

**REPORT ON
SENATE CONCURRENT RESOLUTION 84**

RESEARCH MEMORANDUM NO. 471

**LEGISLATIVE RESEARCH COMMISSION
March, 1996**



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SENATE CONCURRENT RESOLUTION 84**

Prepared by
The Interim Joint Committee on Education

RESEARCH MEMORANDUM NO. 471

**LEGISLATIVE RESEARCH COMMISSION
March, 1996**

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MEMORANDUM

TO: Senator John "Eck" Rose
Representative Jody Richards
Co-Chairs, Legislative Research Commission

FROM: Senator Joseph U. Meyer
Representative Freed Curd
Co-Chairs, Joint Committee on Education

SUBJECT: Report on Senate Concurrent Resolution 84

DATE: November 29, 1995

The Interim Joint Committee On Education concluded its study of Senate Concurrent Resolution 84 with the adoption of the report submitted by the Subcommittee on Governance and Finance. The purpose of SCR 84 is to identify unnecessary requirements and ways to coordinate productive useful planning, reporting and applications for funding that assure accountability and provide necessary data, while at the same time minimizing paperwork in the public schools. We are pleased to submit a report that accomplishes this purpose.

This Committee acknowledges the invaluable assistance offered during this study by the Local Superintendents Advisory Council and the Kentucky Department of Education. Based on the Committee's review, legislation proposing the reduction of paperwork and the waiver of administrative regulations has been prefiled for consideration in the 1996 Session of the General Assembly.

If you or members of the Commission have questions, we are available to answer them.

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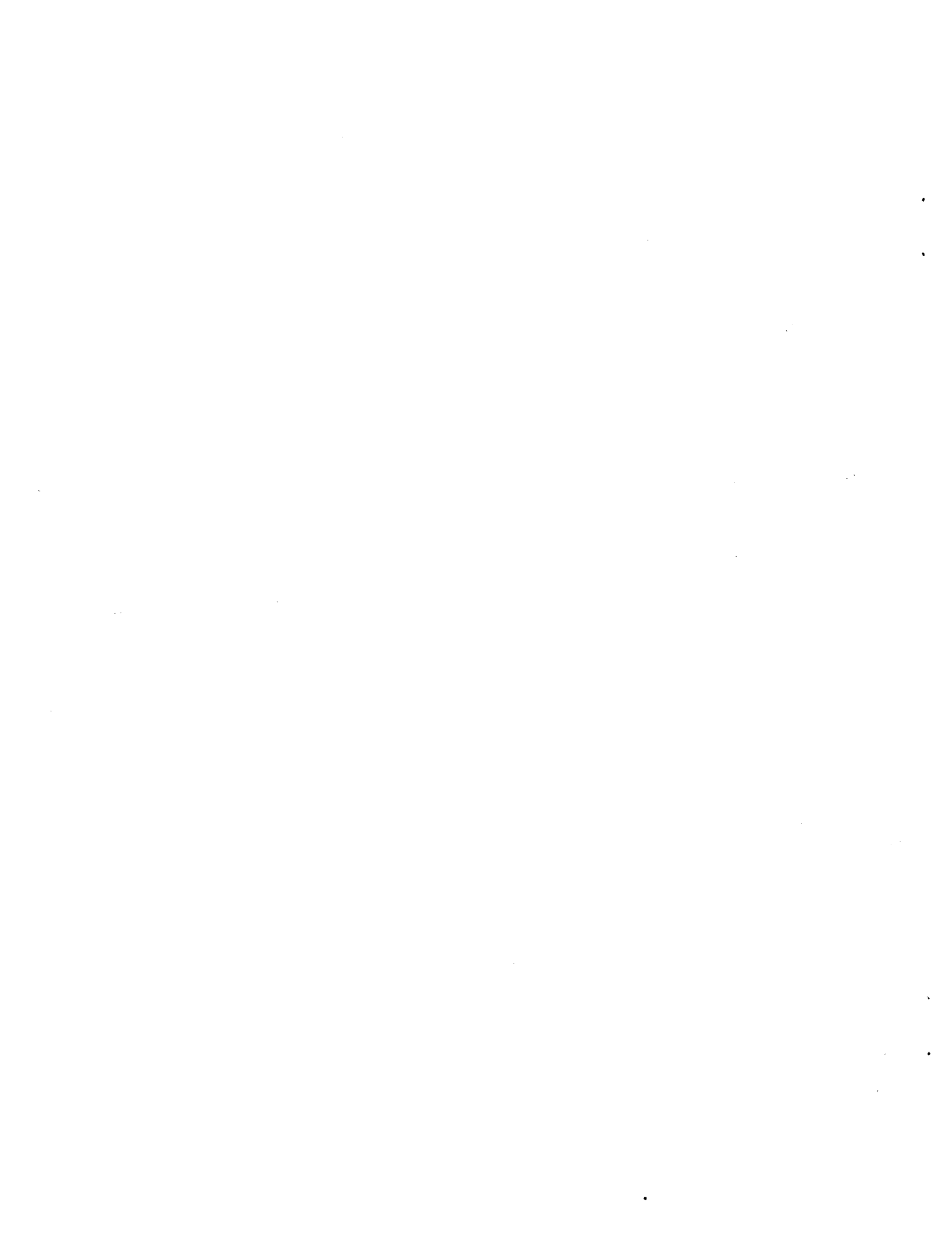
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Senate Concurrent Resolution 84

The 1994 General Assembly passed Senate Concurrent Resolution 84, which required a review of the Kentucky Revised Statutes, administrative regulations, and budget documents pertaining to planning and reporting by local school districts and schools. The purpose of SCR 84 is to identify unnecessary requirements and ways to coordinate productive useful planning, reporting and applications for funding that assure accountability and provide necessary data, while at the same time minimizing paperwork in the public schools. (Appendix A.)

Purpose - This report examines and identifies statutes and administrative regulations that require the submission of reports by schools and school districts to the Department of Education. Recognizing that the need for information has a direct correlation to the exercise of regulating, we have also identified statutes that delegate authority to promulgate administrative regulations.

For purposes of this research memorandum, the word "report" shall mean an official account of academic and student data, plans, progress, and financial transactions submitted on a periodic basis. Reports may be in the form of applications for funding, proposals, and performance evaluations. The purposes of reporting are:

1. To track the progress, processes and operations of public education for purposes of accountability.
2. To report to the Commonwealth on the performance of the system of common schools.
3. To recommend allocations and appropriation of funds for the operation of a statewide system.
4. To comply with state and federal requirements.
5. To allow research for improvements and modifications to the system of education.

The Problem - For many years, the General Assembly has heard complaints from educators on the volume of paperwork required to report education pursuits. While reports are necessary, the perception exists that excessive paperwork has been created by statutes, rules and regulations. For

educators, paperwork diverts attention from classroom instruction, planning, and conducting quality student activities. Fulfilling reporting requirements also extends the school day and competes with the educator's personal prerogatives. For administrators, reporting represents an often repetitive, overlapping information gathering activity that reduces time spent assisting teachers and students. Department of Education officials are required, in many cases, to develop forms for collecting information that is uniform and relevant. The actual time and costs of fulfilling paperwork requirements are probably considerable; however, the subcommittee made no attempt to determine these costs.

Method of the Review -Research of the Kentucky Revised Statutes and the Kentucky Administrative Regulations identified 87 statutes and 80 corresponding administrative regulations requiring the reporting of information. A review of the biennial budgets for Fiscal Years 1992-94 and 1994-96, as directed by SCR 84, did not reveal mandates to submit reports.

The presiding Co-chairman of the Subcommittee on Governance and Finance of the Interim Joint Committee on Education solicited the cooperation of the Department of Education and the Local Superintendents Advisory Council in the review of the relevant statutes and administrative regulations. They were asked to consider the following questions: (1) How is the collected information to be used? (2) How frequently is the data collected and is it needed that often? (3) How much time does it take to collect and transmit the data? (4) How important is the information to the school, the district or the state? and (5) Can the information be provided in another way?

Review of Planning and Reporting Requirements

Department of Education Activities - The department has undertaken several activities to reduce paperwork. In 1994, it began an internal review of the volume of reports required for collecting financial and programmatic information. The Bureau for Learning Support Services and the Bureau of Management Support Services conducted a study of the variety and number of forms and reports required by state and federal statutes and regulations, to determine duplication and devise a more efficient information management system.

As a case in point, the department, with advice from the Extended School Services Advisory Council, has revised the application for funding and annual evaluation of the Extended School Services (ESS) program. Initially the application was lengthy, calling for detailed responses on performance, parental involvement, student data and expenditures. While some streamlining occurred in 1993, the department made major revisions in 1994 to simplify the process and decrease the amount of information a local school has to supply. Even though the ESS application is nineteen pages, it contains nine pages of checklist charts. ESS has received compliments from school district staff for inclusion of the

checklists. They found that the reduction of narrative responses and the inclusion of checklists made the application easier to work with, and offered ideas for other program strategies.

The implementation of the statewide administrative network in the Kentucky Education Technology Program (KETS) is expected to significantly reduce paperwork and the repetitive collection of data. Local school districts and the department will be able to communicate using common tools; as information is being created in electronic form, it will be readily available to the department. In this connection, the Office of Education Technology in the Department of Education evaluated the statewide reporting information management system and the financial management system in terms of meeting the goals of SCR 84. The department concluded that the underlying principles of the systems are to make data available to all decision makers in a format that can be manipulated electronically. Therefore, duplication and reproduction of a tremendous amount of paper can be avoided.

The department is considering the directive in KRS 156.160 that a school or a school district that exceeds its threshold may request from the State Board of Elementary and Secondary Education (State Board) a waiver from the application of certain regulations. The department requested an Attorney General's opinion after receiving opposition to a proposed administrative regulation. The waiver process that set guidelines for the issues in controversy were: 1) Does the State Board have discretion to grant or deny a waiver request? and 2) Is exceeding the threshold the only requirement a school or school district must meet to be eligible for a waiver? The opinion, OAG 95-25, concluded that "the Kentucky Board of Education has discretion to grant or deny the waiver requests" and that the "statute is not a mandate that all requests for administrative waiver must be blindly granted by the Board."

The Local Superintendents Advisory Council - The Local Superintendents Advisory Council (LSAC) was established by the 1994 General Assembly and is charged by KRS 156.007 with advising the chief state school officer and the State Board of Elementary and Secondary Education on the development of administrative regulations and educational policy. The advisory council membership is diverse and represents local school districts of various sizes, in rural and urban communities, with different student populations and needs. For purposes of this study, the individual superintendents requested members of their staffs to review the study material and make suggestions. These experienced educators provided comments and suggestions on the function and usefulness of the statutory and administrative regulations.

As one of its initial goals, LSAC adopted the principles of reducing the education regulations in Kentucky. These principles provide guidance regarding

whether to regulate and how to regulate. First and foremost is the principle that all regulations shall be consistent with the underlying principle of education reform, including flexibility and results-driven accountability.

The LSAC considered each statute and administrative regulation that required the submission of reports and offered opinions and guidance on changes in policy. (Appendix A.) In summary, they advised that:

1. Administrative regulations should not be promulgated unless a real need exists.

2. A two-year planning cycle should be implemented to coincide with the accountability cycle, the biennial budget and the legislative process.

3. Inspection of documents, rather than submission of documents, may be appropriate under certain circumstances.

4. Certification of documents regarding actions or activities required by law is unnecessary paperwork.

5. Access to available information, rather than publication, would eliminate expense.

6. Waiver of regulations and approval of alternative approaches should be simple and flexible processes.

7. The school construction facilities planning process is cumbersome and unrealistic.

Joint Recommendations - The department reviewed the LSAC recommendations on the statutory and regulatory changes and, in most cases, concurred with the LSAC position as indicated on the chart found in Appendix B. In summary, the department agreed that the school district accountability cycle should coincide with the biennium and that inspection of reports would reduce paperwork and the expense of publication. These policies impacted a number of statutes.

Subcommittee Action and Recommendations

The August 3, 1995 meeting of the Subcommittee on Governance and Finance was devoted to the study of SCR 84, with presentations from representatives of the LSAC and the department. Some highlights of the discussion included:

- The philosophy of the Kentucky Education Reform Act of 1990 is accountability of schools and school districts; however, the micro-managing technique of the department is more pervasive now than in the past twenty years.
- Many administrative regulations originate because a few individuals do not perform as they should. The tendency is to make rules for everyone to follow because of one person's inappropriate behavior.
- Statutes such as KRS 156.070 that delegate broad authority to the State Board to pass any administrative regulation it feels is needed to move public education forward are appropriate and efficient. Administrative regulations should not be mandated, so the department will not feel the need to require so much paperwork.
- The Department of Education received compliments on developing the transformation guidelines for schools and districts and designing them as an integrated document that will streamline planning and reporting requirements and reduce paperwork.

Statutory Authority to Promulgate Administrative Regulations

The Subcommittee reviewed the statutes that authorized the State Board to adopt rules on administrative and programmatic operations. It recognized the results of education reform in Kentucky in new methods of governing, funding, and conducting new programs. Legislative mandates directed the State Board and the department to establish criteria for qualifications, certification, accountability and oversight. As a result, the volume of reports and the paperwork requirements appeared to increase. This perception is, in part, attributable to the circumstances of change rather than the actual increase in reports required.

The chart located in Appendix C lists all the statutes that direct the State Board to promulgate administrative regulations. This chart indicates that:

- 87 Kentucky Revised Statutes require adoption of administrative regulations in 55 subjects, including the financial, governance, and program areas.
- Among the provisions of the 87 statutes, 58 provisos use "shall" promulgate, and 50 provisos incorporate the mandate to adopt rules in connection with a specific program.

- Only 12 statutory provisions grant the State Board discretion regarding the promulgation of administrative regulations, using the terms "shall have the authority" or "may" prescribe.

- In Volume 5 of the Kentucky Administrative Regulations, seven titles are devoted to administrative regulations of the State Board, comprising 220 pages.

Suggestion - The Subcommittee on Governance and Finance recognized that the reevaluation of the statutes requiring the enactment of administrative regulations must be continuous. The philosophy of the Kentucky Education Reform Act is one of autonomy, local control and flexibility. Accordingly, the General Assembly must determine: 1) whether the mandates for rules are consistent with this philosophy; and 2) whether the State Board and the department should have discretion to determine the necessity of administrative regulations.

Statutory and Regulatory Requirements for Reporting and Planning

The subcommittee directed staff to review the LSAC and department recommendations listed in Appendix D and draft legislation deemed appropriate for its consideration. At the October 5, 1995 meeting, the subcommittee reviewed the following items for proposed amendments to statutes and made these conclusions.

1. **Accessibility/Accountability** - KRS 158.710, pertaining to improvement plans for educationally deficient school districts, sunsets on June 30, 1996. Concepts in the statute are incorporated in the management improvement program, codified in KRS 158.780 and 158.782. Proposed legislation is therefore unnecessary.

2. **Evaluation Plan for Certified Employees** - KRS 156.101 should be amended to require submission of the plan every two years, unless major changes are made. (96 RS BR 868).

3. **Professional Development** - Whether to amend KRS 158.070 to allow the submission of a school district's two-year plan is dependent on the extension of the five optional days for professional development. Since the propriety of the extension is outside of the scope of SCR 84 and a two-year plan is dependent on the extension, a bill draft was deemed inappropriate.

4. **Student Discipline Codes** - KRS 158.148 should be amended to require local school districts to have discipline codes available for inspection rather than filing the document with the State Board for approval. (96 RS BR 867)

5. Exceptional Children - The recommendation to include in the Support Education Excellence in Kentucky (SEEK) formula a weight for the gifted and talented program should be referred to the Appropriations and Revenue Committee.

6. Family Resource and Youth Service Centers - KRS 156.4977 provides grants to eligible centers through 1997. For the 1996 Session of the General Assembly, the primary question of concern is the maintenance of centers after 1997, and such subissues as reports and evaluations may be determined later. A bill draft was deemed inappropriate.

7. Annual Performance Reports - The State Board of Elementary and Secondary Education did not endorse the recommendation to amend KRS 158.6453 and 158.650 by deleting the requirement to publish in the newspaper an annual report of school district accomplishments and activities. Publication of the annual report provides the public with information on the school district's performance. Also, the information items reported are student, professional staff and financial data rather than planning and paperwork requirements.

8. Waiver of Administrative Regulations - KRS 156.070 should be amended to grant the State Board the authority to waive administrative regulations when school districts or schools can show cause for the waiver. (96 RS BR 864).

9. Meeting Notices - The recommendation to amend KRS 156.060 to delete the requirement to send meeting notices by registered or certified mail, with return receipt requested, to members of the State Board was not considered by the subcommittee.

The subcommittee voted to recommend to the Interim Joint Committee on Education that the following bills be prefiled.

96 RS BR 864 - Waiver of Administrative Regulations. (Appendix. E.)

96 RS BR 867 - Student Discipline Code. (Appendix F.)

96 RS BR 868 - Certified Employee Evaluation Plans. (Appendix G.)

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Appendix A

GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

REGULAR SESSION 1994

SENATE CONCURRENT RESOLUTION NO. 84

FRIDAY, MARCH 11, 1994

The following concurrent resolution was reported to the House from the Senate and ordered to be printed.

A CONCURRENT RESOLUTION directing the Interim Joint Committee on Education to study planning and reporting requirements for local districts and schools.

WHEREAS, there are a number of statutes and administrative regulations that require school districts to complete plans, file reports, or submit applications for funding; and

WHEREAS, strategic planning should be coordinated and serve the purpose of promoting good decision-making and responsible use of public funds; and

WHEREAS, paperwork requirements should be as minimal and as meaningful as possible; and

WHEREAS, it is timely for the General Assembly to review these requirements in light of education reform;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

1 Section 1. The Interim Joint Committee on Education, through a special
2 subcommittee organized for this purpose, shall conduct a review of all statutes, including
3 the budget, and administrative regulations relating to planning, reporting, and applications
4 for funding currently required of local districts and schools. The committee shall seek the
5 advice of the State Board for Elementary and Secondary Education, the Department of
6 Education, the Office of Education Accountability, local board members, school
7 superintendents, school council members, teachers, parents, and professional organizations
8 to identify unnecessary requirements and ways to coordinate productive, useful planning
9 and reporting that assures accountability, provides necessary statewide data, and
10 minimizes paperwork.

11 Section 2. The Interim Joint Committee on Education shall submit a report to the
12 Legislative Research Commission no later than July 1, 1995. The Interim Joint Committee
13 shall prefile a bill incorporating any recommended legislative changes prior to the 1996

1 Regular Session of the General Assembly.
2 Section 3. Staff services to be utilized in completing this study are estimated to cost
3 \$10,000. These staff services shall be provided from the regular Commission budget and
4 are subject to the limitations and other research responsibilities of the Commission.

Appendix B

Education Statutes Requiring Reports and Planning

August 1, 1985

1

Kentucky Department of Education Response to LSAC Recommendation

Re: Senate Concurrent Resolution #4

KDE Response

**Rationale/
Explanation**

**Rec.
Action**

Requirements

Subject/Area

Subject/Area	Requirements	Rec. Action	Rationale/ Explanation	KDE Response
1. Administration of Schools	School board required to report on services and policies relating to all aspects of administration to be filed with the KDE on forms it formulated which may be updated annually. KRS 160.340.			
2. Alternative Education / Driver's License Revocation KRS 190.651 and 190.648	District shall notify DOE of intent to use no-pass, no drive law to revoke or deny driver's license and written plan and procedures for instituting alternative education plan for students whose license has been revoked or denied. 704 KAR 7:100.			
3. Anti-Nepotism KRS 190.300	Superintendents to certify compliance with anti nepotism provisions by 10/1 annually. 701 KAR 5:075	Delete	Law prohibits nepotism, this certification is unnecessary paperwork. The department and OEA can check on complaints. Eliminating this requirement will avoid redundancy.	KDE supports the LSAC recommendation to repeal this regulation.

**Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution B4**

Subject/Area Requirements Action Rationale/ Explanation KDE Response

<p>4. Assessment/Accountability KRS 158.6463, 158.6465</p>	<p>Code of Ethics - Superintendent, testing coordinators and administrators must sign certification forms developed by DOE for Code of Ethics for the state testing program. Local boards to sign certification that district has adhered to the Code at time of submitting answer documents. Report on alleged violation of the Code and findings of investigation to DOE. 701 KAR 5:060.</p> <p>Improvement Plans - Educational Deficient Districts assisted by DOE to submit plan annually or more frequently to KDE. KRS 158.710.</p> <p>Review of Performance - School's request and procedure for review of a performance judgment identifying the basis for wrongful effects on baseline accountability or accountability indexes. 703 KAR 4:060</p>	<p>Delete</p>	<p>Paperwork is unnecessary. Individuals that would cheat would sign a document saying they would not.</p>	<p>KDE is reviewing this recommendation in light of OEA panel's recommendation that there should be a code of ethics.</p>
		<p>Amend</p>	<p>Submission to the department should be every two years.</p>	<p>KDE agrees with the recommendation.</p>

**Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution #4**

Subject/Area Requirements Rec. Action Rationale/Explanation KDE Response

<p>7. Blind Students KRS 159.031, 159.032, 159.033, 159.034, 159.035, 159.036, 159.037, 159.038, 159.039, 159.040, 159.041, 159.042, 159.043, 159.044, 159.045, 159.046, 159.047, 159.048, 159.049, 159.050, 159.051, 159.052, 159.053, 159.054, 159.055, 159.056, 159.057, 159.058, 159.059, 159.060, 159.061, 159.062, 159.063, 159.064, 159.065, 159.066, 159.067, 159.068, 159.069, 159.070, 159.071, 159.072, 159.073, 159.074, 159.075, 159.076, 159.077, 159.078, 159.079, 159.080, 159.081, 159.082, 159.083, 159.084, 159.085, 159.086, 159.087, 159.088, 159.089, 159.090, 159.091, 159.092, 159.093, 159.094, 159.095, 159.096, 159.097, 159.098, 159.099, 159.100, 159.101, 159.102, 159.103, 159.104, 159.105, 159.106, 159.107, 159.108, 159.109, 159.110, 159.111, 159.112, 159.113, 159.114, 159.115, 159.116, 159.117, 159.118, 159.119, 159.120, 159.121, 159.122, 159.123, 159.124, 159.125, 159.126, 159.127, 159.128, 159.129, 159.130, 159.131, 159.132, 159.133, 159.134, 159.135, 159.136, 159.137, 159.138, 159.139, 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each educational program having registered students through the Federal Act may represent school or shall designate a local authorized agent for implementing the Act on the local level. 707 KAR 1:045 Sec. 7.</p> <p>Financial information to be submitted to KDE for approval of bond issue. 702 KAR 3:020</p>	<p>Delete</p>	<p>Requirement of the law. The department and OEA can check on complaints. Eliminating this requirement will avoid redundancy.</p>	<p>KDE supports this recommendation.</p>
<p>8. Bond Issues KRS 59.159</p>	<p>Financial information to be submitted to KDE for approval of bond issue. 702 KAR 3:020</p>	<p>Delete</p>	<p>What does the department do with this report? What is the value of this report? What impact does year-round calendar, hours versus days, high school restructuring, and block scheduling have on this report?</p>	<p>-KDE uses this report to confirm that school districts are providing a school calendar in accordance with KRS 159.060 and 159.070. -The use and value are the same. -None of these impact this report. School districts are still required by statute to be in session 175 days within the 185 day school calendar.</p>
<p>9. Calendar KRS 159.060 and 159.070</p>	<p>Local board to adopt calendar by 8/15, file with DOE for approval by 7/1 and submit amendments to DOE by 3/15. 702 KAR 7:020.</p>	<p>Delete</p>	<p>What does the department do with this report? What is the value of this report? What impact does year-round calendar, hours versus days, high school restructuring, and block scheduling have on this report?</p>	<p>-KDE uses this report to confirm that school districts are providing a school calendar in accordance with KRS 159.060 and 159.070. -The use and value are the same. -None of these impact this report. School districts are still required by statute to be in session 175 days within the 185 day school calendar.</p>

**Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution R4**

Rec. Action
Rationale/ Explanation
KDE Response

Subject/Area
Requirements

Subject/Area	Requirements	Rec. Action	Rationale/ Explanation	KDE Response
<p>19. Certified Employees KRS 157.200, 161.019, 161.128</p>	<p>Alternative Certification - School district or group of districts request for approval of EPSB for an alternative certification program to prepare candidates for initial teacher certification except special education. 704 KAR 20:510</p> <p>Alternative Training - Local district or groups of districts request approval to offer alternative training program for preparation of candidates for initial teacher certification or to offer primary alternative certification. 704 KAR 20:500 and 20:510</p> <p>Alternative Training - Local districts or groups of districts request alternative training program supplementing college preparation program to acquire certification for middle grade and secondary classroom teachers. 704 KAR 20:560.</p> <p>Alternative Training - District seeking to hire teacher under alternative training program plan must submit to KDE after approval from EPSB. KRS 161.049.</p>			

**Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution R4**

Subject/Area	Requirements	Rec. Action	Rationale/Explanation	KDE Response
	<p>Evaluation Plan - Local districts to review the evaluation plan for certified employees annually to insure statutory compliance with revisions needing KDE approval. KRS 156.101</p> <p>Evaluation Plan - Districts to have written policy, develop procedures and forms, and devise evaluation plan approved by DOE and reviewed locally annually for compliance, 704 KAR 3:345</p>	<p>Amend</p> <p>Amend</p>	<p>Require the submission every two years unless there are major changes. The department should notify districts of any changes during the legislative session.</p> <p>Require the submission every two years unless there are major changes. The department should notify districts of any changes during the legislative session.</p>	<p>KDE supports this recommendation.</p> <p>KDE supports this recommendation.</p>
	<p>Exceptional Children - Request to DOE by superintendent for one year probationary certificate when certified teacher of exceptional children is not available. 704 KAR 20:510.</p> <p>Instructional Leader Act - Districts to verify to DOE names of instructional leaders, position titles, etc. and date of entry and number of hours completed during two year cycle. 704 KAR 3:325</p> <p>Licensing - Request by superintendent to DOE Div. of Teacher Education for one year approval for classroom teacher and for continuation of recruitment plan where certified licensure is not available. 704 KAR 20:460</p>	<p>Amend</p>	<p>Should require this information to be available for inspection rather than requiring it to be submitted.</p>	<p>KDE supports this recommendation or would suggest that districts send a list of those who have not completed training required for employment to EPSB.</p>

**Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution 84**

Subject/Area Requirements Rec. Action Rationale/ Explanation KDE Response

	<p>Involuntary Leave - Notice to certified employee and the CSSO, proposing to discipline or place certified employee in involuntary leave pursuant to KRS 161.770 to 161.780.</p> <p>Minority Teachers - Recruitment activities and processes reported by Superintendent to KDE.</p> <p>Principal Intern and Committees - District employing principal intern shall complete eligibility and confirmation form and shall provide information on principal intern committee and copy of committee report confirming number of hours spent by the principal mentor to be submitted to DOE for reimbursement. 704 KAR 20:470.</p>			
	<p>Professional Development - Each school to develop plan for use of additional days or hours of professional development and submit plan to superintendent. - KRS 158.070</p>	<p>Delete</p> <p>Amend</p>	<p>Additional days should not be renewed. Therefore, this requirement is not needed.</p> <p>If the days are authorized again, the submission should be required every two years or the requirement should be changed to make the plans available for inspection upon request.</p>	<p>KDE supports additional funded days, not from the instructional program.</p> <p>KDE agrees that a two year plan is appropriate and could be incorporated into the professional development plan.</p>

**Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution 84**

**Req. Rationale/
Action Explanation KDE Response**

Subject/Area Requirements

	Requirements	Action	Rationale/ Explanation	KDE Response
	<p>Professional Development - Each school, local district and consortium of districts to submit to DOE annually professional development plans for training programs including statewide programs for instructional leaders. KRS 158.065, 158.0651 and 158.101, 704 KAR 3.035.</p> <p>Professional Staff Data - Form to be submitted to DOE Div. of Finance by 10/1 each year. 702 KAR 3:100</p> <p>Ranking - Individual teachers to file all official transcripts of approved college credits affecting qualifications for ranking purposes. 704 KAR 20:010.</p> <p>Revocation of Certificates - Documentation and procedures for certificate revocation. KAR 20:505</p> <p>Revocation of Certificates - Superintendent's duty to report to EPSB on certified employees termination, resignation, conviction, leaves or otherwise reported action or conduct. KRS 161.120</p> <p>Salary notice from superintendent to each teacher by July 1. KRS 161.760.</p> <p>Salary Schedule - Substitute teachers per diem salary schedule submitted to DOE Div. of Finance. KRS 158.160, 702 KAR 3:075</p>	<p>Delete</p> <p>Amend</p>	<p>This information is no longer needed by the department. Therefore, it should be eliminated.</p> <p>Clarification on requirements.</p>	<p>The planning process needs to be kept for districts. KDE is rolling this plan into the consolidated plan.</p> <p>KBE just approved a regulation that clarifies the requirements. It follows the EPSB regulations.</p>

**Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution R4**

	Req.	Rationale/ Explanation	KDE Response
Subject/Area	Action	Requirements	

		<p>Salary Schedule - District to annually adopt and submit a single salary schedule for approval of KBE based on verification of experience. KRS 157.320 and .360, 702 KAR 3:070</p> <p>Substitute and Emergency Teachers - Superintendent and board shall declare on approved forms of EPSB the intent to employ emergency teaching personnel accompanied by official transcript of college credit earned by prospective emergency teacher. 704 KAR 20:120</p> <p>Substitute and Emergency Teachers - District to report annually by June 30 the number of days of substitute teaching performed by each emergency teacher. 704 KAR 20:120.</p>	
	Delete		<p>The EPSB has responsibility for teaching certification and is currently reviewing this regulation and will take this recommendation under advisement.</p> <p>Districts should have flexibility to use emergency teacher as needed. The requirement to report the number of days an emergency teacher is used is not needed and should be eliminated.</p> <p>See if changes at federal level requires state change.</p>
<p>11. Chapter 1, Federal Program KRS 158.010, 158.031, 158.033, 158.070</p>	Revisit	<p>Complaints regarding local district decisions affecting disadvantaged and migrant children to be filed with DOE after local district hearing. 704 KAR 3:365.</p> <p>Grants and application process and qualifications for funding to local school districts with concentrations of eligible migrant children. 704 KAR 3:292</p>	<p>Federal statute still requires these. Therefore, KDE recommends maintaining these requirements.</p>

**Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution 84**

Subject/Area	Requirements	Rec. Action	Rationale/Explanation	KDE Response
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<p>12. Chapter 2, Federal Program KRS 158.031, 158.035</p>	<p>Grant application to describe plan use of funds among assistance programs. (Sec 11); Complaint procedure for receiving alleged inequitable benefits (Sec. 13); Expenditure Report to be submitted to DOE on approved form upon expending 50% and 100% of FY funds. (Sec. 15.); Annual Supplements to Three Year Application containing information on number of students, funds used and types of services provided. (Sec. 16). 704 KAR 3:335.</p>	<p>Revisit</p>	<p>See if charges at the federal level requires state change.</p>	<p>KDE recommends deleting these requirements since federal statute does not require state statute for program administration.</p>
<p>13. Check Issuing Policy KRS 158.030, 158.500</p>	<p>Copy of minutes stating policy for issuing checks to be filed July 1 with CSSO. 702 KAR 3040.</p>	<p>Repeal</p>	<p>This is available in board policy. Districts should only submit changes to the department.</p>	<p>KDE supports this change. Periodic verification that the board follows the policy would be needed.</p>
<p>14. Class Size KRS 157.220, 157.015</p>	<p>Exceptional Children - Principal or SBOA request superintendent for exemption or waiver for classed or class size limitations from the KBE. KRS 157.220, 167.015, 707 KAR 1:230 (Sec 5.)</p>			
<p>15. Class Size KRS 156.070, 156.300</p>	<p>Request for KBE approval of one year restricted exemptions for class sizes in grades primary through 6 and for annual class size exemptions in grades primary through twelve. Update report required on class enrollment. 702 KAR 3:190</p> <p>Superintendent's request for exemptions for increased class size submitted to KBE. KRS 157.360.</p>			

Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution 84

Subject/Area Requirements Rec. Action Rationale/ Explanation KDE Response

<p>16. Commonwealth Diploma Program KRS 159.070 and 159.100</p>	<p>Verification to the DOE on diplomas to be awarded to students before graduation on approved forms. KRS 159.100.</p>			
<p>17. Commonwealth School Improvement Fund KRS 159.005</p>	<p>Financial and results reports to be submitted by local schools to KDE. KRS 159.005</p>			
<p>18. Community Education Program KRS 160.157</p>	<p>Community schools' receiving aid to submit evaluation of program and financial statement annually. KRS 160.157</p>			
<p>19. Crimes and Violations</p>	<p>Reports - School personnel to report crimes to police. KRS 159.155. Paper - School personnel to report student possessing peyote device to administrator. KRS 159.165. Local school discipline codes to be approved by KDE for certifying compliance with broad guidelines. KRS 159.144, 704 KAR 7:050 Notice of suspension and expulsion to be sent to parent or guardian and superintendent. KRS 159.150.</p>	<p>Review Repeal Delete</p>	<p>Intent is supported; however, the criminal system needs to report to school officials. The law needs major work and clarification on when reporting is required. Local board discipline policy should cover this. OEA and the department should be able to inspect upon request. OR Submission should only be required if major changes are made.</p>	<p>KDE agrees that the reporting process should be two-way. The statute requires the district to set policy regarding papers. KDE supports the recommendation that has the codes available for inspection.</p>
<p>20. Discipline Student Codes KRS 159.149</p>	<p>Notice of suspension and expulsion to be sent to parent or guardian and superintendent. KRS 159.150.</p>			

**Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution 84**

	Req.	Rationale/	KDE Response
Subject/Area	Action	Explanation	
	Requirements		

<p>21. Dropout Prevention Program KRS 159.148</p>	<p>Driver's License - Loss of drivers' licenses for dropouts or academic deficiency reported to superintendent and then to Transportation Cabinet. KRS 159.051.</p> <p>Grants - School districts applications for grants specifying special services for at-risk students and annual evaluation reports with data on each student receiving services. KRS 158.148, 704 KAR 7.070.</p>	<p>Review</p>	<p>KDE agrees with this recommendation.</p>
<p>22. Employee, Generally - KRS 161.158</p>	<p>Health and life insurance coverage, accurate employment data to be filed by local district with DOE monthly. 702 KAR 1.035</p>	<p>Review</p>	<p></p>
<p>23. Exceptional Children KRS 157.228, 157.224</p>	<p>Disabled children - local district to ascertain all disabled children within the district on annual basis. KRS 157.260.</p> <p>Enrollment - Certification to DOE by the local district. KRS 157.224</p>	<p>Review</p>	<p>KDE agrees that the submission date should be the latest possible date permitted by federal requirements.</p>
<p>24. Exceptional Children</p>	<p>Gifted and Talented Programs - District funding contingent on submission of a local district gifted education plan application. 704 KAR 3.265(9).</p>	<p>Amend</p>	<p>KDE supports inclusion as a weight in the SEEK formula.</p> <p>KDE does not support this recommendation. The plan enables the staff person to be knowledgeable of programs.</p>

**Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution 84**

Subject/Area	Requirements	Reg. Action	Rationale/Explanation	KDE Response
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	<p>Programs - application for tentative approval by CSSO of district special education programs. KRS 157.290.</p> <p>School Day - Local educational agency may request shortened or altered school day if medical condition warrants. 707 KAR 1:230 (Sec. 9)</p> <p>Teacher Assignment - Local school district request for approval of teacher assignment from DOE Div. of Exceptional Children for exceptional children, kindergarten classes or other classes prior to Sept. 15 or within 10 days of need of assignment. 707 KAR 1:140 (Secs. 18, 22)</p> <p>Teacher Replacement - Local school district may apply to DOE Div. of Exceptional Children for approval of qualifications for a replacement teacher when services of certified teacher are lost after September 15. 707 KAR 1:140 (Sec. 13)</p> <p>Teachers - Local superintendent may submit proposal for experimental programs that show the need for the assignment of selected high school teachers to elementary school level. 704 KAR 20:125.</p> <p>Term - Plan of operation for non-standard school day, month, term or year submitted to ED. 702 KAR 7:040.</p>			
		Amend	Should not require local board approval.	KDE is reviewing this recommendation.
25. Experimental programs. KRS 157.510 to 157.540				

**Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution 84**

Subject/Area Requirements Rec. Action Rationale/ Explanation KDE Response

<p>26. Extended School Services KRS 159.070</p>	<p>Term - Application for components taking place during regular school term or summer on DOE forms and submission of annual self-evaluation on effectiveness of extended services. 704 KAR 3:390.</p>	<p>Amend</p>	<p>There should be greater flexibility in using these funds. Waivers should be permitted. All of these programs can be applied for every other year unless substantial changes are made in the program.</p>	<p>KDE supports this recommendation.</p>
<p>27. Family Resource and Youth Centers KRS 156.0177</p>	<p>Grant applications- qualifying school or consortium proposal for review by team appointed by Cabinet for Human Resources Secretary and Interagency Task Force. KRS 156.0177</p>	<p>Amend</p>	<p>All of these programs can be applied for every other year unless substantial changes are made in the program.</p>	<p>KDE supports this recommendation.</p>
<p>28. Financial Accounting System KRS 156.200</p>	<p>Local board to comply with the official manual on the uniform system and provide a close estimate of working budget. 702 KAR 3:120</p>	<p>Amend</p>	<p>The January forecast should be eliminated and prior year assessments should be used to allow for more timely budgeting.</p>	<p>KDE opposes elimination of the January forecast. While this is forced planning it accomplishes its purpose. Use of prior year assessments in the SEEK calculation has been recommended by KDE for a number of years. KDE currently has a request in the Governor's office to make this change during 1985-86 (this can be done with excess funds available in the SEEK appropriation).</p>
<p>29. Financial Data</p>	<p>Report by local district required to be filed annually with DOE and KDE detailing all sources of funding, local, state, and federal and showing expenditures. KRS 157.060.</p>			

**Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution #4**

Subject/Area	Requirements	Rec. Action	Rationale/Explanation	KDE Response
<p>30. Food Service Programs KRS 159.021, 159.025, 159.025, 159.070, and 189.329</p>	<p>Free Breakfast Program - Annual report of schools indicating reason for not offering free breakfast program filed with KDE and KDE to report on status of program to LRC; Education and Health and Welfare Committees. KRS 157.065</p> <p>Monthly Report - School participating in federal program to make monthly report on approved forms to DOE. 702 KAR 6.075</p> <p>Waiver of Fees - Guidelines for local district's waiver of school fees based on free and reduced lunch criteria. 702 KAR 6.075</p>	<p>Revisit</p>	<p>Should be reconsidered based on the federal requirements.</p>	<p>KDE continually monitors federal legislation that might affect the food service program for Kentucky schools. Any changes in federal requirements will ultimately be reflected in Kentucky administrative regulations.</p>

**Kentucky Department of Education Response to I.SAC Recommendation
Re: Senate Concurrent Resolution 84**

	Req. Action	Rationale/Explanation	KDE Response
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Subject/Area	Requirements	Req. Action	Rationale/Explanation	KDE Response
<p>31. Health and Safety KRS 158.037</p>	<p>Classified Employees - Medical examinations required upon initial employment for teachers, bus drivers and other classified workers with records recorded on approved forms. 704 KAR 4:020(Sec 1)</p> <p>Immunization - Private and public schools to report tuberculin and immunization to Cabinet for Human Resources. KRS 158.037</p> <p>Students - Initial admission and subsequent examination for children recorded on approved forms and scoliosis screening referrals to be tracked and reported to DOE. 704 KAR 4:020 (Sec 2).</p> <p>Student Athletics - Annual medical examinations required for eligibility interscholastic athletics. (Sec. 5) 704 KAR 4:020.</p> <p>Exemptions from school attendance more than two months must have two signed statements and reviewed annually. 708 KAR 7:120.</p>	<p>Amend</p>	<p>Should not require approved form if the document provides the required information.</p>	<p>The KDE supports this recommendation.</p>
<p>32. Home and Hospital Instruction KRS 159.639</p>	<p>Name of coordinator submitted by district to DOE (Sec. 1); Request for hearing and procedures for resolution of disputes regarding residency of homeless child. (Secs. 2,4); Criteria for local education agency applications for grants. (Sec. 6,7). 704 KAR 7:090</p>	<p>Amend</p>	<p>Homeless grants should be reconsidered in light of the equity issue. Should review once the federal regulations are available.</p>	<p>Federal law requires state statutory authority for this program. Therefore, the department opposes this recommendation.</p>
<p>33. Homeless Children Education Program KRS 159.635, 62.186C §11932</p>				

**Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution 84**

Subject/Area Requirements Action Rationale/ Explanation KDE Response

34. Leans	School districts eligible for emergency loans and application from KBE. KRS 160.589			
35. Local Boards of Education KRS 160.180	Certification of district board members' completion of qualifying flexible hours of in-service training to KY School Board Assoc. and annually to KBE. 702 KAR 1:115	Amend	Districts should have these on file for inspection upon request.	KDE supports LSAC recommendation and would suggest a non-compliance penalty be added to the "open for inspection" language.
36. Management Improvement Program KRS 158.700 and 158.705	Data - DOE to collect data from school districts on instructional and operational data routinely submitted by districts. 703 KAR 3:205 (1). Monthly reports - School districts declared state assisted or state managed to file monthly reports to CSSO on improvement activities and status. 703 KAR 3:205(6). Flagging record -Notification by CSSO to school of a child's disappearance and school to file record and notify Justice Cabinet. KRS 158.032.			
37. Missing Kentucky School Children Program KRS 158.405	Forms- Preparation by DOE for reporting missing school children and DOE to compile data and distribute to all public and private schools. 704 KAR 7:060		Is the department doing this?	KDE has a staff person that works with the criminal justice system and the local school districts on missing children.

**Kentucky Department of Education Response to I.S.A.C. Recommendation
Re: Senate Concurrent Resolution 64**

Subject/Area	Requirements	Rec. Action	Rationale/Explanation	KDE Response
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<p>39. Preschool Education KRS 157.3175</p>	<p>Children with Disabilities - Attendance records submitted to DOE through standard attendance reports or approved verifiable methods. KRS 158.160, 228, 20 USC §1400 et seq. 707 KAR 1:150 (Sec.2). District's proposals for implementing new service, enhancing existing and contracting educational service filed with CSSO. KRS 157.3175. Proposals submitted to DOE to operate or oversee developmentally appropriate preschool for 4 year olds and funding is based on grant allocation system in 702 KAR 3:250 (Sec 2); Attendance reported through district's standard attendance reports (Sec 3); Request for approval for Level I, II or III personnel (Sec. 6); 704 KAR 3:410</p>	<p>Amend</p>	<p>There should be a broader definition of an at-risk child to allow more students to qualify.</p>	<p>KDE would support a broader definition if sufficient funding were made available to support preschool to all.</p>
<p>40. PACE Programs</p>	<p>PACE Program-criteria for grant to local educational agencies awarded by State Board for Adult and Technical Education.- KRS 158.360.</p>			
<p>41. Primary School Programs KRS 158.160(1)</p>	<p>Each elementary school to submit plan to DOE for implementation and evaluation approved by SBDM or superintendent. 704 KAR 3:440(5)</p>	<p>Amend</p>	<p>Evaluation report should be submitted every other year.</p>	<p>KDE supports this recommendation.</p>

**Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution #4**

Subject/Area	Requirements	Rec. Action	Rationale/Explanation	KDE Response
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<p>42. Program of Studies KRS 156.179</p>	<p>School desiring to offer course not listed in "Program of Studies for Kentucky Schools" shall secure permission through application to DOE Deputy Commissioner of Learning Results Services by May 1 or Oct. 1. 704 KAR 10:050.</p>	<p>Amend</p>	<p>This is a local decision which is prerogative of councils and boards. Certification should be listed/identified through another method.</p>	<p>KDE is studying this issue; therefore, there is no recommendation at this time.</p>
<p>43. Property Insurance KRS 169.105</p>	<p>Schedule of values reflecting replacement value and coverage to be filed with CSSO within 60 to 120 days of award of coverage. 702 KAR 3:030.</p>			
<p>44. Property Insurance Fund</p>	<p>Plan to establish fund for replacement and repair of building owned by board in city of the second class or county containing city of 2nd class must be submitted to CSSO for approval. KRS 162.440</p>			
<p>45. Ride in the Center for the Arts Program KRS 157.005, 157.006</p>	<p>Applications for matching funds for rides made on approved DOE forms with preference given to school with grades 6-8 that have not participated. 704 KAR 7:080</p>	<p>Amend/Delete</p>	<p>Eliminate or broaden to include other cultural programs in the commonwealth.</p>	<p>While this is not much money, KDE agrees that if the program is to continue it should be broadened to other cultural programs.</p>
<p>46. School Budgets KRS 199.559</p>	<p>Application to exceed budget submitted to KDE. 702 KAR 3:050.</p>			

**Kentucky Department of Education Response to L.S.A.C. Recommendation
Re: Senate Concurrent Resolution 84**

KDE Response

**Req. Rationale/
Action Explanation**

Requirements

Subject/Area

Subject/Area	Requirements	Req. Action	Rationale/Explanation	KDE Response
<p>47. School Construction and Facilities. KRS 159.199, 157.429, 169.009, 162.009, 162.005, 162.079.</p>	<p>Capital Construction Process - Procedures, criteria and documentation for the capital construction process from BG/1 application to completion of building. 702 KAR 4:100</p> <p>Disposal of Property - Request by district for CSSO approval to dispose of school property. 702 KAR 4:090</p> <p>Local facility plan - Plan for construction and use of school facilities to be developed every four years in accordance with KY School Facilities Planning Manual and filed with CSSO and KDE. 702 KAR 1:001</p> <p>Recreational facilities - Agreement of local district to cooperate with public agencies to develop and maintain recreational facilities on school property. 702 KAR 4:005</p> <p>Relocatable classrooms - District's request for DOE approval of relocatable classrooms that can be disassembled into instructional units. 702 KAR 4:090.</p> <p>Site - Requirements of size, location and request for building site approval by CSSO. 702 KAR 050.</p>	<p>Review</p> <p>Amend</p> <p>Amend</p>	<p>The Division of Facilities Management should work to streamline the capital construction process.</p> <p>The Local Planning Committee Process should be abolished and replaced with a more streamlined process that would better meet the needs of schools and districts. With the new process in place for the 1995-96 school year.</p> <p>The regulation needs to be revised to accommodate construction problems such as lack of funding.</p>	<p>The Division of Facilities Management continually works to streamline the construction process. KDE supports a continual review of the process.</p> <p>KDE does not support abolishing the LPC process. While there are complaints, voting by the school board and the LPC indicates near unanimous agreement on the plans developed. Even if a new process were to be developed, it could not be in place for 1995-96.</p>

**Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution R4**

Subject/Area Requirements Rec. Action Rationale/ Explanation KDE Response

<p>48. School-Based Decision Making KRS 180.345.</p>	<p>Funding - Guidelines for local districts to allocate funds for next budget year regarding classified and certified staff, instructional supplies, materials travel and equipment. 702 KAR 3.245.</p> <p>Exemption - Schools may apply to KBE for exemption from implementation or administrative structure based on above threshold performance. KRS 180.345</p> <p>Hearing process for complaints referred by Office of Education Accountability. 701 KAR 5.065</p> <p>Structure - Application and guidelines for alternative model for school-based decision making council filed with CSSO and KBE every two years. 701 KAR 5.065, 701 KAR 5.100</p>			
<p>49. SEEK</p>	<p>Monthly report to DOE on attendance of students identified for home and hospital instruction - KRS 157.380.</p>			
<p>50. Technology.</p>	<p>Master Plans for local districts to be approved by KBE KRS 156.655.</p>			

**Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution 84**

Subject/Area	Requirements	Rec. Action	Rationale/Explanation	KDE Response
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<p>51. Textbook and Instructional Materials KRS 156.433 to 156.478</p>	<p>CSSO to approved all pilot programs for new textbooks and materials upon request of SADM or superintendent (Sec 6); Every school containing grades primary to eight to complete annual plan to identify purchases made and have superintendent certify that plan complies with standards. (Sec. 14); Certification of child's visual impairment to be made to DOE by local school districts. (Sec. 15); School to maintain record of state provided textbooks and instructional materials (Sec. 16); Written communication to parents of free and reduced fee for textbooks if children are eligible under reduced lunch program; and local school district to keep records of number of children requesting and receiving free and reduced textbooks and copies of forms used by schools. (Sec 21) 704 KAR 3:445</p> <p>Children in need - Director of Pupil Personnel to report to superintendent names of children in need of books and supplies. KRS 156.140.</p> <p>District to identify purchases and keep on file each school plan for purchases made with textbook and instructional materials allocation. KRS 156.439</p>	<p>Amend</p>	<p>The department should continue to offer guidelines but should delete the plan requirements because they are council decision with school accountability.</p>	<p>KDE supports this recommendation.</p>
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**Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution 24**

Rec. Action **Rationale/Explanation** **KDE Response**

Requirements

Subject/Area

<p>52. Transportation and Buses KRS 157.070, 157.320 and 157.370</p>	<p>SEEK - Superintendent to make reports of information necessary for SEEK calculation. 702 KAR 5.030(3)</p> <p>Small Vehicles - Superintendent to request for authorization of DOE Div of Pupil Transportation use of vehicle designed to carry 10 or fewer pupils 702 KAR 5:130.</p> <p>Training Employees - Superintendent to provide preemployment training and in-service training and evidence of training to DOE Div. of Pupil Transportation. 702 KAR 5.030(5, 6).</p> <p>Vocational school - Request for reimbursement for transportation to vocational school. 702 KAR 5:110.</p>			
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**Kentucky Department of Education Response to LSAC Recommendation
Re: Senate Concurrent Resolution B4**

KDE Response

Subject/Area Requirements Action Rationale/ Explanation

Subject/Area	Requirements	Action	Rationale/ Explanation	KDE Response
<p>53. Vocational Education KRS 156.020, 156.070, 157.360.</p>	<p>Application by local education agency preparing to conduct area vocational education school supported by evidence of need for approval by KDE. 705 KAR 3:141</p> <p>Annual plan and application for funds submitted to DOE for review and approval and requests for exceptions to standards for instructional programs submitted to CSSO. 705 KAR 4:231.</p> <p>Teachers of agriculture to submit to superintendent, and in turn superintendent to submit to CSSO plan for summer program. KRS 157.360</p>	<p>Amend</p> <p>Amend</p>	<p>Change annual plans to biennial. If substantial changes are not made.</p> <p>Eliminate requirement of 240 day contracts for agriculture teachers.</p> <p>Eliminate requirement for superintendent to submit plan.</p>	<p>KDE currently requires biennial plans with only amendments sent in annually along with the budget.</p> <p>KDE is neutral on the required 240 day contract for agriculture teachers.</p> <p>The superintendent reports activities to KDE from the plans submitted by the teachers. Any staff concerns are discussed with the superintendent.</p>

STATUTORY AUTHORITY FOR PROMULGATING ADMINISTRATIVE REGULATIONS

KRS	AGENCY	SHALL OR MAY	BRIEF DESCRIPTION OF ADMINISTRATIVE REGULATION'S SUBJECT MATTER
156.029	State Board	Grant of Authority	With the advice of the LSAC, the primary function of the board shall be to develop and adopt policies and admin regs by which the Department of Education shall be governed.
156.031	(Old) State Board	Grant of Authority	The primary function of the board shall be to develop and adopt policies and admin regs by which the Department of Education shall be governed.
156.070	State Board	May	May designate an organization or agency to manage interscholastic athletics in the common schools.
	State Board	Shall	Shall adopt admin regs providing for the appeal to the board of any decisions made by the designated organization or agency.
	State Board or Designated Agency	Shall	Shall assure through promulgation of admin regs that if athletic event similar to NCAA scholarship sport is offered, the school shall sponsor NCAA sport and the admin regs shall specify which athletic activities are similar to NCAA scholarship sports.
156.074	State Board	Shall	The Board by regulation shall specify types of supplies and equipment for which contracts shall be secured and may revise such lists from time to time.
156.095	State Board	Shall	The manner of appointment, qualifications, and duties of professional development coordinator shall be as established by State Board regs .
156.097	State Board	Shall	Shall develop regs to establish a program of educational institutes for teachers.
156.101	State Board	Mandate Implied	Evaluators shall be trained, tested, and certified in accordance with regs adopted by the State Board in the proper techniques for effectively evaluating certified school employees and in the use of the school district evaluation system.
156.105	State Board	Shall	Shall adopt admin regs to establish criteria for successful completion of the principals assessment center process.
156.111	State Board	Shall	Shall adopt admin regs to govern the training content, number of hours, written examination, and criteria for successful completion of the superintendents training and assessment center process.
156.132	State Board	Mandate Implied	The State Board shall, after a summary hearing as provided by admin regs , suspend public school officials for various offenses listed in statute.

Explanation of terms

Shall - Agency is directed to promulgate administrative regulations.

May - Agency has discretion to promulgate administrative regulations.

Grant of Authority - Agency has been granted broad authority to promulgate administrative regulations.

Mandate Implied - Authority to promulgate is expressed indirectly in statute requiring an agency to make policy in accordance with an administrative regulation.

STATUTORY AUTHORITY FOR PROMULGATING ADMINISTRATIVE REGULATIONS

KRS	AGENCY	SHALL OR MAY	BRIEF DESCRIPTION OF ADMINISTRATIVE REGULATION'S SUBJECT MATTER
156.160	State Board	Shall	With advice of the LSAC, the State Board shall promulgate admin regs establishing standards which school districts shall meet in student, program, service, and operational performance.
	State Board	Shall	Admin regs shall be promulgated for the following: courses of study; educational equipment for the schools as recommended by the Council for Education Technology; minimum requirements for high school graduation; school census information; sanitary and protective construction of schools, including the mandatory adoption of the Uniform State Building Code; medical inspection, physical and health education and recreation, and other regs necessary or advisable for protecting physical welfare and safety of public school children with mandatory items for inclusion in the admin regs: transporting children to and from school; school holidays and teacher pay for absences because of sickness or quarantine; the preparation of budgets and salary schedules for school districts under State Board's management and control; a uniform series of forms and blanks; and the disposal of real and personal property owned by local boards of education.
156.395	State Board	Mandate Implied	"Instructional materials" means tools used to assist in student learning, as defined in admin regs promulgated by the State Board.
156.405	State Textbook Commission	Shall	Shall adopt admin regs for the procedure of the Commission.
156.410	State Board	Grant of Authority	The State Board, upon the recommendation of the CSSO, shall have authority to prescribe: (a) admin regs pertaining to all textbook samples for use on the state and local levels; and (b) shall have authority to prescribe admin regs relating to the agents and representatives of textbooks as to the number participating and the methods and procedures for use in textbook adoptions on the state and local levels.
156.433	State Board	Shall	The State Board, upon the recommendation of the CSSO, shall promulgate an admin reg identifying instructional materials eligible for purchase with state textbook funds and containing required information.
156.437	State Board	Grant of Authority	The State Board, upon the recommendation of the CSSO, shall have the authority to prescribe admin regs for the listing by the State Textbook Commission, adoption by local adoption units, and the purchase of subject programs for the pupils in the public schools.
156.439	State Board	Shall	Shall promulgate by admin regs the method for calculating and distributing a district's textbook and instructional materials allocation.
	State Board	Mandate Implied	The district shall identify all purchases made with the allocation and shall keep on file a plan developed by each school, in accordance with admin regs promulgated by the State Board, for providing the necessary textbooks and instructional materials.
156.474	State Board	Grant of Authority	The State Board, upon the recommendation of the CSSO, shall have the authority to prescribe admin regs to govern the purchase of the multiple-adopted textbooks for the school district.

