

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (New Administrative Regulation)

5 701 KAR 8:010. Charter school student application, lottery, and enrollment.

6 RELATES TO: KRS 160.1590, 160.1591, 160.1592, 160.1593, 160.1594, 160.1595, 160.1596,

7 160.1597, 160.1598, 160.1599, 161.141

8 STATUTORY AUTHORITY: KRS 160.1591

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 160.1591 requires the Kentucky Board  
10 of Education to promulgate an administrative regulation to guide student application, lottery, and  
11 enrollment in public charter schools. This administrative regulation sets forth the requirements for  
12 charter school student application, lottery, and enrollment.

13 Section 1. Definitions.

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14 (1) “Academically behind” means at risk of academic failure.

15 ~~( ) — “Achievement gap” is defined in KRS 160.1590(2) and means the same as in KRS~~  
16 ~~158.649.~~

17 (2) “Adult student” means a student who is eighteen (18) years or older who is still eligible for  
18 enrollment and attendance at a school program pursuant to KRS 158.030 and 158.100.

19 (3) “Applicant” is defined in KRS 160.1590(3).

20 ~~( ) — “Areas of exceptionality” means categories of disabilities of students with special needs.~~

21 (4) “At risk” means at risk of academic failure.

- 1 (5) "At risk of academic failure" means:
- 2 (a) ~~Inclusion in a subgroup of students for whom there is:~~
- 3 ~~1. A significantly large gap between a student comparison group and student reference group;~~
- 4 ~~or~~
- 5 ~~2. A significantly large gap between a student demographic group and the goal of proficiency;~~
- 6 ~~(b)~~ Attendance at a school identified pursuant to KRS 160.346(2) for targeted support or
- 7 intervention;
- 8 ~~(be)~~ Attendance at a school identified pursuant to KRS 160.346(3) for comprehensive support
- 9 and improvement;
- 10 ~~(cd)~~ Current achievement two (2) or more grade levels below the student's age group;
- 11 ~~(de)~~ Demonstration of poor academic skills, such as failure of two (2) or more subjects in two (2)
- 12 of the past four (4) school years;
- 13 ~~(ef)~~ Consistent absence or tardy and absence twenty-five (25) or more unexcused days in the last
- 14 two (2) school years and an overall grade point average below a C;
- 15 ~~(fg)~~ Suspension (in-school suspension or home suspension) two (2) or more times during the past
- 16 school year and an overall grade point average below a C;
- 17 ~~(gh)~~ Family history of dropping out or lack of family support for the student in the completion of
- 18 school;
- 19 ~~(hi)~~ Little or no participation in school cocurricular or extracurricular programs;
- 20 ~~(ij)~~ Below grade level in reading or math skills;
- 21 ~~(jk)~~ Indication of being socially isolated; or
- 22 ~~(kl)~~ An applicant's definition for this term in its authorizer approved charter application,
- 23 pursuant to KRS 160.1594(2).

- 1 **(6) “Authorizer” or “public charter school authorizer” is defined in KRS 160.1590(13).**
- 2 ~~( ) “Bilingual students” means students who are fluent in English and a foreign language.~~
- 3 **(7) “Charter application” is defined in KRS 160.1590(4).**
- 4 **(8) “Charter contract” or “contract” is defined in KRS 160.1590(5).**
- 5 **(9) “Charter school” or “public charter school” is defined in KRS 160.1590(12).**
- 6 **(10) “Charter school board of directors” is defined in KRS 160.1590(6).**
- 7 **(11) “Cocurricular programs” means school programs which have activities that are**
- 8 **unequivocally instructional in nature, directly related to the instructional program, and scheduled**
- 9 **to minimize absences from classroom instruction.**
- 10 **(12) “Computerized randomization” means use of a computer software program for**
- 11 **randomization.**
- 12 ~~( ) “Comprehensive learning experiences” means daily, rigorous learning experiences that~~
- 13 ~~build on a student’s talents, challenge the student’s skills and understandings, and develop the~~
- 14 ~~student’s ability to reason, problem solve, collaborate, and communicate to prepare the student for~~
- 15 ~~success in college and career.~~
- 16 **(13) “Conversion public charter school” is defined in KRS 160.1590(7).**
- 17 **(14) “Days” means calendar days and shall be calculated pursuant to KRS 446.030.**
- 18 **(15) “Education service provider” is defined in KRS 160.1590(8).**
- 19 **(16) “Emancipated youth” means a student under the age of eighteen (18) who is or has been**
- 20 **married or has by court order or otherwise been freed from the care, custody, and control of the**
- 21 **student’s parents.**
- 22 **(17) “Enrollment” means the process for the charter school board of directors to register a**
- 23 **student for attendance at the charter school.**

