

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amended After Comments)

5 704 KAR 3:305. Minimum requirements for high school graduation.

6 RELATES TO: KRS 156.160(1)(a), (d), 158.142, 158.645, 158.6451

7 STATUTORY AUTHORITY: KRS 156.070, 156.160(1)(a), (d), 158.142

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky
9 Board of Education to promulgate administrative regulations relating to the courses of study for
10 the different grades and the minimum requirements for high school graduation. KRS
11 158.142(3)(b) requires the board to promulgate administrative regulations establishing
12 requirements for early graduation from high school. The content standards for the courses of
13 study are established in the Kentucky ~~[core]~~ academic standards incorporated by reference in
14 704 KAR 3:303 **and 704 KAR Chapter 8**. This administrative regulation establishes the
15 minimum requirements necessary for entitlement to a high school diploma.

16 Section 1. Definitions. [~~(1) “Academic readiness” and “career readiness” shall have~~
17 **the same meaning as described in 703 KAR 5:270.**]

18 ~~(1)~~~~(2)~~ [(4)] “Early graduation” means meeting the competency-based criteria outlined in this
19 administrative regulation and doing so in three (3) academic years or less.

20 ~~(2)~~~~(3)~~ [(2)] “Early Graduation Certificate” means a certificate, awarded by the district
21 and signed by the principal and superintendent, that shall make the recipient eligible for a

1 scholarship award equal to one-half (1/2) of the state portion of the average statewide per pupil
2 guaranteed base funding level, to be used at a Kentucky public two (2) year community and
3 technical college or a Kentucky four (4) year public or non-profit independent institution
4 accredited by the Southern Association of Colleges and Schools.

5 (3)[(4)] “Essential workplace skills” as described in KRS 158.1413.

6 **(4) “Graduation prerequisite” means the requirements which will demonstrate basic**
7 **competence in reading and mathematics.**

8 **(5) “Graduation qualifier” means a criterion which students have to meet in order to**
9 **qualify for high school graduation.**

10 (6)[(5)] “Individual Education Program” or “IEP” shall have the same meaning as set forth in
11 707 KAR 1:002.

12 (7)[(6)] “Individual Learning Plan” or “ILP” shall have the same meaning as set forth in 704
13 KAR 19:002.

14 Section 2. (1) A district shall implement an advising and guidance process throughout the
15 middle and high schools to provide support for the development and implementation of an
16 individual learning plan for each student. The plan shall include career development and
17 awareness and specifically address **the content as provided in the Kentucky academic**
18 **standards for career studies set forth at 704 KAR 3:303 and 704 KAR Chapter 8.**
19 ~~[Vocational Studies Academic Expectations 2.36-2.38 as established in Academic~~
20 ~~expectations, 703 KAR 4:060.]~~ **The individual learning plan shall not be a substitute for**
21 **the statement of transition service needs for students with disabilities as provided in 707**
22 **KAR 1:320.**

23 (2) A district shall develop a method to evaluate the effectiveness and results of the

1 individual learning plan process. The evaluation method shall include input from students,
2 parents, and school staff. As part of the evaluation criteria, the district shall include indicators
3 related to the status of the student in the twelve (12) months following the date of graduation.

4 (3) A feeder middle school and a high school shall work cooperatively to ensure that each
5 student and parent receives information and advising regarding the relationship between
6 education and career opportunities. Advising and guidance shall include information about
7 financial planning for postsecondary education.

8 (4) A school shall maintain each student's individual learning plan. The individual
9 learning plan shall be readily available to the student and parent and reviewed and approved at
10 least annually by the student, parents, and school officials.

11 (5) Beginning with a student's eighth grade year, the individual learning plan shall set
12 learning goals for the student based on academic and career interests and shall identify required
13 academic courses, electives, and extracurricular opportunities aligned to the student's
14 postsecondary goals. The school shall use information from the individual learning plans about
15 student needs for academic and elective courses to plan academic and elective offerings.

16 (6) ~~Beginning with the graduating class of 2013, the~~ The development of the
17 individual learning plan for each student shall begin by the end of the sixth grade year and shall
18 be focused on career exploration and related postsecondary education and training needs.

19 ~~[Section 2. Each student in a common school shall have a total of at least twenty-two (22) credits~~
20 ~~for high school graduation. Those credits shall include the content standards as provided in the~~
21 ~~Kentucky core academic standards, incorporated by reference in 704 KAR 3:303. Additional~~
22 ~~standards based learning experiences shall align to the student's individual learning plan and~~
23 ~~shall consist of standards based content. The required credits and demonstrated competencies~~

1 shall include the following minimum requirements:

2 (1) ~~Language arts—four (4) credits (English I, II, III, and IV) to include the content~~
3 ~~contained in the Kentucky core academic standards for English and language arts and comply~~
4 ~~with the following:~~

5 (a) ~~Language arts shall be taken each year of high school; and~~

6 (b) ~~If a student does not meet the college readiness benchmarks for English and language~~
7 ~~arts as established by the Council on Postsecondary Education in 13 KAR 2:020, the student~~
8 ~~shall take an English and language arts transitional course or intervention, which is monitored to~~
9 ~~address remediation needs, before exiting high school;~~

10 (2) ~~Social studies—three (3) credits to include the content contained in the Kentucky core~~
11 ~~academic standards for social studies;~~

12 (3) ~~Mathematics—three (3) credits to include the content contained in the Kentucky core~~
13 ~~academic standards for mathematics and include the following minimum requirements:~~

14 (a) ~~Algebra I, Geometry, and Algebra II. An integrated, applied, interdisciplinary,~~
15 ~~occupational, or technical course that prepares a student for a career path based on the student's~~
16 ~~individual learning plan may be substituted for a traditional Algebra I, Geometry, or Algebra II~~
17 ~~course on an individual student basis if the course meets the content standards in the Kentucky~~
18 ~~core academic standards, incorporated by reference in 704 KAR 3:303;~~

19 (b) ~~A mathematics course or its equivalent as determined by the district shall be taken~~
20 ~~each year of high school to ensure readiness for postsecondary education or the workforce;~~

21 (c) ~~Any mathematics course other than Algebra I, Geometry, or Algebra II shall be~~
22 ~~counted as an elective; and~~

23 (d) ~~If a student does not meet the college readiness benchmarks for mathematics as~~

1 ~~established by the Council on Postsecondary Education in 13 KAR 2:020, the student shall take a~~
2 ~~mathematics transitional course or intervention, which is monitored to address remediation~~
3 ~~needs, before exiting high school;~~

4 ~~(4) Science—three (3) credits that shall incorporate lab-based scientific investigation~~
5 ~~experiences and include the content contained in the Kentucky core academic standards for~~
6 ~~science;~~

7 ~~(5) Health—one half (1/2) credit to include the content contained in the Kentucky core~~
8 ~~academic standards for health;~~

9 ~~(6) Physical education—one half (1/2) credit to include the content contained in the~~
10 ~~Kentucky core academic standards for physical education;~~

11 ~~(7) History and appreciation of visual and performing arts (or another arts course which~~
12 ~~incorporates this content)—one (1) credit to include the content contained in the Kentucky core~~
13 ~~academic standards for arts and humanities or a standards-based specialized arts course based on~~
14 ~~the student's individual learning plan;~~

15 ~~(8) Academic and career interest standards-based learning experiences—seven (7) credits~~
16 ~~including four (4) standards-based learning experiences in an academic or career interest-based~~
17 ~~on the student's individual learning plan; and~~

18 ~~(9) Demonstrated performance-based competency in technology.]~~

19 Section 3. (1) For students entering grade nine (9) on or before the first day of the 2018-2019
20 academic year, each student in a public school shall have a total of at least twenty-two (22)
21 credits for high school graduation.

22 (2) Those credits shall include the content standards as provided in the Kentucky academic
23 standards, set forth at 704 KAR 3:303 and KAR Chapter 8.

1 (3) Additional standards-based learning experiences shall align to the student's individual
2 learning plan and shall consist of standards-based content.

3 (4) The required credits and demonstrated competencies shall include the following minimum
4 requirements:

5 (a) Language arts - four (4) credits (English I, II, III, and IV) to include the content
6 contained in the Kentucky academic standards for this content area and comply with the
7 following:

8 1. Language arts shall be taken each year of high school; and

9 2. If a student does not meet the college readiness benchmarks for English and language
10 arts as established by the Council on Postsecondary Education in 13 KAR 2:020, the student
11 shall take an English and language arts transitional course or intervention, which is monitored to
12 address remediation needs, before exiting high school;

13 (b) Social studies - three (3) credits to include the content contained in the Kentucky
14 academic standards for this content area;

15 (c) Mathematics - three (3) credits to include the content contained in the Kentucky
16 academic standards for this content area and include the following minimum requirements:

17 1. Algebra I, Geometry, and Algebra II. An integrated, applied, interdisciplinary,
18 occupational, or technical course that prepares a student for a career path based on the student's
19 individual learning plan may be substituted for a traditional Algebra I, Geometry, or Algebra II
20 course on an individual student basis if the course meets the content standards in the Kentucky
21 academic standards, set forth at 704 KAR 3:303 and 704 Chapter 8;

22 2. A mathematics course or its equivalent as determined by the district shall be taken each
23 year of high school to ensure readiness for postsecondary education or the workforce;

1 3. Any mathematics course other than Algebra I, Geometry, or Algebra II shall be
2 counted as an elective; and

3 4. If a student does not meet the college readiness benchmarks for mathematics as
4 established by the Council on Postsecondary Education in 13 KAR 2:020, the student shall take a
5 mathematics transitional course or intervention, which is monitored to address remediation
6 needs, before exiting high school;

7 (d) Science - three (3) credits that shall incorporate lab-based scientific investigation
8 experiences and include the content contained in the Kentucky academic standards for this
9 content area;

10 (e) Health - one-half (1/2) credit to include the content contained in the Kentucky
11 academic standards for this content area;

12 (f) Physical education - one-half (1/2) credit to include the content contained in the
13 Kentucky academic standards for this content area;

14 (g) Visual and performing arts - one (1) credit to include the content contained in the
15 Kentucky academic standards for this content area or a standards-based specialized arts course
16 based on the student's individual learning plan;

17 (h) Academic and career interest standards-based learning experiences - seven (7) credits
18 including four (4) standards-based learning experiences in an academic or career interest based
19 on the student's individual learning plan; and

20 (i) Demonstrated performance-based competency in technology.

21 ~~[Section 3. (1) A local board of education may substitute an integrated, applied, interdisciplinary,~~
22 ~~occupational, technical, or higher level course for a required course if the alternative course~~
23 ~~provides rigorous content and addresses the same applicable components of 703 KAR 4:060.~~

1 ~~(2) For students with disabilities, a local board of education may substitute a functional,~~
2 ~~integrated, applied, interdisciplinary, occupational, technical, or higher level course for a~~
3 ~~required course if the alternative course provides rigorous content and addresses the same~~
4 ~~applicable components of 703 KAR 4:060. These shall be based on grade level content standards~~
5 ~~and may be modified to allow for a narrower breadth, depth, or complexity of the general grade-~~
6 ~~level content standards.]~~

7 Section 4. (1) Beginning with students who enter grade nine (9) on or after the first day of
8 the 2019-2020 academic year, in order to receive a high school diploma, each student in a public
9 school shall:

10 **(a) Complete one or more of the following graduation qualifiers:**

11 **1. Satisfy precollege curriculum as established by the Council on Postsecondary Education**
12 **in 13 KAR 2:020;**

13 **2. Achieve benchmark score as established by the Council on Postsecondary Education in**
14 **13 KAR 2:020 in one section of a college admissions or placement examination;**

15 **3. Complete three (3) postsecondary credit hours or more of a Kentucky Department of**
16 **Education approved dual credit course with a grade of C or higher;**

17 **4. Complete one (1) course and corresponding assessment meeting the following criteria:**

18 **(a) Advanced placement (AP) with a score of three (3) or higher; or**

19 **(b) Cambridge Advanced International (CAI) with a score at E or higher; or**

20 **(c) International baccalaureate (IB) with a score of five (5) or higher;**

21 **5. Obtain an industry certification as approved by the Kentucky Workforce Innovation**
22 **Board;**

- 1 **6. Complete four credits from valid courses within a single Kentucky Department of**
2 **Education approved career pathway;**
- 3 **7. Complete a Kentucky Department of Education approved process to verify 500 hours of**
4 **exceptional work experience, or alternative requirements as determined by a student's**
5 **Admissions and Release Committee and specified in the student's IEP;**
- 6 **8. Complete two (2) years in an approved Kentucky Department of Education or Kentucky**
7 **Labor Cabinet pre-apprenticeship or apprenticeship program; and**
8 **[(a) Demonstrate academic readiness or career readiness; and]**
- 9 **(b) Earn a total of at least twenty-two (22) credits for high school graduation.**
- 10 **(2) Beginning with students who enter grade nine (9) on or after the first day of the 2020-2021**
11 **academic year, in order to receive a high school diploma, each student in a public school shall:**
- 12 **(a) Complete one or more of the following graduation qualifiers:**
- 13 **1. Satisfy precollege curriculum as established by the Council on Postsecondary Education**
14 **in 13 KAR 2:020;**
- 15 **2. Achieve benchmark score as established by the Council on Postsecondary Education in**
16 **13 KAR 2:020 in one section of a college admissions or placement examination;**
- 17 **3. Complete three (3) postsecondary credit hours or more of a Kentucky Department of**
18 **Education approved dual credit course with a grade of C or higher;**
- 19 **4. Complete one (1) course and corresponding assessment meeting the following criteria:**
- 20 **(a) Advanced placement (AP) with a score of three (3) or higher; or**
- 21 **(b) Cambridge Advanced International (CAI) with a score of E or higher; or**
- 22 **(c) International baccalaureate (IB) with a score of five (5) or higher;**

