

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Amendments to 707 KAR 1:002 and 707 KAR 1:350

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 act on the request to amend the following regulations:

707 KAR 1:002, Definitions

707 KAR 1:350, Placement decisions

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of the amendments to 707 KAR 1:002 and 707 KAR 1:350.

APPLICABLE STATUTE OR REGULATION:

Relates to: KRS 157.200, 157.220, 157.224, 157.230, 157.250, 157.260, 157.280, 157.285, 157.290, 157.360, 157.360, 158.030, 158.033, 158.100, 158.150, 160.290, 34 C.F.R. 300.1-300.818, 20 U.S.C. 1400-1419

Statutory Authority: KRS 156.035, 156.070(1), 156.160, 157.220, 157.224, 157.260, 157.360, 167.015

BACKGROUND:

Existing Policy:

KRS 157.200 to 157.290 establish the statutory framework for special education programs in local school districts. KRS 157.220 requires the Kentucky Board of Education (KBE) to adopt rules and administrative regulations for proper administration of these programs. KRS 157.360 authorizes the commissioner of education to enforce special education maximum class sizes set by administrative regulations adopted by the KBE. KRS 156.035 authorizes the KBE to implement any act of Congress appropriating funds in accordance with state and federal laws. 20 U.S.C. 1407 and 1412 and 34 C.F.R. 300.100 require that policies and procedures be adopted to assure the apportionment and disbursement of federal funds for exceptional children programs in accordance with applicable laws. 707 KAR 1:002 establishes definitions for this chapter of administrative regulations regarding special education. 707 KAR 1:350 establishes requirements for making placement decisions about children with disabilities.

Summary of Issue:

The current regulations relating to class size and caseload need clarification. Changes to two regulations provide clear implementation requirements and reference how local districts may seek waivers.

707 KAR 1:002. Definitions.

Amendments:

- Define “caseload” (formerly caseload for special classes).
- Remove definition of “class size for resources classes.”
- Add definition of “paraprofessional.”
- Define “parentally-placed private school children with disabilities” (formerly Private school children with disabilities).
- Define “special class” to mean a specially equipped and staffed class in which a child with a disability, individually or in small groups, spends part of his or her day receiving specially designed instruction or related services as determined by the admissions and release committee.
- Update citation for Kentucky Academic Standards.

707 KAR 1:350. Placement decisions.

Amendments:

- Remove maximum caseloads for special classes and establish the maximum size for special classes (Section 2).
- Clarify that for special classes containing more than one disability category, the category of the majority of students in the class shall be used to determine maximum class size (Section 2).
- Relocate Section 2(4) and (5) to Section 3.
- Establish maximum caseloads for teachers of special classes (Section 3).
- Clarify that when teachers of special classes are assigned student records of more than one disability category, the maximum caseload shall be determined by using the disability category of the majority of students on the caseload (Section 3).
- Provide maximum caseloads for teachers providing services solely through collaboration and through a combination of collaboration and special classes (Section 3).
- Add Section 4 citing 157.360 as authorizing superintendents or local school councils to request a waiver relating to maximum class size for special classes.

Budget Impact:

No fiscal impact is anticipated at this time. Maximum class sizes and caseloads are not being reduced.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The OSEEL consulted with the Kentucky Department of Education’s Office of Legal Services.

These regulations will be presented to the Local Superintendents Advisory Council at its November 25 meeting. A summary of feedback received by the council will be provided to the KBE prior to its December 2025 meeting.

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Commissioner of Education

Category: ☐ Educator Workforce Diversity ☐ Portrait of a Graduate Partnerships ☐ Racial Equity Commitment ☐ Student-Centered Accountability System ☐ Early Childhood ☒ District Support
