

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)

Wayne D. Lewis
Commissioner of Education

(Date)

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 **XXXXXX**, at **XXXX** in the State Board Room, 5th Floor, Kentucky Department of Education, 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 until **xxxxxxx**. 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, 5th Floor, Frankfort, KY 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov .

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 780 KAR 2:060
Contact Person: Deanna Durrett, Deanna.Durrett@education.ky.gov
Phone number: 502-564-4474

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures for the suspension and expulsion of students from Kentucky TECH schools (also known as ATCs) for disciplinary reasons following the grounds and procedures established in KRS 158.150 and ensures compliance with discipline data reporting requirements outlined in KRS 158.444.

(b) The necessity of this administrative regulation: KRS 156.802(3) gives the Kentucky Department of Education (KDE) the responsibility for all administrative functions of the state in relation to the management, control and operation of state-operated secondary area vocational education and technology centers.

(c) How this administrative regulation conforms to the content of the authorizing statute: This regulation establishes the procedures for the suspension and expulsion of students from a Kentucky TECH school. Because the Kentucky TECH system of ATCs is governed by the KDE, such regulations are necessary to ensure proper management, control and operation of these centers. Additionally, pursuant to KRS 156.852, the Kentucky Board of Education (KBE) is vested with the authority to carry out the purposes of career and technical education programs and is given all necessary power and authority in promulgating administrative regulations and carrying out the provisions of the acts relating thereto.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation ensures proper action is taken when a student is suspended from an ATC for disciplinary reasons.

(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: Amendments to this regulation provide clarity to the procedures for suspension, bring its contents up-to-date with current statutory references, inserts gender neutral language, ensures compliance with due process procedures for the student being suspended and it requires the sending high school to record the behavior/discipline even within the student information system, pursuant to KRS 158.444.

(b) The necessity of the amendment to this administrative regulation: Amendments to the regulation are aimed at providing greater clarity to the roles and responsibilities of the ATC personnel, as well as the student's sending high school, when a student suspension occurs.

(c) How the amendment conforms to the content of the authorizing statute: KRS 156.802(3) gives the Kentucky Department of Education (KDE) the responsibility for all administrative functions of the state in relation to the management, control and operation of state-operated secondary area vocational education and technology centers.

(d) How the amendment will assist in the effective administration of the statutes: Pursuant to KRS 156.852, the Kentucky Board of Education (KBE) is vested with the authority to carry out the purposes of career and technical education programs and is given all necessary power and authority in promulgating administrative regulations and carrying out the provisions of the acts relating thereto. Such requirements are necessary in order to carry out the work of the ATCs.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by this regulation include: ATCs and 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: The amendments will impact ATCs and the Kentucky Department of Education by providing the administrative procedures and guidance necessary to ensure consistent application of the suspension protocols within the 53 state-operated schools.

(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: ATCs will be required to implement the procedures outlined in the administrative regulation when suspending a student from the ATC. School districts will be required to report the behavior incident within the student information database system.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost involved in complying with this administrative regulation and its new amendments.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): These amendments will increase the efficiency among the ATCs and ensure consistent protocols, and that accurate documentation and data is being collected in relation to student suspensions from these state-operated schools.

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

(a) Initially: Minimal staff time at the Kentucky Department of Education will be required to implement this regulation.

(b) On a continuing basis: Minimal staff time at the Kentucky Department of Education will be required to implement this 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 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: N/A

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

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

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Contact Person: Deanna Durrett, 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? Area Technology Centers (ATCs) and the Kentucky Department of Education

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.802(3) gives the Kentucky Department of Education (KDE) the responsibility for all administrative functions of the state in relation to the management, control and operation of state-operated secondary area vocational education and technology centers.

(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. This regulation does not create revenue or expenditures for the entities involved.

(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? Minimal staff time at the Kentucky Department of Education will be required to implement the regulation.

(d) How much will it cost to administer this program for subsequent years? Minimal staff time at the Kentucky Department of Education will be required to implement the regulation in 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