- 1 **5. Obtain an industry certification as approved by the Kentucky Workforce Innovation**
2 **Board;**
- 3 **6. Complete four credits from valid courses within a single Kentucky Department of**
4 **Education approved career pathway;**
- 5 **7. Complete a Kentucky Department of Education approved process to verify 500 hours of**
6 **exceptional work experience, or alternative requirements as determined by a student’s**
7 **Admissions and Release Committee and specified in the student’s IEP;**
- 8 **8. Complete two (2) years in an approved Kentucky Department of Education or Kentucky**
9 **Labor Cabinet pre-apprenticeship or apprenticeship program; and**
- 10 **[(a) Demonstrate academic readiness or career readiness;]**
- 11 **(b) Meet one of the following graduation prerequisites for reading and one of the following**
12 **graduation prerequisites for mathematics:**
- 13 **1. Score at or above the minimum criteria on the tenth grade state-required assessments in**
14 **reading or mathematics;**
- 15 **(i)[1.] The minimum criteria shall include earning a scale score in the apprentice student**
16 **performance level or higher as approved by the Kentucky Board of Education [as passing].**
- 17 **(ii)[2.] Students who do not meet the minimum criteria on one or both of the reading or**
18 **mathematics assessments may retake the assessments twice annually in the eleventh and twelfth**
19 **grades [third and fourth years] of high school enrollment.**
- 20 **(iii)[3.] The student’s first completion of the assessments in grade ten (10) shall contribute to the**
21 **school’s accountability rating; or [and]**
- 22 **2. Score proficient or higher for reading or mathematics on the eighth grade state**
23 **required assessment; or**

- 1 **3. A student collection of evidence to include the following:**
- 2 **a. The student’s ILP that includes student transcript;**
- 3 **b. If applicable, for students with IEPs, evidence that the student has achieved progress on**
- 4 **measurable annual IEP goals as determined by the Admissions and Release Committee;**
- 5 **c. Performance on the tenth grade state-required assessments in reading or mathematics;**
- 6 **d. Appropriate interventions, targeted to the student’s needs, provided to the student to**
- 7 **ensure support was provided toward meeting the requirements outlined in this**
- 8 **administrative regulation;**
- 9 **e. Student work demonstrating the students’ competency in reading or mathematics;**
- 10 **f. The student’s post-graduation plans.**
- 11 **(i) The process shall require the principal to submit the collection of student evidence to the**
- 12 **superintendent or designee for review and approval, or for public charter schools**
- 13 **principals to submit the collection of student evidence to the Commissioner of Education or**
- 14 **designee.**
- 15 (c)[(e)] Earn a total of at least twenty-two (22) credits for high school graduation.
- 16 (3) The required credits shall include the content standards as provided in the Kentucky
- 17 academic standards, set forth at 704 KAR 3:303 and 704 KAR Chapter 8.
- 18 (4) Additional standards-based learning experiences shall align to the student’s individual
- 19 learning plan and shall consist of standards-based content.
- 20 (5) Each student shall be required to complete the following foundational credits and
- 21 demonstrated competencies, consisting of ten (10) credits:
- 22 (a) English/language arts – two (2) credits (English I and II) to include the content contained in
- 23 the Kentucky academic standards for this content area;

- 1 (b) Social studies – two (2) credits to include the content contained in the Kentucky academic
2 standards for this content area;
- 3 (c) Mathematics - two (2) credits (Algebra I and Geometry) to include the content contained in
4 the Kentucky academic standards for this content area;
- 5 (d) Science - two (2) credits that shall incorporate lab-based scientific investigation experiences
6 and include the content contained in the Kentucky academic standards for this content area;
- 7 (e) Health - one-half (1/2) credit to include the content contained in the Kentucky academic
8 standards for this content area;
- 9 (f) Physical education - one-half (1/2) credit to include the content contained in the Kentucky
10 academic standards for this content area; and
- 11 (g) Visual and performing arts - one (1) credit to include the content contained in the Kentucky
12 academic standards for this content area or a standards-based specialized arts course based on the
13 student’s individual learning plan.
- 14 (6) In addition to the foundational requirements outlined in Section 4 (5) of this administrative
15 regulation, every student shall earn a minimum of twelve (12) personalized credits in order to
16 receive a high school diploma. These twelve personalized credits shall include:
- 17 (a) Two (2) additional English/Language Arts credits that include the content contained in the
18 Kentucky academic standards for this content area and are aligned to the student’s individual
19 learning plan;
- 20 (b) Two (2) additional mathematics credits that include the content contained in the Kentucky
21 academic standards for this content area and are aligned to the student’s individual learning plan;
- 22 (c) One (1) additional science credit that includes the content contained in the Kentucky
23 academic standards for this content area and is aligned to the student’s individual learning plan;

- 1 (d) One (1) additional social studies credit that includes the content contained in the Kentucky
2 academic standards for this content area and is aligned to the student’s individual learning plan;
- 3 (e) Academic and career interest standards-based learning experiences - six (6) credits including
4 four (4) standards-based learning experiences based on the student’s individual learning plan;
- 5 (f) Demonstrate performance-based competency in technology as approved by the Kentucky
6 **Department of Education**[using the process for awarding performance-based credit outlined in
7 Section 7 of this administrative regulation];
- 8 (g) Pass a civics test as required by KRS 158.141; and
- 9 (h) Beginning with students entering grade nine (9) on or after the first day of the 2020-2021,
10 successfully complete one (1) or more courses or programs that meet the financial literacy
11 **requirements pursuant to KRS 158.1411 and** standards as established by the Kentucky Board
12 of Education.
- 13 **(7) Districts shall report individual student data regarding the completion of each**
14 **graduation qualifier and each graduation prerequisite to the Kentucky Department of**
15 **Education which may be included in aggregate public reporting.**
- 16 ~~**(7)(a) Districts shall develop an appeals process for students who are on track to meet all**~~
17 ~~**graduation requirements except the minimum criteria on the reading and mathematics**~~
18 ~~**assessments.**~~
- 19 ~~**(b) The appeals process shall be available to students who have at least one (1) unsuccessful**~~
20 ~~**attempt to meet the minimum criteria on the reading and/or mathematics assessments.**~~
- 21 ~~**(c) The appeals process shall consist of two (2) options:**~~
22 ~~**1. A student portfolio to include evidence of the following:**~~
23 ~~**a. The student’s ILP that includes student transcript;**~~

1 b. If applicable, the student's IEP, that includes evidence that the student has received
2 specially designed instruction and related services in reading and mathematics;

3 c. Performance on the required state assessments;

4 d. Appropriate interventions, targeted to the student's needs, provided to the student to
5 ensure support was provided toward meeting the requirements outlined in this
6 administrative regulation;

7 e. Student work demonstrating the students' competency in reading and mathematics; and

8 f. The student's college or career plans; or

9 2. The student's eighth grade assessment rating of proficient or higher for reading or
10 mathematics or both reading and mathematics, if applicable.

11 (d) Results of the appeals process will not impact the school or district's accountability
12 rating.

13 (e) The appeals process shall require the principal to submit the appeal and evidence to the
14 superintendent or designee for review and approval.]

15 (8)[(8)] The provisions of Section 4 (3) through (7) shall apply to all students referenced in
16 Section 4 (1) and (2).

17 [~~Section 4. (1) A district shall implement an advising and guidance process throughout the~~
18 ~~middle and high schools to provide support for the development and implementation of an~~
19 ~~individual learning plan for each student. The plan shall include career development and~~
20 ~~awareness and specifically address Vocational Studies Academic Expectations 2.36-2.38 as~~
21 ~~established in Academic expectations, 703 KAR 4:060.~~

22 (2) A district shall develop a method to evaluate the effectiveness and results of the
23 individual learning plan process. The evaluation method shall include input from students,

1 ~~parents, and school staff. As part of the evaluation criteria, the district shall include indicators~~
2 ~~related to the status of the student in the twelve (12) months following the date of graduation.~~

3 ~~(3) A feeder middle school and a high school shall work cooperatively to ensure that each~~
4 ~~student and parent receives information and advising regarding the relationship between~~
5 ~~education and career opportunities. Advising and guidance shall include information about~~
6 ~~financial planning for postsecondary education.~~

7 ~~(4) A school shall maintain each student's individual learning plan. The individual~~
8 ~~learning plan shall be readily available to the student and parent and reviewed and approved at~~
9 ~~least annually by the student, parents, and school officials.~~

10 ~~(5) Beginning with a student's eighth grade year, the individual learning plan shall set~~
11 ~~learning goals for the student based on academic and career interests and shall identify required~~
12 ~~academic courses, electives, and extracurricular opportunities aligned to the student's~~
13 ~~postsecondary goals. The school shall use information from the individual learning plans about~~
14 ~~student needs for academic and elective courses to plan academic and elective offerings.~~

15 ~~(6) Beginning with the graduating class of 2013, the development of the individual~~
16 ~~learning plan for each student shall begin by the end of the sixth grade year and shall be focused~~
17 ~~on career exploration and related postsecondary education and training needs.]~~

18 Section 5. (1) Only students who meet the criteria outlined in this section shall be eligible
19 for early graduation.

20 (a) Those students who meet the criteria for early graduation shall receive from the school
21 district a diploma and an Early Graduation Certificate.

22 (b) Students wishing to graduate early shall indicate that intent to the school principal at the
23 beginning of grade 9 or as soon as the intent is known, but within the first thirty (30) school days

1 of the academic year in which they wish to graduate.

2 (c) A student's intent to graduate early shall be entered into the student information
3 system by the school district by October 1 of the year in which the student makes the declaration.

4 (d) Students working toward early graduation and receipt of a corresponding Early
5 Graduation Certificate shall be supported by development and monitoring of an individual
6 learning plan to support their efforts.

7 (2) To graduate early and earn an Early Graduation Certificate, a student shall:

8 (a) Score proficient or higher on the state-required assessments [end of course exams]
9 required by the Kentucky Board of Education in 703 KAR 5:200; and

10 (b) Meet the college readiness exam benchmarks as set by the Council on Postsecondary
11 Education in 13 KAR 2:020 for placement in credit-bearing courses without the need for
12 remediation.

13 (3) A student who has indicated an intent to graduate early may participate in the
14 student's state administration of the college readiness exam prior to the junior year, if needed.

15 ~~[Section 5. (1) A board of education may award credit toward high school graduation for~~
16 ~~satisfactory demonstration of learning based on content standards described in the Kentucky core~~
17 ~~academic standards, incorporated by reference in 704 KAR 3:303, and a rigorous performance~~
18 ~~standards policy established by the board of education. A school shall establish performance~~
19 ~~descriptors and evaluation procedures to determine if the content and performance standards~~
20 ~~have been met.~~

21 ~~(2) A board of education shall award credit toward high school graduation based on:~~

22 ~~(a) A standards based Carnegie unit credit that shall consist of at least 120 hours of~~
23 ~~instructional time in one (1) subject; or~~

1 ~~(b) A standards-based performance-based credit, regardless of the number of instructional~~
2 ~~hours in one (1) subject.~~

3 ~~(3) A local board of education which has chosen to award standards-based performance-~~
4 ~~based credit shall award a standards-based credit earned by a student enrolled in grade 5, 6, 7, or~~
5 ~~8 if:~~

6 ~~(a) The content of the course is the same that is established in the Kentucky core~~
7 ~~academic standards, incorporated by reference in 704 KAR 3:303; and~~

8 ~~(b) The district has criteria in place to make a reasonable determination that the middle~~
9 ~~level student is capable of success in the high school course.~~

10 ~~(4) A board of education which has chosen to award standards-based performance-based~~
11 ~~credit shall establish a policy for a performance-based credit system that includes:~~

12 ~~(a) The procedures for developing performance-based credit systems and for amending~~
13 ~~the system;~~

14 ~~(b) The conditions under which each high school may grant performance-based credits~~
15 ~~and the related performance descriptors and assessments;~~

16 ~~(c) Objective grading and reporting procedures;~~

17 ~~(d) Content standards as addressed in 704 KAR 3:303, Required core academic standards,~~
18 ~~and 703 KAR 4:060, Academic expectations;~~

19 ~~(e) The extent to which state-provided assessments will be used in the local performance-~~
20 ~~based credit system;~~

21 ~~(f) The ability for students to demonstrate proficiency and earn credit for learning~~
22 ~~acquired outside of school or in prior learning; and~~

23 ~~(g) Criteria to ensure that internships, cooperative learning experiences, and other~~

1 learning experiences in the school and community are:

2 1. Designed to further student progress towards the individual learning plan;

3 2. Supervised by qualified instructors; and

4 3. Aligned with state and local content and performance standards.

