

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amended After Comments)

5 704 KAR 3:305. Minimum requirements for high school graduation.

6 RELATES TO: KRS 156.160(1)(a), (d), 158.140(6), 158.142, 158.645, 158.6451

7 STATUTORY AUTHORITY: KRS 156.070, 156.160(1)(a), (d), 158.140(6), 158.142

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky Board
9 of Education to promulgate administrative regulations relating to the courses of study for the dif-
10 ferent grades and the minimum requirements for high school graduation. KRS 158.142(3)(b) re-
11 quires the board to promulgate administrative regulations establishing requirements for early
12 graduation from high school. The content standards for the courses of study are established in the
13 Kentucky academic standards incorporated by reference in 704 KAR 3:303 and 704 KAR Chap-
14 ter 8. This administrative regulation establishes the minimum requirements necessary for enti-
15 tlement to a high school diploma.

16 Section 1. Definitions. [~~(1) “Early graduation” means meeting the competency-based criteria es-~~
17 ~~tablished in this administrative regulation in three academic years or less.~~]

18 **(1) “Graduate early” means a student is awarded a diploma from the district, in under**
19 **four academic years from the start of grade 9, based upon meeting the minimum credit re-**
20 **quirements of this administrative regulation and additional requirements as may be im-**
21 **posed by a local board of education.**

1 (2) “Early Graduation Program” or “EGP” means an optional, criteria-based program in which
2 a student may receive a diploma from the school district, an Early Graduation Certificate, and
3 a scholarship award upon [proper notification of intent to participate and the] successful
4 completion of all program requirements provided in section 5 of this administrative regula-
5 tion in three (3) academic years or less.

6 (3){(2)} "Early Graduation Certificate" means a certificate, awarded by the district and signed by
7 the principal and superintendent, that shall qualify the [make] recipient to be awarded a high
8 school diploma and [eligible for] a scholarship award equal to one-half (1/2) of the state portion
9 of the average statewide per pupil guaranteed base funding level, to be used at a Kentucky public
10 two (2) year community and technical college or a Kentucky four (4) year public or non-profit
11 independent institution accredited by the Southern Association of Colleges and Schools.

12 (4) “Continuity of services plan” means a plan that outlines the ways in which a student
13 will receive access to essential services that will end should the student graduate early.

14 (5){(3)} "Individual Learning Plan" or "ILP" is defined in 704 KAR 19:002.

15 Section 2. (1) A district shall implement an advising and guidance process throughout the middle
16 and high schools to provide support for the development and implementation of an individual
17 learning plan for each student. The plan shall include career development and awareness and
18 specifically address the content as provided in the Kentucky academic standards for career stud-
19 ies established in 704 KAR Chapter 8. The individual learning plan shall not be a substitute for
20 the statement of transition service needs for students with disabilities as provided in 707 KAR
21 1:320.

22 (2) A district shall develop a method to evaluate the effectiveness and results of the individual
23 learning plan process. The evaluation method shall include input from students, parents, and

1 school staff. As part of the evaluation criteria, the district shall include indicators related to the
2 status of the student in the twelve (12) months following the date of graduation.

3 (3) A feeder middle school and a high school shall work cooperatively to ensure that each stu-
4 dent and parent receives information and advising regarding the relationship between education
5 and career opportunities. Advising and guidance shall include information about financial plan-
6 ning for postsecondary education.

7 (4) A school shall maintain each student's individual learning plan. The individual learning plan
8 shall be readily available to the student and parent and reviewed and approved at least annually
9 by the student, parents, and school officials.

10 (5) Beginning with a student's eighth grade year, the individual learning plan shall set learning
11 goals for the student based on academic and career interests and shall identify required academic
12 courses, electives, and extracurricular opportunities aligned to the student's postsecondary goals.
13 The school shall use information from the individual learning plans about student needs for aca-
14 demic and elective courses to plan academic and elective offerings.

15 (6) The development of the individual learning plan for each student shall be established [~~begin~~
16 ~~by~~] **within the first ninety (90) days** [~~at the beginning~~] [~~end~~] of the sixth grade year and shall
17 be focused on career exploration and related postsecondary education and training needs.

18 Section 3. (1) For students entering grade 9 on or before the first day of the 2018-2019 academic
19 year, each student in a public school shall have a total of at least twenty-two (22) credits for high
20 school graduation.

21 (2) Those credits shall include the content standards as provided in the Kentucky academic
22 standards, established in 704 KAR 3:303 and KAR Chapter 8.

