

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (New Administrative Regulation)

5 702 KAR 1:180. School security risk assessment tool.

6 RELATES TO: KRS 156.160, 158.4410, 158.4412, 158.442, 158.443, 158.444

7 STATUTORY AUTHORITY: KRS 156.029, 156.070, 156.160, 158.442, 158.443, 158.444

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.029(7) states that the primary

9 function of the Kentucky Board of Education (KBE) is to adopt administrative regulations

10 governing “the educational programs, services, and activities” within the KBE’s jurisdiction that

11 the Kentucky Department of Education (department) administers and operates, and KRS 156.160

12 requires the KBE “promulgate administrative regulations establishing standards which school

13 districts shall meet in student, program, service, and operational performance.” In accordance

14 with KRS 158.442, which establishes the Center for School Safety (KCSS), the KCSS is

15 required to “advise the Kentucky Board of Education on administrative policies and

16 administrative regulations relating to school safety and security.” Further, KRS 158.443(9)(b)

17 requires the board of directors for the KCSS “approve a school security risk assessment tool and

18 updates as necessary in accordance with KRS 158.4410 to be incorporated by reference within

19 an administrative regulation promulgated in accordance with KRS Chapter 13A.” KRS 158.444

20 requires the Kentucky Board of Education promulgate administrative regulations related to

21 school safety, student discipline and related matters. Accordingly, this administrative regulation

incorporates by reference the school security risk assessment tool approved by the KCSS board of directors.

Section 1. Incorporation by Reference. (1) As required by KRS 158.4410, each local district superintendent shall annually verify all schools within the district have completed the Internal School Security Risk Assessment Tool approved by the KCSS board of directors and incorporated by reference within this administrative regulation pursuant to KRS 158.443.

(2) The following material is incorporated by reference: “Internal School Security Risk Assessment Tool,” February 2020.

(3) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

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)

Kevin C. Brown
Interim Commissioner of Education

(Date)

David Karem, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on June ____, 2020, at ____ a.m. in the State Board Room, 5th Floor, 300 Sower Blvd, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five (5) 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 June 30, 2020.

CONTACT PERSON: Todd G. Allen, Interim General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 702 KAR 1:180
Contact Person: Todd G. Allen, Todd.allen@education.ky.gov
Phone Number: 502-564-4474

(1) Provide a brief summary of:

(a) What this administrative regulation does: This new regulation complies with KRS 158.443, which requires the board of directors for the Center for School Safety (KCSS) “approve a school security risk assessment tool and updates as necessary in accordance with KRS 158.4410 to be incorporated by reference within an administrative regulation promulgated in accordance with KRS Chapter 13A.”

(b) The necessity of this administrative regulation: During the 2019 Regular Session of the Kentucky General Assembly, the legislature adopted Senate Bill 1, which became effective on March 11, 2019, revising KRS 158.443 to require the board of directors for the KCSS “approve a school security risk assessment tool and updates as necessary in accordance with KRS 158.4410 to be incorporated by reference within an administrative regulation promulgated in accordance with KRS Chapter 13A.”

(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 (KBE) in KRS 156.160 requiring the KBE “promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance” and is in accordance with KRS 158.442, which establishes the KCSS and requires the KCSS “advise the Kentucky Board of Education on administrative policies and administrative regulations relating to school safety and security.” This new regulation also complies with KRS 158.443, which requires the KCSS board of directors “approve a school security risk assessment tool and updates as necessary in accordance with KRS 158.4410 to be incorporated by reference within an administrative regulation promulgated in accordance with KRS Chapter 13A.”

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This new administrative regulation incorporates by reference the school security risk assessment tool that each local district superintendent shall annually verify all schools within the district have completed pursuant to KRS 158.4410.

(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: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statute: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The KCSS, local education agencies, the KBE, and the Kentucky Department of Education (KDE) will be impacted by this regulation.

(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: This regulation fulfills the requirement in KRS 158.443 for the KCSS board of directors to “approve a school security risk assessment tool and updates as necessary in accordance with KRS 158.4410 to be incorporated by reference within an administrative regulation promulgated in accordance with KRS Chapter 13A.” The KCSS is also required, in accordance with KRS 158.442, to “advise the Kentucky Board of Education on administrative policies and administrative regulations relating to school safety and security.” On behalf of each local education agency, the local school district superintendent shall annually verify, as required by KRS 158.4410, all schools within the district have completed the risk assessment tool incorporated by reference within this administrative regulation, which was also approved by the KCSS board of directors. In addition to incorporating by reference in this regulation the school security risk assessment tool approved by the KCSS board of directors, the KBE and the KDE will receive annual verification from each local school district superintendent regarding completion of the school security risk assessment tool as required by KRS 158.4410.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The requirements for the KCSS, local education agencies, the KBE, and the KDE related to the school security risk assessment tool are all codified in the following Kentucky Revised Statutes: 158.4410, 158.4412, 158.442, and 158.443. Because this administrative regulation only incorporates by reference the school security risk assessment tool in fulfillment of KRS 158.443, there is no anticipated budget impact related to this administrative regulation for the KCSS, local education agencies, the KBE, or KDE.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The KCSS, local education agencies, the KBE, and the KDE benefit from this regulation fulfilling the requirements in KRS 158.443 for the KCSS board of directors to “approve a school security risk assessment tool and updates as necessary in accordance with KRS 158.4410 to be

incorporated by reference within an administrative regulation promulgated in accordance with KRS Chapter 13A.”

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

(a) Initially: The requirements related to the school security risk assessment tool are all codified in the following Kentucky Revised Statutes: 158.4410, 158.4412, 158.442, and 158.443. Because this administrative regulation only incorporates by reference the school security risk assessment tool in fulfillment of KRS 158.443, initial costs related to implementation of this administrative regulation are not anticipated.

(b) On a continuing basis: The requirements related to the school security risk assessment tool are all codified in the following Kentucky Revised Statutes: 158.4410, 158.4412, 158.442, and 158.443. Because this administrative regulation only incorporates by reference the school security risk assessment tool in fulfillment of KRS 158.443, continuing costs related to implementation of this administrative regulation are not anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The requirements related to the school security risk assessment tool are all codified in the following Kentucky Revised Statutes: 158.4410, 158.4412, 158.442, and 158.443. Because this administrative regulation only incorporates by reference the school security risk assessment tool in fulfillment of KRS 158.443, costs for the implementation and enforcement of this administrative regulation are not anticipated.

(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: An increase in fees or funding is not anticipated to be necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation neither establishes any fees nor directly or indirectly increases any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied because this administrative regulation applies equally to the KCSS, local education agencies, the KBE, and the KDE.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 702 KAR 1:180
Contact Person: Todd G. Allen, Todd.allen@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? The Center for School Safety (KCSS), local education agencies, the Kentucky Board of Education (KBE), and the Kentucky Department of Education (KDE).

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.029, 156.070, 156.160, 158.442, and 158.443

(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. The requirements for the KCSS, local education agencies, the KBE, and the KDE related to the school security risk assessment tool are all codified in the following Kentucky Revised Statutes: 158.4410, 158.4412, 158.442, and 158.443. Because this administrative regulation only incorporates by reference the school security risk assessment tool in fulfillment of KRS 158.443, there is no anticipated effect on the expenditures and revenues of any state or local government agency for the first full year the administrative regulation is effective.

(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? The requirements related to the school security risk assessment tool are all codified in the following Kentucky Revised Statutes: 158.4410, 158.4412, 158.442, and 158.443. Because this administrative regulation only incorporates by reference the school security risk assessment tool in fulfillment of KRS 158.443, costs to administer this program for the first year are not anticipated.

(d) How much will it cost to administer this program for subsequent years? The requirements related to the school security risk assessment tool are all codified in the following Kentucky Revised Statutes: 158.4410, 158.4412, 158.442, and 158.443. Because this administrative regulation only incorporates by reference the school security risk assessment tool in fulfillment

of KRS 158.443, costs to administer this program in subsequent years are not anticipated.

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 (+/-): NA

Other Explanation: N/A

Summary Page – Incorporation by Reference

702 KAR 1:180. School security risk assessment tool.

The following document is incorporated by reference:

- (1) “Internal School Security Risk Assessment Tool.” February 2020. The document incorporated by reference consists of eleven (11) pages. This document is the form approved by the board of directors for the Center for School Safety, pursuant to KRS 158.443, that each local district superintendent shall annually verify all schools within the district have completed in accordance with KRS 158.4410.