

1 EDUCATION AND LABOR 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), (e), 158.140(6), 158.141, 158.142, 158.622(3),

7 158.645, 158.1411, 158.1413(1), 158.6451

8 STATUTORY AUTHORITY: KRS 156.070, 156.160(1)(a), (d), (e), 158.140(6), 158.142,

9 158.1411

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky

11 Board of Education to promulgate administrative regulations relating to the courses of

12 study for the different grades and the minimum requirements for high school graduation.

13 KRS 158.142(3)~~(b)~~ requires the board to promulgate administrative regulations

14 establishing requirements for early graduation from high school. The content standards

15 for the courses of study are established in the Kentucky academic standards

16 incorporated by reference in ~~[704 KAR 3:303 and]~~ 704 KAR Chapter 8. This

17 administrative regulation establishes the minimum requirements necessary for

18 entitlement to a high school diploma.

19 Section 1. Definitions. (1) "Continuity of services plan" means a plan that outlines the

20 ways in which a student will receive access to essential services that will end if the

21 student graduates early.

1 (2) "Early Graduation Scholarship Certificate" means a certificate, awarded by the
2 district and signed by the principal and superintendent, that shall qualify the recipient to
3 be awarded a high school diploma and a scholarship award for the next academic year
4 following graduation [~~equal to one-half (1/2) of the state portion of the average statewide~~
5 ~~per pupil guaranteed base funding level,~~] to be used at a Kentucky public two (2) year
6 community and technical college or a Kentucky four (4) year public or non-profit
7 independent institution accredited by the Southern Association of Colleges and Schools.

8 (3) "Early Graduation Program" or "EGP" means an optional, criteria-based program in
9 which a student may receive a high school diploma from the school district, an Early
10 Graduation Scholarship Certificate, and a scholarship award upon successful
11 completion of all program requirements provided in Section ~~4~~⁵ of this administrative
12 regulation in three (3) academic years or less.

13 (4) "Graduate early" means a student is awarded a high school diploma from the district,
14 in under four (4) academic years from the start of grade 9, based upon meeting all [~~the~~]
15 minimum graduation [~~credit~~] requirements of this administrative regulation and additional
16 requirements as may be imposed by a local board of education.

17 (5) "Individual Learning Plan" or "ILP" is defined in 704 KAR 19:002.

18 (6) "Performance-based project, portfolio, or capstone" means a multifaceted academic
19 and intellectual experience culminating in a student-led demonstration of critical
20 knowledge, skills, and capacities required for postsecondary and career success.

21 Section 2. (1) A district shall implement an advising and guidance process throughout
22 the middle and high schools to provide support for the development and implementation
23 of an individual learning plan for each student. The plan shall include career

1 development and awareness and specifically address the content as provided in the
2 Kentucky academic standards for career studies established in 704 KAR 8:080 [Chapter-
3 8]. The individual learning plan shall not be a substitute for the statement of transition
4 service needs for students with disabilities as provided in 707 KAR 1:320.

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

10 (3) A feeder middle school and a high school shall work cooperatively to ensure that
11 each student and parents receives information and advising regarding the relationship
12 between education and career opportunities. Advising and guidance shall include
13 information about financial planning for postsecondary education.

14 (4) A school shall maintain each student's individual learning plan. The individual
15 learning plan shall be readily available to the student and parents and reviewed and
16 approved at least annually by the student, parents, and school officials.

17 (5) Beginning with a student's eighth grade year, the individual learning plan shall set
18 learning goals for the student based on academic and career interests and shall identify
19 required academic courses, electives, and extracurricular opportunities aligned to the
20 student's postsecondary goals. The school shall use information from the individual
21 learning plans about student needs for academic and elective courses to plan academic
22 and elective offerings.

23 (6) The development of the individual learning plan for each student shall be established

1 within the first ninety (90) days of the sixth grade year and shall focus [~~be focused~~] on
2 career exploration and related postsecondary education and training needs.

3 [~~Section 3. (1) For students entering grade 9 on or before the first day of the 2018-2019~~
4 ~~academic year, each student in a public school shall have a total of at least twenty-two-~~
5 ~~(22) credits for high school graduation.~~

6 ~~(2) Those credits shall include the content standards as provided in the Kentucky-~~
7 ~~academic standards, established in 704 KAR 3:303 and KAR Chapter 8.~~

8 ~~(3) Additional standards-based learning experiences shall align to the student's-~~
9 ~~individual learning plan and shall consist of standards-based content.~~

10 ~~(4) The required credits and demonstrated competencies shall include the following-~~
11 ~~minimum requirements:~~

12 ~~(a) Language arts – four (4) credits (English I, II, III, and IV) to include the content-~~
13 ~~contained in the Kentucky academic standards for this content area and comply with the-~~
14 ~~following:~~

15 ~~1. Language arts shall be taken each year of high school; and~~

16 ~~2. If a student does not meet the college readiness benchmarks for English and-~~
17 ~~language arts as established by the Council on Postsecondary Education in 13 KAR-~~
18 ~~2:020, the student shall take an English and language arts transitional course or-~~
19 ~~intervention, which is monitored to address remediation needs, before exiting high-~~
20 ~~school;~~

21 ~~(b) Social studies – three (3) credits to include the content contained in the Kentucky-~~
22 ~~academic standards for this content area;~~

23 ~~(c) Mathematics – three (3) credits to include the content contained in the Kentucky-~~

1 ~~academic standards for this content area and include the following minimum-~~
2 ~~requirements:~~

3 ~~1. Algebra I, Geometry, and Algebra II. An integrated, applied, interdisciplinary,~~
4 ~~occupational, or technical course that prepares a student for a career path based on the~~
5 ~~student's individual learning plan may be substituted for a traditional Algebra I,~~
6 ~~Geometry, or Algebra II course on an individual student basis if the course meets the~~
7 ~~content standards in the Kentucky academic standards, established in 704 KAR 3:303-~~
8 ~~and 704 Chapter 8;~~

9 ~~2. A mathematics course or its equivalent as determined by the district shall be taken-~~
10 ~~each year of high school to ensure readiness for postsecondary education or the~~
11 ~~workforce;~~

12 ~~3. Any mathematics course other than Algebra I, Geometry, or Algebra II shall be~~
13 ~~counted as an elective; and~~

14 ~~4. If a student does not meet the college readiness benchmarks for mathematics as~~
15 ~~established by the Council on Postsecondary Education in 13 KAR 2:020, the student-~~
16 ~~shall take a mathematics transitional course or intervention, which is monitored to~~
17 ~~address remediation needs, before exiting high school;~~

18 ~~(d) Science - three (3) credits that shall incorporate lab-based scientific investigation~~
19 ~~experiences and include the content contained in the Kentucky academic standards for~~
20 ~~this content area;~~

21 ~~(e) Health - one-half (1/2) credit to include the content contained in the Kentucky-~~
22 ~~academic standards for this content area;~~

23 ~~(f) Physical education - one-half (1/2) credit to include the content contained in the-~~

- 1 ~~Kentucky academic standards for this content area;~~
2 ~~(g) Visual and performing arts – one (1) credit to include the content contained in the~~
3 ~~Kentucky academic standards for this content area or a standards-based specialized~~
4 ~~arts course based on the student's individual learning plan;~~
5 ~~(h) Academic and career interest standards-based learning experiences – seven (7)~~
6 ~~credits including four (4) standards-based learning experiences in an academic or career~~
7 ~~interest based on the student's individual learning plan; and~~
8 ~~(i) Demonstrated performance-based competency in technology.]~~

9 Section 3[4]. (1) [~~Beginning with students who enter grade 9 on or after the first day of~~
10 ~~the 2019-2020 academic year,]~~ In order to receive a high school diploma, each student
11 in a public school shall earn a total of at least twenty-two (22) credits for high school
12 graduation.

13 (2) The required credits shall include the content standards as provided in the Kentucky
14 academic standards, established in [~~704 KAR 3:303 and~~] 704 KAR Chapter 8.

