

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(New Administrative Regulation)

704 KAR 3:315. Certification of Nonpublic Schools.

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

STATUTORY AUTHORITY: KRS 156.070

NECESSITY, FUNCTION, AND CONFORMITY: 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. KRS 156.070(4) authorizes the KBE to promulgate regulations necessary to the efficient management and operation of programs under the KBE's jurisdiction. KRS 158.080 outlines the required courses to be taught in nonpublic schools. KRS 158.070 establishes the minimum required length of the school term. KRS 159.040 provides the records that must be maintained by nonpublic schools.

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

Section 2. Procedures for Certification.

- (1) Nonpublic schools seeking voluntary certification from the Kentucky Board of Education (KBE) shall seek accreditation from an accrediting agency approved by the Kentucky Nonpublic Schools Commission (KNPSC).
- (2) Following successful accreditation, nonpublic schools seeking voluntary certification shall apply with the KNPSC.
- (3) The KNPSC shall annually produce a list of nonpublic schools that have successfully completed the accreditation process and are recommended for certification by the KBE. The list shall be submitted to the Kentucky Department of Education (KDE) by April 15 of each year for consideration by the KBE at its next regularly scheduled meeting.
- (4) Upon the recommendation of the KNPSC, any certified nonpublic school may have its certification revoked by the KBE at any point during the school year. Such recommendations shall be heard at the next regularly scheduled meeting of the KBE.

Section 3. KNPSC Required Policies.

- (1) The KNPSC shall develop a policy for the screening and selection of eligible accrediting agencies. The policy shall include at a minimum:
 - (a) A procedure for accrediting agencies to seek approval by the KNPSC.
 - (b) Detailed criteria for the screening and selection of eligible accrediting agencies.
 - (c) A timeline for completing the screening and selection process.
 - (d) Procedures for the periodic re-screening of approved accrediting agencies.
 - (e) A list of approved accrediting agencies.
- (2) The KNPSC shall develop a policy for recommending nonpublic schools to the KBE for certification. The policy shall include at a minimum:
 - (a) A process for nonpublic schools to apply for certification through the KNPSC.
 - (b) A process to ensure that the nonpublic school is accredited by an approved accrediting agency.
 - (c) A process to ensure the nonpublic school is in compliance with the reporting requirements in KRS 159.030.
 - (d) A process to ensure the nonpublic school is in compliance with the record keeping requirements in KRS 159.040.

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

Section 4. Posting Requirements.

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

ROBBIE FLETCHER, Commissioner of Education

SHARON PORTER ROBINSON, Chair, Board of Education

APPROVED BY AGENCY: December 5, 2024

FILED WITH LRC: December 9, 2024 at 3:35 p.m.

PUBLIC HEARING AND 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, Fifth Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov