

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Review Item:

702 KAR 3:171, Repeal of 702 KAR 3:170, Educational television equipment purchases (*First Reading*)

Commissioner's Recommendation:

The Commissioner recommends that this administrative regulation be reviewed in June for first reading and approved for repeal in August (second reading). No action is necessary at the June meeting.

Rationale:

To repeal 702 KAR 3:170 in order to eliminate the antiquated and unused regulation related to the purchase of television receivers and stands. Additionally, the Commissioner has directed staff to review all regulations and remove those that are unnecessary.

Applicable Statute or Regulation:

KRS 156.070, 156.074, 156.160, 168.100

History/Background:

Existing Policy: 702 KAR 3:170 is entitled Educational television equipment purchases. The regulation was originally promulgated in 1975 and last updated in 1990 after the passage of the Kentucky Education Reform Act. The regulation permits the Commissioner of Education, in conjunction with the Kentucky Authority for Educational Television (KET), to prescribe standards for television receivers, stands and associated equipment purchased by districts.

Summary: This is an antiquated and unused administrative regulation. There are currently no established minimum specifications for the purchase of television receivers or stands. KET has been consulted and supports the repeal of this administrative regulation.

Groups Consulted and Brief Summary of Responses:

According to Linda Hume, Senior Director of Finance and Administration, Kentucky Educational Television, 702 KAR 3:170 became obsolete years ago. KET now delivers services primarily via the Internet. KET has no problem with the repeal of this administrative regulation.

Budget Impact: The repeal of this administrative regulation has no fiscal impact on the Kentucky Department of Education.

Contact Person:

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A handwritten signature in black ink, reading "Stephen L. Pruitt". The signature is written in a cursive style with a large, stylized "S" and "P".

Commissioner of Education

Date:

June 2016

702 KAR 3:170. Educational television equipment purchases.

RELATES TO: KRS 156.031, 156.074, 168.100

STATUTORY AUTHORITY: KRS 156.070, 156.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.031 requires that administrative regulations relating to statutes amended by the 1990 Kentucky Education Reform Act be reviewed, amended if necessary and resubmitted to the Legislative Research Commission prior to December 30, 1990; KRS 156.074 gives the State Board for Elementary and Secondary Education the general authority, through the Finance and Administration Cabinet, to secure state price contracts for supplies and equipment to be purchased by district boards of education; and KRS 168.100 gives the Kentucky Authority for Educational Television the specific authority to prescribe standards for television receiving units to be used in the public schools. This administrative regulation establishes the terms and means by which the school districts may purchase, from state price contracts, educational television receivers, stands, and related equipment.

Section 1. The chief state school officer shall prepare Kentucky minimum specifications for educational television receivers and stands for approval by the State Board for Elementary and Secondary Education, and review and approval by the Kentucky Authority for Educational Television, and shall keep said specifications up to date by revision whenever experience, manufacturing techniques, and product improvement indicate that revision and updating is necessary.

Section 2. The State Board for Elementary and Secondary Education shall approve the Kentucky minimum specifications for educational television receivers and stands as a separate document for approval by the Kentucky Educational Television Authority. Copies of this document containing the detailed specifications for educational television receivers and stands shall be kept on file by the chief state school officer. This document shall be made available in reasonable numbers to those persons and business firms that have need for same.

Section 3. All manufacturers, their agents or representatives that propose to sell educational television receivers and stands to the school districts of the Commonwealth of Kentucky shall provide the chief state school officer current detailed specifications, test results, certifications, and advertising brochures on the television receivers and stands that they propose to offer for sale as meeting the current Kentucky minimum specifications for educational television receivers and stands.

Section 4. The chief state school officer shall have the authority for approval of the types, makes, and models of educational television receivers and stands that meet the Kentucky minimum specifications for educational television sets and stands. The chief state school officer shall have the authority for approvals of "as equals," and shall have the authority to waive minor formalities.

Section 5. The chief state school officer shall prepare, at least annually, a list of those educational television receivers and stands that are approved as meeting the current Kentucky minimum specifications for educational television receivers and stands. Said lists shall be made available in reasonable numbers to those persons or business firms that have need of same. (SBE 21.330; 1 Ky.R. 1045; eff. 6-11-75; Am. 5 Ky.R. 552; eff. 2-7-79; 10 Ky.R. 1096; eff. 5-1-84; 17 Ky.R. 1556; eff. 12-9-90.)

<http://www.lrc.ky.gov/kar/702/003/170.htm>

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Kentucky Board of Education

Department of Education

(Repealer)

702 KAR 3:171. Repeal of 702 KAR 3:170.

RELATES TO: KRS 156.031, 156.074, 168.100

STATUTORY AUTHORITY: KRS 156.070, 156.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.074 gives the Kentucky Board of Education the general authority, through the Finance and Administration Cabinet, to secure state price contracts for supplies and equipment to be purchased by district boards of education; and KRS 168.100 gives the Kentucky Authority for Educational Television the specific authority to prescribe standards for television receiving units to be used in the public schools. 702 KAR 3:170 established the terms and means by which school districts could purchase television receivers, stands, and related equipment. This administrative regulation repeals 702 KAR 3:170, Educational television equipment purchases, because there is no longer a necessary to establish statewide minimum specifications for educational television receivers and stands. Further, state price contracts are not utilized by local school districts for the purchase of educational television receivers, stands, or related equipment.

Section 1. 702 KAR 3:170, Educational television equipment purchases, is hereby repealed.

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)

Stephen L. Pruitt, Ph.D.
Commissioner of Education

(Date)

Roger L. Marcum, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on _____, at 2:00 p.m. in the State Board Room, First Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky.

Individuals interested in being heard at this meeting shall notify this agency in writing five working days 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 canceled. 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 close of business _____. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321.