FILED WITH LRC
TIME: 11 a.m.
AUG 15 2014
Donna Little
REGULATIONS COMPILER

1 Education and Workforce Development Cabinet

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

5 702 KAR 7:140. School calendar.

6 RELATES TO: KRS 157.320, 157.350, 158.060, 158.070

7 STATUTORY AUTHORITY: KRS 156.070, 156.160, 157.320, 158.060, 158.070

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070, 156.160, 157.320, 158.060,

9 and 158.070 define [~~defines~~] the school day and month and require [~~requires~~] the Kentucky

10 Board of Education (KBE) [~~board~~] to promulgate administrative regulations governing the make-

11 up of school days missed. KRS 158.070 defines the school term and requires the KBE [~~board~~] to

12 promulgate administrative regulations [~~for year round school program calendars,~~] governing the

13 use of school days, and establishing school calendars. This administrative regulation establishes

14 the requirements for school districts to follow regarding school calendars.

15 Section 1. Calendar requirements. (1) The local board of education [~~, upon recommendation of~~

16 ~~the local school district superintendent,~~] shall adopt a school calendar [~~for the upcoming school~~

17 ~~year~~] on or before May 15 of each year. The calendar shall:

18 (a) [~~Establish the opening and closing dates of the school term;~~

19 ~~(b) Establish beginning and ending dates of each school month;~~

20 ~~(c) State the number of days of instruction;~~

21 ~~(d)~~] Establish the [~~minimum~~] length of each [~~the~~] student attendance [~~instructional~~] day;

1 (b) [~~(e)~~] Set [~~state~~] the instructional time the local board of education requires for kindergarten

2 [~~if in excess of the minimum three (3) hours of instruction~~] per KRS 157.320(7);

3 [~~(f) State whether the additional instructional time, if any, is planned to be banked to make up for~~

4 ~~full days which may be missed due to an emergency; and~~

5 ~~(g) Designate days on which schools shall be dismissed.~~]

6 (2) Opening day [~~,for planning activities without the presence of pupils,~~] shall be scheduled to

7 occur prior to the first student attendance [~~instructional~~] day of the student instructional year

8 [~~school term~~].

9 (3) Closing day [~~,for planning activities without the presence of pupils,~~] shall be scheduled to

10 occur following the completion of the last student attendance [~~instructional~~] day of the student

11 instructional year [~~school term~~].

12 (4) Local school districts shall plan appropriately for the make-up of instructional time missed

13 due to emergency. In addition to the minimum 1,062 [~~1050~~] hour student instructional year

14 [~~term~~], the school calendar shall include days equal to the greatest number of days missed

15 system-wide in the local school district over the preceding five (5) school years.

16 (5) Graduation ceremonies may be held before the end [~~shall be scheduled to occur following~~

17 ~~completion~~] of the student instructional year [~~term~~]. Diplomas shall be distributed after

18 completion of the student instructional year.

19 [~~(6) An up-to-date master (bell) schedule shall be on file in a school. Up-to-date master (bell)~~

20 ~~schedules for each school in a district shall be on file in the district's central office.~~]

21 Section 2. Calendar approval. (1) The local board of education shall file each adopted school

22 calendar with the department [~~Department of Education~~] no later than June 30 of each year. The

23 local school district shall not be paid any installment of its Support Education Excellence in

1 Kentucky (SEEK) program allotment until the school calendar has been approved by the
2 department [~~Department of Education~~].
3 (2) The local board of education, upon recommendation of the local school district
4 superintendent, may amend the school calendar.
5 (3) An amended school calendar shall be submitted for approval to the department [~~Department~~
6 ~~of Education~~] no later than June 30 of each year.
7 Section 3. Instructional time missed. (1) The regularly scheduled student attendance [~~school~~] day
8 shall not be shortened after the school calendar has been adopted by the local board of education
9 and approved by the department [~~Department of Education~~] except in cases of emergency
10 declared by the local school district superintendent in accordance with policies of the local board
11 of education.
12 (2) The local school district shall not be required to make up [~~be allowed~~] a total of five (5) hours
13 missed each student instructional [~~school~~] year [~~that do not have to be made up, and~~] that were
14 missed [~~occurred~~] as a result of student attendance [~~school~~] days shortened due to emergency.
15 These hours shall be reported to the department on the amended school calendar and shall be
16 included in the calculation of total hours of instructional time for the student instructional year.
17 (3) Except as provided in subsection (2) of this section, all instructional time missed on student
18 attendance [~~school~~] days shortened due to emergency shall be made up and shall be reported to
19 the department [~~Department of Education~~] on the amended school calendar.
20 Section 4. Emergency day waiver. (1) A school district shall not be considered for an emergency
21 [~~disaster~~] day waiver [~~days~~] unless the district has missed more than twenty (20) regular student
22 attendance [~~instructional~~] days district-wide [~~system-wide~~]. The local school district shall make

