



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

September 24, 2019

The Honorable Wayne D. Lewis, Jr.
Commissioner of Education
Kentucky Department of Education
300 Sower Boulevard, 5th Floor
Frankfort, KY 40601

Dear Commissioner Lewis:

I am writing in response to Kentucky's requests to the U.S. Department of Education (Department) between February 28, 2019, and September 11, 2019, to amend its approved consolidated State plan under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act. Prior to implementing any revisions to its approved consolidated State plan, a State must submit its proposed amendments to the Department for review and approval.

I have determined that the amended request meets the requirements in the ESEA and, for this reason, I am approving Kentucky's amended State plan. A summary of the Kentucky amendment is enclosed. This letter, as well as Kentucky's revised ESEA consolidated State plan, will be posted on the Department's website. Any further requests to amend Kentucky's ESEA consolidated State plan must be submitted to the Department for review and approval.

In its State plan approval letter on May 7, 2018, the Department required Kentucky to describe how low-income and minority children enrolled in schools assisted with Title I, Part A funds are not served at disproportionate rates by ineffective teachers. Kentucky has not yet provided the requisite description. Therefore, the Department is continuing the condition on the State's FY 2019 Title I, Part A grant award and now requiring Kentucky to provide this information no later than December 15, 2019. If the information is not provided by that date, the Department may consider taking further enforcement action against Kentucky.

Please be aware that approval of this amendment to Kentucky's consolidated State plan is not a determination that all the information and data included in the amended State plan comply with Federal civil rights requirements, including 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, and requirements under the Individuals with Disabilities Education Act. It is Delaware's responsibility to comply with these civil rights requirements.

Thank you for all of the work that the Kentucky Department of Education has put into its consolidated State plan under the ESEA. If you have questions or need any assistance regarding

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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the implementation of your ESEA consolidated State plan, please contact the Office of School Support and Accountability at: OESE.TitleI-a@ed.gov.

Sincerely,

/s/

Frank T. Brogan
Assistant Secretary for
Elementary and Secondary Education

Enclosure

cc: Jennifer Stafford, KDE Division Director
Kelly Foster, KDE Associate Commissioner

Amendment to the Kentucky’s Consolidated State Plan

The following is a summary of Kentucky’s amendment request. Please refer to the Department’s website <https://www2.ed.gov/admins/lead/account/stateplan17/map/ky.html> for Kentucky’s complete consolidated State plan.

Approved Amendments

The following amendments are aligned with the statute and regulations:

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)

- *Academic Standards and Assessments*
Kentucky updated its consolidated State plan to reflect the assessments it is administering.
- *Subgroups*
Kentucky will no longer use a “consolidated student group” in its accountability system.
- *Other Academic Indicator*
 - Kentucky updated the growth indicator value table it uses for its student growth measure in the other academic indicator for elementary and secondary schools that are not high schools to modify the points awarded to each school based on each assessed student’s change in achievement level from one year to the next.
 - Kentucky removed elementary and middle school transition readiness as an other academic indicator for elementary and secondary schools that are not high schools. Kentucky will continue to use a student growth measure as its other academic indicator for elementary and middle schools that are not high schools.
- *Progress in English Language Proficiency Indicator*
Kentucky updated its Progress in Achieving English Language Proficiency indicator. For elementary and middle schools, Kentucky revised the growth English language acquisition value table. For high schools, the State revised the calculation of the indicator. For a high school to earn points, a student who received English language services in high school must receive a diploma and must be “on track” for every year the student is in high school (until graduation) or achieve English language proficiency no later than graduation.
- *School Quality or Student Success Indicator*
 - Kentucky removed the achievement gap closure indicator for all schools and the opportunity and access indicator for elementary and middle schools.
 - Kentucky also proposes that, beginning with the accountability determinations based on data from the 2019-2020 school year, it will include a school quality or student success indicator on school climate and safety. KDE will submit additional information to the Department prior to implementing this new indicator.
- *Annual Meaningful Differentiation/Weighting*
Kentucky has revised its method of identification of schools for support and improvement from a rules-based process to one that looks at the cumulative points awarded across all

indicators. KDE demonstrated that the four academic indicators (academic achievement, other academic, progress in achieving ELP, and graduation rate) each have substantial individual weight and, in the aggregate, much greater weight than the school quality or student success indicators.

- *Comprehensive Support and Improvement (CSI)*
Kentucky revised its approach to identify a school as comprehensive support and improvement – lowest-performing 5 percent of Title I schools using a summative score rather than a rules-based system. Kentucky will continue to identify the lowest-performing 5 percent of Title I schools by grade span.
- *Additional Targeted Support and Improvement (ATSI)*
Kentucky will identify a school for ATSI if one or more subgroups are performing as poorly as the all students group in its comprehensive support and improvement lowest-performing 5 percent of Title I schools by grade span. Kentucky will identify ATSI schools from among schools identified for targeted support and improvement due to consistently underperforming subgroups. Kentucky revised the frequency of identification to every three years, rather than annually.
- *Targeted Support and Improvement (TSI)*
Kentucky updated its methodology for identifying targeted support and improvement schools due to consistently underperforming subgroups (TSI). A school must have one or more subgroups performing as poorly as the all students group in any of the lowest performing 5 percent of Title I schools for three consecutive years.
- *CSI Exit Criteria*
The State changed to its exit criteria. The identified school must increase its overall performance on the indicators (or, in the case of schools identified for low subgroup performance, the subgroups identified need to increase its overall performance on the indicators) to exit CSI status.
- *ATSI Exit Criteria*
Kentucky changed the exit criteria for a school identified for ATSI. For a school identified in the 2018-2019 school year, the school will exit that status when it demonstrates continued progress on the data that served as the basis for identification. For the 2020-2021 school year and beyond, the group or groups that served as the basis for identification must demonstrate progress on the overall score, which encompasses all indicators.
- *Disproportionate Rate of Access to Educators*
Kentucky updated its plan for reporting on equitable access to educators, as well as its indicators for monitoring disproportionality under the Individuals with Disabilities Education Act (IDEA).

Title I, Part C: Education of Migratory Children

- Supporting Needs of Migratory Children
 - Kentucky removed the description of an automated system to document migratory children as categorically eligible for the free lunch program. Kentucky noted that although the informal collaboration is inactive, eligibility for free lunch continues to be automatic for homeless students, students in foster care, and migrant students.
 - Kentucky removed reference to 4-6 week summer programs offering at least 80 hours of instruction. Kentucky noted that this requirement was based on a State regulation that was recently amended to allow more flexibility for summer programming.
 - Kentucky amended the description of service delivery strategies used to meet measurable program objective and outcomes (MPOs) to no longer refer to a minimum number of days and hours for summer instruction, due to the aforementioned change in State regulation. Revised strategies refer to instruction that includes reading/writing, mathematics, and Science, Technology, Engineering and Mathematics (STEM) development in accordance with the service delivery plan and approved program application.
 - Kentucky is revising a mathematics-focused MPO and accompanying service delivery strategy to focus on priority for services migratory students (removing the focus on below grade level students).

- Use of Funds

Kentucky changed the number of regional service centers from five to four.

Title II, Part A: Supporting Effective Instruction

- Kentucky updated most sections of its description under Title II, Part A, including its use of funds, to match changes in its approach to supporting educators, including a description of the new Kentucky framework.