

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

Request for approval of recommended certification of regulations promulgated by the Kentucky Board of Education (KBE)

Commissioner's Recommendation:

The Commissioner recommends approval of the attached list of recommended actions regarding the certification of promulgated regulations.

Rationale:

To provide a list of recommended actions to meet the new law, Kentucky Department of Education (KDE) staff reviewed current KBE regulations to determine current alignment with statutory and program requirements to determine whether regulations should remain in effect with or without amendment or repealed.

Action Question:

Does the Kentucky Board of Education approve the recommended actions for certification of regulations?

Applicable Statute or Regulation:

KRS 13A.010, KRS 13A.040, KRS 13A.310, KRS 13A.3102, and KRS 13A.3104.

History/Background:

Existing Policy: During the 2017 Regular Session of the Kentucky General Assembly, the legislature passed House Bill 50. The new law established a sunset provision for executive branch agency regulations. The KDE must review all existing regulations and recommend to the KBE to keep in effect with or without amendment or repeal.

Summary: Any administrative regulation with a last effective date before July 1, 2012 must expire on July 1, 2019. Any administrative regulation with a last effective date on or after July 1, 2012, must expire seven (7) years after its last effective date.

The law sets up a certification letter process for any agency that does not want its administrative regulations to expire and designates a certification letter format and filing requirements. If the KBE doesn't want a regulation to expire, KDE must file a certification letter with the regulations compiler stating whether the administrative

regulation must be amended or remain in effect without amendment before the expiration date.

If the certification letter states that the administrative regulation will be amended, KDE must file an amendment to the administrative regulation within eighteen (18) months of the date the certification letter was filed.

Over the next year, department staff will bring to the KBE regulations for review and action. Currently, there are 198 active or pending regulations.

Budget Impact: There will be a fiscal impact to the department's operating budget as staff from across the agency will be involved with reviewing current regulations. There may be additional fiscal impacts to the department's operating budget, dependent on any significant revisions to existing regulations.

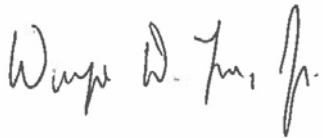
Groups Consulted and Brief Summary of Responses:

During the department's review process, the Local Superintendents' Advisory Council (LSAC) will also review the proposed certifications.

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Interim Commissioner of Education

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