

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** 707 KAR 1:340, Procedural safeguards and state complaint procedures (First Reading)

**Date:** August 2020

**Action Requested:** ☒ Review ☒ Action/Consent ☐ Action/Discussion

**Held In:** ☒ Full Board ☐ Curriculum, Instruction and Assessment ☐ Operations

### SUMMARY OF ISSUE BEFORE THE BOARD:

To review proposed amendments to 707 KAR 1:340, Procedural safeguards and state complaint procedures.

### APPLICABLE STATUTE OR REGULATION:

KRS 157.200 to 157.290, KRS 156.035, 20 U.S.C. 1407 and 1412, and 34 C.F.R. 300.100

### BACKGROUND:

#### *Existing Policy:*

KRS 157.200 to 157.290 establish the statutory framework for special education programs in local school districts. KRS 157.220 requires the Kentucky Board of Education (KBE) to adopt rules and administrative regulations for proper administration of these programs. KRS 156.035 authorizes the KBE to implement any act of Congress appropriating funds to the state and to provide for the proper apportionment and disbursement of these funds in accordance with state and federal laws. 20 U.S.C. 1407 and 1412 and 34 C.F.R. 300.100 require that policies and procedures be adopted to assure the apportionment and disbursement of federal funds for exceptional children programs in accordance with applicable laws. Furthermore, 707 KAR 1:340 establishes procedural safeguards for children with disabilities and their parents and lists the requirements for filing a written complaint.

#### *Summary of Issue:*

Proposed amendments are located in Sections 3, 4 and 18 of the regulation. Amendments are needed to Sections 3 and 4 in order to clarify the difference between an Admissions and Release Committee (ARC) meeting notice to parents and prior written notice provided to parents, and also establish the timeframes in which each notice must be provided. Proposed amendments are being suggested at this time due to data that was collected through the monitoring of special education programs and formal complaint investigations that indicated a need to clarify the difference between these two notices.

The proposed amendment to Section 18 is to delete this section. Section 18 references the “Request for a Due Process Hearing” and incorporates it by reference. Incorporating this form by reference has been problematic when needing to update information. Examples of updates needed to the form include adding the new KDE logo, changing the KDE address when the KDE offices moved from Mero Street to Sower Boulevard, KDE reorganization leading to a new title

of the office to which this form is submitted and a change in employment leading to a change in who receives the form at KDE. Another challenge presented when ensuring this form was ADA 508 compliant before posting on the KDE website without being able to change the form. Additionally, the KDE would like to update this form to a fillable form to allow for easier use by parents. Each of the examples provided as updates currently needed to the form may continue to change over time and require additional updates to the form. By removing this form from the regulation, it will allow the KDE to change information on the form and update it as necessary in order to present the most accurate and accessible information to parents and other stakeholders.

*Budget Impact:*

There is no budgetary impact to the KDE as a result of amending this regulation.

**GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:**

The Local Superintendents Advisory Council (LSAC) will review this regulation at its meeting on July 28, 2020. Their feedback will be shared with the KBE prior to the August meeting.

**CONTACT PERSON(S):**

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**Interim Commissioner of Education**

Category: <input type="checkbox"/> District Innovation	<input type="checkbox"/> Strengthening Educators	<input type="checkbox"/> Family/Community Involvement
<input type="checkbox"/> Student/Family Supports	<input type="checkbox"/> Student Interventions	<input type="checkbox"/> Coursework Completion <input type="checkbox"/> Accountability Reporting