

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Amendments to 701 KAR 5:150. Nontraditional Instruction Program

Date: October, 2025

Action Requested: ☐ Review ☐ Action/Consent ☒ Action/Discussion

Held In: ☒ Full Board ☐ State Schools ☐ United We Learn

SUMMARY OF ISSUE BEFORE THE BOARD:

To take action to approve amendments to 701 KAR 5:150, Nontraditional Instruction Program.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends that the Kentucky Board of Education (KBE) approves the amendments to 701 KAR 5:150, Nontraditional Instruction Program.

APPLICABLE STATUTE OR REGULATION:

KRS 158.070(9)

BACKGROUND:

Existing Policy:

The Nontraditional Instruction Program (NTI) is a program that encourages the continuation of learning on days when the entire district is closed due to health or safety reasons. School districts create plans to deliver instruction to every student in the district and provide for student and teacher interaction on NTI days, with the ultimate goal of continuing instruction. The Commissioner of Education can approve up to ten NTI days to count towards student attendance days in the school districts' calendars.

Summary of Issue:

701 KAR 5:150 is being amended to ensure appropriate levels of instructional rigor during periods of nontraditional instruction. The following amendments are being made:

- A new definition of "continuation of learning".
- A new definition of "learning loss".
- A new definition of "district nontraditional instruction contact"
- Additions to the Nontraditional Instruction Plan
- A clarification that the approved Nontraditional Instruction Plan is only effective for one school year.

- Clarification about the types and volume of documentation that districts must maintain to demonstrate a continuation of learning during periods of nontraditional instruction.
- New language related to KDE's monitoring of the implementation of nontraditional instruction programs and corrective action processes for districts determined to be out of compliance with the regulation.


Budget Impact:

There is no direct budget impact resulting from this regulation.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES: The Office of Continuous Improvement and Support convened a working group that consisted of legislators, superintendents, teachers, NTI coordinators, and parents to inform the amendments and subsequent guidance. Additionally, the Local Superintendents Advisory Council (LSAC) was consulted.

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Commissioner of Education

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