STATUTORY AUTHORITY FOR PROMULGATING ADMINISTRATIVE REGULATIONS

KRS	AGENCY	SHALL OR MAY	BRIEF DESCRIPTION OF ADMINISTRATIVE REGULATION'S SUBJECT MATTER
156.476	State Board	May	The State Board, upon the recommendation of the CSSO, may prescribe admin regs for determining the pupils eligible for the books published for children with impaired vision, the number of books to be purchased, and the general administration of the program.
156.495	Department of Education	Shall	The Dept. of Ed. shall provide, by admin reg, for a program to identify and locate missing Kentucky school children.
156.670	State Board	Mandate Implied	The five year master plan for education technology shall include specific recommendations to the State Board for the adoption of admin regs to establish and implement a uniform and integrated system of standards and guidelines for financial accounting and reporting.
157.110	State Board	Shall	The State Board shall adopt admin regs to insure the availability of free textbooks to high school students. The regs shall also provide for exceptional circumstances under which pupils may be provided free textbooks.
157.130	Chief State School Officer	Shall	The CSSO shall, subject to the approval of the State Board, make rules and regs governing the purchase, requisition, distribution, assignment to pupils, care, use, and return of textbooks and a plan for permanently labeling the textbooks as the property of the state.
157.160	Chief State School Officer	Shall	The CSSO, subject to the approval of the State Board, shall make rules and regs for the disposal of textbooks which will no longer be used for instruction.
157.170	Chief State School Officer	Shall	The CSSO, subject to the approval of the State Board, shall make rules and regs governing the sale of textbooks by superintendents.
157.200	State Board	Mandate Implied	The Dept. of Ed., through admin regs promulgated by the State Board, shall interpret the statutory definitions of exceptionality. An exceptionality is any trait so defined in this section by admin regs of the State Board. Requirements of average daily attendance for exceptional classes shall be regulated by statute, or in the absence of direction by admin regs promulgated by the State Board.
	State Board	Mandate Implied	"Special educational facilities" means physical facilities designed or adapted to meet the needs of exceptional children and youth, and approved according to regs promulgated by the State Board.
157.220	State Board	Shall	The State Board shall make necessary rules and regs in keeping with the provisions of the statutes for special education programs proper administration.
	State Board	Mandate Implied	Local supervision of special educational facilities for exceptional children shall be approved by the Dept. of Ed. according to rules and regs approved by the State Board.
157.224	State Board	Mandate Implied	All county and independent boards of education shall operate special education programs pursuant to an application which has been approved by the Dept. of Ed. pursuant to standards set out in regs of the State Board. The dept. shall audit student enrollment and monitor local district compliance in accordance with State Board admin regs.
157.226	State Board	Shall	Shall adopt admin regs related to the administration and supervision of programs, eligibility criteria, personnel requirements, and the allocation and use of funds for the preschool program for disabled children.

**STATUTORY AUTHORITY FOR PROMULGATING
ADMINISTRATIVE REGULATIONS**

KRS	AGENCY	SHALL OR MAY	BRIEF DESCRIPTION OF ADMINISTRATIVE REGULATION'S SUBJECT MATTER
157.260	State Board	Mandate Implied	Each school district shall ascertain annually all children within the district who are disabled and shall report to the Dept. of Ed. on forms provided by the Dept. of Ed. and according to admin regs promulgated by the State Board.
157.280	State Board	Shall	Shall promulgate admin regs to set forth the transportation schedule and the weekend activities for students who remain at school for the deaf and blind.
157.317	State Board	Shall	The State Board through admin regs shall develop and implement a statewide Early Childhood Education Program.
157.3175	State Board	Shall	The State Board, upon the recommendation of the CSSO, shall adopt admin regs establishing the guidelines for the preschool education program. Admin regs shall establish eligibility criteria, program guidelines, and standards for personnel.
157.318	State Board	Shall	The State Board shall promulgate such regs as may be needed in the administration of the regional training centers for preschool and early childhood education.
157.320	State Board	May	As used in this section relating to SEEK, "admin regs of the State Board" means those regs which the State Board may adopt upon the recommendations and with the advice of the CSSO. The CSSO shall recommend admin regs necessary for carrying out the purposes of KRS 157.310 to 157.440.
157.360	Chief State School Officer	Shall	The CSSO, upon approval of the State Board, shall adopt admin regs for enforcing this provision regarding base funding level and class size limits. These admin regs shall include procedures for a superintendent to request an exemption from the State Board when unusual circumstances warrant an increased class size for an individual class.
	State Board	Mandate Implied	In all schools the CSSO shall enforce the special education maximum class sizes set by admin regs adopted by the State Board.
	State Board	Mandate Implied	In allotting program funds for home and hospital instruction, statewide guaranteed base funding shall be allotted for each child in average daily attendance in the current school year who has been properly identified according to State Board admin regs.
	Dept. of Ed.	Mandate Implied	Pursuant to admin regs of the Dept. of Ed., local school districts shall be reimbursed for home and hospital instruction. A reimbursement formula shall be established by admin regs to include specified factors.

STATUTORY AUTHORITY FOR PROMULGATING ADMINISTRATIVE REGULATIONS

KRS	AGENCY	SHALL OR MAY	BRIEF DESCRIPTION OF ADMINISTRATIVE REGULATION'S SUBJECT MATTER
157.370	State Board	Mandate Implied	The annual cost of transportation shall include all current costs for each district plus annual depreciation of pupil transportation vehicles calculated in accordance with the admin regs of the State Board for such districts that operate district-owned vehicles.
	State Board	Mandate Implied	The aggregate and average daily attendance shall be the aggregate and average daily attendance of transported pupils the prior year adjusted for current year increases in accordance with State Board admin regs.
	State Board	Mandate Implied	The square miles of area shall be determined by formula in accordance with the admin regs of the State Board.
	State Board	Mandate Implied	The amount of reimbursement shall be calculated in accordance with State Board admin regs.
157.390	State Board	Mandate Implied	The CSSO, under admin regs of the State Board shall classify teachers in rank. In determining ranks, the CSSO, under admin regs of the State Board, shall classify teachers who hold valid certificates in the respective ranks according to approved college semester hours.
	State Board	Shall not	Nothing in this subsection shall allow the State Board by regulation to reclassify downward any teachers currently in Ranks I or II.
	State Board	Mandate Implied	The CSSO, under admin regs of the State Board, shall classify teachers in each by their years of experience for purposes of the state teacher salary schedule.
157.420	State Board	Mandate Implied	The capital outlay allotment shall be kept in a separate account and may be used for projects approved by CSSO based on a survey made in accordance with administrative regulations of the State Board.
	State Board	Mandate Implied	If any district has a special levy for capital outlay or debt service, the CSSO under admin regs of the State Board, may authorize the district to use all or a proportionate fraction of its capital outlay for current expenses.
157.520	State Board	Shall	The State Board, upon recommendation of the CSSO, shall promulgate admin regs relating to the requirements to be met by school districts for authorization to operate experimental programs.
157.606	State Board	Shall	Shall promulgate admin regs as may be needed in the administration of the program and disbursement of moneys from the fund for the Ride to the Center for the Arts Program.
157.617	School Facilities Construction Commission	Grant of Authority	The SFCC shall be endowed with the power to adopt bylaws and regs, subject to the provisions of KRS Chapter 13A, for the orderly conduct of its affairs.

STATUTORY AUTHORITY FOR PROMULGATING ADMINISTRATIVE REGULATIONS

KRS	AGENCY	SHALL OR MAY	BRIEF DESCRIPTION OF ADMINISTRATIVE REGULATION'S SUBJECT MATTER
157.622	School Facilities Construction Commission	Shall	The SFCC shall establish regs whereby an eligible district which fails in any budget period to receive an allocation of state funds may accumulate credit, subject to the availability of funds, for its unused state allocation for a period not to exceed four years.
157.660	School Facilities Construction Commission	Shall	The SFCC shall establish admin regs by which a district that receives an offer of assistance but does not have the local match shall be able to accumulate a credit for the state offer of assistance for a period not to exceed three years.
157.915	Environmental Council	Shall	The functions of the Environmental Council shall be to make recommendations and seek changes through regs, legislation, and other means to promote environmental literacy in Kentucky.
158.030	State Board	Shall	The State Board shall establish, by regulation, methods of verifying successful completion of the primary school program pursuant to the goals of education.
158.060	State Board	Shall	The State Board, upon recommendation of the CSSO, shall develop and approve regs governing make up by school districts of whole days missed due to emergencies, partial days missed as a result of shortening regularly scheduled school days due to emergencies.
158.070	State Board	Mandate Implied	Any local board of education operating its schools on a year-round school program basis shall conform with regulations promulgated and adopted by the State Board upon the recommendation of the CSSO, which regs must be in conformity with provided criteria.
	State Board	Shall	The State Board, upon recommendation of the CSSO, shall adopt regulations governing the use of school days including local disaster days and regulations setting forth the guidelines and procedures to be observed for the approval of the days utilized for the opening and closing of school and the days utilized for professional development and planning activities for the professional staff.
	State Board	Shall	The State Board shall promulgate admin regs establishing criteria for the allotment of grants to local school districts for the 1990-1991 and 1991-1992 school years for continuing education.
158.110	Boards of Education/ State Board	Shall Mandate Implied	The boards of education shall adopt such rules and regs as will insure the comfort, health, and safety of the children who are transported, consistent with the rules and regs of the State Board dealing with the transportation of pupils.
158.281	State Board	Mandate Implied	As used in specified sections, "Individualized education program (IEP)" means a written statement developed for an exceptional student eligible for special education services in accordance with admin regs promulgated pursuant to KRS 157.200 to 157.290.

STATUTORY AUTHORITY FOR PROMULGATING ADMINISTRATIVE REGULATIONS

KRS	AGENCY	SHALL OR MAY	BRIEF DESCRIPTION OF ADMINISTRATIVE REGULATION'S SUBJECT MATTER
158.282	State Board	Mandate Implied	The written individualized education program for each exceptional student, as promulgated by admin reg, shall also include the following assessment for blind students.
	State Board	Mandate Implied	Braille instruction and use shall not be required by this section if, during the course of developing the blind student's individualized educational program, the members of the Administrative Admission and Release Committee as established for this purpose, pursuant to admin regs, concur that the student shall not be required to learn to read and write Braille.
158.6453	State Board	Mandate Implied	By October 1 of each year, local boards of education shall publish in the newspaper an annual performance report on district accomplishments and activities pertaining to performance goals including, but not limited to, retention rates and student performance, the districts' goals for the succeeding year, and other items as may be set forth in State Board admin regs.
158.6455	State Board	Shall	Shall promulgate admin regs to establish a system of determining successful schools and dispensing appropriate rewards.
	State Board	Shall	Shall adopt by admin reg the formula to be used to determine successful schools.
	State Board	Shall	Shall adopt admin regs to establish a process whereby a school shall be allowed to appeal a performance judgment which it considers grossly unfair.
158.650	State Board	Mandate Implied	"Standards" means acceptable levels of attainment school districts shall meet in student, program, service, and operational performance as established in admin regs adopted by the State Board.
	State Board	Mandate Implied	"Annual performance report" means the report published annually by each local board of education that presents the district's performance with regard to performance goals as established by State Board admin regs.
158.685	State Board	Shall	Shall adopt admin regs establishing standards which school districts shall meet in student, program, service, and operations performance.
158.780	State Board	Shall	Shall adopt necessary admin regs to carry out the provisions of this section and KRS 158.785, including an admin reg to more specifically establish and implement the standards for designation as a "state assisted district" and a "state managed district."
158.782	State Board	Shall	Shall promulgate admin regs to set forth the criteria for the Kentucky Distinguished Educators Program.

STATUTORY AUTHORITY FOR PROMULGATING ADMINISTRATIVE REGULATIONS

KRS	AGENCY	SHALL OR MAY	BRIEF DESCRIPTION OF ADMINISTRATIVE REGULATION'S SUBJECT MATTER
158.785	State Board	Mandate Implied	The State Dept. of Ed. shall, pursuant to admin regs promulgated by the State Board, collect and review data relative to the instructional and operational performance of local school districts.
	State Board	Shall	The State Board shall promulgate an admin reg establishing a procedure for considering the recommendation of the CSSO to declare a district a "state assisted district" or a "state managed district" with a requirement that the procedure provide for written notice of the grounds for the recommendation and an opportunity to be heard on the matter before the State Board.
160.045	State Board	May	All hearings provided for herein shall be open to the public, and any interested person may appear and be heard in accordance with the rules and regs as the State Board may prescribe with reference thereto.
160.105	State Board	Shall	Shall by regulation require each school district to provide for fire and extended insurance coverage on each building owned by the board which is not surplus to its needs as shown by the approved facilities plan.
160.290	Local Boards of Education	Shall	Each Board shall make and adopt, and may amend or repeal, rules, regulations, and bylaws for its meetings and proceedings for the management of the schools and school property of the district, for the transaction of its business, and for the qualification and duties of employees and the conduct of pupils.
	State Board	Mandate Implied	The CSSO, under admin regs of the State Board, may allot funding to an interlocal cooperative board created by two or more local school districts to provide educational services for the mutual advantage of the students in the representative districts.
160.293	State Board	May	Upon the recommendation of the CSSO, the State Board may adopt admin regs authorizing a local board of education to enter into an agreement with a public agency for the purpose of developing and maintaining on school property recreational facilities for school and community purposes in accordance with the standards set out in statute.
	State Board	Mandate Implied	The control and management of this property shall be in accordance with admin regs adopted hereunder by the State Board.
160.330	Local boards of education	May	Each board of education may furnish necessary school supplies free of charge to indigent children in its school district or to such other children as it deems advisable, under such rules and regulations as it may adopt, except that free textbooks must be provided to indigent children.
	State Board	Mandate Implied	Local school districts shall establish, pursuant to State Board admin regs, a process by which to waive fees for pupils.

