

1 **Education and Workforce Development Cabinet**

2 **Kentucky Board of Education**

3 **Department of Education**

4 **(Amendment)**

5 **704 KAR 3:390. Extended school services.**

6 RELATES TO: KRS 158.070, 158.6451,158.6459

7 STATUTORY AUTHORITY: KRS 156.070, 158.070

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.070(9) requires schools to provide
9 continuing education for students who need additional instructional time to achieve the outcomes
10 defined in KRS 158.6451. KRS 158.070(9) requires the Kentucky Board of Education to
11 promulgate administrative regulations establishing criteria for the allotment of grants to local
12 school districts to provide these services and for waivers to deliver those services during the
13 regular school day. This administrative regulation establishes~~[d]~~ requirements for extended
14 school services.

15 Section 1. Definitions. ~~[(1) "A5 program" means an alternative program, which is a district-~~
16 ~~operated and district controlled facility with no definable attendance boundaries, that is designed~~
17 ~~to provide services to at-risk populations with unique needs. Its population composition and~~
18 ~~characteristics change frequently and are controlled by the local school district student~~
19 ~~assignment practices and policies (i.e., the local district personnel have input with regard to the~~
20 ~~identification of students receiving services provided by the A5 school as opposed to~~

1 ~~unconditionally accepting court ordered placements). Students enrolled in A5 program typically~~
2 ~~include:~~

3 ~~(a) Actual dropouts returning to an alternate educational environment;~~

4 ~~(b) Potential or probable dropouts;~~

5 ~~(c) Drug abusers;~~

6 ~~(d) Physically abused students;~~

7 ~~(e) Discipline problem students;~~

8 ~~(f) Nontraditional students (e.g., students who have to work during the school day); or~~

9 ~~(g) Students needing treatment (e.g., emotional or psychological).~~

10 ~~(2) "A6 program" means a district operated instructional program in a nondistrict operated~~
11 ~~institution or school.]~~

12 ~~(1) [(3)] "Diagnostic Assessment;" ["formative assessment" or "benchmark assessment]," means~~
13 ~~an assessment that is used to identify [~~identify~~] gaps in student learning in specific content~~
14 ~~areas.~~

15 ~~(2) [(4)] "Extended school services" or "ESS" means instructional and support services provided:~~

16 ~~(a) By school districts for students who are unlikely to achieve proficiency, transition to the next~~
17 ~~level of learning successfully, or be able to meet the academic expectations in 703 KAR 4:060~~

18 ~~without additional time or differentiated opportunity to learn;~~

19 ~~(b) A[~~a~~]t times separate from the regular school day, regular school week, or the minimum~~
20 ~~school term,; unless a district's request for a waiver meets the criteria established in Section 7 of~~

21 ~~this administrative regulation and has been approved by the Commissioner of Education; and~~

1 (c) As interventions included in the student's intervention plan, ~~[in primary through grade 5, or in~~
2 ~~the student's Individual Learning Plan, in grades 6 through 12,]~~to ensure that the student remains
3 in school and is on track to meet goals for postsecondary education and career after high school.

4 ~~(3) [(5)]~~ "Formative assessment" as defined in KRS 158.6453. ~~[means the process used by~~
5 ~~teachers and students during instruction that provides feedback to adjust ongoing teaching and~~
6 ~~learning to improve students' achievement of intended learning outcomes.]~~

7 ~~(4) [(6)]~~ "Individual ~~I~~earning pPlan" means a plan to help students in grades 6 through 12
8 better focus their coursework on individual goals as they prepare for postsecondary studies and
9 careers.

10 ~~(5) [(7)]~~ "Interim ~~or benchmark~~ assessments" as defined in KRS 158.6453. ~~[means assessments~~
11 ~~that are administered at the school or district level at prescribed intervals and aimed at collecting~~
12 ~~student instructional data.]~~

13 ~~(6)~~ "Student intervention plan" means a plan written to identify the specific intervention goals
14 for a student and used to track student progress on those goals.

