

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Repealer)

5 704 KAR 3:471. Repeal of 704 KAR 3:470. Ranking of certified school personnel.

6 RELATES TO: KRS 157:390, KRS 161.028

7 STATUTORY AUTHORITY: KRS 161.1211

8 NECESSITY, FUNCTION, AND CONFORMITY: This is to repeal administrative regulation 704

9 KAR 3:470, Ranking of certified personnel. At the time of its promulgation, the Education

10 Professional Standards Board lacked the authority to promulgate regulations related to the ranking

11 of certified personnel. With the passage of KRS 161.1211, statutory authority was granted to the

12 Education Professional Standards Board to promulgate regulation on ranking of certified

13 personnel, making 704 KAR 3:470 unnecessary.

14 Section 1. 704 KAR 3:470 is hereby repealed.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)

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

\_\_\_\_\_  
(Date)

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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 May 27, 2016, at 10 a.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 May 31, 2016. 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 704 KAR 3:471. Repeal of 704 KAR 3:470

Agency Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation repeals 704 KAR 3:470, Ranking of certified personnel.

(b) The necessity of this administrative regulation: 704 KAR 3:470 should be repealed as authority to promulgate administrative regulations ranking certified personnel now lies with the Kentucky Education Professional Standards Board pursuant to KRS 161.1211.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation repeals 704 KAR 3:470.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation repeals 704 KAR 3:470.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This administrative regulation repeals 704 KAR 3:470. Authority to promulgate administrative regulations ranking certified personnel now lies with the Kentucky Education Professional Standards Board pursuant to KRS 161.1211.

(b) The necessity of the amendment to this administrative regulation: This is a repeal, not an amendment. Authority to promulgate administrative regulations ranking certified personnel now lies with the Kentucky Education Professional Standards Board pursuant to KRS 161.1211.

(c) How the amendment conforms to the content of the authorizing statute: Not an amendment. Authority to promulgate administrative regulations ranking certified personnel now lies with the Kentucky Education Professional Standards Board pursuant to KRS 161.1211.

(d) How the amendment will assist in the effective administration of the statutes: Not an amendment. Authority to promulgate administrative regulations ranking certified personnel now lies with the Kentucky Education Professional Standards Board pursuant to KRS 161.1211.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All Kentucky certified teachers and Kentucky public school districts.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: Pursuant to KRS 161.1211, the Kentucky Education Professional Standards Board has

controlled ranking of certified school personnel since 2000. Therefore, the entities described above will see no direct impact as a result of this repeal.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: None.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to the entities described above.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): With repeal of 704 KAR 3:470, certified personnel and school districts will not be confused by conflicting regulations or authority on ranking of certified personnel.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: no cost

(a) Initially: no cost

(b) On a continuing basis: no cost

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No cost.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all certified personnel.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 704 KAR 3:471. Repeal of 704 KAR 3:470.  
Contact Person: Kevin C. Brown  
Phone Number: 502-564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? School districts

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 158.6453; KRS 158.6455

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Amendment adds no additional costs.

(d) How much will it cost to administer this program for subsequent years? Amendment adds no additional costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: Regulation does not generate revenue or establish fees.