

1 EDUCATION AND LABOR CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

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

6 RELATES TO: KRS 156.160(1)(a), (d), (e), 158.140(6), 158.141, 158.142, 158.622(3),

7 158.645, 158.1411, 158.1413(1), 158.6451

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

9 158.1411

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky Board of

11 Education to promulgate administrative regulations relating to the courses of study for the

12 different grades and the minimum requirements for high school graduation. KRS

13 158.142(3)~~[(b)]~~ requires the board to promulgate administrative regulations establishing

14 requirements for early graduation from high school. The content standards for the courses of

15 study are established in the Kentucky academic standards incorporated by reference in [704

16 ~~KAR 3:303 and~~ 704 KAR Chapter 8. This administrative regulation establishes the minimum

17 requirements necessary for entitlement to a high school diploma.

18 Section 1. Definitions. (1) "Continuity of services plan" means a plan that outlines the ways in

19 which a student will receive access to essential services that will end if the student graduates

20 early.

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

8 (3) "Early Graduation Program" or "EGP" means an optional, criteria-based program in which a
9 student may receive a high school diploma from the school district, an Early Graduation
10 Scholarship Certificate, and a scholarship award upon successful completion of all program
11 requirements provided in Section ~~4~~[5] of this administrative regulation in three (3) academic
12 years or less.

13 (4) "Graduate early" means a student is awarded a high school diploma from the district, in
14 under four (4) academic years from the start of grade 9, based upon meeting all ~~[the]~~ minimum
15 graduation ~~[credit]~~ requirements of this administrative regulation and additional requirements
16 as may be imposed by a local board of education.

17 (5) "Individual Learning Plan" or "ILP" is defined in 704 KAR 19:002.

18 (6) "Performance-based project, portfolio, or capstone" means a multifaceted academic and
19 intellectual experience culminating in a student-led demonstration of critical knowledge, skills,
20 and capacities required for postsecondary and career success.

21 Section 2. (1) A district shall implement an advising and guidance process throughout the
22 middle and high schools to provide support for the development and implementation of an
23 individual learning plan for each student. The plan shall include career development and
24 awareness and specifically address the content as provided in the Kentucky academic

1 standards for career studies established in 704 KAR 8:080 [~~Chapter 8~~]. The individual learning
2 plan shall not be a substitute for the statement of transition service needs for students with
3 disabilities as provided in 707 KAR 1:320.

4 (2) A district shall develop a method to evaluate the effectiveness and results of the individual
5 learning plan process. The evaluation method shall include input from students, parents, and
6 school staff. As part of the evaluation criteria, the district shall include indicators related to the
7 status of the student in the twelve (12) months following the date of graduation.

8 (3) A feeder middle school and a high school shall work cooperatively to ensure that each
9 student and parents receives information and advising regarding the relationship between
10 education and career opportunities. Advising and guidance shall include information about
11 financial planning for postsecondary education.

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

15 (5) Beginning with a student's eighth grade year, the individual learning plan shall set learning
16 goals for the student based on academic and career interests and shall identify required
17 academic courses, electives, and extracurricular opportunities aligned to the student's
18 postsecondary goals. The school shall use information from the individual learning plans about
19 student needs for academic and elective courses to plan academic and elective offerings.

20 (6) The development of the individual learning plan for each student shall be established within
21 the first ninety (90) days of the sixth grade year and shall focus [~~be focused~~] on career
22 exploration and related postsecondary education and training needs.

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

4 ~~(2) These credits shall include the content standards as provided in the Kentucky academic~~
5 ~~standards, established in 704 KAR 3:303 and KAR Chapter 8.~~

6 ~~(3) Additional standards-based learning experiences shall align to the student's individual~~
7 ~~learning plan and shall consist of standards-based content.~~

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

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

12 ~~1. Language arts shall be taken each year of high school; and~~

13 ~~2. If a student does not meet the college readiness benchmarks for English and language arts~~
14 ~~as established by the Council on Postsecondary Education in 13 KAR 2:020, the student shall~~
15 ~~take an English and language arts transitional course or intervention, which is monitored to~~
16 ~~address remediation needs, before exiting high school;~~

17 ~~(b) Social studies – three (3) credits to include the content contained in the Kentucky academic~~
18 ~~standards for this content area;~~

19 ~~(c) Mathematics – three (3) credits to include the content contained in the Kentucky academic~~
20 ~~standards for this content area and include the following minimum requirements:~~

21 ~~1. Algebra I, Geometry, and Algebra II. An integrated, applied, interdisciplinary, occupational, or~~
22 ~~technical course that prepares a student for a career path based on the student's individual~~
23 ~~learning plan may be substituted for a traditional Algebra I, Geometry, or Algebra II course on~~

1 ~~an individual student basis if the course meets the content standards in the Kentucky~~
2 ~~academic standards, established in 704 KAR 3:303 and 704 Chapter 8;~~
3 ~~2. A mathematics course or its equivalent as determined by the district shall be taken each~~
4 ~~year of high school to ensure readiness for postsecondary education or the workforce;~~
5 ~~3. Any mathematics course other than Algebra I, Geometry, or Algebra II shall be counted as~~
6 ~~an elective; and~~
7 ~~4. If a student does not meet the college readiness benchmarks for mathematics as~~
8 ~~established by the Council on Postsecondary Education in 13 KAR 2:020, the student shall~~
9 ~~take a mathematics transitional course or intervention, which is monitored to address~~
10 ~~remediation needs, before exiting high school;~~
11 ~~(d) Science – three (3) credits that shall incorporate lab-based scientific investigation~~
12 ~~experiences and include the content contained in the Kentucky academic standards for this~~
13 ~~content area;~~
14 ~~(e) Health – one half (1/2) credit to include the content contained in the Kentucky academic~~
15 ~~standards for this content area;~~
16 ~~(f) Physical education – one half (1/2) credit to include the content contained in the Kentucky~~
17 ~~academic standards for this content area;~~
18 ~~(g) Visual and performing arts – one (1) credit to include the content contained in the Kentucky~~
19 ~~academic standards for this content area or a standards-based specialized arts course based~~
20 ~~on the student's individual learning plan;~~
21 ~~(h) Academic and career interest standards-based learning experiences – seven (7) credits~~
22 ~~including four (4) standards-based learning experiences in an academic or career interest~~
23 ~~based on the student's individual learning plan; and~~
24 ~~(i) Demonstrated performance-based competency in technology.]~~

1 Section 3[4]. (1) [~~Beginning with students who enter grade 9 on or after the first day of the~~
2 ~~2019-2020 academic year,~~] in [in] order to receive a high school diploma, each student in a
3 public school shall earn a total of at least twenty-two (22) credits for high school graduation.
4 (2) The required credits shall include the content standards as provided in the Kentucky
5 academic standards, established in [~~704 KAR 3:303 and~~] 704 KAR Chapter 8.
6 (3) Additional standards-based learning experiences shall align to the student's individual
7 learning plan and shall consist of standards-based content.
8 (4) Each student shall be required to earn [~~complete~~] the following ten (10) foundational credits
9 [~~and demonstrated competencies, consisting of ten (10) credits~~]:
10 (a) English/language arts - two (2) credits (English I and II) to include the content contained in
11 the Kentucky academic standards for this content area;
12 (b) Social studies - two (2) credits to include the content contained in the Kentucky academic
13 standards for this content area;
14 (c) Mathematics - two (2) credits (Algebra I and Geometry) to include the content contained in
15 the Kentucky academic standards for this content area;
16 (d) Science - two (2) credits that shall incorporate lab-based scientific investigation
17 experiences and include the content contained in the Kentucky academic standards for this
18 content area;
19 (e) Health - one-half (1/2) credit to include the content contained in the Kentucky academic
20 standards for this content area;
21 (f) Physical education - one-half (1/2) credit to include the content contained in the Kentucky
22 academic standards for this content area; and

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

4 ~~(5) [In addition to the foundational requirements established in subsection (4) of this Section,]~~
5 Each [every] student shall be required to earn, [a minimum] the following [ef] twelve (12)
6 personalized credits [in order to receive a high school diploma. These twelve (12) personalized
7 credits shall include]:

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

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

14 (c) One (1) additional science credit that includes the content contained in the Kentucky
15 academic standards for this content area and is aligned to the student's individual learning
16 plan;

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

20 (e) Academic and career interest standards-based learning experiences - six (6) credits
21 including four (4) standards-based learning experiences based on the student's individual
22 learning plan.[:]

23 (6) To earn a high school diploma, each student shall complete the following additional
24 requirements:

1 ~~(a)~~~~(f)~~ Successfully demonstrate ~~[Demonstrate]~~ performance-based competency in technology
2 that includes the content contained in the Kentucky academic standards for this content area
3 and is aligned to the student's individual learning plan ~~[as approved by the Kentucky~~
4 ~~Department of Education]~~;

5 ~~(b)~~~~(g)~~ Successfully meet the civics requirement pursuant to ~~[Pass a civics test as required by]~~
6 KRS 158.141; and

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

11 Section ~~4~~~~5~~. (1) Only students who meet the criteria established in this section shall be eligible
12 for the Early Graduation Program:

13 (a) Students wishing to participate in the EGP shall indicate that intent to the secondary school
14 principal by submitting the Early Graduation Program Letter of Intent Form ~~[in writing]~~ at the
15 beginning of grade 9 or as soon as the intent is known to the student, but no later than the first
16 thirty (30) school days of the academic year in which the student intends to graduate;

17 (b) Schools and districts shall not prohibit a student from completing the EGP if the student
18 meets all ~~[EGP]~~ requirements provided in this section;

19 (c) Students who enroll in the EGP and meet the criteria provided in this section shall receive
20 ~~[from the school district]~~ a high school diploma, ~~[and]~~ an Early Graduation Scholarship
21 Certificate ~~[early graduation certificate]~~, and scholarship award;

22 (d) The school or district shall enter the enrolled EGP student into the student information
23 system by October 15 of the year in which the student intends to graduate; and

1 ~~[(e) Students participating in the EGP shall complete all requirements set forth in this section~~
2 ~~applicable to the academic year in which the student intends to graduate; and]~~

3 ~~(e)~~~~[(f)]~~ A student who has indicated an intent to complete the EGP may participate in the state
4 administration of the college entrance exam prior to the junior year, if needed.

5 ~~[(2) To participate in the EGP and graduate during the 2022-2023 school year, a student shall:~~

6 ~~(a) Meet the requirements of subsection 1 of this section;~~

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

10 ~~(c) Complete one (1) or more courses or programs that meet the financial literacy requirements~~
11 ~~pursuant to KRS 158.1411; and~~

12 ~~(d) Obtain a passing grade on the civics test pursuant to KRS 158.141.]~~

13 ~~[(3)]~~ ~~[By July 1, 2023, each]~~ The local school district shall provide each high school ~~[within~~
14 ~~the district]~~ with a ~~[the]~~ policy established by the local board of education for students wishing
15 to participate in the EGP ~~[and earn an Early Graduation Certificate and scholarship]~~. The
16 district policy shall include:

17 (a) Criteria for supporting the development and monitoring of the student individual learning
18 plan, as provided in Section 2 of this administrative regulation.

19 (b) Goal planning related to the demonstration ~~[attainment]~~ of the capacities listed in KRS
20 158.645 and the ~~[established district]~~ essential workplace ethics characteristics listed in
21 ~~[programs as provided in]~~ KRS 158.1413~~(1)~~;

22 (c) Completion of a professional resume; and

23 (d) Completion of one (1) postsecondary admissions application that may be used at a
24 Kentucky public two (2) year community and technical college or a Kentucky four (4) year

1 public or non-profit independent institution accredited by the Southern Association of Colleges
2 and Schools in which the student is interested in applying.

3 ~~(3)~~~~(4)~~ ~~[Beginning with the 2023-2024 academic year,]~~ Each ~~[each]~~ EGP participant, with the
4 support of the comprehensive school counselor, or designee, shall:

5 (a) Submit the Early Graduation Program Student Letter of Intent Form, signed by the
6 student's parents, to the principal as required in subsection (1)(a) of this section;

7 ~~(b)~~~~(a)~~ Identify all EGP requirements and develop a strategy within the individual learning plan
8 for meeting those requirements~~[-, including the district's established workplace ethics program~~
9 ~~provided in KRS 158.1413; [and]~~

10 ~~(c)~~~~(b)~~ Complete an entrance interview with the principal, or designee, to discuss
11 postsecondary goals and career aspirations; ~~[-]~~

12 ~~[(5) Beginning with the 2023-2024 academic year, to successfully complete the EGP and earn~~
13 ~~an Early Graduation Certificate and scholarship, the student shall:~~

14 ~~(a) Communicate intent to the principal as required in subsection (1) of this section;~~

15 ~~(d)~~~~(b)~~ Meet the college readiness ~~[entrance exam]~~ benchmarks established by the Council on
16 Postsecondary Education in 13 KAR 2:020 for placement in credit-bearing courses without the
17 need for remediation;

18 ~~(e)~~~~(c)~~ Earn the ten (10) foundational credits listed in Section 3(4) of this administrative
19 regulation ~~[that shall include the content standards as provided in the Kentucky academic~~
20 ~~standards, established in 704 KAR 3:303 and 704 KAR Chapter 8];~~

21 ~~[(d) Complete the essential workplace ethics program requirements established by the school~~
22 ~~district pursuant to KRS 158.1413;]~~

1 ~~(f)(e)~~ Successfully complete ~~[Completed]~~ one (1) or more courses or programs that meet the
2 financial literacy requirements pursuant to KRS 158.1411 and standards as established in 704
3 KAR Chapter 8; [and]

4 ~~(g)(f)~~ Successfully meet the civics requirement ~~[Obtain a passing grade on the civics test]~~
5 pursuant to KRS 158.141; and [.]

6 (h) Successfully complete the EGP performance-based project, portfolio, or capstone
7 established in this section.

8 ~~(4)(6)~~ ~~[By July 1, 2024, each]~~ The local board of education shall establish a policy requiring
9 high schools to develop ~~[determine]~~ performance descriptors and evaluation procedures for an
10 EGP performance-based project, portfolio, or capstone ~~[required for students who intend to~~
11 ~~complete the EGP beginning with the 2024-2025 academic year].~~

12 (a) Performance descriptors and evaluation procedures developed by the high school shall be
13 designed to provide ~~[an opportunity for the]~~ students an opportunity to demonstrate ~~[attainment~~
14 ~~of the following]~~ the critical knowledge, skills, and capacities required for postsecondary and
15 career success and shall include the following:

16 ~~[(a) Attainment of essential workplace ethics program components as established by the board~~
17 ~~of education pursuant to KRS 158.1413;]~~

18 1. Demonstration of capacities listed in KRS 158.645 and the essential workplace ethics
19 characteristics listed in KRS 158.1413(1);

20 2. ~~(b)~~ Demonstration of an ability to apply the Kentucky academic standards, established in
21 ~~[704 KAR 3:303 and]~~ 704 KAR Chapter 8, as a life-long learner and contributing member of
22 society;

23 3. ~~(c)~~ Demonstration of written and verbal communication skills needed for postsecondary
24 and career success; and

1 4. ~~[(d)]~~ Demonstration of an ability to think critically, synthesize information, and draw
2 conclusions.

3 ~~[(7)] Beginning July 1, 2024, the performance-based project, portfolio, or capstone shall be~~
4 ~~required for completion of the EGP.]~~

5 ~~(b)(8)]~~ A school shall maintain and make readily available to the Kentucky Department of
6 Education the EGP participant's performance-based project, portfolio, or capstone for a
7 minimum of five (5) years.

8 Section 5~~[6]~~. (1) A local board of education may substitute an integrated, applied,
9 interdisciplinary, occupational, technical, or higher level course for a required course if the
10 alternative course provides rigorous content.

11 (2) For students with disabilities, a local board of education may substitute a functional,
12 integrated, applied, interdisciplinary, occupational, technical, or higher level course for a
13 required course if the alternative course provides rigorous content. These shall be based on
14 grade-level content standards and may be modified to allow for a narrower breadth, depth, or
15 complexity of the general grade-level content standards.

16 Section 6~~[7]~~. (1) A local board of education shall award credit toward high school graduation
17 based on:

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

20 (b) A performance-based credit based on ~~[(1) A local board of education may award credit~~
21 ~~toward high school graduation for satisfactory demonstration of learning based on content~~
22 ~~standards described in] the Kentucky academic standards, established in [704 KAR 3:303 and]~~
23 704 KAR Chapter 8, regardless of the number of instructional hours in one (1) subject ~~[and a~~
24 ~~rigorous performance standards policy established by the local board of education].~~

1 (2) A local board of education which has chosen to award performance-based credit shall
2 adopt a policy that awards performance-based credit toward high school graduation for
3 satisfactory demonstration of learning based on rigorous performance standards aligned to
4 704 KAR Chapter 8.

5 (3) A school shall establish performance descriptors and evaluation procedures to determine if
6 the content and performance standards have been met.

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

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

10 ~~(b) A performance-based credit based on standards, regardless of the number of instructional~~
11 ~~hours in one (1) subject.]~~

12 [(4)](3) A local board of education which has chosen to award performance-based credit shall
13 award a standards-based credit earned by a student enrolled in grade 5, 6, 7, or 8 if:

14 (a) The content of the course is the same as that described in the Kentucky academic
15 standards, established in ~~[704 KAR 3:303 and]~~ 704 KAR Chapter 8; and

16 (b) The district has criteria in place to make a reasonable determination that the middle level
17 student is capable of success in the high school course.

18 [(5)](4) A local board of education which has chosen to award performance-based credit shall
19 establish a policy [for a performance-based credit system] that shall include[s]:

20 (a) The procedures for developing a performance-based credit system[s] and for amending the
21 system;

22 (b) The conditions under which each high school may grant performance-based credits and the
23 related performance descriptors and assessments;

24 (c) Objective grading and reporting procedures;

- 1 (d) Alignment to content [~~Content~~] standards established in [~~704 KAR 3:303 and~~] 704 KAR
2 Chapter 8;
- 3 (e) The extent to which state-provided assessments will be used in the local performance-
4 based credit system;
- 5 (f) The ability for students to demonstrate proficiency and earn credit for learning acquired
6 outside of school or in prior learning; and
- 7 (g) Criteria to ensure that internships, cooperative learning experiences, and other learning
8 experiences in the school and community are:
- 9 1. Designed to further student progress towards the individual learning plan;
 - 10 2. Supervised by qualified instructors; and
 - 11 3. Aligned with state and local content and performance standards.
- 12 ~~(6)~~~~(5)~~ A board of education may award standards-based, performance-based credit toward
13 high school graduation for:
- 14 (a) Standards-based course work that constitutes satisfactory demonstration of learning in any
15 high school course, consistent with [~~Sections 3 and 4 of~~] this administrative regulation;
 - 16 (b) Standards-based course work that constitutes satisfactory demonstration of learning in a
17 course for which the student failed to earn credit when the course was taken previously;
 - 18 (c) Standards-based portfolios, projects [~~senior-year~~], or capstones [projects];
 - 19 (d) Standards-based online or other technology mediated courses;
 - 20 (e) Standards-based dual credit or other equivalency courses; or
 - 21 (f) Standards-based internship, cooperative learning experience, or other supervised
22 experience in the school or the community.

1 ~~[(6) Each local board of education shall maintain a copy of its policy on high school graduation~~
2 ~~requirements. This policy shall include a description of how the requirements address KRS~~
3 ~~158.6451(1)(b).]~~

4 Section 7[8]. (1) A student who satisfactorily completes the requirements of this administrative
5 regulation and additional requirements as may be imposed by a local board of education or
6 meets the requirements for the Early Graduation Program established in Section 4[5] of this
7 administrative regulation shall be awarded a graduation diploma.

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

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

11 [(4) Each local board of education shall maintain a copy of its policy on high school graduation
12 requirements. This policy shall include a description of how the requirements address KRS
13 158.6451(1)(b).

14 Section 8[9]. This administrative regulation shall not be interpreted as prohibiting a local
15 governing board, superintendent, principal, or teacher from awarding special recognition to a
16 student.

17 Section 9[10]. (1) If the severity of an exceptional student's disability precludes a course of
18 study that meets the high school graduation requirements established in [~~Sections 3 and 4 of~~]
19 this administrative regulation leading to receipt of a high school diploma, an alternative course
20 of study shall be offered.

21 (2) This course of study shall be based upon student needs and the provisions established in
22 [~~704 KAR 3:303 and~~] 704 KAR Chapter 8, and shall be reviewed at least annually.

1 (3) A student who completes this course of study shall receive an alternative high school
2 diploma to be awarded by the local board of education consistent with the graduation practices
3 for all students.

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

6 Section 10[44]. (1) Any student seeking to graduate early who receives services deemed
7 essential by the local school district shall engage in meaningful consultation with a school-
8 based mental health services provider, as defined by KRS 158.4416, on the creation of a
9 continuity of services plan prior to graduation.

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

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

15 Section 11. Incorporation by Reference. (1) The “Early Graduation Program Student Letter of
16 Intent Form”, August 2024, is incorporated by reference.

17 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
18 the Kentucky Department of Education, 5th floor, 300 Sower Boulevard, Frankfort, Kentucky
19 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may be viewed at:

20 <https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx>.

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)

Robbie Fletcher, Ed.D.
Commissioner of Education

(Date)

Sharon Porter Robinson, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this proposed administrative regulation shall be held **XXXX** at 10:00 am, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through **XXXX**. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, KY 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

704 KAR 3:305

Contact Person: Todd G. Allen

Phone: 502-564-4474

Email: todd.allen@education.ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the minimum requirements for entitlement to a high school diploma in Kentucky.

(b) The necessity of this administrative regulation: KRS 156.160 requires the Kentucky Board of Education (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(3) requires the KBE to promulgate administrative regulations establishing requirements for early graduation from high school. 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 statutes: 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. The content standards for the courses of study are established in the Kentucky core academic standards incorporated by reference in 704 KAR Chapter 8. KRS 158.142(3) requires the board to promulgate administrative regulations establishing requirements for early graduation from high school. KRS 158.1411 requires the KBE to promulgate administrative regulations establishing a graduation requirement for financial literacy. 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 administrative regulation outlines the minimum requirements for high school graduation for Kentucky public school 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 three purposes. First, to provide clean-up language needed throughout the regulation for clarity and consistency. Second, the amendment conforms to HB 535 (2024) which modified the requirements for high school graduation as it relates to civics, as established under KRS 158.141. Third, the amendment incorporates by reference the intent form required by students participating in the Early Graduation Program (EGP) as provided under KRS 158.142(2).

(b) The necessity of the amendment to this administrative regulation: HB 535 (2024) modified the requirements for high school graduation as it relates to civics as established under KRS 158.141 to require, beginning with students entering grade 9 in the 2025-2026 school year, a one-half credit course in civic literacy or a civics test composed of 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.

KRS 158.142(2) requires the Kentucky Department of Education (KDE) to provide the form for students indicating their intent to participate in the EGP.

(c) How the amendment conforms to the content of the authorizing statutes: 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. The amendments conform to the following:

- KRS 158.142(2) requires the KDE to provide the form for students indicating their intent to participate in the EGP.
- KRS 158.1411 requires the KBE to promulgate administrative regulations establishing a graduation requirement for financial literacy.

(d) How the amendment will assist in the effective administration of the statutes: 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. The amendments to 704 KAR 3:305 conform to the passage of HB 535 (2024). The addition of the intent form as a material incorporated by reference conforms to KRS 158.142(2).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Local schools, districts, and the KDE are affected by this administrative regulation.