1 (3) Additional standards-based learning experiences shall align to the student’s individual learn-
2 ing plan and shall consist of standards-based content.

3 (4) The required credits and demonstrated competencies shall include the following minimum
4 requirements:

5 (a) Language arts - four (4) credits (English I, II, III, and IV) to include the content contained in
6 the Kentucky academic standards for this content area and comply with the following:

- 7 1. Language arts shall be taken each year of high school; and
- 8 2. If a student does not meet the college readiness benchmarks for English and language arts as
9 established by the Council on Postsecondary Education in 13 KAR 2:020, the student shall take
10 an English and language arts transitional course or intervention, which is monitored to address
11 remediation needs, before exiting high school;

12 (b) Social studies - three (3) credits to include the content contained in the Kentucky academic
13 standards for this content area;

14 (c) Mathematics - three (3) credits to include the content contained in the Kentucky academic
15 standards for this content area and include the following minimum requirements:

- 16 1. Algebra I, Geometry, and Algebra II. An integrated, applied, interdisciplinary, occupational,
17 or technical course that prepares a student for a career path based on the student's individual
18 learning plan may be substituted for a traditional Algebra I, Geometry, or Algebra II course on
19 an individual student basis if the course meets the content standards in the Kentucky academic
20 standards, established in 704 KAR 3:303 and 704 Chapter 8;
- 21 2. A mathematics course or its equivalent as determined by the district shall be taken each year
22 of high school to ensure readiness for postsecondary education or the workforce;

1 3. Any mathematics course other than Algebra I, Geometry, or Algebra II shall be counted as an
2 elective; and

3 4. If a student does not meet the college readiness benchmarks for mathematics as established by
4 the Council on Postsecondary Education in 13 KAR 2:020, the student shall take a mathematics
5 transitional course or intervention, which is monitored to address remediation needs, before exit-
6 ing high school;

7 (d) Science - three (3) credits that shall incorporate lab-based scientific investigation experiences
8 and include the content contained in the Kentucky academic standards for this content area;

9 (e) Health - one-half (1/2) credit to include the content contained in the Kentucky academic
10 standards for this content area;

11 (f) Physical education - one-half (1/2) credit to include the content contained in the Kentucky ac-
12 ademic standards for this content area;

13 (g) Visual and performing arts - one (1) credit to include the content contained in the Kentucky
14 academic standards for this content area or a standards-based specialized arts course based on the
15 student's individual learning plan;

16 (h) Academic and career interest standards-based learning experiences - seven (7) credits includ-
17 ing four (4) standards-based learning experiences in an academic or career interest based on the
18 student's individual learning plan; and

19 (i) Demonstrated performance-based competency in technology.

20 Section 4. (1) Beginning with students who enter grade 9 on or after the first day of the 2019-
21 2020 academic year, in order to receive a high school diploma, each student in a public school
22 shall earn a total of at least twenty-two (22) credits for high school graduation.

- 1 (2) The required credits shall include the content standards as provided in the Kentucky academ-
2 ic standards, established in 704 KAR 3:303 and 704 KAR Chapter 8.
- 3 (3) Additional standards-based learning experiences shall align to the student's individual learn-
4 ing plan and shall consist of standards-based content.
- 5 (4) Each student shall be required to complete the following foundational credits and demon-
6 strated competencies, consisting of ten (10) credits:
- 7 (a) English/language arts - two (2) credits (English I and II) to include the content contained in
8 the Kentucky academic standards for this content area;
- 9 (b) Social studies - two (2) credits to include the content contained in the Kentucky academic
10 standards for this content area;
- 11 (c) Mathematics - two (2) credits (Algebra I and Geometry) to include the content contained in
12 the Kentucky academic standards for this content area;
- 13 (d) Science - two (2) credits that shall incorporate lab-based scientific investigation experiences
14 and include the content contained in the Kentucky academic standards for this content area;
- 15 (e) Health - one-half (1/2) credit to include the content contained in the Kentucky academic
16 standards for this content area;
- 17 (f) Physical education - one-half (1/2) credit to include the content contained in the Kentucky ac-
18 ademic standards for this content area; and
- 19 (g) Visual and performing arts - one (1) credit to include the content contained in the Kentucky
20 academic standards for this content area or a standards-based specialized arts course based on the
21 student's individual learning plan.

1 (5) In addition to the foundational requirements established in subsection (4) of this Section, eve-
2 ry student shall earn a minimum of twelve (12) personalized credits in order to receive a high
3 school diploma. These twelve (12) personalized credits shall include:

4 (a) Two (2) additional English/Language Arts credits that include the content contained in the
5 Kentucky academic standards for this content area and are aligned to the student's individual
6 learning plan;

7 (b) Two (2) additional mathematics credits that include the content contained in the Kentucky
8 academic standards for this content area and are aligned to the student's individual learning plan;

9 (c) One (1) additional science credit that includes the content contained in the Kentucky academ-
10 ic standards for this content area and is aligned to the student's individual learning plan;

11 (d) One (1) additional social studies credit that includes the content contained in the Kentucky
12 academic standards for this content area and is aligned to the student's individual learning plan;

13 (e) Academic and career interest standards-based learning experiences - six (6) credits including
14 four (4) standards-based learning experiences based on the student's individual learning plan;

15 (f) Demonstrate performance-based competency in technology as approved by the Kentucky De-
16 partment of Education;

17 (g) Pass a civics test as required by KRS 158.141; and

18 (h) Beginning with students entering grade 9 on or after the first day of the 2020-2021 academic
19 year, successfully complete one (1) or more courses or programs that meet the financial literacy
20 requirements pursuant to KRS 158.1411 and standards as established in 704 KAR Chapter 8.

21 Section 5. (1) Only students who meet the criteria established in this section shall be eligible for
22 the E[early] G[raduation] Program.

- 1 (a) Students wishing to participate in the EGP shall indicate that intent to the school prin-
2 icipal in writing at the beginning of grade 9 or as soon as the intent is known to the student,
3 but no later than the first thirty (30) school days of the academic year in which the student
4 intends to graduate; ~~[Those students who meet the criteria and requirements of the EGP~~
5 ~~[for early graduation] shall receive from the school district a diploma and an Early Gradu-~~
6 ~~ation Certificate;]~~[-]
- 7 (b) Schools and districts shall not prohibit a student from completing the EGP in the event the
8 student meets all EGP requirements;][-]
- 9 (c) ~~[(b)] Those students who enroll in the EGP and meet the criteria provided in this section~~
10 shall receive from the school district a diploma and an early graduation certificate ~~[Stu-~~
11 ~~dents wishing to participate in the EGP [graduate early] shall indicate that intent to the~~
12 ~~school principal at the beginning of grade 9 or as soon as the intent is known, but within~~
13 ~~the first thirty (30) school days of the academic year in which they wish to graduate];]~~[-]
- 14 (d) ~~[(e)] The school or district shall enter the enrolled EGP student ~~[A student's intent to~~~~
15 ~~participate in the EGP [graduate early] shall be entered]~~ into the student information system
16 ~~[by the school district]~~ by October 15 of the year in which the student intends to graduate
17 ~~[makes the declaration];]~~[-]
- 18 ~~[(d) Students working toward early graduation and receipt of a corresponding Early Graduation~~
19 ~~Certificate shall be supported by development and monitoring of an individual learning plan to~~
20 ~~support their efforts.]~~
- 21 (e) Students participating in the EGP shall complete all requirements set forth in this section ap-
22 plicable to the academic year in which the student intends to graduate; and

1 (f) A student who has indicated an intent to complete the EGP may participate in the state admin-
2 istration of the college entrance exam prior to the junior year, if needed.

3 **(2) To participate in the EGP and graduate during the 2022-2023 school year, a student**
4 **shall:**

5 **(a) Meet the requirements of subsection 1 of this section;**

6 **(b) Meet the college readiness exam benchmarks established by the Council on Postsecond-**
7 **ary Education in 13 KAR 2:020 for placement in credit-bearing courses without the need**
8 **for remediation; and**

9 **(c) Complete one (1) or more courses or programs that meet the financial literacy require-**
10 **ments pursuant to KRS 158.1411.**

11 [~~(2) To graduate early and earn an Early Graduation Certificate, a student shall:~~

12 ~~(a) Score proficient or higher on the state required assessments required by the Kentucky Board~~
13 ~~of Education in 703 KAR 5:200; and~~

14 ~~(b) Meet the college readiness exam benchmarks established by the Council on Postsecondary~~
15 ~~Education in 13 KAR 2:020 for placement in credit-bearing courses without the need for remedi-~~
16 ~~ation.~~

17 ~~(3) A student who has indicated an intent to graduate early may participate in the student's state~~
18 ~~administration of the college readiness exam prior to the junior year, if needed.]~~

19 **(3) [(2)] By July 1, 2023, each school district shall provide each school within the district with**
20 **the policy established by the local board of education for students wishing to participate in the**
21 **EGP and earn an Early Graduation Certificate and scholarship. The district policy shall [provide**
22 **for support in the development and monitoring of an individual learning plan that shall]**
23 **include:**

