

160-1-3-.06 PETITION FOR ACTING ON AN AGENCY RULE OR STATE LAW.

(1) **PURPOSE.** Any interested person may petition the State Board of Education to promulgate, amend, or repeal a rule. Any interested person may also petition the Georgia Department of Education for a declaratory ruling of the applicability of any provisions of state law or a rule adopted by the State Board of Education. This rule describes the procedures that shall be followed.

(2) **REQUIREMENTS.**

(a) **A Petition Requesting the Promulgation, Amendment or Repeal of a Rule.**

1. The petitioner shall submit to the state school superintendent the written request, stating the specific action the petitioner wishes the state board to take, i.e., the promulgation, amendment or repeal of a rule. The state school superintendent or designee shall docket the request and forward it to the appropriate office for a recommendation to the state school superintendent and the State Board of Education.

2. The State Board of Education shall consider the petitioner's request at the next scheduled meeting.

3. The state school superintendent shall notify the petitioner of the action(s) taken by the state board within 30 days after the meeting where the request was considered.

(b) **A Petition Requesting a Declaratory Statement of Applicability of a Statutory Provision or State Board-Adopted Rule.**

1. The petitioner shall submit to the state school superintendent a written request for an interpretation of the applicability of a statutory provision and/or a state board-adopted rule. The state school superintendent or designee shall, within 30 days of receiving the request, respond in writing to the petitioner.

2. In accordance with state law, the department may seek an opinion from the Attorney General. If this action is deemed necessary by the state superintendent or deputy superintendent, the petitioner shall be notified in writing that the department has requested an opinion from the Attorney General. Within 30 days of receiving the opinion of the Attorney General, the state school superintendent shall notify the petitioner of the applicability of a statutory provision and/or a state-board adopted rule.

Authority O.C.G.A. § 50-13-9; 50-13-11.

Adopted: May 14, 1998

Effective: June 15, 1998