

Summary of Changes to 704 KAR 3:292 – Chapter 1, ESSIA migrant education requirements. August 2018

Change	Reason
Title: Revises title. (P. 1, Lines 5-6).	Changes title to “Education of migratory children” to better align with language used in Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act, which addresses migratory education programs in Section 1306.
RELATES TO: Corrects statutory references. (P. 1, Line 7).	The inclusion of 20 U.S.C. 6391-6399 is necessary to include the correct citation to ESEA.
STATUTORY AUTHORITY: Corrects statutory references. (P. 1, Lines 8).	The inclusion of 20 U.S.C. 6391-6399 is necessary to include the correct citation to ESEA.
NECESSITY, FUNCTION AND CONFORMITY: Significant revisions to update the language of the regulation. (P. 1, Lines 9-22 and P. 2, Lines 1-2).	This section has been significantly revised to better align with language used in ESEA and to properly cite to ESEA.
Section 1: Definitions have been added. (P. 2, Lines 3-13).	This section has been added to provide clarifying definitions for terms and phrases to be used in the remainder of the regulation.

<p>Section 2: Significant revisions to align language with ESEA and Kentucky’s consolidated state plan under ESEA. (P. 2, Lines 14-23 and P. 3 Lines 1-20).</p>	<p>704 KAR 3:292 was last reviewed/revise d in 1994. Accordingly, revisions in this Section better align with current program operations at KDE and within its local operating agencies. Specifically, changes to this Section are needed to align language surrounding program development and implementation with ESEA and Kentucky’s consolidated state plan under ESEA. Broad language has been used to permit flexibility under the regulation and to ensure compliance with both the regulation as well as with Kentucky’s consolidated state plan under ESEA is feasible now and in the future.</p>
<p>Section 3: Significant revisions to align language with ESEA and Kentucky’s consolidated state plan under ESEA. (P. 3, Lines 21-23 and P. 4, Lines 1-18).</p>	<p>704 KAR 3:292 was last reviewed/revise d in 1994. Accordingly, revisions in this Section better align with current program operations at KDE and within its local operating agencies. Specifically, changes to this Section are needed to align language surrounding program evaluation with ESEA and Kentucky’s consolidated state plan under ESEA. Broad language has been used to permit flexibility under the regulation and to ensure compliance with both the regulation as well as with Kentucky’s consolidated state plan under ESEA is feasible now and in the future.</p> <p>Specific language regarding “summer extended academic services” has been deleted as it is no longer required under ESEA. Kentucky’s consolidated state plan does address such services, though, and provides very similar language and requirements. As specified in this revised regulation, KDE will implement services to migratory children “in accordance with Kentucky’s consolidated State plan under ESEA.” So, duplicative language in the regulation of matters already addressed fully in Kentucky’s consolidated State plan under ESEA is unnecessary.</p>

<p>Section 4: Significant revisions to include ESEA requirements. (P. 4, Lines 19-23 and P. 5, Lines 1-8).</p>	<p>Changes to this Section are needed to include and/or align language required by ESEA regarding the coordination of services in migratory education programs, including the requirement to facilitate educational continuity when migrant children change schools.</p>
--	--