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Donna Little
REGULATIONS COMPILER

1 **Education and Workforce Development 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), 158.645, 158.6451, and 158.142

7 STATUTORY AUTHORITY: KRS 156.070, 156.160(1)(a), (d), and 158.142

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky Board
9 of Education to promulgate administrative regulations relating to the courses of study for the
10 different grades and the minimum requirements for high school graduation. The content
11 standards for the courses of study are established in the Kentucky core academic standards
12 incorporated by reference in 704 KAR 3:303. This administrative regulation establishes the
13 minimum requirements necessary for entitlement to a high school diploma.

14 Section 1. Definitions. (1) "Early graduation" means meeting the competency-based criteria
15 outlined in this section and doing so in three (3) academic years or less.

16 (2) "Early Graduation Certificate" means a certificate, awarded by the district and signed by the
17 principal and superintendent, that shall make the recipient eligible for a scholarship award equal
18 to one-half (1/2) of the state portion of the average statewide per pupil guaranteed base funding
19 level, to be used at a Kentucky public two (2) year community and technical college or a

1 Kentucky four (4) year public or non-profit independent institution accredited by the Southern
2 Association of Colleges and schools.
3 Section 2 [1]. Each student in a common school shall have a total of at least twenty-two (22)
4 credits for high school graduation. Those credits shall include the content standards as provided
5 in the Kentucky core academic standards, incorporated by reference in 704 KAR 3:303.
6 Additional standards-based learning experiences shall align to the student's individual learning
7 plan and shall consist of standards-based content. The required credits and demonstrated
8 competencies shall include the following minimum requirements:
9 (1) Language arts - four (4) credits (English I, II, III, and IV) to include the content contained in
10 the Kentucky core academic standards for English and language arts.
11 (a) Language arts shall be taken each year of high school.
12 (b) If a student does not meet the college readiness benchmarks for English and language arts as
13 established by the Council on Postsecondary Education in 13 KAR 2:020, the student shall take
14 an English and language arts transitional course or intervention, which is monitored to address
15 remediation needs, before exiting high school;
16 (2) Social studies - three (3) credits to include the content contained in the Kentucky core
17 academic standards for social studies;
18 (3) Mathematics - three (3) credits to include the content contained in the Kentucky core
19 academic standards for mathematics and include the following minimum requirements:
20 (a) Algebra I, Geometry, and Algebra II. An integrated, applied, interdisciplinary, occupational,
21 or technical course that prepares a student for a career path based on the student's individual
22 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 core
2 academic standards, incorporated by reference in 704 KAR 3:303;
3 (b) A mathematics course or its equivalent as determined by the district shall be taken each year
4 of high school to ensure readiness for postsecondary education or the workforce;
5 (c) Any mathematics course other than Algebra I, Geometry, or Algebra II shall be counted as an
6 elective; and
7 (d) If a student does not meet the college readiness benchmarks for mathematics as established
8 by the Council on Postsecondary Education in 13 KAR 2:020, the student shall take a
9 mathematics transitional course or intervention, which is monitored to address remediation
10 needs, before exiting high school;
11 (4) Science - three (3) credits that shall incorporate lab-based scientific investigation experiences
12 and include the content contained in the Kentucky core academic standards for science;
13 (5) Health - one-half (1/2) credit to include the content contained in the Kentucky core academic
14 standards for health;
15 (6) Physical education - one-half (1/2) credit to include the content contained in the Kentucky
16 core academic standards for physical education;
17 (7) History and appreciation of visual and performing arts (or another arts course which
18 incorporates this content) - one (1) credit to include the content contained in the Kentucky core
19 academic standards for arts and humanities or a standards-based specialized arts course based on
20 the student's individual learning plan;
21 (8) 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 based
23 on the student's individual learning plan; and

1 (9) Demonstrated performance-based competency in technology.

2 Section 3 [2]. (1) A local board of education may substitute an integrated, applied,
3 interdisciplinary, occupational, technical, or higher level course for a required course if the
4 alternative course provides rigorous content and addresses the same applicable components of
5 703 KAR 4:060.