- 1 (18) "Enrollment preference" means the priority of the student application from students  
2 identified in KRS 160.1591(5).
- 3 (19) "Extracurricular programs" means voluntary programs that are offered by a school but are  
4 not part of the required school program.
- 5 ~~(19) "Gifted" means a "gifted and talented student" as defined in KRS 157.200(1)(n).~~
- 6 (20) "Grade" or "Grade Level" or "~~Level~~" means a single elementary, middle, or high school  
7 grade of school.
- 8 (21) "Human randomization" means randomization without the use of computer randomization.
- 9 (22) "Knowingly" means that a person knew that in authorizing, ordering, or carrying out  
10 an act or omission that the act or omission constituted a violation of a statute or  
11 administrative regulation.
- 12 (23) "Local school district" is defined in KRS 160.1590(10).
- 13 (24) "Lottery" means the transparent, open, equitable, and impartial process that is competently  
14 conducted with randomization in accordance with the targeted student population and service  
15 community as identified in KRS 160.1593(3) for the charter school ~~board of directors~~ to choose  
16 students for enrollment and attendance at the charter school when the student applications received  
17 by the charter school exceed the charter school's capacity.
- 18 (25) "Multiple" means a person who was born on the same date as at least one (1) other  
19 sibling.
- 20 (26) "Notice" means written notice.
- 21 (27) "Notify" means provide written notice.
- 22 (28) "Parent" is defined in KRS 160.1590(11).
- 23 (29) "Persistently low-achieving public schools" or "Persistently low-achieving noncharter

1 public schools” means noncharter public schools identified for comprehensive support and  
2 improvement pursuant to KRS 160.346.

3 (30) “Person with custody or charge” means any adult, pursuant to KRS 159.010, who falls  
4 within the definition of KRS 387.010(2) for interested person or entity and with whom the student  
5 resides.

6 (31) “Primary enrollment preference” means any enrollment preference other than a secondary  
7 enrollment preference.

8 (32) “Randomization” means to leave to chance alone and eliminate bias and interference.

9 (33) “Secondary enrollment preference” means the priority of a resident student application for  
10 enrollment in a public charter school, after acceptance of all the student applications with primary  
11 enrollment preference, if the public charter school’s capacity has not been exceeded for that  
12 school year.

13 (34) “Start-up public charter school” is defined in KRS 160.1590(17).

14 (35) “Student” is defined in KRS 160.1590(19) and includes any person who is entitled to  
15 enrollment and attendance at a school program as provided in KRS 158.030 and 158.100.

16 (36) “Student application” means an application submitted to a charter school ~~board of directors~~  
17 for student enrollment in the charter school.

18 (37) “~~Students~~Children with special needs” or “Special needs students” means:

19 (a) Exceptional children and youth students, as defined in KRS 157.200, who are eligible  
20 pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. secs. 1400 et seq. for an  
21 individual education plan, as described in KRS 157.196, or an individual education program, as  
22 described in KRS 158.281; and

23 (b) Students who are eligible for services under Section 504 of the Rehabilitation Act of 1973,

1 as amended, 29 U.S.C. sec. 794, to prevent substantial limitation of one or more major life  
2 activities.

3 **(38)** “Traditionally underperforming” means at risk of academic failure.

4 **(39)** “Year” or “Academic year” or “School year” means school year as defined in KRS  
5 158.050.

6 Section 2. Student Application. (1) Any parent, person with custody or charge, adult student, or  
7 emancipated youth student who has the ability to enroll the student pursuant to Kentucky law  
8 may initiate a student application to a charter school for ~~the any student, for whom the parent,~~  
9 ~~person with custody or charge, adult student, or emancipated youth student has the ability to enroll~~  
10 ~~pursuant to Kentucky law,~~ who is eligible for attendance at the charter school under KRS 158.030,  
11 158.100, or 160.1591(5) or (6).

12 (2) Any adult student or emancipated youth student may initiate the student’s own application  
13 to a charter school.

14 (3) A student application for enrollment in a charter school shall list the grade level the  
15 parent, person with custody or charge guardian, adult student, or emancipated youth student  
16 understands to be the most appropriate grade level for the student based on available  
17 information. Any future determination by the resident local school district or the charter school  
18 that the student should be placed in a different grade level shall not invalidate the student’s  
19 application unless the charter school determines that the parent, person with custody or charge  
20 guardian, adult student, or emancipated youth student knowingly intentionally misrepresented  
21 the grade level most appropriate for the student on the student application.

1 (4) Consent of the parent, person with custody or charge, adult student, or emancipated youth  
2 student to serve on the charter school's board of directors shall not be a condition for student  
3 application to the charter school.

4 (5) The charter school shall not limit the number of applications that it accepts from students  
5 based on ethnicity, national origin, religion, sex, income level, disabling condition, proficiency in  
6 the English language, or academic or athletic ability, in violation of the Civil Rights Act of 1964,  
7 42 U.S.C. secs. 1981 to 2000h-6, as amended, **Title IX of the Education Amendments of 1972,**  
8 **20 U.S.C. 1681, as amended,** KRS 160.1591(5), or KRS 160.1593(19).

9 (6) For a start-up charter school, the enrollment preference described in KRS 160.1591(5)(d)  
10 is only available to:

11 (a) A child of a Kentucky resident who is on the board of directors and resides within the  
12 charter school's enrollment boundaries; or

13 (b) A child of a Kentucky resident who will be a full-time employee of the charter school  
14 **and resides within the charter school's enrollment boundaries.**

15 (7) The charter school shall utilize a uniform application process for all student applications,  
16 including use of the Kentucky Charter School Student Application, ~~incorporated by reference.~~

17 Section 3. Lottery. (1) A charter school board of directors shall create and publish policies and  
18 procedures for conducting the lottery that include the following:

19 (a) Identification and designation of duties for **charter school** board members, any education  
20 service provider, charter school staff, and volunteers prior to the lottery event;

21 (b) Segregation of duties to decrease the likelihood of errors, mitigate the risk of interference,  
22 and increase the public perception that the lottery is a randomized, transparent, open, equitable,  
23 and impartial process that is competently conducted;

- 1 (c) Provision for breaks during the lottery;
- 2 (d) Retention of records from the lottery for two (2) years;
- 3 (e) Creation of minutes from the lottery; and
- 4 (f) Procedures for receipt, investigation, and handling of written complaints regarding the
- 5 lottery with concurrent provision of all documents to the ~~charter~~ authorizer, the commissioner of
- 6 education, and the Board. Procedures shall include:

- 7 1. Any remedies the charter school shall provide upon determination that student
- 8 selection during the lottery was affected by an error committed by individuals acting on behalf of
- 9 the charter school during the application or lottery processes;
- 10 2. Transparency in the charter school's remedying of such an error; and
- 11 3. Actions to prevent reoccurrence of errors in the application and lottery processes in
- 12 future years.

13 (2) A charter school ~~board of directors~~ shall conduct the lottery in compliance with the

14 requirements of KRS 160.1591, 160.1592, 701 KAR Chapter 8, and its policies and procedures,

15 that may include, as allowed by the ~~charter~~ authorizer:

- 16 (a) Selection of numbers assigned to individual students; and
- 17 (b) Human randomization or computerized randomization.
- 18 (3) The charter school shall afford primary enrollment preferences and secondary enrollment
- 19 preferences only to students as allowed in KRS 160.1591, 160.1592, and this administrative
- 20 regulation, as designated in the charter application, and as allowed in the charter contract.
- 21 (4) A charter school shall not conduct a lottery for enrollment if the number of student
- 22 applications does not exceed the capacity of the charter school for that school year, as stated in
- 23 the charter school's charter contract.



1 (5) If the number of student applications exceeds the capacity of the charter school for the  
2 school year, then pursuant to KRS 160.1592(5)(c), the charter school shall reserve space for  
3 enrollment of returning students and then conduct the lottery for the other student applications.

4 (6) If the number of student applications with enrollment preferences meeting the requirements  
5 of subsection (3) of this section exceeds the capacity of the charter school for the school year, the  
6 charter school shall include in the lottery for enrollment only those students with enrollment  
7 preferences.

8 (7) Selection in the lottery of a student who is a multiple shall also result in:

9 (a) The automatic selection of the student's multiple siblings who have submitted a  
10 student application to that charter school for attendance that school year, unless this would  
11 exceed the capacity of the charter school; or

12 (b) If the automatic selection of the student's multiple siblings would exceed the capacity  
13 of the charter school for that school year, the automatic placement of the student's multiple  
14 siblings at the top of the wait list.

15 (8) At least thirty (30) days prior to conducting a lottery, the charter school board of directors  
16 shall publish on its website notice of the lottery and ~~hold a meeting~~ to provide information on the  
17 lottery to parents, persons with custody or charge, adult students, and emancipated youth students.

18 The notice shall include:

19 (a) The date and location of the lottery and the information meeting to be held prior to the  
20 lottery pursuant to subsection (9) of this section;

21 (b) Information on the legal requirements and policies and procedures utilized in holding the  
22 lottery;

23 (c) Information for filing a written complaint regarding the lottery monitor;

- 1 (d) Information for filing a written complaint regarding an error committed by individuals  
2 acting on behalf of the charter school during the application or lottery processes; and
- 3 (e) Identification of the charter school for the lottery.
- 4 **(9) At least twenty (20) days prior to conducting a lottery, the charter school shall hold a**  
5 **meeting to provide the lottery information in subsection (8) of this section to parents, persons**  
6 **with custody or charge, adult students, and emancipated youth students.**
- 7 ~~(108)~~ The ~~charter~~ authorizer may include in the charter contract a requirement for the charter  
8 school ~~board of directors~~ to conduct a practice lottery, in the presence of the lottery monitor, to  
9 reduce shareholder concerns, to identify potential issues and perceptions with the selected lottery  
10 method, and to build the charter school's capacity to conduct the lottery.
- 11 **(119)** The charter school shall not require the presence of the parent, person with custody or  
12 charge, adult student, or emancipated youth student at the lottery for inclusion in the lottery or for  
13 eligibility for enrollment.
- 14 ~~(124)~~ The charter school shall not require the consent of the parent, person with custody or  
15 charge, adult student, or emancipated youth student to serve on the charter school board of  
16 directors for inclusion in the lottery or for eligibility for enrollment.
- 17 ~~(134)~~ If a charter school determines capacity by grade level, then the charter school shall hold  
18 lotteries only in those grade levels where student applications exceeded the charter school's  
19 capacity and shall hold separate lotteries, which may occur on the same date, for each of those  
20 grade levels. A student shall be eligible for the lottery for the grade level listed on the student's  
21 application, **unless the charter school and the parent, persons with custody or charge, adult**  
22 **student, or emancipated youth student agree otherwise.**
- 23 ~~(142)~~ The lottery **and the information meeting required in subsection (9) of this section** shall

1 **each** be held in accordance with the Open Meetings Act at a time and location convenient to  
2 parents, persons with custody or charge, adult students, and emancipated youth students who have  
3 submitted a student application for enrollment in the charter school.

4 (153) The lottery shall be monitored by a competent, independent, impartial party to ensure  
5 compliance with KRS 160.1591 and 160.1592 as follows:

6 (a) The charter school ~~board of directors~~ shall include the identity, qualifications, and  
7 affiliations of the lottery monitor in the information they provide to the public thirty (30) days  
8 prior to the lottery, pursuant to subsection (87) of this section, **and in the lottery information**  
9 **meeting held pursuant to subsection (9) of this section;**

10 (b) Complaints regarding the competence, independence, or impartiality of the lottery monitor  
11 shall be **provided in writing** brought to the commissioner of education who shall conduct an  
12 investigation and render a decision within seven (7) days of receipt of the **written** complaint; and

13 (c) If the lottery monitor is determined by the commissioner of education to lack competence,  
14 independence, or impartiality, the commissioner of education shall appoint an individual who does  
15 meet these requirements to serve as a monitor for the lottery selection process.

16 (164) In the lottery, the charter school shall select students for enrollment up to the capacity of  
17 the school **for that school year** and then the charter school shall select students for inclusion on  
18 the wait list above the school capacity as follows:

19 (a) The charter school shall continue to select students for placement on the wait list until the  
20 charter school has exhausted the student applications for that school year;

21 (b) The charter school shall ensure that lottery drawing for the wait list is separate from the  
22 lottery for selection of students for enrollment and that each parent, person with custody or charge,  
23 adult student, and emancipated youth student, who submitted a student application to the charter

1 school and is placed on a wait list, is notified in writing of the student's inclusion on the wait list  
2 and the student's position on the wait list after the conclusion of the wait list lottery process;

3 (c) The charter school shall place students on the wait list in the order they are drawn during  
4 that portion of the lottery process;

5 (d) The charter school shall maintain and continuously update accurate records related to the  
6 order of the wait list;

7 (e) The charter school shall update the wait list as students are admitted; ~~and~~

8 (f) The charter school shall weekly publish on its website updated information on each  
9 student's position on the wait list as well as the last date for enrollment for that year; and

10 (g) The charter school shall place student applications received after the lottery on the  
11 wait list, in the order received, after the students placed on the wait list through the lottery  
12 process in this section.

13 Section 4. Student Enrollment. (1) A charter school shall include in its policies and procedures  
14 on student enrollment:

15 (a) Notice of the status of an enrollment preference and eligibility for a student if the student  
16 ceases to be a resident of the local school district prior to or during the school year;

17 (b) Notice of the status of an enrollment preference for a sibling under KRS 160.1591(5)(c)  
18 if the student who was enrolled the previous school year withdraws from the charter school;

19 (c) Notice of the status of an enrollment preference for a student under KRS 160.1591(5)(d)  
20 if the resident ceases to be a member of the board of directors or ceases to be a full-time  
21 employee of the charter school prior to or during the school year; and

22 (d) Notice of the status of an enrollment preference for a student under KRS 160.1591(5)(e)  
23 if the student ceases to be eligible for free or reduced price meals prior to or during the school

1 **year; and**

2 **(e) Notice of the status of an enrollment preference for a student under KRS**

3 **160.1591(5)(e) if the student's former school ceases to be a persistently low-achieving public**  
4 **school prior to the school year the student shall attend the charter school.**

5 (2) A charter school shall accept student applications for enrollment and attendance from all  
6 **local school district** resident students who are eligible for enrollment based on KRS 158.030,  
7 158.100, 160.1591(5) or (6) as follows:

8 (a) Only a student who is a ~~Kentucky~~ resident **of the local school district** by the student's  
9 first day of student attendance is eligible for enrollment and attendance at the charter school that  
10 school year; and

11 (b) A student who attended the public charter school the previous year shall be automatically  
12 re-enrolled for attendance each school year unless:

13 1. The student has been awarded a high school diploma after meeting or exceeding the  
14 minimum requirements for high school graduation set by the Board;

15 2. The charter school has expelled the student pursuant to KRS 158.150; ~~or~~

16 3. **A court has ordered placement of the student in another school or another local**  
17 **school district; or**

18 **4.** The student has voluntarily withdrawn from enrollment in the charter school.

19 (3) In addition to the requirements of KRS 160.1592(14), a charter school shall not  
20 discourage, restrict, or prohibit enrollment of a student, including ~~but not limited to:~~

21 (a) Based on whether the emancipated youth student, adult student, parent, or person with  
22 custody or charge gives consent for the charter school to unenroll or withdraw the student from  
23 the charter school without providing the due process protections in KRS 158.150;

- 1 (b) Based on the student's disability, academic performance, athletic ability, or the ability of  
2 the parent or person with custody or charge to volunteer at the charter school;
- 3 (c) Based on the student's ability to meet academic minimum requirements;
- 4 (d) Based on the student's English competence;
- 5 (e) Based on the student's status as a student with special needs;
- 6 (f) Based on the student's status as a student at risk of academic educational failure;
- 7 (g) Based on the student's status as a homeless child or youth, under the McKinney-Vento  
8 Homeless Assistance Act, 42 U.S.C. 11301 et seq.; or
- 9 (h) Based on the student's eligibility for free or reduced price meals, under the Richard B.  
10 Russell National School Lunch Act, 42 U.S.C. 1751 et seq.
- 11 (4) In addition to the requirements of KRS 160.1592(14), a charter school shall not:
- 12 (a) Require or request an interview prior to enrollment;
- 13 (b) Require or request:
- 14 1. Letters of recommendation;
- 15 2. Essays;
- 16 3. Resumes or information regarding a student's school or community activities;
- 17 4. Grades;
- 18 5. Test scores;
- 19 6. Attendance records; or
- 20 7. Disciplinary history except as allowed pursuant to KRS 158.155
- 21 ~~Select a student based on the student's performance on entrance essays or interviews;~~
- 22 (c) Require or request:
- 23 1. Proof of a Social Security card or number, U.S. birth certificates, visa, or citizenship;

1 2. Information on the legal residence or presence in the United States of the student, parent,  
2 or person with custody or charge; or

3 3. Information regarding the cause of any student's residency with a person other than the  
4 parent; or

5 (d) Require a family to volunteer at the charter school or provide payment to the school,  
6 except:

7 1. As allowed in KRS 160.1592(14) for fees required on the same basis and to the same  
8 extent as other public schools; and

9 2. The charter school may encourage parental involvement in the charter school as long as  
10 involvement is not required and there are no adverse consequences for the family ~~and~~ student  
11 whothat cannot be involved; or

12 (e) Require or request a parent, person with custody or charge, adult student, or  
13 emancipated youth student to consent to the charter school's withdrawal or unenrollment  
14 of the student from the charter school without providing the due process protections in  
15 KRS 158.150.

16 (5) A charter school shall enroll a student in compliance with KRS 158.032 and KRS  
17 159.010.

18 (6) By the first day of a student's attendance, a charter school shall verify the residence of  
19 the student within the local school district and use methods similar to those employed by a  
20 local school district to verify residence.

21 (7) A conversion public charter school shall accept for enrollment student applications with  
22 secondary enrollment preference after accepting student applications with primary enrollment  
23 preference, if the conversion public charter school's capacity has not been exceeded for that

1 school year. After complying with the primary enrollment preference requirement in KRS  
2 160.1591(5)(b), a conversion public charter school may utilize the enrollment preferences in KRS  
3 160.1591(5)(c-e) in enrolling additional local school district resident students pursuant to KRS  
4 160.1591(5)(b).

5 (8) A charter school shall conduct enrollment as follows:

6 (a) A charter school shall establish and publish on its website an open enrollment period during  
7 which the charter school shall accept applications for enrollment of new students;

8 (b) A charter school shall establish and publish on its website a specific deadline for  
9 notification to parents, persons with custody or charge, adult students, or emancipated youth  
10 students of the charter school's ~~decision to accept~~ acceptance of the student's application for enrollment;

11 (c) A charter school shall notify parents, persons with custody or charge, adult students, and  
12 emancipated youth students with accepted applications of their opportunity to enroll in the  
13 charter school and the deadlines and required documentation for enrollment;

14 (d) A charter school shall establish and publish on its website a specific deadline for parents,  
15 persons with custody or charge, adult students, or emancipated youth students with accepted  
16 applications to notify the school of their enrollment decision and to initiate enrollment of the  
17 student in the charter school. Failure of the parent, person with custody or charge, adult student,  
18 or emancipated youth student to accept the enrollment offer and enroll the student during the open  
19 enrollment period may result in the forfeiture of an enrollment preference and result in enrollment  
20 of the student that school year only if capacity of the school has not been exceeded for that school  
21 year. Prior to forfeiture of the student's enrollment offer, a charter school shall attempt to enroll  
22 the student by contacting the parent, person with custody or charge, adult student, or emancipated  
23 youth student through at least two (2) of the following methods, until successful:



- 1 1. Phone;
- 2 2. Email;
- 3 3. Mailed correspondence; or
- 4 4. Home visit; and

5 (e) A charter school shall allow a parent, person with custody or charge, adult student, or an  
6 emancipated youth student to enroll the student for attendance at the charter school in the grade  
7 level the parent, person with custody or charge, adult student, or emancipated youth student  
8 understands to be the most appropriate grade level based on available information. Any future  
9 determination by the resident local school district or the charter school that the student should be  
10 placed in a different grade level shall not invalidate the student's enrollment.

11 (9) A charter school shall only require the following documentation or information for student  
12 enrollment:

- 13 (a) Proof of the student's identity and age, as required pursuant to KRS 158.032;
- 14 (b) Immunization records, as required by KRS 158.035;
- 15 (c) Proof of residency in the local school district, as required by the resident local school  
16 district;
- 17 (d) Home language survey, as required by 703 KAR 5:070, as a first screening process to  
18 identify students who are English learners; and
- 19 (e) Proof of the student's current grade level.

20 (10) A charter school may request additional information with the consent of the authorizer, but  
21 the refusal or failure to provide additional information cannot be a cause for denial of enrollment  
22 or for withdrawal of a student.

23 **(11) A charter school shall accept local school district resident student applications and**

1 **enroll additional local school district resident students for that school year after the end of**  
2 **the open enrollment period if the charter school has capacity to educate additional students**  
3 **at that grade level for that school year.**

4 Section 5. Incorporation by Reference. (1) “Kentucky Charter School Student Application”,  
5 January 2018, is incorporated by reference.

6 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at  
7 the Department of Education, Office of Legal, Legislative and Communication Services, 5<sup>th</sup>  
8 floor, 300 Building, 300 Sower Boulevard, Frankfort, Kentucky, Monday through Friday, 8 a.m.  
9 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)

\_\_\_\_\_

Stephen L. Pruitt, Ph.D.  
Commissioner of Education

\_\_\_\_\_

(Date)

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Mary Gwen Wheeler, Chair  
Kentucky Board of Education

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on \_\_\_\_\_, 2017, at 10 a.m., in the State Board Room, Fifth Floor, Sower Building, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 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 \_\_\_\_\_, 2017. 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:** Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 300 Sower Boulevard, Fifth Floor, Sower Building, Frankfort, KY 40601, phone 502-564-4474, fax 502-564-9321, email [kevin.brown@education.ky.gov](mailto:kevin.brown@education.ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 701 KAR 8:010

Agency Contact Person: Kevin C. Brown

Phone: 502-564-4474

Email: kevin.brown@education.ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This new administrative regulation fulfills the regulation promulgation requirement of the agency in KRS 160.1590 to 160.1599 and 161.141~~KRS 160.1590 to 160.1599 and 161.141~~.

(b) The necessity of this administrative regulation: ~~KRS~~KRS 160.1590 to 160.1599 and 161.141 became effective on June 29, 2017. This administrative regulation provides guidance on student application, lottery, and enrollment in public charter schools.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

~~KRS~~KRS 160.1590 to 160.1599 and 161.141 requires the Kentucky Board of Education (KBE) to promulgate administrative regulations providing guidance on student application, lottery, and enrollment in the public charter schools. This administrative regulation provides guidance from the agency on student application, lottery, and enrollment in the public charter schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

~~KRS~~KRS 160.1590 to 160.1599 and 161.141 requires the Kentucky Board of Education (KBE) to promulgate administrative regulations provides guidance from the agency on student application, lottery, and enrollment in the public charter schools. This new administrative regulation provides guidance to facilitate transparent and equitable student application, lottery, and enrollment in the public charter schools, as required by ~~KRS~~KRS 160.1590 to 160.1599 and 161.141.

(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: N/A.

(b) The necessity of the amendment to this administrative regulation: The authorizing statute requires the agency to provide guidance on student application, lottery, and enrollment in the public charter schools.

(c) How the amendment conforms to the content of the authorizing statutes: N/A.

(d) How the amendment will assist in the effective administration of the statutes:

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

students applying for enrollment in public charter schools, and the Kentucky Department of Education will be affected by this administrative regulation.

(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: School districts, whose students seek enrollment in public charter schools, should not need to take action related to the lotteries. Public charter schools, who seek to enroll students, will have to create and execute a student lottery as detailed by statute and this regulation. Students, who seek enrollment in a public charter school will have to assure they qualify for lottery entry. The Kentucky Department of Education shall provide support to ensure the transparent and uniform application, lottery, and enrollment of students in public charter schools.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Compliance costs for school districts should be minimal to none because school districts are already facilitating the transfer of students to other schools. Compliance costs for public charter schools should be minimal to none because this administrative regulation should assist in the organized student application, lottery, and enrollment of students in public charter schools. Same for students and the Kentucky Department of Education.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This new administrative regulation will create one consistent standard for the application, lottery, and enrollment of students in public charter schools.

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

(a) Initially: Compliance costs should be minimal to none.

(b) On a continuing basis: Compliance costs should be minimal to none.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Kentucky Department of Education general funds and school district funds, and funds provided to public charter schools.

(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 fees or additional funding is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: N/A.

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

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation: 701 KAR 8:010

Contact Person: Kevin C. Brown

Phone: 502-564-4474

Email: kevin.brown@education.ky.gov

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? School districts, public charter schools, and the Department of Education.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 160.1590 to 160.1599 and 161.141. ~~KRS~~

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. This administrative regulation should have no impact on the expenditures or revenues for school districts or public charter schools.