15 ~~(7) [(8)]~~ "Summative assessment" as defined in KRS 158.6453. ~~[means tests given at the end of~~
16 ~~instruction to determine what was learned.]~~

17 ~~(8) [(9)]~~ "Support services" means services provides that are technical (such as guidance and
18 health), administrative, and logistical support to facilitate and enhance instruction ~~[non~~
19 ~~instructional components of a program] that:~~

20 (a) Are provided to enable the student to realize the benefits of the instructional program; and

21 (b) May include transportation, instructional materials or supplies, student snacks, school-based
22 counseling, community-based mentoring, academic advising, parent training for follow through,
23 or referrals for social, health or financial assistance through appropriate service agencies.

1 Section 2. Instructional Program. (1) The major emphases of extended school services shall be to
2 provide additional time and differentiated opportunity to learn in a program in which rigorous
3 academic and enrichment content are aligned with individual student needs to improve the
4 present level of performance in one (1) or more content areas. Priority for ESS services shall be
5 placed on designing and delivering services to students at academic risk with the specific
6 objective that students are able to:

- 7 (a) Progress from grade to grade with their cohort;
- 8 (b) Exit elementary school ready to meet academic expectations at the middle school level;
- 9 (c) Exit middle school ready to meet academic expectations at the high school level; and
- 10 (d) Exit high school ready to meet academic expectations at the [of] postsecondary education
11 level and in the workplace, with particular emphasis on literacy and mathematics.

12 (2) The extended school services provided to a student shall be planned, documented and
13 evaluated through the intervention plan ~~-, in [at] primary through grade 5, or in the student's~~
14 ~~Individual Learning Plan[,] in grades 6 through 12.]~~ The instructional program for extended
15 school services shall include:

- 16 (a) Diagnostic assessments to determine areas of highest academic need of the individual
17 student;
- 18 (b) Development of goals, in consultation with classroom teachers, parents and students, for
19 eliminating the identified academic need, including timelines and specific measurable outcomes;
- 20 (c) Formative and summative assessments to facilitate student progress and to determine if the
21 student has achieved the learning goals of the student's intervention plan;
- 22 (d) Instructional strategies that are differentiated ~~varied~~ and that do not replicate practices that
23 have proven to be ineffective for the student in the traditional classroom;

1 (e) A plan for collaboration and consistent use of interventions among the teachers supporting
2 the student in core academic classes and those providing supports through extended school
3 services;

4 (f) Counseling and academic advising to remove barriers to achievement; and

5 (g) Regular communication with the parent or guardian.

6 (3) The instructional program may utilize a variety of scheduling models including:

7 (a) Programs operated during the regular school day as provided in Section 7 of this
8 administrative regulation;

9 (b) Extended day programs which are scheduled at any time outside of the regular school day;

10 (c) Night programs;

11 (d) Saturday programs;

12 (e) Summer programs; or

13 (f) Flexible school calendars which allow eligible students to attend school for a longer period of
14 time than other students.

15 (4) The district's comprehensive school improvement plan shall include opportunities to
16 collaborate with businesses, colleges, and community organizations to provide services and
17 advising in off-campus locations as part of or aligned with the extended school services
18 programs.

19 (5) Extended school services programs shall not supplant instructional time of the regular school
20 program, but shall extend time and provide differentiated opportunity to learn in a specific area
21 of academic need.

1 (6) Certified staff, including administrators, teachers, and advisors, shall collaborate to plan,
 2 deliver, and evaluate extended school services instruction and supports [~~in collaboration~~] as part
 3 of a student's intervention plan [~~Individual Learning Plan (ILP)~~.]

4 (7) Teachers providing instruction in extended school programs shall meet the same professional
 5 qualifications as teachers who are employed in the regular school program.

6 (8) Teachers providing instruction in extended school programs shall be provided with
 7 professional development on effective instructional strategies for meeting the needs of at-risk
 8 students and the use of formative assessment strategies to monitor progress.

9 (9) Certified staff shall supervise noncertified tutors.

10 (10) Extended school services shall be provided to eligible students who are in the first year of
 11 the primary school program through the twelfth grade. Students shall be eligible to receive these
 12 services until they graduate from the twelfth grade or reach [~~become~~] twenty-one (21) years of
 13 age, whichever comes first.