5 (5) A board of education may award standards based, performance based credit toward
6 high school graduation for:

7 (a) Standards based course work that constitutes satisfactory demonstration of learning in
8 any high school course, consistent with Section 1 of this administrative regulation;

9 (b) Standards based course work that constitutes satisfactory demonstration of learning in
10 a course for which the student failed to earn credit when the course was taken previously;

11 (c) Standards based portfolios, senior year, or capstone projects;

12 (d) Standards based online or other technology mediated courses;

13 (e) Standards based dual credit or other equivalency courses; or

14 (f) Standards based internship, cooperative learning experience, or other supervised
15 experience in the school or the community.

16 (6) Each local board of education shall maintain a copy of its policy on high school
17 graduation requirements. This policy shall include a description of how the requirements address

18 KRS 158.6451(1)(b) and 703 KAR 4:060.]

19 Section 6. (1) A local board of education may substitute an integrated, applied,
20 interdisciplinary, occupational, technical, or higher level course for a required course if the
21 alternative course provides rigorous content.

22 (2) For students with disabilities, a local board of education may substitute a functional,
23 integrated, applied, interdisciplinary, occupational, technical, or higher level course for a

1 required course if the alternative course provides rigorous content. These shall be based on
2 grade-level content standards and may be modified to allow for a narrower breadth, depth, or
3 complexity of the general grade-level content standards.

4 ~~[Section 6. (1) A student who satisfactorily completes the requirements of this~~
5 ~~administrative regulation and additional requirements as may be imposed by a local board of~~
6 ~~education or meets the requirements for early graduation as outlined in Section 9 of this~~
7 ~~administrative regulation shall be awarded a graduation diploma.~~

8 ~~(2) The local board of education shall award the diploma.]~~

9 Section 7. (1) A local board of education may award credit toward high school graduation for
10 satisfactory demonstration of learning based on content standards described in the Kentucky
11 academic standards, set forth at 704 KAR 3:303 and 704 KAR Chapter 8, and a rigorous
12 performance standards policy established by the local board of education. A school shall
13 establish performance descriptors and evaluation procedures to determine if the content and
14 performance standards have been met.

15 (2) A local board of education shall award credit toward high school graduation based on:

16 (a) A standards-based Carnegie unit credit that shall consist of at least 120 hours of
17 instructional time in one (1) subject; or

18 (b) A performance-based credit based on standards, regardless of the number of
19 instructional hours in one (1) subject.

20 (3) A local board of education which has chosen to award performance-based credit shall
21 award a standards-based credit earned by a student enrolled in grade 5, 6, 7, or 8 if:

22 (a) The content of the course is the same that is established in the Kentucky academic
23 standards, set forth in 704 KAR 3:303 and 704 KAR Chapter 8; and

1 (b) The district has criteria in place to make a reasonable determination that the middle
2 level student is capable of success in the high school course.

3 (4) A local board of education which has chosen to award performance-based credit shall
4 establish a policy for a performance-based credit system that includes:

5 (a) The procedures for developing performance-based credit systems and for amending
6 the system;

7 (b) The conditions under which each high school may grant performance-based credits
8 and the related performance descriptors and assessments;

9 (c) Objective grading and reporting procedures;

10 (d) Content standards set forth at 704 KAR 3:303 and 704 KAR Chapter 8;

11 (e) The extent to which state-provided assessments will be used in the local performance-
12 based credit system;

13 (f) The ability for students to demonstrate proficiency and earn credit for learning
14 acquired outside of school or in prior learning; and

15 (g) Criteria to ensure that internships, cooperative learning experiences, and other
16 learning experiences in the school and community are:

17 1. Designed to further student progress towards the individual learning plan;

18 2. Supervised by qualified instructors; and

19 3. Aligned with state and local content and performance standards.

20 (5) A board of education may award standards-based, performance-based credit toward
21 high school graduation for:

22 (a) Standards-based course work that constitutes satisfactory demonstration of learning in
23 any high school course, consistent with Sections 3 and 4 of this administrative regulation;

1 (b) Standards-based course work that constitutes satisfactory demonstration of learning in
2 a course for which the student failed to earn credit when the course was taken previously;

3 (c) Standards-based portfolios, senior year, or capstone projects;

4 (d) Standards-based online or other technology mediated courses;

5 (e) Standards-based dual credit or other equivalency courses; or

6 (f) Standards-based internship, cooperative learning experience, or other supervised
7 experience in the school or the community.

8 (6) Each local board of education shall maintain a copy of its policy on high school
9 graduation requirements. This policy shall include a description of how the requirements address
10 KRS 158.6451(1)(b) and 703 KAR 4:060.

11 ~~[Section 7. This administrative regulation shall not be interpreted as prohibiting a local~~
12 ~~governing board, superintendent, principal, or teacher from awarding special recognition to a~~
13 ~~student.]~~

14 Section 8. (1) A student who satisfactorily completes the requirements of this administrative
15 regulation and additional requirements as may be imposed by a local board of education or meets
16 the requirements for early graduation as outlined in Section 5 of this administrative regulation
17 shall be awarded a graduation diploma.

18 (2) The local board of education shall award the diploma.

19 ~~[Section 8. Beginning with the graduating class of 2013, if the severity of an exceptional~~
20 ~~student's disability precludes a course of study that meets the high school graduation~~
21 ~~requirements established in Section 1 of this administrative regulation leading to receipt of a high~~
22 ~~school diploma, an alternative course of study shall be offered. (1) This course of study shall be~~
23 ~~based upon student needs and the provisions specified in 704 KAR 3:303, Required core~~

1 ~~academic standards, and shall be reviewed at least annually.~~

2 ~~(2) A student who completes this course of study shall receive an alternative high school~~
3 ~~diploma to be awarded by the local board of education consistent with the graduation practices~~
4 ~~for all students.~~

5 ~~(3) A local board of education may establish policies to award an alternative high school~~
6 ~~diploma to a former student who has received a certificate or certificate of attainment.]~~

7 Section 9. This administrative regulation shall not be interpreted as prohibiting a local
8 governing board, superintendent, principal, or teacher from awarding special recognition to a
9 student.

10 [~~Section 9. (1) Beginning in the 2014—2015 academic year, only students who meet the criteria~~
11 ~~outlined in this section shall be eligible for early graduation. Those students who meet the~~
12 ~~criteria for early graduation shall receive from the school district a diploma and an Early~~
13 ~~Graduation Certificate. Students wishing to graduate early shall indicate that intent to the school~~
14 ~~principal at the beginning of grade 9 or as soon as the intent is known, but within the first thirty~~
15 ~~(30) school days of the academic year in which they wish to graduate.~~

16 ~~(a) A student's intent to graduate early shall be entered into the student information~~
17 ~~system by the school district by October 1 of the year in which the student makes the declaration.~~

18 ~~(b) Students working toward early graduation and receipt of a corresponding Early~~
19 ~~Graduation Certificate shall be supported by development and monitoring of an individual~~
20 ~~learning plan to support their efforts.~~

21 ~~(2) To graduate early and earn an Early Graduation Certificate, a student shall:~~

22 ~~(a) Score proficient on the end of course exams required by the Kentucky Board of~~
23 ~~Education in 703 KAR 5:200; and~~

1 ~~(b) Meet the college readiness exam benchmarks as set by the Council on Postsecondary~~
2 ~~Education in 13 KAR 2:020 for placement in credit bearing courses without the need for~~
3 ~~remediation.~~

4 ~~(3) A student who has indicated an intent to graduate early may participate in the~~
5 ~~student's state administration of the college readiness exam prior to the junior year, if needed.]~~

6 Section 10. (1) If the severity of an exceptional student's disability precludes a course of study
7 that meets the high school graduation requirements established in Sections 3 and 4 of this
8 administrative regulation leading to receipt of a high school diploma, an alternative course of
9 study shall be offered.

10 (2) This course of study shall be based upon student needs and the provisions specified in 704
11 KAR 3:303 and 704 KAR Chapter 8, and shall be reviewed at least annually.

12 (3) A student who completes this course of study shall receive an alternative high school
13 diploma to be awarded by the local board of education consistent with the graduation practices
14 for all students.

15 (4) A local board of education may establish policies to award an alternative high school
16 diploma to a former student who has received a certificate or certificate of attainment.

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)

Dr. Wayne D. Lewis
Commissioner of Education

(Date)
Kentucky Board of Education

Hal Heiner, Chairperson

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 704 KAR 3:305
Contact Person: Deanna Durrett, Deanna.Durrett@education.ky.gov
Phone Number: 502-564-4474

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the minimum requirements necessary for entitlement to a high school diploma.

(b) The necessity of this administrative regulation: KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation. KRS 158.142(3)(b) requires the board to promulgate administrative regulations establishing requirements for early graduation from high school. The content standards for the courses of study are established in the Kentucky core academic standards incorporated by reference in 704 KAR 3:303 and 704 KAR Chapter 8. This administrative regulation establishes the minimum requirements necessary for entitlement to a high school diploma.

(c) How this administrative regulation conforms to the content of the authorizing statute: KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation. KRS 158.142(3)(b) requires the board to promulgate administrative regulations establishing requirements for early graduation from high school. The content standards for the courses of study are established in the Kentucky core academic standards incorporated by reference in 704 KAR 3:303 and 704 KAR Chapter 8. This administrative regulation establishes the minimum requirements necessary for entitlement to a high school diploma.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the minimum requirements necessary for entitlement to a high school diploma.

(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: The amendments to this regulation change the minimum high school graduation requirements for students entering ninth grade in the fall of 2019.

(b) The necessity of the amendment to this administrative regulation: The amendments to this regulation give districts more flexibility to meet the college and/or career readiness needs of their students.

(c) How the amendment conforms to the content of the authorizing statute: KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation.

(d) How the amendment will assist in the effective administration of the statutes: KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by this regulation include: all public schools, school districts, and the KDE as it is tasked with providing guidance, support, and technical assistance, and monitoring of the implementation of new minimum high school graduation requirements.

(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: Local schools and districts and schools may need to revise their course offerings and available educational opportunities to ensure students have access to content. KDE will need to provide implementation guidance to districts and schools.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost the districts to implement this regulation. Staffing patterns may need to be adjusted in light of new requirements. KDE will be impacted by staff time to answer questions and provide guidance.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This regulation provides flexibility to districts to meet the needs of students to become transition-ready.

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

(a) Initially: Staffing patterns at the local district may need to be adjusted in light of new requirements and student needs. Local district and school staff time will be impacted through the appeals portfolio review process. Local district budgets will be impacted by the need for resources to support interventions for students who need them. KDE staff time will be impacted creating guidance for implementation and answering questions from the field. Assessment cost may increase due to the opportunity for students to repeat reading and mathematics assessments several times.

(b) On a continuing basis: Staffing patterns at the local district may need to be adjusted in light of new requirements and student needs. Local district and school staff time will be impacted through the appeals portfolio review process. Local district budgets will be impacted by the need for

resources to support interventions for students who need them. KDE staff time will be impacted creating guidance for implementation and answering questions from the field. That impact will decrease each year of implementation. Assessment cost may increase due to the opportunity for students to repeat reading and mathematics assessments several times.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State funds.

(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 increase in fees or funding will be needed to implement this regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish any fees or directly or indirectly increase fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and local education agencies.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 704 KAR 3:305
Contact Person: Deanna Durrett, Deanna.Durrett@education.ky.gov
Phone Number: 502-564-4474

(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? Local education agencies and KDE.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation. KRS 158.142(3) (b) requires the board to promulgate administrative regulations establishing requirements for early graduation from high school. The content standards for the courses of study are established in the Kentucky core academic standards incorporated by reference in 704 KAR 3:303 and 704 KAR Chapter 8. This administrative regulation establishes the minimum requirements necessary for entitlement to a high school diploma.

(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.

(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? No revenue.

(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? No revenue.

(c) How much will it cost to administer this program for the first year? Staffing patterns at the local district may need to be adjusted in light of new requirements and student needs. Local district and school staff time will be impacted through the appeals portfolio review process. Local district budgets will be impacted by the need for resources to support interventions for students who need them. KDE staff time will be impacted creating guidance for implementation and answering questions from the field. Assessment cost may increase due to the opportunity for students to repeat reading and mathematics assessments several times.

(d) How much will it cost to administer this program for subsequent years? Staffing patterns at the local district may need to be adjusted in light of new requirements and student needs. Local district and school staff time will be impacted through the appeals portfolio review process. Local district budgets will be impacted by the need for resources to support interventions for students who need them. KDE staff time will be impacted creating guidance for implementation and answering questions from the field. That impact will decrease each year of implementation.

Assessment cost may increase due to the opportunity for students to repeat reading and mathematics assessments several times.

