

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Repealer)

5 701 KAR 5:081. Repeal of 701 KAR 5:080.

6 RELATES TO: KRS 160.345

7 STATUTORY AUTHORITY: KRS 13A.100, KRS 156.070, KRS 160.345

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 160.345 establishes a statutory

9 administrative structure for school-based decision making (SBDM) councils but allows for

10 schools to apply for exemption from the statutory model through application to the Kentucky

11 Board of Education (KBE). This administrative regulation repeals 701 KAR 5:080, Application

12 for approval of alternative SBDM model, because the required application that must be

13 submitted to the KBE to receive an exemption from the statutory administrative structure for

14 school councils and have an alternative SBDM model approved is being incorporated into 701

15 KAR 5:100, as amended. Repeal of 701 KAR 5:080 eliminates redundancy and streamlines the

16 regulation of SBDM councils by centralizing processes and mandates.

17 Section 1. 701 KAR 5:080, Application for approval of alternative school-based decision making

18 model, is hereby repealed.

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, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on April ____, 2021, at _____ a.m./p.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 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 April 30, 2021.

CONTACT PERSON: Todd Allen, 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: 701 KAR 5:081
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 administrative regulation repeals 701 KAR 5:080, Application for approval of alternative SBDM model, because the required application that must be submitted to the KBE to receive an exemption from the statutory administrative structure for school councils and have an alternative SBDM model approved is being incorporated into 701 KAR 5:100, as amended.

(b) The necessity of this administrative regulation: The repeal of 701 KAR 5:080 is necessary to eliminate redundancy and streamline the regulation of SBDM councils by centralizing processes and mandates.

(c) How this administrative regulation conforms to the content of the authorizing statute: KRS 160.345 establishes a statutory administrative structure for school-based decision making (SBDM) councils but allows for schools to apply for exemption from the statutory model through application to the Kentucky Board of Education (KBE). This administrative regulation repeals 701 KAR 5:080, Application for approval of alternative SBDM model, because the required application that must be submitted to the KBE to receive an exemption from the statutory administrative structure for school councils and have an alternative SBDM model approved is being incorporated into 701 KAR 5:100, as amended.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The repeal of 701 KAR 5:080 is necessary to eliminate redundancy and streamline the regulation of SBDM councils by centralizing processes and mandates.

(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 repeal of 701 KAR 5:080 is not expected to affect any regulated entity because the required application that must be submitted to the KBE to receive an exemption from the statutory administrative structure for school councils and have an alternative SBDM model approved is being incorporated into 701 KAR 5:100, as amended.

(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: The repeal of 701 KAR 5:080 is not expected to affect any regulated entity because the required application that must be submitted to the KBE to receive an exemption from the statutory administrative structure for school councils and have an alternative SBDM model approved is being incorporated into 701 KAR 5:100, as amended.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost is associated with the repeal of 701 KAR 5:080.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Regulated entities are expected to accrue incidental benefits as the repeal of 701 KAR 5:080 will eliminate redundancy and streamline the regulation of SBDM councils by centralizing processes and mandates.

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

(a) Initially: No cost.

(b) On a continuing basis: No cost.

(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: An increase in fees or funding will not be necessary to implement the repeal of 701 KAR 5:080.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees nor directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering is not appropriate in this administrative regulation because the repeal of 701 KAR 5:080 applies equally to all regulated entities.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 701 KAR 5:081
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 repeal of 701 KAR 5:080 is not expected to affect any units, parts, or divisions of state or local government because the required application that must be submitted to the KBE to receive an exemption from the statutory administrative structure for school councils and have an alternative SBDM model approved is being incorporated into 701 KAR 5:100, as amended.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.100, KRS 156.070, KRS 160.345

(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. No effect on expenditures and revenues is estimated due to the repeal of 701 KAR 5:080.

(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 the first year due to the repeal of 701 KAR 5:080.

(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 in subsequent years due to the repeal of 701 KAR 5:080.

(c) How much will it cost to administer this program for the first year? No cost is associated with the repeal of 701 KAR 5:080.

(d) How much will it cost to administer this program for subsequent years? No cost is associated with the repeal of 701 KAR 5:080.

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