

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** 704 KAR 3:305, Minimum requirements for high school graduation

**Date:** December 6-7, 2022

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

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

### SUMMARY OF ISSUE BEFORE THE BOARD:

At the behest of members of the Kentucky General Assembly, the Kentucky Department of Education (KDE) requests the Kentucky Board of Education (KBE) consent to amending the requirements of the Early Graduation Program (EGP) provided under 704 KAR 3:305, Section 5 to conform to the civics test requirement pursuant to KRS 158.141.

### COMMISSIONER'S RECOMMENDATION:

At the request of the General Assembly, the Commissioner recommends the KBE consent to the amendment of 704 KAR 3:305, Section 5 to conform with the requirements provided in KRS 158.141.

### APPLICABLE STATUTE OR REGULATION:

KRS 156.070, 156.160, 158.140, 158.141, 158.142, 158.645, 158.6451, 704 KAR 3:305(5)

### BACKGROUND:

*Existing Policy:*

KRS 156.160 requires the KBE 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 KBE to promulgate administrative regulations establishing requirements for completing the Early Graduation Program. These requirements are detailed under Section 5 of 704 KAR 3:305, Minimum requirements for high school graduation.

KRS 158.141(1) provides that in order "to graduate from a Kentucky public high school with a regular diploma, a student shall pass a civics test composed of one hundred (100) questions drawn from those that are set forth within the civics test administered by the United States Citizenship and Immigration Services to persons seeking to become naturalized citizens."

The statute requires all Kentucky students to accurately answer, at minimum, 60% of the questions in order to receive a regular high school diploma. The statute also adds that "[a] public high school shall provide each student with the opportunity to take the test as many times as necessary for the student to pass," (KRS 158.142(3)).

In response to this request, 704 KAR 3:305, Section 5 has been amended to include the

requirements set forth in KRS 158.141.

*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 successful completion of the EGP requirements.

At its October 2022 meeting, the KBE approved amendments proposed by the KDE to enhance the EGP in order to conform to statutory amendments to KRS 158.142 following the passage of SB 61 (2022). While the language in Section 5 of 704 KAR 3:305 was designed to include only those requirements which are most essential for meeting their postsecondary goals. However, the KDE has agreed to the request from members of the General Assembly to include the civics test as a requirement for successfully completing the EGP.

*Budget Impact:*

OTL has the necessary resources to conform to KRS 158.141. The OTL does not anticipate any added costs to the agency. Amendments to Section 5 of 704 KAR 3:305 may require some additional staff time as the policy moves through the regulatory process.

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

Due to the nature of the request, and the previously established requirements provided in KRS 158.141, no other groups were consulted.

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**Commissioner of Education**

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