

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Amendment to 702 KAR 7:125, Pupil Attendance (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 the proposed administrative regulation amendment to 702 KAR 7:125, Pupil attendance. Pursuant to KRS 156.160, with the advice of the Local Superintendents Advisory Council (LSAC), the Kentucky Board of Education (KBE) shall promulgate administrative regulations establishing standards which school districts shall meet in student, program, service and operational performance.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of the amendment to 702 KAR 7:125, the pupil attendance regulation.

APPLICABLE STATUTE OR REGULATION:

KRS 156.070, 156.160, 157.320, 158.070, 702 KAR 7:125

BACKGROUND:

Existing Policy:

702 KAR 7:125 establishes a uniform method of recording pupil attendance. The regulation addresses the calculation of attendance, dual enrollment, private school placement, pupil age, district reporting (Superintendents Annual Attendance Report (SAAR) and Growth Factor), nonresident student agreements, weather-related low attendance days, nontraditional instruction program health and safety closings, withdrawal and enrollment codes, and ethnicity information.

Summary of Issue:

Given the increase in the number of appeals to the Kentucky Department of Education (KDE) from school districts related to nonresident agreements, it is necessary to amend the regulation clarifying the procedures and timelines for resolving such conflicts. The current regulation provides that a written agreement for enrollment of nonresident students shall be filed in both the attending district and resident district no later than February 1 of the year prior to the school year to which it will apply. The proposed regulation would require the written agreement to be filed between districts on or before October 1 of the year prior to the school year in which it would apply. The amendment sets forth that if an agreement between districts cannot be reached related to nonresident agreement terms, a local board may file an appeal to the commissioner no later

than October 15 of the school year prior to the school year in which the agreement would apply. After a timely appeal is filed, the commissioner shall notify the districts of a timeline for filing pleadings. The commissioner shall issue a written decision settling the dispute within 30 calendar days following the deadline for filing pleadings. A local board may appeal the commissioner's decision to the KBE by filing a notice of appeal and request for a hearing no later than 15 calendar days after the decision. Upon receipt of a notice of appeal, a hearing officer shall be appointed to preside over the matter. The administrative hearing shall be held no later than 60 calendar days from the date of the notice of hearing. Following the conclusion of the hearing, the hearing office shall issue a recommended order to the KBE. Upon receipt of the hearing officers recommended order, the KBE shall issue a final order pursuant to KRS 13B.120.

In addition to amending the nonresident agreement appeals process, the proposed amendment corrects invalid citations to regulations, strikes outdated language relating to the age of a pupil at the time of entry into the primary school program, adds clarifying language to the calculation of weather-related low attendance days and nontraditional instruction program health and safety closings, and cleans up enrollment and withdrawal codes.

Budget Impact:

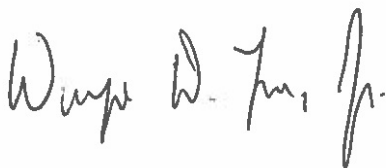
There is no budget impact to the KDE or local school districts. KDE Division of District Support provides guidance and training to districts related to pupil attendance.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The Office of Legal Services (OLS) and the Office of Finance and Operations (OFO) collaborated on the amendment of the regulation. While OLS drafted the appeal process, OFO worked with KDE Division of District Support field staff on the needed cleanup language for the regulation. Additionally, the LSAC reviewed and approved the proposed amendment at its September 24, 2019 meeting.

CONTACT PERSON(S):

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Commissioner of Education

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