

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 **XXX, 2020, at XXX ET** 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. 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 December 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:** Todd Allen, Interim 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 1:011  
Contact Person: Todd Allen, [Todd.Allen@education.ky.gov](mailto:Todd.Allen@education.ky.gov)  
Phone number: 502-564-4474

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 780 KAR 1:010, Kentucky State Plan for Career and Technical Education and its corresponding document incorporated by reference.

(b) The necessity of this administrative regulation: KRS 156.850 acknowledges the state's agreement to carry out and comply with all provisions of the Acts of Congress of the United States related to Career and Technical Education (CTE), which includes the federal Carl D. Perkins legislation, referred to as 20 U.S.C. 2302. KRS 156.852 authorizes the Kentucky Board of Education (KBE) to carry out all purposes and provisions of such federal acts thereto, including the authority to promulgate administrative regulations and administer such programs.

(c) How this administrative regulation 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. 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. Additionally, KRS 156.850 acknowledges the state's agreement to carry out and comply with all provisions of the Acts of Congress of the United States related to Career and Technical Education (CTE), which includes the federal Carl D. Perkins legislation, referred to as 20 U.S.C. 2302.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Repeal of 780 KAR 1:010 is necessary to ensure proper alignment to federal law.

(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: Those affected by this regulation include: State-operated Area Technology Centers (ATCs) and local 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 repeal of 780 KAR 1:010 ensures proper and accurate implementation by schools and districts of the federal “Strengthening Career and Technical Education for the 21st Century” (Perkins V) Act (2018).

(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: The repeal of this administrative regulation does not require action by the regulated entities. Such entities who are annual recipients of Carl D. Perkins federal grant funds shall remain accountable for the provisions of this federal law and comply with the newly-revised Kentucky Perkins V State Plan, which shall no longer be incorporated by reference into an administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The repeal of 780 KAR 1:010 has no fiscal impact on state or federal funds.

(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: N/A

(b) On a continuing basis: N/A

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(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

Regulation Number: 780 KAR 1:011  
Contact Person: Todd Allen, [Todd.Allen@education.ky.gov](mailto: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? Area Technology Centers (ATCs), local school districts 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 156.802(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. KRS 156.850 acknowledges the state's agreement to carry out and comply with all provisions of the Acts of Congress of the United States related to Career and Technical Education (CTE), which includes the federal Carl D. Perkins legislation, referred to as 20 U.S.C. 2302. KRS 156.852 authorizes the Kentucky Board of Education (KBE) to carry out all purposes and provisions of such federal acts thereto, including the authority to promulgate administrative regulations and administer such programs.

(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? N/A

(d) How much will it cost to administer this program for subsequent years? N/A

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