

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Repealer)

5 703 KAR 5:211. Repeal of 703 KAR 5:200.

6 RELATES TO: KRS 158.6451, 158.6453, 158.6455, 158.860

7 STATUTORY AUTHORITY: KRS 158.6453, KRS 158.6455

8 NECESSITY, FUNCTION, AND CONFORMITY: This repeals administrative regulation 703

9 KAR 5:200, Next Generation Learners, which has been replaced with Kentucky's New

10 Accountability Regulation, 703 KAR 5:270. KRS 158.6453 requires the Kentucky Board of

11 Education to create and implement a balanced statewide assessment program that measures the

12 achievement of students, schools, and districts; complies with the federal Every Student

13 Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor; and ensures accountability.

14 KRS 158.6455 requires the Kentucky Board of Education to create an accountability system to

15 classify schools and districts, including a process for annual summative performance evaluations

16 and goals for improvement. These requirements are satisfied by 703 KAR 5:270 and 703 KAR

17 5:200 is no longer necessary.

18 Section 1. 703 KAR 5:200, Next Generation Learners, is hereby repealed.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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Wayne D. Lewis, Ph.D.  
Commissioner of Education

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(Date)

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Hal Heiner, Chairperson  
Kentucky Board of Education

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this proposed administrative regulation shall be held on March 27, 2019, at 10:00 a.m. in the State Board Room, Fifth Floor, 300 Sower Boulevard, 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 March 31, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: **CONTACT PERSON:** Deanna Durrett, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5<sup>th</sup> Floor, Frankfort, KY 40601, phone 502-564-4474, fax 502-564-9321, email [regcomments@education.ky.gov](mailto:regcomments@education.ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 703 KAR 5:211

Agency Contact Person: Deanna Durrett, [Deanna.Durrett@education.ky.gov](mailto:Deanna.Durrett@education.ky.gov)

(1) Provide a brief summary of:

(a) What this administrative regulation does: Repeals administrative regulation 703 KAR 5:200, which served as Kentucky's accountability regulation until 703 KAR 5:270 became effective.

(b) The necessity of this administrative regulation: KRS 158.6453 requires the Kentucky Board of Education to create and implement a balanced statewide assessment program that measures the achievement of students, schools, and districts; complies with the federal Every Student Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor; and ensures accountability. KRS 158.6455 requires the Kentucky Board of Education to create an accountability system to classify schools and districts, including a process for annual summative performance evaluations and goals for improvement. This administrative regulation has been replaced with Kentucky's New Accountability System Regulation, 703 KAR 5:270.

(c) How this administrative regulation conforms to the content of the authorizing statute: The regulation conforms to the authority given to the Kentucky Board of Education in KRS 158.6453 and 158.6455.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation would repeal the Next Generation Learners regulation.

(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: Repeal.

(b) The necessity of the amendment to this administrative regulation: Repeal.

(c) How the amendment conforms to the content of the authorizing statute: Repeal.

(d) How the amendment will assist in the effective administration of the statutes: Repeal.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by this repeal are: no one will be affected by repealing this old accountability regulation. Districts and schools will be held accountable by 703 KAR 5:270, Kentucky's New Accountability System.

(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:

(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: no actions will be needed as this does not affect any one.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost is associated with the repeal of this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): No benefits will accrue to anyone.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no initial implementation cost. This is a repeal of an administrative regulation.

(b) On a continuing basis: There will be no implementation cost on a continuing basis. This is a repeal of an administrative regulation.

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

(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 in fees or funding is necessary for the implementation of this repeal.

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

(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 schools and districts. Tiering is not applied because this is a repeal of an administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 703 KAR 5:211  
Contact Person: Deanna Durrett, [Deanna.Durrett@education.ky.gov](mailto:Deanna.Durrett@education.ky.gov)  
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? No one will be impacted by this repeal of an administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. This administrative regulation is authorized by KRS 158.6453 and 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? This administrative regulation will not generate revenue for state or local government for the first year.

(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? This repeal of an administrative regulation will not generate revenue for state or local government for subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no costs to repeal this administrative regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no costs to repeal this administrative regulation for subsequent years.

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

Revenues (+/-): N/A

Expenditures (+/-):N/A

Other Explanation: N/A