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Emily B Caudill
REGULATIONS COMPILER

STATEMENT OF CONSIDERATION
RELATING TO 704 KAR 3:292
Education of migratory children.

Kentucky Board of Education
Department of Education

Not Amended After Comments

1. A public hearing was held for the above regulation on November 29, 2018 at 10:00 a.m. Eastern Time, in the State Board Room, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky. At the public hearing, no public comments were received on this regulation.

2. The following individuals submitted written comments:

Name and Title	Agency/Organization/Entity/Other
Michael Earl Hay, Director	Southern Kentucky Migrant Education Program (and member of Kentucky's Committee of Practitioners)

3. The following people from the promulgating administrative body responded to written comments:

Name and Title
Dr. Kelly Foster, Associate Commissioner, Office of Continuous Improvement and Support
Deanna Durrett, General Counsel, Office of Legal Services
Todd G. Allen, Deputy General Counsel, Office of Legal Services
Tara Rodriguez, Division of School and Program Improvement Director, Office of Continuous Improvement and Support
David Millanti, Division of School and Program Improvement Assistant Director, Office of Continuous Improvement and Support
Whitney A. Crowe, Executive Advisor, Office of Continuous Improvement and Support

Summary of Comments and Responses

(1) Subject Matter: Changes to Kentucky's Consolidated State Plan.

(a) Comment: Michael Hay states that the regulation aligns with his understanding of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act. Mr. Hay also acknowledges that, pursuant to ESEA, Kentucky's Migrant Education Program (MEP) is to be administered in accordance with Kentucky's Consolidated State Plan

Under the Every Student Succeeds Act (State Plan), which Mr. Hay recommends be amended. Specifically, Mr. Hay suggests the MEP portion of Kentucky's State Plan be revised to allow for additional flexibility in the delivery of services, particular those relating to the summer programming component.

(b) Response: The agency carefully reviewed these comments.

As Mr. Hay states, this administrative regulation is being amended to establish the process the Kentucky Department of Education (KDE) will follow in order to comply with Section 1306 of ESEA, which requires KDE and its local operating agencies to "identify and address the unique educational needs of migratory children in accordance with a comprehensive state plan." In compliance with Section 1306 of ESEA, 704 KAR 3:292, Section 2(1), as amended, states: "The department shall implement services to migratory children in accordance with Kentucky's consolidated State plan under ESEA using a service delivery plan responsive to a comprehensive needs assessment."

Changes Mr. Hay proposes to the MEP portion of Kentucky's State Plan cannot be made in the regulatory process for 704 KAR 3:292 and, instead, must be made in accordance with the process the United States Department of Education has established for submitting State Plan amendments. KDE will, though, give due consideration to Mr. Hay's feedback if the MEP portion of Kentucky's State Plan is amended in the future.

Further, 704 KAR 3:292, as amended, does delete language requiring "summer extended academic services…for a duration of four (4) to six (6) weeks and no less than three (3) times per week." Going forward, this change will allow for more flexibility when considering possible revisions to the summer programming component within the MEP portion of Kentucky's State Plan.

No amendments have been made in response to these comments.

Summary of Statement of Consideration
And Action Taken by Promulgating Administrative Body

The public hearing on this administrative regulation was held on November 29, 2018 at 10:00 a.m. Eastern Time, in the State Board Room, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky. At the hearing, no public comments were received on this regulation; however, written comments were received related to (1) changes to Kentucky's Consolidated State Plan. The agency declined to make amendments to the regulation as proposed by written comments received.