(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? This administrative regulation should not impact school district revenues or public charter schools.

(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? This administrative regulation should not impact school district or public charter school revenues.

(c) How much will it cost to administer this program for the first year? Administration costs to school districts or public charter schools should be minimal to none.

(d) How much will it cost to administer this program for subsequent years? Administration costs to school districts or public charter schools should be minimal to none.

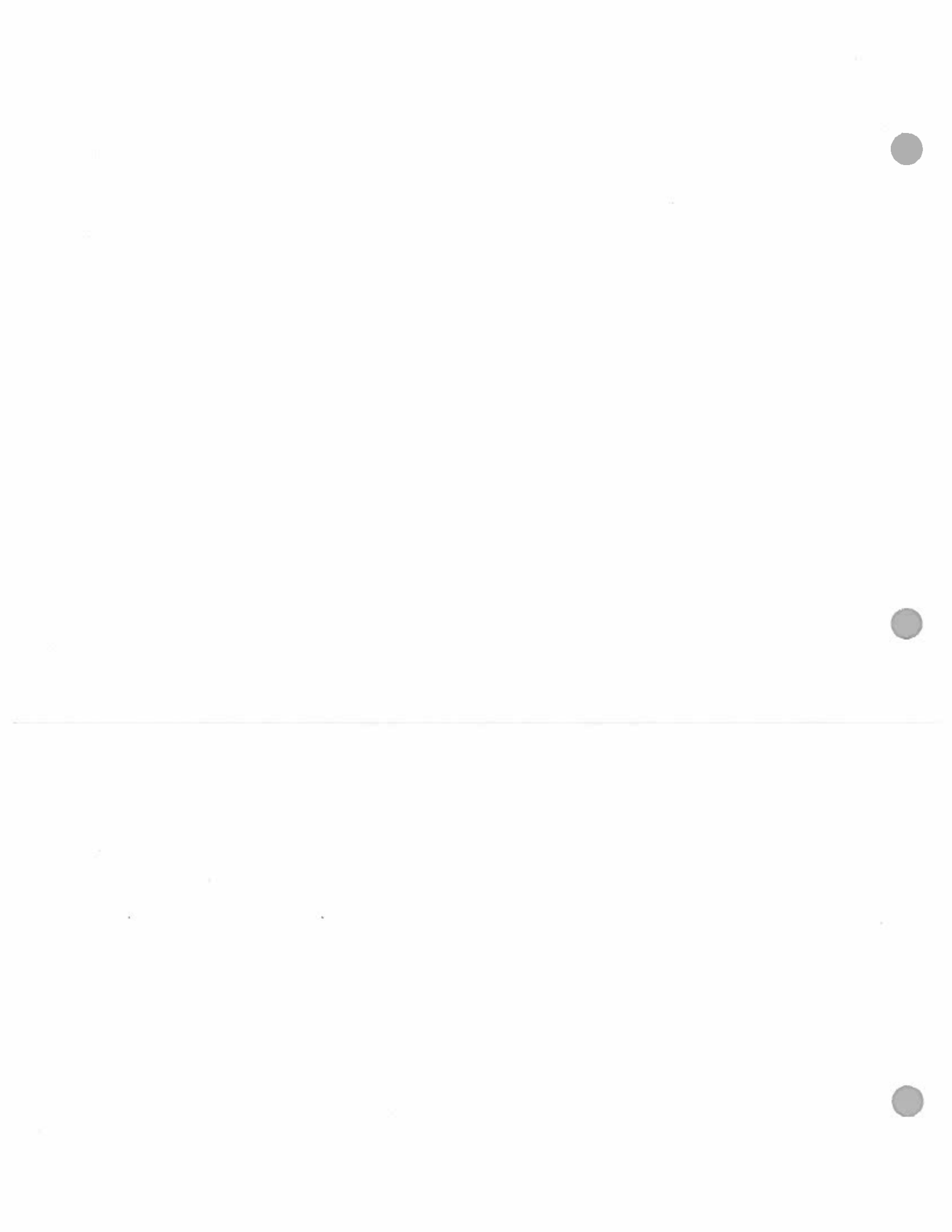
Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

There should be no fiscal impact resulting from the new administrative regulation.





**KENTUCKY BOARD OF EDUCATION**  
**701 KAR 8:010**  
**KENTUCKY CHARTER SCHOOL STUDENT APPLICATION**

This application is available in other languages and in an accessible form online at  
[www.education.ky.gov](http://www.education.ky.gov)

<b>SECTION A: Student &amp; Parent<sup>1</sup>/Person with Custody or Charge<sup>2</sup> Information</b>		
Student Name: (last)	(first)	(middle)
Date of birth:	Student ID Number (assigned by a Kentucky school district):	Phone:
Current address:		
City:	State:	Zip Code:
Current Grade Level <sup>3</sup>	Resident School District:	
Current School:		
Parent/Person with Custody or Charge Last Name: (N/A for Adult Student or Emancipated Youth Student <sup>4</sup> )	Parent/Person with Custody or Charge First Name: (N/A for Adult Student or Emancipated Youth Student)	Relationship to Student or Student Status: <input type="checkbox"/> Parent <input type="checkbox"/> Person with Custody of Charge <input type="checkbox"/> Adult Student
Preferred Phone Number:	Secondary Phone Number:	Email:
<b>SECTION B: School Choice Information</b>		
Name of Charter School you are applying to (and campus, if applicable)(if you are applying to multiple charter schools, list them in order of preference for attendance):		
1.		
2.		
3.		

<sup>1</sup> Kentucky statute KRS 160.1590(11) defines “parent” as: a parent, guardian, or other person or entity having legal custody of a child.

<sup>2</sup> Kentucky regulation 701 KAR 8:010 defines “person with custody or charge” as: any adult, pursuant to KRS 159.010, who falls within the definition of KRS 387.010(2) for interested person or entity and with whom the student resides.

KRS 387.010(2) defines “interested person or entity” as: an adult relative or friend of the minor, an official or representative of a public or private agency, corporation, or association concerned with the minor’s welfare, or any other person found suitable by the District Court.

<sup>3</sup> Kentucky regulation 701 KAR 8:010 defines “grade level” as: a single elementary, middle, or high school grade of school.

<sup>4</sup> Kentucky regulation 701 KAR 8:010 defines “adult student” as: a student who is eighteen (18) years or older who is still eligible for enrollment and attendance at a school program pursuant to KRS 158.030 and 158.100.

Kentucky regulation 701 KAR 8:010 defines “emancipated youth” as: a student under the age of eighteen (18) who is or has been married or has by court order or otherwise been freed from the care, custody, and control of the student’s parents.

Grade Level Applying To:	School Year Applying For:
<b>SECTION C: Sibling Information<sup>5</sup></b>	
Sibling #1 Name:	
Date of Birth:	
Sibling #1 Currently Attends:	
Sibling #1 and Student are Multiples: <sup>6</sup> (Check one) <input type="checkbox"/> Yes <input type="checkbox"/> No	
Sibling #2 Name:	
Date of Birth:	
Sibling #2 Currently Attends:	
Sibling #2 and Student are Multiples: (Check one) <input type="checkbox"/> Yes <input type="checkbox"/> No	
Sibling #3 Name:	
Date of Birth:	
Sibling #3 Currently Attends:	
Sibling #3 and Student are Multiples: (Check one) <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>SECTION D: Enrollment Preference(s) (Check all that apply)</b>	
<input type="checkbox"/> Currently attend a school listed on the Kentucky Department of Education website as a noncharter public school identified for comprehensive support and improvement pursuant to KRS 160.346 <input type="checkbox"/> Currently eligible for federal free or reduced-price meals <input type="checkbox"/> Resident child of a resident member of the public charter school's board of directors or a resident child of a resident full-time employee of the public charter school	
Seeking enrollment in the charter school full time:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
Seeking enrollment in the charter school part-time:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, please describe the extent of the part-time enrollment that you are seeking in the charter school (e.g., specific classes or a particular number of classes:	
(For conversion charter school only): Student currently attends the school to be converted:	
<input type="checkbox"/> Yes (name of existing public school) _____ <input type="checkbox"/> No	

<sup>5</sup> List all siblings currently attending the charter school or applying to attend the charter school the same year as this student.

<sup>6</sup> Kentucky regulation 701 KAR 8:010 defines "multiple" as: a person who was born on the same date as at least one (1) other sibling.

**SECTION E: Parent/Person with Custody or Charge/Adult Student/Emancipated Youth Student Signature:**

Important: By signing this form, you indicate that all information provided is accurate. If any of the information that you have provided changes after submitting this form, please submit an amended form prior to the charter school's deadline. Check with the charter school to which you are applying for application deadlines.

**YOU MUST SUBMIT THIS FORM TO THE CHARTER SCHOOL YOU WANT TO ATTEND.**

Parent/Person with Custody or Charge/Adult Student/Emancipated Youth Student Signature:

Date:

**Internal Use Only**

**Received By:**

**Date Received:**

**INFORMATION CONCERNING THE  
KENTUCKY CHARTER SCHOOL STUDENT APPLICATION**

Please complete the entire form in order to be considered for admittance into a Kentucky public charter school. If a school receives more applications than available spaces for that school year, students are admitted by lottery. If your student is accepted, the charter school shall contact you using the information provided on this application. Except when a child is homeless, a charter school shall require proof of residency within the school district in order to enroll a student.

**RETURN THIS APPLICATION TO EACH CHARTER SCHOOL TO WHICH YOU ARE APPLYING. IF YOU ARE APPLYING TO MORE THAN ONE CHARTER SCHOOL, YOU HAVE TO INDICATE TO WHICH CHARTER SCHOOLS YOU ARE APPLYING AND THE ORDER OF PREFERENCE FOR ATTENDANCE IN SECTION B.**

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