

1 Kentucky Board of Education

2 Department of Education

3 (Emergency Amendment)

4 702 KAR 7:125E. Pupil attendance.

5 RELATES TO: KRS 157.320, 157.350, 157.360, 158.030, 158.070, 158.100, 158.240, 159.010,
6 159.030, 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 150.160 requires the Kentucky Board
9 of Education to promulgate administrative regulation establishing standards which school dis-
10 tricts shall meet in student, program, service, and operational performance. KRS 157.320 defines
11 average daily attendance of pupils for funding purposes under the Support Education Excellence
12 in Kentucky (SEEK) Program. KRS 157.360 bases SEEK funding upon average daily attend-
13 ance. KRS 158.030, 158.100, and 159.010 establish the age for compulsory school attendance.
14 KRS 158.070 defines the school term. KRS 158.240 and 159.035 define attendance credit for
15 moral instruction and 4-H activities. KRS 161.200 requires attendance records to be kept by
16 teachers. This administrative regulation establishes a uniform method of recording pupil attend-
17 ance.

18 Section 1. Daily Attendance. (1) Daily attendance of pupils in elementary schools shall be de-
19 termined by taking attendance one (1) time each day prior to the start of instruction and main-
20 taining a pupil entry and exit log at each school.

21 (2) Daily attendance of pupils in middle and high schools shall be determined by taking

1 attendance by class period and maintaining a pupil entry and exit log at each school.

2 (3) The pupil entry and exit log shall include the date, pupil name, grade or homeroom, time of
3 late arrival, time of early departure (with the reason for both listed), and other information re-
4 quired by the local board of education. For elementary pupils who are signed out, the pupil entry
5 and exit log shall also include a signature of:

6 (a) A parent;

7 (b) A legal guardian; or

8 (c) An adult with proof of identification and for whom the school has received a written authori-
9 zation from the parent or legal guardian.

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

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

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

15 (c) The pupil is participating in an off-site virtual high school class or block. A pupil may be
16 counted in attendance for a virtual high school class or block for the year or semester in which
17 the pupil initially enrolled in the class or block if the pupil demonstrates proficiency in accord-
18 ance with local policies required by 704 KAR 3:305, Section 7;

19 (d) The pupil's mental or physical condition prevents or renders inadvisable attendance in a
20 school setting, and the pupil meets the requirements of KRS 159.030(2). A pupil being served in
21 the home/hospital program shall receive, at a minimum, the instruction required pursuant to KRS
22 157.270;

23 (e) The pupil has been court ordered to receive educational services in a setting other than the

1 classroom. A pupil being served through a court order shall receive at a minimum, the instruction
2 required pursuant to paragraph (d) of this subsection;

3 (f) The pupil has an individual education program (IEP) that requires less than full-time instruc-
4 tional services;

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

11 (h) The pupil participates in a school that is authorized by the commissioner to design and deliv-
12 er an educational program so that all graduation requirements are based on pupil proficiency of
13 standards and performance, rather than time and Carnegie units, as authorized in 704 KAR
14 3:305, Section 7~~[.];~~ or

15 (i) For School Year 2021-2022, the pupil is in quarantine due to documented possible exposure
16 to COVID-19 or isolation due to COVID-19 infection, in accordance with Centers for Disease
17 Control and Kentucky Department for Public Health guidelines, and is receiving at least the min-
18 imum amount of daily instruction required pursuant to KRS 158.060.

19 (5) Even if a pupil's absence or tardy is due to factors beyond the pupil's control, including in-
20 clement weather or failure of the transportation system to operate, the pupil shall be counted ab-
21 sent or tardy.

22 (6) The local board of education shall determine by local board policy what constitutes an ex-
23 cused and an unexcused absence.

1 (7) A pupil shall not be allowed to make up absences for the purpose of including make-up activ-
2 ities in the calculation of average daily attendance.

3 Section 2. Calculation of Attendance. The guidelines in this section shall be used to calculate pu-
4 pil attendance for state funding purposes.

5 (1) A full day of attendance shall be recorded for a pupil who is in attendance at least sixty-five
6 (65) percent of the regularly-scheduled school day for the pupil's grade level.

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

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

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

13 Section 3. Shortened School Day. A local board of education may permit an arrangement where-
14 by a pupil has a shortened school day in accordance with KRS 158.060 or local board of educa-
15 tion policy. The time a pupil is in attendance shall be included in calculating the district's average
16 daily attendance.

17 Section 4. Dual Enrollment. A local board of education may permit an arrangement in which a
18 pupil pursues part of the pupil's education under the direction and control of one (1) public
19 school and part of the pupil's education under the direction and control of another public or non-
20 public school. The time a pupil is served by each public school shall be included when calculat-
21 ing the district's average daily attendance.

22 Section 5. Private School Placement. If a local school district, under the provisions of KRS
23 157.360(7), enrolls a child with a disability in a private school or agency, the private school or

1 agency shall certify the attendance of the child to the local school district at the close of each
2 school month.

3 Section 6. Age of Pupil. (1) If a local school district enrolls in the entry level program a pupil
4 who will not be five (5) years of age on or before August 1 of the year of enrollment, the total
5 aggregate days attendance for the pupil shall not be included in calculating the district's average
6 daily attendance except under the conditions established in subsection (3) of this section.

7 (2) If a local school district enrolls in the second level of the primary program a pupil who will
8 not be six (6) years of age on or before August 1 of the year of enrollment, the total aggregate
9 days attendance for the pupil shall not be included in calculating the district's average daily at-
10 tendance except under the conditions established in subsection (3) of this section.

11 (3)(a) The local board of education shall have determined that the pupil is eligible for enrollment
12 in the appropriate level of the primary program after academic, social, and developmental pro-
13 gress records from multiple data sources are reviewed by a team and determined to support ac-
14 celerated placement. These sources shall include:

- 15 1. Anecdotal records;
- 16 2. A variety of pupil work samples, including evidence of pupil self-reflection; and
- 17 3. Standardized test results.

18 (b) The team shall be comprised of three (3) members who have knowledge of the pupil's devel-
19 opmental skills and abilities. Team members shall be chosen from these categories:

- 20 1. Teachers;
- 21 2. Parents;
- 22 3. Psychologists;
- 23 4. Principals; or

1 5. District specialists.

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

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

7 1. A list of data sources used in making the decision;

8 2. A list of all individuals who submitted the data sources;

9 3. A list of team members; and

10 4. The data needed to create a pupil attendance record.

11 (4) A local school district shall enroll any resident pupil, not holding a high school diploma, un-
12 der the age of twenty-one (21) years who wishes to enroll. The days attended after the pupil's
13 21st birthday shall not be included in the calculation of the district's average daily attendance.

14 Section 7. Due Dates for Certain Reports. (1) The Growth Factor Report for the first two (2)
15 school months of the school year created pursuant to KRS 157.360(9) shall be submitted to the
16 department through the statewide student information system within ten (10) business days fol-
17 lowing the last day of the second school month or by November 1 of each year, whichever oc-
18 curs first.

19 (2) Pursuant to KRS 157.360(2), the Superintendents Annual Attendance Report (SAAR) for the
20 school year shall be submitted to the department through the statewide student information sys-
21 tem by June 30 of each year.

22 Section 8. Nonresident Pupils. (1)(a) A written agreement executed by local boards of education
23 for enrollment of nonresident pupils as provided by KRS 157.350(4)(a) shall be filed in both the

1 attending district and the resident district no later than October 1 of the school year prior to the
2 school year to which it will apply.

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

4 (c) A list of the names of all nonresident pupils enrolled in the attending district covered by the
5 agreement shall be filed in both the attending district and the resident district not later than No-
6 vember 1 of the school year covered by the agreement.

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

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

15 (3)(a) If an agreement cannot be reached for the enrollment of nonresident pupils as provided in
16 KRS 157.350(4)(a), a local board of education may file an appeal to the commissioner no later
17 than October 15 of the school year prior to the school year to which an agreement would apply.

18 (b) A local board of education shall file its appeal to the commissioner in person or by mail at the
19 following address: Commissioner of Education; Nonresident Student Appeal; 300 Sower Boule-
20 vard, 5th Floor; Frankfort, Kentucky 40601. A local board of education filing an appeal to the
21 commissioner shall include written arguments and documents in support of its position.

22 (c) Upon receipt of an appeal pursuant to KRS 157.350(4)(a), the commissioner shall notify the
23 local boards of education involved in the dispute and provide a deadline not to exceed twenty

1 (20) calendar days for the responding local board of education to file written arguments and doc-
2 uments supporting its position. The commissioner shall issue a written decision settling the dis-
3 pute within thirty (30) calendar days following the deadline for the responding local board of ed-
4 ucation to file written arguments and documents supporting its position.

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

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

- 9 1. the name of the school district filing the notice of appeal and request for hearing;
- 10 2. the case number, if any, assigned to the commissioner’s written decision;
- 11 3. the date of the commissioner’s written decision;
- 12 4. a statement of the issues which form a basis for the notice of appeal and request for hearing;
- 13 and
- 14 5. the signature of the local board of education chair or counsel authorized to act on behalf of the
15 local board of education.

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

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

21 (b) Following issuance of a notice of hearing and assignment of a hearing officer as set forth in
22 subsection (5)(a) of this Section, the hearing officer shall preside over the matter and schedule an
23 administrative hearing pursuant to KRS Chapter 13B to conclude no later than sixty (60) calen-

1 dar days following the notice of hearing described in subsection (5)(a) of this Section.

2 (c) Following conclusion of administrative hearings not conducted before a quorum of the state
3 board, the hearing officer shall issue a recommended order to the state board of education pursu-
4 ant to KRS 13B.110.

5 (d) Parties may file exceptions to the hearing officer’s recommended order pursuant to KRS
6 13B.110.

7 (e) Following receipt of the hearing officer’s recommended order and any exceptions filed by the
8 parties, or following conclusion of the administrative hearing if conducted before a quorum of
9 the state board of education, the state board of education shall issue a final order pursuant to
10 KRS 13B.120.

11 Section 9. Weather-related Low Attendance Days. (1) The SAAR may:

12 (a) Substitute the prior year's average daily attendance for up to ten (10) designated weather-
13 related low attendance days; and

14 (b) Shall constitute certification that the low attendance was due to inclement weather, in accord-
15 ance with KRS 157.320(17).

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

18 Section 10. Nontraditional Instruction Program Health and Safety Closings. (1) The SAAR may:

19 (a) Substitute the prior year's average daily attendance for up to ten (10) designated instructional
20 days, in accordance with KRS 158.070(10); and

21 (b) Shall constitute certification that the low attendance was due to health and safety reasons.

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

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

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

8 (2) The school's records of daily attendance and teachers' monthly attendance reports shall be
9 signed by a designated certified person within the elementary or secondary school who shall be
10 responsible for verifying and certifying the state attendance documents for accuracy.

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

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

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

19 (2) E02 - A pupil previously enrolled during the current school year in either a public or nonpub-
20 lic school in another state who has not previously enrolled in Kentucky during the current school
21 year;

22 (3) E03 - A pupil enrolling for the first time during the current school year in either a public or
23 nonpublic school, who withdrew as a W07, W24 or W25 for previous school years;

- 1 (4) R01 - A pupil received from another grade or grade level in the same school year, or having a
2 change in schedule structure or enrollment service type;
- 3 (5) R02 - A pupil received from another public school in the same public school district;
- 4 (6) R06 - A pupil reentering the school after dropping out, discharge, or expulsion from a school
5 district in Kentucky during the current school year, who has not entered any other school during
6 the intervening period;
- 7 (7) R20 - A pupil previously enrolled in a home school in Kentucky during the current school
8 year;
- 9 (8) R21 - A pupil previously enrolled in any public or nonpublic school (excluding home
10 schools) in Kentucky during the current school year;
- 11 (9) W01 - A pupil transferred to another grade in the same school or with grade level changes in
12 the same school mid-year, or with a change in schedule structure or enrollment service type. The
13 reentry code to use with W01 shall be R01;
- 14 (10) W02 - A pupil transferred to another public school in the same public school district. The
15 reentry code to use with W02 shall be R02;
- 16 (11) W07 - A pupil withdrawn due to those communicable medical conditions that pose a threat
17 in school environments listed in 902 KAR 2:020, Section 2(1), accompanied by a doctor's state-
18 ment certifying the condition, or any other health-related condition for which the pupil is too ill
19 to participate in regular school attendance, local homebound instructional services or hospital
20 setting instructional services, or if the pupil has obtained a doctor's statement certifying the con-
21 dition. The reentry code to use with W07 shall be R06;
- 22 (12) W08 - A pupil withdrawn due to death;
- 23 (13) W12 - A pupil under the jurisdiction of the court. For purposes of the W12 code, a pupil

1 may be considered under the jurisdiction of the court on the day the petition is filed with the
2 court. The reentry code to use with W12 shall be R06. For accountability purposes, a W12 shall
3 be considered a dropout if the district cannot substantiate enrollment in the proper educational
4 setting as designated by the court;

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

8 (15) W20 - A pupil transferred to a home school. The reentry code to use with W20 shall be R20;