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

Revenues (+/-): N/A

Expenditures (+/-): NA

Other Explanation: N/A

STATEMENT OF CONSIDERATION
Relating to 704 KAR 3:305
Minimum requirements for high school graduation

Kentucky Board of Education
Department of Education

(Amended After Comments)

I. A public hearing was held on the above regulation on November 29, 2018 at 10:00 a.m. Eastern Time at 300 Sower Boulevard, Frankfort, Kentucky.

II. The following individuals attended this public hearing or submitted written or verbal comments:

<u>Name</u>	<u>Title and Affiliation</u>
Natalynne Adams	Not Specified
Jennifer Allen	Educator, Madison County Schools
Elvira Alvarez	Parent/Staff, Jefferson County Public Schools
Mahalet Andargachew	Not Specified
Deborah Anders	Not Specified
Faith Anderson	Student
Erik Arkenberg	Guidance Counselor, Ryle High School
Jon Ballard	Superintendent, Elizabethtown Independent Schools
T. Beckem	Not Specified
Steven Becker	Not Specified
Barbara Benjamin	Not Specified
Joanny Billings	Educator, Eastern High School
Diane Black	Not Specified
Tim Bobrowski	Superintendent, Owsley County Schools
Jeni Bolander	Educator, Henry Clay High School
Amy Bordogna	Educator, Jefferson County Public Schools
Reagan Bosse	Student
Lisa Bowman	Retired Educator
Nicholas Brake	Superintendent, Owensboro Independent Schools
Austria Bregenz	Student
Mia Breitenstein	Student

Jay Brewer	Superintendent, Dayton Independent Schools
Courtney Brock	Not Specified, Jefferson County Schools
Elisa Brown	Director of Instructional Programs, Bowling Green City Schools
Paul Brown	Educator, Henry Clay High School
Zachary Brown	Student
Troy Bruce	Not Specified
Jana Bryant	Educator
Travis Burton	Manager, Public Affairs, Kentucky Chamber of Commerce
Juliette Cabral	Student
Anita Call	Educator, Ryle High School
Jinger Carter	Human Resources Director, Henderson County Schools
Karen Cheser	Superintendent, Fort Thomas Independent
Amy Clancy	President, KCTE/LA
Sarah Coffman	Educator, Conway Middle School
Kathleen Cohen	Speech Pathologist, Jefferson County Public Schools
Kristen Collins	Not Specified, Ludlow Schools
Denise Combs	CTE Coordinator, Hazard Independent
Megan Corrales	Educator, Jefferson County Public Schools
Sara Cottrell	Parent
Olivia Couch	Student
Alexa Cox	Not Specified
Noel Crum	Educator, Johnson Central High School
Kelly Davis	Director of Special Education, GRRECC
Mary Davis	Educator
Ryan Davis	Chair, Committee for Mathematics Achievement, Educator, JCTA
Susann Davis	Parent
Aymee Deljunco	Kentucky World Language Representative, JCPS
David DelRio	Not Specified, Lincoln County Schools
Cheryl Dennis	Not Specified
Laura Dennis	Professor of French, Chair of World Languages, University of the Cumberlands
Laura DeVettori	Educator, Fayette County Schools
Jane Dewey	Kentucky Coalition for the Arts
Michael DeWhatley	Not Specified
Yacine Diop	Student
Oliver Dittus	Retired Educator
Rebecca Dixon	French Professor, Graduate of High School and Colleges
Tammy Dorgan	College and Career Coach, Ryle High School
Linda Duncan	Not Specified
Rohin Dutt	Student

Thomas Edison	Spanish Professor, University of Louisville
Billy Edwards	Educator, Mayfield High School
Maryam El-baz	Student
Christy Ensell	Educator, Ludlow High School
Henry Escobar	Student
Kasey Farmer	Director of Pupil Personnel, Henderson County Schools
Sara Ferry	Not Specified
Kasey Fields	Not Specified, Jefferson County Public Schools
Jim Flynn	Superintendent, Simpson County Schools, KASS
Teresa Forbes	Not Specified
Holly Fortner	Parent, Jefferson County Public Schools
Tomas Francois	Student
Tom Froedge	Businessman
Simon Gabski	Student
Chase Goff	Educator, Nelson County Schools
Michael Gold	Parent
Alyssa Goodman	Student
Karen Grace	Educator, Jessamine County Schools
Gretchen Frommeyer	College Student, Western Kentucky University
Madeline Griffitt	Educator, Jefferson County Public Schools
Chasati Haden-McCowan	Educator, Danville High School
Jed Hale	Not Specified
Barbara Hale-Baker	Not Specified
Nicole Hardin	Educator, Eastern High School
Renee Hargrove	Not Specified
Chris Harmer	Chair, Louisville Alliance to Reclaim Our Schools
Jill Harmer	Not Specified
Erin Harrell	Preschool Coordinator, Franklin County Schools
Ebony Harrington	Not Specified
Helen Hastings	Retired Educator
Whitney Hayse	Protection and Advocacy
Sadara Helton	Student
Joe Henderson	Superintendent, Mayfield Independent
Gail Ritchie Henson	Vice Chair, Board of Regents of the Kentucky Community and Technical College
Lainey Holland	Student
Kate Holm	Not Specified
Elizabeth Howell	Not Specified
Erika Hranicky	Parent and Educator
Jenny Hughes	Not Specified
Deborah Hulsewede	Not Specified
Andrea Hunt	Not Specified
Billie Hunter	Not Specified
Nancy Hutchinson	CEO, KEDC Board of Directors
Collette Jolley	Student

Maggie Jones	Student
Sharilyn Jones	Speech-Language Pathologist, Jefferson County Public Schools
Debi Jordan	Director, Community Education
Lucianne Junker	Educator, Bates Creek High School
Sana Kalun	Student
Allison Keenan	Not Specified
Charlie Kelleher	Student
Melissa Keller	Educator
Eric Kennedy	Director, Kentucky School Boards Association
Tracy Kessler	Parent
Katie Kinman	Student
Lydia Kohler	Educator, Clark County Schools
Gabrielle Krumpelman	Student
Arjun Kumar	Student
Joshua Kumm	Educator, Jefferson County Public Schools
Cathy Lau	Student
Kathryn Lenihan	Educator, DuPont Manual High School
William Leung	Student
Wade Lewis	Educator, Edmonson County Schools
Jin Liu	Educator, Rich Pond Elementary
Cassie Lyles	Kentucky Council for Social Studies
Leslie Marcellino	Not Specified
Madeline Markert	Not Specified
Jennifer Marsh	Associate Professor of Spanish, University of the Cumberlands
Doug Martin	National Board Certified Teacher
Sid Martin	Not Specified
Holly McCarty	Educator, Anderson County Schools
Georgiann McCord	Interim Superintendent, Webster County Schools
Karen Page McCutchen	Not Specified
Jenny McMillen	Parent
Don Meade	Jefferson County Teachers Association
Rachel Medina	Educator, Western Hills High School
Brent Menchinger	Director of Global Language and Theatre Arts, Murray State
Kim Merker	Jefferson County Public Schools
Alison Messex	Jefferson County Teachers Association
James Milam	Board Member, Russellville Independent
Mary Miller	Not Specified, Jefferson County Public Schools
Shayna Mills	Educator, Graves County Schools
Charles (Chuck) Mitchell	Not Specified, Paducah Schools
Beverly Moore	Not Specified
Matt Moore	Superintendent, Jessamine County Schools
Carmen Moreno	Jefferson County Public Schools
Dawn Moretz	Former Educator, Jefferson County Public Schools

Beverly Morton	Not Specified
Shambra Mulder	Not Specified
Pat Murell	Not Specified
Patrick Murphy	Not Specified
Tyler Murphy	Educator, Boyle County Schools
Autumn Neage	President, 15th District PTA
Ryan New	Educator, Jefferson County Public Schools
Steve Newman	Professor of Mathematics, Northern Kentucky University
NKCES Board	Northern Kentucky Superintendents
Frank Nuessell	Educator, University of Louisville
Alexa Ohle	Student
Taylor Ohlmann	Not Specified
Mary Oldfield	Not Specified
Ranen Omer-Sherman	Endowed Chair in Judaic Studies. University of Louisville
Anne Padilla	Education Consultant, Bowling Green High School
Davonna Page	Board Member, Russell County Schools
Troy Palmer	Educator, Webster County Schools
Aarohi Panzade	Student
Perry Papka	Senior Policy Director, Prichard Committee for Academic Excellence
Lisa Patrick	Student
Tamara Patterson	Former Educator
Inmaculada Pertusa	Spanish Professor, Western Kentucky University
Brigitte Blom Ramsey	Executive Director, Prichard Committee
Ian Ramsey	Parent, Jefferson County Public Schools
Kelly Ramsey	Parent, Jefferson County Public Schools
Kumar Rashad	Board of Directors, JCTA/KEA
Benjamin Rhee	Student
Christopher Riehl	Not Specified
Samantha Risen	Global Education, Vista World Affairs Council of Kentucky and Southern Indiana
Rosa Rivera	Educator, Jefferson County Public Schools
Beth Roberts	Educator, Henderson County Schools
Cassandra Ryan	Parent
April Salyer	Educator, Jefferson County Public Schools
Maryellen Sant	Parent and Employee, Jefferson County Public Schools
Molly Schaffner	Not Specified
Kerri Schelling	Executive Director, Kentucky School Boards Association
Andrea Schroer	Concerned Citizen
Karen Schwartz	Parent
John Settle	Executive Director, WKEC
Jacob Sharp	Student, Kentucky Colonel, Veteran

Tom Shelton	Executive Director, Kentucky Association of School Superintendents
Maddie Shepard	President, Kentucky Council for Social Studies
Anthony Shevchenko	Not Specified
Spring Shi	Educator, Franklin Simpson Middle School
Jana Shultz	Educator, Ohio County Schools
Rebekah Shumway	Parent
Garnett Skaggs	Retired Educator, Lawrence County Schools
Kevin Slone	Not Specified, Floyd County Schools
Ellen Snell	Educator, Seneca High School
Megan Snellen	Educator, Clark County Schools
Maria Stacy	Educator, Northern Kentucky
Marganna Stanley	Superintendent, Henderson County Schools
Emma Stuber	Student
Sarah Sullivan	Not Specified
Amy Suo	Not Specified
Megan Thacker	Student
Anneliese Thomas	Student
Chad Thompson	Educator, Henderson County Schools
Leandra Torra	Educator, Crosby Middle Schools
Ingrid Tower-Pohl	German Professor, University of Louisville
Kristin Townsend	Not Specified
James Walker	Not Specified
Victoria Walker	Adjunct Spanish Instructor, Georgetown College
Erica Ward	Jefferson County Schools
Katheryne Waters	Former Educator
Samuel Watkins	Student
Andrew Weaver	Educator, Seneca High School
Amanda Webb	Student
Chris Wheeler	Not Specified
Matthew Whisman	2nd Lieutenant-CAP
Emma Wilkie	Student
Jane Wilson	Board Member, Bowling Green Independent
Meghan Wood	Educator, Madison Southern High School
Morgan Wood	Student
Joh Yonghyun	Student
Wayne Young	Executive Director and General Counsel, Kentucky Association of School Administrators
Laura Roche Youngworth	President, Kentucky World Language Association
Saabir Yusuf	Student

III. The following people from the promulgating administrative body attended the public hearing and/or responded to written comments:

Name and Title

Dr. Amanda Ellis, Deputy Commissioner and Chief Academic Officer, Office of the Commissioner

David Horseman, Associate Commissioner, Office of Career and Technical Education and Student Transition

Rhonda Sims, Associate Commissioner, Office of Standards, Assessment and Accountability

Deanna Durrett, General Counsel, Office of Legal Services

Todd Allen, Deputy General Counsel, Office of Legal Services

Whitney Crowe, Policy Advisor, Office of Continuous Improvement and Support

Jennifer Fraker, Policy Advisor, Office of Standards, Assessment and Accountability

Tracy Goff Herman, Policy Advisor, Office Special Education and Early Learning

Michael Hackworth, Policy Advisor, Office of Standards, Assessment and Accountability

Landon Tingle, Policy Advisor, Office of Career and Technical Education and Student Transition

Krista Hall, Division Director, Office of Standards, Assessment and Accountability

Jennifer Stafford, Division Director, Office of Standards, Assessment and Accountability

Micki Ray, Literacy Consultant, Office of Standards, Assessment and Accountability

Alfonso de Torres Nunez, World Languages Consultant, Office of Standards, Assessment and Accountability

Lauren Gallicchio, Social Studies Consultant, Office of Standards, Assessment and Accountability

Kevin O’Hair, Alternate Assessment Consultant, Office of Standards, Assessment and Accountability

Tom Thompson, Division Director, Office of Career and Technical Education and Student Transition

Kiley Whitaker, Assistant Director, Office of Career and Technical Education and Student Transition

Dr. Damien Sweeney, Program Coordinator for Comprehensive School Counseling, Office of Career and Technical Education and Student Transition

Mary Taylor, Training and Development Specialist, Office of Career and Technical Education and Student Transition

IV. Summary of Comments and Responses

(1) Subject Matter: Transition Readiness

(a) Comments: Comments in this section are related to the commenters’ desires to have more options for graduation as opposed to only using transition readiness indicators from accountability. These comments included concerns over the use of dual credit, exceptional work experience, ACT, Advanced Placement (AP), International Baccalaureate (IB), and Cambridge Advanced International (CAI).

