

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Approval of recommended certification of KBE regulations pursuant to HB50

Date: October 2018

Action Requested: ☐ Review ☐ Action/Consent ☒ Action/Discussion

SUMMARY OF ISSUE BEFORE THE BOARD:

To take action pursuant to House Bill 50 (2017) to approve the recommended certification of KBE regulations. The attached list of regulations recommended for certification were reviewed by KDE staff to determine alignment with statutory and program requirements and determined the regulations should be certified to remain in effect.

COMMISSIONER'S RECOMMENDATION:

The Interim Commissioner recommends certification of the regulations on the attached list and identified for certification.

APPLICABLE STATUTE OR REGULATION:

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

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 amendments, or repeal.

Summary of Issue:

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

Budget Impact:

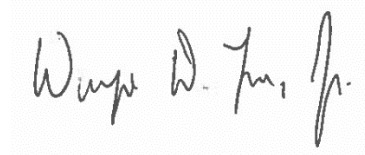
There will be a fiscal impact to the extent staff from across the agency will be involved with reviewing current regulations. There may be additional fiscal impacts to the department's operating budget, dependent on any significant revisions to existing regulations.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

LSAC reviewed this regulation for a second time at its meeting on September 25, 2018.

CONTACT PERSON(S):

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Interim Commissioner of Education

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| Category: | <input checked="" type="checkbox"/> District Innovation | <input checked="" type="checkbox"/> Strengthening Educators | <input checked="" type="checkbox"/> Family/Community Involvement | |
| | <input checked="" type="checkbox"/> Student/Family Supports | <input checked="" type="checkbox"/> Student Interventions | <input checked="" type="checkbox"/> Coursework Completion | <input checked="" type="checkbox"/> Accountability Reporting |