b>Rationale</b>	<b>Process for Consulting with Stakeholders, Summary of Comments, and Changes Made as a Result</b>
1. Consultation	See pages 12-14. This was not part of the original submission; it is added for the waiver extension.	We added a new section describing how we consulted teachers and their representatives as well as others on the waiver extension and if we should apply for the extension. Additionally, we provided an opportunity for review and comment on the actual waiver extension document.	Documentation of consultation on any amendments to the waiver request is a required element.	In November and December 2013, we sent e-mails asking for feedback to teachers, principals, superintendents, the State Committee of Practitioners, education partners and education advocacy groups with a white paper attached titled “Kentucky Department of Education’s ESEA Waiver White Paper: What Is The ESEA Waiver and Why Is It Important to Kentucky?” The white paper also was discussed with the commissioner’s advisory committees. The overwhelming response was that we should apply for the waiver extension.  In late April 2014, the actual waiver extension document was distributed to

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				these same groups via e-mail with a request for feedback. A press release also was distributed asking for feedback on the document and it was posted on the KDE website inviting feedback. The responses are being sent to the U.S. Department of Education as part of the waiver extension submission.
2. Consultation	See pages 18-20. This was not part of the original submission; it is added for the waiver extension.	We added a new section describing how we consulted other diverse communities on the waiver extension and if we should apply for the extension. Additionally, we provided an opportunity for review and comment on the actual waiver extension document.	Documentation of consultation on any amendments to the waiver request is a required element.	In addition to the groups listed above in the #1 Consultation section, KDE also e-mailed the Kentucky Special Parent Involvement Network, State Advisory Panel for Exceptional Children, Title I Committee of Practitioners, State Chamber of Commerce, Kentucky Commission on Human Rights, Directors of Special Education and Title III Directors and Title III Consortium School Contacts requesting feedback on the white paper. Again, the overwhelming response was that KDE should apply for the waiver extension.  As referenced above, in late April, the waiver extension document was

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				distributed to these same groups via e-mail with a request for feedback. A press release also was distributed asking for feedback on the document and it was posted on the KDE website inviting feedback. The responses are being sent to the U.S. Department of Education as part of the waiver extension submission.
1B – Transition to College- and Career-Ready Standards	See page 29. Only Year 1 and 2 of the Kentucky Core Academic Standards (KCAS) implementation was previously described.	New language was added describing Year 3 of KCAS implementation.	This language updates the waiver document making it current.	This was simply an update and did not require stakeholder consultation; however, it shows the adjustments that were made as KCAS implementation progressed to meet the needs of teachers and students.
1B – Transition to College- and Career-Ready Standards	See pages 29-36. Originally, the language described how Kentucky thought English language learners and students with disabilities would	Language has been added to more fully reflect how the KDE has integrated and implemented activities under Principle 1 and Principle 2 to address the unique	The new language specifically addresses the “Technical Assistance” finding from the Kentucky ESEA Part B Monitoring Report relative to English learners and students with disabilities.	This change provided clarification and stakeholder consultation was not necessary. However, the U.S. Department of Education indicated KDE must include this information in the waiver extension in response to Part B monitoring.

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	be served via the ESEA waiver request.	needs of English learners and students with disabilities in the implementation of ESEA flexibility. Evidence has been included to show that Kentucky has informed districts that implementation of the WIDA ELD Standards are required.		
1B – Transition to College- and Career-Ready Standards	See pages 37-39. This was not part of the original submission; it is updated information added for the waiver extension.	Language has been added on the adoption of the Next Generation Science Standards and the status of new social studies standards.	The waiver document needed to be updated on this topic to make it current.	Consultation on the science standards is described on pages 36-37 with over 3,000 comments (the majority supportive of the science standards) received on these as part of the regulation adoption process. Additionally, Kentucky was a member state for the Next Generation Science Standards work and the standards were rolled out through the KDE Instructional Networks for feedback. A similar process is underway for social studies and that is described in

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				the narrative.
1B – Transition to College- and Career-Ready Standards	See pages 42-43. The original language described how science and social studies are assessed.	New language has been added to apprise USED that new science standards have been adopted and new social studies standards are under development. Also, the status of when Kentucky will move to new tests in these areas is clarified.	The waiver document needed to be updated on this topic to make it current.	Consultation on the science standards is described on pages 36-37 with over 3,000 comments (the majority supportive of the science standards) received on these as part of the regulation adoption process. Additionally, Kentucky was a member state for the Next Generation Science Standards work and the standards were rolled out through the KDE instructional networks for feedback. A similar process is underway for social studies and that is described in the narrative. The new tests will be aligned to the standards.
1B – Transition to College- and Career-Ready Standards	See page 43. The language originally only mentioned “all students” in the career-ready definition section.	Language has been added to clarify the inclusion of the alternate students (1%) in college-ready as well as noting the launch of a career definition for alternate students in 2014-15.	The new language provides clarity on these issues.	Kentucky’s college/academic definition included the 1% students, but the career formula was absent of a method to include them. Educators in the field brought this issue up and KDE created a statewide committee to provide input. That committee has been meeting for a year and the Office of Career and Technical Education is finalizing the definition. The input of this committee has shaped the model.

