

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET**

**Kentucky Board of Education**

**Department of Education**

**(Amended After Comments)**

**704 KAR 19:002. Alternative education programs.**

RELATES TO: KRS 156.070, 156.160, 160.380

STATUTORY AUTHORITY: KRS 156.070, 156.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070 authorizes the Kentucky Board of Education to manage and control the programs operated in the common schools. KRS 156.160 grants the Kentucky Board of Education the specific authority to promulgate administrative regulations establishing standards which school districts shall meet in program service to students. This administrative regulation establishes minimum requirements for the operation of alternative education programs in school districts.

Section 1. Definitions.

(1) "A1 school" is defined by 703 KAR 5:240.

(2) "Alternative education program" is defined by KRS 160.380(1)(b).

(3) "Child with a disability" means 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 which has an adverse effect on the child's educational performance and who, as a result, needs special education and related services.

(4) "Education record" means the same as 20 U.S.C. 1232g.

(5) "Long term placement" means a student enrolled in an alternative education program for more than ten school days.

(6) "Individual education program" or "IEP" means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with 707 KAR 1:320.

(7) "Individual learning plan" or "ILP" means a comprehensive framework for advising students in grades 6 through 12 to engage in coursework and activities that will best prepare them to both realize college and career success and become contributing members of their communities.

(8) "Individual learning plan addendum" or "ILPA" means 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 student, criteria for the student's re-entry into the traditional program, and provisions for regular review of the student's progress throughout the school year while in an alternative education program.

(9) "Involuntary placement" means the placement of a student in an alternative education program by local district school 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."

(10) "Off-site program" means an alternative education program located in a separate and dedicated program facility not located within an existing A1 school.

(11) "On-site program" means an alternative education program located within an existing A1 school.

(12) "Voluntary placement" means 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."

## Section 2. General Requirements.

(1)

(a) A district shall ensure that each alternative education program is not limited in scope or design and is aligned to the academic program of the district.

(b) A student enrolled in an alternative education program may be eligible to participate in one (1) or more types of programs to address student learning needs that may include an alternative digital learning environment, credit recovery, or an innovative path to graduation.

(2) Each local board of education shall adopt and annually review policies and procedures for the operation of each alternative education program within the district. Locally-adopted policies and procedures shall include the:

(a) Purpose of the program, including the ways the program supports the district's college and career readiness goals for students;

(b) Eligibility criteria, as appropriate;

(c) Process for entering students into the program;

(d) Process for transitioning students out of the program;

(e) Process for developing the ILPA for students with long term placements, including the composition of the team to develop the ILPA, which shall include an invitation to the guardian to participate and, as appropriate, an invitation to the student to participate;

(f) Procedures for collaboration with outside agencies involved with involuntary placements, including courts or other social service agencies to address student transitions between programs;

(g) Procedures for regular, periodic monitoring of the alternative education program by the district; and

(h) Procedures for selecting, implementing, and monitoring the impact of professional learning designed to meet the needs of the teachers and students served by the alternative education program.

(3) An alternative education program shall be either an on-site program or an off-site program.

(4) Alternative education program curriculum shall be aligned with the Kentucky Academic Standards established in 704 KAR 3:303 and 704 KAR Chapter 8, and the student learning goals in the ILP.

(5) Each alternative education program student shall be subject to the minimum graduation requirements established in 704 KAR 3:305 and any additional local district graduation requirements.

(6) An alternative education program shall be subject to any applicable requirements of Kentucky's Consolidated State Plan, or its successor.

(7) Each student participating in an alternative education program shall be eligible to access extracurricular activities as allowed by local district and school council policies and by 702 KAR 7:065 or other applicable organization rules.

(8) Each student participating in an alternative education program shall continue to be able to access resources and services already available in the district, including instructional materials, tutoring, intervention, transportation, library and media services, specialty course work, and counseling services, in furtherance of each student's educational program as determined through the development of the ILPA.

Section 3. Placement of Students.

(1)

(a) The placement of students by the district in an alternative education program shall be either voluntary or involuntary.

(b) A student entering an alternative education program shall meet the eligibility requirements for the program established by the local board pursuant to Section 2 of this administrative regulation.

(c) The district shall ensure that an ILP, as required by 704 KAR 3:305, exists prior to placement of a student in an alternative education program.

(2)

(a) The placement decision for all students with an IEP shall be made through the admissions and release committee (ARC) process pursuant to 707 KAR 1:320.

(b) For a child with a disability, the IEP shall address the changed educational delivery needs of the student based upon entry into or exit from an alternative education program.

(c) The placement decisions for a student who has been identified under 29 U.S.C. §794, Section 504 of the Rehabilitation Act of 1973, as amended, shall be made through a team process consistent with the applicable requirements outlined in 34 C.F.R. Part 104.

Section 4. Costs and Expenditures. Each district shall use the statewide financial management system and chart of accounts to track costs and expenditures associated with each alternative education program operating in the district.

Section 5. Data.

(1) Each district shall utilize the student information system to enter data regarding each student enrolled in an alternative education program.

(2) Data collected shall include demographic, programmatic, or 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.

(3) Districts shall be responsible for ensuring that education records are maintained and recorded in the student information system for each student in an alternative education program.

Section 6. Personnel. Alternative education program teachers and administrators shall be subject to the teacher certification requirements established in KRS 161.020. School districts shall comply with the classified and certified assignment restrictions established in KRS 160.380(3) when operating alternative education programs.

*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).*

*JASON GLASS, Commissioner*

*LU YOUNG, Chair*

APPROVED BY AGENCY: March 18, 2022

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