(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: The local districts must comply with the amended graduation requirement for civics, provided under HB 535 (2024), beginning with students entering grade 9 in 2025-2026. Pursuant to KRS 158.142(2), local schools are required to use the intent form, included as a material incorporated by reference, for students participating in the EGP. The KDE has developed the intent form and issued guidance to schools and districts explaining the options available under HB 535 (2024) for implementing the civics graduation requirement for students entering grade 9 in 2025-2026 and beyond.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no anticipated costs to local schools and districts as a result of the amendments to 704 KAR 3:305. Districts that choose to implement the one-half credit option for civics may need to adjust staffing depending on the size, needs, and course options provided by the local schools but that is not a requirement of the district. Districts that continue using the civics test will not have increased costs as a result of the amendments to 704 KAR 3:305. There is no cost associated to schools and districts for using the EGP intent form, provided as a material incorporated by reference, as required under KRS 158.142(2).

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

compliance of local schools and school districts ensure that statutory requirements provided under HB 535 (2024) are met and that students complete the civics requirement for high school graduation as provided under KRS 158.141. The KDE will assist schools and districts in complying with the amendments to 704 KAR 3:305 by providing guidance to assist in the effective implementation of HB 535 (2024). The addition of the EGP intent form as a material incorporated by reference ensures that schools comply with the requirements established under KRS 158.142.

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

(a) Initially: The KDE has staffing in place to provide guidance to local schools and districts on implementing the amended civics requirement for high school graduation as established under HB 535 (2024) and for utilizing the intent form for participants of the EGP.

(b) On a continuing basis: The KDE has staffing in place to provide guidance to local schools and districts on a continuing basis for both the implementation of the civics graduation requirement provided under HB 535 (2024) and to assist schools and districts with ongoing support for students participating in the EGP.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State 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: The KDE does not anticipate a need for increased fees or funding as a result of the amendments to 704 KAR 3:305. Districts that choose to implement the one-half credit option for civics may need to adjust staffing depending on the size, needs, and course options provided by the local schools but that is not a requirement of the district. Districts that continue using the civics test will not have increased costs as a result of the amendments to 704 KAR 3:305. The KDE has staffing in place to provide guidance to local schools and districts on a continuing basis for both the implementation of the civics graduation requirement provided under HB 535 (2024) and to assist schools and districts with ongoing support for students participating in the EGP.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish any fees or directly or indirectly increase 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 IMPACT STATEMENT

704 KAR 3:305

Contact Person: Todd G. Allen

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(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.160, 158.142, 156.070, 158.140, 158.1411.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The KBE is the promulgating agency. The Kentucky Board of Education (KBE) and the Kentucky Department of Education (KDE) will support local schools and districts in implementing 704 KAR 3:305.

(a) Estimate the following for the first year:

Expenditures: The KDE does not anticipate expenditures in the first year.

Revenues: No revenue in the first year.

Cost Savings: The administrative regulation will not generate cost savings in the first year.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

This regulation does not result in any new expenditures, revenues, or cost savings.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):
Local schools and districts

(a) Estimate the following for the first year:

Expenditures: \$0.00

Revenues: \$0.00

Cost Savings: \$0.00

(b) How will expenditures, revenues, or cost savings differ in subsequent years? This regulation does not result in any new expenditures, revenues, or cost savings.

(4) Identify additional regulated entities not listed in questions (2) or (3): No additional regulated entities.

(a) Estimate the following for the first year:

Expenditures: Not applicable as no additional regulated entities have been identified.

Revenues: Not applicable as no additional regulated entities have been identified.

Cost Savings: Not applicable as no additional regulated entities have been identified.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Not applicable as no additional regulated entities have been identified.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The regulation does not result in any new expenditures, revenues, or cost savings.

(b) Methodology and resources used to determine the fiscal impact: The regulation does not result

in any new expenditures, revenues, or cost savings.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) – (4). (\$500,000 or more, in aggregate)

This regulation will not have an overall negative or adverse economic impact on any identified entities.

(b) The methodology and resources used to reach this conclusion: This regulation will not have an overall negative or adverse economic impact on any identified entities

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

704 KAR 3:305 "Early Graduation Program Student Letter of Intent Form" provided as the document incorporated by reference contains a total of five pages and consists of the declaration of intent form required of students interested in participating in the Early Graduation Program. KRS 158.142(2) requires the Kentucky Department of Education to provide the form.