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1B – Transition to College- and Career-Ready Standards	See page 44. The original language stated that the Armed Forces Qualifying Test (AFQT) cut score was 55.	The new language indicates that the AFQT cut score is now 50 for the career-ready definition.	KDE wanted to make sure the AFQT cut score used for career readiness was defensible. The original cut of 55 was picked after having discussions with the U.S. military but did not have a quantifiable research study behind it. KDE subsequently conducted a study to determine where the AFQT score intersected the corresponding ACT college-ready cut score. The study included feedback from the U.S. military. The purpose was to find an AFQT cut score that closely matched the rigor required by the ACT benchmark. In addition, the U.S. military provided Kentucky with information about its career structure. The cut score of 50 means military candidates have a very wide range of jobs to choose from in the middle to high tech range.	Feedback from the field questioned the placement of the cut score at 55. Based on this feedback, KDE began a process to find a defensible score through research. The Office of Career and Technical Education worked with constituencies who provided feedback on the cut score.
1C – Develop	See pages 44-46.	Option A was	The Develop and Administer	On January 31, 2014, Kentucky

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and Administer Annual, Statewide, Aligned, High-Quality Assessments That Measure Student Growth	The original language chose Options A and C and provided a description of Kentucky's interest in the consortia work.	deleted and the language describing Kentucky's interest in the consortia was also deleted. New language was added clarifying that Kentucky continues to administer the same assessments and academic achievement standards that started in 2011-12, with implementation being in its third year.	High-Quality Assessments finding in the Kentucky ESEA Part B Monitoring Report required that KDE amend its waiver through the extension process to reflect its current plans for administering annual, statewide, aligned high-quality assessments, and corresponding achievement standards.	withdrew from being a "Participating State" in PARCC. Kentucky's Governor and Commissioner of Education decided to step down from the participating membership in PARCC. This will allow the consortia to participate as a bidder in the RFP process for the next wave of assessments for the state.
2A – Develop and Implement a State-Based System of Differentiated Recognition, Accountability and Support	See page 50. The original language included a table showing the AFGR as the graduation rate model.	A new table was inserted that replaces AFGR with the Adjusted Cohort Model and removes the footnote about AFGR.	In the summer of 2013, Kentucky moved to full use of the Adjusted Cohort Graduation Rate Model. USED had previously provided Kentucky with a waiver until the Cohort model could begin.	The change from AFGR to Cohort was required by USED; Kentucky was granted a waiver to delay the Cohort rate until its student information system came online. Once the system was online, the change was made. The feedback on this issue was built into the original waiver process.
2A – Develop	See page 53. The	New language was	Since the submission of the	Kentucky's college/academic

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and Implement a State-Based System of Differentiated Recognition, Accountability and Support	original language had no information about a career definition for alternate students. It also indicted alternate students received “certificates of attainment”.	added indicating that KDE is working on a new career definition for alternate students that takes into account both academic and technical work readiness which is scheduled to be implemented in the 2015-16 school year. Also, the language was revised indicating that alternate students now receive alternative high school diplomas per a regulation change.	original waiver document, Kentucky began working on a new career definition for alternate students and the language needed to be updated so that it was current.  As to the alternative high school diplomas, this was a change that needed to be noted to make the waiver document current.	definition included the 1% students but the career formula was absent of a method to include these students. Educators in the field brought this issue to KDE’s attention and the agency created a statewide committee to provide input. That committee has been meeting for a year and the KDE Office of Career and Technical Education is working with them to finalize the definition that has been shaped by the committee’s feedback.  As to the change in awarding alternative high school diplomas, this came about through revision to 704 KAR 3:305 due to both input from the field and legislative involvement. As with all regulatory changes, a public hearing process occurred and it went through the legislative committee review process before becoming final.
2A – Develop and Implement a State-Based System of Differentiated	See page 55. The original language discussed the use of AFGR as the graduation rate	References to AFGR were deleted and new language explaining the Adjusted Cohort	In the summer of 2013, Kentucky moved to full use of the Adjusted Cohort Graduation Rate Model. USED had previously provided	The change from AFGR to Cohort was required by USED; Kentucky was granted a waiver to delay the Cohort rate until its student information system came online. Once the system

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Recognition, Accountability and Support	model in Kentucky.	Graduation Rate was inserted.	Kentucky with a waiver until the Cohort model could begin.	was online, the change was made. The feedback on this was built into the original waiver process.
2A – Develop and Implement a State-Based System of Differentiated Recognition, Accountability and Support	See pages 57-59. The original language indicated that the full implementation date for the Professional Growth and Effectiveness System (PGES) for accountability was spring 2015. Also, a chart reflecting this timeline was included.	New language was added changing the date for full implementation of PGES for accountability to spring 2016. Also, a new chart reflecting the revised timeline was inserted.	Kentucky was granted a waiver of the timeline element from USED so that full implementation of PGES for accountability and personnel decisions would occur in the spring of 2016.	Based on feedback from advisory groups, the teacher and principal steering committees and educators in the field, Kentucky requested the extension of time for use of the system for accountability and personnel decisions and it was granted by USED. Full implementation will occur in 2014-15 by all schools and districts but without required use for accountability and personnel decisions.
2A – Develop and Implement a State-Based System of Differentiated Recognition, Accountability	See page 60. The original language showed how the different components were phased into the system at that	The timeline was updated to show how the different components will actually be implemented.	Data for the Next Generation Program Reviews was captured in the 2012-13 school year, but for accountability purposes, the data was used in 2013-14. In addition, the table now reflects the revised	This was simply an adjustment and did not require stakeholder consultation.