STATUTORY AUTHORITY FOR PROMULGATING ADMINISTRATIVE REGULATIONS

KRS	AGENCY	SHALL OR MAY	BRIEF DESCRIPTION OF ADMINISTRATIVE REGULATION'S SUBJECT MATTER
160.345	State Board	Shall	The State Board, upon recommendation of the CSSO, shall adopt by admin reg a formula by which school district funds shall be allocated to each school council including an allocation for professional development.
	State Board	Shall	The State Board shall establish by admin reg a hearing process for complaints referred by the Office of Education Accountability relating to school-based decision making.
160.380	State Board	Mandate Implied	The superintendent shall, pursuant to admin regs of the State Board, report annually the district's recruitment process and the activities used to increase the percentage of minority teachers in the district.
160.470	State Board	Mandate Implied	Each district board of education shall submit to the State Board no later than Sept. 15, a close estimate or working budget which shall conform to the admin regs prescribed by the State Board, and which shall be consistent in major divisions with the general school budget previously prepared.
160.730	Dept. of Ed. and Council on Higher Ed.	Mandate Implied	If no agreement can be reached in challenging the content of student records, either party may request a formal hearing to the challenge which shall be conducted in accordance with procedures established by rules and regs of the Dept. of Ed. and the Council on Higher Ed for educational institutions under their jurisdiction. Such rules and regs shall provide certain protections listed in the statute.
161.011	State Board for Adult and Technical Ed	Mandate Implied	To show progress toward obtaining a GED, a person shall be enrolled in a GED program and be progressing satisfactorily through the program, as defined by admin regs adopted by the State Board for Adult and Technical Education.
161.027	EPSB	Shall	The EPSB, pursuant to KRS 161.028, shall by admin reg establish requirements for a preparation program in institutions of higher ed for all new applicants for principal certification and establish criteria for admission to the program.
	EPSB	Shall	The EPSB, by admin reg, shall establish the internship program for beginning principals and assistant principals.
	EPSB	Mandate Implied	If the principal's internship performance is judged to be less than satisfactory pursuant to admin regs developed by the EPSB, the principal applicant shall be provided with an opportunity to repeat the internship.
161.028	EPSB	Shall	Beginning July 15, 1990, there shall be an EPSB, with the authority and responsibility to establish standards for teaching certificates, teacher preparation programs, etc. and rules, administrative regulations and procedures shall not lapse and shall continue in effect until repealed or amended by the EPSB.

STATUTORY AUTHORITY FOR PROMULGATING ADMINISTRATIVE REGULATIONS

KRS	AGENCY	SHALL OR MAY	BRIEF DESCRIPTION OF ADMINISTRATIVE REGULATION'S SUBJECT MATTER
161.030	EPSB	Mandate Implied	All certificates authorized under KRS 161.010 to 161.126 shall be issued in accordance with the admin regs of the EPSB.
	EPSB	Mandate Implied	Certificates shall be issued to persons who have completed programs approved by the EPSB for the preparation of teachers and other school personnel, the curricula prescribed by the admin regs of the EPSB.
	EPSB	Mandate Implied	Upon successful completion of the beginning teacher program, the one year initial teaching certificate shall be extended for the remainder of the usual duration period established for that particular certificate by the EPSB admin regs.
	EPSB	Mandate Implied	The EPSB shall approve the curricula of any standards college or university for the training of teachers, and shall also approve the curricula of any local district alternative certification program, when the curricula comply with the admin regs of the EPSB for the issuance of certificates.
161.042	State Board	Shall	Shall provide through admin reg for the utilization of the common schools for the preparation of teacher education students from the colleges and universities.
	EPSB	Mandate Implied	A supervising teacher shall have professional competencies as set out in admin regs promulgated by the EPSB.
161.044	State Board	Shall	Shall establish admin regs governing the qualifications of teachers' aides and adult volunteer personnel in the common schools.
	State Board	Mandate Implied	Within the admin regs established by the State Board, a local district may employ teachers' aides in supplementary instructional and noninstructional activities with pupils.
161.046	EPSB	Shall	Shall adopt admin regs governing the qualifications and utilization of adjunct instructors. These admin regs shall specify the minimum essential competencies and shall establish and require competency tests if deemed necessary.
161.048	EPSB	Shall	Shall adopt admin regs establishing standards for local district training programs and the approval and evaluation process for these programs.
	EPSB	Shall	By July, 1991, the EPSB shall adopt admin regs creating a local district alternative training program for primary grade teachers.
161.049	EPSB	Mandate Implied	A local school district seeking to hire a teacher pursuant to KRS 161.048 shall submit a plan for an alternative training program to the Dept. of Ed. and have it approved in accordance with admin regs established by the EPSB.
161.051	EPSB	Shall	The EPSB shall promulgate admin regs to assess such competency which shall be consistent with the guidelines for braille instructors as adopted by the National Library Services for the Blind and Physically Handicapped.

STATUTORY AUTHORITY FOR PROMULGATING ADMINISTRATIVE REGULATIONS

KRS	AGENCY	SHALL OR MAY	BRIEF DESCRIPTION OF ADMINISTRATIVE REGULATION'S SUBJECT MATTER
161.100	EPSB	Mandate Implied	The examination for emergency certificates shall be prepared and administered and the papers graded in the state Dept. of Ed under the direction of the CSSO, in accordance with admin regs approved by the EPSB.
161.120	EPSB	Mandate Implied	Upon taking action to initiate proceedings to revoke a certificate, a continuance of the hearing may be granted in accordance with admin regs promulgated by the EPSB.
161.158	Local boards of education	Shall	Each district board of education shall adopt policies or regulations which will provide for deductions from salaries of its employees or groups of employees whenever a request is presented to the board by said employees or groups thereof.
161.159	State Board State Board	Shall Mandate Implied	The State Board, upon the recommendation of the CSSO, shall adopt rules and regulations to implement the state life insurance program provided for employees of the common schools subject to the following standards: (1) the life insurance program shall cover both certified and noncertified common school personnel. (2) The life insurance program shall be made available to all regular full-time personnel as defined by the State Board regulations.
161.165	EPSB	Shall	Upon completion of the plan to recruit minority teachers, the EPSB shall promulgate admin regs to establish pilot programs that increase the percentage of minorities who enter and successfully complete a four year teacher preparation program and provide support to minority students in meeting qualifying requirements.
162.050	Local boards of education	"May"	The board of education of any school district may permit the use of the schoolhouse, while school is not in session, by any lawful public assembly under rules and regs which the board deems proper.
162.060	State Board	Mandate Implied	The CSSO shall examine or cause to be examined all plans and specifications for new public school buildings contemplated by boards of education and shall approve or disapprove them in accordance with the rules and regulations of the State Board.
162.065	State Board	Shall	Shall promulgate admin regs for use by local school boards when constructing school buildings using construction managers. The statute requires that the regulations include certain provisions.
162.170	State Board	Shall	The maximum rate of interest for school bonds as applicable to revenue bonds issued to finance buildings and appurtenant facilities for common school purposes, shall be established by regulation of the State Board.
162.180	State Board	Mandate Implied	All bonds issued under the provisions of KRS 162.170 for common school purposes may bear interest at a rate not exceeding the maximum rate per annum which has been established by regulation of the State Board , payable semiannually, and shall be executed.

STATUTORY AUTHORITY FOR PROMULGATING ADMINISTRATIVE REGULATIONS

KRS	AGENCY	SHALL OR MAY	BRIEF DESCRIPTION OF ADMINISTRATIVE REGULATION'S SUBJECT MATTER
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Special Considerations:

KRS 156.031 may need to be repealed since it speaks of the Old State Board, which hasn't existed for several years.

KRS 156.070(5) provides: "Upon the recommendation of the chief state school officer or his designee, the state board shall establish policy or act on all matters relating to programs, services, publications, capital construction and facility renovation, equipment, litigation, contracts, budgets, and all other matters which are the administrative responsibility of the Department of Education." (This may imply potential admin regs.)

KRS 156.101 also provides as follows (which may imply potential administrative regs):

- (3) In order to carry out the purpose of this section, the State Board for Elementary and Secondary Education shall establish a statewide program to improve and maintain the quality and effectiveness of instructional leadership in the public schools of the Commonwealth.
- (4) (c) The State Board for Elementary and Secondary Education shall prescribe specific criteria for the training program and may contract for the training with qualified agencies or institutions; and
- (5) ...the State Board for Elementary and Secondary Education shall establish a statewide program for improving the performance of all certified school personnel, including instructional leaders.
- (6) (c) The State Board for Elementary and Secondary Education shall develop written guidelines for local school districts to follow in developing and implementing an evaluation system and shall require the following:

KRS 156.111(4) also provides that the State Board shall also establish continuing professional development for school superintendents, to be effective July 1, 1994. (This may imply potential admin regs.)

KRS 156.160, the promulgation of administrative regulations by the State Board, is set out here in full for convenience:

156.160 Promulgation of administrative regulations by State Board for Elementary and Secondary Education.

- (1) With the advice of the Local Superintendents Advisory Council, the State Board for Elementary and Secondary Education shall promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. These regulations shall comply with the expected outcomes for students and schools set forth in KRS 158.6451. Administrative regulations shall be promulgated for the following:
 - (a) Courses of study for the different grades and kinds of common schools, subject to the following conditions:
 - 1. a. Procedures for developing an ungraded primary program as defined in KRS 158.030 which shall be implemented by the beginning of the 1992-93 school year, and the program, in its entirety, shall be fully implemented for all students who have not entered the fourth grade in every elementary school in every district by the beginning of the 1993-1994 school year, except as provided in subparagraph 1.b. of this paragraph. The primary program shall include the following critical attributes: developmentally appropriate educational practices, multiage and multiability classrooms; continuous progress; authentic assessment; qualitative reporting methods; professional teamwork; and positive parent involvement. The implementation of the primary program may take into consideration the necessary arrangements required for students

STATUTORY AUTHORITY FOR PROMULGATING ADMINISTRATIVE REGULATIONS

KRS	AGENCY	SHALL OR MAY	BRIEF DESCRIPTION OF ADMINISTRATIVE REGULATION'S SUBJECT MATTER
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attending part-time and will allow for grouping of students attending their first year of school when determined to be developmentally appropriate.

- b. A school council established pursuant to KRS 160.345 or if none exists, a school may determine, based on individual student needs, that implementing multiage and multiability classrooms need not apply for every grouping of students for every activity throughout the entire day. The school council or school shall revise the action plan to reflect any changes in the primary program's design.
2. The courses of study for students shall include American sign language which shall be accepted as meeting the foreign language requirements in common schools notwithstanding other provisions of law;
 - (b) The acquisition and use of educational equipment for the schools as recommended by the Council for Education Technology;
 - (c) The minimum requirements for high school graduation. Prior to the beginning of the 1994-95 school year, the State Board for Elementary and Secondary Education shall review graduation requirements in light of the expected outcomes for students and schools set forth in KRS 158.6451;
 - (d) Taking, and keeping a school census, and the forms, blanks, and software to be used in taking and keeping the census and in compiling the required reports. The board shall create a statewide student identification numbering system based on students' Social Security numbers. The system shall provide a student identification number similar to, but distinct from, the Social Security number, for each student who does not have a Social Security number or whose parents or guardians choose not to disclose the Social Security number for the student;
 - (e) Sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings, and classrooms. With respect to physical standards of sanitary and protective construction for school buildings, the State Board for Elementary and Secondary Education shall adopt the Uniform State Building Code;
 - (f) Medical inspection, physical and health education and recreation, and other regulations necessary or advisable for the protection of the physical welfare and safety of the public school children. The administrative regulations shall set requirements for student health standards to be met by all students in grades four (4), eight (8), and twelve (12) pursuant to the outcomes described in KRS 158.6451. The administrative regulations shall permit a student who received a physical examination no more than six (6) months prior to his initial admission to Head Start to substitute that physical examination for the physical examination required by the State Board for Elementary and Secondary Education of all students upon initial admission to the public schools, if the physical examination given in the Head Start program meets all the requirements of the physical examinations prescribed by the State Board for Elementary and Secondary Education;
 - (g) The transportation of children to and from school;
 - (h) The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;
 - (i) The preparation of budgets and salary schedules for the several school districts under the management and control of the State Board for Elementary and Secondary Education;

STATUTORY AUTHORITY FOR PROMULGATING ADMINISTRATIVE REGULATIONS

KRS	AGENCY	SHALL OR MAY	BRIEF DESCRIPTION OF ADMINISTRATIVE REGULATION'S SUBJECT MATTER
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- (j) A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts; and
 - (k) The disposal of real and personal property owned by local boards of education.
- (2) At the request of a local board of education or a school council, a local school district superintendent shall request that the State Board for Elementary and Secondary Education waive any administrative regulation promulgated by that board. Prior to the 1994-95 school year, the requested waiver shall be granted to any school district or school meeting the standards adopted pursuant to subsection (1) of this section. After the 1994-95 school year begins, a school district or school shall exceed its threshold to be granted a waiver from regulations. Regulations relating to health and safety, civil rights, any state regulation required by a federal law, and regulations promulgated pursuant to KRS 158.6451, 158.6453, 158.6455, 158.685, and this section, relating to measurement of performance outcomes and determination of successful districts or schools shall not be subject to waiver. Any waiver granted under this subsection shall be subject to revocation upon a determination by the State Board for Elementary and Secondary Education that the school district or school holding the waiver has subsequently failed to reach its threshold level as provided for in KRS 158.6455.
- (3) Any private, parochial, or church school may voluntarily comply with curriculum, certification, and textbook standards established by the State Board for Elementary and Secondary Education and be certified upon application to the board by such schools.

KRS 156.410 may need to be amended for clarity/simplification of language. As it currently reads, the introductory clause ("shall have authority to prescribe") is repeated in the (b) subsection when it should either be at the beginning of all subsections or just as the introduction. ("The State Board, upon the recommendation of the chief state school officer, *shall have authority to prescribe: (a) admin regs* pertaining to all textbook samples for use on the state and local levels; and (b) *shall have authority to prescribe admin regs* relating to the agents and representatives of textbooks as to the number participating and the methods and procedures for use in textbook adoptions on the state and local levels.")

KRS 157.370(9) provides that "The State Board shall determine the type of pupil with a disability that qualifies for special type transportation to and from school." (This may imply potential admin regs.)

KRS 158.780(3) also provides that the State Board "may delegate to the chief state school officer the authority it deems necessary to carryout the provisions of this section and KRS 158.785."

KRS 160.730(2), in detail provides:

- (2) ...If no agreement can be reached, either party may request a formal hearing to the challenge which shall be conducted in accordance with procedures established by rules and regulations of the Department of Education and the Council on Higher Education for educational institutions under their jurisdiction. Such rules and regulations shall provide that a formal hearing be conducted within a reasonable time after the request for a hearing; and an official of the educational institution who has no direct interest in the outcome of the challenge shall conduct the hearing and render a decision on the challenge within a reasonable time after the hearing. All parties to the challenge shall be afforded a full and fair opportunity to present evidence relevant to the issues raised. Furthermore, school officials shall take the necessary action to implement the decision.

STATUTORY AUTHORITY FOR PROMULGATING ADMINISTRATIVE REGULATIONS

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KRS 161.028 is titled "EPSB - Authority for Admin Regs" and it provides as follows:

- (1) Beginning July 15, 1990, there shall be an Education Professional Standards Board, with the authority and responsibility to:
 - (a) Establish standards and requirements for obtaining and maintaining a teaching certificate;
 - (b) Set standards for, approve, and evaluate college, university, and school district programs for the preparation of teachers and other professional school personnel;
 - (c) Issue, renew, suspend, and revoke teaching certificates;
 - (d) Develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by an employee certified by the Education Professional Standards Board. The guidelines shall include investigation, inquiry, and hearing procedures which ensure the process does not revictimize the alleged victim or cause harm if an employee is falsely accused;
 - (e) Receive, along with investigators hired by the Education Professional Standards Board, training on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedures in sex offense cases, and effective intervention with victims and offenders;
 - (f) Maintain data and submit reports to the Governor and the Legislative Research Commission concerning employment trends and performance of certificated personnel and the quality of professional preparation programs. The board shall study the problem of the declining pool of minority teachers in the Commonwealth and submit recommendations for increasing the number of minority teachers to the 1992 Regular Session of the General Assembly;
 - (g) Reduce and streamline the credential system to allow greater flexibility in staffing local schools while maintaining standards for teacher competence; and
 - (h) Develop a professional code of ethics.
- (2) (a) The board shall be composed of fifteen (15) members. The chief state school officer and the executive director of the Council on Higher Education shall serve as ex officio voting members. The Governor shall make the following thirteen (13) appointments:
 1. Eight (8) members who shall be teachers representative of elementary, middle or junior high, secondary, special education, and secondary vocational classrooms;
 2. Two (2) members who shall be school administrators, one (1) of whom shall be a school principal;
 3. One (1) member representative of local boards of education; and
 4. Two (2) members representative of deans of colleges of education.
- (b) For the initial appointments, the Governor shall designate four (4) members to serve a term of four (4) years; three (3) members to serve a term of three (3) years; three (3) members to serve a term of two (2) years; three (3) members to serve a term of one (1) year.

STATUTORY AUTHORITY FOR PROMULGATING ADMINISTRATIVE REGULATIONS

KRS	AGENCY	SHALL OR MAY	BRIEF DESCRIPTION OF ADMINISTRATIVE REGULATION'S SUBJECT MATTER
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- (c) A vacancy on the board shall be filled in the same manner as the original appointment within sixty (60) days after it occurs. A member shall continue to serve until his successor is named. Any member who, through change of employment status or residence, or for other reasons, no longer meets the criteria for the position to which he was appointed shall no longer be eligible to serve in that position.
- (d) Members of the board shall serve without compensation, but shall be permitted to attend board meetings and perform other board business without loss of income or other benefits.
- (e) A state agency or any political subdivision of the state, including a school district, required to hire a substitute for a member of the board who is absent from his employment while performing board business shall be reimbursed by the board for the actual amount of any costs incurred.
- (f) At the first meeting held after July 1 of each year, a chairman shall be elected by and from the membership. A member shall be eligible to serve no more than three (3) one (1) year terms in succession as chairman. The executive secretary appointed by the chief state school officer from the Department of Education staff shall keep records of proceedings. Regular meetings shall be held at least semiannually on call of the chairman. The Department of Education shall provide staff and support for the board.
- (g) To carry out the functions relating to its duties and responsibilities, the board is empowered to receive donations and grants of funds; to appoint consultants as needed; and to sponsor studies, conduct conferences, and publish information.
- (3) The Education Professional Standards Board shall be the successor to the State Board for Elementary and Secondary Education for purposes of performing the duties authorized in KRS 161.027, 161.028, 161.030, 161.042, 161.044, 161.046, 161.048, 161.049, 161.100, 161.115, 161.120, 161.124, and 161.126. Rules, administrative regulations and procedures relating to these duties shall not lapse and shall continue in effect until repealed or amended by the Education Professional Standards Board.



KENTUCKY BOARD OF EDUCATION

October 19, 1995

Wilmer S. Cody
Commissioner of Education

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EX-OFFICIO MEMBER
Gary Cox
Frankfort

Representative Joe Barrows
Senator Gerald Neal
Legislative Offices
Capitol Annex
Frankfort, KY 40601

Dear Representative Barrows and Senator Neal:

The Kentucky Board of Education, at its October meeting, took action on regulatory and statutory recommendations offered by the Local Superintendents Advisory Council in response to Senate Concurrent Resolution 84 with which the Department of Education concurred. Those recommendations which were approved by the Kentucky Board of Education are attached. The regulatory changes will be pursued by the Department and the Board at future meetings. We offer the statutory recommendations to the Subcommittee on Governance and Finance for their consideration.

There were statutory items dealing with the publishing of the annual performance reports and financial statements which were not endorsed by the Board. The Kentucky Board of Education expressed concern about deleting these requirements to provide the public with information and concluded that these items deal with finance issues rather than planning and paperwork requirements, the intent of SCR 84.

The Local Superintendents Advisory Council and the Kentucky Board of Education are jointly submitting the attached recommendations to the Subcommittee on Governance and Finance to consider in the deliberations on SCR 84.

Representative Joe Barrows
Senator Gerald Neal
Page 2
October 19, 1995

If you have any questions, please contact Gary Faulkner at 564-3141.

Sincerely,



Joseph W. Kelly
Chair, Kentucky Board of Education



Kay Freeland
Chair, Local Superintendents Advisory Council

JWK/KF:GLF/cw

**Enclosure - Statutory and Regulatory Changes Required to Implement the Local
Superintendents Advisory Council's SCR 84 Recommendations Supported by
the Kentucky Department of Education.**

cc: Dr. Cody
LSAC

October 5, 1995

**Statutory and Regulatory Changes Required to Implement the Local Superintendents Advisory Council's
SCR 84 Recommendations Supported by the Kentucky Department of Education
And Approved by the Kentucky Board of Education**

The 1994 General Assembly passed Senate Concurrent Resolution 84 introduced by Senator Nick Kafoglis which required the legislature to study the planning and paperwork requirements included in the education statutes and regulations. At the request of Representative Barrows, Co-Chair of the Interim Committee on Education's Subcommittee on Governance and Finance, the Local Superintendents Advisory Council offered numerous recommendations concerning paperwork and planning requirements. The Department of Education staff have reviewed those recommendations and for the most part concur with the Council's positions. The purpose of this document is to outline the regulatory and statutory changes needed to implement those changes recommended by the Local Superintendents Advisory Council, which are supported by the Department. The attached pages separate the proposed changes into two categories. They are Proposed Regulation Changes and Proposed Statute Changes.

Proposed Statute Changes

Subject/Area	Action Needed
1. Assessment/Accountability	Amend KRS 158.710 to provide for districts required to do an improvement plan to submit a plan every two years rather than annually as is currently required.
2. Evaluation Plan	Amend KRS 156.101 to require review of the local certified employee evaluation plan only if there are changes in the plan.
3. Professional Development	If the five optional days are authorized again, amend KRS 158.070 to allow for a two-year plan for using these days to be included as part of the required professional development plan rather than requiring a separate plan as is now the case.
4. Discipline Codes	Amend KRS 158.148 to require the local discipline codes to be available for inspection rather than requiring submittal to the Department and the Kentucky Board of Education for approval.
5. Exceptional Children	The budget bill should include language to provide a weight for gifted and talented program in the exceptional children funds for inclusion in the SEEK formula. This would eliminate the application process currently required.

Proposed Statute Changes

Subject/Area

Action Needed

6. Family Resource Centers

Amend KRS 156.4977 to allow for a two-year application process for Family Resource Centers rather than the current annual process.

7. Performance Reports

Amend KRS 158.6453 and 168.650 to require districts to have available for inspection upon request performance report information and to distribute to various media outlets rather than requiring the districts to publish the report annually in the newspaper as is now required.

8. Waivers

Amend KRS 156.070 to provide the Kentucky Board of Education the authority to waive regulations when districts or schools can show good cause for the waiver.

9. Meeting Notices

Amend KRS 156.060 to delete the requirement to send meeting notices by registered or certified mail with return receipt requested to members of the Kentucky Board of Education.

KENTUCKY
LEGISLATIVE RESEARCH COMMISSION
1994-95 INTERIM

96 RS BR 864 - PREFILED

November 2, 1995

The following bill was prefiled for the Interim Joint Committee on Education with a recommendation for passage: Representatives Joe Barrows and Freed Curt.

AN ACT relating to the State Board for Elementary and Secondary Education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 156.160 is amended to read as follows:

2 (1) With the advice of the Local Superintendents Advisory Council, the State Board for
3 Elementary and Secondary Education shall promulgate administrative regulations
4 establishing standards which school districts shall meet in student, program, service,
5 and operational performance. These regulations shall comply with the expected
6 outcomes for students and schools set forth in KRS 158.6451. Administrative
7 regulations shall be promulgated for the following:

8 (a) Courses of study for the different grades and kinds of common schools, subject
9 to the following conditions:

10 1. a. Procedures for developing an ungraded primary program as defined
11 in KRS 158.030 which shall be implemented by the beginning of
12 the 1992-93 school year, and the program, in its entirety, shall be
13 fully implemented for all students who have not entered the fourth
14 grade in every elementary school in every district by the beginning
15 of the 1993-1994 school year, except as provided in subparagraph
16 1.b. of this paragraph. The primary program shall include the
17 following critical attributes: developmentally appropriate
18 educational practices, multiage and multiability classrooms;
19 continuous progress; authentic assessment; qualitative reporting
20 methods; professional teamwork; and positive parent involvement.
21 The implementation of the primary program may take into
22 consideration the necessary arrangements required for students
23 attending part-time and will allow for grouping of students
24 attending their first year of school when determined to be
25 developmentally appropriate.

- 1 b. A school council established pursuant to KRS 160.345 or if none
2 exists, a school may determine, based on individual student needs,
3 that implementing multiage and multiability classrooms need not
4 apply for every grouping of students for every activity throughout
5 the entire day. The school council or school shall revise the action
6 plan to reflect any changes in the primary program's design.
- 7 2. The courses of study for students shall include American sign language
8 which shall be accepted as meeting the foreign language requirements in
9 common schools notwithstanding other provisions of law;
- 10 (b) The acquisition and use of educational equipment for the schools as
11 recommended by the Council for Education Technology;
- 12 (c) The minimum requirements for high school graduation. Prior to the beginning
13 of the 1994-95 school year, the State Board for Elementary and Secondary
14 Education shall review graduation requirements in light of the expected
15 outcomes for students and schools set forth in KRS 158.6451;
- 16 (d) Taking, and keeping a school census, and the forms, blanks, and software to be
17 used in taking and keeping the census and in compiling the required reports.
18 The board shall create a statewide student identification numbering system
19 based on students' Social Security numbers. The system shall provide a student
20 identification number similar to, but distinct from, the Social Security number,
21 for each student who does not have a Social Security number or whose parents
22 or guardians choose not to disclose the Social Security number for the student;
- 23 (e) Sanitary and protective construction of public school buildings, toilets, physical
24 equipment of school grounds, school buildings, and classrooms. With respect
25 to physical standards of sanitary and protective construction for school
26 buildings, the State Board for Elementary and Secondary Education shall
27 adopt the Uniform State Building Code;

- 1 (f) Medical inspection, physical and health education and recreation, and other
2 regulations necessary or advisable for the protection of the physical welfare
3 and safety of the public school children. The administrative regulations shall set
4 requirements for student health standards to be met by all students in grades
5 four (4), eight (8), and twelve (12) pursuant to the outcomes described in KRS
6 158.6451. The administrative regulations shall permit a student who received a
7 physical examination no more than six (6) months prior to his initial admission
8 to Head Start to substitute that physical examination for the physical
9 examination required by the State Board for Elementary and Secondary
10 Education of all students upon initial admission to the public schools, if the
11 physical examination given in the Head Start program meets all the
12 requirements of the physical examinations prescribed by the State Board for
13 Elementary and Secondary Education;
- 14 (g) The transportation of children to and from school;
- 15 (h) The fixing of holidays on which schools may be closed and special days to be
16 observed, and the pay of teachers during absence because of sickness or
17 quarantine or when the schools are closed because of quarantine;
- 18 (i) The preparation of budgets and salary schedules for the several school districts
19 under the management and control of the State Board for Elementary and
20 Secondary Education;
- 21 (j) A uniform series of forms and blanks, educational and financial, including
22 forms of contracts, for use in the several school districts; and
- 23 (k) The disposal of real and personal property owned by local boards of education.
- 24 (2) (a) At the request of a local board of education or a school council, a local school
25 district superintendent shall request that the State Board for Elementary and
26 Secondary Education waive any administrative regulation promulgated by that
27 board. Beginning in the 1996-97 school year, a request for waiver of any

1 administrative regulation shall be submitted to the State Board for
 2 Elementary and Secondary Education in writing with appropriate
 3 justification for the waiver. The State Board for Elementary and Secondary
 4 Education may approve the request when the school district or school has
 5 demonstrated circumstances that may include, but are not limited to, the
 6 following:

7 1. An alternative approach will achieve the same result required by the
 8 administrative regulation;

9 2. Implementation of the administrative regulation will cause a hardship
 10 on the school district or school or jeopardize the continuation or
 11 development of programs; or

12 3. There is a finding of good cause for the waiver ~~Prior to the 1994-95~~
 13 ~~school year, the requested waiver shall be granted to any school district~~
 14 ~~or school meeting the standards adopted pursuant to subsection (1) of~~
 15 ~~this section. After the 1994-95 school year begins, a school district or~~
 16 ~~school shall exceed its threshold to be granted a waiver from~~
 17 ~~regulations].~~

18 **(b)** Regulations relating to health and safety, civil rights, any state regulation
 19 required by a federal law, and regulations promulgated pursuant to KRS
 20 158.6451, 158.6453, 158.6455, 158.685, and this section, relating to
 21 measurement of performance outcomes and determination of successful
 22 districts or schools shall not be subject to waiver.