- 1 (a) Criteria for supporting the development and monitoring of the student individual learn-
2 ing plan, as provided in section 2;
- 3 (b) Goal planning related to the attainment of established district essential workplace ethics pro-
4 grams as provided in KRS 158.1413;
- 5 (c) ~~(b)~~ Completion of a professional resume; and
- 6 (d) ~~(e)~~ Completion of one postsecondary admissions application that may be used at a Ken-
7 tucky public two (2) year community and technical college or a Kentucky four (4) year public or
8 non-profit independent institution accredited by the Southern Association of Colleges and
9 Schools in which the student is interested in applying.
- 10 (4) ~~(3)~~ Beginning with the 2023-2024 academic year, each EGP participant, with the support of
11 the comprehensive school counselor, or designee, shall:
- 12 (a) Identify all EGP requirements and develop a strategy within the individual learning plan for
13 meeting those requirements, including the district’s established workplace ethics program pro-
14 vided in KRS 158.1413; and
- 15 (b) Complete an entrance interview with the principal, or designee, to discuss postsecondary
16 goals and career aspirations.
- 17 (5) ~~(4)~~ Beginning with the 2023-2024 academic year, to successfully complete the EGP and
18 earn an Early Graduation Certificate and scholarship, the student shall:
- 19 (a) Communicate intent to the principal as required in subsection (1) of this section;
- 20 (b) Meet the college entrance exam benchmarks established by the Council on Postsecondary
21 Education in 13 KAR 2:020 for placement in credit-bearing courses without the need for remedi-
22 ation;

- 1 (c) Earn ten (10) foundational credits that shall include the content standards as provided in the
2 Kentucky academic standards, established in 704 KAR 3:303 and 704 KAR Chapter 8;
- 3 (d) Complete the essential workplace ethics program requirements established by the school dis-
4 trict pursuant to KRS 158.1413; and
- 5 (e) Complete one (1) or more courses or programs that meet the financial literacy requirements
6 pursuant to KRS 158.1411.
- 7 ~~(6) ~~(5)~~~~ By July 1, 2024, each local board of education shall establish a policy requiring high
8 schools to determine performance descriptors and evaluation procedures for an EGP perfor-
9 mance-based project, portfolio or capstone required for those students who intend to complete
10 the EGP beginning with the 2024-2025 academic year. Performance descriptors and evaluation
11 procedures shall provide an opportunity for the student to demonstrate attainment of the follow-
12 ing critical skills required for postsecondary and career success:
- 13 (a) Attainment of essential workplace ethics program components as established by the board of
14 education pursuant to KRS 158.1413;
- 15 (b) Demonstration of an ability to apply the Kentucky academic standards, established in 704
16 KAR 3:303 and KAR Chapter 8, as a life-long learner and contributing member of society;
- 17 (c) Demonstration of written and verbal communication skills needed for postsecondary success;
18 and
- 19 (d) Demonstration of an ability to think critically, synthesize information and draw conclusions.
- 20 ~~(7) ~~(6)~~~~ Beginning July 1, 2024, the performance-based project, portfolio or capstone shall be
21 required for completion of the EGP.

1 ~~(8) (7)~~ A school shall maintain and make readily available to the Kentucky Department of Edu-
2 cation the EGP participant's performance-based project, portfolio or capstone for a minimum of
3 five years.

4 Section 6. (1) A local board of education may substitute an integrated, applied, interdisciplinary,
5 occupational, technical, or higher level course for a required course if the alternative course pro-
6 vides rigorous content.

7 (2) For students with disabilities, a local board of education may substitute a functional, integrat-
8 ed, applied, interdisciplinary, occupational, technical, or higher level course for a required course
9 if the alternative course provides rigorous content. These shall be based on grade-level content
10 standards and may be modified to allow for a narrower breadth, depth, or complexity of the gen-
11 eral grade-level content standards.

12 Section 7. (1) A local board of education may award credit toward high school graduation for
13 satisfactory demonstration of learning based on content standards described in the Kentucky aca-
14 demic standards, established in 704 KAR 3:303 and 704 KAR Chapter 8, and a rigorous perfor-
15 mance standards policy established by the local board of education. A school shall establish per-
16 formance descriptors and evaluation procedures to determine if the content and performance
17 standards have been met.

18 (2) A local board of education shall award credit toward high school graduation based on:

19 (a) A standards-based Carnegie unit credit that shall consist of at least 120 hours of instructional
20 time in one (1) subject; or

21 (b) A performance-based credit based on standards, regardless of the number of instructional
22 hours in one (1) subject.

- 1 (3) A local board of education which has chosen to award performance-based credit shall award
2 a standards-based credit earned by a student enrolled in grade 5, 6, 7, or 8 if:
- 3 (a) The content of the course is the same as that described in the Kentucky academic standards,
4 established in 704 KAR 3:303 and 704 KAR Chapter 8; and
- 5 (b) The district has criteria in place to make a reasonable determination that the middle level stu-
6 dent is capable of success in the high school course.
- 7 (4) A local board of education which has chosen to award performance-based credit shall estab-
8 lish a policy for a performance-based credit system that includes:
- 9 (a) The procedures for developing performance-based credit systems and for amending the sys-
10 tem;
- 11 (b) The conditions under which each high school may grant performance-based credits and the
12 related performance descriptors and assessments;
- 13 (c) Objective grading and reporting procedures;
- 14 (d) Content standards established in 704 KAR 3:303 and 704 KAR Chapter 8;
- 15 (e) The extent to which state-provided assessments will be used in the local performance-based
16 credit system;
- 17 (f) The ability for students to demonstrate proficiency and earn credit for learning acquired out-
18 side of school or in prior learning; and
- 19 (g) Criteria to ensure that internships, cooperative learning experiences, and other learning expe-
20 riences in the school and community are:
- 21 1. Designed to further student progress towards the individual learning plan;
- 22 2. Supervised by qualified instructors; and
- 23 3. Aligned with state and local content and performance standards.

1 (5) A board of education may award standards-based, performance-based credit toward high
2 school graduation for:

3 (a) Standards-based course work that constitutes satisfactory demonstration of learning in any
4 high school course, consistent with Sections 3 and 4 of this administrative regulation;

5 (b) Standards-based course work that constitutes satisfactory demonstration of learning in a
6 course for which the student failed to earn credit when the course was taken previously;

7 (c) Standards-based portfolios, senior year, or capstone projects;

8 (d) Standards-based online or other technology mediated courses;

9 (e) Standards-based dual credit or other equivalency courses; or

10 (f) Standards-based internship, cooperative learning experience, or other supervised experience
11 in the school or the community.

12 (6) Each local board of education shall maintain a copy of its policy on high school graduation
13 requirements. This policy shall include a description of how the requirements address KRS
14 158.6451(1)(b) [~~and 703 KAR 4:060~~].

15 Section 8. (1) A student who satisfactorily completes the requirements of this administrative reg-
16 ulation and additional requirements as may be imposed by a local board of education or meets
17 the requirements for the [e]Early [g]Graduation Program established in Section 5 of this adminis-
18 trative regulation shall be awarded a graduation diploma.

19 (2) A local board shall not adopt any high school graduation requirements that include achieving
20 a minimum score on a statewide assessment as established in KRS 158.140.

21 (3) The local board of education shall award the diploma.

22 Section 9. This administrative regulation shall not be interpreted as prohibiting a local governing
23 board, superintendent, principal, or teacher from awarding special recognition to a student.

1 Section 10. (1) If the severity of an exceptional student’s disability precludes a course of study
2 that meets the high school graduation requirements established in Sections 3 and 4 of this admin-
3 istrative regulation leading to receipt of a high school diploma, an alternative course of study
4 shall be offered.

5 (2) This course of study shall be based upon student needs and the provisions established in 704
6 KAR 3:303 and 704 KAR Chapter 8, and shall be reviewed at least annually.

7 (3) A student who completes this course of study shall receive an alternative high school diploma
8 to be awarded by the local board of education consistent with the graduation practices for all stu-
9 dents.

10 (4) A local board of education may establish policies to award an alternative high school diploma
11 to a former student who has received a certificate or certificate of attainment.

12 **Section 11. (1) Any student seeking to graduate early who receives services deemed essen-**
13 **tial by the local school district shall engage in meaningful consultation with a school-based**
14 **mental health services provider, as defined by KRS 158.4416, on the creation of a continui-**
15 **ty of services plan prior to graduation.**

16 **(2) School districts shall ensure the creation of a continuity of services plan for all students**
17 **identified as a homeless child pursuant to 42 U.S.C. 11434, a migratory child pursuant to**
18 **20 U.S.C. 6399, or youth engaged in foster care pursuant to KRS 620.020(5).**

19 **(3) The completion of a transition plan for children aging out of foster care, as described by**
20 **42 U.S.C. 675(5)(H), shall meet the requirements outlined in this section.**

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

(Date)

Jason E. Glass, Ed.D.
Commissioner of Education

(Date)

Lu S. Young, Ed.D., Chairperson
Kentucky Board of Education

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 704 KAR 3:305

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

Phone Number: 502-564-4474

(1) Provide a brief summary of:

(a) What this administrative regulation does:

704 KAR 3:305 establishes the minimum requirements for entitlement to a high school diploma in Kentucky, including those who are eligible to participate in the Early Graduation Program provided in KRS 158.142.

(b) The necessity of this administrative regulation:

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 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 establishes the minimum requirements necessary for entitlement to a high school diploma.

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

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 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 establishes the minimum requirements necessary for entitlement to a high school diploma.

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

This regulation outlines the minimum requirements for high school graduation for all Kentucky students.

(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:

The amendments to 704 KAR 3:305 serve two purposes. First, to provide clean-up language needed throughout the regulation. Second, the amendments are needed to ensure alignment to the statute while also providing greater clarification for schools and districts as they implement the requirements for the Early Graduation Program resulting in an Early Graduation Certificate and scholarship to be used at a Kentucky public two (2) year community and technical college or a Kentucky four (4) year public or non-profit independent institution accredited by the Southern Association of Colleges and Schools.

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

Given changes to the authorizing statute during the 2022 legislative session, these amendments are needed to ensure alignment to the statute while also providing greater clarification for schools and districts as they implement the requirements for the Early Graduation Program.

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

KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations relating to the courses of study for the different grades, the minimum requirements for high school graduation and the requirements for the Early Graduation Program.

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

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. The amendment to this administrative regulation establishes greater clarity on the expectations and competencies needed of students in order to qualify for, and successfully complete, the Early Graduation Program.

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

Those affected by this regulation include: all public schools, school districts, and the Kentucky Department of Education as it is tasked with providing guidance, support, and technical assistance, and monitoring of the implementation of new minimum high school graduation requirements.

(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:

Specifically, the entities identified above will need to take the following actions to comply with the amendments proposed in the regulation:

Local boards of education will need to develop policies that provide a framework for the Early Graduation Program, including performance descriptors and evaluation procedures. Local schools and districts will need to align to the Early Graduation Program requirements. The Kentucky Department of Education will need to provide implementation guidance to districts and schools.

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

There should be little to no additional costs as a result of this amendment. The Kentucky Department of Education will be impacted by staff time to answer questions and provide guidance.

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

With a more comprehensive approach to the Early Graduation Program, students are the primary beneficiaries of the revisions. The updated program guidelines focus on both the academic and essential skills needed for success beyond high school.

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

(a) Initially:

The Kentucky Department of Education will dedicate staff time to develop guidance to support schools and districts as they implement the Early Graduation Program. Staffing patterns at the local district may need to be adjusted in order to support schools in implementing program requirements.

(b) On a continuing basis:

The Kentucky Department of Education has mechanisms in place to support ongoing costs related to staff time and resources needed to support schools and districts.

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

State 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 increase in fees or funding will be necessary to implement this amendment.

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

This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not)

Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and districts.

FISCAL NOTE

704 KAR 3:305

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(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 education agencies; the Kentucky Department of Education, specifically the Office of Assessment and Accountability and the Office of Teaching and Learning; Council on Postsecondary Education; and the Kentucky Higher Education Assistance Authority may be impacted.

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

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 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 core academic standards incorporated by reference in 704 KAR 3:303 and 704 KAR Chapter 8. This administrative regulation establishes the minimum requirements necessary for entitlement to a high school diploma.

(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.

(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? No revenue.

(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? No revenue.

(c) How much will it cost to administer this program for the first year? While the exact cost is unknown, little to no additional expenses are expected as a result of amendment. Staffing patterns at the local district may need to be adjusted in light of minimum requirements and student needs. Local district budgets may be impacted by the need for resources to support interventions for students who need them. Kentucky Department of Education staff time will be impacted by the need for implementation guidance and answering questions from the field. This impact should decrease each year of implementation.

(d) How much will it cost to administer this program for subsequent years? In subsequent years, the Kentucky Department of Education will remain available to schools and districts to provide ongoing support. Little to no additional expenses are expected on an ongoing basis as a result of amendment. Staffing patterns at the local school and district and staff time may need to be adjusted depending upon their needs as it relates to the implementation of the Early Graduation Program performance-based portfolio, project or capstone.

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

Revenues (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: N/A

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? None anticipated.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? None anticipated.

(c) How much will it cost the regulated entities for the first year? Little to no additional expenses are expected as a result of this amendment.

(d) How much will it cost the regulated entities for subsequent years? Little to no additional on-going expenses are expected as a result of this amendment.

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

Cost Savings(+/-): N/A

Expenditures (+/-): N/A

Other Explanation: N/A

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]

Based on the assessment of the agency, this regulation alone will not have a major economic impact on state or local regulated entities. Obviously, the regulation is aimed at the minimum requirements for high school graduation. The Commonwealth spends well over \$500,000 providing public education to elementary and secondary education students each year. However, those expenses would continue to exist absent this administrative regulation.

STATEMENT OF CONSIDERATION
RELATING TO 704 KAR 3:305

Kentucky Board of Education, Department of Education
(Amended After Comments)

I. A public hearing was scheduled for the above regulation on August 22, 2022, at 1:00 p.m. EST at the Kentucky Department of Education, 300 Sower Boulevard, Fifth Floor, Frankfort, Kentucky, but was canceled because no one registered to attend. However, two written comments were received during the public comment period which closed on August 31, 2022.

II. The following individuals submitted a written comment:

<u>Name</u>	<u>Title and Affiliation</u>
Dr. Kelly Foster	Associate Commissioner, Office of Continuous Improvement and Support (OCIS), Kentucky Department of Education
Micki Ray	Chief Academic Officer, Office of Teaching and Learning (OTL), Kentucky Department of Education

III. The following people from the promulgating administrative body responded to the written comments:

Name and Title

Sarah Peace, Policy Advisor, Office of Teaching and Learning
Felicia Nu'Man, Staff Attorney, Office of Legal Services

IV. Summary of Comments and Responses

(1) Subject Matter: Continuity of Services Plan

(a) Comment: Dr. Kelly Foster, Associate Commissioner, Office of Continuous Improvement and Support (OCIS), Kentucky Department of Education

The comment received from Dr. Foster indicated that students in the foster care system, students who are homeless, and students that are migrants experience challenges that may not be present with other students who choose to graduate in under four academic years. The OCIS collaborated with counterparts at the Cabinet for Health and Family Services (CHFS) as it became apparent that many youths engaged in the foster care system choose to graduate early to ease the challenges related to transportation, family difficulties, employment needs, emancipation efforts, or other personal reasons. However, the commenter explained that as the regulation is currently worded, students of these designations, who choose to graduate early are at risk of losing access to support services that are vital to their ongoing success. Unknowingly, students who choose to graduate early could leave high school without access to necessary services thereby leading the student to be placed on waiting lists for access to public services.

Dr. Foster’s public comment indicated that many students complete the graduation requirements as provided in 704 KAR 3:305 before a school-based mental health services provider, as defined by KRS 158.4416, are made aware of the process.

To better support students engaged in the foster care system, and other students with an immediate need for ongoing support services, the OCIS recommended that language be added to 704 KAR 3:305 that would establish provisions for school personnel to support students who are receiving essential services to actively plan for a transition to non-school based services.

(b) Response: The agency reviewed this comment and agrees that regulatory amendments proposed by Dr. Foster are appropriate. The agency finds that adding specific language supporting those who are identified as a homeless child pursuant to 42 U.S.C.119(1143)(a), a migratory child pursuant to 20 U.S.C. 6399(3), or youth engaged in foster care pursuant to KRS 620.020(5) meets a vital, unfulfilled need within the regulation. The addition of a “continuity of services plan” provides a structure to effectively secure essential services needed to live a healthy and sustainable life beyond high school.

By integrating the regulatory amendments described above, students who are identified as homeless, migratory, or in foster care are provided with a continuity of services plan to ensure there is no gap in services as the student transitions beyond high school. Furthermore, students have access to an adult advocate who can assist the student during their transition to non-school based services.

(2) Subject Matter: Technical and mechanical edits to improve readability and ease of use.

(a) Comment: Micki Ray, Chief Academic Officer, Office of Teaching and Learning (OTL), Kentucky Department of Education

704 KAR 3:305 outlines the requirements for high school graduates in Kentucky, including provisions for the Early Graduation Program. This regulation is referenced frequently by a wide range of stakeholders, such as school and district personnel, families, students and community members. The OTL proposes technical changes designed to increase understanding for this wide range of stakeholders, especially as it relates to Section 5 on the Early Graduation Program (EGP).

To meet these recommendations, OTL proposes minor revisions to 704 KAR 3:305 to improve readability, clarity and organization. These recommendations are not substantive in nature and do not have an impact on the content or meaning of the language provided in 704 KAR 3:305.

(b) Response: The agency agrees with the mechanical edits to 704 KAR 3:305 proposed in the public comment submitted by Ms. Ray. These non-substantive edits assist parents, community members, schools, districts and others to understand and apply the minimum requirements for high school graduation as provided in the regulation.

To further assist with readability and ease of use, the agency also agrees with the proposed reorganization of language provided in Section 5. Such reorganization better reflects and aligns the sequential nature of the requirements of those who participate in the Early Graduation Program.

Additionally, the agency accepts Ms. Ray’s suggestion to reintegrate, from the original unamended version, the definition for “graduate early” as a method of differentiating between it and the Early Graduation Program. This is especially prudent given the language provided in the public comment from Dr. Foster which contain references to graduating early.

V. Summary of Statement of Consideration and Action Taken by Promulgating Administrative Body

The public hearing on this administrative regulation was scheduled for August 22, 2022, at 1:00 p.m., EST in the State Board Room, Fifth Floor, Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky, but was canceled because no one registered to attend. Two written comments were received. The agency responded to the comments and amends the administrative regulation as follows:

Page 1
Section 1
Line 18

After “Section 1. Definitions.” insert:

(1) “Graduate early” means a student is awarded a diploma from the district, in under four academic years from the start of grade 9, based upon meeting the minimum credit requirements of this administrative regulation and additional requirements as may be imposed by a local board of education. (2)

Re-number Section 1 accordingly.

After “means an optional” insert:
, criteria-based

Line 19

After “receive” insert:

a diploma from the school district,

After “Early Graduation Certificate” insert:

,
After “and” insert:

a

After “award upon” strike:

proper notification of intent to participate and the

Line 20

After “all program requirements” insert:

provided in section 5 of this administrative regulation

Page 2

Section 1

Line 6

After “Colleges and Schools.” insert:

(4) “Continuity of services plan” means a plan that outlines the ways in which a student will receive access to essential services that will end should the student graduate early. (5)

Renumber Section 1 accordingly.

Section 2

Page 3

Line 9

After “shall be established” insert:

within the first ninety (90) days

Line 10

Immediately preceding “of the sixth grade year” strike:

at the beginning

Page 7

Section 5

Line 13

After “(a)” insert:

Students wishing to participate in the EGP shall indicate that intent to the school principal in writing at the beginning of grade 9 or as soon as the intent is known to the student, but no later than the first thirty (30) school days of the academic year in which the student intends to graduate;

And strike the remainder of paragraph (a).

Line 17

After “(c)” insert:

Those students who enroll in the EGP and meet the criteria provided in this section shall receive from the school district a diploma and an early graduation certificate;

And strike the remainder of paragraph (c).

Line 20

After “(d)” insert:

The school or district shall enter the enrolled EGP student

And strike:

A student’s intent to participate in the EGP shall be entered

Line 21

After “student information system” strike:

by the school district

After “which the student” insert:

intends to graduate

Line 22

Strike:

makes the declaration

Page 8

Section 5

Line 8

Insert:

(2) To participate in the EGP and graduate during the 2022-2023 school year, a student shall: (a) Meet the requirements of subsection 1 of this section; (b) Meet the college readiness exam benchmarks established by the Council on Postsecondary Education in 13 KAR 2:020 for placement in credit-bearing courses without the need for remediation; and (c) Complete one (1) or more courses or programs that meet the financial literacy requirements pursuant to KRS 158.1411.

Re-number Section 5 accordingly.

Line 18

After “policy shall” strike:

provide for support in the development and monitoring of an individual learning plan that shall

Line 20

After “(a)” insert:

Criteria for supporting the development and monitoring of the student individual learning plan, as provided in section 2; (b)

Re-number subsection accordingly

Page 14

Section 10

Line 5

After “certificate of attainment.” insert:

Section 11. (1) Any student seeking to graduate early who receives services deemed essential by the local school district shall engage in meaningful consultation with a school-based mental health services provider, as defined by KRS 158.4416, on the creation of a continuity of services plan prior to graduation. (2) School districts shall ensure the creation of a continuity of services plan for all students identified as a homeless child pursuant to 42 U.S.C. 11434, a migratory child pursuant to 20 U.S.C. 6399, or youth engaged in foster care pursuant to KRS 620.020(5). (3) The completion of a transition plan for children aging out of foster care, as described by 42 U.S.C. 675(5)(H), shall meet the requirements outlined in this section.