6 (2) For students with disabilities, a local board of education may substitute a functional,
7 integrated, applied, interdisciplinary, occupational, technical, or higher level course for a
8 required course if the alternative course provides rigorous content and addresses the same
9 applicable components of 703 KAR 4:060. These shall be based on grade-level content standards
10 and may be modified to allow for a narrower breadth, depth, or complexity of the general grade-
11 level content standards.

12 Section 4 [3]. (1) A district shall implement an advising and guidance process throughout the
13 middle and high schools to provide support for the development and implementation of an
14 individual learning plan for each student. The plan shall include career development and
15 awareness and specifically address Vocational Studies Academic Expectations 2.36-2.38 as
16 established in Academic expectations, 703 KAR 4:060.

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

21 (3) A feeder middle school and a high school shall work cooperatively to ensure that each
22 student and parent receives information and advising regarding the relationship between

1 education and career opportunities. Advising and guidance shall include information about
2 financial planning for postsecondary education.
3 (4) A school shall maintain each student's individual learning plan. The individual learning plan
4 shall be readily available to the student and parent and reviewed and approved at least annually
5 by the student, parents, and school officials.
6 (5) Beginning with a student's eighth grade year, the individual learning plan shall set learning
7 goals for the student based on academic and career interests and shall identify required academic
8 courses, electives, and extracurricular opportunities aligned to the student's postsecondary goals.
9 The school shall use information from the individual learning plans about student needs for
10 academic and elective courses to plan academic and elective offerings.
11 (6) Beginning with the graduating class of 2013, the development of the individual learning plan
12 for each student shall begin by the end of the sixth grade year and shall be focused on career
13 exploration and related postsecondary education and training needs.
14 Section 5 [4]. (1) A board of education may award credit toward high school graduation for
15 satisfactory demonstration of learning based on content standards described in the Kentucky core
16 academic standards, incorporated by reference in 704 KAR 3:303, and a rigorous performance
17 standards policy established by the board of education. A school shall establish performance
18 descriptors and evaluation procedures to determine if the content and performance standards
19 have been met.
20 (2) A board of education shall award credit toward high school graduation based on:
21 (a) A standards-based Carnegie unit credit that shall consist of at least 120 hours of instructional
22 time in one (1) subject; or

1 (b) A standards-based performance-based credit, regardless of the number of instructional hours
2 in one (1) subject.
3 (3) A local board of education which has chosen to award standards-based performance-based
4 credit shall award a standards-based credit earned by a student enrolled in grade 5, 6, 7, or 8 if:
5 (a) The content of the course is the same that is established in the Kentucky core academic
6 standards, incorporated by reference in 704 KAR 3:303; and
7 (b) The district has criteria in place to make a reasonable determination that the middle level
8 student is capable of success in the high school course.
9 (4) A board of education which has chosen to award standards-based performance-based credit
10 shall establish a policy for a performance-based credit system that includes:
11 (a) The procedures for developing performance-based credit systems and for amending the
12 system;
13 (b) The conditions under which each high school may grant performance-based credits and the
14 related performance descriptors and assessments;
15 (c) Objective grading and reporting procedures;
16 (d) Content standards as addressed in 704 KAR 3:303, Required core academic standards, and
17 703 KAR 4:060, Academic expectations;
18 (e) The extent to which state-provided assessments will be used in the local performance-based
19 credit system;
20 (f) The ability for students to demonstrate proficiency and earn credit for learning acquired
21 outside of school or in prior learning; and
22 (g) Criteria to ensure that internships, cooperative learning experiences, and other learning
23 experiences in the school and community are:

1 1. Designed to further student progress towards the individual learning plan;

2 2. Supervised by qualified instructors; and

3 3. Aligned with state and local content and performance standards.

4 (5) A board of education may award standards-based, performance-based credit toward high

5 school graduation for:

6 (a) Standards-based course work that constitutes satisfactory demonstration of learning in any

7 high school course, consistent with Section 1 of this administrative regulation;

8 (b) Standards-based course work that constitutes satisfactory demonstration of learning in a

9 course for which the student failed to earn credit when the course was taken previously;

10 (c) Standards-based portfolios, senior year, or capstone projects;

11 (d) Standards-based online or other technology mediated courses;

12 (e) Standards-based dual credit or other equivalency courses; or

13 (f) Standards-based internship, cooperative learning experience, or other supervised experience

14 in the school or the community.

15 (6) Each local board of education shall maintain a copy of its policy on high school graduation

16 requirements. This policy shall include a description of how the requirements address KRS

17 158.6451(1)(b) and 703 KAR 4:060.

18 Section 6 [~~5~~]. (1) A student who satisfactorily completes the requirements of this administrative

19 regulation and additional requirements as may be imposed by a local board of education or meets

20 the requirements for early graduation as outlined in Section 9 of this administrative regulation

21 shall be awarded a graduation diploma.

22 (2) The local board of education shall award the diploma.

1 Section 7 [6]. This administrative regulation shall not be interpreted as prohibiting a local
2 governing board, superintendent, principal, or teacher from awarding special recognition to a
3 student.
4 Section 8 [7]. Beginning with the graduating class of 2013, if the severity of an exceptional
5 student's disability precludes a course of study that meets the high school graduation
6 requirements established in Section 1 of this administrative regulation leading to receipt of a high
7 school diploma, an alternative course of study shall be offered. (1) This course of study shall be
8 based upon student needs and the provisions specified in 704 KAR 3:303, Required core
9 academic standards, and shall be reviewed at least annually.
10 (2) A student who completes this course of study shall receive an alternative high school diploma
11 to be awarded by the local board of education consistent with the graduation practices for all
12 students.
13 (3) A local board of education may establish policies to award an alternative high school diploma
14 to a former student who has received a certificate or certificate of attainment.
15 Section 9. (1) Beginning in the 2014 -2015 academic year, only students who meet the criteria
16 outlined in this section shall be eligible for early graduation. Those students who meet the
17 criteria for early graduation shall receive from the school district a diploma and an Early
18 Graduation Certificate. Students wishing to graduate early shall indicate that intent to the school
19 principal at the beginning of grade nine (9) or as soon as the intent is known, but within the first
20 thirty (30) school days of the academic year in which they wish to graduate.
21 (a) A student's intent to graduate early shall be entered into the student information system by
22 the school district by October 1 of the year in which the student makes the declaration.

1 (b) All schools participating in early graduation programming shall follow the requirements for
2 alternative programming outlined in 704 KAR 19:002.
3 (2) The criteria students shall meet to graduate early and earn an Early Graduation Certificate
4 are:
5 (a) Score proficient on the end of course exams required by the Kentucky Board of Education in
6 703 KAR 5:200; and
7 (b) Meet the college readiness exam benchmarks as set by the Council on Postsecondary
8 Education in 13 KAR 2:020 for placement in credit-bearing courses without the need for
9 remediation.
10 (3) A student who has indicated an intent to graduate early shall be permitted their state
11 administration of the college readiness exam prior to the junior year, if needed.

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).

10-15-13
(Date)

Terry Holliday, Ph.D.
Commissioner of Education

10-15-13
(Date)

Roger Marcum, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on November 25, 2013, at 2:00 p.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 through close of business December 2, 2013. 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: 704 KAR 3:305

Agency Contact Person: Kevin C. Brown

(1) Provide a brief summary of:
(a) What this administrative regulation does: The regulation sets the minimum requirements for high school graduation and creates requirements for early high school graduation.

(b) The necessity of this administrative regulation: The regulation sets the minimum requirements for high school graduation and sets consistent standards for early graduation from high school pursuant to KRS 158.142.

(c) How this administrative regulation conforms to the content of the authorizing statute: The Kentucky Board of Education has the statutory authority under KRS 156.070 to set these requirements. SB 61 in the 2013 General Assembly created KRS 158.142 to implement Early Graduation. This amendment to the existing regulation is required to implement KRS 158.142.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The amendment to this regulation sets the minimum requirements and standards for early graduation from high school.

(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 amendment creates Section 9 which contains the requirements for Early Graduation as required by KRS 158.142.

(b) The necessity of the amendment to this administrative regulation: KRS 158.142 requires that an Early Graduation Program be established, and required the Kentucky Board of Education to promulgate administrative regulations establishing the criteria for early graduation.

(c) How the amendment conforms to the content of the authorizing statute: The criteria for early graduation align with the requirements of KRS 158.142.

(d) How the amendment will assist in the effective administration of the statutes: KRS 158.142 can be implemented through the criteria for early graduation established in this regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky public school districts and high school students who intend to graduate early.

(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: Each district will need to allow the opportunity to: a) permit prospective students to file an intent to graduate early; b) monitor students who choose this pathway; c) allow those students to take the ACT earlier than their junior year; and d) provide a certificate when students meet the performance expectations established by the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Per KRS 158.142, the Early Graduation Scholarship award amount shall be equal to one-half (1/2) of the state portion of the average statewide per pupil guaranteed base funding level. This amount has not yet been determined for the 2015-2016 school year. The current (2013-14 school year) statewide per pupil guaranteed base funding level is $3,827.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The student who graduates early in compliance with this regulation will receive their fourth year of Kentucky Educational Excellence Scholarship money and one-half (1/2) of the state portion of the average statewide per pupil guaranteed base funding for use as a scholarship to any two or four year Kentucky institution of higher education the academic year immediately following their early graduation.. The district receives one-half (1/2) of the state portion of the average statewide per pupil guaranteed base funding despite the fact that the student is no longer enrolled in the district.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: Per KRS 158.142, the Early Graduation Scholarship award amount shall be equal to one-half (1/2) of the state portion of the average statewide per pupil guaranteed base funding level. This amount has not yet been determined for the 2015-2016 school year. The current (2013-14 school year) statewide per pupil guaranteed base funding level is $3,827. The agency will also have administrative costs associated with the implementation of this amended regulation through staff time to develop guidance and technical assistance to support the implementation of the amended regulation. (Estimated 20% of staff time – 45 days).

(b) On a continuing basis: Per KRS 158.142, the Early Graduation Scholarship award amount shall be equal to one-half (1/2) of the state portion of the average statewide per pupil guaranteed base funding level. This amount has not yet been determined for the 2015-2016 school year. The current (2013-14 school year) statewide per pupil guaranteed base funding level is $3,827. The agency will also have administrative cost associated with the implementation of this amended regulation through staff time to develop guidance and technical assistance to support the implementation of the regulation. (Estimated 10% of staff time – 25 days).

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: SEEK funds will be used for the scholarship award amount per the requirements of KRS 158.142. Existing agency funds will be used to offset staff costs.

(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 amendment will not require any new funding.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There will be no fees established as a result of this amendment.

(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 NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 704 KAR 3:305

Contact Person: Kevin Brown

Phone number: (502) 564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky public school districts and high school students who intend to graduate early. Early graduation impacts a limited number of students, and currently impacts a small number of districts and schools.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 158.142 and KRS 156.070.

(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. Districts will receive ½ of the SEEK funds the attendance of the early graduate would have generated during the next school year. Therefore, districts are receiving funds to educate a student who is no longer enrolled in their district.
(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? No revenue will be generated due to this amendment.

(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? No revenue will be generated due to this amendment.

(c) How much will it cost to administer this program for the first year? Per KRS 158.142, the Early Graduation Scholarship award amount shall be equal to one-half (1/2) of the state portion of the average statewide per pupil guaranteed base funding level. This amount has not yet been determined for the 2015-2016 school year. The current (2013-14 school year) statewide per pupil guaranteed base funding level is $3,827.

The agency will also have administrative costs associated with the implementation of this amended regulation through staff time to develop guidance and technical assistance to support the implementation of the regulation. (Estimated 20% of staff time – 45 days).

(d) How much will it cost to administer this program for subsequent years?
Per KRS 158.142, the Early Graduation Scholarship award amount shall be equal to one-half (1/2) of the state portion of the average statewide per pupil guaranteed base funding level. This amount has not yet been determined for the 2015-2016 school year. The current (2013-14 school year) statewide per pupil guaranteed base funding level is $3,827.

The agency will also have administrative cost associated with the implementation of this amended regulation through staff time to develop guidance and technical assistance to support the implementation of the regulation. (Estimated 10% of staff time – 25 days)

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: