

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 XXXXX, at XXXX, in the State Board Room, 5<sup>th</sup> 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 xxxxxx. 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

Regulation Number: 780 KAR 2:040  
Contact Person: Deanna Durrett, [Deanna.Durrett@education.ky.gov](mailto:Deanna.Durrett@education.ky.gov)  
Phone number: 502-564-4474

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the procedures for accepting live work projects in a Kentucky TECH facility (also known as an ATC). Specifically, the regulation defines live work projects and establishes the requirements for the acceptance and completion of such projects by a Kentucky TECH school.

(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 accepting live work projects in a Kentucky TECH facility (also known as an ATC). 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 defines live work projects and establishes the requirements for the acceptance and completion of such projects by a Kentucky TECH school. The “work order agreement form” is incorporated by reference into the regulation, ensuring consistency in the documentation of such projects.

(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 requirements and revise the document incorporated by reference in 780 KAR 2:040 to bring its contents up-to-date.

(b) The necessity of the amendment to this administrative regulation: Amendments to the regulation revise outdated terminology, as well as update old and former statutory references.

(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 the Kentucky Department of Education.

(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 live work projects 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: These amendments will create a new and revised form (document incorporated by reference) to be utilized by all schools. The Kentucky Department of Education will need to modify the document incorporated by reference in 780 KAR 2:040.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Kentucky Department of Education staff time will be impacted to revise the document incorporated by reference.

(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 accurate documentation and data is being collected for live work projects.

(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 amendment.

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

(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 administrative regulation does establish direct fees that may be charged by the school to the client for whom the live work is being completed. Pursuant to 780 KAR 2:140, a \$15.00 fee shall be required for any live work project requiring more than one (1) hour of labor. Additionally, a 20% handling fee may be charged for a school who manages the purchase of project materials and supplies.

(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

Regulation Number: 780 KAR 2:040  
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? 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 create potential revenue for ATCs that perform live work projects.

(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? \$15.00 fee shall be required for any live work project requiring more than one (1) hour of labor. Additionally, a 20% handling fee may be charged for a school who manages the purchase of project materials and supplies.

(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? Same response as 3(a) - \$15.00 fee shall be required for any live work project requiring more than one (1) hour of labor. Additionally, a 20% handling fee may be charged for a school who manages the purchase of project materials and supplies.

(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 (+/-): Rates and fees are identified in 3(a) and 3(b).

Expenditures (+/-): N/A

Other Explanation: N/A