FILED WITH LRC
TIME: 11am
JUN 23 2010
Emily B Caudill
REGULATIONS COMPILER

STATEMENT OF EMERGENCY

702 KAR 7:130E, Uniform Procedures for Approval of Alternative, Innovative School Calendars

(1) 2010 HB 1, which was passed during the 2010 special legislative session, requires the Kentucky Board of Education to promulgate a regulation for uniform procedures for approval of alternative, innovative school calendars by the Commissioner of Education, effective immediately. The bill requires this process to be in place prior to the approval of any calendar for the 2010-2011 school year.

(2) An emergency regulation is necessary to enable the Commissioner of Education and the Kentucky Department of Education to immediately provide a process and technical assistance for approval of alternative, innovative school calendars as well as approval of traditional calendars before June 30, 2010 as required by 702 KAR 7:140.

(3) This emergency administrative regulation shall be replaced by an ordinary administrative regulation.

Governor

Terry Holliday, Ph.D.
Commissioner of Education

1 **Education Cabinet**

2 **Kentucky Board of Education**

3 **Department of Education**

4 **(Emergency Amendment)**

5 **702 KAR 7:130E. Approval of innovative alternative school calendars.**

6 RELATES TO: KRS 157.320, 157.350, 158.060, 158.070, 2010 HB 1, part I, C, 3 (17) [~~2008 Ky~~

7 ~~Acts ch. 127, Part I, D, 4, (14)~~]

8 STATUTORY AUTHORITY: 2010 HB 1, part I, C, 3 (17) [~~2008 Ky Acts ch. 127, Part I, D, 4,~~

9 ~~(14)~~]

10 NECESSITY, FUNCTION, AND CONFORMITY: 2010 HB 1, part I, C, 3 (17) [~~2008 Ky Acts~~

11 ~~ch. 127, Part I, D, 4, (14)~~] requires the Kentucky Board of Education to establish by

12 administrative regulation procedures by which the Commissioner of Education may approve

13 innovative alternative school calendars. This administrative regulation establishes uniform

14 procedures for approval of innovative alternative calendars.

15 Section 1. (a) [~~(1)~~] A local board of education may request approval of an innovative alternative

16 school calendar for the 2010-2011 [~~2008-2009~~] school year or the 2011-2012 [~~2009-2010~~]

17 school year by submitting a written request to the Commissioner of Education.

18 (b) All calendars that contain less than 170 six-hour instructional days shall be considered

19 innovative alternate calendars and shall be submitted to the Commissioner of Education for

20 approval.

1 (2) The request shall:

2 (a) Be signed by the superintendent and board of education chairperson;

3 (b) Contain a specific explanation of the reason for the request; and

4 (c) Include the following information:

5 1. How the alternative calendar will improve teaching and learning in the district;

6 2. How 1,062 hours of instruction will be included in the calendar;

7 3. The structure of any instructional days that are less than six-hours in length; and

8 4. A description of how the alternative calendar will provide for professional learning situations

9 designed to improve instructional practices that will enhance student learning.

10 Section 2. (1) A request for approval of an innovative alternative school calendar shall be

11 submitted to the Commissioner of Education no later than June 30 preceding the school year for

12 which the request is submitted.

13 (2) The commissioner shall approve the request upon a determination that:

14 (a) The requirements established in Section 1(2) of this administrative regulation have been met;

15 and

16 (b) The alternative calendar is designed to improve teaching and learning in the district.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(4).

6/15/10
(Date)

Terry Holliday
Terry Holliday, Ed.D.
Commissioner of Education

6/15/10
(Date)

Joe Brothers
Joe Brothers, Chairperson
Kentucky Board of Education

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 702 KAR 7:130E

Agency Contact Person: Kevin C. Brown

(1) Provide a brief summary of:
(a) What this administrative regulation does: The regulation establishes new requirements for innovative alternative school calendars per 2010 HB 1, part I, C, 3 (17).

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement provisions of KRS 158.060,158.070 and 2010 HB 1, part I, C, 3 (17) that set forth the requirements for innovative alternative school calendars to be used by all local school districts.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides specifics for innovative alternative school calendars required in KRS 158.060, 158.070 and 2010 HB 1, part I, C, 3 (17).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides specifics regarding how innovative alternative school calendars are to be submitted by local school districts per KRS 158.060, 158.070 and 2010 HB 1, part I, C, 3 (17) to the Kentucky Department of Education for Commissioner approval.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The change will allow school districts and the KDE more flexibility in the selection and approval of innovative alternative school calendars.

(b) The necessity of the amendment to this administrative regulation: Approval of 702 KAR 7:140 should result in clearer guidance to local districts at they apply the new guidance for innovative alternative school calendars set forth in 2010 HB 1, part I, C, 3 (17).

(c) How the amendment conforms to the content of the authorizing statute: This amendment conforms to the authorizing statutes by providing specific guidance for school districts that clarifies the approval process for innovative alternative school calendars set forth in 2010 HB 1, part I, C, 3 (17).

(d) How the amendment will assist in the effective administration of the statutes: The emergency changes to the regulation whereby a local board of education may request approval of an innovative alternative school calendar for the 2010-2011 school year or the 2011-2012 school year.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All school districts in Kentucky.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: Local boards of education are required to adopt a school calendar for the upcoming school year prior to May 15 of each year. 2010 HB 1, part I, C, 3 (17) requires the Kentucky Board of Education to establish by administrative regulation procedures by which the Commissioner of Education may approve innovative alternative school calendars. This administrative regulation establishes uniform procedures for approval of innovative alternative calendars. All calendars that contain less than 170 six-hour instructional days shall be considered innovative alternate calendars and shall be submitted to the Commissioner of Education for approval no later than June 30 preceding the school year for which the request is submitted.
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: School districts will abide by the requirements set forth. Kentucky Department of Education staff will continue to process requests submitted by school districts for Commissioner approval.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Kentucky school districts will submit innovative alternative school calendars that meet statutory requirements.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The proposed amendment does not result in additional costs.

(b) On a continuing basis: The proposed amendment does not result in additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional funding is necessary.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: No additional funding is necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all school districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 702 KAR 7:130E Contact Person: Kevin C. Brown

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes
If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? School districts

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. 2010 HB 1, part I, C, 3 (17), KRS 158.060 and 158.070.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There will be no additional revenue generated by this administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? The proposed amendment will require no additional cost.

(d) How much will it cost to administer this program for subsequent years? The proposed amendment will require no additional cost.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
Revenues (+/-):
Expenditures (+/-):
Other Explanation:

FILED WITH LRC
TIME: 11 am
JUN 23 2010
Emily B Caudill
REGULATIONS COMPILER

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3 **Department of Education**

4 **(Amendment)**

5 **702 KAR 7:130. Approval of innovative alternative school calendars.**

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6-22-10
(Date)

Terry Holliday, Ed.D.
Commissioner of Education

6-22-10
(Date)

Joe Brothers, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on August 30, 2010, at 10:00 a.m. in the State Board Room, 1st Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until August 31, 2010. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to Kevin C. Brown, General Counsel, Bureau of Operations and Support Services, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, phone 502/564-4474, fax 502/564-9321.

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