SMALL BUSINESS
REGULATORY FAIRNESS BOARD

JUN-13 2011

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Missouri
DEPARTMENT OF ELEMENTARY & SECONDARY
EDUCATION

Mark Allan Van Zandt • *General Counsel*
205 Jefferson Street, P.O. Box 480 • Jefferson City, MO 65102-0480 • dese.mo.gov

June 10, 2011

Sherry L. Anderson
Boards and Commissions Coordinator
Missouri Department of Economic Development
Truman Building, Suite 680
301 West High Street
Jefferson City, MO 65102-1157

Dear Ms. Anderson:

Mo. Rev. Stat. § 536.325 requires that state agencies submit a list of rules affecting small businesses to the Missouri General Assembly and to the Small Business Regulatory Fairness Board (SBRFB) during odd numbered years. It has been my task in 2011 to conduct this review for the rules adopted by the State Board of Education. This process was incorporated into an overall review of rules mandated by the reorganization of the department which commenced in 2010 and became final with the restructuring of the department's budget in 2011. The alignment of the department's administrative rules with the reorganization will be considered by the State Board of Education on August 16, 2011. I will submit a supplementary listing of rules to the SBRFB when this process is completed.

The primary responsibility of the State Board of Education and the Missouri Department of Elementary and Secondary Education is the supervision of the public schools of Missouri. As political subdivisions of the state, school districts fall outside of the definition of "small business" found at Mo. Rev. Stat. § 536.010 (7), which is defined as "a for profit enterprise consisting of fewer than 100 full or part-time employees." The exception to this focus on the Missouri public schools is the newly designated Office of Adult Learning and Rehabilitation Services which provides vocational and rehabilitative services to adults with disabilities. Here, the focus is on direct services to clients, rather than the regulation of business activities. Based upon the review by this office, no current rules authorized by the State Board of Education affect small business pursuant to Mo. Rev. Stat. § 536.325. The full text of these rules, along with any incorporated by reference materials, can be found at: http://www.dese.mo.gov/schoollaw/rulesregs/.

As previously communicated to the SBRFB, the Missouri Commission for the Deaf and Hard of Hearing and Missouri Assistive Technology are placed within the department for fiscal purposes, but maintain statutory independence with regard to promulgation of administrative rules. These agencies should report separately.

Thank you for your assistance with my liaison work with the SBRFB. Please contact me at (573) 751-3527 or mark.vanzandt@dese.mo.gov if you have any questions regarding this submission.

Sincerely,

Mark Van Zandt
General Counsel

C: Chris L. Nicastro Ph. D., Commissioner of Education
Terry Spieler, Secretary of the State
D. Adam Crumbliss, Chief Clerk of the House