

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)

\_\_\_\_\_  
Jason E. Glass, Ed.D.  
Commissioner of Education

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Lu Young, Chair  
Kentucky Board of Education

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this proposed administrative regulation shall be held on December [REDACTED], 2020 at 10am 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 this 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 December [REDACTED], 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](mailto:regcomments@education.ky.gov) .

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 704 KAR 3:035

Contact Person: Todd G. 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: KRS 156.095 requires the Kentucky Board of Education to establish, direct, and maintain a statewide program of professional development with the purpose of the program being the improvement of instruction in the public schools. This regulation establishes the requirements for the annual professional development plan.

(b) The necessity of this administrative regulation: This administrative regulation establishes the requirements for the annual professional development plan. The professional development outlined in the school and district plans along with what teachers receive related to their individual growth plan is crucial in improving student performance.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.095 requires the Kentucky Board of Education to establish, direct, and maintain a statewide program of professional development to improve instruction in the public schools. KRS 158.070(5) requires the state board to promulgate administrative regulations establishing guidelines and procedures to be followed for the approval of the days utilized for four (4) days of the minimum school term required to be utilized by each local school district for professional development activities for the professional staff. This administrative regulation amends the statewide program and the established requirements for the annual professional development plan.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Each local school and district shall develop a process to design a professional development plan that meets the goals established in KRS 158.6451 and in the local needs assessment. In order to enable the Kentucky Board of Education to properly review and approve the activities districts are providing for teachers, an annual professional development plan, from school and districts, is necessary.

(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: The amendment to the regulation makes technical changes in order to correct outdated information, align with language contained in other administrative regulations, and bolster consistency.

(b) The necessity of the amendment to this administrative regulation: This regulation will amend language to include a reference to the Comprehensive District Improvement Plan (CDIP) and makes an amendment to the subsection number for the Comprehensive School Improvement Plan (CSIP). It also includes a technical change to the name of the Kentucky Academic Standards and amends the regulation to cite 704 KAR Chapter 8. Section 3 includes a technical change to eliminate an error, and Section 4 amends language to state the CSIP or CDIP must comply with 703 KAR 5:225 and align to the goals in KRS 158.6451.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 156.095 requires the Kentucky Board of Education to establish, direct, and maintain a statewide program of professional development to improve instruction in the public schools. KRS 158.070(5) requires the state board to promulgate administrative regulations establishing guidelines and procedures to be followed for the approval of the days utilized for four (4) days of the minimum school term required to be utilized by each local school district for professional development activities for the professional staff. The amendment to the administrative regulation makes technical changes to the established requirements for the annual professional development plan and clarifies the kinds of experiences that should be provided in a professional development plan in order to increase student achievement.

(d) How the amendment will assist in the effective administration of the statutes: This amendment to the regulation makes technical changes in order to correct outdated information and align with language contained in other administrative regulations. In general, the regulation ensures the development of a school and district plan for professional learning that should lead to instructional change and, in turn, to increased student performance.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation requires local schools and 171 districts to develop a process to design a professional development plan that meets the goals established in KRS 158.6451 and in the local needs assessment.

(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 administrative regulation requires that each local school and district design a professional development plan that meets the goals established in KRS 158.6451 and in the local needs assessment. A school professional development plan shall be incorporated into the school improvement plan, and the local district professional development plan shall be incorporated into the district improvement plan. The Comprehensive District Improvement Plan (CDIP) and the Comprehensive School Improvement Plan (CSIP) must comply with 703 KAR 5:225 and align to the goals in KRS 158.6451.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no costs to schools and districts.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment will ensure that the professional development plan is aligned to the language found in other associated administrative regulations and adheres to the school or district improvement plan.

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

(a) Initially: No additional cost will be incurred by the agency at this time.

(b) On a continuing basis: No additional cost will be incurred, beyond the appropriation for professional development. Resources will be provided through the Continuous Improvement Technology System.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: To support school and district access to high quality professional development resources, Title II monies will be used.

(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: The KDE will include, in its budget request, a call for more money to implement this regulation for the purpose of providing high quality professional development resources.

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

(9) TIERING: Is tiering applied? Tiering was not appropriate for this administrative regulation because the administrative regulations applies equally to all schools and local education agencies.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 704 KAR 3:035

Contact Person: Todd G. 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? The Kentucky Department of Education, local schools and 171 districts will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.095 requires the Kentucky Board of Education to establish, direct, and maintain a statewide program of professional development to improve instruction in the public schools. KRS 158.070(5) requires the state board to promulgate administrative regulations establishing guidelines and procedures to be followed for the approval of the days utilized for four (4) days of the minimum school term required to be utilized by each local school district for professional development activities for the professional staff.

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? No revenue will be generated as a result of this administrative regulation.

(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? No revenue will be generated as a result of this administrative regulation.

(c) How much will it cost to administer this program for the first year? There will be no additional cost to the agency the first year.

(d) How much will it cost to administer this program for subsequent years? No additional cost will be incurred, beyond the appropriation for professional development. Resources will be provided through the Continuous Improvement Technology System.

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

## Summary Page

### 704 KAR 3:035, Annual Professional Development Plan

At this time, changes to 704 KAR 3:035 are required in order to correct outdated information and align with language contained in other regulations. A summary of the proposed changes are listed below:

Section 1 includes a reference to the Comprehensive District Improvement Plan (CDIP) and makes an amendment to the subsection number for the Comprehensive School Improvement Plan (CSIP). It also includes a technical change to the name of the *Kentucky Academic Standards* and amends the regulation to cite 704 KAR Chapter 8.

Section 3 includes a technical change to eliminate an error.

Section 4 includes amended language to state the CSIP or CDIP must comply with 703 KAR 5:225 and align to the goals in KRS 158.6451.