

1 EDUCATION AND LABOR CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

5 703 KAR 5:280. School improvement procedures.

6 RELATES TO: KRS 158.6453, 158.6455, 158.782, 160.346, 20 U.S.C. 6301

7 STATUTORY AUTHORITY: KRS 156.029~~(7)~~, 156.070(5), 158.6453, 158.6455, 160.346, 20

8 U.S.C. 6301

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.029 (9) ~~[(7)]~~ requires the Kentucky
10 Board of Education (KBE) to adopt policies and administrative regulations that shall govern the
11 Kentucky Department of Education (department) in planning and operating programs within its
12 jurisdiction. KRS 156.070(5) requires the KBE, upon the recommendation of the Commissioner
13 of Education (commissioner), to establish policy or act on all programs, services, and other
14 matters that are within the administrative responsibility of the department. KRS 158.6453(3)(a)
15 requires the KBE to create an assessment system that measures achievement of the state
16 learning goals, ensures compliance with Title I of the federal Elementary and Secondary
17 Education Act of 1965 (ESEA), 20 U.S.C. sec. 6301, et seq., as amended by the Every
18 Student Succeeds Act (2015) or its successor, and ensures school accountability. KRS
19 158.6455 requires the KBE to create an accountability system to classify schools and LEAs,
20 and to establish appropriate consequences for schools failing to meet accountability measures.
21 KRS 158.782 requires the KBE to promulgate administrative regulations establishing the

process for monitoring and periodic review of schools' turnaround efforts for schools identified for comprehensive support and improvement pursuant to KRS 160.346. KRS 160.346 establishes the process for the required audit and turnaround efforts for schools identified for comprehensive support and improvement. Additionally, KRS 160.346 requires the KBE to create state-wide exit criteria for identified schools, additional action to support schools continuously failing to meet improvement goals, and additional support for LEAs with a significant number of schools identified for comprehensive and targeted support and improvement. Section 1111(c) of Title I of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, 20 U.S.C. 6311(c) and (d), requires the KBE to identify the state's lowest achieving schools as schools identified for comprehensive support and improvement and for those schools to follow the requirements of 20 U.S.C. 6311(c) and (d) regarding school improvement. This administrative regulation establishes the process and procedures for school improvement efforts.

Section 1. Definitions. (1) "Additional Targeted Support and Improvement" means the process for schools identified pursuant to KRS 160.346(2)(b).

(2) "Advisory leadership team" means the team established pursuant to KRS 160.346(8)(f) and Section 7 of this administration regulation.

(3) "Annual improvement" means a school reaching annual goals, established by the department, in the areas identified for comprehensive support and improvement.

(4) "Audit" means the process established in KRS 160.346(6)-(7).

(5) "Audit team" means the department, which completes the audit pursuant to KRS 160.346(6)-(7).

(6) "Charter school" means a "public charter school" as defined in KRS 160.1590 (~~14~~ [42]).

(7) "Charter school board of directors" or "governing board" means charter school board of directors as defined in KRS 160.1590(~~6~~5).

(8) "Comprehensive Support and Improvement" means the process for schools identified pursuant to KRS 160.346(3).

(9) "District" or "school district" means the local school district governed by a local board of education as established in KRS 160.160.

(10) "District audit" means an audit that:

(a) Reviews the functioning of the district and the district's ability to manage an intervention in a school identified for comprehensive support and improvement; and

(b) Meets the requirements of Section 4 of this administrative regulation.

(11) "Evidence based interventions" is defined in the Elementary and Secondary Education Act, as reauthorized by the Every Student Succeeds Act (2015), 20 U.S.C.A. Section 7801.

(12) "Local education agency" or "LEA" means a local school district as established in KRS 160.010 and KRS 160.020 or a charter school board of directors as established in KRS 160.1590.

(13) "Minority" is defined in KRS 160.345(1)(a).

(14) "School audit" means an audit that:

(a) Reviews the functioning of a school;

(b) Assesses principal capacity for leadership of school turnaround; and

(c) Meets the requirements of KRS 160.346(6)-(7).

(15) "School improvement assistance" means a program designed by the department to support improved teaching, ~~and~~ learning, and leadership development.

(16) "School improvement plan" means the plan created by schools identified for targeted support and improvement or additional targeted support and improvement pursuant to KRS 160.346(4)-(5) and embedded in the comprehensive school improvement plan required pursuant to 703 KAR 5:225.

(17) "Targeted Support and Improvement" means the process for schools identified pursuant to KRS 160.346(2)(a).