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and Support	point in time.		timeline for PGES.	
2A – Develop and Implement a State-Based System of Differentiated Recognition, Accountability and Support	See pages 62-77. The original language described the implementation of the District 180 program elements of the accountability model and the systems it put into place to build and maintain capacity in Priority Schools. This included the waivers that would be put into place, the funding sources that could be combined and examples of activities this would allow. How Kentucky would address the	New language was added providing major updates as the system has evolved to reflect actual implementation. Some of those updates include: the continuing involvement of Leadership Networks, including their role in supporting students with disabilities (SWDs) and English learners (ELs); the additional support provided to schools and districts around IEP development, accommodations guidance, and the realignment of	While the centerpiece of Kentucky’s accountability system is still the District 180 program process, the system has grown and evolved as implementation has occurred and the new elements need to be reflected in the waiver language to reflect current status. Additionally, the finding under Technical Assistance in the ESEA Part B Monitoring Report required that the waiver extension submission include information to more fully reflect how the KDE will integrate and implement activities under Principle 1 and Principle 2 to address the unique needs of students with disabilities and English learners in its implementation of ESEA flexibility. Moreover, another finding under Monitoring in the ESEA Part B	As implementation of the waiver occurred, elements were added and adjusted via input from stakeholders and the field and as the needs of teachers and students became evident.

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	needs of students with disabilities and English language learners was described and information about the Delivery Plans being implemented was explained. The majority of the information was forward-focused and discussed activities that would be undertaken as part of the waiver.	regional technical assistance and support for SWDs and ELs, including the development of a Regional Systemic Improvement Plan (RSIP) by the educational cooperatives; the inclusion of PD 360 resources available to teachers through the Continuous Improvement Instructional Technology System (CIITS), including training provided to teachers of ELs in the use of those tools; the use of the vertically aligned electronic CSIP/CDIP process that includes	Monitoring Report required that the waiver extension submission include evidence that it has confirmed that the CSIP for each Focus School includes the implementation of interventions that target the reason(s) the school was identified. Still another finding of the ESEA Part B Monitoring Report under Focus Schools is addressed in part to show evidence of how KDE is implementing the activities consistent with its approved ESEA flexibility request or amend its approved ESEA flexibility request to reflect updated plans.	

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		<p>planning for SWDs as part of the comprehensive planning process, as opposed to planning for these students in isolation, through a more intentional focus on data-based planning for improvement; the development and implementation of the CSIP/CDIP Plan Review Rubric, a monitoring system to be used with all Priority, Focus and other Title I Schools; the restructuring of KDE's Delivery Plans (strategic plans) to embed strategies to address</p>		

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		<p>the needs of students in the gap across the department's work; the implementation of the Consolidated Monitoring process to provide cross-agency monitoring of selected school districts, which is being piloted for inclusion in the electronic ASSIST platform; the launching of the LEAD-Kentucky program through the National Institute for School Leaders to train cadres of highly effective school leaders that are versed in turnaround of low-achieving schools;</p>		

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		<p>the development of the department's Best Practices website to provide practitioners with peer-developed, Kentucky-specific practices to improve both the instructional and operational aspects of schools and districts; the development and deployment of intervention opportunities through the Kentucky System of Interventions, a Response to Interventions framework and the new Interventions Tab in the student information system to track the</p>		

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		effectiveness of interventions; and the development and submission of Phase 1 of the State Systemic Improvement Plan for Students with Disabilities.		
2A – Develop and Implement a State-Based System of Differentiated Recognition, Accountability and Support	See pages 77-78. The original language referenced Attachment 8 as the place to locate the percentage of students in the “all students” group that performed at the proficient level on the State’s most recent administration of each assessment for all grades assessed.	Language was added providing instructions on how to access the requested data for the most current administration of the assessment on the Kentucky School Report Card.	The waiver needed to be updated using current assessment data.	This change was an update that did not require consultation of stakeholders.

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2A – Develop and Implement a State-Based System of Differentiated Recognition, Accountability and Support	See page 78. The original language referenced three Program Review areas.	New language was added to reflect two additional Program Reviews, K-3 and world language, which the Kentucky Board of Education approved as additions to the system.	The addition of these two areas broadens the coverage of the assessment system and requires examination of program quality in these subjects. This new language brings the waiver up-to-date.	As with any Kentucky Board of Education decision, stakeholder input is part of the process as matters are brought to the board for action. The timeline for implementation of the world language Program Review has been slowed down due to feedback from the field that too many new things at once are problematic.
2B – Set Ambitious but Achievable Annual Measurable Objectives	See pages 79 and 86. The original language referenced Attachment 8 as the place to locate the average statewide proficiency based on assessments administered in the 2010-2011 school year in reading/language arts and mathematics for the “all students”	New language was added to reflect the link to the KDE website where the state, district and school report cards are located with the most recent assessment data available.	It was necessary to update the waiver with the most recent assessment data that is available.	This change was an update that did not require consultation of stakeholders.

