

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action Item:

Request to Approve Certification of Expiring Regulations

Staff Recommendation:

The Education Professional Standards Board (EPSB) should approve the proposed regulatory actions.

Rationale:

The list of recommended actions meets the requirements of KRS 13A.3102. Staff reviewed current EPSB regulations to determine alignment with statutory and program requirements and whether regulations should remain in effect, with or without amendment.

Action Question:

Should the EPSB approve the proposed regulatory actions?

Applicable Statute or Regulation:

KRS 13A.3102, KRS 13A.3104, KRS 161.020, KRS 161.028

History/Background:

Existing Policy: KRS 13A.3102(1) provides that “an ordinary administrative regulation with a last effective date on or after March 1, 2013, shall expire seven (7) years after its last effective date, except as provided by the certification process in KRS 13A.3104.” KRS 13A.3104 sets forth the certification process that an agency must follow to avoid the expiration of an administrative regulation. This process requires the agency to review the administrative regulation in its entirety for compliance with current law governing the subject matter of the administrative regulation and file a letter with the regulations compiler prior to the expiration date, stating whether the administrative regulation shall be amended or remain in effect without amendment. If the certification letter states that the administrative regulation will be amended, the EPSB must file an amendment to the administrative regulation within eighteen months of the date the certification letter was filed.

Summary: There are four regulations that are set to expire during the current school year. Staff has reviewed and recommended action for each regulation in the attached document. For those regulations that are listed to amend, proposed amendments to the regulations will be brought before the EPSB for review and approval at future meetings.

Budget Impact: There will be a cost associated with staff time for amending the regulations. There may be additional impacts, dependent on any significant revisions to the existing regulation.

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