23 **(c)** Any waiver granted under this subsection shall be subject to revocation upon a
 24 determination by the State Board for Elementary and Secondary Education
 25 that the school district or school holding the waiver has subsequently failed to
 26 meet the intent of the waiver ~~reach its threshold level as provided for in KRS~~
 27 ~~158.6455].~~

- 1 (3) Any private, parochial, or church school may voluntarily comply with curriculum,
- 2 certification, and textbook standards established by the State Board for Elementary
- 3 and Secondary Education and be certified upon application to the board by such
- 4 schools.

KENTUCKY
LEGISLATIVE RESEARCH COMMISSION
1994-95 INTERIM

96 RS BR 867 - PREFILED

November 2, 1995

The following bill was prefiled for the Interim Joint Committee on Education with a recommendation for passage: Representatives Joe Barrows and Freed Curd.

AN ACT relating to student discipline codes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

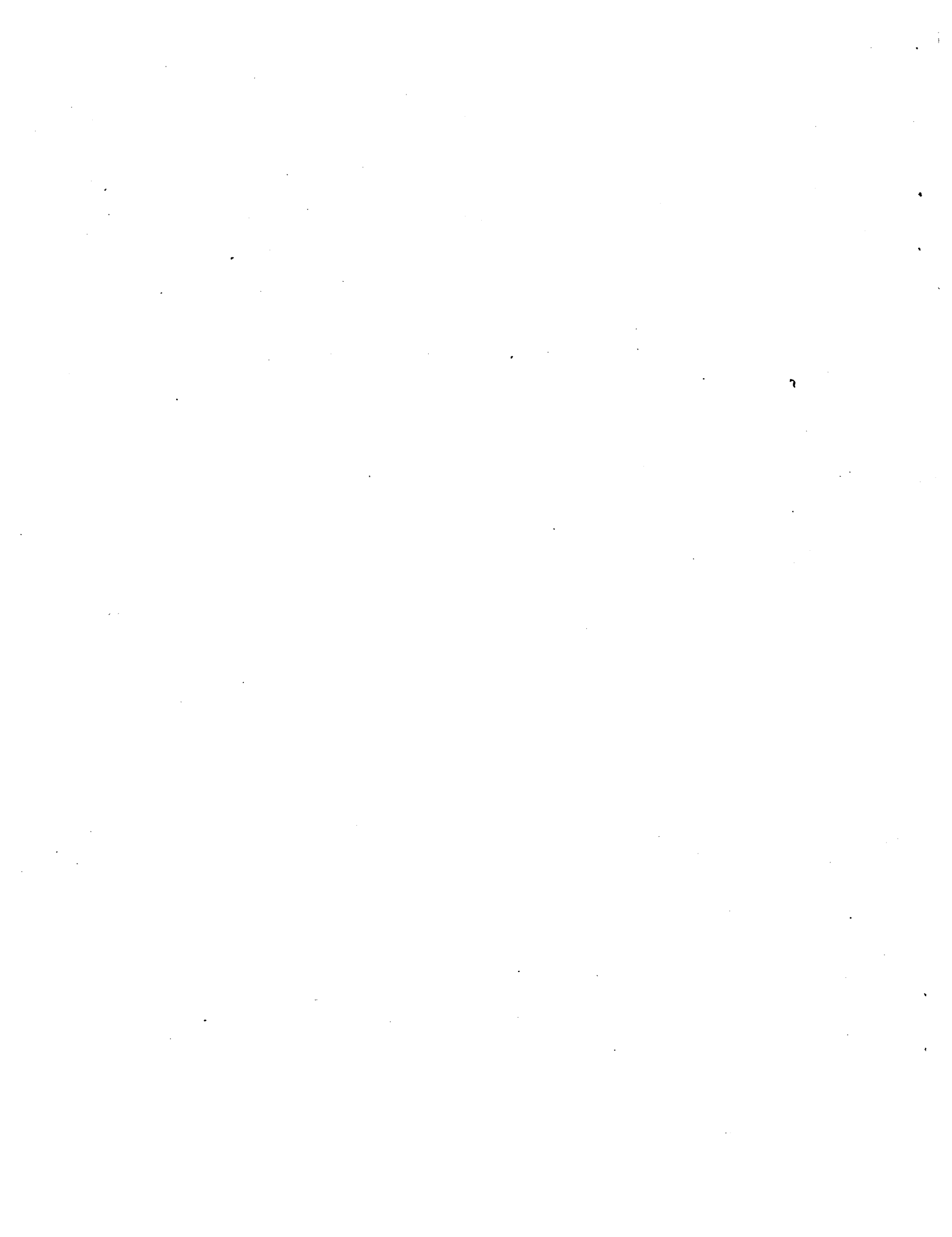
1 Section 1. KRS 158.148 is amended to read as follows:

- 2 (1) In cooperation with the Kentucky Education Association, the Kentucky School
3 Boards Association, the Kentucky Association of School Administrators, the Parent-
4 Teachers Association, the Kentucky Chamber of Commerce, the Farm Bureau,
5 members of the Interim Joint Committee on Education and other interested groups,
6 the Department of Education shall develop statewide student discipline guidelines
7 and recommendations designed to reduce the dropout rate in the state's public
8 schools.
- 9 (2) The department shall obtain statewide data on major discipline problems and reasons
10 why students drop out of school. In addition, strategies currently being used
11 successfully in programs in Kentucky and in other states shall be incorporated into
12 the statewide guidelines and the recommendations to reduce dropouts.
- 13 (3) Copies of the discipline guidelines shall be distributed to all school districts. The
14 statewide guidelines shall contain broad principles to guide local districts in
15 developing their own discipline code~~[- which shall be filed with and approved by the~~
16 ~~State Department of Education and State Board for Elementary and Secondary~~
17 ~~Education]~~. The local code shall be distributed to all students and parents in the
18 district **and shall be available for inspection.**
- 19 (4) The Department of Education shall first provide technical assistance to those
20 districts reporting the greatest number of dropouts. Reporting requirements shall be
21 established by the Department of Education; however, reports shall be prepared in a
22 manner that will provide data on successful strategies for dropout prevention.
- 23 (5) The State Board for Elementary and Secondary Education shall establish criteria for
24 the development of dropout prevention programs and award grants for up to twenty
25 (20) school districts in which:

1 (a) The percentage of students dropping out of school is among the highest
2 twenty-five (25) districts in the state; and

3 (b) More than one hundred (100) students drop out of schools each year.

4 These grants shall be administered through contracts whereby school districts agree
5 to provide dropout prevention services specified by the State Board for Elementary
6 and Secondary Education. In addition, the State Board for Elementary and
7 Secondary Education shall have the authority to award up to twenty (20) grants to
8 school districts having high dropout rates but fewer than one hundred (100)
9 dropouts per year. The State Board for Elementary and Secondary Education shall
10 develop grant funding criteria based upon available appropriations.



KENTUCKY
LEGISLATIVE RESEARCH COMMISSION
1994-95 INTERIM

96 RS BR 868 - PREFILED

November 2, 1995

The following bill was prefiled for the Interim Joint Committee on Education with a recommendation for passage: Representatives Joe Barrows and Freed Curd.

AN ACT relating to certified school employee evaluation programs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 156.101 is amended to read as follows:

2 (1) The purpose of this section is to encourage and require the maintenance and
3 development of effective instructional leadership in the public schools of the
4 Commonwealth and to recognize that principals with the assistance of assistant
5 principals, supervisors of instruction, guidance counselors, and directors of special
6 education have the primary responsibility for instructional leadership in the schools
7 to which they are assigned.

8 (2) For the purpose of this section, instructional leader shall be defined as an employee
9 of the public schools of the Commonwealth holding a valid certificate as a principal,
10 assistant principal, supervisor of instruction, guidance counselor, or director of
11 special education.

12 (3) In order to carry out the purpose of this section, the State Board for Elementary and
13 Secondary Education shall establish a statewide program to improve and maintain
14 the quality and effectiveness of instructional leadership in the public schools of the
15 Commonwealth.

16 (4) The instructional leader improvement program shall contain the following
17 provisions:

18 (a) Each instructional leader employed by the public schools of the
19 Commonwealth shall participate in a continuing intensive training program
20 designed especially for instructional leaders;

21 (b) Every two (2) years each instructional leader shall complete an intensive
22 training program approved by the State Board for Elementary and Secondary
23 Education to include no less than forty-two (42) participant hours of
24 instruction;

25 (c) The State Board for Elementary and Secondary Education shall prescribe

- 1 specific criteria for the training program and may contract for the training with
2 qualified agencies or institutions; and
- 3 (d) Completion of the required participant hours shall be reported to the State
4 Department of Education and to the local school district. If an instructional
5 leader fails to complete the required hours of training, he shall be placed on
6 probation for one (1) year and, if the training is not completed during the
7 probationary period, his certificate shall be revoked.
- 8 (5) As a means of improving the educational productivity of Kentucky's public schools,
9 of providing a method by which the citizens of the Commonwealth can be assured of
10 measures of accountability of the performance of certified school employees, and of
11 providing encouragement and incentives for certified school employees to improve
12 their performance, the State Board for Elementary and Secondary Education shall
13 establish a statewide program for improving the performance of all certified school
14 personnel, including instructional leaders.
- 15 (6) The certified employee evaluation programs shall contain the following provisions:
- 16 (a) Each certified school employee, including the superintendent, shall be
17 evaluated by a system developed by the local school district and approved by
18 the State Board for Elementary and Secondary Education;
- 19 (b) The local school district shall ~~annually~~ review the evaluation plan to insure
20 compliance with this section. Upon adoption, revisions to the evaluation plan
21 shall be submitted for approval ~~approved~~ by the State Board for Elementary
22 and Secondary Education; and
- 23 (c) The State Board for Elementary and Secondary Education shall notify local
24 school districts of their responsibilities under this subsection, develop
25 written guidelines for local school districts to follow in developing and
26 implementing an evaluation system and shall require the following:
- 27 1. All evaluations of certified employees below the level of the district

- 1 superintendent shall be in writing on evaluation forms and under
2 evaluation procedures developed by a committee composed of an equal
3 number of teachers and administrators;
- 4 2. The immediate supervisor of the certified school employee shall be
5 designated as the primary evaluator;
- 6 3. All monitoring or observation of performance of a certified school
7 employee shall be conducted openly and with full knowledge of the
8 employee;
- 9 4. Evaluation shall include a conference between the evaluator and the
10 person evaluated;
- 11 5. Evaluators shall be trained, tested, and certified in accordance with
12 regulations adopted by the State Board for Elementary and Secondary
13 Education in the proper techniques for effectively evaluating certified
14 school employees and in the use of the school district evaluation system;
- 15 6. The evaluation system shall include a plan whereby the person evaluated
16 is given assistance for becoming more proficient as a teacher or
17 administrator; and
- 18 7. The training requirement for evaluators contained in subsection (6)(c)5.
19 of this section shall not apply to district board of education members.
- 20 (7) The State Department of Education shall visit school districts within the
21 Commonwealth as needed to review and insure implementation of the evaluation
22 system by the local school district. The department shall establish an appeals
23 procedure for certified school employees who feel that the local school district failed
24 to properly implement the approved evaluation system. The appeals procedure shall
25 not involve requests from individual certified school employees for review of the
26 judgmental conclusions of their personal evaluations.
- 27 (8) The State Department of Education shall select and train evaluators from outside

1 each local school district to conduct evaluations as needed of a sample of certified
2 school employees within each district in order to validate the effectiveness and
3 accuracy of the local school districts' evaluators.

4 (9) Local school districts with an enrollment of sixty-five thousand (65,000) or more
5 students shall be exempt from the requirements of this section except for subsection
6 (10) of this section provided they meet the standards established by the State Board
7 for Elementary and Secondary Education for local school district evaluation systems.

8 (10) The local board of education shall establish an evaluation appeals panel for certified
9 personnel which shall consist of two (2) members elected by the certified employees
10 of the district and one (1) member appointed by the board of education who is a
11 certified employee of the board. Certified employees who think they were not fairly
12 evaluated may submit an appeal to the panel for a timely review of their evaluation.

13 (11) This section shall be known as the "Effective Instructional Leadership Act."

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