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	group and all subgroups.			
2B – Set Ambitious but Achievable Annual Measurable Objectives	See page 82. The original waiver discussed simulation data and its use in setting the cut scores.	New language was added to say that review of the actual 2012-13 data revealed that the model worked as intended. Additionally, the AMO goal will be recomputed each year as the different components of the model become active.	This change was necessary to explain how the actual operational data, instead of simulated data, was used to review the standard deviation model.	This revision simply clarifies and shows that the original intent of the model was carried out. Stakeholder consultation was not necessary for this element since it was an update.
2B – Set Ambitious but Achievable Annual Measurable Objectives	See page 84. The original language displayed a table titled “AMO Simulation Data for Illustration Purposes – Winter 2010”.	The original table was deleted and a new one titled “AMO Goals – Based on 2012-13 Results” was inserted.	The new table was required to update the waiver using actual operational data to explain the AMO goal model.	This revision simply clarifies the original intent of Kentucky’s model and stakeholder consultation was not necessary for this element.
2B – Set Ambitious but Achievable	See page 85. The original language talked about the	New language was added to change three-year to multi-	Due to the delay to 2015-16 of the timeline granted to Kentucky by USED for the	Input from the teacher and principal steering committees, educators in the field and the Kentucky Board of

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Annual Measurable Objectives	phase-in of the system over a three-year period.	year and the timeline was adjusted accordingly.	implementation of the Next Generation Professionals component for use in personnel decisions and accountability, it was necessary to revise the dates on this page.	Education supported this change to the system and was a major reason why Kentucky pursued this waiver from USED.
2B – Set Ambitious but Achievable Annual Measurable Objectives	See pages 86-88. The original language gave detailed information about graduation goals as set using AFGR.	A paragraph explaining how AFGR goals were set was deleted along with the old table showing AFGR goals. A new table was inserted reflecting 2012-13 Adjusted Cohort Graduation goals. Also, the dates were changed in the footnote to reflect use of the Cohort Model.	In the summer of 2013, Kentucky transitioned from the AFGR graduation model to the Adjusted Cohort Graduation Model. These changes are necessary to bring the waiver document up-to-date with implementation of this model.	This change was built into the model from the original waiver with permission from USED for the transition to the Cohort rate. The feedback supporting this change was received in the first round of the waiver process.
2B – Set Ambitious but Achievable Annual	See pages 91-93. Originally, Question 8 asked “Will there be a	Question 8 and its response were deleted and new Questions 9 and 10	The old Question 8 was outdated and needed to be removed. The new Questions 9 and 10 address the current	These changes bring the waiver up-to-date and simply clarify the original intent of the waiver. Stakeholder input is being gathered for review of the

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Measurable Objectives	research effort to monitor and evaluate the system?"	were added to address this issue.	research ideas and process for possible future changes to the model.	system at the end of 2013-14 by the Kentucky Board of Education to consider whether changes are necessary to the system.
2B – Set Ambitious but Achievable Annual Measurable Objectives	See page 91-92. The original Question 9 asked “What is the percentage of All students scoring Proficient or Higher on the latest Kentucky Core Content Test?”	The original Question 9 was deleted.	Since Kentucky’s new model is now in the third year with two full years of operational data, this question and response were no longer needed. The Kentucky Core Content Test was the previously used assessment.	This particular change was for clarification and the consultation of stakeholders was not necessary.
2C – Reward Schools	See page 94. The original language referred to Attachment 9 on page 80 of the Appendix for the list of Reward Schools.	A new list of Reward Schools generated from current assessment data is referenced still as Attachment 9 in the revised Appendix but is to be accessed through the link that appears in the text.	The most current list of Rewards Schools according to the latest assessment data needed to be inserted into the waiver and the old list needed to be deleted. Also, a shift has been made in this version of the waiver to using links instead of hard copy attachments.	This particular change was just an update and stakeholder consultation was not necessary.
2C – Reward	See pages 96-97.	The old language	The waiver language needed to	This change is an update and did not

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Schools	The original language referenced the use of simulation data being run to determine Reward Schools.	and table referencing simulation data were deleted. A new table titled “Number of Schools and Districts by Rewards Category” and footnotes explaining the various reward categories were added based on 2013 data.	be updated using 2013 operational data rather than the original simulation data. Also, the footnotes provide a more detailed explanation of the reward data found in the table.	require consultation of stakeholders.
2C – Reward Schools	See page 97. The original language showed a table reflecting simulation data versus the new Overall Score.	The table and its explanation were deleted.	The Kentucky model is now in its third year and using the old Kentucky Core Content Test data from 2011 is outdated.	Due to the nature of this change, which is for clarity, stakeholder consultation was not necessary.
2D – Priority Schools	See page 98. The original language referenced Attachment 9 on page 80 of the	The latest list of Priority Schools (2013 data) is still found in Attachment 9 in the	The most current list of Priority Schools according to the latest assessment data needed to be inserted into the waiver and the old list needed	This change is an update and did not require consultation of stakeholders.

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	Appendix for the list of Priority Schools.	revised Appendix but is accessed through a link that is provided.	to be deleted. Also, a shift has been made in this version of the waiver to using links instead of hard copy attachments.	
2D – Priority Schools	See pages 99-100. A paragraph was included that generally explained the District 180 process.	The old language was deleted and a new paragraph was inserted that clarifies the process according to how it actually operates.	The way the process actually works needed to be clarified including the role of the regional universities.	This change is a clarification and did not require consultation of stakeholders.
2D – Priority Schools	See pages 100-101. The original language talks about the Education Recovery Process and implementation of the Consolidated School Improvement Plan.	An element that was not discussed fully was monitoring of the plan and making sure it addresses needs. Language has been added to highlight monitoring meetings, school and district monitoring templates and development of	The new language strengthens the Education Recovery process by showing KDE assures that monitoring looks at whether needs are being met and sustainability of progress is the desired outcome.	This change clarifies the Education Recovery process and did not require consultation of stakeholders. The process has evolved as KDE has worked with schools and districts and elements have been added to strengthen the work to produce the desired outcomes.

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		sustainability goals.		
2D – Priority Schools	See page 102. A section was included on requirements for Priority Districts and the assistance process for them.	New language was added clarifying the eligibility criteria for Priority Districts and the fact that no districts currently can meet those requirements during the duration of the waiver.	This addition updates the waiver language to current status.	This change provides clarification and did not require consultation of stakeholders.
2D – Priority Schools	See pages 103-107. The old language provided some information on how the needs of students with disabilities and English learners would be addressed.	New language has been added to provide more specific and current information on meeting the needs of students with disabilities and English learners in Priority Schools.	The finding under Technical Assistance in the ESEA Part B Monitoring Report required that the waiver extension submission include information to more fully reflect how the KDE will integrate and implement activities under Principle 1 and Principle 2 to address the unique needs of students with disabilities and English learners in its implementation of ESEA flexibility.	As implementation of the waiver occurred, elements were added and adjusted via input from stakeholders and the field and as the needs of teachers and students became evident.
2D – Priority Schools	See pages 108-109. The original	The new language breaks the exit	This addition provides clarification and specificity to	The change clarifies the original intent of the waiver and did not require

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	language gave a brief explanation of how to exit Priority status.	criteria out into Cohorts 1, 2 and 3 with a specific explanation. Also, language is now included on replacement of Priority Schools.	how these schools exit this status and how schools are replaced as the model progresses.	stakeholder consultation.
2D – Priority Schools	See page 109. The original language on the number of Priority Schools that were PLA schools was based on 2011 data and the chart depicting total number of schools, Title I Schools and Non-Title I Schools was based on 2011 data.	The new language and revised chart are based on 2012-13 data, the most current assessment data available.	This revision brings the language of the waiver up-to-date.	The change makes the waiver language current and did not require stakeholder consultation.
2E – Focus Schools	See page 111. The original language	The old language was deleted and new language was	References to simulation data needed to be deleted and replaced with language using	These changes make the waiver language current and stakeholder consultation was not necessary.

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	reflected 364 Focus Schools identified using simulated data for the Third Standard Deviation Model. Also, for a list of Focus Schools a reference was given to Attachment 9 on page 80 of the Appendix.	added indicating there were 223 Focus Schools in 2012-13 produced by the Third Standard Deviation Model. Also, it is now indicated that Attachment 9 still contains the list of Focus Schools but a link to the new Appendix is provided to locate it.	the most current operational data. Also, the Appendix was revised to utilize links to documents rather than hard copy references.	
2E – Focus Schools	See pages 112-114. The original language discussed determining and meeting Focus Schools’ needs.	New language was added to more fully specify determining and meeting Focus Schools’ needs through various resources. A list of KDE staff assigned to Focus Schools to monitor the improvement plans of these	While the cross-functional team approach to monitoring and technical assistance that was envisioned in the original waiver application allowed broader input from across the agency, it was not as responsive to schools for immediate, consistent responses to requests for assistance and information. Use of designated KDE staff	USED required that KDE address its approach to monitoring and providing technical assistance to Focus Schools. Also, interaction with and feedback from these schools has helped the process to evolve and become more specific in order to meet the needs of these schools.

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		<p>schools/districts is referenced and some of the resources available to assist these schools are listed including targeted professional development through CIITS, Hub Schools as models, a Best Practices website, leadership networks and special education cooperatives as supports and the work of the Education Recovery staff. More extensive monitoring and extensive technical assistance is discussed.</p>	<p>assures that the same KDE contact is available to a school throughout the year, that the contact is familiar with the school and its plan, and that there is a clear line of KDE staff responsibility to assure the provision of appropriate support and technical assistance. The designated staff contact consults with staff across the agency on an as-needed basis. Also, new language was added to address the monitoring of Focus Districts.</p> <p>Moreover, the Part B Monitoring Report in the Focus Schools element required that regarding the activities in the focus school summary and the status of implementation, the KDE will submit to USED evidence of how it is implementing the activities consistent with its</p>	

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			approved ESEA flexibility request or amend its approved ESEA flexibility request to reflect updated plans. Another finding in the Monitoring element required that through the ESEA flexibility Extension process the KDE will submit to USED evidence that it has confirmed that the CSIP for each focus school includes the implementation of interventions that target the reason(s) the school was identified.	
2E – Focus Schools	See page 116. The current language discussed the methods for identifying Focus Schools.	New language was added on how Focus Schools are replaced.	This sentence clarifies the replacement process for Focus Schools because previously, this was not addressed.	This is simply a clarification and consultation was not necessary.
2E – Focus Schools	See page 117. A table showing Focus School data appeared based on simulation	The old table was deleted and a new table titled Number of Schools and Districts by	This updates the waiver using current operational data rather than using outdated simulation data.	This is an update to the waiver and consultation was not necessary.

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	data.	Assistance Category” was inserted. This table is based on 2012-13 data.		
2E – Focus Schools	See pages 118 and 119. The old language referred to Attachment 9 on page 80 of the original Appendix for the list of Reward, Priority and Focus Schools. Additionally, a chart showing Requested Totals for Table 2 was included based upon simulation data.	The original table was deleted and two updated tables, one for 2011-12 and one for 2012-13, based upon actual operational data, were inserted.	The Kentucky model is now in its third year of operation and the language needed to be based on actual data and not simulations.	This is an update to the waiver and consultation was not necessary.
2F – Provide Incentives and Supports for Other Title I Schools	See pages 120-122. The original language described the consolidated	The language has been amended to reflect that the ASSIST plan submission process	While the cross-functional team approach to monitoring and technical assistance that was envisioned in the original waiver application allowed	USED required that KDE address its approach to monitoring and providing technical assistance to Focus Schools. Also, interaction with these schools as well as with Priority and Other Title I

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	<p>school and district planning process and how it would be used to support and monitor all schools. At that time, KDE was making the transition from a paper-based leadership assessment process based on the Standards and Indicators for School Improvement to an electronic diagnostic review process based on the AdvanceED standards. It also was indicated that monitoring would occur through cross-agency teams to review</p>	<p>has been put into place and <u>all</u> schools and districts have completed their Comprehensive School Improvement Plans or Comprehensive District Improvement Plans using that platform. To support this process, KDE has provided extensive training, materials and guidance to local schools and districts to assure that they understand how to develop goals, strategies and activities that align with state-level goals for proficiency/gap,</p>	<p>broader input from across the agency, it was not as responsive to schools for immediate, consistent responses to requests for assistance and information. Use of designated KDE staff assures that the same KDE contact is available to a school throughout the year, that the contact is familiar with the school and its plan, and that there is a clear line of KDE staff responsibility to assure the provision of appropriate support and technical assistance. The designated staff contact consults with staff across the agency on an as-needed basis.</p> <p>Moreover, the Part B Monitoring Report in the Focus Schools element required that regarding the activities in the focus school summary and the status of</p>	<p>Schools has helped the process evolve and become more specific in order to meet the needs of these schools. Feedback from these schools has assisted in shaping the improvements to monitoring and technical assistance.</p>

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	<p>submissions from schools and districts, assess levels of implementation and recommend targeted interventions.</p>	<p>college and career readiness and graduation rate.</p> <p>As in the case of Focus Schools, the reference to cross-functional teams is being deleted. Instead language has been added to describe the monitoring and technical assistance provided through the use of the CSIP/CDIP Plan Review Rubric process that is used in Priority, Focus and Other Title I Schools. Using this process, assigned KDE staff review the schools/districts' plans to determine</p>	<p>implementation, the KDE will submit to USED evidence of how it is implementing the activities consistent with its approved ESEA flexibility request or amend its approved ESEA flexibility request to reflect updated plans. Another finding in the Monitoring element required that through the ESEA flexibility Extension process the KDE will submit to USED evidence that it has confirmed that the CSIP for each focus school includes the implementation of interventions that target the reason(s) the school was identified.</p>	

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		<p>the status of the previous year’s activities, ascertain whether the current goals and objectives reflect the needs identified through data analysis, provide “critical friend” feedback on the plans and assure that the school/district is provided with or directed to the additional resources or technical assistance needed. Examples of supports and resources are referenced.</p>		
2G – Build SEA, LEA and School Capacity to Improve	See page 124. The previous language described the	The new language clarifies the use of the regional universities and the	The way the process actually works needed to be clarified including the role of the regional universities.	This change provided clarification and consultation was not necessary.

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Student Learning	District 180 program.	roles of Education Recovery staff.		
2G – Build SEA, LEA and School Capacity to Improve Student Learning	See pages 125 and 126. Under the section titled, Focus, Progressing and Needs Improvement Schools/Districts, the original language indicated that monitoring would occur through cross-agency, cross-functional teams.	The section was retitled to read Focus/Title I Schools/Districts and indicates the cross-agency, cross-functional team monitoring process has been replaced with a plan review process using a rubric that also was described in elements 2E and 2F.	While the cross-functional, cross-agency team approach to monitoring and technical assistance that was envisioned in the original waiver application allowed broader input from across the agency, it was not as responsive to schools for immediate, consistent responses to requests for assistance and information. Use of designated KDE staff assures that the same KDE contact is available to a school throughout the year, that the contact is familiar with the school and its plan, and that there is a clear line of KDE staff responsibility to assure the provision of appropriate support and technical assistance. The designated staff contact consults with staff across the agency on an as-	USED required that KDE address its approach to monitoring and providing technical assistance to Focus Schools. Also, interaction with these schools as well as with Priority and Other Title I Schools has helped the process evolve and become more specific in order to meet the needs of these schools. Feedback from schools has assisted in shaping the improvements to monitoring and technical assistance.

