



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

MAR 3 1 2015

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

Dear Commissioner Holliday:

I am writing in response to Kentucky's request for renewal of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA), so that Kentucky may continue to implement ESEA flexibility through the end of the 2018–2019 school year.

Our ESEA flexibility team, including other senior leaders at the U.S. Department of Education (ED), reviewed Kentucky's request dated March 13, 2015. Pursuant to section 9401(d)(2) of the ESEA, I am pleased to renew approval of Kentucky's ESEA flexibility request for four years, through the end of the 2018–2019 school year.

My decision to approve the renewal of Kentucky's ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling Kentucky to carry out important reforms to improve student achievement and that this renewal is in the public interest. With this renewal, Kentucky will be able to continue implementing its plans to promote innovative, locally tailored strategies to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction.

This letter also provides my approval of Kentucky's amendments to its ESEA flexibility request. A summary of significant approved amendments is enclosed with this letter, and Kentucky's approved request will be posted on ED's website.

This renewal is subject to Kentucky's commitment to:

- Demonstrate that a school may not receive the highest rating in the SEA's differentiated recognition, accountability, and support system if there are significant achievement and graduation rate gaps that are not closing in the school. Kentucky indicated in its renewal request that it will monitor the performance of the highest-performing schools to see if significant gaps exist and assess progress in gap closure. In addition, Kentucky will review and provide ED with the related data on gap closure during ED's monitoring and follow-up of ESEA flexibility implementation.
- Provide a demonstration that it has identified the requisite number of schools that meet the definition of "priority school" in the document titled *ESEA Flexibility* when the State submits its list of priority schools in January 2016. This is needed because Kentucky changed its method for identifying priority schools by changing its accountability system.

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
<http://www.ed.gov/>

- Clarify the timeline on which focus schools will start implementing interventions when Kentucky submits its updated list of focus schools in January 2016.

Kentucky continues to have an affirmative responsibility to ensure that it and its local educational agencies (LEAs) are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility. These laws include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

I am confident that Kentucky will continue to implement the reforms described in its approved ESEA flexibility request and advance its efforts to hold schools and LEAs accountable for the achievement of all students. Kentucky continues to have an affirmative responsibility to ensure that it and its LEAs are in compliance with all requirements not waived under ESEA.

If you need any additional assistance to implement your ESEA flexibility request, please do not hesitate to contact me or have your flexibility team contact Chuenee Boston and Monika Kincheloe at: OSS.Kentucky@ed.gov.

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

Sincerely,



Deborah S. Delisle
Assistant Secretary

Enclosure

cc: Mary Ann Miller, Policy Advisor, Office of the Commissioner

Approved Amendments to Kentucky's ESEA Flexibility Request

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

- **State-Developed Differentiated Recognition, Accountability, and Support (Principle 2)**

Revision: Within its State-developed differentiated recognition, accountability and support system, Kentucky amended its index by: adding a new component, the Gap Group Novice Reduction Targets, and changing the growth component of its system by adding a Categorical Growth Model. Kentucky also amended its methodology for determining its State-defined annual measurable objectives.

Revision: Kentucky amended its methodology for identifying rewards schools. Specifically, in all three school and LEA rewards categories, a school and LEA, respectively, must have a graduation rate above 80 percent for the prior two years, rather than 60 percent. In addition, a School of Distinction may not have a label of "focus school."

Revision: Kentucky amended two of the three components of its process for identifying focus schools. Specifically, it changed the model it uses for determining subgroup performance and specified that a school or LEA must have a graduation rate below 80 percent, rather than 60 percent.

Revision: Kentucky amended its exit criteria for priority and focus schools.

- For priority schools, one of the exit criteria will require a school to have a graduation rate that is higher than 80 percent for three years in a row, rather than 70 percent.
- For focus schools, one of the exit criteria will require a school to have a graduation rate that is higher than 80 percent for two years in a row, rather than 70 percent. In addition, Kentucky will use its Five Percent Model rather than the Third Standard Deviation Model as one of the exit criteria.