15 (3) Additional standards-based learning experiences shall align to the student's
16 individual learning plan and shall consist of standards-based content.

17 (4) Each student shall be required to earn [~~complete~~] the following ten (10) foundational
18 credits [~~and demonstrated competencies, consisting of ten (10) credits~~]:

19 (a) English/language arts - two (2) credits (English I and II) to include the content
20 contained in the Kentucky academic standards for this content area;

21 (b) Social studies - two (2) credits to include the content contained in the Kentucky
22 academic standards for this content area;

23 (c) Mathematics - two (2) credits (Algebra I and Geometry) to include the content

- 1 contained in the Kentucky academic standards for this content area;
- 2 (d) Science - two (2) credits that shall incorporate lab-based scientific investigation
3 experiences and include the content contained in the Kentucky academic standards for
4 this content area;
- 5 (e) Health - one-half (1/2) credit to include the content contained in the Kentucky
6 academic standards for this content area;
- 7 (f) Physical education - one-half (1/2) credit to include the content contained in the
8 Kentucky academic standards for this content area; and
- 9 (g) Visual and performing arts - one (1) credit to include the content contained in the
10 Kentucky academic standards for this content area or a standards-based specialized
11 arts course based on the student's individual learning plan.

12 ~~(5) [In addition to the foundational requirements established in subsection (4) of this~~
13 ~~Section,] Each [every] student shall be required to earn, [~~a minimum~~] the following [of]
14 twelve (12) personalized credits [~~in order to receive a high school diploma. These twelve~~
15 ~~(12) personalized credits shall include]:~~~~

- 16 (a) Two (2) additional English/Language Arts credits that include the content contained
17 in the Kentucky academic standards for this content area and are aligned to the
18 student's individual learning plan;
- 19 (b) Two (2) additional mathematics credits that include the content contained in the
20 Kentucky academic standards for this content area and are aligned to the student's
21 individual learning plan;
- 22 (c) One (1) additional science credit that includes the content contained in the Kentucky
23 academic standards for this content area and is aligned to the student's individual

1 learning plan;

2 (d) One (1) additional social studies credit that includes the content contained in the
3 Kentucky academic standards for this content area and is aligned to the student's
4 individual learning plan; and

5 (e) Academic and career interest standards-based learning experiences - six (6) credits
6 including ~~four~~ (4) standards-based learning experiences based on the student's
7 individual learning plan.[;]

8 (6) To earn a high school diploma, each student shall complete the following additional
9 requirements:

10 (a)[(f)] Successfully demonstrate performance-based competency in technology that
11 includes the content contained in the Kentucky academic standards for this content area
12 and is aligned to the student's individual learning plan [as approved by the Kentucky
13 Department of Education];

14 (b)[(g)] Successfully meet the civics requirement pursuant to [Pass a civics test as
15 required by] KRS 158.141; and

16 (c)[(h)] [Beginning with students entering grade 9 on or after the first day of the 2020-
17 2021 academic year,] Successfully complete one (1) or more courses or programs that
18 meet the financial literacy requirements pursuant to KRS 158.1411 and standards as
19 established in 704 KAR Chapter 8.

20 Section 4[5]. (1) Only students who meet the criteria established in this section shall be
21 eligible for the Early Graduation Program:

22 (a) Students wishing to participate in the EGP shall indicate that intent to the secondary
23 school principal by submitting the Early Graduation Program Letter of Intent Form [in-

1 ~~writing~~ at the beginning of grade 9 or as soon as the intent is known to the student, but
2 no later than the first thirty (30) school days of the academic year in which the student
3 intends to graduate;

4 (b) Schools and districts shall not prohibit a student from completing the EGP if the
5 student meets all ~~[EGP]~~ requirements provided in this section;

6 (c) Students who enroll in the EGP and meet the criteria provided in this section shall
7 receive ~~[from the school district]~~ a high school diploma, ~~[and]~~ an Early Graduation
8 Scholarship Certificate ~~[early graduation certificate]~~, and scholarship award;

9 (d) The school or district shall enter the enrolled EGP student into the student
10 information system by October 15 of the year in which the student intends to graduate;
11 and

12 ~~[(e) Students participating in the EGP shall complete all requirements set forth in this~~
13 ~~section applicable to the academic year in which the student intends to graduate; and]~~

14 (e)~~[(f)]~~ A student who has indicated an intent to complete the EGP may participate in the
15 state administration of the college entrance exam prior to the junior year, if needed.

