

1 EDUCATION AND LABOR CABINET

2 Kentucky Board of Education

3 Department of Education

4 (New Administrative Regulation)

5 704 KAR 3:315. Certification of Nonpublic Schools.

6 RELATES TO: KRS 159.030, 159.040, 158.070, 159.080, 156.160.

7 STATUTORY AUTHORITY: KRS 156.070

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160(3) provides that nonpublic
9 schools may voluntarily comply with the curriculum, certification, and textbook standards
10 established by the Kentucky Board of Education (KBE) and be certified upon application
11 to the board. KRS 156.070(4) authorizes the KBE to promulgate regulations necessary
12 to the efficient management and operation of programs under the KBE's jurisdiction. KRS
13 158.080 outlines the required courses to be taught in nonpublic schools. KRS 158.070
14 establishes the minimum required length of the school term. KRS 159.040 provides the
15 records that must be maintained by nonpublic schools.

16 Section 1. Definitions. (1) "Nonpublic school" means any private, parochial, home-
17 based, or church school. A public charter school as defined by KRS 160.1592 is not a
18 nonpublic school.

19 Section 2. Procedures for Certification. (1) Nonpublic schools seeking voluntary
20 certification from the Kentucky Board of Education (KBE) shall seek accreditation from
21 an accrediting agency approved by the Kentucky Nonpublic Schools Commission

1 (KNPSC).

2 (2) Following successful accreditation, nonpublic schools seeking voluntary certification
3 shall apply with the KNPSC.

4 (3) The KNPSC shall annually produce a list of nonpublic schools that have successfully
5 completed the accreditation process and are recommended for certification by the KBE.
6 The list shall be submitted to the Kentucky Department of Education (KDE) by April 15
7 of each year for consideration by the KBE at its next regularly scheduled meeting.

8 (4) Upon the recommendation of the KNPSC, any certified nonpublic school may have
9 its certification revoked by the KBE at any point during the school year. Such
10 recommendations shall be heard at the next regularly scheduled meeting of the KBE.

11 Section 3. KNPSC Required Policies. (1) The KNPSC shall develop a policy for the
12 screening and selection of eligible accrediting agencies. The policy shall include at a
13 minimum:

14 (a) A procedure for accrediting agencies to seek approval by the KNPSC.

15 (b) Detailed criteria for the screening and selection of eligible accrediting agencies.

16 (c) A timeline for completing the screening and selection process.

17 (d) Procedures for the periodic re-screening of approved accrediting agencies.

18 (e) A list of approved accrediting agencies.

19 (2) The KNPSC shall develop a policy for recommending nonpublic schools to the KBE
20 for certification. The policy shall include at a minimum:

21 (a) A process for nonpublic schools to apply for certification through the KNPSC.

22 (b) A process to ensure that the nonpublic school is accredited by an approved
23 accrediting agency.

- 1 (c) A process to ensure the nonpublic school is in compliance with the reporting
2 requirements in KRS 159.030.
- 3 (d) A process to ensure the nonpublic school is in compliance with the record keeping
4 requirements in KRS 159.040.
- 5 (e) A process to ensure the nonpublic school is in compliance with the course
6 requirements in KRS 158.070.
- 7 (f) A process to ensure the nonpublic school is in compliance with the required length of
8 school term in KRS 158.080.
- 9 (3) The KNPSC shall develop a policy to govern the recommended certification
10 revocation of nonpublic schools. The policy shall include at a minimum:
- 11 (a) The conditions under which the KNPSC shall undergo consideration for certification
12 revocation.
- 13 (b) A process for investigating and collecting evidence to support a recommendation for
14 certification revocation.
- 15 (c) A process for the certified nonpublic school to appeal a decision to recommend
16 certification revocation to the full KNPSC board of directors.
- 17 (d) A prohibition against recommending certification revocation for the failure to pay
18 certification or accreditation fees.
- 19 (4) The KDE shall provide technical assistance as requested by the KNPSC.
- 20 (5) The KNPSC shall annually submit the three required policies along with a letter
21 explaining any updates to the policies by April 15 for review by the KBE at its next
22 regularly scheduled meeting. Changes to the policies shall not be implemented until
23 they are reviewed and approved by the KBE.

1 Section 4. Posting Requirements. (1) The KNPSC and KDE shall post on their websites
2 a list of certified nonpublic schools that includes:
3 (a) The name of the certified nonpublic school,
4 (b) The public school district in which the nonpublic school is physically located,
5 (c) The grade levels served,
6 (d) The physical address,
7 (e) The telephone number,
8 (f) A static email address,
9 (g) The school's website URL, and
10 (h) The expiration date for the nonpublic school's voluntary certification.
11 (2) The KNPSC and KDE shall post on their websites the list of approved accrediting
12 agencies in Section 2(1)(e) of this regulation.
13 (3) The KNPSC and KDE shall post on their websites the three required policies found
14 in Section 3 of this regulation.

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)

Dr. Robbie Fletcher
Commissioner of Education

(Date)

Sharon Porter Robinson, Chair
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this proposed administrative regulation shall be held February 24, 2025 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 February 28, 2025. 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

702 KAR 3:320

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 regulation codifies the procedures for the annual certification of nonpublic schools.

(b) The necessity of this administrative regulation: KRS 156.160(3) provides that nonpublic schools may voluntarily comply with the curriculum, certification, and textbook standards established by the Kentucky Board of Education (KBE) and be certified upon application to the board. This regulation codifies the procedures for such certification.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation ensures that the certification process remains voluntary and aligns with statutory requirements for the functioning of nonpublic schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation codifies the process for the annual certification of nonpublic schools.

(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 is a new regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky Board of Education, the Kentucky Nonpublic Schools Commission, nonpublic schools.

(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 Kentucky Nonpublic Schools Commission will be required to adopt three new policies that govern the process for recommending nonpublic schools for voluntary certification to the Kentucky Board of Education. It also outlines the procedures that the Commission must take to make such a recommendation.

(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 additional costs to any of the aforementioned entities as a result of this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The process for the voluntary certification of nonpublic schools will be more uniform and more easily understood by nonpublic schools.

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

(a) Initially: There is no initial cost to implementing this regulation.

(b) On a continuing basis: There are no continuing costs to implementing this regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No 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: There are no fees associated with this regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with this regulation.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied. The regulation applies uniformly.

FISCAL IMPACT STATEMENT

702 KAR 3:320

Contact Person: Todd G. Allen

Phone: 502-564-4474

Email: todd.allen@education.ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.160(3) provides that nonpublic schools may voluntarily comply with the curriculum, certification, and textbook standards established by the Kentucky Board of Education (KBE) and be certified upon application to the board. This regulation codifies the procedures for such certification.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Education, the Department of Education

(a) Estimate the following for the first year:

Expenditures: There are no expenditures associated with this regulation.

Revenues: There are no revenues associated with this regulation.

Cost Savings: There are no cost savings associated with this regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There are no expenditures, revenues, or cost savings associated with this regulation.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.

(a) Estimate the following for the first year:

Expenditures: There are no expenditures associated with this regulation.

Revenues: There are no revenues associated with this regulation.

Cost Savings: There are no cost savings associated with this regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There are no expenditures, revenues, or cost savings associated with this regulation.

(4) Identify additional regulated entities not listed in questions (2) or (3): Kentucky Nonpublic Schools Commission, nonpublic schools.

(a) Estimate the following for the first year:

Expenditures: There are no expenditures associated with this regulation.

Revenues: There are no revenues associated with this regulation.

Cost Savings: There are no cost savings associated with this regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There are no expenditures, revenues, or cost savings associated with this regulation.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

There are no costs associated with this administrative regulation.

(b) Methodology and resources used to determine the fiscal impact:

There are no costs associated with this administrative regulation.

(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)

The administrative regulation is not expected to have an overall negative or adverse major economic impact.

(b) The methodology and resources used to reach this conclusion: There are no costs associated with this administrative regulation.