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			<p>needed basis.</p> <p>Moreover, the Part B Monitoring Report in the Focus Schools element required that regarding the activities in the focus school summary and the status of implementation, the KDE will submit to USED evidence of how it is implementing the activities consistent with its approved ESEA flexibility request or amend its approved ESEA flexibility request to reflect updated plans. Another finding in the Monitoring element required that through the ESEA flexibility Extension process the KDE will submit to USED evidence that it has confirmed that the CSIP for each focus school includes the implementation of interventions that target the reason(s) the school was identified.</p>	
2G – Build	See pages 126	Additional	It was necessary to add	This change was just for clarity and

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SEA, LEA and School Capacity to Improve Student Learning	and 127. The original language discusses monitoring and the use and advantages of the electronic ASSIST system.	language was added clarifying the support that exists for ASSIST since the system has now been in place for the past several years.	language to bring the waiver up-to-date.	requires no stakeholder consultation.
2G – Build SEA, LEA and School Capacity to Improve Student Learning	See pages 127-129 under Specific Uses of Federal Funds. In the original language, specific activities were outlined.	Several of the activities in the original language were not implemented and needed to be deleted. Other, more effective activities were implemented and these have been added.	During the course of waiver implementation, some of the activities were determined not to be the most effective in accomplishing the desired outcome, so they were not moved forward. Still others were identified as either equally effective or more so and these were moved forward. Moreover, some of the added activities were not available when the initial waiver was submitted and have emerged since that time.	These changes were for clarity and to bring the waiver up-to-date. Stakeholder consultation was not necessary.
2G – Build SEA, LEA and School Capacity to Improve	See pages 129 and 130 under Support to Assure Successful	Language has been updated to include the KDE's and Governor's budget	The changed language brings the waiver up-to-date and shows financial commitment to the elements of the waiver,	These changes were for clarity and consultation was not necessary.

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Student Learning	Interventions. The original language included the funding sources that were available at the time of the initial waiver submission and it was indicated that the tools provided through ASSIST would need additional federal funding to ensure the system was sufficiently robust and to assure successful local deployment.	priorities and to reflect the current status of the ASSIST system.	including the system used for monitoring.	
2G – Build SEA, LEA and School Capacity to Improve Student Learning	See page 131 under Quality of Vendors. The original language discussed how KDE assures that external vendors	KDE is no longer using the practice of hiring vendors with which districts can contract and this language was deleted.	The change was necessary to bring the waiver up-to-date.	The deletion was for clarification and thus, consultation of stakeholders was not necessary.

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	are of sufficient quality and have experience to perform the work. It also talked about KDE hiring vendors with which districts could contract.			
3A – Develop and Adopt Guidelines for Local Teacher and Principal Evaluation and Support Systems	See pages 131 and 132. Kentucky originally chose Option A because the guidelines for teacher and principal evaluation were still under development.	The revised language indicates that Kentucky now chooses Option C because the guidelines have been adopted by the Kentucky Board of Education in regulation form (704 KAR 3:370). A link to the regulation and to evidence of its adoption is provided.	It was necessary to reflect that Kentucky has finalized its guidelines in regulation form and that implementation is moving forward as required by USED.	Extensive stakeholder input occurred during the development and piloting of the system. Also, the regulatory process has input built into it including a public hearing. After the public hearing, legislative committees review the regulation before it becomes law.
3A – Develop and Adopt	See pages 133 and 134. A	This section was deleted.	It was determined that this content was more appropriate	No stakeholder consultation was necessary since the content was just

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Guidelines for Local Teacher and Principal Evaluation and Support Systems	section titled “Guiding the Development” was included in the original language.		for inclusion in 3B.	moved to another section where it more appropriately addressed what was being discussed.
3A – Develop and Adopt Guidelines for Local Teacher and Principal Evaluation and Support Systems	See pages 135-137. A Val-Ed 360 principal evaluation instrument and a crosswalk with the Interstate Leadership Licensure Consortium (ISLLC) Standards was cited, versions 3.1 of the teacher and principal frameworks were cited and working closely with the Gates Foundation on the teacher of record definition	The new language adds links to the crosswalk document, versions 3.1 of the teacher and principal frameworks, a list of the volunteer districts for the volunteer field test and the synthesis report for the field test.	The links provide evidence of the early work that occurred as the basis for the new system.	These additions are evidence documents and stakeholder consultation was not necessary.