16 ~~[(2) To participate in the EGP and graduate during the 2022-2023 school year, a student~~
17 ~~shall:~~

18 ~~(a) Meet the requirements of subsection 1 of this section;~~

19 ~~(b) Meet the college readiness exam benchmarks established by the Council on~~
20 ~~Postsecondary Education in 13 KAR 2:020 for placement in credit-bearing courses~~
21 ~~without the need for remediation;~~

22 ~~(c) Complete one (1) or more courses or programs that meet the financial literacy~~
23 ~~requirements pursuant to KRS 158.1411; and~~

1 ~~(d) Obtain a passing grade on the civics test pursuant to KRS 158.141.~~
2 ~~(2)(3)~~ [By July 1, 2023, each] The local school district shall provide each high school
3 ~~[within the district]~~ with a ~~[the]~~ policy established by the local board of education for
4 students wishing to participate in the EGP ~~[and earn an Early Graduation Certificate and~~
5 ~~scholarship]~~. The district policy shall include:
6 (a) Criteria for supporting the development and monitoring of the student individual
7 learning plan, as provided in Section 2 of this administrative regulation.
8 (b) Goal planning related to the demonstration ~~[attainment]~~ of the capacities listed in
9 KRS 158.645 and the ~~[established district]~~ essential workplace ethics characteristics
10 listed in ~~[programs as provided in]~~ KRS 158.1413(1);
11 (c) Completion of a professional resume; and
12 (d) Completion of one (1) postsecondary admissions application that may be used at a
13 Kentucky public two (2) year community and technical college or a Kentucky four (4)
14 year public or non-profit independent institution accredited by the Southern Association
15 of Colleges and Schools in which the student is interested in applying.
16 ~~(3)(4)~~ [Beginning with the 2023-2024 academic year,] Each ~~[each]~~ EGP participant,
17 with the support of the comprehensive school counselor, or designee, shall:
18 (a) Submit the Early Graduation Program Student Letter of Intent Form, signed by the
19 student's parents, to the principal as required in subsection (1)(a) of this section;
20 ~~(b)(a)~~ Identify all EGP requirements and develop a strategy within the individual
21 learning plan for meeting those requirements~~[-, including the district's established~~
22 ~~workplace ethics program provided in KRS 158.1413; [and]~~
23 ~~(c)(b)~~ Complete an entrance interview with the principal, or designee, to discuss

1 postsecondary goals and career aspirations;[.]

2 ~~[(5) Beginning with the 2023-2024 academic year, to successfully complete the EGP and~~

3 ~~earn an Early Graduation Certificate and scholarship, the student shall:~~

4 ~~(a) Communicate intent to the principal as required in subsection (1) of this section;]~~

5 ~~(d)[(b)] Meet the college readiness ~~[entrance exam]~~ benchmarks established by the~~

6 ~~Council on Postsecondary Education in 13 KAR 2:020 for placement in credit-bearing~~

7 ~~courses without the need for remediation;~~

8 ~~(e)[(c)] Earn the ten (10) foundational credits listed in Section 3(4) of this administrative~~

9 ~~regulation [that shall include the content standards as provided in the Kentucky-~~

10 ~~academic standards, established in 704 KAR 3:303 and 704 KAR Chapter 8];~~

11 ~~[(d) Complete the essential workplace ethics program requirements established by the~~

12 ~~school district pursuant to KRS 158.1413;]~~

13 ~~(f)[(e)] Successfully complete ~~[Completed]~~ one (1) or more courses or programs that~~

14 ~~meet the financial literacy requirements pursuant to KRS 158.1411 and standards as~~

15 ~~established in 704 KAR Chapter 8; ~~[and]~~~~

16 ~~(g)[(f)] Successfully meet the civics requirement ~~[Obtain a passing grade on the civics-~~~~

17 ~~test] pursuant to KRS 158.141; and [.]~~

18 ~~(h) Successfully complete the EGP performance-based project, portfolio, or capstone~~

19 ~~established in this section.~~

20 ~~(4)[(6)] ~~[By July 1, 2024, each]~~ The local board of education shall establish a policy~~

21 ~~requiring high schools to develop ~~[determine]~~ performance descriptors and evaluation~~

22 ~~procedures for an EGP performance-based project, portfolio, or capstone ~~[required for-~~~~

23 ~~students who intend to complete the EGP beginning with the 2024-2025 academic year].~~

1 (a) Performance descriptors and evaluation procedures developed by the high school
2 shall be designed to provide ~~[an opportunity for the]~~ students an opportunity to
3 demonstrate ~~[attainment of the following]~~ the critical knowledge, skills, and capacities
4 required for postsecondary and career success and shall include the following:
5 ~~[(a) Attainment of essential workplace ethics program components as established by the~~
6 ~~board of education pursuant to KRS 158.1413;]~~
7 1. Demonstration of capacities listed in KRS 158.645 and the essential workplace ethics
8 characteristics listed in KRS 158.1413(1);
9 2. [(b)] Demonstration of an ability to apply the Kentucky academic standards,
10 established in ~~[704 KAR 3:303 and]~~ 704 KAR Chapter 8, as a life-long learner and
11 contributing member of society;
12 3. [(e)] Demonstration of written and verbal communication skills needed for
13 postsecondary and career success; and
14 4. [(d)] Demonstration of an ability to think critically, synthesize information, and draw
15 conclusions.
16 ~~[(7)] Beginning July 1, 2024, the performance-based project, portfolio, or capstone shall~~
17 ~~be required for completion of the EGP.]~~
18 (b)(8) A school shall maintain and make readily available to the Kentucky Department of
19 Education the EGP participant's performance-based project, portfolio, or capstone for a
20 minimum of five (5) years.
21 Section 5[6]. (1) A local board of education may substitute an integrated, applied,
22 interdisciplinary, occupational, technical, or higher level course for a required course if
23 the alternative course provides rigorous content.

1 (2) For students with disabilities, a local board of education may substitute a functional,
2 integrated, applied, interdisciplinary, occupational, technical, or higher level course for a
3 required course if the alternative course provides rigorous content. These shall be based
4 on grade-level content standards and may be modified to allow for a narrower breadth,
5 depth, or complexity of the general grade-level content standards.

6 Section 6[7]. (1) A local board of education shall award credit toward high school
7 graduation based on:

8 (a) A standards-based Carnegie unit credit that shall consist of at least 120 hours of
9 instructional time in one (1) subject; or

10 (b) A performance-based credit based on ~~[(1) A local board of education may award~~
11 ~~credit toward high school graduation for satisfactory demonstration of learning based on~~
12 ~~content standards described in]~~ the Kentucky academic standards, established in ~~[704-~~
13 ~~KAR 3:303 and]~~ 704 KAR Chapter 8, regardless of the number of instructional hours in
14 one (1) subject ~~[and a rigorous performance standards policy established by the local~~
15 ~~board of education].~~

16 (2) A local board of education which has chosen to award performance-based credit
17 shall adopt a policy that awards performance-based credit toward high school
18 graduation for satisfactory demonstration of learning based on rigorous performance
19 standards aligned to 704 KAR Chapter 8.

20 (3) A school shall establish performance descriptors and evaluation procedures to
21 determine if the content and performance standards have been met.

22 ~~[(2) A local board of education shall award credit toward high school graduation based~~
23 ~~on:~~

- 1 ~~(a) A standards-based Carnegie unit credit that shall consist of at least 120 hours of~~
2 ~~instructional time in one (1) subject; or~~
- 3 ~~(b) A performance-based credit based on standards, regardless of the number of~~
4 ~~instructional hours in one (1) subject.]~~
- 5 (4)~~[(3)]~~ A local board of education which has chosen to award performance-based credit
6 shall award a standards-based credit earned by a student enrolled in grade 5, 6, 7, or 8
7 if:
- 8 (a) The content of the course is the same as that described in the Kentucky academic
9 standards, established in ~~[704 KAR 3:303 and]~~ 704 KAR Chapter 8; and
- 10 (b) The district has criteria in place to make a reasonable determination that the middle
11 level student is capable of success in the high school course.
- 12 (5)~~[(4)]~~ A local board of education which has chosen to award performance-based credit
13 shall establish a policy ~~[for a performance-based credit system]~~ that shall include[s]:
- 14 (a) The procedures for developing a performance-based credit system[s] and for
15 amending the system;
- 16 (b) The conditions under which each high school may grant performance-based credits
17 and the related performance descriptors and assessments;
- 18 (c) Objective grading and reporting procedures;
- 19 (d) Alignment to content standards established in ~~[704 KAR 3:303 and]~~ 704 KAR
20 Chapter 8;
- 21 (e) The extent to which state-provided assessments will be used in the local
22 performance-based credit system;
- 23 (f) The ability for students to demonstrate proficiency and earn credit for learning

1 acquired outside of school or in prior learning; and

2 (g) Criteria to ensure that internships, cooperative learning experiences, and other
3 learning experiences in the school and community are:

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

5 2. Supervised by qualified instructors; and

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

7 ~~(6)~~~~(5)~~ A board of education may award standards-based, performance-based credit
8 toward high school graduation for:

9 (a) Standards-based course work that constitutes satisfactory demonstration of learning
10 in any high school course, consistent with ~~[Sections 3 and 4 of]~~ this administrative
11 regulation;

12 (b) Standards-based course work that constitutes satisfactory demonstration of learning
13 in a course for which the student failed to earn credit when the course was taken
14 previously;

15 (c) Standards-based portfolios, projects ~~[senior-year]~~, or capstones ~~[capstone projects]~~;

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

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

18 (f) Standards-based internship, cooperative learning experience, or other supervised
19 experience in the school or the community.

20 ~~[(6) Each local board of education shall maintain a copy of its policy on high school-~~
21 ~~graduation requirements. This policy shall include a description of how the requirements-~~
22 ~~address KRS 158.6451(1)(b).]~~

23 Section 7~~[8]~~. (1) A student who satisfactorily completes the requirements of this

1 administrative regulation and additional requirements as may be imposed by a local
2 board of education or meets the requirements for the Early Graduation Program
3 established in Section 4[5] of this administrative regulation shall be awarded a
4 graduation diploma.

5 (2) A local board shall not adopt any high school graduation requirements that include
6 achieving a minimum score on a statewide assessment as established in KRS 158.140.

7 (3) The local board of education shall award the diploma.

8 (4) Each local board of education shall maintain a copy of its policy on high school
9 graduation requirements. This policy shall include a description of how the requirements
10 address KRS 158.6451(1)(b).

11 Section 8[9]. This administrative regulation shall not be interpreted as prohibiting a local
12 governing board, superintendent, principal, or teacher from awarding special recognition
13 to a student.

14 Section 9[10]. (1) If the severity of an exceptional student's disability precludes a course
15 of study that meets the high school graduation requirements established in [~~Sections 3-~~
16 ~~and 4 of]~~ this administrative regulation leading to receipt of a high school diploma, an
17 alternative course of study shall be offered.

18 (2) This course of study shall be based upon student needs and the provisions
19 established in [~~704 KAR 3:303 and]~~ 704 KAR Chapter 8, and shall be reviewed at least
20 annually.

21 (3) A student who completes this course of study shall receive an alternative high school
22 diploma to be awarded by the local board of education consistent with the graduation
23 practices for all students.

1 (4) A local board of education may establish policies to award an alternative high school
2 diploma to a former student who has received a certificate or certificate of attainment.

3 Section 10[44]. (1) Any student seeking to graduate early who receives services deemed
4 essential by the local school district shall engage in meaningful consultation with a
5 school-based mental health services provider, as defined by KRS 158.4416, on the
6 creation of a continuity of services plan prior to graduation.

7 (2) School districts shall ensure the creation of a continuity of services plan for all
8 students identified as a homeless child pursuant to 42 U.S.C. 11434, a migratory child
9 pursuant to 20 U.S.C. 6399, or youth engaged in foster care pursuant to KRS
10 620.020(5).

11 (3) The completion of a transition plan for children aging out of foster care, as described
12 by 42 U.S.C. 675(5)(H), shall meet the requirements outlined in this section.

13 Section 11. Incorporation by Reference. (1) The “Early Graduation Program Student
14 Letter of Intent Form”, August 2024, is incorporated by reference.

15 (2) This material may be inspected, copied, or obtained, subject to applicable copyright
16 law, at the Kentucky Department of Education, 5th floor, 300 Sower Boulevard,
17 Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material
18 may be viewed at: [https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-](https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx)
19 [Statutes.aspx](https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx)

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).

(Date)

Robbie Fletcher, Ed.D.
Commissioner of Education

(Date)

Sharon Porter Robinson, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this proposed administrative regulation shall be held October 23, 2024 at 10:00 am, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays 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 cancelled. 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 October 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, KY 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

704 KAR 3:305

Contact Person: Todd G. Allen

Phone: 502-564-4474

Email: todd.allen@education.ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the minimum requirements for entitlement to a high school diploma in Kentucky.

(b) The necessity of this administrative regulation: KRS 156.160 requires the Kentucky Board of Education (KBE) to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation. KRS 158.142(3) requires the KBE to promulgate administrative regulations establishing requirements for early graduation from high school. This administrative regulation establishes the minimum requirements necessary for entitlement to a high school diploma.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.160 requires the KBE to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation. The content standards for the courses of study are established in the Kentucky core academic standards incorporated by reference in 704 KAR Chapter 8. KRS 158.142(3) requires the board to promulgate administrative regulations establishing requirements for early graduation from high school. KRS 158.1411 requires the KBE to promulgate administrative regulations establishing a graduation requirement for financial literacy. This administrative regulation establishes the minimum requirements necessary for entitlement to a high school diploma.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation outlines the minimum requirements for high school graduation for Kentucky public school students.

(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 amendments to 704 KAR 3:305 serve three purposes. First, to provide clean-up language needed throughout the regulation for clarity and consistency. Second, the amendment conforms to HB 535 (2024) which modified the requirements for high school graduation as it relates to civics, as established under KRS 158.141. Third, the amendment incorporates by reference the intent form required by students participating in the Early Graduation Program (EGP) as provided under KRS 158.142(2).

(b) The necessity of the amendment to this administrative regulation: HB 535 (2024) modified the requirements for high school graduation as it relates to civics as

established under KRS 158.141 to require, beginning with students entering grade 9 in the 2025-2026 school year, a one-half credit course in civic literacy or a civics test composed of 100 questions drawn from those that are set forth within the civics test administered by the United States Citizenship and Immigration Services to persons seeking to become naturalized citizens. KRS 158.142(2) requires the Kentucky Department of Education (KDE) to provide the form for students indicating their intent to participate in the EGP.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 156.160 requires the KBE to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation. The amendments conform to the following: KRS 158.142(2) requires the KDE to provide the form for students indicating their intent to participate in the EGP. KRS 158.1411 requires the KBE to promulgate administrative regulations establishing a graduation requirement for financial literacy.

(d) How the amendment will assist in the effective administration of the statutes: KRS 156.160 requires the KBE to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation. The amendments to 704 KAR 3:305 conform to the passage of HB 535 (2024). The addition of the intent form as a material incorporated by reference conforms to KRS 158.142(2).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Local schools, districts, and the KDE are affected by this administrative regulation.

(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: The local districts must comply with the amended graduation requirement for civics, provided under HB 535 (2024), beginning with students entering grade 9 in 2025-2026. Pursuant to KRS 158.142(2), local schools are required to use the intent form, included as a material incorporated by reference, for students participating in the EGP. The KDE has developed the intent form and issued guidance to schools and districts explaining the options available under HB 535 (2024) for implementing the civics graduation requirement for students entering grade 9 in 2025-2026 and beyond.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no anticipated costs to local schools and districts as a result of the amendments to 704 KAR 3:305. Districts that choose to implement the one-half credit option for civics may need to adjust staffing depending on the size, needs, and course options provided by the local schools but that is not a requirement of the district. Districts that continue using the civics test will not

have increased costs as a result of the amendments to 704 KAR 3:305. There is no cost associated to schools and districts for using the EGP intent form, provided as a material incorporated by reference, as required under KRS 158.142(2).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The compliance of local schools and school districts ensure that statutory requirements provided under HB 535 (2024) are met and that students complete the civics requirement for high school graduation as provided under KRS 158.141. The KDE will assist schools and districts in complying with the amendments to 704 KAR 3:305 by providing guidance to assist in the effective implementation of HB 535 (2024). The addition of the EGP intent form as a material incorporated by reference ensures that schools comply with the requirements established under KRS 158.142.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The KDE has staffing in place to provide guidance to local schools and districts on implementing the amended civics requirement for high school graduation as established under HB 535 (2024) and for utilizing the intent form for participants of the EGP.

(b) On a continuing basis: The KDE has staffing in place to provide guidance to local schools and districts on a continuing basis for both the implementation of the civics graduation requirement provided under HB 535 (2024) and to assist schools and districts with ongoing support for students participating in the EGP.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State funds.

(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 KDE does not anticipate a need for increased fees or funding as a result of the amendments to 704 KAR 3:305. Districts that choose to implement the one-half credit option for civics may need to adjust staffing depending on the size, needs, and course options provided by the local schools but that is not a requirement of the district. Districts that continue using the civics test will not have increased costs as a result of the amendments to 704 KAR 3:305. The KDE has staffing in place to provide guidance to local schools and districts on a continuing basis for both the implementation of the civics graduation requirement provided under HB 535 (2024) and to assist schools and districts with ongoing support for students participating in the EGP.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish any fees or directly or indirectly increase 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

schools and districts.

FISCAL IMPACT STATEMENT

704 KAR 3:305

Contact Person: Todd G. Allen

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(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.160, 158.142, 156.070, 158.140, 158.1411.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The KBE is the promulgating agency. The Kentucky Board of Education (KBE) and the Kentucky Department of Education (KDE) will support local schools and districts in implementing 704 KAR 3:305.

(a) Estimate the following for the first year:

Expenditures: The KDE does not anticipate expenditures in the first year. Revenues: No revenue in the first year.

Cost Savings: The administrative regulation will not generate cost savings in the first year.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? This regulation does not result in any new expenditures, revenues, or cost savings.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

Local schools and districts

(a) Estimate the following for the first year:

Expenditures: \$0.00 Revenues: \$0.00 Cost Savings: \$0.00

(b) How will expenditures, revenues, or cost savings differ in subsequent years? This regulation does not result in any new expenditures, revenues, or cost savings.

(4) Identify additional regulated entities not listed in questions (2) or (3): No additional regulated entities.

(a) Estimate the following for the first year:

Expenditures: Not applicable as no additional regulated entities have been identified.

Revenues: Not applicable as no additional regulated entities have been identified.

Cost Savings: Not applicable as no additional regulated entities have been identified.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Not applicable as no additional regulated entities have been identified.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The regulation does not result in any new expenditures, revenues, or cost savings.

(b) Methodology and resources used to determine the fiscal impact: The regulation does not result in any new expenditures, revenues, or cost savings.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) – (4). (\$500,000 or more, in aggregate) This regulation will not have an overall negative or adverse economic impact on any identified entities.

(b) The methodology and resources used to reach this conclusion: This regulation will not have an overall negative or adverse economic impact on any identified entities

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

704 KAR 3:305 “Early Graduation Program Student Letter of Intent Form” provided as the document incorporated by reference contains a total of four (4) pages and consists of the declaration of intent form required of students interested in participating in the Early Graduation Program. KRS 158.142(2) requires the Kentucky Department of Education to provide the form.