

STATEMENT OF CONSIDERATION
RELATING TO 701 KAR 8:050

Kentucky Board of Education, Department of Education
(Not Amended After Comments)

I. A public hearing was scheduled for the above regulation on December 21, 2022, at 11:00 a.m. Eastern Time at the Kentucky Department of Education (KDE), 300 Sower Boulevard, Fifth Floor, Frankfort, Kentucky, but was cancelled because no one registered to attend. However, a written comment was received during the public comment period.

II. The following individuals attended this public hearing or submitted written or verbal comments:

<u>Name</u>	<u>Title and Affiliation</u>
Cassie Blausey	Unspecified

III. The following people from the promulgating administrative body responded to the written comments:

Name and Title

Matt Ross, Executive Advisor, Office of Finance and Operations
Todd Allen, General Counsel, Office of Legal Services
Lindsey Swartz, Staff Attorney, Office of Legal Services

IV. Summary of Comments and Responses

(1) Subject Matter: Proposed regulation fails to provide adequate specificity for implementation.

(a) Comment: Causey Blausey - The proposed regulation fails to provide authorizers and school district with enough specificity to properly implement.

(b) Response: The agency carefully reviewed this comment and will not be amending the regulation. While the comment asserts the regulation lacks adequate specificity for implementation, it fails to provide any suggested revisions to improve clarity. Rather the critique is that charter authorizing entities were not initially created as such and need additional guidance to be successful.

KRS 160.1596 requires the Kentucky Board of Education (KBE) to promulgate regulations governing the calculation and distribution of funds due to public charter schools from school districts, the schedule of distribution of funds, and the imposition of fines for late distribution of funds. The funding scheme in KRS 160.1596 is specific and details much of the aforementioned requirements. The statute sets forth the funds a local school district is required to transfer to a charter school, the timeline for the transfer of funds in relation to receipt of Support Education Excellence in Kentucky (SEEK) funds and establishes fines for late distribution of funds to a charter school. Even though the statute is detailed, the proposed regulation fills-in statutory gaps, provides additional information, and ties the regulation to existing statutes and regulations to carry out KRS 160.1596's funding scheme. In addition to the regulation, KDE will publish non-regulatory guidance to provide additional information to school districts, charter authorizers and charter schools regarding state and local funding. The non-regulatory guidance should provide the additional support to authorizers, districts, and charter schools the commenter finds necessary.

V. Summary of Statement of Consideration And Action Taken by Promulgating Administrative Body

The public hearing on this administrative regulation was scheduled for December 21, 2022, at 11:00 a.m., Eastern Time in the State Board Room, Fifth Floor, Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky, but was later cancelled due to no notice of anticipated attendees. One written comment was received. The agency responded to the comments and will not be amending the administrative regulation.