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	was noted.			
3A – Develop and Adopt Guidelines for Local Teacher and Principal Evaluation and Support Systems	See pages 137 and 138. The original language talked about versions 3.1 of the teacher and principal effectiveness frameworks and pursuit of validity and reliability and content validity.	The original language was deleted. New language reflecting the adoption of the Charlotte Danielson’s Framework and the new domains of both the principal and teacher systems was added.	This language is outdated because the original teacher and principal effectiveness frameworks were not recommended by the steering committee. Instead the steering committee approved the use of the Charlotte Danielson’s Framework for Teaching, which was already validated.	The Teacher Steering Committee, a statewide advisory committee, recommended this change in direction.
3A – Develop and Adopt Guidelines for Local Teacher and Principal Evaluation and Support Systems	See page 139. The original language had a section titled “Adoption of Guidelines and Policy Development.”	The section titled “Adoption of Guidelines and Policy Development” was deleted because it was outdated and related to the approach that was not recommended by the steering committee.	These changes were necessary to bring the waiver up-to-date with how the development of the system progressed.	The Teacher Steering Committee, a statewide advisory committee, recommended this change in direction.
3A – Develop and Adopt	See pages 140-141. A graphic	The original graphic must be	Due to the revised timeline, requested by the state through	As with any waiver requested from USED by a state, the waiver

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Guidelines for Local Teacher and Principal Evaluation and Support Systems	titled “Timeline: Professional Growth and Effectiveness System, Summer 2011 to Spring 2014” appeared in the waiver.	deleted and a new one titled “Timeline for Deployment of the Professional Growth and Effectiveness System must be inserted.	the waiver process, that was approved by the U.S. Department of Education on January 30, 2014 indicating full implementation (2014-15) and then adding use for personnel decisions and state accountability (2015-16), the new graphic was necessary.	submission was sent out for comment. Stakeholders, including the steering committees, were overwhelmingly supportive of the new timeline.
3A – Develop and Adopt Guidelines for Local Teacher and Principal Evaluation and Support Systems	See pages 141 – 144. The original language talked about the field test as first rolled out.	Language was added to talk about the field test as conducted in 2011-13 including how the Leadership Networks and other resources supported this work. Also, subcommittees were set up by the teacher steering committee to explore teacher of record issues for teachers of English learners, students with disabilities and	It was necessary to make these changes to bring the waiver up-to-date with what has actually occurred.	Teachers and leaders across the state participated in the Leadership Networks. Input from district/school staff involved in the field test shaped the new system. The teacher steering committee recommended the formation of the subcommittees.

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		students of non-assessed areas.		
3A – Develop and Adopt Guidelines for Local Teacher and Principal Evaluation and Support Systems	See pages 144 and 145. The original language did not discuss the field test of the Principal Professional Growth and Effectiveness System (PPGES).	New language was added describing the PPGES field test and the results.	It was necessary to add this language to bring the waiver up-to-date with what has actually occurred.	Input from district/school staff involved in the field test shaped the new system.
3A – Develop and Adopt Guidelines for Local Teacher and Principal Evaluation and Support Systems	See pages 145-149. The original language talked about the initial pilot plans before the change in direction occurred as designated by the steering committee. Also, the plan for how teacher and leader data would be included in accountability	New language was added discussing the preparation for the 2013-14 statewide pilot in selected schools. Also, the support system for the pilot, including technology, is discussed. Outdated language was deleted and the plan for including teacher and leader	It was necessary to add this new language and delete other language that was no longer applicable to bring the waiver up-to-date with what has actually occurred.	Input from district/school staff involved in the pilot has shaped the new system. A feedback loop has been in place throughout the piloting and statewide implementation phases.

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	was discussed.	data in accountability has been moved to 3B.		
3A – Develop and Adopt Guidelines for Local Teacher and Principal Evaluation and Support Systems	See pages 149 and 150. No language was included at this point on professional learning.	New language was added to highlight the work related to professional learning that is occurring in Kentucky to support the teacher and leader effectiveness system.	It was necessary to add this new language to bring the waiver up-to-date since this work had not yet occurred at the time the original submission was written.	The Transforming Professional Learning Task Force members provided feedback on changes to professional learning, and the regulation that was amended due to this feedback was reviewed by stakeholders as part of the public hearing process and the review by legislative committees.
3B – Ensure LEAs Implement Teacher and Principal Evaluation and Support Systems	See pages 150-180. 3B reflected Kentucky’s original approach to implementation of the Professional Growth and Effectiveness System.	All of the original language was deleted and new language was added to reflect up-to-date information on the policy development work for and implementation of the Professional Growth and Effectiveness System for teachers	The description of the system actually adopted by the Kentucky Board of Education is the focus of 3B, along with the background work leading to the adoption of the system. The change in the timeline for using the system for personnel decisions and state accountability granted by the U.S. Department of Education played a role in the adjustment to how the system rolled out.	Stakeholder involvement has been extensive and is reflected throughout 3B. The two statewide steering committees provided recommendations to the Kentucky Board of Education in shaping the content of the regulation (703 KAR 3:370), adopted by the board, that describes the new system. The regulation is proceeding through public hearing and review by legislative committees.

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		and leaders.		

Attached to this letter is a redlined version of the pages from our approved ESEA flexibility request that would be impacted with strikeouts and additions to demonstrate how the request would change with approval of the proposed amendments. Please contact Mary Ann Miller at [maryann.miller@education.ky.gov](mailto:maryann.miller@education.ky.gov) or by phone at (502) 564-3141, ext. 4840, if you have any questions regarding these proposed amendments.

The Kentucky Department of Education acknowledges that the U.S. Department of Education may request supplementary information to inform consideration of this request.




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Chief State School Officer

May 1, 2014

Date