

Guidance for Alternative Education Programs (704 KAR 19:002)

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Introduction

Alternative education programs (AEPs) are special programs designed to provide remediation, acceleration or unique learning opportunities that would not otherwise be available to students in the traditional school setting. Historically, AEPs have been associated with at-risk students, and while those students often find a home in an AEP, these programs serve a wide variety of students including those identified for special education, those who are gifted and talented, adjudicated, abused and neglected and differently abled, and other students who can benefit from a non-traditional learning environment.

In Kentucky, there are four kinds of AEPs serving a wide array of student and district needs, including:

- **On-site Programs:** District-operated programs housed in a classroom or wing within a traditional school;
- **A5 Programs:** District-operated programs in a separate facility that range in program type such as gifted/talented, disciplinary/behavior, teen pregnancy, virtual/digital, specialized programming for immigrant and refugee students, etc.;
- **A6 Programs:** Programs for state agency children housed in facilities such as juvenile detention centers, treatment facilities, residential group homes, etc.; and
- **Blended A5/A6 Programs:** District-operated programs that serve both the district's student population and state agency children.

AEPs exist to meet the needs of students that cannot be addressed in a traditional classroom setting. They can include the assignment of students to alternative classrooms, centers or campuses that are designed to remediate academic performance, improve behavior or provide an enhanced learning experience. Career or technical centers or departments may collaborate with AEPs to provide services to students but are not classified as AEPs by the state.

They serve a variety of grades and vary in enrollment size and duration. For example, some AEPs serve students for a short period of time (e.g., 10 or less consecutive days), while others provide an environment that can support a learner for many years until graduation. Similarly, some programs are application-based while others may serve students assigned involuntarily. The broad diversity of learners served by AEPs requires a broad diversity of program offerings and models.

Below is list of a few alternative education programs currently operating in Kentucky that represent the diverse offerings that can exist in AEPs. They are listed here merely as examples of how programs can be structured to fit local needs.

- **Program A (A5):** Program A provides an alternative schedule with some virtual options in order to meet the diverse needs of the students and families it serves, regardless of where they live or their schedules. Program A offers expanded core courses, Advanced Placement courses, Dual Credit courses and foreign languages, along with advising from

a school counselor.

- **Program B (A5):** The goal of Program B is to provide a welcoming and respectful environment to meet the needs of sixth- through 10th-grade English Learners (ELs) who have experienced interrupted schooling prior to enrollment in the school district.
- **Program C (blended A5/A6):** Program C serves students across the district who have persistent behavioral concerns or who may have been suspended or expelled from school. Program C also serves state agency children.
- **Program D (A6):** The mission of Program D is to build relationships by acknowledging and encouraging positive social, emotional and academic changes to create successful futures. This program serves only state agency children and involves the successful completion of a three-phase process communicated at the time of placement and includes behavioral, social and academic goals for students between the ages of 12-18.
- **Program E (A5):** Program E is a voluntary program that provides flexible scheduling in a supportive learning environment for students who can benefit from independent credit achievement via blended learning options.
- **Program F (A5):** Program F is a voluntary alternative education program for pregnant and parenting teens in grades 6-12. This program’s success is accomplished through excellent academic programming and exceptional support services that include a medical clinic, childcare center, family programs, and National Science and Mathematics Access to Retain Talent (S.M.A.R.T) grant services.
- **Program G (A5):** Program G is a voluntary online/virtual program to provide students with alternative and expanded online learning opportunities. This program can be designed for full-time and/or part-time experiences. Teachers and students are geographically apart from one another with all the instruction facilitated online by a content certified teacher and through a learning management system.

704 KAR 19:002: Alternative Education Programs

Pursuant to [KRS 160.380](#), an “alternative education program” is defined as “a program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience. Alternative education programs do not include career or technical centers or departments.” AEPs are also able to provide a wide range of wrap-around services, including a variety of social and emotional supports.

The specific rules related to the implementation of AEPs can be found in [704 KAR 19:002](#). This section will discuss the specific elements of this regulation in order to provide guidance to districts seeking to implement AEPs. It is important to note that, in addition to 704 KAR 19:002, AEPs that receive funding through the [Kentucky Education Collaborative for State Agency](#)

[Children \(KECSAC\)](#) must comply with additional regulations specific to A6 programs outlined in [505 KAR 1:080](#) and [KRS 158.135](#), which are not covered in this document.

Section 1: Definitions

The following definitions are found in Section 1 of 704 KAR 19:002.

