

EDUCATION AND LABOR CABINET
Board of Education
Department of Education
(Amendment)

704 KAR 7:140. Authentic high school diploma to an honorably discharged veteran of World War II, ~~the~~ and ~~the~~ Korean conflict, or Vietnam War~~[Veterans diplomas]~~.

RELATES TO: KRS 158.140(5)~~[(4)]~~

STATUTORY AUTHORITY: KRS 158.140(5)(b)~~[(4)]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.140(5)(b)~~[(4)]~~ requires the Kentucky Board of Education to promulgate an administrative regulation establishing the guidelines for use by local boards of education when awarding an authentic~~[a]~~ high school diploma to an honorably discharged veteran who ~~[was enrolled in, but]~~did not complete~~[,]~~ high school prior to being inducted into the United States Armed Forces during World War II, ~~[as defined in KRS 40.010, or]~~the Korean conflict, or the Vietnam War~~[as defined in KRS 40.010]~~. This administrative regulation establishes the requirements for awarding an authentic~~[a]~~ high school diploma to honorably discharged veterans of~~those~~ World War II, ~~the~~ ~~and~~ Korean conflict, and the Vietnam War by local boards of education~~[veterans]~~.

Section 1. Definitions.

- (1) "Korean conflict" is defined by KRS 40.010(18);
- (2) "Vietnam War" is defined by KRS 158.140(5)(a)3; and
- (3) "World War II" is defined by KRS 40.010(17).

Section 2. ~~[Documentation Needed to Determine Eligibility.]~~

(1) An honorably discharged veteran of World War II, ~~or]~~the Korean conflict, the Vietnam War, or a member of the veteran's family, shall submit~~[provide]~~ a discharge certificate showing the period of service ~~and]~~type of discharge, and the name of the high school and district of enrollment at the time of induction into the United States Armed Forces to the Kentucky Department of Veterans' Affairs, 1111 Louisville Road, Suite B, Frankfort, Kentucky 40601.

(2) ~~[Section 2.] [Guidelines for Local Boards of Education to Award Diplomas.]~~

~~[(1)]~~ The Kentucky Department of Veterans' Affairs shall forward the verified documentation to the local board of education in which the veteran was enrolled prior to being inducted into the United States Armed Forces.

(3) ~~[(2)]~~ Upon receipt of documentation, from the Kentucky Department of Veterans' Affairs, the~~[a]~~ local board of education shall verify the veteran was enrolled in, but did not complete, high school prior to induction and meets the requirements of KRS 158.140 prior to issuing the authentic high school diploma. If the high school or district has since been consolidated or reconfigured since the veteran's enrollment, the current local board of education with jurisdiction shall provide the verification and issue the authentic high school diploma.

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(5).

*ROBIN FIELDS KINNEY, Interim Commissioner of Education
SHARON PORTER ROBINSON, Chairperson*

APPROVED BY AGENCY: April 15, 2024

FILED WITH LRC: April 15, 2024 at 11:15 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held June 26, 2024 at 10am, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays 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 cancelled. 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 through June 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does:

704 KAR 7:140 establishes the requirements for local boards of education for awarding an authentic high school diploma to honorably discharged veterans of World War II, the Korean conflict, and the Vietnam War.

(b) The necessity of this administrative regulation:

KRS 158.140(5)(b) requires the Kentucky Board of Education (KBE) in consultation with the Kentucky Department of Veterans' Affairs to promulgate administrative regulations establishing the guidelines for use by local boards of education when awarding an authentic high school diploma to an honorably discharged veteran who did not complete high school prior to being inducted into the United States Armed Forces during World War II, the Korean conflict, or the Vietnam War. Per KRS 158.140(5)(a), "[a] local board of education shall award an authentic high school diploma to an honorably discharged veteran who did not complete high school prior to being inducted into the United States Armed Forces during: World War II, as defined in KRS 40.010; The Korean conflict, as defined in KRS 40.010; or The Vietnam War. As used in this paragraph, "Vietnam War" means the period beginning August 5, 1964, and ending May 7, 1975. However, for a member of the United States Armed Forces serving in Vietnam prior to August 5, 1964, the period shall begin February 28, 1961."

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 158.140(5)(b) requires the Kentucky Board of Education (KBE) in consultation with the Kentucky Department of Veterans' Affairs to promulgate administrative regulations establishing the guidelines for use by local boards of education when awarding an authentic high school diploma to an honorably discharged veteran who did not complete high school prior to being inducted into the United States Armed Forces during World War II, the Korean conflict, or the Vietnam War. The regulation provides guidelines for local boards of education for determining eligibility and receiving verified documentation from the Kentucky Department of Veterans' Affairs in order to award an authentic high school diploma for honorably discharged veterans of World War II, the Korean conflict, or the Vietnam War.

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

The regulation provides guidelines for local boards of education for determining eligibility and receiving verified documentation from the Kentucky Department of Veterans' Affairs in order to award an authentic high school diploma for honorably discharged veterans of World War II, the Korean conflict, or the Vietnam War as required under KRS 158.140(5).

(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:

704 KAR 7:140 has been amended to include honorably discharged veterans of the Vietnam War as eligible to receive an authentic high school diploma as provided

under KRS 158.140(5)(a)3.

(b) The necessity of the amendment to this administrative regulation:

While 704 KAR 7:140 provides guidelines to local boards of education for awarding authentic high school diplomas for honorably discharged veterans of World War II and the Korean conflict, amendments are necessary to include honorably discharged veterans of the Vietnam War as defined under KRS 158.140(5)(a)3.

(c) How the amendment conforms to the content of the authorizing statutes:

The amended regulation conforms to KRS 158.140(5)(a)3 by including honorably discharged veterans of the Vietnam War as eligible for receiving an authentic high school diploma and provides guidelines to local board of education for awarding the diploma to eligible veterans of the Vietnam War.

(d) How the amendment will assist in the effective administration of the statutes:

The amendments provide local boards of education with guidelines for determining eligibility and receiving verified documentation from the Kentucky Department of Veterans' Affairs in order to award an authentic high school diploma for honorably discharged veterans of World War II, the Korean conflict, or the Vietnam War as required under KRS 158.140(5).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Local boards of education, the Kentucky Department of Veterans' Affairs, and the Kentucky Department of Education (KDE).

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The entities identified above will need to take the following actions to comply with the amendments proposed in the regulation: Amendments to 704 KAR 7:140 provide guidelines that local boards of education must follow when awarding an authentic high school diploma by the local school district to honorably discharged veterans of World War II, the Korean conflict, and the Vietnam War. The Kentucky Department of Veterans' Affairs is responsible for working in consultation with the KBE in promulgating administrative regulations to establish the guidelines for awarding the authentic diplomas, as provided under KRS 158.140(5)(b).

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

The cost to local boards of education, the Kentucky Department of Education, and the Department of Veterans' Affairs is minimal.

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

Honorably discharged veterans of the Vietnam War, as defined under KRS 158.140(5)(a)3, who did not complete high school prior to being inducted into the United States Armed Forces, may receive an authentic high school diploma.

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

(a) Initially:

While the initial implementation is unknown, the cost to the Kentucky Department of Education is minimal and may include staff time to provide guidance to local districts for implementation.

(b) On a continuing basis:

The cost on an ongoing basis to the Kentucky Department of Education is minimal and may include staff time to provide guidance to local districts, as needed.

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

State and district funds.

(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:

There will be no increase in fees. An increase in funding is dependent upon the staffing in place at the local school district, the cost to print/issue an authentic high school diploma, and the number of diplomas awarded as required under KRS 158.140(5) for honorably discharged veterans of the Vietnam War.

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

This regulation does not establish any fees or directly or indirectly increase fees.

(9) TIERING: Is tiering applied?

Tiering was not appropriate as the administrative regulation applies equally to all schools and districts.

FISCAL IMPACT STATEMENT

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

KRS 158.140(5)(b) requires the Kentucky Board of Education (KBE), in consultation with the Kentucky Department of Veterans' Affairs, to promulgate administrative regulations to establish the guidelines for local boards of education for awarding an authentic high school diploma to honorably discharged veterans who did not complete high school prior to being inducted into the United States Armed Forces during World War II, the Korean conflict, or the Vietnam War.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

KRS 158.140(5)(b) requires the Kentucky Board of Education in consultation with the Kentucky Department of Veterans' Affairs to promulgate administrative regulations establishing the guidelines for use by local boards of education when awarding an authentic high school diploma to an honorably discharged veteran who did not complete high school prior to being inducted into the United States Armed Forces during World War II, the Korean conflict, or the Vietnam War. The Kentucky Department of Education will provide guidance to local boards of education as needed.

(a) Estimate the following for the first year:

Expenditures: While the initial implementation is unknown, the cost to the Kentucky Department of Education is minimal and may include staff time to provide guidance to local districts for implementation. The cost for the Kentucky Department of Veterans' Affairs is minimal.

Revenues: No revenue in the first year.

Cost Savings: The administrative regulation will not generate cost savings in the first year.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The cost in subsequent years to the Kentucky Department of Education is minimal and may include staff time to provide guidance to local districts, as needed. The cost in subsequent years for the Kentucky Department of Veterans' Affairs is minimal. There is no revenue or cost savings in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

Local boards of education.

(a) Estimate the following for the first year:

Expenditures: The cost to local boards of education during the first year is unknown, but is anticipated to be minimal. The cost is dependent upon the number of diplomas awarded under KRS 158.140(5)(a), the staffing available at the local school district, and the cost for issuing the diploma.

Revenues: No revenue.

Cost Savings: The administrative regulation will not generate cost savings for the affected local entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The cost for local boards of education in subsequent years is minimal and may include staff time for verifying eligibility and costs for printing/issuing an authentic high school diploma depending on the number of diplomas awarded each year for those who qualify under KRS 158.140(5). There is no revenue or cost savings in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3):

No additional regulated entities.

(a) Estimate the following for the first year:

Expenditures:Not applicable as no additional regulated entities have been identified.

Revenues:Not applicable as no additional regulated entities have been identified.

Cost Savings:Not applicable as no additional regulated entities have been identified.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

Not applicable as no additional regulated entities have been identified.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

Local boards of education are not required by KRS 158.140 to report the number of diplomas issued to honorably discharged veterans of World War II, the Korean Conflict, or the Vietnam War to the Kentucky Department of Education. Therefore, the fiscal impact is unknown but anticipated to be minimal.

(b) Methodology and resources used to determine the fiscal impact:

There is no current mechanism in place at the Kentucky Department of Education to specifically track the number of diplomas awarded to those who qualify under KRS 158.140(5). Additionally, there is no provision provided in statute that requires local school districts to report the number of diplomas issued to those who qualify under KRS 158.140(5). However, it can be estimated that the number of diplomas will be few in number and that this will have a minimal fiscal impact.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

This administrative regulation is not anticipated to have an overall negative or adverse major economic impact.

(b) The methodology and resources used to reach this conclusion:

There is no current mechanism in place at the Kentucky Department of Education to specifically track the number of diplomas awarded to those who qualify under KRS 158.140(5). Additionally, there is no provision provided in statute that requires local school districts to report the number of diplomas issued to those who qualify under KRS 158.140(5). However, it can be estimated that the number of diplomas will be few in number and that this have a minimal fiscal impact on the entities identified in questions (2) – (4).