

**STATEMENT OF CONSIDERATION
RELATING TO 704 KAR 3:305
Minimum Requirements for High School Graduation**

**Kentucky Department of Education
Office of Next Generation Learners**

Amended After Comments

A public hearing was scheduled on the above regulation on November 25, 2013 at 10:00 a.m. Eastern Time, in the State Board Room, Kentucky Department of Education, 500 Mero Street, 1st Floor, Frankfort, Kentucky was cancelled pursuant to KRS 13A.270; however, a written comment was received during the public comment period.

1. The following individuals submitted written comments:

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
David Baird, Interim Executive Director	Kentucky School Boards Association

2. The following people from the promulgating administrative body responded to the written comments:

<u>Name and Title</u>
Kevin C. Brown, General Counsel/Associate Commissioner, Office of Guiding Support Services
David Wickersham, Assistant General Counsel, Office of Guiding Support Services
Robin Chandler, Policy Advisor, Office of Next Generation Learners
Karen Kidwell, Director, Program Standards, Office of Next Generation Learners
Kelly Clark, Consultant, Program Standards, Office of Next Generation Learners
Debbie Hendricks, Policy Advisor, Office of Next Generation Schools and Districts
Tom Edgett, Consultant, Student Success, Office of Next Generation Schools and Districts

Summary of Comments and Responses

1. Subject Matter: Connection to 704 KAR 19:002
 - (a) The commenter indicated that 704 KAR 3:305 Section 4 requires an individual learning plan (ILP) and that the agency should acknowledge that the process of creating an ILP could address the individualized planning process needed to assist a student seeking early graduation. Accordingly, the commenter suggested, the requirement of an individual learning plan addendum, by reference to 704 KAR 19:002, is unnecessary and cumbersome.

The commenter also stated that, if the reference to 704 KAR 19:002 is not removed, the agency will need to provide guidance to school districts on addressing 704 KAR

19:002 Section 3, which states "students entering an alternative education program shall meet eligibility requirements established by the local board".

To resolve these issues, the commenter suggested that the following language replace Section 9 (1) (b): "Students working toward early graduation and receipt of a corresponding Early Graduation Certificate shall be supported by development and monitoring of the individual plan to support their efforts."

- (b) Response: The agency has carefully considered this valuable comment and agrees that the language provided satisfies the goal of the regulation- to provide the support needed for students who are challenging themselves to graduate early and to receive the Early Graduation Certificate. Therefore, the agency will replace Section 9 (1) (b), which will read: Students working toward early graduation and receipt of a corresponding Early Graduation Certificate shall be supported by development and monitoring of the individual plan to support their efforts. The reference to 704 KAR 19:002 will be removed.

**Summary of Statement of Consideration
Action Taken by Promulgating Administrative Body**

The Kentucky Department of Education has responded to comments from the public regarding 704 KAR 3:305. Commenters expressed concern that the incorporation of individual learning plan addenda, through the reference to 704 KAR 19:002, is duplicative of provisions made for individual learning plans elsewhere in the regulation, and that the individual learning plan addenda would be more cumbersome. In response to this comment, the agency will remove the reference to 704 KAR 19:002 and will insert the phrase suggested by the commenter.