14 Section 3. Student Selection. (1) Each school district shall select pupils who need additional
 15 instructional time or differentiated opportunity to learn as described in Section 2(1) of this
 16 administrative regulation [~~who need additional instructional time~~]. A student shall not be
 17 selected or assigned to receive extended school services for disciplinary purposes or for any kind
 18 of in-school suspension. [~~The needs of students in A5 and A6 programs shall be considered in~~
 19 ~~the selection process.~~]

20 (2) Within its scope of authority, a local board of education [~~or school council~~] may mandate the
 21 participation of eligible students in [~~to~~] extended school services through the adoption of a
 22 written policy, which shall describe all conditions under which attendance will be required and
 23 shall provide a description of any exceptions permissible under the policy.

1 (3) The policy for attendance in extended school services shall include: [~~Conditions for~~
2 ~~attendance for extended school service shall include:~~]

3 (a) Identification of the learning goals and benchmarks that, if achieved, indicate that the student
4 may exit the extended school services program;

5 (b) The conditions under which a student's absence may be considered excused or unexcused;
6 and

7 (c) The arrangements for transporting the students mandated to attend.

8 [(4) If requested by the Kentucky Department of Education, t[~~T~~]he local school board shall
9 provide notice of the policy in the district's annual extended school services program report,
10 which is submitted at the same time as the district's comprehensive school improvement plan.

11 (5) One (1) or more of the following shall be used to determine which students shall be eligible
12 for and in greatest need of extended school services:

13 (a) Teacher recommendation;

14 (b) Academic performance data, including diagnostic, formative, interim, [~~benchmark,~~] or
15 summative assessments;

16 (c) Student performance on high school, college, or workforce readiness assessments required by
17 KRS 158.6459; or

18 (d) Behavioral and developmental progress as documented in formal and informal assessments
19 and reports.

20 (6) Local school boards shall approve and disseminate procedures whereby pupils who have a
21 greater need as determined by the eligibility criteria shall be referred and selected first to receive
22 extended school services. These procedures shall not exclude students who have greater

1 academic need from referral or selection for extended school services due to the inability of the
2 parent or student to provide transportation.

3 (7) A local school district shall solicit input from parents and the community to identify potential
4 barriers to participation. Identified barriers shall be addressed through engagement with
5 community partners or off-campus locations of after school, weekend, or evening services.

6 (8) Schools shall inform parents and guardians of extended school services including:

7 (a) The rationale for offering extended school services, including data about educational
8 achievement and future ~~[further]~~ earnings, opportunities for postsecondary education and
9 training, and consequences of failure to achieve the high school diploma;

10 (b) A specific notification to parents or guardians of their child's eligibility to be assigned
11 ~~[receive or assignment]~~ to extended school services, including the manner in which a
12 personalized intervention plan and goals will be included as part of the student's Individual
13 Learning Plan to help ensure that the student is able to achieve the student's academic and career
14 goals; and

15 (c) Written procedures for parents or guardians to request reconsideration of their child~~[ren]~~'s
16 ~~[identification or lack of identification of]~~ eligibility for extended school services.

17 Section 4. Funding. (1) Each school district shall be eligible to receive a grant award from
18 available funds to provide extended school services. Available funds shall be the amount of the
19 total appropriation less two (2) percent for state administrative costs.

20 (2) The Commissioner of Eeducation shall distribute ~~[determine]~~ the remaining appropriation as
21 follows ~~[the grant award for which each school district is eligible based upon the following~~
22 ~~division of funds]~~:

1 (a) One-third (1/3) [~~One-half (1/2)~~] of the total funds shall be distributed based on the most
2 current average daily attendance (ADA);

3 (b) One-third (1/3) [~~sixth (1/6)~~] of the total funds shall be distributed based on the most current
4 rates of economic deprivation (ED);

5 [~~(e) One-sixth (1/6) of the total funds shall be distributed based on the most current dropout rates~~
6 ~~(DR); and~~]

7 (c) [~~(d)~~] One-third (1/3) [~~sixth (1/6)~~] of the total funds shall be distributed based on the most
8 current state assessment overall score (OS) [~~CATS Academic Indices (AI)~~].