- **A1 School**: A school that is (a) under administrative control of a principal and eligible to establish a school-based decision-making council and (b) not an alternative education program operated by, or as a part of, another school ([703 KAR 5:240](#)).
- **Alternative Education Program**: A program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers or campuses that are designed to remediate academic performance, improve behavior or provide an enhanced learning experience. Alternative education programs do not include career or technical centers or departments ([KRS 160.380\(1\)\(b\)](#)).
- **Child with a Disability**: A child evaluated in accordance with [707 KAR 1:300](#) as meeting the criteria listed in the definitions in [707 KAR 1:002](#) for autism, deaf-blindness, developmental delay, emotional-behavior disability, hearing impairment, mental disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury or visual impairment that has an adverse effect on the education performance of the child who, as a result, needs special education and related services.
- **Education Record**: Those records, files, documents and other materials which (i) contain information directly related to a student and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution (20 US Code 1232g).
- **Long-term Placement**: A student enrolled in an alternative education program for more than 10 school days.
- **Individual Education Program (IEP)**: A written statement for a child with a disability that is developed, reviewed and revised in accordance with [707 KAR 1:320](#). (See also [704 KAR 19:002](#).)
- **Individual Learning Plan (ILP)**: A comprehensive framework required for all students enrolled in public school in grades six (6) through twelve (12) for engaging in coursework and activities that will best prepare them to realize college and career success and become contributing members of their communities and is defined in [704 KAR 3:390](#). (See also [704 KAR 3:305](#) and [704 KAR 19:002](#).)
- **Individual Learning Plan Addendum (ILPA)**: An action plan that addresses the changed educational needs of a student based upon entry into or exit from an alternative education program that includes academic and behavioral needs of the students, criteria for the student's re-entry into the traditional program, and provisions for regular review of the student's progress through the school year while in an alternative education program.
- **Involuntary Placement**: The placement of a student in an alternative education program

by local school district personnel: (a) (1) to ensure the safety of the individual student, the student body or staff, (2) to meet the educational needs of the student, (3) to transition the student to a placement as a state agency child pursuant to KRS 158.135 and 505 KAR 1:080 or (4) for disciplinary purposes; and (b) not made at the request of the parent or emancipated student.

- **Off-site Program:** An alternative education program located in a separate and dedicated program facility not located within an existing A1 school.
- **On-site Program:** An alternative education program located within an existing A1 school.
- **Voluntary Placement:** The placement of a student in an alternative education program at the request of the parent or emancipated student and with the agreement of school personnel to better meet the educational needs of the student.

The following definitions are not found in 704 KAR 19:002 but may be helpful to districts seeking to implement an AEP and interpret the remainder of this guidance document.

- **A5 Program:** An alternative education program that is a district-operated and district-controlled facility with no definable attendance boundaries. It is designed to remediate academic performance, improve behavior or provide an enhanced learning experience. The composition and characteristics of participants may change frequently, and these are controlled by the local school district student assignment practices and policies.
- **A6 Program:** An alternative education program funded by Kentucky Education Collaborative for State Agency Children (KECSAC) serving state agency children. These students may be involved with the Department of Juvenile Justice, Department of Community Based Services or Department for Behavioral Health Developmental and Intellectual Disabilities.
- **Blended Learning:** Blended learning classrooms mix face-to-face, online/virtual instruction and competency-based credit learning opportunities. Blended learning classrooms may adopt best practices from online learning as well as traditional classroom instruction and support for students.
- **Competency-based Credit:** Students earn credits based on proof of mastered competencies – the skills, abilities and knowledge required in an area of study.
- **Credit Recovery Programs:** Programs that aim to help schools graduate more students by giving students who have fallen behind the chance to “recover” credits through a variety of different strategies, often online. Credit recovery is an authentic learning opportunity with rigor and relevance, where academic progress is measured and assessed by the assigned classroom teacher.
- **Digital Learning:** Digital learning involves the use of instructional technology in the learning environment to increase student engagement, achievement and differentiation. Instructional technology may include digital tools and content such as: computers, tablets, eReaders, interactive white boards, clicker systems, handheld devices, cell phones, graphing calculators, digital media tools, online courses, online tutorial software

and online media resources.

- **FAIR Team:** Family Accountability, Intervention and Response team that develops enhanced case management plans and opportunities for services for children referred to the team. FAIR teams were established as part of the juvenile justice reforms passed in 2014 through [Senate Bill 200](#) and can make referrals to alternative education programs per [KRS 158.135](#).
- **Innovative Path:** a new or creative alternative to existing instructional practices intended to address the unique needs of student learning and student performance of all students.
- **School/Location Code:** A number assigned to a school or program by the state for identification and data entry/collection within the student information system and other state mandated systems.
- **Technical Education Database System (TEDS):** The authoritative source for all career readiness data, which provides helpful tools and resources to verify and correct career readiness data.
- **Virtual Classes:** Courses consisting of standards-based content and skills digitally delivered in a virtual setting taught by a qualified instructor in an off-site or different location.