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

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

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

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

18 (20) W25 – A pupil who is at least eighteen (18) years of age and has withdrawn from public
19 school;

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

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

23 (23) W28 - A pupil who has reached the maximum age for education services without receiving

- 1 a diploma or an alternative high school diploma;
- 2 (24) W29 - A pupil who has moved out of state or out of the United States;
- 3 (25) W30 - A pupil with an IEP enrolled in Grade 14 who has previously received an alternative
4 high school diploma, re-enrolled, and withdrew in the middle of the reporting school year;
- 5 (26) C01 - A pupil who completes the school year in the school of the most current enrollment;
- 6 (27) G01 - A pupil who graduates in less than four (4) years;
- 7 (28) G02 - A pupil who graduates in four (4) years;
- 8 (29) G03 - A pupil who graduates in five (5) or more years;
- 9 (30) G04 - A pupil who graduates in six (6) or more years; and
- 10 (31) NS - A pupil who completed the prior year with a C01 and was expected to enroll in the dis-
11 trict but did not enroll by October 1 of the current year whose enrollment elsewhere cannot be
12 substantiated.

13 Section 13. Suspension. (1) For a pupil who has been suspended, a code of S shall be used to in-
14 dicate the days suspended.

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

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

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

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

1 (2) Black or African American - A person having origins in any of the black racial groups of Af-
2 rica;

3 (3) Asian - A person having origins in any of the original peoples of the Far East, Southeast Asia,
4 or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Ma-
5 laysia, Pakistan, the Philippine Islands, Thailand, or Vietnam;

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

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

11 Section 16. Withdrawal and Transfer Records. (1) The request for records and other information
12 involving the withdrawal and transfer of pupils shall be processed by the local superintendent or
13 his or her designee pursuant to KRS 159.170, and shall be maintained in the pupil's permanent
14 file.

15 Section 17. Incorporation by Reference. (1) "Home/Hospital Program Form", October 2019, is
16 incorporated by reference.

17 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
18 the Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601,
19 Monday through Friday, 8 a.m. to 4:30 p.m. (23 Ky.R. 2352; Am. 2722; eff. 1-9-1997; 25 Ky.R.
20 1137; 1597; eff. 1-19-1999; 27 Ky.R. 1871; 2439; eff. 3-19-2001; 29 Ky.R. 2349; 29 Ky.R.
21 2349; 2685; eff. 4-15-2003; 30 Ky.R. 2380; 31 Ky.R. 76; eff. 8-6-2004; 32 Ky.R. 1771; 2009;
22 eff. 6-2-2006; 36 Ky.R. 466; 1212; eff. 1-4-2010; 37 Ky.R. 2291; 2572; eff. 6-3-2011; 40 Ky.R.
23 1362; 1732; eff. 3-7-2014; 46 Ky.R. 2137, 2633; eff. 6-30-2020.)

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

702 KAR 7:125E

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- (1) Provide a brief summary of:
 - (a) What this administrative regulation does:

The proposed regulation amendment is only applicable to the 2021-2022 school year. Under existing law, local school districts do not have a mechanism to provide instructional services to and receive funding for students in quarantine or isolation due to the COVID-19 pandemic. Students under quarantine or isolation are simply considered absent. 702 KAR 7:125 generally requires in-person attendance in order for students to be included in a district's Average Daily Attendance (ADA) for Support Education Excellence in Kentucky (SEEK) funding purposes. The current regulation contains several exceptions to the in-person attendance requirement. The proposed regulation amendment establishes an exception to the in-person attendance requirement for students in quarantine or isolation due to the COVID-19 pandemic. The proposed amendment would permit districts to provide instructional services to students in quarantine or isolation and include those students in district Average Daily Attendance (ADA).

- (b) The necessity of this administrative regulation:

As the 2021-2022 school year quickly approaches and with COVID-19 rates increasing, school districts are expecting unknown numbers of students to be subject to quarantine or isolation due to exposure or infection. Currently, students under quarantine or isolation due to the COVID-19 pandemic are an excused absence. As such, they do not receive instructional services and must make-up missed work. This regulation will allow districts to provide educational services and include those students in the ADA. Given that quarantine may last fourteen days or longer, this amendment seeks to ameliorate lost instructional time and funding for districts.

- (c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. KRS 157.320 defines average daily attendance of pupils for funding purposes under the Support Education Excellence in Kentucky (SEEK) Program. KRS 157.360 bases SEEK funding upon average daily attendance. KRS 158.030, 158.100, and 159.010 establish the age for compulsory school attendance. KRS 161.200 requires attendance records to be kept by teachers. This administrative regulation for school year 2021-2022 provides for an exception to in-person attendance for students subject to quarantine and isolation due to the COVID-19 pandemic when districts provide instructional services in accordance with KRS 158.060.

- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

(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:

For school year 2021-2022 only, this administrative regulation provides for an exception to in-person attendance for students subject to quarantine or isolation due to the COVID-19 pandemic when districts provide instructional services in accordance with KRS 158.060. Under current law, such students would be considered absent and receive no instructional services and districts would lose funding for these students.

(b) The necessity of the amendment to this administrative regulation:

As the 2021-2022 school year quickly approaches and with COVID-19 rates increasing, school districts are expecting unknown numbers of students to be subject to quarantine or isolation due to exposure or infection. Currently, students under quarantine or isolation due to the COVID-19 pandemic are an excused absence. As such, they do not receive instructional services and must make-up missed work. This regulation will allow districts to provide educational services and include those students in the ADA. Given that quarantine may last fourteen days or longer, this amendment seeks to ameliorate lost instructional time and funding for districts.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulation establishing standards which school districts shall meet in student, program, service, and operational performance. KRS 157.320 defines average daily attendance of pupils for funding purposes under the Support Education Excellence in Kentucky (SEEK) Program. KRS 157.360 bases SEEK funding upon average daily attendance. KRS 158.030, 158.100, and 159.010 establish the age for compulsory school attendance. KRS 161.200 requires attendance records to be kept by teachers. This administrative regulation for school year 2021-2022 provides for an exception to in-person attendance for students subject to quarantine and isolation due to the COVID-19 pandemic when districts provide instructional services in accordance with KRS 158.060.

(d) How the amendment will assist in the effective administration of the statutes:

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Local school districts.

(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:

(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:

For school year 2021-2022, this administrative regulation permits school districts to provide instructional services to and receive funding for students subject to quarantine and isolation due to the COVID-19 pandemic. Such students would otherwise be considered absent and not receive instructional services.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

School districts would incur some indeterminable cost in providing educational services to students. Costs would be dependent on the number of quarantined or isolated students and how the district chooses to deliver instruction to those students. However, districts would include such students in the district's ADA and receive funding for providing instruction.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Districts that provide instruction to students in quarantine or isolation due to the COVID-19 pandemic will include such students in the district's ADA and receive funding. These students would otherwise be considered absent. Absent students do not generate funding for a school district.

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

The cost of the program is indeterminable and will depend on the numbers of students placed in quarantine or isolation due to the COVID-19 pandemic as well as whether districts choose to provide educational services. For districts that provide educational services, costs will depend on how the district chooses to deliver instruction.

(a) Initially:

(b) On a continuing basis:

This regulation is only applicable to the 2021-2022 school year and is in response to the COVID-19 pandemic.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

General funds

(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 additional fees or funding are anticipated to implement this regulation. However, costs are largely dependent on the number of COVID-19 quarantined or isolated students in school year 2021-2022 and the costs to districts in providing instructional services to those students.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

There are no fees associated with this regulation.

(9) TIERING: Is tiering applied?

Tiering is not applied. This regulation applies uniformly to all school districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 702 KAR 7:125E

Contact Person: Todd G. Allen, Todd.allen@education.ky.gov

Phone Number: 502-564-4474

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?

Local school districts.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 156.070, 156.160, 157.320, 158.060 and 158.070

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.

This amendment will permit local school districts to receive funding for students in quarantine or isolation due to the COVID-19 pandemic when they provide educational services to those students. Without this amendment, districts would not receive funding for these type of absent students.

(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?

The amount of revenue to a local school district is indeterminable. Revenue will depend on the number on the numbers of students placed in quarantine or isolation due to the COVID-19 pandemic as well as whether districts choose to provide educational services. For districts that provide educational services, costs will depend on how the district chooses to deliver instruction.

(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?

This amendment is only applicable to the 2021-2022 school year.

(c) How much will it cost to administer this program for the first year?

The cost to administer this program during school year 2021-2022 is indeterminable.

(d) How much will it cost to administer this program for subsequent years?

This amendment is only applicable to the 2021-2022 school year.

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

The cost of the program is indeterminable and will depend on the numbers of students placed in COVID-19 quarantine or isolation during the 2021-2022 school year, as well as, whether and how districts provide educational services to such students.