(18) "Turnaround plan" means the plan created pursuant to KRS 160.346(8)(g) and embedded in the comprehensive school improvement plan required pursuant to 703 KAR 5:225.

(19) "Turnaround team" means the team selected pursuant to KRS 160.346(8)(a).

Section 2. Audit Team Membership. (1) Pursuant to KRS 160.346(6)(a), a school, including a charter school, identified for comprehensive support and improvement shall undergo an audit conducted by the department.

(2) Members of the audit team shall be selected from qualified applicants by the department, and approved by the commissioner or his designee;

(3) Members shall complete department-provided or department-approved training in any areas needed to effectively perform their duties;

(4) Members shall hold appropriate certification or qualifications for the position being represented;

(5) The team shall not include any members currently employed by or otherwise affiliated with the LEA or school under review;

(6) The team shall include the following representation:

(a) The chairperson, who shall be designated by the department or its designee, and shall be:

1. A certified administrator approved by the department to provide school improvement assistance;

2. A certified administrator member of the review team; or

3. A similarly qualified professional approved by the department;

(b) An individual approved by the department to provide school improvement assistance;

(c) A teacher who is actively teaching or has taught within the last three (3) years;

(d) A principal who is currently serving or has served as a principal within the last three (3) years;

(e) An LEA administrator who is currently serving or has served in an LEA administrative position within the last three (3) years;

(f) A parent or legal guardian who has or has had a school-aged child within the last three (3) years; and

~~[(g) A university representative who is currently serving or has served in that capacity within the last three (3) years; and]~~

(h) For schools having eight percent or more minority students enrolled, as determined by the enrollment on the preceding October 1, at least one minority member who may serve in addition to the six members or may be identified from among the six members.

(7) The chair may serve in addition to the six (6) members outlined in subsection (6) of this section, or may be selected from those six (6) members who also meet the qualifications of this section.

Section 3. School Audit. (1) A school audit shall be scheduled within forty-five (45) days of a school's identification for comprehensive support and improvement.

(2) In addition to the requirements established in KRS 160.346(7), a school audit shall consist of and incorporate into the audit process and report the following criteria:

(a) Analysis of state and local education data;

(b) ~~[At the discretion of the audit team, a]~~ Analysis and recommendation regarding the principal's capacity to lead turnaround in a school identified for comprehensive support and improvement;

(c) Review of comprehensive school improvement plans and other planning documents;

(d) Interviews with students, parents, all school council members, if applicable, school and LEA personnel, and community members;

(e) Direct observation;

(f) Administration of teacher and principal working conditions surveys and student satisfaction surveys;

(g) Review of school council minutes and agendas, if applicable; and

(h) Other information deemed necessary by the commissioner or his designee.

(3) The recommendation of the principal's ability to lead the intervention in the school, as required by (2)(b) of this section, shall be based upon an assessment consistent with the Professional Standards for Educational Leaders approved by the National Policy

Board for Educational Administration and incorporated by reference in 16 KAR 3:090,
Certifications for advanced educational leaders.

(4) Charter schools shall be subject to a school audit that shall include an addendum
providing a determination regarding the governing board's capacity to provide support
for turnaround. Each addendum shall include:

(a) Analysis of state and local education data;

(b) A review of the governing board's level of functioning and recommendation to the
commissioner as to whether the governing board has the capacity to manage the
intervention in the charter school;

(c) Interviews with governing board members, students, parents, school personnel,
authorizer, and community members;

(d) Direct observations;

(e) Administration of teacher and principal working conditions surveys and student
satisfaction surveys;

(f) Review of charter school governing board minutes and agendas; and

(g) Other information deemed necessary by the commissioner, or his designee, to
assess the functionality of the governing board to support school improvement.

Section 4. District Audit. (1) A district shall be subject to a district audit upon
identification of a school within the district for comprehensive support and improvement.

(2) Within forty-five (45) days of identification by the department of a district containing a
school identified for comprehensive support and improvement, an audit shall be
scheduled to review the functioning of the district's administration and its specific

1 leadership capacity related to each school identified for comprehensive support and
2 improvement.

3 (3) Each district audit shall include:

4 (a) Analysis of state and local education data;

5 (b) A review of the district's level of functioning and recommendation to the
6 commissioner as to whether the district has the capacity to manage the intervention in
7 each identified school;

8 (c) Review of comprehensive district improvement plan and other planning documents;

9 (d) Interviews with local board members, students, parents, school and district
10 personnel, and community members;

11 (e) Direct observation;

12 (f) Administration of teacher and principal working conditions surveys and student
13 satisfaction surveys;

14 (g) Review of school board minutes and agendas; and

15 (h) Other information deemed necessary by the commissioner, or his designee, to
16 assess the functionality of the district to support school improvement.

17 (4) The determination of the district's level of functioning and ability to manage the
18 intervention in the school identified for comprehensive support and improvement shall
19 be based upon an assessment of capacity in the following areas:

20 (a) The district demonstrates maintenance and communication of a visionary purpose
21 and direction committed to high expectations for learning as well as shared values and
22 beliefs about teaching and learning;

(b) The district leads and operates under a governance and leadership style that promotes and supports student performance and system effectiveness;

(c) The district establishes a data-driven system for curriculum, instructional design, and delivery, ensuring both teacher effectiveness and student achievement;

(d) The district ensures that systems are in place for accurate collection and use of data;

(e) The district ensures that systems are in place to allocate human and fiscal resources to support improvement and ensure success for all students; and

(f) The district ensures that a comprehensive assessment system, which generates a range of data about student learning and system effectiveness and uses the results to guide continuous improvement, is implemented.

(5) There shall be only one (1) district audit per district, per year, regardless of the number of schools identified for comprehensive support and improvement located in the district.

(6) No district, regardless of the number of schools identified for comprehensive support and improvement, shall have more than one (1) district audit every three (3) years.

Section 5. Notification to Schools and LEAs of Audit Findings.

(1) Following any school audit, the audit team shall submit all findings and the principal capacity recommendation to the commissioner.

(2) Following any charter school or district audit, the district or governing board audit findings and capacity recommendations shall be submitted to the commissioner who shall then make a determination regarding the district or governing board's level of

functioning and whether the district or governing board has the capacity to manage the intervention in each identified school.

(3) After completion of the initial school or district audits and within thirty (30) days of receiving the audit findings, the commissioner shall notify in writing the school, district or governing board, and the charter authorizer of the audit findings and recommendation regarding principal or school leader's leadership capacity and authority and a determination regarding district or governing board's leadership capacity and authority.

The superintendent shall then make any necessary determination regarding the principal or other certified staff pursuant to KRS 160.346(8)(c)-(d).

(4) (a) A school, including a charter school, or district that believes the recommendation regarding the principal or school leader's leadership capacity and authority or the district or governing board's leadership capacity and authority is grossly unfair may appeal such recommendation within fifteen (15) days after the commissioner notifies the school, district or governing board, and the charter authorizer of the audit findings, as described in subsection (3);

(b) The written request for an appeal shall be submitted by mail to the department at the Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, KY 40601 ~~[address supplied in Section 16 of this administrative regulation]~~ and shall identify:

1. The reason(s) and supporting evidence that the recommendation regarding the principal or school leader's leadership capacity and authority or the district or governing board's leadership capacity and authority is believed to be grossly unfair; and

2. The requested adjustment to be made to the recommendation regarding the principal or school leader's leadership capacity and authority or the district or governing board's leadership capacity and authority; and

(c) The request for an appeal shall be signed by the superintendent of the district or comparable leader of the charter school upon approval of the local board of education or governing board.

(5) (a) Upon receipt of the request for an appeal filed under subsection (4), the commissioner, or his designee, shall review such appeal against the standards set forth in either Section 3(3), if the appeal relates to the recommendation regarding the principal or school leader's leadership capacity and authority, or Section 4(4), if the appeal relates to the district, or Section 3(4), if it relates to a charter school's governing board's leadership capacity and authority, to determine whether to dispute the appeal;

(b) Within thirty (30) days of the request for an appeal filed under subsection (4), the commissioner shall determine whether to:

1. Adopt the requested adjustment to the recommendation regarding the principal or school leader's leadership capacity, and authority or the district or governing board's leadership capacity and authority, set forth in the request for an appeal as required by subsection (4)(b)2.; or

2. Dispute the requested adjustment to the recommendation regarding the principal or school leader's leadership capacity and authority, or the district or governing board's leadership capacity and authority, set forth in the request for an appeal as required by subsection (4)(b)2.;

1 (c) If the request for an appeal is disputed by the commissioner, an appeal shall be
2 submitted to the hearing officer for the Kentucky Board of Education; and

3 (d) The hearing officer appointed shall conduct a hearing in accordance with KRS
4 Chapter 13B and submit a written recommended order to the Kentucky Board of
5 Education for the board's consideration in rendering its final order, in accordance with
6 KRS Chapter 13B.

