

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Amendment to 702 KAR 7:125, Pupil Attendance

Date: August 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 amendment of 702 KAR 7:125, the pupil attendance regulation, to permit virtual attendance in conformity with the proposed new regulation 704 KAR 3:535 establishing full-time enrolled, virtual and remote learning programs. In addition to the revisions related to virtual programs, the Office of Finance and Operations is amending other sections to clean-up the regulation.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of the proposed regulation amendment to authorize the recording of virtual attendance as provided for in the proposed new regulation 704 KAR 3:535.

APPLICABLE STATUTE OR REGULATION:

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

BACKGROUND:

Existing Policy:

Under the current version of 702 KAR 7:125, districts may operate performance-based virtual courses for grades 5-12. Districts receive full Support Education Excellence in Kentucky (SEEK) funding when a student successfully completes a performance-based course. During the COVID-19 Pandemic, the Kentucky Board of Education (KBE) authorized waivers of the attendance regulation for school years 2021-22 and 2022-23, to permit attendance and funding for districts operating full-time virtual programs.

Summary of Issue:

The aforementioned waivers were intended as temporary measures until the KBE could revise its regulations to authorize a full-time virtual program. Without the waivers or an amendment to existing regulations, there is no authority for districts to operate such virtual programs. The proposed amendment will permit districts to collect student attendance for full-time enrolled, virtual and remote learning programs pursuant to the requirements of 704 KAR 3:535.

In addition to the virtual program amendments, the Office of Finance and Operations has identified other areas of the regulation in need of clean-up and revision. The proposed amendment includes the deletion of expired COVID-19 instruction language as well as striking the appeals process related to nonresident student agreements. Pursuant to HB 563 (2021), nonresident agreements between school districts are replaced by district nonresident policies as of July 1, 2022. It amends a section on student absence and tardiness due to transportation to

clarify that a student that is late to school due to a school bus/vehicle operation by the district should not be counted as tardy. Finally, it includes the addition of needed withdrawal and enrollment codes for preschool students withdrawing due to immaturity and codes for charter school students.

Budget Impact:


The regulation creates a mechanism for recording virtual attendance that will permit districts operating virtual programs pursuant to 704 KAR 3:535 to receive SEEK funding. The number of students participating in virtual programs is expected to be 1-2% of the existing student population. If a district's program attracts nonresident, home school or private school students, the district will receive increased SEEK funds resulting from the increased enrollment. While not expected to be significant, the addition of students that are not currently enrolled in public school could potentially impact available SEEK funds

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The proposed amendment will be presented to the Local Superintendents Advisory Council (LSAC) at its July 26, 2022.

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Commissioner of Education

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