

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Certification of 704 KAR 5:070, Common Kindergarten Entry Screener

Date: April 2022

Action Requested: Review Action/Consent Action/Discussion

Held In: Full Board Curriculum, Instruction and Assessment Operations

SUMMARY OF ISSUE BEFORE THE BOARD:

To take action to approve the certification of 704 KAR 5:070, Common Kindergarten Entry Screener, to prevent the regulation from expiring pursuant to KRS 13A.3102.

COMMISSIONER'S RECOMMENDATION:

The Commissioner of Education recommends certification of 704 KAR 5:070, Common Kindergarten Entry Screener.

APPLICABLE STATUTE OR REGULATION:

704 KAR 5:070, KRS 13A.3102, 156.070, 156.160

BACKGROUND:

Existing Policy:

During the 2017 legislative session, the Kentucky General Assembly established a process whereby an administrative regulation "shall expire seven (7) years after its last effective date" unless the agency certifies the regulation shall remain active. KRS 156.070 establishes the Kentucky Board of Education (KBE) as the entity with "management and control of the common schools and all programs operated in these schools[.]" KRS 156.070, 156.160, and various other statutes require the KBE to promulgate administrative regulations establishing the standards school districts shall meet for implementation of various public-school programs. The KBE serves as the administrative agency responsible for approximately 185 active administrative regulations. KBE regulations nearing expiration are reported as an Action/Consent item to the KBE at each regular meeting.

Summary of Issue:

This administrative regulation is nearing expiration and requires certification to extend its effectiveness for an additional seven years. KDE staff have reviewed the regulation on the KBE's behalf and determined the regulation should remain in effect because it is in compliance with current governing law. Certification does not prevent the KBE from taking action at any point in the future to amend the regulation if an amendment becomes necessary or advisable.

Budget Impact:

None

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

Outside groups were consulted during the promulgation/amendment of the administrative regulation. No outside groups were consulted regarding certification.

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Commissioner of Education

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