

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Waiver of Certain Statutory Requirements in Response to COVID-19

Date: April 2020

Action Requested: Review Action/Consent Action/Discussion

Held In: Full Board Curriculum, Instruction and Assessment Operations

SUMMARY OF ISSUE BEFORE THE BOARD:

Novel Coronavirus (COVID-19) has caused widespread impacts on Kentucky's 172 public school districts, 53 area technology centers, Kentucky School for the Blind and Kentucky School for the Deaf. Schools are closed to in-person classes, but continue to deliver instruction utilizing the Kentucky Department of Education's (KDE) non-traditional instruction (NTI) program. In order to ensure continued social distancing, provide operational flexibility to school districts and ensure continued success of students, the KDE identified provisions of certain statutes that should be suspended pursuant to the Governor's Executive Order (EO) 2020-243 for the remainder of the 2019-2020 year.

APPLICABLE STATUTE OR REGULATION:

KRS 158.141 and KRS 158.142

BACKGROUND:

Existing Policy:

In response to the emergency situation in the Commonwealth of Kentucky created by the Novel Coronavirus (COVID-19), all school districts closed schools to in-person classes beginning the week of March 16, 2020. On March 18, 2020, Governor Beshear entered EO 2020-243 which encouraged all Kentucky citizens take feasible measures to engage in appropriate social distancing as recommended by the Centers for Disease Control and Prevention (CDC) and Kentucky Department of Public Health. Furthermore, EO 2020-243 ordered the Kentucky Department of Education (KDE) to take steps to ensure appropriate social distancing, including permitting educational requirements to be satisfied through online courses, to the extent practicable. EO 2020-243 provided authority to suspend statutes requiring physical presence of participants in meetings or interactions subject to approval by Cabinet Secretaries.

Summary of Issue:

Following closure of school districts to in-person classes beginning the week of March 16, 2020, school district partners and education constituents communicated with the KDE regarding certain graduation requirements that may impact students who would otherwise graduate at the end of the 2019-2020 school year. Specifically, the inability to participate in the civics test required by KRS 158.141 and end-of-course examinations required by KRS 158.142(3)(a), may prevent certain students from graduating due to their inability to access and complete these exams. In response to these concerns and based on the authority provided in EO 2020-243, the KDE is providing this guidance regarding the limited suspension of these statutes.

KRS 158.141 Civics Test Requirement

KRS 158.141 provides that “[b]eginning on July 1, 2018, to graduate from a Kentucky public high school with a regular diploma, a student shall pass a civics test composed of one hundred (100) questions drawn from those that are set forth within the civics test administered by the United States Citizenship and Immigration Services to persons seeking to become naturalized citizens.” While most students scheduled to graduate at the end of the 2019-2020 school year have already completed the KRS 158.141 civics test requirement, the KDE understands a small number of students have not completed this requirement. School closure to in-person classes prevents this small group of students from taking the KRS 158.141 civics test required for graduation. While an on-line option is available to satisfy the civics test requirement, the KDE recognizes not all students have a computer and internet access. The mere inability to access the civics test should not be a barrier to high school graduation for students who would otherwise graduate at the conclusion of the 2019-2020 school year. Therefore, pursuant to EO 2020-243, the Commissioner temporarily suspended KRS 158.141 for students who meet all other requirements for high school graduation at the conclusion of the 2019-2020 school year.

KRS 158.142 Early High School Graduation Program

KRS 158.142 sets forth certain requirements for completing an early high school graduation program and receiving an Early Graduation Scholarship Certificate for use at a Kentucky public two-year community and technical college or a Kentucky four-year public or nonprofit, independent institution that is accredited by the Southern Association of Colleges and Schools. Pursuant to KRS 158.142, students participating in the early high school graduation program “shall be eligible for the scholarship award only for the next academic year following early graduation.” KRS 158.142(3)(a) requires students participating in the early high school graduation program obtain qualifying benchmark scores on end-of-course (EOCs) examinations. The EOCs are provided to school districts by the KDE and are paper-based tests administered in schools. Given school closure to in-person classes and the need to practice social distancing as set forth in EO 2020-243, it is not practical to require early high school graduation program students to report to school for EOCs at this time. As such, students who currently are high school juniors, previously indicated their intent to participate in the early high school graduation program, and would otherwise qualify for the Early Graduation Scholarship Certificate at the conclusion of the 2019-2020 school year would be irreparably harmed if they are unable to complete the early high school graduation program because they are unable to take the paper-based EOCs. COVID-19 emergency school closures to in-person classes should not prevent high school juniors participating the KRS 158.142 early high school graduation program from completing the program and qualifying for an Early Graduation Scholarship Certificate. Therefore, pursuant to EO 2020-243, the Commissioner temporarily suspended KRS 158.142(3)(a) for current high school juniors who indicated their intent to participate in the early high school graduation program prior to January 1, 2020, and who otherwise meet all requirements as set forth in KRS 158.142 and applicable administrative regulations for graduation at the conclusion of the 2019-2020 school year.

Budget Impact:

There will be no budget impact to the KDE or school districts as a result of these temporary suspensions of statute.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The Commissioner conducted numerous superintendent webcasts and discussed various forms of flexibility that the KDE would offer to districts in response to the COVID-19 emergency. Furthermore, the Commissioner convened the Education Continuation Task Force which is made up of various education partners. Both groups are generally supportive of flexibility to school districts during this time.

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