

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Amendment to 704 KAR 3:305 Section 5, Early Graduation Program

Date: June 2022

Action Requested: Review Action/Consent Action/Discussion

Held In: Full Board Curriculum, Instruction and Assessment Operations

SUMMARY OF ISSUE BEFORE THE BOARD:

To take action on the proposed amendments to 704 KAR 3:305, minimum requirements for high school graduation. SB 61 (2022) established statutory amendments to KRS 158.142, Early Graduation Program, which requires subsequent changes to the regulation.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of the proposed amendments to 704 KAR 3:305, minimum requirements for high school graduation, in order to align with legislation established in KRS 158.142.

APPLICABLE STATUTE OR REGULATION:

KRS 156.070, 156.160(1)(a), (d), 158.140(6), 158.142, 158.645, 158.6451, 704 KAR 3:303 and 704 KAR Chapter 8

BACKGROUND:

Existing Policy:

KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation. KRS 158.142(3)(b) requires the board to promulgate administrative regulations establishing requirements for early graduation from high school. The content standards for the courses of study are established in the Kentucky academic standards incorporated by reference in 704 KAR 3:303 and 704 KAR Chapter 8. This administrative regulation, 704 KAR 3:305, establishes the minimum requirements necessary for entitlement to a high school diploma.

Summary of Issue:

Per KRS 158.142, the Early Graduation Program (EGP) establishes provisions to allow highly successful learners, who demonstrate competencies needed to pursue postsecondary opportunities, to graduate prior to completion of the traditional four years of high school. The statute also awards students an Early Graduation Certificate and scholarship through the Kentucky Higher Education Assistance Authority (KHEAA) upon completion of the EGP.

The EGP is supported by 704 KAR 3:305 promulgated by the Kentucky Board of Education (KBE). However, SB 61 (2022) provides "clean-up" of KRS 158.142 that resulted in the need to create regulatory amendments to Section 5 of 704 KAR 3:305 in order to conform and ensure that students have the support and development needed to experience success in their postsecondary pursuits.

First, SB 61 removes KRS 158.142 (3)(a) which states, “For early graduation in accordance with this section, a student shall: (a) Obtain a qualifying benchmark score as determined by the Kentucky Board of Education on each of the end-of-course examinations that make up the high school achievement portion of the accountability system under KRS 158.6453.”

End-of-course (EOC) assessments are not aligned to the *Kentucky Academic Standards (KAS)*, and, therefore, are not a reliable measure of a Kentucky student’s academic attainment and ability. Additionally, the vendor no longer produces the end-of-course examinations that were named in this statute. Therefore, students in the program would retake older iterations of the EOCs due to the statutory language that had been in place.

Second, SB 61 also amends KRS 158.142 by removing language provided under (3)(c) which states, “Score on the ACT examination at or above the benchmarks set by the Council on Postsecondary Education for mathematics, reading, and English and any additional content areas for which the Council on Postsecondary Education establishes benchmarks.” The statute names a vendor that may not be applicable long-term as educational practices and state-level contracts evolve.

SB 61 eliminates these requirements; however, the bill maintains statutory language providing the KBE the authority to promulgate regulations establishing the requirements of the EGP. As a result, the program requirements, including the benchmark requirements for college entrance examinations, will be contained within the corresponding regulation 704 KAR 3:305, minimum requirements for high school graduation.

In developing program requirements to supplement the removal of EOCs from statute, the Office of Teaching and Learning (OTL), in collaboration with those named below, considered the competencies, both academic and skills-based, that Kentucky students need in order to be successful beyond high school. These regulatory amendments to Section 5 of 704 KAR 3:305 especially concentrate on the efforts of *United We Learn* as an opportunity to provide vibrant student experiences that are grounded in data and innovative to the unique needs of a student seeking to complete the EGP. Amendments look beyond the academic courses and further include the competencies and skills needed of students in the postsecondary environment. The programmatic amendments seek to ensure that Kentucky students who complete the EGP have opportunities to exhibit and successfully apply postsecondary readiness.

Summary of issues

Budget Impact:

The OTL has the necessary resources to address the amendments to KRS 158.142 and the recommended amendments to 704 KAR 3:305. The OTL does not anticipate any added costs to the agency. Additionally, the Office of Assessment and Accountability (OAA), which was previously tasked with manually grading the EOCs, will save funds by allowing the office to focus its time on the most relevant needs of the local schools and districts, in addition to the needs of the agency. The amendments to Section 5 of 704 KAR 3:305 may require some additional staff time for implementation at the local education agency.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The OTL met with KHEAA, the Council on Postsecondary Education (CPE) and the Office of Career and Technical Education (OCTE) to discuss the changes to KRS 158.142 and the

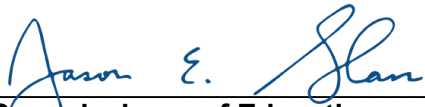
proposed amendments to 704 KAR 3:305. Through a collaborative partnership established with the OAA, OCTE, KBE, KHEAA and CPE, the OTL will ensure that local guidance is provided and models are in place to allow EGP participants to be supported in demonstrating the competencies needed for postsecondary success. These partnerships also reviewed and contributed to the amendments proposed to 704 KAR 3:305(5).

These regulatory amendments will be brought before LSAC for their review as well. A summary of their feedback will be provided to the KBE prior to the June meeting.

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Commissioner of Education

Category: <input type="checkbox"/> Educator Workforce Diversity <input type="checkbox"/> Portrait of a Graduate Partnerships <input type="checkbox"/> Racial Equity Commitment <input checked="" type="checkbox"/> Student-Centered Accountability System <input type="checkbox"/> Early Childhood <input type="checkbox"/> District Support
