

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Review Item:

704 KAR 3:365. Chapter 1 complaint procedures. (First Reading)

Rationale:

Amending this regulation is necessary to make technical updates as well as to align the complaint procedures for federal programs with the Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act and to establish specific procedures for complaints related to ensuring equitable services to nonpublic school children as required by ESEA.

Applicable Statute or Regulation:

KRS 156.035, KRS 156.070, 20 USC 6320, 20 USC 7844, and 20 USC 7883.

History/Background:

Existing Policy: When this administrative regulation was initially adopted, ESEA only required written complaint procedures related to programs serving disadvantaged and migrant children under Title 1, which was previously referred to as “Chapter 1.” Accordingly, as presently written, this administrative regulation establishes complaint procedures under Title I of ESEA and does not establish complaint procedures for other programs under ESEA.

Summary: Currently, Section 8304 of ESEA requires KDE to adopt written procedures for the receipt and resolution of complaints alleging violations of law in the administration of all ESEA programs. As revised, this administrative regulation fulfills KDE’s requirement under Section 8304 by creating complaint procedures for all programs administered under ESEA, not just Title I.

ESEA also provides the right, in Section 1117, for complaints related to equitable services to nonpublic school children to be filed with KDE and requires, in Section 8503, KDE to resolve such equitable service complaints within 45 days of receipt. As revised, this administrative regulation provides a clear process for KDE to fulfill its obligations related to equitable service complaints pursuant to Sections 1117 and 8503 of ESEA.

Budget Impact: The amendment of this administrative regulation has no fiscal impact on KDE. This regulation does not create additional responsibilities on the part of KDE but, instead, clarifies existing procedures KDE has related to complaints alleging violations of law in the administration of federal programs and aligns such to ESEA.

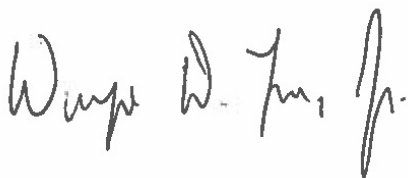
Groups Consulted and Brief Summary of Responses:

Pursuant to KRS 156.007(2), the Local Superintendents Advisory Council (LSAC) exists to “advise the chief state school officer and the Kentucky Board of Education concerning the development of administrative regulations,” and the Commissioner of Education is required to submit proposed regulations to LSAC prior to seeking KBE approval. As required by statute, LSAC reviewed this regulation at its meeting on July 24, 2018.

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Interim Commissioner of Education

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