Section 2: General Requirements for Alternative Education Programs

Section 2 of 704 KAR 19:002 outlines the general requirements for operating AEPs in Kentucky. Districts operating AEPs must ensure that each program “is not limited in scope or design and is aligned to the academic program of the district.” When designing AEPs, districts should take care to ensure their programs complement the goals and objectives of the district and are designed to rigorously support the students enrolled in such programs.

Program Design and Coursework

Students enrolled in AEPs should have access to comparable coursework as is available in the traditional school. Programs must be aligned to the [Kentucky Academic Standards](#) (KAS) and any applicable requirements of [Kentucky’s Consolidated State Plan](#). In facilitating the educational experience, districts may choose to deploy virtual classes, career and technical training, or provide services in partnership with their local Area Technology Centers (ATC) or community colleges.

The AEP environment should not be construed as an environment that limits educational opportunity. Students enrolled in AEPs “may be eligible to participate in one or more types of programs” that could include a “digital learning environment, credit recovery or an innovative path to graduation.” Students should also have “access to resources and services already available in the district, including instructional materials, tutoring, intervention, transportation, library and media services, specialty coursework, and counseling services” and extracurricular activities.

KRS 157.070(2) provides that the Kentucky Board of Education may designate an organization or agency to manage interscholastic athletics in the common schools. The KBE has designated the Kentucky High School Athletics Association (KHSAA) for this purpose. Currently, the KHSAA handbook prohibits students enrolled in AEPs from participating in athletics unless they are shown concurrently enrolled in the appropriate A1 school as verified through Infinite Campus. However recent decisions approved by the KHSAA Board of Control have allowed some students enrolled in AEPs to participate in athletics for that program and allowed membership for that program as a separate entity. For questions surrounding the implementation of this provision, districts should contact the KHSAA.

Additionally, programs must comply with the minimum high school graduation requirements as well as any local graduation requirements established by the local board of education. Students enrolled in an AEP must have access to the same pathways to graduation as students in a traditional learning environment, unless specified by the local board. Where appropriate, innovative paths to graduation may include advanced placement, dual credit, project-based learning, performance- or competency-based learning, career and technical courses leading to a workforce credential, apprenticeships and more. If these opportunities are available to other students in the district, every effort should be made to engage students enrolled in AEPs as well.

While districts are required to grant students enrolled in AEPs access to all resources and services already available in the district, it should be noted that students may be denied access to services or extracurricular activities due to violations of other participation agreements. For example, if a student is involuntarily assigned to an AEP due to excessive absences from school, that student may be denied access to marching band if participation in marching band requires that students maintain a certain attendance threshold.

A student may be denied access to transportation services if their behavior while using district-operated transportation has warranted suspension from transportation services. Otherwise, students placed in an alternative education program must have access to district transportation services.

A student cannot be denied access to services otherwise available to students in the district due to their assignment in an AEP and, to the extent possible, students in AEPs should be encouraged to participate in extracurricular activities such as field trips, artistic opportunities, and various student clubs that are available to students in the districts (drama clubs, chess clubs, leadership clubs, etc.).

District Policy Requirements

In addition to the direct services to students, districts operating AEPs are required to maintain and annually review a variety of policies related to the operation of their program. Districts are required to maintain the following policies:

- Purpose of the Program: Before creating an AEP, districts should take time to clearly articulate the purpose of their program and how the program supports the district's goals

for its students. During its annual review, the district should reflect on whether the purpose of the program has been maintained over time and if the current programming continues to support its purpose.

- **Eligibility Criteria:** Districts must maintain a policy that clearly dictates the eligibility criteria for enrollment in its AEP.
- **Processes for Entering the Program:** Districts must clearly dictate the entry procedures for students that are transferring into an AEP. It is recommended that this process include: an orientation for students and guardians; the assignment of an adult advocate; an assessment of the student's academic, social-emotional, behavioral and mental health needs; completion of the ILPA; a review of the IEP (if applicable); and short-term and long-term goal setting.
- **Processes for Transitioning Out of the Program:** Districts must clearly dictate procedures for students transitioning out of an AEP and back into a traditional school setting. It is recommended that a formal exit process include: an exit interview with students and guardians; communication between the program and the school the student will be entering about the student's strengths, needs (such as courses needed to complete a Career and Technical Education pathway or workforce credential); and follow-up plans to ensure support.
- **Processes for Developing the ILPA:** The ILPA is a vital document that records the ways in which the student's educational needs will be supported by enrollment in the AEP. Districts must maintain a clear process for ensuring the timely completion of the ILPA. More considerations for crafting the ILPA can be found later in this document.
- **Procedures for District Oversight and Monitoring:** Districts must maintain clear procedures for regular, periodic monitoring by the district. It is recommended that district staff visit the AEP on a monthly basis to meet with local administrators and teachers, discuss the ongoing needs of the program, and provide timely technical assistance to ensure the success of the program.
- **Procedures for Selecting and Implementing Professional Learning for Staff:** Districts must maintain policies that describe the procedures for selecting, implementing and monitoring the impact of professional development for teachers and administrators assigned to the AEP. It is recommended that districts include a process to ensure that all professional learning is tailored to meet the professional learning needs of the staff, is rooted in sound evidence of effectiveness and supports the purpose of the program. Per the [School Safety and Resilience Act](#), every district is required to have a plan for implementing a trauma-informed approach in its schools, which should include alternative education programs. For students who may be in AEP that focuses on STEM or dual credit learning opportunities, the professional development offered to AEP staff should be aligned with that content; similarly, if an AEP primarily serves students with behavioral or social-emotional needs, training should include strategies for supporting behavior interventions, trauma-informed practices, etc. While it may be appropriate to include staff assigned to an AEP in professional learning opportunities that are assigned to staff in the traditional A1 school, such as professional learning designed to promote

alignment with a new district-wide initiative or required by the state, districts are discouraged from requiring staff assigned to AEPs to receive the same training as staff assigned to the traditional A1 school by default. Alternative Education Programs serve a diverse population of students with diverse backgrounds, experiences and needs. KDE offers resources to address [diversity, equity, inclusion and belonging](#), and AEP staff are encouraged to participate in any relevant professional learning opportunities offered.

Site Designation

Alternative education programs must be defined as either an on-site or off-site program. An on-site program is any program housed within a traditional A1 school, while an off-site program is any program housed in a facility other than a traditional A1 school. For AEPs located in a separate building on the campus of a traditional A1 school, the district may use their discretion when determining if the building is a part of the A1 school or if it is considered a facility separate from the A1 school. Districts should consider the safety and emergency response implications of such a designation and select the designation that is best aligned to their emergency response plans.

Districts should indicate if a program is considered on-site or off-site in the Kentucky Statewide Student Information System (KSIS), known as Infinite Campus, as follows:

- **On-site Alternative Education Programs:** For the purposes of tracking within Infinite Campus, on-site alternative education programs will need to utilize the course sections for the content classes received in the alternative education program within Infinite Campus indicating “Special Course Type = Alternative.” This may also be used for students taking only one or two courses within the on-site alternative education program. Reference section B of the [Alternative Education Program Data Standards](#).
- **Off-site Alternative Education Programs:** For the purposes of tracking within Infinite Campus, off-site alternative education programs must request a School/Location code by submitting a *New School Request* through [DASCR](#). This is critical to monitor the program’s effectiveness, to maintain teacher and administrative accountability, and to effectively track students’ physical location for safety and attendance records. Reference section A of the [Alternative Education Program Data Standards](#) to indicate school type and classification within IC.

Section 3: Placement of Students

When placing students in an AEP, the district should follow its established policies for identifying and enrolling students in the program. Students may be assigned to AEPs either voluntarily, at the request of the guardian or that of an emancipated minor, or involuntarily, in response to needs unable to be met by the traditional school setting.

Pre-placement Considerations

Prior to enrollment, the district must ensure the student has met the eligibility requirements outlined in the required district policies. Districts should not enroll students, either voluntarily or

involuntarily, into an AEP if the student does not meet the criteria for enrollment prior to the enrollment. Districts may, when necessary, amend their local policies to accommodate unforeseen needs, but students should not be transferred to the AEP until after the new policy has been formally adopted.

Additionally, districts must ensure that a student in grade 6 or higher has an Individual Learning Plan (ILP) on file before transferring their enrollment to the AEP. The ILP is a requirement established by 704 KAR 3:305. This requirement applies to all students enrolled in Kentucky public schools. While local ILP requirements vary, at its core, the ILP defines and documents each student's individual educational goals and pathways. Students enrolled in AEPs must have an ILP on file as its review is the first step of authoring the ILPA. This is discussed in more detail later in this document. For more information about the ILP, please visit [KDE's ILP webpage](#).

Considerations for Students with Special Needs

The decision to enroll a student with an IEP into an AEP must be made through the admission and release committee (ARC) process pursuant to [707 KAR 1:320](#). Similarly, the assignment of students identified under Section 504 of the Rehabilitation Act of 1973 to an AEP must be made in consultation with the student's 504 planning team in accordance with 34 C.F.R. Part 104.

Records related to students with disabilities, including IEPs and 504 Plans, must be updated to address the changed educational delivery, document the student's criteria for entry and exit from the program, and the full scope of services the student will receive while enrolled in the program. The enrollment of a student with an IEP into an AEP does not exempt the student from the requirements outlined in 707 KAR 1:320. Districts should take care to ensure the AEP is properly equipped to fully support the student's IEP or 504 Plan.

Due to the overlap in documentation requirements, districts are not required to create an ILPA for students with IEPs; the IEP may serve in place of the ILPA for record keeping purposes. However, a 504 Plan is not sufficient for meeting ILPA requirements.

Transition Considerations

Regardless of whether the placement is voluntary or involuntary, the transition planning process is essential to ensure minimal interruption of educational services and learning for students and should be detailed in the ILPA. The transition process should include discussions with both the referring school and AEP to facilitate high levels of collaboration and communication. The process also should ensure that everyone understands the educational needs of the student (academic, behavioral and social-emotional learning needs, college and career readiness goals, etc.) and maintains a commitment to ensure the student stays on course for high school graduation and college/career readiness. For students who will "graduate" from the AEP, considerations for the post-secondary transition also should be included in the ILPA.

Districts also should plan to ensure the student’s successful and sustained re-entry into the referring school. This includes discussions with staff that have been working with the student in the prior setting, as well as staff that will be working directly with the student moving forward, who should be a part of the planning process to facilitate a “warm hand-off.” The involvement of parents and guardians also is an important consideration for successful transition planning.

Other Considerations for Enrollment

Below are some additional considerations for districts operating AEPs:

- Upon occasion, districts may be asked to enroll students from another district into their AEP. In those instances, the AEP is responsible for tracking all student records and delivering all services to the student. The student’s home district is considered the “school of accountability” for the student. For the purpose of tracking within Infinite Campus, record keeping staff should select *Resident District* when referring to the student’s home district and school respectively. Specific instructions for documenting out-of-district enrollments in an AEP can be found in the [Data Standard Alternative - Out of District Services](#).
- If a student enrolled in an AEP is also enrolled in a Career and Technical Program (CTE) at the A1 school, they should continue to be able to receive those services. Districts must indicate this in Infinite Campus by first creating an enrollment at the AEP with a start status of R02, and the start date as the first day of enrollment within the AEP. Having done that, the district may then open enrollment at the A1 school and enter an end status of W02, with an end date as the last day of attendance. This process ensures that the Technical Education Database System (TEDS) records for the CTE program remain active at the student’s A1 school. When a student enrolled in CTE courses transfers out of the AEP, the local staff are encouraged to collaborate with the student’s home school to ensure the student can continue with their CTE pathway. This should be documented in the ILPA and included in the student’s transition plan for exit from the AEP.

Section 4: Costs and Expenditures

As with all other programs, districts are required to use the statewide financial management system and chart of accounts to track costs and expenditures associated with each AEP operating in the district. Expenditures associated with alternative education programs should be coded in MUNIS by utilizing the following program codes:

- Program Code 451 – Alternative Education. Activities for students assigned to alternative campuses, centers or classrooms designed to provide improved behavior modification and/or an enhanced learning experience.
- Program Code 452 – At-Risk Education. Activities for students, who may, for either personal or scholastic reasons, be at risk of dropping out of school.

Section 5: Data

As with all other students, districts operating AEPs are required to maintain a complete education record in the Kentucky Statewide Student Information System (KSIS), known as Infinite Campus. This ensures that all student records are adequately maintained and expeditiously transferred to and from the AEP as the student enters and exits.

Districts are required to complete all statutorily mandated data collections for students enrolled in AEPs. The data collection requirements are the same for students enrolled in AEPs as those enrolled in traditional A1 schools. Data collected includes, but is not limited to, demographic, programmatic, attendance, behavior and other data fields contained in the student information system or required by the department to track and report student participation, educational programming, achievement and transition to and from alternative education programs.

With respect to behavior data requirements, please note that regardless of program type, in addition to the requirements for A1 schools, all incidents of in school removals, suspensions, seclusions and restraints must be documented in Infinite Campus. Reference the [Behavior Data Standards](#) for complete details of behavior data collection and reporting, including reporting by a non-district staff member. For a full list of required data elements, please visit the [Kentucky Student Information System Data Standards](#) webpage.

It is important to note that districts are required to maintain data and records created by those with whom they partner when they are required elements listed in the KSIS Data Standards. The [Family Educational Rights and Privacy Act](#) (FERPA) defines an education record as “those records that are (1) directly related to a student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution.” When a district assumes the responsibility for the education of students enrolled in an AEP, they likewise assume the responsibility for maintaining a complete education record for the students it serves.

Occasionally, education records may overlap with law enforcement or medical records. Districts are required to maintain any record created by a law enforcement or medical facility that meets the definition of an education record and would otherwise be collected and maintained for a student enrolled in a traditional A1 school. These records may include but are not limited to recording student arrests that are the result of a behavior incident at school, recording medical treatments that are part of the educational process, or securing mandated vaccination or medication records. More detailed information about when educational records may overlap with the records of other agencies can be found in the [FERPA](#).

Districts must develop protocols for the efficient collection and documentation of student records. Records are not required to be entered into the KSIS by the individual who creates the record. Collected data can be entered by any of the following staff: principal, assistant principal, counselor, teacher, clerk or administrative support personnel.

Additionally, districts may indicate if a record is administered by a non-district staff person as follows:

- Create New Staff person named *Non-District Staff*– reference section A of the [Census/Staff Information Data Standards](#) to create a new staff record. Once the Non-District Staff record is created, create a District Assignment referencing Section C of the Census/Staff Information Data Standards.
 - School: Select the Alternative Education Program from the drop list.
 - Type: Select 07: Other.
 - Alternate Type: Select ONP: Other Non-Professional.
 - Behavior Admin: Select indicator to indicate the non-district staff selection should be part of the *Behavior Admin Staff Name* drop lists within the Behavior Management Tool.
 - *NOTE: If district has multiple alternative education programs, a district assignment must be created for each program.*

Districts are encouraged to use the data collected in the KSIS to better inform their operation and oversight of AEPs. This data can be used to track student progress to graduation, track chronic absenteeism, monitor behavior, record career interest and to assess student needs during transitions. Districts also are encouraged to use the tools built into the KSIS to better serve their students, including the Persistence to Graduation and Early Warning tools and the Chronic Absenteeism custom report along with all other reports available in IC.

Section 6: Personnel

When staffing an AEP, district and program leadership should apply the same considerations that they would apply to the staffing of a traditional A1 school. AEPs, teachers and administrators shall be subject to the teacher certification requirements established in [KRS 161.020](#), and shall comply with the classified and certified assignment restrictions established in [KRS 160.380\(3\)](#).

Consider the following when staffing any alternative education program:

- While alternative education programs are not required to have a certified school principal on staff, they must have certified staff. Districts should ensure that staff are equipped with the expertise to best meet the needs of the specific student population.
- As they are not schools, AEPs are not required to have a School-Based Decision Making (SBDM) council. Districts should consider ways to incorporate parent and community engagement into their staffing processes. This could be accomplished through advisory councils, project-based learning opportunities and volunteering (where permitted).
- Teachers working in AEPs must meet all the same general teacher certification requirements as other district teachers. Teachers who instruct courses in a subject area in which they are not certified are required to use curriculum that has been reviewed regularly by a teacher who is certified for that subject area.
- As required by a student's IEP, AEPs are required to have a certified special education

teacher on staff to provide specially designed instruction as set forth in the IEP. The district also is responsible for implementing any related services (physical therapy, occupational therapy, etc.) in the alternative education program if documented in the IEP. A certified teacher who is not special education certified can be designated to be responsible for implementation of a student's IEP for those aspects of the IEP where a special education certified teacher is not required. Teachers working in AEPs are required to collaborate with the district's special education staff to ensure the IEP is being implemented.

- Districts must ensure that AEPs include best practices training for all staff and administrators. This includes participation in district-wide professional development opportunities by AEP teachers and staff.
- Superintendents or local boards may consider the creation of policies and incentives to encourage the most highly skilled certified and classified staff be assigned to AEPs due to the increased needs of those students.

Considerations for Crafting the ILPA

The Individual Learning Plan Addendum (ILPA) is a required document for all students enrolled in a long-term placement in an AEP. The ILPA documents the ways that a student's time in the AEP will enhance their educational experience and support them on their path towards graduation and lifelong success. A complete ILPA includes steps to support the academic and behavioral needs of the student, the criteria for a student's re-entry to the traditional program, and provisions for the regular review of the student's progress throughout the school year while enrolled in the AEP.

Districts should work to develop clear systems that allow the ILPA to be informed by, and expand upon, the students Individual Learning Plan (ILP) as required by [704 KAR 3:305](#). While these two plans may exist in different systems, all staff connected to an individual student should have access to both sets of records. Districts should consider how they can streamline their ILP and ILPA processes in both policy and practice.

An ILPA must be developed for all students enrolled in an AEP as a long-term placement (more than 10 consecutive school days). With this in mind, districts should work to create a timeline for ILPA creation that fits the needs of the program, allowing students to settle into the culture and decompress from possible impacts of their placement into the program. Typically, an ILPA should be completed within 20 school days. Students with IEPs are not required to have an ILPA as the IEP documents the same information, however students with a 504 Plan are required to have an ILPA. Districts should take the following considerations into account when crafting the ILPA:

- The ILPA should be crafted with a committee of stakeholders dedicated to the long-term success of the student. This committee, or ILPA team, may include administrators, teachers, or other staff employed by the AEP, the parent or other legal guardian of the

- student, a child advocate, and the student when appropriate.
- The ILPA team should begin its discussion with a thorough review of the student’s existing ILP (for students in grades 6 and above). The ILPA is a literal addendum to the ILP and should be aligned to the established educational goals created by the student through the ILP process. For students in grades 5 and below, the ILPA should begin with a discussion and review of the student’s social, emotional, behavioral and academic strengths and challenges to support the establishment of goals that are specifically aligned to each student.
 - The ILPA team should engage in a meaningful conversation about how the services provided by the AEP operate in service toward the long-term educational goals of the student.
 - As many AEPs offer a wide range of services, the ILPA team should carefully consider which services are most appropriate for the student and prioritize the student’s enrollment in services that most meet their needs.
 - The ILPA team should collaboratively write goals for the student and establish clear criteria for the student’s re-entry into the traditional program.
 - The ILPA team should establish clear monitoring protocols that may include a variety of elements such as formative assessments, benchmark assessments (such as MAP or iReady), or behavioral or mental health screenings.
 - Some programs are designed to support students through the remainder of their time in Kentucky’s public schools. If this is the case, it should be documented in the ILPA. That is, if the student will “graduate” from the AEP, a plan for transition to post-secondary opportunities should be articulated.
 - If an AEP includes collaboration with an external agency, the ILPA should include detailed information for the services provided by the external agency and how those services support the student’s long-term educational goals.
 - As students develop, changes to the ILPA may be necessary. The full ILPA team should be reconvened to consider possible changes to the ILPA. Changes to the ILPA should not be made unilaterally by AEP staff. Any changes to the ILPA must be clearly documented and communicated to the relevant stakeholders.

The ILPA is a formal part of the student’s education record. While it may be supported by additional paper documentation, its essential elements must be recorded in Infinite Campus. Upon completion of the ILPA, the document must be locked to ensure the document transfers with the student from district to district and syncs to state edition. Ongoing support and training is provided to the districts through the [KDE Alternative Education Programs website](#) and specific instructions for setting up and the ILPA can be found in Section D of the [Alternative Education Programs \(ILPA\) Data Standards](#).

Considerations for Contracting with Outside Partners

School districts may contract with outside entities for various aspects of AEP operation. This occurs often in the context of A6 programs but is not necessarily limited to an A6 AEP. When school districts contract with outside partners for the operation of an AEP, special consideration must be given to contract terms. Contractual agreements must not limit the school district's ability to properly serve students and comply with all applicable school laws and regulations. When a district operates an AEP, it assumes responsibility for compliance with all applicable school laws and regulations for each student in the program, regardless of contractual terms with outside entities. Therefore, when drafting these contracts districts must carefully consider all aspects of program operations to ensure the contracts allow the school district to meet its obligations as set forth in statute and regulation for program operation.

For example, if the AEP is to be operated in a facility owned or operated by an outside partner, the school district should ensure its contract provides for sufficient space, fixtures, and infrastructure for program operation. A classroom that is not large enough to accommodate all students in the program or which lacks sufficient broadband infrastructure for meaningful digital instruction is a barrier that is easily overcome through thoughtful contract drafting. Facility access should be considered and included in contract terms so all school district staff and contractors necessary to provide student services may access the facility and serve students.

If the outside partner will provide certain services that would otherwise be provided by the school district, those services should be detailed in the contract, including the outside partner's agreement to comply with any applicable school laws and regulations governing those services, as well as details on how student educational records reflecting those services will be made and kept (see Section 5: Data). Thoughtful consideration to each aspect of AEP operations coupled with careful contract drafting will result in clear expectations for both the school district and outside partner, ensuring both comply with all laws and regulations applicable to the AEP.

Other Considerations

Alternative education programs should be considered a resource for the entire district to meet the needs of students who will be more successful in an alternative placement than in a traditional A1 school. As such, the district should consider how to provide sufficient resources to meet the needs of AEP students, which may be higher than those of traditional students. One way to ensure this is deliberate inclusion of AEP leadership in the process for completing the comprehensive needs assessment for [Title IV, Part A](#). Title IV-A funds can be leveraged to provide the additional resources to meet the enhanced needs of students enrolled in AEPs. KDE's consolidated monitoring process has revealed that AEPs often are not included in a meaningful way in the use of these federal funds, despite their purpose in supporting goals that frequently align with the goals of many AEPs, such as dropout prevention, social emotional and mental health supports, etc.

Frequently Asked Questions

Can alternative education programs issue diplomas and have graduation ceremonies?

Pursuant to [704 KAR 3:305](#), Section 5, the local board of education issues diplomas, not the schools. Regulations and statutes imply that each district must have a system in place to ensure the local board can rely upon the certification of the superintendent and/or principal that the students presented for graduation have met both the state and local district graduation requirements as outlined in 704 KAR 3:305. Obviously, the traditional high school setup is the most common system to make this happen. It is possible for alternative education programs to meet the graduation standards and present students for graduation/diploma. However, the local board still issues those diplomas and must certify them as such. AEP may have graduation ceremonies.

Which school is the school of accountability for alternative education program students?

Accountability scores for the indicators of state assessment results in reading and mathematics, state assessment results in science, social studies and writing, progress on English language proficiency, quality of school climate and safety, and postsecondary readiness are assigned to students in accordance with [703 KAR 5:240](#), as follows:

Section 2. Assigning Students for School and District Accountability.

- (1) (a) A student enrolled in an A1 school for a full academic year shall be counted in the accountability membership of the A1 school and shall be attributed to the A1 school for accountability purposes. This shall include state agency children or other students who have been enrolled in an A1 school by any authority.
- (b) A student qualifying as an early graduate based on criteria established in 704 KAR 3:305 shall be included in the school's accountability calculation in the year in which the student graduates, whether or not the student has a full academic year of enrollment.
- (2) A student enrolled in an A1 school and attending an alternative education program during the year as a result of local school district policies or procedures shall be counted in the accountability membership of the A1 school and shall be attributed to the A1 school for accountability purposes if the student's combined enrollment in the A1 school and alternative education program is a full academic year.
- (3) A student enrolled in an alternative education program for a full academic year as a result of local school district policies or procedures without any enrollment in an A1 school during the same year shall be attributed to the

accountability of the district that the student would have attended if not enrolled in the alternative education program.

(4) A student not enrolled in any A1 school or an alternative education program for a full academic year but enrolled in a district for a full academic year, shall be assigned to the district for accountability purposes.

(5) The Department of Education shall monitor alternative school placements. If evidence indicates a district is inappropriately placing students into alternative programs to avoid inclusion in accountability, the district shall be further investigated by the Department of Education.

Section 3. Assigning Students for State Accountability.

(1) Students enrolled in alternative education programs, and not attributed to an A1 school or district, shall be aggregated into a state level accountability report.

(2) If a student, before completing a full academic year in a school or district as established in Section 2 of this administrative regulation, is enrolled in an alternative education program by a court, a governmental agency other than a Kentucky public school, or Kentucky school district, the student shall be accountable to the state.

The student's cohort graduation accountability will be tied to the last enrollment and is not tracked back to an A1 school, regardless as to the number of days enrolled. The [100 day accountability tool](#) can be used as a helpful guide with respect to where accountability is placed for students overall, and students in special circumstances.

Are program administrators required to have an administrative certification?

EPSB interprets [KRS 161.020](#) to mean that if there is a position for which certification is issued, and if an individual carries out those duties, they must hold appropriate certification (regardless of what the position is called). If an individual disciplines student, evaluates and supervises teachers, etc., they must hold appropriate certification. If EPSB receives a valid complaint that an individual is acting outside the scope of their certification, they will pursue an action against the individual, which could result in the loss of their certification.

While it may occasionally be appropriate or necessary for a program to be supervised by a head teacher, individuals acting in roles outside of their certification also poses certain liability concerns to school districts and should be evaluated. For example, if the school district assigns duties to an employee outside his/her training and certification, and some injury results while performing those duties, districts must consider the resulting liability implications for such an injury.

Does every alternative education program in the district need to be identified in Infinite Campus?

Yes, either as an on-site alternative education program or as an off-site alternative education program. Please refer to the [Alternative Education Program Data Standards](#).

How are onsite alternative education programs identified in Infinite Campus?

A section must be added for the content courses provided in the alternative setting with a **Special Type** selection of *02: Alternative Classroom*. Please refer to Section B of the [Alternative Education Program Data Standards](#).

Is there a sample board policy available for alternative education programs?

Kentucky School Boards Association (KSBA) provides an example of a board policy that districts could use to meet the requirements of [704 KAR 19:002](#).

Does every alternative education program in the district have to have a separate board policy?

That is a local district decision.

Does the regulation require alternative education programs to transition the student back to the A1 school?

The regulation does not require students return to the A1 school. However, it should be an option if the student has met all the requirements set forth in their ILPA.

What training is available?

A recorded WebEx session and an alternative education program guidance document are both available on [KDE's Alternative Education Programs](#) website.