

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

702 KAR 4:160, Capital Construction Process (Second Reading)

Applicable Statute(s) or Regulation(s):

KRS Chapter 45A, 156.070, 156.074, 156.076, 156.160, 156.496, 156.670, 157.420(4), 157.450, 157.455, 160.160, 160.476, 162.060, 162.065, 162.070, 322.010, 322.360, 323.010, 323.033, 323A.010, 371.405(7), 371.410, 424.260

Action Question:

Should the Kentucky Board of Education give approval to 702 KAR 4:160, Capital Construction Process?

History/Background:

Existing Policy: KRS 156.160 requires the Kentucky Board of Education (KBE) to promulgate administrative regulations establishing standards that school districts shall meet in operational performance, including construction of public school buildings and the use of uniform forms.

702 KAR 4:160 prescribes procedures and criteria for the construction of public school buildings. Commissioner Holliday requested that the Kentucky Department of Education (KDE) staff engage school districts and school construction stakeholders to streamline the school construction process by aligning KDE's business processes with the current construction environment and by revamping KDE's role of guidance and oversight. The School Facilities Work Group Report, issued on August 5, 2011, documented recommendations for improving the school construction process. The KDE construction forms were revised in conjunction with the regulation's revision.

In addition to improving the overall construction process, KDE included a section in the revised regulation for the Guaranteed Energy Savings Contract delivery method. Local board oversight activities were identified along with required submissions for KDE to provide oversight.

This is the board's second review of the revised regulation. The initial revised version provided for the first reading included updates to all sections of the regulation. Changes to the regulation since the first reading are reflected through highlighted text and strikethroughs. Attached is a detailed summary of the changes made since the October meeting.

KDE responded to each recommendation identified in the School Facilities Work Group Report. Many of the identified issues were addressed in the regulation's revision.

Staff Recommendation(s) and Rationale(s):

Staff recommends that the board approve the revisions to 702 KAR 4:160, Capital Construction Process and the related forms. The revisions are necessary to streamline the school construction process, to include the Guaranteed Energy Savings Contract delivery method, and to address changes to the forms.

Impact on Getting to Proficiency:

Consistent construction documents facilitate the development of good school buildings, and school facilities are a necessary component for academic success. A school's physical environment has an impact on student achievement and the attitude of teachers and staff. Renovation of existing schools and construction of new school facilities will improve the instructional environment and favorably affect district progress toward reaching proficiency.

Groups Consulted and Brief Summary of Responses:

From December 2010 through August 2012, KDE held eleven meetings with multiple stakeholders, including superintendents, district facility directors, architects, engineers, construction managers, general contractors, and Kentucky School Boards Association representatives. In addition, multiple communications requesting feedback on the revisions were forwarded to these stakeholders. KDE reviewed all comments and included suggestions when appropriate.

The regulation will be presented to the Local Superintendents Advisory Council (LSAC) at its next meeting. A letter from that body will come to the board prior to the December meeting providing input relative to 702 KAR 4:160.

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Commissioner of Education

Date:

December 2012