9 3. (a) The state total for ED shall be the sum of all districts' ED quotients. Each district's ED
10 quotient shall be calculated by multiplying the district's ED times the district's ADA;

11 (b) The state total for OS [AI] shall be the sum of all districts' OS [AI] quotients. Each district's
12 OS [AI] quotient shall be calculated by subtracting the OS [AI] from 100 and then
13 multiplied by the difference by the district's ADA;

14 (c) The state total for ADA shall be the sum of the ADA for all districts;

15 [~~(3) Actual district allocations shall be calculated as follows:~~]

16 [~~(a) Determine the state total for ADA by summing the ADA for all districts;~~]

17 4. [~~(3)~~] Actual district allocations shall be calculated as follows:

18 (a) [~~(b)~~] Determine the percentage each district shall receive for ADA by dividing the district's
19 ADA by the state total ADA. The resulting percentage multiplied times the total funds available
20 for average daily attendance shall equal the amount the district shall receive for ADA;

21 [~~(e) State totals for ED [, AI, and DR] shall be calculated as follows:~~]

22 (b) [~~(f)~~] Determine the percentage each district shall receive for ED by multiplying the district's
23 ED times the district's ADA and divide the result by the state's total ED, as determined by

1 paragraph 3a ~~[(e)1]~~ of this subsection. The resulting percentage multiplied times the total funds
 2 available for economic deprivation shall equal the amount the district shall receive for ED;

3 ~~[1. The state total for ED shall be the sum of all districts' ED quotients. Each district's ED~~
 4 ~~quotient shall be calculated by multiplying the district's ED times the district's ADA;~~

5 ~~2. The state total for OS [AI] shall be the sum of all districts' OS [AI] quotients. Each district's~~
 6 ~~OS [AI] quotient shall be calculated by subtracting the OS [AI] from 100 and then multiplying~~
 7 ~~the difference by the district's ADA;]~~

8 ~~[3. The state total for DR shall be the sum of all district's DR quotients. Each district's DR~~
 9 ~~quotient shall be calculated by multiplying the district's DR times the district's ADA;]~~

10 ~~[(d) Determine the percentage each district shall receive for ED by multiplying the district's ED~~
 11 ~~times the district's ADA and divide the result by the state's total ED, as determined by paragraph~~
 12 ~~(e)1 of this subsection. The resulting percentage multiplied times the total funds available for~~
 13 ~~economic deprivation shall equal the amount the district shall receive for ED;]~~

14 ~~(c)[(e)]~~ Determine the percentage each district shall receive for OS [AI] by multiplying the
 15 district's OS [AI] times the district's ADA and divide the result by the state's total OS [AI] as
 16 determined by paragraph 3 (b) ~~[(e)2]~~ of this subsection. The resulting percentage multiplied times
 17 the total funds available for overall score [academic indices] shall equal the amount the district
 18 shall receive for OS [AI];

19 ~~[(f) Determine the percentage each district shall receive for DR by multiplying the district's DR~~
 20 ~~times the district's ADA and divide the result by the state's total DR as determined by paragraph~~
 21 ~~(e)3 of this subsection. The resulting percentage times the total funds available for dropout rate~~
 22 ~~shall equal the amount the district shall receive for DR;]~~ and

1 ~~(5) [(g)]~~ Sum the district's portions for ADA, ED, and OS ~~[AI, and DR]~~ to determine the district's
2 total ESS allocation.

3 ~~(6) In addition to the grant funds calculated by the funding formula outlined in Section 4 of this~~
4 ~~administrative regulation, districts may receive an award for improvement in their overall score~~
5 ~~from the previous to the current academic year. This award is to be distributed proportionally to~~
6 ~~those schools in the district whose overall scores have improved from the previous to the current~~
7 ~~year.~~

8 ~~(7) [(4)]~~ To ensure the opportunity for all school districts to provide effective extended school
9 services of adequate size and scope, a school district shall not receive a grant of less than
10 \$15,000.

11 ~~(8) [(5)]~~ Grant awards shall be made to each school district upon approval by the Commissioner
12 of Education ~~[commissioner of education]~~ of an application described ~~[as prescribed]~~ in Section
13 5 of this administrative regulation. Regular grant funds shall be available for use by ~~[school]~~
14 districts for fifteen (15) months through September 30 of the last year of the grant period. All
15 services shall be delivered by September 30 of the last year of the grant period and all
16 expenditures shall be paid for extended school services by December 30 of the last year of the
17 grant period.

18 ~~(9) [(6)]~~(a) Funds received for extended school services shall be expended for instructional and
19 support services necessary to provide an effective program.

20 (b) These services shall include salaries of personnel.

21 (c) Transportation and staff development related to the provision of extended school services
22 shall be considered permissible support services. ~~[Support may include expenditures for field~~

1 ~~trips, which shall not exceed two (2) percent of the district's allocation for students served by the~~
2 ~~extended school services program.]~~

3 (d) Funds for extended school services shall not be used for capital outlay or indirect costs.

4 (e) School districts shall be authorized to enter into contractual arrangements if needed to
5 provide comprehensive extended school service programs.

6 (f) ~~The~~ F[f]unds may be expended for instructional materials and supplies if a need is
7 demonstrated and the district does not have the supplies and materials available.

8 ~~[(g) Part of these funds may be used for up to three (3) percent of the district's allocation for~~
9 ~~operation [of plant] for a summer extended school services program; [which] shall be prorated if~~
10 ~~other programs are taking place at the same time and place.]~~

11 (h) Part of these funds may be used for administrative costs, which shall not exceed five (5)
12 percent of the district's allocation.

13 (i) Students shall not receive monetary compensation to attend the extended school services
14 program.

15 (j) School districts shall maintain ~~[have]~~ on file the written criteria for the selection of personnel
16 employed in extended school services and shall ensure staffing decisions are made to best meet
17 the needs of students.

18 ~~(10) [(7)]~~ Financial records for extended school services shall be maintained by each school
19 district and shall be submitted to the Department of Education via the state technology system.

20 Section 5. Requesting Funds. (1) ~~[The]~~ A request for the use of extended school services funds
21 shall be submitted as part of the district's comprehensive improvement plan.

22 (2)(a) District applications for funds shall be approved by the Commissioner of Education
23 ~~[commissioner of education]~~ prior to the encumbrance or expenditure of funds for extended

1 school services by any school district, including the contracting of ~~for~~ personnel for extended
2 school services.

3 (b) Approval of programs as described in each district's comprehensive improvement plan,
4 required program reports, and request for a waiver for alternative service delivery shall be based
5 on this administrative regulation and KRS 158.070.

6 Section 6. Program Evaluation. For the purpose of program evaluation, the Kentucky
7 Department of Education shall collect in the student information system the following data for all
8 schools:~~[School districts providing extended school services shall submit to the Department of~~
9 ~~Education]:~~

10 (1) Number of students receiving extended school services;

11 (2) Content areas where services received;

12 (3) Hours of service provided;

13 (4) Demographic data for student receiving extended school services; and

14 (5) Student improvement as a result of extended school services.

15 ~~[(1) Student data obtained through the student information system and the Individual Learning~~
16 ~~Plan in place at the end of the regular school term and any summer term in which funds are~~
17 ~~expended for extended school services;]~~

18 ~~[(2) Evaluation and evaluative data as approved in the waiver application, if the school district~~
19 ~~receives approval to implement extended school services during the regular school day; and]~~

20 ~~[(3) Data relative to the effectiveness of the extended school service program, including:]~~

21 ~~[(a) Pre and post student qualitative and quantitative performance data;]~~

22 ~~[(b) Student attendance at extended school services; and]~~

23 ~~[(c) Promotion and graduation data.]~~

1 Section 7. Waiver for Alternative Service Delivery. (1) The Commissioner of Education
2 [~~commissioner of education~~] may consider a request for a waiver to operate an extended school
3 services [a] program during the school day or to use an alternative delivery format. A request for
4 a waiver shall include:

5 (a) A rationale describing why a daytime program is needed;

6 (b) A description of the instructional program, that meets the criteria established in Section 2 of
7 this administrative regulation;

8 (c) A description of the student selection process that meets the criteria in Sections 2 and 3 of
9 this administrative regulation; and

10 (d) A detailed [~~Detailed,~~] and accurate budget that includes [~~using~~] correct MUNIS codes. A
11 person compensated with extended school services [ESS] funds shall devote his or her time to
12 delivering extended school [ESS] services during the time period for which he or she is being
13 compensated with extended school services [ESS] funds.

14 (2) For the purpose of program evaluation, the Kentucky Department of Education shall collect
15 the following additional data from schools receiving a daytime waiver,:

16 (a) Evaluation and evaluative data as approved in the waiver application; and

17 (b) Data relative to the effectiveness of the extended school service program, including:

18 (1) Pre- and post-student qualitative and quantitative performance data;

19 (2) Student attendance at extended school services; and

20 (3) Promotion and graduation data.

21 (17 Ky.R. 695; eff. 10-14-90; Am. 19 Ky.R. 994; 1375; eff. 12-9-92; 23 Ky.R. 186; eff. 9-5-96; 29
22 Ky.R. 1349; 2094; eff. 2-3-03; 35 Ky.R. 1281; 1739; 2054; eff. 2-12-2009.)

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(4).

(Date)

Terry Holliday, Ph.D.
Commissioner of Education

(Date)

David Karem, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on _____, at 10:00 a.m. in the State Board Room, 1st Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days 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 canceled. 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 until _____. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 704 KAR 3:390

Agency Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the requirements for the administration of extended school services programs.

(b) The necessity of this administrative regulation: This regulation outlines for districts the appropriate use of their extended school services funds and contains the formula by which those funds will be distributed to districts.

(c) How this administrative regulation conforms to the content of the authorizing statute: KRS 158.070(9) requires schools to provide continuing education for students who need additional instructional time to achieve the outcomes defined in KRS 158.6451. KRS 158.070(9) requires the Kentucky Board of Education to promulgate administrative regulations establishing criteria for the allotment of grants to local school districts to provide these services and for waivers to deliver those services during the regular school day.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation outlines the criteria for the extended school services grant to school districts so they can provide the services required in KRS 158.070 (9).

(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 amendment updates the funding formula to reflect the new accountability system.

(b) The necessity of the amendment to this administrative regulation: The accountability system has changed in Kentucky and the previous funding formula contained in academic index. Districts no longer receive an academic index, but now receive an overall score. The update to the formula reflects that change. The formula update also reflects the equal importance that all factors play in interventions for students, including attendance, economic status (to make sure those in greatest need are served), and performance. All of those components are now equalized in the formula.

(c) How the amendment conforms to the content of the authorizing statute: KRS 158.070(9) requires the Kentucky Board of Education to promulgate administrative regulations establishing criteria for the allotment of grants to local school districts to provide these services and for waivers to deliver those services during the regular school day.

(d) How the amendment will assist in the effective administration of the statutes: The amendment describes how the funds will be allocated as required by the statute.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 173 School districts.

(4) 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: No action is required by school districts to comply.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Schools already have Extended School Service programs. There would be no additional cost to continue to administer these programs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Districts with the greatest need in terms of students in poverty and that are implementing practices to ensure students are coming to school will see an increase in the academic performance of their students and will in turn, receive more funds to continue to provide intervention services.

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

(a) Initially: No additional cost

(b) On a continuing basis: No additional cost

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Extended School Services funds.

(7) 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: No increase in fees or funding will be necessary to implement this change.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There will be no increase in fees with this administrative regulation.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 704 KAR 3:390

Contact Person: Kevin Brown

Phone number: 502-564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? All 173 schools/districts will be affected by the change in funding for their Extended School Services.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 158.070(9) requires schools to provide continuing education for students who need additional instructional time to achieve the outcomes defined in KRS 158.6451. KRS 158.070(9) requires the Kentucky Board of Education to promulgate administrative regulations establishing criteria for the allotment of grants to local school districts to provide these services and for waivers to deliver those services during the regular school day.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. The intent is to update the funding formula to reflect the new accountability system and to equalize the factors in the funding formula to help districts intervene with students in need. If districts have a larger population of students at risk, are able to increase their attendance rate and in turn, increase their achievement, the revised formula will yield more funding for that district. Some districts will receive slightly increased funding, while others will see slightly decreased funding.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No additional revenue will be generated by this change.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No additional revenue will be generated by this change.

(c) How much will it cost to administer this program for the first year? Districts already have Extended School Service programs. There would be no additional cost to continue to administer these programs. The allocation from the legislature remains the same for Extended School Services.

(d) How much will it cost to administer this program for subsequent years? Districts already have Extended School Service programs. There would be no additional cost to continue to administer these programs. The allocation from the legislature remains the same for Extended School Services.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: