




KENTUCKY DEPARTMENT OF EDUCATION

THE 300 BUILDING, 300 SOWER BLVD. 5TH FLOOR, FRANKFORT, KY 40601

MEMORANDUM

TO: All School District Superintendents

FROM: Kevin C. Brown, Interim Commissioner of Education 

DATE: April 3, 2020

SUBJECT: **WAIVER OF CERTAIN GRADUATION REQUIREMENTS FOR STUDENTS ELIGIBLE FOR GRADUATION AT THE CONCLUSION OF THE 2019-20 SCHOOL YEAR**

In response to the emergency situation in the Commonwealth of Kentucky created by the Novel Coronavirus (COVID-19), all school districts closed schools to in-person classes beginning the week of March 16, 2020. On March 18, 2020, Governor Beshear entered Executive Order (EO) 2020-243 which encouraged all Kentucky citizens take feasible measures to engage in appropriate social distancing as recommended by the Centers for Disease Control and Prevention (CDC) and Kentucky Department of Public Health. Furthermore, EO 2020-243 ordered the Kentucky Department of Education (KDE) to take steps to ensure appropriate social distancing, including permitting educational requirements to be satisfied through online courses, to the extent practicable. EO 2020-243 suspended statutes requiring physical presence of participants in meetings or interactions.

Following closure of school districts to in-person classes beginning the week of March 16, 2020, school district partners and education constituents communicated with KDE regarding certain graduation requirements that may impact students who would otherwise graduate at the end of the 2019-20 school year. Specifically, the inability to participate in the civics test required by KRS 158.141 and end-of-course examinations required by KRS 158.142(3)(a), may prevent certain students from graduating due to their inability to access and complete these exams. In response to these concerns and based on the authority provided in EO 2020-243, KDE is providing this guidance regarding the limited suspension of these statutes.

KRS 158.141 Civics Test Requirement

KRS 158.141 provides that “[b]eginning on July 1, 2018, to graduate from a Kentucky public high school with a regular diploma, a student shall pass a civics test composed of one hundred (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.” While most students scheduled to graduate at the end of the 2019-20 school year have already completed the KRS 158.141 civics test requirement, KDE understands a small number of students have not completed this requirement. School closure to in-person classes prevents this small group of students from taking the KRS 158.141 civics test required for graduation. While an on-line option is available to satisfy the civics test requirement, KDE

recognizes not all students have a computer and internet access. The mere inability to access the KRS 158.141 civics test should not be a barrier to high school graduation for students who would otherwise

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graduate at the conclusion of the 2019-20 school year. **Therefore, pursuant to the EO 2020-243, KRS 158.141 is hereby temporarily suspended for students who meet all other requirements for high school graduation at the conclusion of the 2019-20 school year.**

KRS 158.142 Early High School Graduation Program

KRS 158.142 sets forth certain requirements for completing an early high school graduation program and receiving an Early Graduation Scholarship Certificate for use at a Kentucky public two year community and technical college or a Kentucky four year public or nonprofit, independent institution that is accredited by the Southern Association of Colleges and Schools. Pursuant to KRS 158.142, students participating in the early high school graduation program “shall be eligible for the scholarship award only for the next academic year following early graduation.” KRS 158.142(3)(a) requires students participating in the early high school graduation program obtain qualifying benchmark scores on end-of-course examinations. The end-of-course examinations are provided to school districts by KDE and are paper-based tests administered in schools. Given school closure to in-person classes and the need to practice social distancing as set forth in EO 2020-243, it is not practical to require early high school graduation program students to report to school for end-of-course examinations at this time. As such, students who are currently high school juniors, previously indicated their intent to participate in the early high school graduation program, and would otherwise qualify for the Early Graduation Scholarship Certificate at the conclusion of the 2019-20 school year would be irreparably harmed if they are unable to complete the early high school graduation program because they are unable to take the paper-based end-of-course examinations. COVID-19 emergency school closures to in-person classes should not prevent high school juniors participating the KRS 158.142 early high school graduation program from completing the program and qualifying for an Early Graduation Scholarship Certificate. **Therefore, pursuant to EO 2020-243, KRS 158.142(3)(a) is hereby temporarily suspended for current high school juniors who indicated their intent to participate in the early high school graduation program prior to January 1, 2020, and who otherwise meet all requirements as set forth in KRS 158.142 and applicable administrative regulations for graduation at the conclusion of the 2019-20 school year.**

I hope this guidance regarding the temporary suspension of KRS 158.141 and 158.142(3)(a), as set forth more fully above, is helpful to you and your students during the COVID-19 emergency situation. I appreciate your continued leadership and service to your students during this unprecedented time. In the event you have questions regarding this memorandum, please contact Associate Commissioner Amanda Ellis at Amanda.Ellis@education.ky.gov .



Jacqueline Coleman

Lt. Governor/Secretary

Education and Workforce Development Cabinet

Approved Pursuant to EO 2020-243