Kansas Administrative Regulations
Economic Impact Statement (EIS)

The Kansas State Department of Education  R. Scott Gordon  785-296-3204
Agency Agency Contact Contact Phone Number
91-42-1; 91-42-2
K.A.R. Number(s)  ☒ Permanent  ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed $1.0 million over any two-year period through June 30, 2024, or exceed $3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
Section I

Brief description of the proposed rule(s) and regulation(s).

K.A.R. 91-42-1 and 91-42-2 are amended rules and regulations that govern the use of emergency safety interventions (seclusion and restraint) with all students in all Kansas schools. The purpose of the amended rules and regulations is to define regulatory terms that were previously undefined and clarify standards for the use of emergency safety intervention.

Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)

The amended rules and regulations are not mandated by the federal government. The Kansas State Board of Education has chosen to address this policy issue, as identified in the amended rules and regulations, in the way it deems most appropriate to meet the needs of Kansas students, school staff, and families.

Section III

Agency analysis specifically addressing the following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;
   
The Kansas State Board of Education does not anticipate economic impact on business activity and growth.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;
   
The Kansas State Board of Education does not anticipate economic impact on compliance costs for any specific businesses, sectors, public utility ratepayers, individuals, local governments, or on the state economy as a whole.

C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);
   
Only public-school districts within the state of Kansas will be affected by the proposed regulatory amendments.
D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

There are no costs unique to the amended versions of K.A.R. 91-42-1 and 91-42-2 that do not also apply to the current version of K.A.R. 91-42-1 and 91-42-2. The benefit of the proposed change is the provision of clarity to Kansas families and school staff whose actions fall under these rules and regulations.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

There are no alternative measures available, and there are no costs or impacts of the proposed amended rules and regulations on business and economic development within the State of Kansas or on local government or individuals.

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

*Note: Do not account for any actual or estimated cost savings that may be realized.*

- Costs to Affected Businesses – $0
- Costs to Local Governmental Units – $0
- Costs to Members of the Public – $0

**Total Annual Costs – $0**
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The Kansas State Department of Education compared the cost of implementing the changes to K.A.R. 91-42-1 and 91-42-2 with the cost of implementing the current version of K.A.R. 91-42-1 and 91-42-2 and found no changes in cost to the Kansas State Board of Education, Kansas State Department of Education, or any other state agency.

☐ Yes ☒ No ☐ Not Applicable

If the total implementation and compliance costs exceed $1.0 million over any two-year period through June 30, 2024, or exceed $3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

If applicable, click here to enter public hearing information.
Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

There will be no changes in state revenues or expenditures for any fiscal year.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

There will be no economic impact to any individual, small employers, or to the general public.

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The Kansas Association of School Boards was represented in the group of stakeholders that the Kansas State Board of Education convened to discuss the amended rules and regulations. No indication of an increase or decrease in revenues or increases in expenditures or fiscal liability was indicated.

H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

The Kansas State Board of Education convened a group of stakeholders to discuss the amended rules and regulations. This group of stakeholders included representation from the Kansas Association of School Boards, Kansas National Education Association, Kansas Association of Special Education Administrators, United School Administrators, Kansas State Department of Education’s Technical Assistance System Network, Disability Rights Center of Kansas, and Kansas Special Education Advisory Council. The stakeholder group came to consensus on the language used as the basis for the amended rules and regulations.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

☐ Yes If yes, complete the remainder of Section IV.
☒ No If no, skip the remainder of Section IV.
A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.
   Click here to enter agency response.

B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.
   Click here to enter agency response.

C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).
   Click here to enter agency response.

D. Provide a detailed statement of the data and methodology used in estimating the costs used.
   Click here to enter agency response.
Kansas Administrative Regulations
Economic Impact Statement
Public Hearing Certification
(To be completed after the public hearing)

Agency: [Click here to start typing]
Agency Contact: [Click here to start typing]
Phone Number or Email: [Click here to start typing]

K.A.R. Number(s): [Click here to start typing]

Public Hearing Date: [Select date]
Public Hearing Time: [Click here to start typing]
Public Hearing Location: [Click here to start typing]
Public Hearing Attendance: [Click here to start typing]