

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Amendment to 704 KAR 7:090, Homeless Children Education Program (Second Reading)

Date: December 2019

Action Requested: Review Action/Consent Action/Discussion

Held In: Full Board Curriculum, Instruction and Assessment
 Finance Operations Management

SUMMARY OF ISSUE BEFORE THE BOARD:

To take action on proposed amendments to 704 KAR 7:090, Homeless children education program, that align with the requirements of House Bill (HB) 378 (2019). KRS 156.160(1) requires the Kentucky Board of Education (KBE) to “promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance,” including regulations that develop and implement procedures “for all students who are homeless children and youths as defined in 42 U.S.C. sec. 11434a(2).”

COMMISSIONER’S RECOMMENDATION:

The Commissioner recommends approval of 704 KAR 7:090, as amended, to align with the requirements of HB 378 (2019).

APPLICABLE STATUTE OR REGULATION:

KRS 156.029, 156.035, and 156.160; 20 U.S.C 6311(g)(1)(E), 20 U.S.C. 6312(c)(5)(B), and 42 U.S.C. 11431 et seq.

BACKGROUND:

Existing Policy:

The McKinney-Vento Homeless Assistance Act, specifically subtitle VII-B, is the primary piece of federal legislation related to the education of children and youths experiencing homelessness. Under the McKinney-Vento Education for Homeless Children and Youth program, state educational agencies shall ensure that homeless children and youths have equal access to the same free, appropriate public education as provided to other children and youths. To ensure homeless children and youths have equal access to public education, the Kentucky Department of Education is required to review regulations and other practices and policies that may act as barriers to the identification, enrollment, attendance, or educational successes of homeless children and youths. 704 KAR 7:090 provides the legal framework for Kentucky’s homeless education program, including but not limited to criteria for program implementation, requirements related to residency and enrollment, and procedures for the resolution of disputes.

Summary of Issue:

During the most recent legislative session, the Kentucky General Assembly passed HB 378 (2019) amending KRS 156.160 to require the KBE to provide, through administrative regulation, procedures for homeless children and youths, as defined in 42 U.S.C. 11434a(2), to be awarded credit, including partial credit, for all coursework satisfactorily completed while enrolled at another school. Additionally, KRS 156.160 requires the KBE to provide, through administrative regulation, procedures for homeless children and youths, as defined in 42 U.S.C. 11434a(2), who were previously enrolled at another school in a course required for graduation to be provided the opportunity, to the extent practicable, to complete that course at no cost before the beginning of the next school year.

The KBE also is required, pursuant to KRS 156.160(1)(p)(3)-(4), to provide, through administrative regulation, authority for a student meeting the definition of homeless children and youths under 42 U.S.C. 11434a(2) and transferring schools after successful completion of the second year of high school to be awarded a high school diploma:

(a) At the student's request, by the local district from which the student transferred if the student meets the graduation requirements of that district but is ineligible to graduate from the local district to which the student transferred; or

(b) By the local district to which the student transferred if the student meets the minimum requirements for high school graduation established by the KBE pursuant to KRS 156.160(1)(d) but is ineligible to graduate both from the district to which the student transferred and the district from which the student transferred.

Budget Impact:

The amendment of this administrative regulation has no fiscal impact on state funds. Kentucky receives approximately \$1,328,000 in federal funding under the McKinney-Vento Education for Homeless Children and Youth program to promote educational successes for students who are experiencing homelessness.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The Local Superintendents Advisory Council (LSAC) reviewed this regulation at its meeting on September 24, 2019. At that time, no questions or concerns regarding the contents of the regulation were shared.

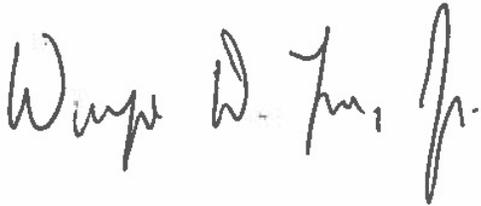
The LSAC will review this regulation for a second time at its meeting on November 26, 2019. Their additional feedback will be shared with the KBE prior to the December meeting.

The Title I Committee of Practitioners reviewed this regulation at its meeting on October 29, 2019. At that time, some clarifying questions were asked by committee members; however, the committee raised no concerns regarding the contents of the regulation.

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Commissioner of Education

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