1 up at least the first twenty (20) regular student attendance [~~instructional~~] days missed in a school
2 year by adding these equivalent hours back into the school calendar.
3 (2) A local board of education request for a district-wide emergency day waiver [~~disaster days~~]
4 shall be submitted to the commissioner [~~Commissioner of Education~~] for approval. A copy of the
5 local board order shall accompany this request. An approved emergency day waiver shall be the
6 length of the student attendance day established in the approved calendar.
7 (3) [~~Section 5.~~] A local board of education may request an emergency day waiver [~~disaster days~~]
8 if one (1) school, or part of the district, is forced to miss school on a particular student attendance
9 day due to an emergency. The request shall be submitted to the commissioner [~~Commissioner of~~
10 ~~Education~~] for approval. A copy of the local board order shall accompany this request. An
11 approved emergency day waiver shall be the length of the student attendance day established in
12 the approved calendar.
13 Section 5 [~~6~~]. Activities of the student attendance day. (1) The following shall constitute the
14 activities to be conducted during the student attendance [~~instructional school~~] day:
15 (a) Courses and content included in the "Kentucky Core Academic Standards" ["~~Program of~~
16 ~~Studies for Kentucky Schools, Grades Primary-12~~"], pursuant to 704 KAR 3:303;
17 (b) [~~Courses and activities included in the local school district program of studies for which a~~
18 ~~letter of assurance of compliance has been submitted to the Department of Education pursuant to~~
19 ~~704 KAR 3:305;~~]
20 [~~(c)~~] Cocurricular activities which are unequivocally instructional in nature, directly related to
21 the instructional program and scheduled to minimize absences from classroom instruction; and
22 (c) [~~(d)~~] A maximum of five (5) minutes passing time between instructional periods, and travel
23 time required to participate in regular instructional programs off of the school campus including

1 vocational schools, day treatment centers, and alternative schools. Travel time to off-campus
2 facilities shall be scheduled to minimize absence from classroom instruction.
3 (2) The local board of education shall adopt a policy specifying cocurricular instructional
4 activities which may be included in the student attendance [~~instructional school~~] day, as
5 described in subsection (1)(b) [~~(c)~~] of this section.
6 (3) Each school shall have available a master (bell) schedule that delineates instructional time
7 periods and noninstructional time periods for all grade levels served and schedules provided. An
8 up-to-date master (bell) schedule shall be on file in a school. Up-to-date master (bell) schedules
9 for each school in a district shall be on file in the district's central office.

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).

8-15-14
(Date)

Terry Holliday, Ph.D.
Commissioner of Education

8-15-14
(Date)

Roger L. Marcum, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on September 29, 2014, at 10 a.m. in the State Board Room, First Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days 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 canceled. 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 until September 30, 2014. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 702 KAR 7:140

Agency Contact Person: Kevin C. Brown

(1) Provide a brief summary of:
(a) What this administrative regulation does: The school calendar administrative regulation establishes the requirements for opening and closing days of school, instructional days, holidays, professional development days and states the amount of instructional time offered each day. The administrative regulation requires submission of amended school calendars from local boards of education to the agency no later than June 30 of each year.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement provisions of KRS 158.060 and 158.070 that set forth the requirements for school calendars to be used by all local school districts.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides specifics for school calendars required in KRS 158.060 and 158.070.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides specifics regarding how school calendars are to be adopted in local school districts per KRS 158.060 and 158.070 and reported to the agency.

(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: This amendment sets the number of student attendance days and designates days when school will not be in session.

(b) The necessity of the amendment to this administrative regulation: Approval of 702 KAR 1:140 will implement the changes to KRS 157.350 and KRS 158.070 passed in the 2014 Regular Session of the Kentucky General Assembly.

(c) How the amendment conforms to the content of the authorizing statute: This amendment conforms to the authorizing statutes and streamlines the reporting process at the local school district level.

(d) How the amendment will assist in the effective administration of the statutes: This amendment defines the student attendance days to streamline reporting of attendance for funding purposes.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All school districts in Kentucky.

(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: Local boards of education are required to adopt a school calendar for the upcoming school year prior to May 15 of each year. Local boards of education must submit each adopted school calendar to the agency electronically no later than June 30 of each year. The school calendar establishes opening and closing days of school, instructional days, holidays, and professional development days and states the amount of instructional time offered each day. Local boards of education may amend the school calendar. Amended school calendars are due to the agency electronically no later than June 30 of each year.

(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: School districts will abide by the requirements set forth. The agency will continue to review data submitted by school districts for compliance.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Kentucky school districts will continue to submit school calendars that meet statutory requirements.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The amendment does not result in additional costs.

(b) On a continuing basis: The amendment does not result in additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional funding is necessary.

(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 additional funding is necessary.

(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 school districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 702 KAR 7:140
Contact Person: Kevin C. Brown
Phone number: 502-564-4474

1. What units, parts or divisions of state local or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? School districts.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 157.350 and 158.070.

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. There will be no additional revenue generated by this administrative regulation.

   (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? None.

   (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? None.

   (c) How much will it cost to administer this program for the first year? The amendment will require no additional cost.

   (d) How much will it cost to administer this program for subsequent years? The amendment will require no additional cost.

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

Revenues (+/-):
Expenditures (+/-):
Other Explanation: