

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held **XXXXXXXXXX** in the State Board Room, 5th 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. 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 until **XXXXXXXXXX**. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 704 KAR 3:535

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:

KRS 156.070 grants the Kentucky Board of Education the authority over the management and control of programs operated in the common schools. KRS 156.160 grants the Kentucky Board of Education the specific authority to promulgate administrative regulations establishing standards which school districts shall meet in program service to students. This administrative regulation establishes minimum requirements for the operation of online, virtual and remote learning programs in school districts.

(b) The necessity of this administrative regulation:

This regulation ensures Kentucky's public school districts have the ability to create high-quality full-time enrolled online, virtual and remote learning opportunities for students.

(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 in KRS 156.070, 156.160.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

Districts will use this regulation as the basis for creating local policies and procedures to establish a full-time enrolled online, virtual and remote learning program.

(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 new administrative regulation include: All Kentucky public school district-created full-time enrolled online, virtual and remote learning programs for K-12 students and the Kentucky Department of Education.

(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 establishment of a full-time enrolled online, virtual and remote learning program will be voluntary. Thus, action will only be necessary for those Kentucky public school districts seeking to establish this program. For those districts, the following actions will be taken:

1. Each local board of education shall adopt and annually review policies and procedures for the operation of each full-time enrolled online, virtual and remote learning program within the district for K-12 students. Locally-adopted policies and procedures shall include the:
 - (a) Purpose of the program, including the ways the program supports the district's postsecondary readiness goals for students;
 - (b) Locally defined eligibility criteria, as appropriate;
 - (c) Process for entering students into the program;
 - (d) Process for transitioning students out of the program;
 - (e) Process for development or continuation of students ILP as established in 704 KAR 3:305.
 - (f) Implementation of an application and on-boarding process to ensure students and families understand the expectations for full-time enrollment in an online, virtual, and remote learning program and a determination of candidacy.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There should be little to no additional costs for public school districts to comply with this new administrative regulation. The Kentucky Department of Education will be impacted by staff time to provide guidance and support.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Compliance with the new administrative regulation will ensure high-quality learning opportunities are made available through full-time enrolled online, virtual and remote learning programs for K-12 students. Additionally, the requirements will provide greater uniformity in data collection and reporting from these learning programs enabling the KDE to provide more timely and targeted supports moving forward.

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

(a) Initially:

Public school districts choosing to establish a full-time enrolled online, virtual and remote learning program should incur little to no added expense to implement the requirements of this regulation. The KDE will incur no new additional costs to implement this regulation.

(b) On a continuing basis:

Public school districts may incur additional costs in support of the established program but are dependent on locally controlled decisions. The KDE incurs an ongoing cost of staff and resources that are already in place. The cost of these resources could be affected in the future by program growth and supports needed to maintain high-quality opportunities for students.

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

Enforcement of this regulation is funded by the KDE General Fund.

(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:

No increase in fees or funding will be necessary to implement this new administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This new administrative regulation does not establish 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 and districts.

FISCAL NOTE

704 KAR 3:535

Contact Person: Todd G. Allen

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(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?

Local education agencies and the Kentucky Department of Education will be impacted.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 156.070, KRS 156.160

(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. However, a district offering this program could see new revenue from net new enrollment (for example, homeschooled students that were previously unenrolled in the district).

(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. However, a district offering this program could see new revenue from net new enrollment (for example, homeschooled students that were previously unenrolled in the district).

(c) How much will it cost to administer this program for the first year?

While the exact cost is unknown, public school district budgets may be impacted by the need for new resources in support of the program, as with any newly established program (for example, alternative education program). Kentucky Department of Education staff time will be impacted by the need for implementation guidance and general support.

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

Little to no additional expenses are expected on an ongoing basis as a result of the new administrative regulation. The Kentucky Department of Education will provide ongoing programmatic support targeting established elements of high-quality.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): The regulation is not designed for revenue generation for either the KDE or public school districts. However, it is not unreasonable for a district implementing this program to potentially see revenue in the form of SEEK funds through the enrollment of students who were previously unenrolled in the district or program (for example, homeschooled students).

Expenditures (+/-): N/A

Other Explanation: N/A

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? None anticipated.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? None anticipated.

(c) How much will it cost the regulated entities for the first year? Little to no additional expenses are expected as a result of this new administrative regulation.

(d) How much will it cost the regulated entities for subsequent years? Little to no additional on-going expenses are expected as a result of this new administrative regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings(+/-): N/A

Expenditures (+/-): N/A

Other Explanation: N/A

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]

Based on the assessment of the agency, this regulation alone will not have a major economic impact on state or local regulated entities. The regulation is aimed at establishing the minimum requirements for the operation of full-time enrolled online, virtual and remote learning programs. The Commonwealth spends well over \$500,000 providing public education to elementary and secondary education students each year. However, those expenses would continue to exist absent this administrative regulation.