7 Section 6. Turnaround Team and Development of Turnaround Plan for School Identified
8 for Comprehensive Support and Improvement. (1) ~~[Within fifteen (15) days after the~~
9 ~~commissioner notifies the school, district or charter governing board, and the charter~~
10 ~~authorizer of the audit findings, as described in Section 5(3) of this administrative~~
11 ~~regulation, an LEA shall declare its intent to either utilize the department for the~~
12 ~~turnaround team or another vendor from the approved turnaround vendor list published~~
13 ~~pursuant to KRS 160.346(1)(a) and (8)(a) as well as Section 15 of this administrative~~
14 ~~regulation and, if the LEA declares its intent to use any option other than the department~~
15 ~~for the turnaround team, the LEA shall use the "Notification of Non-Department~~
16 ~~Turnaround Team Form."~~

17 ~~(2) If the LEA utilizes the department to serve as the turnaround team,]~~

18 The turnaround team shall be comprised of team members selected by the Department
19 in collaboration with the Superintendent and approved by the commissioner, or his
20 designee, and the local board of education or charter school governing board to provide
21 school improvement assistance.

22 (2) The turnaround team shall be responsible for the following activities:

23 (a) Leading the development and initial implementation of the three-year turnaround

1 plan;

2 (b) Providing rigorous support and capacity-building in instructional leadership,

3 curriculum, and school-level systems for improvement;

4 (c) Monitoring the school's progress toward turnaround plan goals, including conducting

5 regular data and implementation reviews;

6 (d) Advising the superintendent and principal on staffing, scheduling, resource

7 allocation, and professional learning aligned with turnaround objectives;

8 (e) Collaborating with the school principal to establish systems that support evidence-

9 based instructional practices and equitable learning environments;

10 (f) Providing relevant professional learning for teachers;

11 (g) Supporting the transition of improvement efforts to the Advisory Leadership Team

12 prior to exit from CSI status; and

13 (h) Other activities deemed necessary by the Commissioner to support school

14 turnaround.

15 (3) A school, including a charter school, identified for comprehensive support and

16 improvement shall be eligible to apply for funding under 20 U.S.C. 6303. Any funds

17 awarded to a school pursuant to 20 U.S.C. 6303 shall be utilized to pay for turnaround

18 activities. ~~[, which may include assisting with funding an LEA's utilization of a non-~~

19 ~~department vendor from the approved turnaround vendor list published pursuant to KRS~~

20 ~~160.346(1)(a) and (8)(a) as well as Section 15 of this administrative regulation.]~~

21 (4) Within forty-five (45) days after the commissioner notifies the school, district or

22 governing board, and the charter authorizer of the audit findings, as described in

Section 5(3) of this administrative regulation, the turnaround team shall develop a turnaround plan pursuant to KRS 160.346(8)(g).

(5) In addition to the requirements established in KRS 160.346(8)(g), the turnaround plan shall be embedded in the comprehensive school improvement plan required pursuant to 703 KAR 5:225 and shall include:

(a) Evidence-based interventions to be utilized to increase student performance and address the critical needs identified in the school audit;

(b) A comprehensive list of persons and entities involved in the turnaround efforts and the specific roles each shall play in the school's turnaround; and

(c) A review of resource inequities that shall include an analysis of school level budgeting to ensure resources are adequately channeled towards school improvement.

(6) The turnaround plan shall be approved by the superintendent and local board of education, as required by KRS 160.346(8)(g), who shall provide the necessary support and resources for the turnaround plan and submit the turnaround plan to the commissioner for final approval.

(7)(a) Following receipt of the turnaround plan specified in subsection (6) of this section and before the beginning of the school year following the audit, the commissioner, in consultation with the advisory leadership team, superintendent, and local board of education, shall determine the sufficiency of the school's turnaround plan to meet the needs of the school's turnaround effort.

(b) If the commissioner finds that the plan is not sufficient to meet the needs of the school turnaround effort for a school identified for comprehensive support and

1 improvement, the department shall provide feedback detailing the deficiencies and
2 advise the LEA and school to make changes to the plan.

3 Section 7. Advisory Leadership Team. (1) The principal or charter school leader of a
4 school identified for comprehensive support and improvement shall provide to the
5 department, in a format acceptable to the department, the names and addresses of
6 advisory leadership team members appointed pursuant to KRS 160.346(8)(f).

7 (2) The department shall maintain a database of all advisory leadership team members
8 appointed pursuant to KRS 160.346(8)(f).

9 (3) In establishing the advisory leadership team, the principal or charter school leader
10 shall ensure that schools having eight (8) percent or more minority students enrolled, as
11 determined by the enrollment on the preceding October 1, shall have at least one (1)
12 minority member serving on the advisory leadership team.

13 (4) Meetings of the advisory leadership team shall be [~~open to the public~~] conducted in
14 accordance with the Kentucky Open Meetings Act or its successor. The advisory
15 leadership team, in collaboration with the principal, shall determine the frequency of and
16 agenda for their meetings.

17 (5) The advisory leadership team shall function as a consultative body. The duties of the
18 advisory leadership team shall include:

19 (a) Serving as a representative voice of the school community during the turnaround
20 process;

21 (b) Providing support for systems that seek to build capacity in school leadership;

22 (c) [(b)] Promoting a positive school [climate and culture; and] culture focused on
23 distributed leadership, continuous improvement, and high expectations for all students;

- 1 ~~(d) [(e)]~~ Supporting the continual use of evidence-based ~~[data-driven]~~ decision-making
2 to support school improvement;
- 3 (e) Supporting transparent communication with stakeholders by reviewing progress data
4 and helping to disseminate key information; and
- 5 (f) Retaining institutional knowledge and supporting continuity of improvement practices
6 after the departure of the turnaround team.

7 Section 8. Monitoring and Periodic Review of Plan Implementation. (1) Pursuant to the
8 Elementary and Secondary Education Act, as amended by the Every Student Succeeds
9 Act, 20 U.S.C.A. Section 6301, all schools identified for comprehensive support and
10 improvement shall be subject to monitoring and periodic review by the department.

11 (2) Monitoring shall include:

12 (a) Onsite support by department staff ~~[if the department is chosen by the LEA to serve~~
13 ~~as the turnaround team pursuant to KRS 160.346(8)(a) or if more rigorous intervention~~
14 ~~by the department is warranted as established in Section 9 of this administrative~~
15 ~~regulation];~~

16 (b) Annual review of school and LEA state accountability data;

17 (c) Review of indicators of school quality; and

18 (d) Other measures deemed necessary by the department to ensure compliance with
19 the Every Student Succeeds Act, or its successor.

20 (3) Periodic review of the turnaround plan shall include:

21 (a) Periodic site visits;

22 (b) Direct observation; and

(c) Interviews with students, parents, all school council members, if applicable, school and LEA personnel, and community members.

Section 9. Additional Requirements. (1) All schools identified for comprehensive support and improvement shall participate in all professional learning activities deemed necessary by the Department to support the implementation of evidence-based instructional practices, instructional materials, and assessments.

(2) Each superintendent or public charter school board of directors shall adopt evidence-based curriculum and high-quality instructional materials. Such materials must be reviewed and approved by the Department prior to purchase. This requirement must be fulfilled within eighteen months from the notice of identification.

Section 10 [9]. More Rigorous Intervention. (1) Schools identified for comprehensive support and improvement that do not make any annual improvement for two consecutive years or exit that status after three (3) years shall be subject to intervention by the department including but not limited to:

(a) A school audit conducted by the department;

(b) Onsite assistance by department staff; ~~[and]~~

(c) Evaluation and modification of the school turnaround plan; and

(d) Evaluation of the district's support of the implementation of the turnaround plan.

(2) Schools eligible for more rigorous intervention under this section ~~[identified for comprehensive support and improvement that do not exit after three (3) years]~~ shall be subject to an audit by the department every two (2) years, or as deemed necessary by the commissioner.

~~[(3) Schools identified for comprehensive support and improvement that do not make annual improvement for two (2) consecutive years shall be subject to intervention by the department, as established in subsections (1) and (2) of this section, after the second year;]~~

(4) Districts serving any number of schools identified for comprehensive support and improvement that do not make any annual improvement for two consecutive years or exit after three (3) years ~~[, or two (2) years as established in subsection (3) of this section,]~~ shall be subject to a district audit. Additional district audits for districts serving schools identified for comprehensive support and improvement that do not exit that status shall occur every three (3) ~~[two (2)]~~ years, or as deemed necessary by the commissioner. No district, regardless of the number of schools identified for comprehensive support and improvement that fail to exit that status, shall have more than one (1) district audit every three (3) ~~[two (2)]~~ years.

Section 11 ~~[10]~~. Targeted Support and Improvement and Additional Targeted Support and Improvement. (1) Upon identification as a school for targeted support and improvement or additional targeted support and improvement, the identified school shall comply with the requirements of KRS 160.346(4)-(5). The school improvement plan shall be embedded in the comprehensive school improvement plan required pursuant to 703 KAR 5:225.

(2) LEAs with a school identified for targeted support and improvement or additional targeted support and improvement shall monitor and provide support to the school to ensure the successful implementation of the school improvement plan.

Section 12 [44]. Significant Number of Schools. (1) In addition to providing notification to LEAs as to the identification of schools for comprehensive support and improvement, additional targeted support and improvement, or targeted support and improvement, the department shall notify LEAs as to whether they shall be considered an LEA supporting a significant number of schools identified for comprehensive support and improvement or targeted support and improvement, including additional targeted support and improvement.

(2) To determine whether an LEA meets this designation, the department shall calculate, based on the total number of A1 schools, as defined in 703 KAR 5:240, in the LEA, the LEA's percentage of schools identified for comprehensive support and improvement or targeted support and improvement, including additional targeted support and improvement. Any LEA containing two (2) or more schools identified for comprehensive support and improvement or targeted support and improvement, including additional targeted support and improvement, and whose percentage of identified schools exceeds ten (10) percent of all schools within the district shall be designated an LEA supporting a significant number of schools identified for comprehensive support and improvement or targeted support and improvement, including additional targeted support and improvement.

Section 13 [42]. Technical Assistance for LEAs Supporting a Significant Number of Schools Identified for Comprehensive Support and Improvement. (1) LEAs supporting a significant number of schools identified for comprehensive support and improvement shall receive the following technical assistance:

(a) A district audit, or school audit if a charter school, conducted by the department; and

(b) Onsite support from department staff.

(2) The district audit, or school audit if a charter school, completed by the department pursuant to subsection (1)(a) of this section shall take the place of any district or school audit conducted under Sections 3 and 4 of this administrative regulation.

(3) Department staff shall:

(a) Coordinate with the LEA to ensure direct support of schools identified for comprehensive support and improvement;

(b) Review, via the district or school audit, if a charter school, resources and allocations to determine if they are being used effectively for school improvement;

(c) Work with the LEA to address any identified resource inequities that negatively impact schools and students; and

(d) Work with the LEA to develop sustainable systems to support school improvement.

Section 14 [43]. Technical Assistance for LEAs Supporting a Significant Number of Schools Identified for Targeted Support and Improvement. (1) LEAs supporting a significant number of schools identified for targeted support and improvement, including additional targeted support and improvement, shall receive the following technical assistance:

(a) Periodic site visits; and

(b) Onsite support by department staff.

(2) Department staff shall:

(a) Review LEA resources and allocations to determine if they are being used effectively for school improvement;

(b) Provide technical assistance to the LEA regarding resource allocation to support school improvement; and

(c) Connect LEAs with professional development opportunities to build capacity for school improvement efforts.

Section 15 [44]. Exit Criteria. (1) A school identified for comprehensive support and improvement pursuant to KRS 160.346(3)(a) or (c) shall exit that status if:

(a) It no longer meets the criteria for identification; and

(b) It demonstrates progress on the data that served as the basis for identification.

(2) Schools identified for comprehensive support and improvement pursuant to KRS 160.346(3)(b) shall exit that status if they no longer meet the criteria for identification.

(3) Schools identified for comprehensive support and improvement as a result of more than one (1) criteria shall exit if all relevant exit criteria are met.

(4) Schools identified for targeted support and improvement pursuant to KRS 160.346(2)(a) or additional targeted support and improvement pursuant to KRS 160.346(2)(b) shall exit that status if they:

(a) No longer meet the criteria for identification; and

(b) Demonstrate progress on the data that served as the basis for identification.

(5) Schools identified for additional targeted support and improvement pursuant to KRS 160.346(2)(b) that do not exit that status within three (3) years shall be identified for comprehensive support and improvement pursuant to KRS 160.346(3)(c).

Section 16. School-Based Decision-Making Council Authority Reinstatement.

(1) Within 60 days from the date of eligibility listed in the CSI exit notification letter, the local board of education shall consider the issue of school-based decision-making

council authority reinstatement at a regularly scheduled board meeting.

(2) Should a local board of education reinstate the council's authority, the school shall hold council elections following the procedures established by the relevant constituent groups prior to the suspension of the council's authority.

(2) Should a local board of education decline to reinstate the council's authority, it shall provide the following:

(a) A rationale for declining to reinstate the council's authority;

(b) A list of criteria that the school must meet in order to seek reconsideration of the decision; and

(c) A date at which time the school may seek reconsideration of the decision.

(3) Should a local board of education decline to reinstate the council's authority, the advisory leadership team shall remain in place until council authority is reinstated.

~~[Section 15. Approved Turnaround Vendor List. (1) On or after July 1 and prior to August 15 of each calendar year, an entity may request to be a KBE-approved turnaround vendor by submitting to the Chair of the KBE and the commissioner the "Turnaround Vendor Application" outlining evidence of the entity's documented success at turnaround diagnosis, training, improved performance of organizations, and expertise in using evidence-based strategies to improve student achievement, instruction, and schools.~~

~~(2) Within forty-five (45) days from receipt of a completed "Turnaround Vendor Application," the commissioner, or his designee, shall review and recommend the KBE approve or deny the "Turnaround Vendor Application."~~

~~(3) At the next regularly scheduled meeting of the KBE following the receipt of the recommendation from the commissioner, or his designee, pursuant to subsection (4) of~~

~~this section, the KBE shall approve or deny a completed "Turnaround Vendor Application."~~

~~(4) Any entity with a "Turnaround Vendor Application" that has been approved by the KBE shall be placed on the approved turnaround vendor list that the KBE is required to maintain pursuant to KRS 160.346(1)(a) and, thereafter, may be selected, in accordance with KRS 160.346(8)(a), by an LEA to provide turnaround training and support to a school identified for comprehensive support and improvement.~~

~~(5) An entity placed on the KBE's approved turnaround vendor list shall annually by October 15 submit the following to the department:~~

~~(a) The name and address of each school, including charter school, identified for comprehensive support and improvement wherein the entity provided turnaround training and support during the immediately prior school year;~~

~~(b) The accountability system performance of each school, including charter school, identified for comprehensive support and improvement wherein the entity provided turnaround training and support during the immediately prior school year;~~

~~(c) An accounting of the funds the entity received during the immediately prior school year from an LEA in consideration for the entity providing turnaround training and support to a school, including charter school, identified for comprehensive support; and~~

~~(d) Any other information the department deems necessary to evaluating the performance of the turnaround vendor and reporting thereon to the KBE and the Interim Joint Committee on Education, as required by KRS 160.346(10).~~

~~(6) The KBE may revoke approval of an entity's "Turnaround Vendor Application" as a result of evidence collected pursuant to subsection (5) or through any other means and~~

~~remove the entity from the approved turnaround vendor list that the KBE is required to maintain pursuant to KRS 160.346(1)(a).~~

~~(7) Any entity that has had approval of its "Turnaround Vendor Application" revoked by the KBE shall be disqualified from submitting a new "Turnaround Vendor Application" or being placed on the KBE approved turnaround vendor list for a period of two (2) years from the date of revocation.~~

~~(8) An entity may, by letter to the Chair of the KBE and the commissioner, withdraw its approved "Turnaround Vendor Application" and be removed from the approved turnaround vendor list that the KBE is required to maintain pursuant to KRS~~

~~160.346(1)(a). An entity voluntarily removed from the approved turnaround vendor list that the KBE is required to maintain pursuant to KRS 160.346(1)(a) shall be eligible to reapply using the "Turnaround Vendor Application" at any time.~~

~~(9) An entity with a "Turnaround Vendor Application" that has been denied by the KBE or one that has been voluntarily or involuntarily removed from the approved turnaround vendor list that the KBE is required to maintain pursuant to KRS 160.346(1)(a) shall be ineligible to be selected, in accordance with KRS 160.346(8)(a), by an LEA to provide turnaround training and support to a school, including charter school, identified for comprehensive support and improvement.~~

~~Section 16. Incorporation by Reference. (1) The following material is incorporated by reference:~~

~~(a) "Notification of Non-Department Turnaround Team Form," December 2020;~~

~~(b) "Turnaround Vendor Application," December 2020.~~

1 ~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright~~
2 ~~law, at the Kentucky Department of Education, Office of Continuous Improvement and~~
3 ~~Support, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, Monday through~~
4 ~~Friday, 8 a.m. to 4:30 p.m.]~~

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

(Date)

Dr. Robbie Fletcher
Commissioner of Education

(Date)

Sharon Porter Robinson, Chair
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this proposed administrative regulation shall be held on October 23, 2025 at 10am, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, KY 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

703 KAR 5:280

Contact Person: Todd G. Allen

Phone: 502-564-4474

Email: todd.allen@education.ky.gov

Subject Headings: "Board of Education"; "Schools"; "Compliance"

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation amends the procedures for schools identified for improvement statuses in order to conform to changes made by House Bill 298 (2025).

(b) The necessity of this administrative regulation: The amendments to this regulation are necessary in order to conform to changes made by House Bill 298 (2025).

(c) How this administrative regulation conforms to the content of the authorizing statutes: The amendments to this regulation incorporate changes made by House Bill 298 (2025) including the annual identification cycle, the removal of turnaround vendors, the requirement for schools to participate in professional learning provided by the department, and the requirement to purchase an evidence-based curriculum. Other amendments seek to provide clarity for districts around existing requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The amendments to this regulation conform to the changes made by House Bill 298 (2025) and will assist the department in providing clear and transparent support for schools identified for comprehensive support and improvement (CSI) status.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendments to this regulation incorporate changes made by House Bill 298 (2025) including the annual identification cycle, the removal of turnaround vendors, the requirement for schools to participate in professional learning provided by the department, and the requirement to purchase an evidence-based curriculum. Other amendments seek to provide clarity for districts around existing requirements.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to conform to changes made by House Bill 298 (2025).

(c) How the amendment conforms to the content of the authorizing statutes: The amendments to this regulation incorporate changes made by House Bill 298 (2025) including the annual identification cycle, the removal of turnaround vendors, the requirement for schools to participate in professional learning provided by the

department, and the requirement to purchase an evidence-based curriculum. Other amendments seek to provide clarity for districts around existing requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendments to this regulation conform to the changes made by House Bill 298 (2025) and will assist the department in providing clear and transparent support for schools identified for comprehensive support and improvement (CSI) status.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this amendment is in response to House Bill 298 (2025).

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky Board of Education, local education agencies, and public schools.

(5) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Schools identified for comprehensive support and improvement will be required to collaborate with the Department on their turnaround process. They are required to participate in professional learning provided by the department and adopt evidence-based curriculum approved by the Department.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no additional costs to any of the aforementioned entities as a result of this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The Department will better be able to support schools identified for Comprehensive Support and Improvement (CSI) status and ensure compliance with federal regulation.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no initial cost to implementing this regulation.

(b) On a continuing basis: There are no new continuing costs to implementing this regulation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This regulation is funded by the Department's administrative funds under 1003a of the Every Student Succeeds Act (ESSA).

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an

amendment: There are no fees associated with this regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with this regulation.

(10) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied. The regulation applies uniformly.

FISCAL IMPACT STATEMENT

703 KAR 5:280

Contact Person: Todd G. Allen

Phone: 502-564-4474

Email: todd.allen@education.ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. This regulation aligns to the Every Student Succeeds Act (ESSA) and KRS 160.346 as amended by House Bill 298 (2015).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, this regulation amendment is in response to House Bill 298 (2025).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Education, the Department of Education

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: There are no new expenditures associated with this amendment.

For subsequent years: There are no subsequent expenditures associated with this amendment.

2. Revenues:

For the first year: There are no new revenues associated with this amendment.

For subsequent years: There are no subsequent revenues associated with this amendment.

3. Cost Savings:

For the first year: There are no new cost savings associated with this amendment.

For subsequent years: There are no subsequent cost savings associated with this amendment.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local education agencies and schools.

(b) Estimate the following for each affected state unit, part, or division identified in (4)(a):

1. Expenditures:

For the first year: There are no new expenditures associated with this amendment.

For subsequent years: There are no subsequent expenditures associated with this amendment.

2. Revenues:

For the first year: There are no new revenues associated with this amendment.

For subsequent years: There are no subsequent revenues associated with this amendment.

3. Cost Savings:

For the first year: There are no new cost savings associated with this amendment.

For subsequent years: There are no subsequent cost savings associated with this amendment.

(5)(a) Identify additional regulated entities not listed in questions (3)(a) or (4)(a): There are no other regulated entities.

(b) Estimate the following for each affected state unit, part, or division identified in (5)(a):

1. Expenditures:

For the first year: There are no new expenditures associated with this amendment.

For subsequent years: There are no subsequent expenditures associated with this amendment.

2. Revenues:

For the first year: There are no new revenues associated with this amendment.

For subsequent years: There are no subsequent revenues associated with this amendment.

3. Cost Savings:

For the first year: There are no new cost savings associated with this amendment.

For subsequent years: There are no subsequent cost savings associated with this amendment.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation:

There are no new expenditures, revenues, or cost savings associated with this regulation. Activities under this regulation are funded by 1003a funds under the Every Student Succeeds Act (ESSA) of 2015.

(b) Methodology and resources used to determine the fiscal impact:

There are no new expenditures, revenues, or cost savings associated with this regulation. Activities under this regulation are funded by 1003a funds under the Every Student Succeeds Act (ESSA).

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact” as defined by KRS 13A.010(13): This regulation will not have a major economic impact. It creates no new expenditures, revenues, or cost savings.

(b) The methodology and resources used to reach this conclusion:

This regulation will not have a major economic impact. It creates no new expenditures, revenues, or cost savings.