

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Review Item:

704 KAR 3:292, Education of migratory children. (First Reading)

Rationale:

Amending this regulation is necessary to make technical updates as well as to align language regarding migratory education programs with the Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act as well as Kentucky's consolidated state plan under ESEA.

Applicable Statute or Regulation:

KRS 156.070, KRS 156.035, and 20 U.S.C. 6391-6399.

History/Background:

Existing Policy: 704 KAR 3:292 pertains to migratory education programs and sets forth the process for the Kentucky Department of Education (KDE) to make grants to local school districts which have concentrations of eligible migrant children. This process was established under 20 USC 6362(f), which is no longer law but previously stated, "Each local educational agency...shall submit an application to the State at such time, in such manner, and containing such other information as determined necessary by the State."

Summary: Currently, Section 1306 of ESEA requires KDE to ensure that KDE and its local operating agencies "identify and address the unique educational needs of migratory children in accordance with a comprehensive state plan." Accordingly, this administrative regulation is being amended to establish, in alignment with Kentucky's consolidated State plan under ESEA, the process KDE and its local operating agencies will follow in order to comply with ESEA Section 1306.

Budget Impact: The amendment of this administrative regulation has no fiscal impact on KDE. Identifying and addressing the educational needs of migratory children continues to be required by federal law, and approximately \$5.9 million in federal funds is currently distributed to the state and its local operating agencies in furtherance of this requirement.

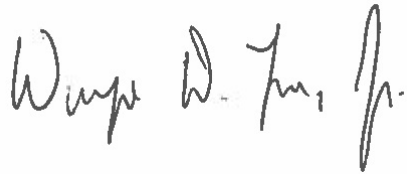
Groups Consulted and Brief Summary of Responses:

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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