Commenters expressed concern about the requirement to include transition readiness as a requirement for graduation. Many believe this requirement is too difficult for students and do not want this requirement to prevent students from being able to graduate.

One commenter believes student graduation should not be aligned to college readiness in any way and the focus should be on readiness for life.

Commenters are concerned that by including transition readiness as a requirement for graduation, students will have to meet college benchmarks even if they are not planning to enroll in college.

Commenters believe that schools should have the option of using multiple assessments and not just the ACT for transition readiness. A commenter further expressed the need for an untimed option to demonstrate transition readiness.

Commenters believe the number of hours associated with exceptional work experience under transition readiness are too many. They requested that the number of hours either be lowered, include flexibility for individual students, or include flexibility in what counts towards the hours.

Commenters believe schools will be forced to place kids in career tracks if they do not meet college benchmarks because of this requirement.

A commenter believes students should be both academic and career ready instead of just meeting one of the indicators.

A commenter is concerned that many career pathways do not have multiple options for career readiness and are limited to only one option.

A commenter is concerned about alternate assessment students completing transition readiness due to the need for work-based learning experiences.

A commenter believes that a quantitative reasoning component should be required for academic readiness and not be replaced by a non-quantitative reasoning component.

Commenters are concerned about the timing of test results being available to schools and the need to have those results in time for graduation. This includes industry certifications, Advanced Placement, and International Baccalaureate.

Commenters are concerned that students may not have time to change their pathways should they determine they will be unsuccessful on their current path.

A commenter is concerned that schools will offer pathways that are not in-demand just so students can meet transition readiness. The commenter also is concerned schools will be unable to adapt training as quickly as the market needs.

A commenter requests a portfolio option for transition readiness that is designed around students' strengths and needs.

A commenter believes volunteer hours should not be required and that many students are limited in the opportunities for these hours.

A commenter believes that college readiness will decline if measures other than the ACT are included under academic readiness.

A commenter believes that the focus on transition readiness takes away from electives for students.

Commenters are concerned that all students not meeting benchmarks on college admissions exams will be forced to enter a career track, and the cost of preparing a student to be career ready is twice as much as getting a student college-ready.

Commenters have concerns with students being required to score a “B” or better for dual credit when “D” is a passing grade. Commenters also are concerned that fewer teachers will be able to offer dual credit due to certification changes. Commenters also believe that dual credit is not an alternative option for transition readiness as they must meet ACT benchmarks to take dual credit. One commenter further stated that dual credit was too high of a bar to set for students to meet transition readiness.

A commenter believes that dual credit is expensive and asks for the state to provide funding for these options.

Commenters argue that AP exams are graded against all students in the nation and the costs are the responsibility of the student in order to take them, both of which increase student stress and anxiety. A commenter also stated that finding qualified teachers to teach AP is difficult, which limits opportunities for students to meet transition readiness.

The commenter is concerned that, in Transition Readiness, English Learner (EL) students have to demonstrate English Language Proficiency on the ACCESS assessment in addition to one of the measures of Academic or Career Readiness. A commenter also believes students with special needs and EL students will have a difficult time meeting the requirements.

Individuals speaking or offering written comments or concerns on this subject matter include: Jennifer Allen, Erik Arkenberg, Jon Ballard, Nicholas Brake, Jay Brewer, Tim Bobrowski, Elisa Brown, Travis Burton, Karen Cheser, Kristen Collins, Kelly Davis, Ryan Davis, Cheryl Dennis, Jane Dewey, Ryan Davis, Oliver Dittus, Linda Duncan, Christy Edsell, Billy Edwards, Kasey Farmer, Jim Flynn, Karen Grace, Renee Hargrove, Chris Harmer, Jill Harmer, Joe Henderson, Kate Holm, Debi Jordan, Allison Keenan, Tracy Kessler, Beverly Moore, Jenny McMillen, Matt Moore, Steve Newman, Alexa Ohle, Beth Roberts, Kerri Schelling, John Settle, Tom Shelton, Marganna Stanley, Sarah Sullivan, Chad Thompson, and Meghan Wood.

(b) Response: The agency carefully reviewed all comments and made changes to the regulation to provide more ways for students to qualify for high school graduation.

The graduation qualifiers require a student to do one or more of the following:

1. Satisfy precollege curriculum as established by the Council on Postsecondary Education in 13 KAR 2:020;

2. Achieve benchmark score as established by the Council on Postsecondary Education in 13 KAR 2:020 in one section of a college admissions or placement examination;
3. Complete three (3) postsecondary credit hours or more of a Kentucky Department of Education approved dual credit course with a grade of C or higher;
4. Complete one (1) course and corresponding assessment meeting the following criteria:
 - (a) Advanced placement (AP) with a score of three (3) or higher; or
 - (b) Cambridge Advanced International (CAI) with a score of E or higher; or
 - (c) International baccalaureate (IB) with a score of five (5) or higher;
5. Obtain an industry certification as approved by the Kentucky Workforce Innovation Board;
6. Complete four credits from valid courses within a single Kentucky Department of Education approved career pathway;
7. Complete a Kentucky Department of Education approved process to verify 500 hours of exceptional work experience, or alternative requirements as determined by a student's Admissions and Release Committee and specified in the student's IEP;
8. Complete two (2) years in an approved Kentucky Department of Education or Kentucky Labor Cabinet pre-apprenticeship or apprenticeship program.

The regulation, as amended, includes options to demonstrate readiness through successful completion of courses, college admission and/or placement assessments, earning industry recognized credentials, through exceptional work experience, or an approved apprenticeship. These options allow students to meet this requirement based on their individual interests and do not limit students to one particular method of either preparing for college or a career.

Exact requirements of exceptional work experience in 703 KAR 5:270 are in draft form, but the revisions include the requirements of 500 hours of work experience, or alternative requirements as prescribed in the individual student's Individual Education Plan (IEP).

After careful consideration, the agency declines to require both academic and career readiness as a requirement for graduation and will move forward with the regulation.

The agency agrees that FMD and MMD students may struggle to meet the transition readiness requirements (including the exceptional work experience provisions). To that end, the agency has amended the regulation to provide further clarity. For students eligible to receive special education services under the Individuals with Disabilities Education Act (IDEA), they will be required to meet the minimum high school graduation requirements. However, nothing in the regulation subverts the rights of a student with an Individual Education Program (IEP) in place, and this includes transition services outlined in 707 KAR 1:320. While every student must have an Individual Learning Plan (ILP), students with IEPs must have a statement of the transition service needs that includes postsecondary goals based on age-appropriate transition assessments related to education, employment, training, and independent living skills. The IEP is developed by the Admissions and Release Committee (ARC) to ensure the needs of the student are met to successfully reach educational expectations and to obtain a diploma. The student's ARC will determine any alternative requirements needed.

For students with the most significant cognitive disabilities (i.e., less than 1% of the total student population statewide) for whom traditional assessments would be an inappropriate measure of

progress, the student may take the Alternate Assessment Aligned with Alternate Achievement Standards (AA-AAS). The AA-AAS was developed to provide schools and programs with a valid and reliable means of assessing the instruction provided. The AA-AAS continues to meet federal requirements outlined in the Every Student Succeeds Act (ESSA). For FMD students, the IEP is developed by the ARC to ensure that the needs of the student are met to successfully achieve progress on measurable annual IEP goals. Again, the student's ARC will determine goals and any alternative requirements needed.

In response to the need to have a required quantitative reasoning component in order to be academically ready, the minimum high school graduation requirements do require that students successfully complete four (4) math courses, including Algebra 1 and Geometry, and other courses that cover the content in the *Kentucky Academic Standards*.

Students have the option of meeting multiple graduation qualifiers, and schools should be aware of the timing of test results when determining individual student routes towards meeting one or more of these qualifiers.

The requirements of the accountability regulation and teacher certification are not under the purview of this regulation. Therefore, comments addressing those regulations will not result in amendment of 704 KAR 3:305.

Guidance and counseling will play a key role in helping students determine if they are on track to graduate so students will have time to make informed decisions. Districts and schools should focus on having students meet more than one graduation qualifier so as not to limit them to only one path.

An option for a collection of student evidence is allowed for parts of the regulation if the student fails to meet required metrics on the reading and mathematics assessments, but is not allowed to count as one of the graduation qualifiers.

Volunteer hours are not required in order for students to graduate under this proposed regulation.

Research data shows that students who earn college credits while in high school are most successful in postsecondary education and therefore are included, in addition to the ACT, as metrics for academic readiness.

Kentucky has a dual credit scholarship and a work ready scholarship that afford students the opportunity to take a number of academic and career and technical education dual credit courses free of charge. Dual credit is one option for students to meet graduation qualifiers and requires at least a "C" to transfer between institutions. The agency continues to work with postsecondary institutions to expand the number and availability of dual credit courses for all qualifying students. Postsecondary institutions use a number of different requirements to determine if students can take college credit courses; this is not always limited to ACT scores.

School districts should use the Individual Learning Plan (ILP) to determine student interests and use those interests to determine scheduling for students. Students should not be limited to taking courses in only one area based on test scores.

For graduation requirements, EL students would have to meet one graduation qualifier, but would not be required to meet English Language Proficiency along with the graduation qualifier.

The agency continues to work with school districts to offer career pathways aligned to the most in-demand occupations in top industry sectors or support sectors. The determination of which pathways to offer is up to local school districts. Industry certifications in high demand areas are incentivized under Transition Readiness in 703 KAR 5:270.

Dual credit courses adhere to college syllabi, which include the grading scale. The regulation amendment provides students with the opportunity to achieve a graduation qualifier by completing dual credit courses with a grade of “C” or higher.

After careful review of the comments, the agency amended the regulation to include the completion of one or more graduation qualifiers to provide more ways to students to qualify for high school graduation.

(2) Subject Matter: Equity

(a) Comment: Comments about equity include lack of resources for certain schools, the financial burden the regulation places on local schools, how the new standards affect schools with fewer resources, and the negative effects this will have on minorities and disadvantaged students. Commenters made statements concerning scheduling and advising issues, limited course offerings for smaller schools, home hospital students, students transferring from out of state, and students in juvenile detention facilities. Comments also were made regarding specific program offerings.

Commenters are concerned with Career and Technical Education (CTE) classes already being full and schools not being able to offer classes to enough students. Commenters worry about staffing and resource-equity issues for smaller schools. Commenters expressed concern about the funding burden on schools to implement these changes and request a cost analysis study to be done. Commenters indicate dual credit is not as readily available for smaller schools and that costs are higher to make a student career-ready.

Some commenters believe smaller schools, minorities and disadvantaged students will suffer under the proposed regulation. Commenters are concerned that the proposed requirements will further highlight the discrepancy in resources for schools. Commenters are concerned that universities are limiting courses as a result of the lower fees dual credit students are charged.

A commenter believes the graduation requirements are biased against those who are economically disadvantaged, have disabilities, and are in minority groups. The commenter feels learning and standardized testing cannot go in the same sentence, and that the regulation goes

against the values of the Every Student Succeeds Act (ESSA). Another commenter believes ESSA is important and graduation rate should be removed.

Individuals speaking or offering written comments or concerns on this subject matter were: Tim Bobrowski, Kristen Collins, Alexa Cox, Amy Clancy, Noel Crum, Ryan Davis, Michael DeWhatley, Christy Ensell, Jim Flynn, Chris Harmer, Nancy Hutchinson, Allison Keenan, Melissa Keller, Eric Kennedy, Tracy Kessler, Cassie Lyles, Doug Martin, Don Meade, Allison Messex, Shayna Mills, Tyler Murphy, Autumn Neagle, Steve Newman, Perry Papka, Brigitte Blom Ramsey, Kerri Schelling, John Settle, Tom Shelton, Maddie Shepard, Marganna Stanley, and Wayne Young.

(b) Response: The agency carefully considered all comments received.

The proposed requirements allow schools the flexibility to offer different courses aligned to students' individual needs. The requirements do not necessitate that schools offer more courses, which would call for additional staff or resources. Each district should review current course offerings to determine additional courses which may be offered and the certifications required to teach those additional courses. In most cases, this would require a change to teachers' scheduled courses as opposed to adding additional courses. Districts also can look at regional partnerships and virtual options to expand offerings to students. The regulation amendment includes multiple graduation qualifiers and many of those options are free for both districts and students. These free options can be used to help students be graduation-ready without placing any additional financial burdens on districts.

Students have multiple ways to be graduation ready in all schools, including those schools that are smaller or have fewer resources. These ways, in addition to industry certifications, include pre-apprenticeships (TRACK), exceptional work experience, dual credit, and end of program (EOP) assessments. There is \$1,800,000 available for attainment of industry certifications to be used for economically disadvantaged students. Additionally, the agency works with colleges and their accrediting agencies to maximize dual credit opportunities for Kentucky's students.

