

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 (Amendment)

4 702 KAR 7:125. Pupil attendance.

5 RELATES TO: KRS 157.320, 157.350, 157.360, 158.030, 158.070, 158.100, 158.240,
6 159.010, 159.030, 159.035, 159.140, 159.170, 161.200

7 STATUTORY AUTHORITY: KRS 156.070, 156.160, 157.320, 158.070

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 157.320 defines average daily
9 attendance of pupils for funding purposes under the Support Education Excellence in Kentucky
10 (SEEK) Program. KRS 157.360 bases SEEK funding upon average daily attendance. KRS
11 158.030, 158.100, and 159.010 establish the age for compulsory school attendance. KRS 158.070
12 defines the school term. KRS 158.240 and 159.035 define attendance credit for moral instruction
13 and 4-H activities. KRS 161.200 requires attendance records to be kept by teachers. This
14 administrative regulation establishes a uniform method of recording pupil attendance.

15 Section 1. Daily Attendance. (1) Daily attendance of pupils in elementary schools shall be
16 determined by taking attendance one (1) time each day prior to the start of instruction and
17 maintaining a pupil entry and exit log at each school.

18 (2) Daily attendance of pupils in middle and high schools shall be determined by taking
19 attendance by class period and maintaining a pupil entry and exit log at each school.

20 (3) The pupil entry and exit log shall include the date, pupil name, grade or homeroom,
21 time of late arrival, time of early departure (with the reason for both listed), and other information

1 required by the local board of education. For elementary pupils who are signed out, the pupil entry
2 and exit log shall also include a signature of:

3 (a) A parent;

4 (b) A legal guardian; or

5 (c) An adult with proof of identification and for whom the school has received a written
6 authorization from the parent or legal guardian.

7 (4) Pupils shall be physically present in the school to be counted in attendance except under
8 the following conditions:

9 (a) The pupil is a participant in a co-curricular instructional activity that has been
10 authorized by the local board of education and is a definite part of the instructional program of the
11 school;

12 (b) The pupil is a participant in an activity as provided in either KRS 158.240 or 159.035;

13 (c) The pupil is participating in an off-site virtual high school class or block. A pupil may
14 be counted in attendance for a virtual high school class or block for the year or semester in which
15 the pupil initially enrolled in the class or block if the pupil demonstrates proficiency in accordance
16 with local policies required by 704 KAR 3:305, Section ~~7[5(2)(b) or (3)]~~;

17 (d) The pupil's mental or physical condition prevents or renders inadvisable attendance in
18 a school setting, and the pupil meets the requirements of KRS 159.030(2). A pupil being served in
19 the home/hospital program shall receive, at a minimum, the instruction required pursuant to KRS
20 157.270~~[a minimum of one (1) hour of instruction two (2) times per five (5) instructional days]~~;

21 (e) The pupil has been court ordered to receive educational services in a setting other than
22 the classroom. A pupil being served through a court order shall receive at a minimum, the
23 instruction required pursuant to subsection (d) of this Section~~[a minimum of one (1) hour of~~

1 ~~instruction two (2) times per five (5) instructional days];~~

2 (f) The pupil has an individual education program~~[plan]~~ (IEP) that requires less than full-
3 time instructional services;

4 (g) The pupil is participating in standards-based, performance-based credit that is awarded
5 in accordance with 704 KAR 3:305, Section 7[5(2)(b)] and that falls within one (1) or more of the
6 categories of standards-based course work outlined in 704 KAR 3:305~~[, Section 2]~~. A pupil may
7 be counted in attendance for performance-based credit for a class or block for the year or semester
8 in which the pupil initially enrolled in the class or block if the pupil demonstrates proficiency in
9 accordance with local policies required by 704 KAR 3:305, Section 7[5(3)]; or

10 (h) The pupil participates in a school that is authorized by the commissioner to design and
11 deliver an educational program so that all graduation requirements are based on pupil proficiency
12 of standards and performance, rather than time and Carnegie units, as authorized in 704 KAR
13 3:305, Section 7[5].

14 (5) Even if a pupil's absence or tardy is due to factors beyond the pupil's control, including
15 inclement weather or failure of the transportation system to operate, the pupil shall be counted
16 absent or tardy.

17 (6) The local board of education shall determine by local board policy what constitutes an
18 excused and an unexcused absence.

19 (7) A pupil shall not be allowed to make up absences for the purpose of including make-
20 up activities in the calculation of average daily attendance.

21 Section 2. Calculation of Attendance. The guidelines in this section shall be used to
22 calculate pupil attendance for state funding purposes.

23 (1) A full day of attendance shall be recorded for a pupil who is in attendance at least sixty-

1 five (65) percent of the regularly-scheduled school day for the pupil's grade level.

2 (2) A tardy shall be recorded for a pupil who is absent thirty-five (35) percent or less of the
3 regularly-scheduled school day for the pupil's grade level.

4 (3) A half day absence shall be recorded for a pupil who is absent thirty-six (36) percent to
5 eighty-four (84) percent of the regularly-scheduled school day for the pupil's grade level.

6 (4) A full day absence shall be recorded for a pupil who is absent more than eighty-four
7 (84) percent of the regularly-scheduled school day for the pupil's grade level.

8 Section 3. Shortened School Day. A local board of education may permit an arrangement
9 whereby a pupil has a shortened school day in accordance with KRS 158.060, or local board of
10 education policy. The time a pupil is in attendance shall be included in calculating the district's
11 average daily attendance.

12 Section 4. Dual Enrollment. A local board of education may permit an arrangement in
13 which a pupil pursues part of the pupil's education under the direction and control of one (1) public
14 school and part of the pupil's education under the direction and control of another public or
15 nonpublic school. The time a pupil is served by each public school shall be included when
16 calculating the district's average daily attendance.

17 Section 5. Private School Placement. If a local school district, under the provisions of KRS
18 157.360(7), enrolls a child with a disability in a private school or agency, the private school or
19 agency shall certify the attendance of the child to the local school district at the close of each school
20 month.

21 Section 6. Age of Pupil. ~~(1) If~~~~(1) Prior to the 2017-18 school year, if a local school district~~
22 ~~enrolls in the entry level program a pupil who will not be five (5) years of age on or before October~~
23 ~~1 of the year of enrollment, the total aggregate days attendance for the pupil shall not be included~~

1 ~~in calculating the district's average daily attendance. Beginning with the 2017-18 school year, if]~~
2 a local school district enrolls in the entry level program a pupil who will not be five (5) years of
3 age on or before August 1 of the year of enrollment, the total aggregate days attendance for the
4 pupil shall not be included in calculating the district's average daily attendance except under the
5 conditions established in subsection (3) of this section.

6 (2) ~~If [Prior to the 2017-18 school year, if a local school district enrolls in the second level~~
7 ~~of the primary program a pupil who will not be six (6) years of age on or before October 1 of the~~
8 ~~year of enrollment, the total aggregate days attendance for the pupil shall not be included in~~
9 ~~calculating the district's average daily attendance except under the conditions established in this~~
10 ~~subsection. Beginning with the 2017-18 school year, if]~~ a local school district enrolls in the second
11 level of the primary program a pupil who will not be six (6) years of age on or before August 1 of
12 the year of enrollment, the total aggregate days attendance for the pupil shall not be included in
13 calculating the district's average daily attendance except under the conditions established in ~~this~~
14 subsection (3) of this section.

15 (3)(a) The local board of education shall have determined that the pupil is eligible for
16 enrollment in the appropriate~~[second]~~ level of the primary program after academic, social, and
17 developmental progress records from multiple data sources are reviewed by a team and determined
18 to support accelerated placement. These sources shall include:

- 19 1. Anecdotal records;
- 20 2. A variety of pupil work samples, including evidence of pupil self-reflection; and
- 21 3. Standardized test results.

22 (b) The team shall be comprised of three (3) members who have knowledge of the pupil's
23 developmental skills and abilities. Team members shall be chosen from these categories:

- 1 1. Teachers;
- 2 2. Parents;
- 3 3. Psychologists;
- 4 4. Principals; or
- 5 5. District specialists.

6 (c) At least one (1) team member shall represent the district office and have an
7 understanding of early childhood development and knowledge of developmentally-appropriate
8 practices.

9 (d) If a pupil is recommended by the local board of education for accelerated placement
10 into the entry or second level of the primary program, the district shall forward that
11 recommendation to the department for approval with:

- 12 1. A list of data sources used in making the decision;
- 13 2. A list of all individuals who submitted the data sources;
- 14 3. A list of team members; and
- 15 4. The data needed to create a pupil attendance record.

16 (3) A local school district shall enroll any resident pupil, not holding a high school diploma,
17 under the age of twenty-one (21) years who wishes to enroll. The days attended after the pupil's
18 21st birthday shall not be included in the calculation of the district's average daily attendance.

19 Section 7. Due Dates for Certain Reports. (1) The Growth Factor Report for the first two
20 (2) school months of the school year created pursuant to KRS 157.360(9) shall be submitted to the
21 department through the statewide student information system within ten (10) business days
22 following the last day of the second school month or by November 1 of each year, whichever
23 occurs first.

1 (2) Pursuant to KRS 157.360(2), the Superintendents Annual Attendance Report (SAAR)
2 for the school year shall be submitted to the department through the statewide student information
3 system by June 30 of each year.

4 Section 8. Nonresident Pupils. (1)(a) A written agreement executed by local boards of
5 education for enrollment of nonresident pupils as provided by KRS 157.350(4)(a) shall be filed in
6 both the attending district and the resident district no later than ~~October~~February 1 of the school
7 year prior to the school year to which it will apply.

8 (b) The written agreement shall include the specific terms to which the districts have
9 agreed.

10 (c) A list of the names of all nonresident pupils enrolled in the attending district covered
11 by the agreement shall be filed in both the attending district and the resident district not later than
12 November 1 of the school year covered by the agreement.

13 (d) A change may be made to the original nonresident pupil agreement up to the close of
14 the school year to include the nonresident pupils enrolling after the close of the second school
15 month. The amendment shall be filed in both the attending district and the resident district no later
16 than June 30 of each year.

17 (2) A list of the names of all nonresident pupils whose parent is an employee of the district
18 as provided by KRS 157.350(4)(b) and who are not covered by the nonresident agreement shall be
19 filed in both the attending district and the resident district not later than November 1 of the school
20 year.

21 (3)(a) If an agreement cannot be reached for the enrollment of nonresident pupils as
22 provided in KRS 157.350(4)(a), a local board of education may file an appeal to the

1 commissioner no later than October 15 of the school year prior to the school year to which an
2 agreement would apply.

3 (b) A local board of education shall file its appeal to the commissioner in person or by
4 mail at the following address: Commissioner of Education; Nonresident Student Appeal; 300
5 Sower Boulevard, 5th Floor; Frankfort, KY 40601. A local board of education filing an appeal to
6 the commissioner shall include written arguments and documents in support of its position.

7 (c) Upon receipt of an appeal pursuant to KRS 157.350(4)(a), the commissioner shall notify the
8 local boards of education involved in the dispute and provide a deadline **not to exceed twenty**
9 **(20) calendar days** for the responding local board of education to file written arguments and
10 documents supporting its position. The commissioner shall issue a written decision settling the
11 dispute within thirty (30) calendar days following the deadline for the responding local board of
12 education to file written arguments and documents supporting its position.

13 (4)(a) A local board of education may appeal the commissioner's written decision to the
14 state board of education by filing a notice of appeal and request for hearing no later than fifteen
15 (15) calendar days following issuance of the commissioner's written decision.

16 (b) A notice of appeal and request for hearing from a local board of education shall
17 include:

- 18 1. the name of the school district filing the notice of appeal and request for hearing;
- 19 2. the case number, if any, assigned to the commissioner's written decision;
- 20 3. the date of the commissioner's written decision;
- 21 4. a statement of the issues which form a basis for the notice of appeal and request for hearing;
- 22 and

1 5. the signature of the local board of education chair or counsel authorized to act on behalf of the
2 local board of education.

3 (c) A local board of education shall file its notice of appeal and request for hearing in
4 person or by mail at the following address: Kentucky Board of Education; General Counsel;
5 Nonresident Student Appeal; 300 Sower Boulevard, 5th Floor; Frankfort, KY 40601.

6 (5)(a) Upon receipt of a notice of appeal and request for hearing, a notice of hearing
7 pursuant to KRS 13B.050 shall be issued and a hearing officer shall be assigned pursuant to KRS
8 13B.030.

9 (b) Following issuance of a notice of hearing and assignment of a hearing officer as set
10 forth in subsection (5)(a) of this Section, the hearing officer shall preside over the matter and
11 schedule an administrative hearing pursuant to KRS Chapter 13B to conclude no later than **sixty**
12 **(60)** calendar days following the notice of hearing described in subsection (5)(a) of this Section.

13 (c) Following conclusion of administrative hearings **not conducted before a quorum of**
14 **the state board**, the hearing officer shall issue a recommended order to the state board of
15 education pursuant to KRS 13B.110.

16 (d) Parties may file exceptions to the hearing officer's recommended order pursuant to
17 KRS 13B.110.

18 (e) Following receipt of the hearing officer's recommended order and any exceptions
19 filed by the parties, **or following conclusion of the administrative hearing if conducted before**
20 **a quorum of the state board of education**, the state board of education shall issue a final order
21 pursuant to KRS 13B.120.

22 Section 9. Weather-related Low Attendance Days. (1) The SAAR may[shall be
23 considered]:

1 (a) Substitute the~~[The request to substitute]~~ prior year's average daily attendance for up to
2 ten (10) designated weather-related low attendance days; and

3 (b) Shall constitute certification ~~[Certification]~~ that the low attendance was due to
4 inclement weather, in accordance with KRS 157.320(17).

5 (2) Documentation that the low attendance was due to inclement weather shall be retained
6 at the central office.

7 Section 10. Nontraditional Instruction Program Health and Safety Closings. (1) The SAAR
8 may~~[shall be considered]~~:

9 (a) Substitute the~~[The request to substitute]~~ prior year's average daily attendance for up to
10 ten (10) designated instructional days, in accordance with KRS 158.070(10); and

11 (b) Shall constitute certification~~[Certification]~~ that the low attendance was due to health
12 and safety reasons.

13 (2) Documentation that the low attendance was due to health and safety reasons shall be
14 retained at the central office.

15 (3) Days granted in this section shall be in addition to any days granted under Section 9 of
16 this administrative regulation.

17 Section 11. Original Source of Attendance Data. (1) The school's records of daily
18 attendance and teacher's monthly attendance reports, daily and class period absentee lists, pupil
19 entry and exit logs, and the Home/Hospital Program Form, shall be the original source of
20 attendance data for all pupils enrolled in the public common schools and shall be verified at the
21 end of each school month.

22 (2) The school's records of daily attendance and teachers' monthly attendance reports shall
23 be signed by a designated certified person within the elementary or secondary school who shall be

1 responsible for verifying and certifying the state attendance documents for accuracy.

2 (3) The school's records of daily attendance and tenth month teacher's monthly attendance
3 reports shall be retained at least twenty (20) years. The daily and class period absentee lists, and
4 pupil entry and exit logs shall be retained at least two (2) full school years after the current school
5 year.

6 Section 12. Enrollment Codes. The following entry, reentry, and withdrawal codes shall be
7 used to indicate the enrollment status of pupils:

8 (1) E01 - A pupil enrolled for the first time during the current year in either a public or
9 nonpublic school in the United States;

10 (2) E02 - A pupil previously enrolled during the current school year in either a public or
11 nonpublic school in another state who has not previously enrolled in Kentucky during the current
12 school year;

13 (3) E03 - A pupil enrolling for the first time during the current school year in either a public
14 or nonpublic school, who withdrew [~~as a W06, W07, W13, W16, or W18 during the 2004-2005~~
15 ~~school year or~~] as a W07, W24 or W25 for previous school years;

16 (4) R01 - A pupil received from another grade or grade level in the same school year, or
17 having a change in schedule structure or enrollment service type;

18 (5) R02 - A pupil received from another public school in the same public school district;

19 (6) R06 - A pupil reentering the school after dropping out, discharge, or expulsion from a
20 school district in Kentucky during the current school year, who has not entered any other school
21 during the intervening period;

22 (7) R20 - A pupil previously enrolled in a home school in Kentucky during the current
23 school year;

1 (8) R21 - A pupil previously enrolled in any public or nonpublic school (excluding home
2 schools) in Kentucky during the current school year;

3 (9) W01 - A pupil transferred to another grade in the same school or with grade level
4 changes in the same school mid-year, or with a change in schedule structure or enrollment service
5 type. The reentry code to use with W01 shall be R01;

6 (10) W02 - A pupil transferred to another public school in the same public school district.
7 The reentry code to use with W02 shall be R02;

8 (11) W07 - A pupil withdrawn due to those communicable medical conditions that pose a
9 threat in school environments listed in 902 KAR 2:020, Section 2(1), accompanied by a doctor's
10 statement certifying the condition, or any other health-related condition for which the pupil is too
11 ill to participate in regular school attendance, ~~or~~ local homebound instructional services or
12 hospital setting instructional services, or if the pupil has obtained a doctor's statement certifying
13 the condition. The reentry code to use with W07 shall be R06;

14 (12) W08 - A pupil withdrawn due to death;

15 (13) W12 - A pupil under the jurisdiction of the court. For purposes of the W12 code, a
16 pupil may be considered under the jurisdiction of the court on the day the petition is filed with the
17 court. The reentry code to use with W12 shall be R06. For accountability purposes, a W12 shall
18 be considered a dropout if the district cannot substantiate enrollment in the proper educational
19 setting as designated by the court;

20 (14) W17 - An entry level pupil in the primary program, withdrawn during the first two (2)
21 months enrolled due to immaturity or mutual agreement by the parent, guardian or other custodian
22 and the school in accordance with 704 KAR 5:060;

23 (15) W20 - A pupil transferred to a home school. The reentry code to use with W20 shall

1 be R20;

2 (16) W21 - A pupil transferred to a nonpublic school (excluding home school). The reentry
3 code to use with W21 shall be R21;

4 (17) W22 - A pupil who has transferred to another Kentucky public school district and for
5 whom a request for pupil records has been received or enrollment has been substantiated;

6 (18) W23 - A pupil withdrawn for a second or subsequent time who initially withdrew as
7 a W24 or W25 during the current school year;

8 (19) W24 - A pupil who has moved out of this public school district for whom enrollment
9 elsewhere has not been substantiated or failed to attend on the first day of school in a district but
10 thereafter enrolled in the district;

11 (20) W25 - [~~Prior to the 2017-18 school year, a pupil who is at least the local board policy's~~
12 ~~minimum age for withdrawal and has withdrawn from public school; beginning with the 2017-18~~
13 ~~school year, a]~~ A pupil who is at least eighteen (18) years of age and has withdrawn from public
14 school;

15 (21) W26 - A pupil who has withdrawn from school after completing a secondary GED
16 program and receiving a GED certificate;

17 (22) W27 - A pupil who has withdrawn from school and subsequently received a GED;

18 (23) W28 - A pupil who has reached the maximum age for education services without
19 receiving a diploma or an alternative high school diploma;

20 (24) W29 - A pupil who has moved out of state or out of the United States;

21 (25) W30 - A pupil with an IEP enrolled in Grade 14 who has previously received an
22 alternative high school diploma, re-enrolled, and withdrew in the middle of the reporting school
23 year;

1 (26) C01 - A pupil who completes the school year in the school of the most current
2 enrollment;

3 (27) G01 - A pupil who graduates in less than four (4) years;

4 (28) G02 - A pupil who graduates in four (4) years;

5 (29) G03 - A pupil who graduates in five (5) or more years;

6 (30) G04 - A pupil who graduates in six (6) or more years; and

7 (31) NS - A pupil who completed the prior year with a C01 and was expected to enroll in
8 the district but did not enroll by October 1 of the current year whose enrollment elsewhere cannot
9 be substantiated.

10 Section 13. Suspension. (1) For a pupil who has been suspended, a code of S shall be used
11 to indicate the days suspended.

12 (2) Suspension shall be considered an unexcused absence.

13 Section 14. Ethnicity. The ethnicity of each pupil shall be designated as either
14 Hispanic/Latino or not Hispanic/Latino. The designation shall be "Hispanic/Latino" if the person
15 is of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture of origin
16 regardless of race. The term "Spanish origin" may be used in addition to "Hispanic/Latino".

17 Section 15. Racial Category Codes. One (1) or more of the following racial codes shall be
18 used to indicate the racial category of pupils:

19 (1) White - A person having origins in any of the original peoples of Europe, North Africa,
20 or the Middle East;

21 (2) Black or African American - A person having origins in any of the black racial groups
22 of Africa;

23 (3) Asian - A person having origins in any of the original peoples of the Far East, Southeast

1 Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea,
2 Malaysia, Pakistan, the Philippine Islands, Thailand, or Vietnam;

3 (4) American Indian or Alaskan Native - A person, having origins in any of the original
4 peoples of North America and South America (including Central America), who maintains cultural
5 identification through tribal affiliation or community attachment; and

6 (5) Native Hawaiian or other Pacific Islander - A person having origins in any of the
7 original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

8 Section 16. Withdrawal and Transfer Records. (1) ~~[The Student Dropout Questionnaire~~
9 ~~shall be completed during the one (1) hour counseling session mandated in accordance with KRS~~
10 ~~159.010.~~

11 (2) The request for records and other information involving the withdrawal and transfer
12 of pupils shall be processed by the local superintendent or his or her designee pursuant to KRS
13 159.170, and shall be maintained in the pupil's permanent file.

14 Section 17. Incorporation by Reference. (1) The following material is incorporated by
15 reference:

16 (a) "Home/Hospital Program Form", October 2019~~[November 2013];~~

17 (b) ~~"Student Dropout Questionnaire", November 2013;~~

18 (c) ~~"Growth Factor Report", November 2013; and~~

19 (d) ~~"Superintendent's Annual Attendance Report (SAAR)", November 2013].~~

20 (2) This material may be inspected, copied, or obtained, subject to applicable copyright
21 law, at the Department of Education, 300 Sower Boulevard, 5th Floor~~[15th Floor, Capital Plaza~~
22 ~~Tower, 500 Mero Street], Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.~~

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)

Wayne D. Lewis, Ph.D.
Commissioner of Education

(Date)

Hal Heiner, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on XXXX, at XXX in the State Board Room, 5th Floor, Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until XXXX. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Deanna Durrett, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, KY 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov .

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 702 KAR 7:125
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 defines average daily attendance for pupils for funding purposes in the Support Education Excellence in Kentucky (SEEK) program through a uniform method of recording pupil attendance.

(b) The necessity of this administrative regulation: KRS 157.320 defines average daily attendance of pupils for funding purposes under the SEEK program. KRS 157.360 bases SEEK funding upon average daily attendance. KRS 158.030, 158.100, and 159.030 establish the age for compulsory school attendance. KRS 158.070 defines the school term. KRS 158.240 and 159.035 define attendance credit for moral instruction and 4-H activities. KRS 161.200 requires attendance records to be kept by teachers. This administrative regulation establishes a uniform method of recording pupil attendance.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation establishes a uniform method of recording pupil attendance.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets out the required guidelines for the uniform recording of and accounting for pupil attendance.

(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: This amendment updates the administrative regulation to update statutory references, remove phased implementation dates that have passed, provide details regarding nonresident student disputes pursuant to KRS 157.350(4), and removes certain documents incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: The amendment eliminates confusion by updating statutory references and phased implementation dates which have passed. The amendment also provides needed clarification and details for the handling of nonresident student disputes pursuant to KRS 157.350(4).

(c) How the amendment conforms to the content of the authorizing statute: This amendment conforms to KRS 156.035 and 156.070 that require the KBE to promulgate administrative regulations to ensure the proper accounting of pupil attendance for school district budgeting purposes. The amendment further conforms to KRS 157.350 which provides for appeal of nonresident student disputes to the Commissioner and KBE.

(d) How the amendment will assist in the effective administration of the statutes: This amendment updates the statute to provide greater clarity regarding the nonresident student dispute appeal process, and eliminate confusion of outdated statutory references.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All public school districts in Kentucky and supporting staff in the Kentucky Department of Education.

(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: The amendment to this administrative regulation will impact all schools and districts by providing them with greater clarity and understanding of accounting for pupil attendance and how to resolve nonresident student disputes.

(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: School districts should notify appropriate staff of changes to the regulation. School districts seeking settlement of nonresident student disputes will be required to follow the steps outlined in the amended regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional costs to current operations.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): SEEK funding is tied directly to pupil attendance. School districts must record attendance accurately to receive the appropriate share of SEEK funding.

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

(a) Initially: No costs.

(b) On a continuing basis: No costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Additional costs are not anticipated. General funds for current and ongoing costs.

(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 will be necessary.

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

(9) TIERING: Is tiering applied? (Explain why or why not) While the administrative regulation applies equally to all school districts, tiering is applied in SEEK distribution (pursuant to state law) to equalize funding for poorer school districts with lower tax bases and/or higher numbers of students who qualify for free or reduced price lunch.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 702 KAR 7:125
Contact Person: Deanna Durrett, Deanna.Durrett@education.ky.gov
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(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? All Kentucky public school districts.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 157.320, 157.360, 158.030, 158.070, 158.100, 158.240, 159.030, 159.035, 161.200.

(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? None.

(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? None. This administrative regulation provides the means to determine the average daily attendance (ADA) for calculating each district's annual SEEK allocation. To the extent that this administrative regulation allows for tracking student attendance, any change in student ADA will directly impact the SEEK calculation.

(c) How much will it cost to administer this program for the first year? No additional cost.

(d) How much will it cost to administer this program for subsequent years? No additional cost.

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

Revenues (+/-): None

Expenditures (+/-): None

Other Explanation:

Summary Page - Incorporation by Reference

702 KAR 7:125. Pupil Attendance

The following documents are incorporated by reference:

(1) "Home/Hospital Program Form," October 2019. This document incorporated by reference consists of one (1) page and is the form school districts utilize to record home and hospital instruction for individual students.