After careful review of the comments, the agency amended the regulation to include the completion of one or more graduation qualifiers to provide more ways to students to qualify for high school graduation.

(3) Subject Matter: Advising

(a) Comment: Comments about advising included positive remarks about the value of work based learning, apprenticeships, civic engagement, career exploration, and encouraging postsecondary education. Other comments about advising concern tracking students, an Individual Learning Plan (ILP) platform, when advising begins, removing Algebra II as a requirement, and student transfers.

Several commenters expressed concerns that students will experience negative impacts because of tracking or being tied to specific pathways and not being able to change. Some commenters believe that a single platform for the ILP should be finalized and provided to districts before the regulation is approved.

Commenters were concerned with course scheduling being too difficult as a result of the regulation amendment. One commenter does not believe that Algebra II should be a requirement for all students, and they should have more choices in the courses they take to better suit their individual needs.

A commenter believes the ILP should begin in grade 2 and be revised every two years.

A commenter is concerned that asking students to specialize so early cuts them off from exploring opportunities and discovering a career they love. The commenter contends there is not significant opportunity for career exploration in high school.

Individuals speaking or submitting written comments on this subject matter were: Jennifer Allen, Tim Bobrowski, Nicholas Brake, Jinger Carter, Amy Clancy, Denise Combs, Ryan Davis, Billy Edwards, Christy Ensell, Karen Grace, Chris Harmer, Joe Henderson, Doug Martin, Sid Martin, Matt Moore, Beverly Moore, Shambra Mulder, NKCES Board, Holly McCarty, Marganna Stanley, Don Meade, Allison Messex, Dawn Morte, Troy Palmer, John Settle, and Chad Thompson.

(b)Response: The agency carefully considered all comments received.

The agency agrees that work-based learning, apprenticeships, civic engagement, career exploration, and encouraging postsecondary education are all positive things for Kentucky's students.

The agency declines to create a single ILP platform for the state based on the comments above; this affords districts greater flexibility to meet the needs of their specific students. The goal of the ILP is for all students to begin thinking about life after high school at a young age and making post-graduation plans. Students often are figuring out what they want to do as seniors in high school. This shift suggests that students will plan earlier and their career pathways will align to their postsecondary plans. The agency does not condone the practice of forcing students into career tracks. Counselors are encouraged to help prepare schedules based on student interest. Additionally, there is no designated starting grade for any pathway, but only coursework listed on the high school transcript will count toward any accountability measure. The regulation provides more flexibility for schools and districts. While a student may still take Algebra II, they also are permitted to take a different course, such as a technical math course or statistics for additional math credits. Algebra I and Geometry still will be required. The regulation allows schools/districts to go above and beyond to meet the needs of their students interested in career paths in order to honor and differentiate based on groups of students or individuals. The regulation provides flexibility, through the availability of graduation qualifiers, when advising out-of-state transfer students.

After careful review of the comments, the agency amended the regulation to include the completion of one or more graduation qualifiers to provide more ways to students to qualify for high school graduation.

(4) Subject Matter: General

(a) Comment: Several commenters were in favor of the graduation requirements. Several commenters requested the regulation amendment be paused so more input can be given from various groups including superintendents, students, parents, teachers, and stakeholders.

Several commenters were concerned the agency did not conduct impact analysis prior to regulation development. Commenters believe more research should be done, and input given, before proceeding. Several commenters ask that the regulation be paused. Many commenters want to ensure resources are properly allocated and stakeholders are heard before approving the proposal. A commenter believes students, parents, and teachers should provide input. A commenter believes the Local Superintendents Advisory Council (LSAC) should be consulted more. Commenters believe more time and discussion is necessary.

Commenters believe the proposal will lead to more high school dropouts.

A commenter is concerned with adding more of a test burden on students and feels students need more opportunities for the arts, community involvement, and physical exercise.

A commenter believes there is a need for high quality early learning programs, including fully funded full day kindergarten. One commenter indicates the need for health education, a focus on teacher quality, and student mentorship after high school.

Individuals speaking or offering written comments or concerns on this subject matter were: T. Beckem, Steven Becker, Lisa Bowman, Jay Brewer, Troy Bruce, Alexa Cox, Noel Crum, Ryan Davis, Linda Duncan, Billy Edwards, Sara Ferry, Jim Flynn, Teresa Forbes, Holly Fortner, Tom Froedge, Chris Harmer, Erin Harrell, Ebony Harrington, Helen Hastings, Kate Holm, Erika Hranicky, Deborah Hulsewede, Sharilyn Jones, Debi Jordan, Sana Kalun, Melissa Keller, Whitney Mayse, Jenny McMillen, Davonna Page, Karen Page McCutchen, Don Meade, Allison Messex, Beverly Morton, Autumn Neagle, NKCES Board, Kumar Rashad, Cassandra Ryan, Maryellen Sant, Kerri Schelling, Andrea Schroer, Karen Schwartz, John Settle, Tom Shelton, Maddie Sheppard, Garnett Skaggs, Kevin Slone, Marganna Stanley, and Wayne Young.

(b) Response: The agency carefully considered all comments received.

In response to comments that request the postponement of the regulation amendment, the agency declines to delay action on this matter.

The proposed changes to 704 KAR 3:305 are the result of stakeholder feedback from across the state and provide greater flexibility to districts to support students being graduation ready. This regulation has been open for public comment and a public hearing was held concerning the regulation amendment. A taskforce facilitated by the Southern Regional Education Board (SREB) consisted of more than 90 people. This type of regulation also requires two meetings with the Kentucky Board of Education (KBE) for consideration of amendment. Nonetheless, this regulation was on the agenda four times, twice the required amount. There also has been discussion with the LSAC.

The regulation requires students to take a history/art appreciation course. A local district can offer an arts pathway if it chooses; however, career and technical education does not have an arts pathway.

Kindergarten and early preschool funding are not the subject of 704 KAR 3:305. Therefore, amendments will not be made in response to comments on these topics.

This regulation does not require students to take any new or additional tests for graduation.

(5) Subject Matter: World Languages

(a) Comment: Comments about world languages convey the concern that world language courses are not included in the proposed minimum high school graduation requirements. Many commenters believe world languages should be included in the graduation requirements because they are essential for success in college as world language study is a requirement for college admission. Commenters argue that without the graduation requirement, students may not be able to reach their full potential in the educational system.

Several commenters also expressed that including world language as a requirement will lead to student success in securing employment. Commenters believe world language acquisition better prepares students for the workforce and increases the likelihood for employment. In addition, many commenters mentioned world language requirements are needed for students to be competitive job candidates locally, nationally, and globally. One commenter also suggested that bilingual students are critical for Kentucky's economy. Another commenter mentioned the lack of a world language requirement for graduation will hurt world language programs and thereby threatens jobs within the school system.

In addition, multiple commenters believe world language is needed as a minimum graduation requirement to develop students' cultural awareness. Commenters feel world language study fosters an increased global capacity of thought, a cross-cultural understanding and perspective, and a more empathic, open mind in general. They are concerned that the omission of world language will hinder students from having a global vision and becoming global citizens. Many commenters also mentioned they are concerned that the world language requirement has been eliminated from high school graduation requirements or that it has been cut from the curriculum.

A few commenters expressed that world language should be included because it improves students' knowledge of English and basic communication skills. One commenter stated that all graduating seniors should not only be able to demonstrate basic mathematical, literacy, scientific, and civic skills, but also should possess basic communication skills in a language other than English. Another commenter believes language study is essential for teaching students how to think, organize, memorize, and be creative and expressive.

One commenter cites research from the U.S. Department of Education that the requirement to take a world language in high school is essential for students to become successful in college and career.

An additional commenter believes the state is taking two steps backwards as Global Competency & World Language Program Reviews ended, along with no mention of world languages in the graduation requirements.

Another commenter cites multiple states Kentucky should examine in order to draw on dual language immersion programs that address equity and close the achievement gap.

One commenter suggests the State Education Agency (SEA) should maximize its use of Memorandums of Understanding (MOUs) with other countries to bring in qualified teachers to build a pipeline of bilingual educators.

One commenter also expressed concerns that language courses are treated as an afterthought; therefore, the teachers of these courses reflect that attitude with their ineffectiveness.

Individuals speaking or offering written comments or concerns on this subject matter were: Natalynne Adams, Mahalet Andargachew, Faith Anderson, Joanny Billings, Amy Bordogna, Reagan Bosse, Austria Bregenz, Mia Breitenstein, Paul Brown, Zachary Brown, Juliette Cabriel, Anita Call, Amy Clancy (Kentucky Council of Teachers of English), Sarah Coffman, Megan Corrales, Sarah Cottrell, Olivia Couch, Susann Davis, Aymee Deljunco, David DelRio, Laura Dennis, Laura Devettori, Yacine Diop, Rebecca Dixon, Tammy Dorgan, Rohin Dutt, Thomas Edison, Maryam Elbaz, Henry Escobar, Kasey Fields, Tomas Francois, Gretchen Frommeyer, Simon Gabski, Alyssa Goodman, Madeline Griffitt, Chasati Haden-McCowan, Jed Hale, Nicole Hardin, Sadara Helton, Lainey Holland, Collette Jolley, Maggie Jones, Lucianne Junker, Charlie Kelleher, Katie Kinman, Lydia Kohler, Gabrielle Krumpelman, Arjun Kumar, Cathy Lau, Kathryn Lenihan, William Leung, Wade Lewis, Jin Liu, Madeline Markert, Jennifer Marsh, Rachel Medina, Brent Menchinger, Carmen Moreno, Patrick Murphy, Frank Nuessell, Taylor Ohlmann, Ranen Omer-Sherman, Anne Padilla, Aarohi Panzade, Lisa Patrick, Immaculada Pertusa, Ian Ramsey, Kelly Ramsey, Benjamin Rhee, Christopher Riehl, Samantha Risen (Global Education Vista World Affairs Council of Kentucky and Southern Indiana), Rosa Rivera, Laura Roche Youngworth (Kentucky World Language Association), April Salyer, Molly Schaffner, Jacob Sharp, Anthony Shevchenko, Spring Shi, Jana Shultz, Ellen Snell, Megan Snellen, Maria Stacy, Emma Stuber, Amy Suo, Megan Thacker, Anneliese Thomas, Ingrid Tower-Pohl, Kristin Townsend, James Walker, Victoria Walker, Erica Ward, Samuel Watkins, Andrew Weaver, Amanda Webb, Chris Wheeler, Matthew Whisman, Emma Wilkie, Morgan Shea Wood, Joh Yonghyun, and Saabir Yusuf.

(b) Response: The agency carefully considered all comments received.

World languages has never been part of the minimum high school graduation requirements as described in 704 KAR 3:305, Minimum high school graduation requirements.

However, the agency amended the regulation after comments. Amendments address world language in that it affords the option for students to:

Satisfy precollege curriculum as established by the Council on Postsecondary Education in 13 KAR 2:020, which includes world languages.

World languages also may be included as part of a student's required personalized credits needed to receive a high school diploma (learning experiences aligned with the student's ILP).

After careful review of the comments, the agency amended the regulation to include the completion of one or more graduation qualifiers as a requirement for high school graduation. Students may choose to complete the precollege curriculum as noted in qualifier one (1), which includes world language.

(6) Subject Matter: Kentucky Academic Standards

(a) Comment: Comments about standards include concerns about the number of required credits, need for additional credits in certain areas, removal of the Algebra II requirement, meaning of standards-based learning experiences, need for the depth and breadth of content area standards to be addressed no matter the student's personalized coursework or pathway, instructional impact on the timing of the grade 10 assessments, and need for literacy practices in all content areas and pathways.

One commenter supports the alignment of terminology of "Visual and Performing Arts" in the minimum high school graduation requirements (704 KAR 3:305) and in the Kentucky Academic Standards (704 KAR 3:303 and 704 KAR Chapter 8).

One commenter supports the changes allowing for more flexibility and the removal of the Algebra II requirement; however, several commenters are concerned with the removal of the Algebra II requirement. Commenters are concerned with how the dropping of Algebra II as a requirement will negatively affect assessment and entry into college. Many expressed that high level math is necessary for success after graduation.

Some commenters offered additional suggestions for math requirements, including requiring a math class be taken senior year, having the two (2) additional math credits aligned to standards outside of the foundational credits and that the two (2) required credits be satisfied by Algebra I, Geometry or Integrated Mathematics, which must contain all Algebra I and Geometry standards.

Commenters also had concerns that the two (2) additional required math credits must provide math standards and practices beyond algebra and geometry as all students should complete coursework addressing all of the math standards. Another commenter is concerned there is a contradiction in section 3 (c) 1 stating "an integrated, applied...course may be substituted for a traditional Algebra 1, Geometry or Algebra II..." but in subsection 3, it says that "any mathematics course other than Algebra 1, Geometry...shall be treated as electives." The commenter believes this contradiction eliminates the personalization and makes Algebra II a foundational course. An additional commenter stated that if schools have a different schedule/course sequence, then they will be forced to rework the sequence based on the demands of the assessment instead of establishing the course order based on what is in the best interest of the students.

A few commenters also were concerned with the timing of the grade 10 math assessment. The commenters believe some schools will push content into earlier grades before students are developmentally ready or that accelerated students will be penalized for being tested on content that they mastered several years previously. The commenter believes the timing of the grade 10 exam must be reconsidered because it incentivizes a skills-only and assessment driven approach to instruction.

A few commenters were concerned about students earning three (3) social studies credits instead of four (4). Commenters believe three credits are not enough to allow students to dig into the content, skills, and practices and to conduct their own inquires. One commenter believes three (3) credits instead of four (4) will intensify a Eurocentric view of the world. Another commenter contends the KDE should encourage students to participate in the civic process but is concerned that the proposed minimum high school graduation requirements do not do this. One commenter is concerned that the minimum graduation requirements include only one (1) hour of science and social studies.

Some comments also addressed literacy concerns. Commenters question how students and teachers can fulfill the literacy requirements of the academic standards in only two required English credits. One commenter is concerned that the state will be unable to ensure literacy is a solid, pre-planned part of standards-based learning opportunities in all content areas. Another commenter questioned how the KDE can ensure personalized learning opportunities include literacy for career or college readiness.

A few commenters expressed the need for clarification on the meaning of standards-based learning experiences.

One commenter believes there is a need for more art requirements and to teach cursive writing.

One commenter feels that the Common Core should be removed and that teachers should go back to the old way of teaching.

One commenter believes personalized coursework needs to include which courses qualify and the certifications to teach such courses.

Individuals speaking or offering writing comments or concerns on this subject matter were: T. Beckem, Jana Bryant, Karen Cheser, Amy Clancy (Kentucky Council of Teachers of English), Ryan Davis (Committee for Mathematics Achievement), Jane Dewey (Kentucky Coalition for the Arts), Sana Kalun, Cassie Lyles (Kentucky Council for Social Studies), Beverly Derington Moore, Pat Murell and Leslie Marcellino, Tyler Murphy, Ryan New, Mary Oldfield, Perry Papka and Brigitte Blom Ramsey, Beth Roberts, John Settle, Maddie Shepard, and Meghan Wood.

(b) The agency carefully considered all comments received.

In response to comments, the agency amended the regulation to include various graduation qualifiers. The removal of Algebra II has been addressed in that the regulation amendment now includes an option for students to:

Satisfy precollege curriculum as established by the Council on Postsecondary Education in 13 KAR 2:020, which includes high school study in Algebra II.

While the agency is responsible for the development of academic standards, state law assigns each local school-based decision making (SBDM) council the authority to design the school's curriculum and determine appropriate instructional materials based upon language found in KRS 160.345. Therefore, SBDMs have the flexibility to design curriculum fulfilling the requirements of the *Kentucky Academic Standards*. The SBDM also may incorporate additional subject matter into personalized courses and career pathways in a manner that best meets the needs of their students.

The *Kentucky Academic Standards for Mathematics* identify the required standards for all students. The standards for mathematical practice are required for all students in grades K-12. Using a traditional pace, the required standards for mathematics in high school can be completed in three years. This allows students to take Algebra 1 and Geometry during their first two years. For students needing additional support, intervention courses may be introduced during the foundational years to run concurrently with the Algebra 1 course. For students needing to begin in a developmental course, the required standards can be spread out during the four years of high school allowing for foundation concepts and extra time to demonstrate proficiency of the high school content. The grade 10 exam will be offered during the personalized years as well for those who need that opportunity. For accelerated students, they will continue using the foundational content in their more advanced coursework and, therefore, would not be penalized. This is reflective of the college readiness exam, which encompasses content from previous years as well.

The requirement for students to meet the required credits in social studies is provided by the *Kentucky Academic Standards for the Social Studies* set forth at 704 KAR 3:303 and 704 KAR Chapter 8. Civic education, related to instruction, is specified in the proposed regulation as tied to the requirement for students to meet the required credits in social studies as provided by the *Kentucky Academic Standards for the Social Studies* set forth at 704 KAR 3:303 and 704 KAR Chapter 8. Local schools and districts are the decision-makers of how curriculum is designed with regard to if content will be organized in a stand-alone course or integrated with other subjects.

Pursuant to 704 KAR 3:540, the *Kentucky Academic Course Code List* contains a listing of course codes and descriptions along with certifications that fit the parameters for given courses.

A local board of education may award credit toward high school graduation for satisfactory demonstration of learning based on content standards described in the *Kentucky Academic Standards* and a rigorous performance standards policy established by the board of education.

The proposed *Kentucky Academic Standards for Reading and Writing* include handwriting standards. Grades 2 and 3 include standards for cursive writing.

Senate Bill 1 (2017) called for the repeal of Common Core State Standards and established a process for the review and revision of academic standards. The KBE approved newly revised math and reading/writing standards at its October 2018 board meeting. The standards are incorporated into different regulations and therefore no change was made based on these comments.

After careful review of the comments, the agency amended the regulation to include the completion of one or more graduation qualifiers. Students may choose to complete the precollege curriculum as noted in qualifier one (1).

(7) Subject Matter: Assessments for Graduation, Testing, and Accountability

(a) Comment: Comments about assessments for graduation, testing, and accountability include comments about the concern of students having to pass an assessment to graduate, the ability to retake the assessment or have a collection of work or portfolio, the excessive amount of testing in schools, the impact of assessing students with disabilities and English Learners (EL), the accommodations for EL students, and the supply of textbooks for students. In addition, there were a few comments related to state accountability.

A few commenters supported the graduation requirements and expressed that it is important to raise the standards and requirements for students to be able to graduate. The commenters supported the requirement to pass exit exams in reading and mathematics at grade 10.

Many commenters, however, believe students should not have to pass or meet a benchmark on a reading and mathematics assessment to graduate. The commenters feel students are stressed enough as it is and requiring students to pass an assessment will cause additional stress.

In addition, some commenters feel testing is not a good predictor of student success and some students aren't good test takers. Commenters were concerned that requiring an assessment to graduate will lower graduation rates and increase achievement gaps and dropout rates in Kentucky. Commenters expressed that many states have required exit exams and now have dropped the requirement. Commenters also expressed that if students are going to be required to pass assessments to graduate, then there should be unlimited attempts as well as an option to demonstrate the requirement through a portfolio for students.

There also are concerns regarding the Civics Test as a graduation requirement and the timing of when the assessments are administered.

Several commenters are concerned about the requirements for students with disabilities and EL students, and whether or not they would be expected to meet the same requirements as regular education students.

A few commenters stated there is too much testing in schools, and some of the testing should be removed. Some commenters are concerned that the grade 10 reading and mathematics assessment is an additional assessment that would be given to students and that teachers would be “teaching to the test.” Additionally, commenters are concerned how assessments would be developed and aligned to standards. One commenter believes the End of Course (EOC) assessments should be brought back.

Several commenters were concerned that waiting until high school to pass an exam was too late, and state assessments and resources should be given earlier to help with the instruction of students.

A few commenters expressed concern on the new accountability model and its measures and calculations.

One commenter expressed the need for more clarity regarding the appeals process and the need to notify students and parents as part of this process. This commenter believes a student’s grade 8 state-required assessment rating of proficient also could count in lieu of a portfolio.

One commenter feels that textbooks should be purchased rather than tests.

One commenter is concerned that accommodations for EL students permissible on state-required assessments may not be allowed on the ACT.

Individuals speaking or offering written comments or concerns on this subject were: Jennifer Allen, Elvira Alveraz, Deborah Anders, Jon Ballard, Barbara Hale-Baker, T. Beckhem, Diane Black, Jeni Bolander, Nicholas Brake, Jay Brewer, Tim Bobrowski, Courtney Brock, Jana Bryant, Travis Burton, Jinger Carter, Karen Cheser, Kathleen Cohen, Alexa Cox, Noel Crum, Kelly Davis, Mary Davis, Ryan Davis, Michael DeWhately, Linda Duncan, Billy Edwards, Jim Flynn, Chase Goff, Michael Gold, Karen Grace, Chris Harmer (Alliance to Reclaim Our Schools), Jill Harmer, Erin Harrell, Helen Hastings, Whitney Hayse (Protection and Advocacy), Joe Henderson, Gail Henson, Katherine Holm, Andrea Hunt, Billie Hunter, Nancy Hutchinson (KEDC Board of Directors), Sharilyn Jones, Sana Kalun, Allison Keenan, Melissa Keller, Eric Kennedy (Kentucky School Boards Association), Tracy Kessler, Joshua Kumm, Cassie Lyles, Leslie Marcellino, Doug Martin, Don Meade, Kim Mercker, Alison Messex, James Milam, Mary Miller, Shayna Mills, Chuck Mitchell, Beverly Moore, Matt Moore, Shambra Mulder, Pat Murell, Tyler Murphy, Autumn Neagle, NKCES (Northern Kentucky Superintendents), Davonna Page, Perry Papka (Prichard Committee for Academic Excellence), Tamara Patterson, Brigitte Blom Ramsey (Prichard Committee for Academic Excellence), Beth Roberts, Maryellen Sant, Karen Schwartz, Kerri Schelling (Kentucky School Boards Association), John Settle, Tom Shelton (Kentucky Association of School Superintendents), Maddie Sheppard (Kentucky Council for Social Studies), Rebekah Shumway, Marganna Stanley, Chad Thompson, Leandra Torra, Kathyryne Waters, Jane Wilson, Megan Wood, and Wayne Young (Kentucky Association of School Administrators).

(b) Response: The agency carefully considered all comments that were received.

KRS 158.6453 requires the Kentucky Board of Education (KBE) to create and implement a balanced statewide assessment program that measures the achievement of students, schools, and districts; complies with the federal Every Student Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor; and ensures accountability. Federal or state law requires that students are assessed in the content areas of reading, mathematics, science, social studies, and writing. Each content area is tested once at the high school level and additional assessments may be administered related to the graduation qualifiers. Summative assessments allow for a greater number of content standards to be assessed. The grade 10 reading and mathematics assessment must be administered and must produce student performance levels (Novice, Apprentice, Proficient, and Distinguished) used in federal and state reporting. For graduation, students would be required to reach a passing point or benchmark at the apprentice level of performance. The regulation does not create an additional test, but instead utilizes the tenth grade (already required) exam to determine basic reading and mathematics abilities. In addition, these assessments, as required by state statute, must be developed by Kentucky teachers and aligned to the *Kentucky Academic Standards*.

Under KRS 156.160, the KBE has the duty to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation. Kentucky is committed to providing a world-class education where all students have access to rigorous academic standards, coursework and aligned assessment, regardless of skin color, heritage, language spoken, family income, zip code, or disability. Kentucky's proposed high school graduation requirements go beyond compliance with federal and state legislation (ESSA and Senate Bill 1, 2017), and focus on making each student life-ready. Schools and districts must work with parents and families and vice versa to ensure a high level of achievement and expectation for students at all levels. Schools and districts must provide appropriate supports to students to reduce the disparity in performance groups by moving all students to higher levels.

The proposed regulation has been amended and now requires that students meet one of the following graduation prerequisites for reading and one of the following graduation prerequisite for mathematics. 1.) The student's tenth grade state-required assessments meeting the minimum criteria in reading and mathematics. The minimum score shall include earning a scale score in the apprentice student performance level or higher as approved by the KBE. Students who do not meet the minimum criteria on one or both assessments may retake the reading or mathematics assessment twice annually in the eleventh and twelfth grades of high school enrollment. 2.) The second option is the student's eighth grade state-required assessment rating of proficient or higher for reading or mathematics. 3.) A student collection of evidence to include the student's ILP that includes student transcript, the student's IEP if applicable, performance on the tenth grade state-required assessments, appropriate interventions targeted to the student's needs to ensure support was provided, student work demonstrating the students' competency in reading or mathematics, and the student's post-graduation plans.

In 2017, the Kentucky General Assembly passed Senate Bill 159 (2017). The law reads that beginning in July 2018, a student must pass a civics test composed of 100 questions in order to graduate from a public high school with a regular diploma. Each local board of education is expected to prepare or approve an exam that must be composed of questions from the United

States Citizenship and Immigration Services test. Students are required to score 60% or higher and may retake the exam as many times as deemed necessary to pass the test. Therefore, this Civics Test is a requirement of the Kentucky General Assembly, not this regulation.

All students, including students with disabilities and EL students, will be required to meet one or more of the prerequisites needed to graduate. Appropriate accommodations may be provided to students if they are listed in a student's IEP, Section 504 Plan, or PSP, and the student will have multiple opportunities to pass the assessments, or they may use the options of a collection of student evidence or performance at the proficient level on the 8th grade assessments. For students participating in the Kentucky Alternate Assessment, federal and state assessment requirements mirror the assessment requirements for students on a standard diploma track. A State-Defined Alternate Diploma to meet requirements of the ESSA (2015) for students in the alternate assessment program is being discussed. Students eligible to receive special education services under the Individuals with Disabilities Education Act (IDEA) are required to meet the graduation requirements as prescribed by the regulation. The Individual Education Program (IEP) is developed by the Admissions and Release Committee (ARC) to ensure that the needs of the student are met to successfully reach educational expectations and to obtain a diploma. However, for students with the most significant cognitive disabilities (i.e., less than 1% of the total student population statewide) for whom traditional assessments would be an inappropriate measure of progress, the student may take the Alternate Assessment Aligned with Alternate Achievement Standards (AA-AAS). The AA-AAS was developed to provide schools and programs with a valid and reliable means of assessing the instruction provided. The AA-AAS continues to meet federal requirements outlined in the ESSA.

ESSA specifications, as well as kindergarten and early preschool funding are not the subject of 704 KAR 3:305. Therefore, amendments will not be made in response to comments on these topics.

Accommodations for testing, textbook purchases, accountability indicator measures, and calculations are not under the purview of this regulation.

As a result of the comments related to this subject matter, the agency amended the regulation. Language in the regulation was removed on both the appeals process and portfolio and language was added on students must meet one or more of the graduation prerequisites which will demonstrate basic competence in reading and mathematics. The agency defined graduation prerequisites and listed the prerequisites in the regulation.

(8) Subject Matter: Special Populations

(a) Comment: Commenters believe the proposed graduation requirements will have a negative impact on those in special populations. Commenters are concerned the assessment will create too high of a barrier for students in these populations to pass, causing gaps, and would cause many to drop out. Commenters feel EL students will have a difficult time and as will students with Functional Mental Disabilities (FMD) and Mild Mental Disabilities (MMD) who are not identified in the regulation. Commenters feel the bar is too high for those in special education to pass. Commenters feel concerned that the transition readiness standard will be too difficult for

those in special populations. Commenters feel these special populations were not considered when the proposal was drafted.

Commenters are concerned with how this will affect Students with Disabilities and EL students. Regarding EL students, commenters are concerned the accommodations allowed by the state are not made for the ACT. Commenters are concerned with the effect the assessment will have on special populations. Commenters argue the assessment is good in theory, but would have a great impact on special education. Commenters believe holding special populations to the same standard makes students with cognitive disabilities vulnerable.

A commenter is concerned about the graduation requirements for FMD/MMD students on Alternate Assessment, believing the bar will be set too high for those populations. A commenter also believes that the jobs they do will likewise not count toward transition readiness.

Commenters are concerned that the unique needs of students from specific populations, such as students with disabilities, are not taken into account in the proposed regulations. A commenter states that the proposed graduation rates are not good for Kentucky students, especially students in Exceptional Childhood Education programs or EL students. The commenter recommends to send out more interventionists to help schools support students.

A commenter is worried how the new proposal affects special populations and concerns with the effects of gaps.

Commenters were proponents of early learning for special populations.

The individuals speaking or offering written comments or concerns on this subject matter were: Jeni Bolander, Tim Bobrowski, Jay Brewer, Kelly Davis, Jim Flynn, Joe Henderson, Nancy Hutchinson, Sharilyn Jones, Joshua Kumm, Rebekah Shumway, Marganna Stanley and Chad Thompson.

(b) Response: The agency carefully considered all comments that were received.

Students eligible to receive special education services under the Individuals with Disabilities Education Act (IDEA) are required to meet the graduation requirements as prescribed by the regulation. The Individual Education Program (IEP) is developed by the Admissions and Release Committee (ARC) to ensure that the needs of the student, any necessary accommodations, are met to successfully reach educational expectations and to obtain a diploma. However, for students with the most significant cognitive disabilities (i.e., less than 1% of the total student population statewide) for whom traditional assessments would be an inappropriate measure of progress, the student may take the Alternate Assessment Aligned with Alternate Achievement Standards (AA-AAS). The AA-AAS was developed to provide schools and programs with a valid and reliable means of assessing the instruction provided. The AA-AAS continues to meet federal requirements outlined in the ESSA,

Accommodations for students with an IEP and supports for EL students are available for the ACT. Nothing in the proposed regulation subverts the rights of a student with an IEP in place, and this includes transition services outlined in 707 KAR 1:320.

The KBE supports high quality, early learning programs. In recent years, with support from federal Race to the Top Early Learning grant funds, Kentucky has taken steps to improve access to high quality, early childhood programs. Child care, Head Start and preschool are united by one common quality rating improvement system, Kentucky All STARS. The KBE also has supported and included in its biennial budget request, the additional appropriation amounts to cover the cost for full-day kindergarten. Currently, state funding is provided for 1/2 day kindergarten across the state. Research indicates full-day kindergarten can help improve child outcomes. Preschool programs are available to 4-year-old children who are "at risk," meaning they are eligible for state funded preschool if they have a household income up to 160% of the federal poverty level. Preschool also is available for 3- and 4-year-old children with disabilities. Enrollment of a child in the preschool program is at the discretion of the parent or legal guardian. These programs are outside the purview of this regulation.

Part of the reasoning behind updating graduation requirements was to provide students with more avenues to learn and master academic standards. The regulation amendment shifts expectations to career readiness for all students, including students with disabilities. The proposed changes also allow more opportunities for students to obtain competencies in reading and math.

Closing performance gaps between student populations is a priority for the agency. Progress on long-term and interim goals for closing gaps will be reported publicly as required by the federal ESSA. This reporting will demonstrate if progress is being made toward closing gaps.

At this time, no amendments have been made specifically in response to comments related to special education as the Individuals with Disabilities Education Act (IDEA) prescribes how students eligible to receive special education services are educated.

However, the agency amended the regulation to include the completion of one or more graduation qualifiers to provide more ways to all students to qualify for high school graduation.

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

The public hearing on this administrative regulation was held on November 29, 2018 at 10:00 am, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky and written comments were received. The agency responded to the comments and amends the administrative regulation as follows:

Page 1

Necessity, Function, and Conformity

Line 13

After “Kentucky” delete “core”.

Line 14

After “3:303” insert “and 704 Chapter 8.”

Page 1

Section 1

Line 16

After “Definitions” delete “Academic readiness” and “career readiness” shall have the same meaning as described in 703 KAR 5:270.”

Page 2

Section 1

Line 6

Insert new definition “(4) Graduation prerequisite means the requirements which will demonstrate basic competence in reading and mathematics.”

Line 8

Insert new definition “(5) Graduation qualifier means a criterion which students have to meet in order to qualify for high school graduation.”

Page 2

Section 2(1)

Line 17

After “address” insert “the content as provided in the Kentucky academic standards for career studies set forth at 704 KAR 3:303 and 704 Chapter 8.” delete “Vocational Studies Academic Expectations 2.36-2.38 as established in Academic expectations, 703 KAR 4:060.” And insert “The individual learning plan shall not be a substitute for the statement of transition service needs for students with disabilities as provided in 707 KAR 1:320.”

Page 3

Section 2(6)

Line 16

After “(6)” delete “Beginning with the graduating class of 2013.”

Page 8
Section 4(1)
Line 11

Insert the following:

- (a) Complete one or more of the following graduation qualifiers:
1. Satisfy precollege curriculum as established by the Council on Postsecondary Education in 13 KAR 2:020;
 2. Achieve benchmark score as established by the Council on Postsecondary Education in 13 KAR 2:020 in one section of a college admissions or placement examination;
 3. Complete three (3) postsecondary credit hours or more of a Kentucky Department of Education approved dual credit course with a grade of C or higher;
 4. Complete one (1) course and corresponding assessment meeting the following criteria:
 - (a) Advanced placement (AP) with a score of three (3) or higher; or
 - (b) Cambridge Advanced International (CAI) with a score at E or higher; or
 - (c) International baccalaureate (IB) with a score of five (5) or higher;
 5. Obtain an industry certification as approved by the Kentucky Workforce Innovation Board;
 6. Complete four credits from valid courses within a single Kentucky Department of Education approved career pathway;
 7. Complete a Kentucky Department of Education approved process to verify 500 hours of exceptional work experience, or alternative requirements as determined by a student's Admissions and Release Committee and specified in the student's IEP;
 8. Complete two (2) years in an approved Kentucky Department of Education or Kentucky Labor Cabinet pre-apprenticeship or apprenticeship program; and

Delete the following:

- (a) Demonstrate academic readiness or career readiness; and

Page 9
Section 4(2)
Line 17

Insert the following:

- (a) Complete one or more of the following graduation qualifiers:
1. Satisfy precollege curriculum as established by the Council on Postsecondary Education in 13 KAR 2:020;
 2. Achieve benchmark score as established by the Council on Postsecondary Education in 13 KAR 2:020 in one section of a college admissions or placement examination;
 3. Complete three (3) postsecondary credit hours or more of a Kentucky Department of Education approved dual credit course with a grade of C or higher;
 4. Complete one (1) course and corresponding assessment meeting the following criteria:
 - (a) Advanced placement (AP) with a score of three (3) or higher; or
 - (b) Cambridge Advanced International (CAI) with a score at E or higher; or
 - (c) International baccalaureate (IB) with a score of five (5) or higher;
 5. Obtain an industry certification as approved by the Kentucky Workforce Innovation Board;
 6. Complete four credits from valid courses within a single Kentucky Department of Education approved career pathway;

7. Complete a Kentucky Department of Education approved process to verify 500 hours of exceptional work experience, or alternative requirements as determined by a student's Admissions and Release Committee and specified in the student's IEP;
8. Complete two (2) years in an approved Kentucky Department of Education or Kentucky Labor Cabinet pre-apprenticeship or apprenticeship program; and

Delete the following:

- (b) Demonstrate academic readiness or career readiness; and

Page 10

Section 4(2)(7)(b)

Line 20

After "meet" insert "one of the following graduation prerequisites for reading and one of the following graduation prerequisites for mathematics:" and delete "minimum criteria on the reading and mathematics assessments, which will approximate basic competence in reading and mathematics."

Page 11

Section 4(2)(7)(b)

Line 1

Insert the following:

"Score at or above the minimum criteria on the tenth grade state-required assessments in reading or mathematics;"

Page 11

Section 4(2)(7)(b)(i)

Line 3

After "score" insert "in the apprentice student performance level or higher as."

Page 11

Section 4(2)(7)(b)(ii)

Line 6

After "both" insert "of the reading or mathematics" and after "retake the" delete "reading and mathematics". After "in the" insert "eleventh and twelfth grades" and delete "third and fourth years."

Page 11

Section 4(2)(7)(b)(iii)

Line 10

After "rating" insert "or" and delete "and."

Line 12

Insert the following:

2. Score proficient or higher for reading or mathematics on the eighth grade state required assessment; or
3. A student collection of evidence to include the following:

- a. The student’s ILP that includes student transcript;
 - b. If applicable, for students with IEPs, evidence that the student has achieved progress on measurable annual IEP goals as determined by the Admissions and Release Committee;
 - c. Performance on the tenth grade state-required assessments in reading or mathematics;
 - d. Appropriate interventions, targeted to the student’s needs, provided to the student to ensure support was provided toward meeting the requirements outlined in this administrative regulation;
 - e. Student work demonstrating the students’ competency in reading or mathematics;
 - f. The student’s post-graduation plans.
- (i) The process shall require the principal to submit the collection of student evidence to the superintendent or designee for review and approval, or for public charter schools principals to submit the collection of student evidence to the Commissioner of Education or designee.

Page 14
 Section 4(6)(f)
 Line 4

After “technology” insert as approved by the Kentucky Department of Education” and delete “using the process for awarding performance-based credit outlined in Section 7 of this administrative regulation.”

Page 14
 Section 4(6)(h)
 Line 10

After “literacy” insert “requirements pursuant to KRS 158.1411 and.”

Page 14
 Section 4(7)
 Line 12

Insert the following:

“(7) Districts shall report individual student data regarding the completion of each graduation qualifier and each graduation prerequisite to the Kentucky Department of Education which may be included in aggregate public reporting.”

Delete the following:

(7)(a) Districts shall develop an appeals process for students who are on track to meet all graduation requirements except the minimum criteria on the reading and mathematics assessments.

(b) The appeals process shall be available to students who have at least one (1) unsuccessful attempt to meet the minimum criteria on the reading and/or mathematics assessments.

(c) The appeals process shall consist of two (2) options.

1. A student portfolio to include evidence of the following:

- a. The student’s ILP that includes student transcript;
- b. If applicable, the student’s IEP, that includes evidence that the student has received specially designed instruction and related services in reading and mathematics;
- c. Performance on the required state assessments;
- d. Appropriate interventions, targeted to the student’s needs, provided to the student to ensure support was provided toward meeting the requirements outlined in this administrative regulation;

- e. Student work demonstrating the students' competency in reading and mathematics; and
 - f. The student's college or career plans; or
2. The student's eighth grade assessment rating of proficient or higher for reading or mathematics or both reading and mathematics, if applicable.
- (d) Results of the appeals process will not impact the school or district's accountability rating.
 - (e) The appeals process shall require the principal to submit the appeal and evidence to the superintendent or designee for review and approval.

Page 17

Section 5(2)(a)

Line 9

After "proficient" insert "or higher." After "on the" insert "state-required assessments" and delete "end of course exams."