

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

5 701 KAR 5:110. Use of local monies to reduce unmet technology need.

6 RELATES TO: KRS 156.670, 157.650, 157.655, 157.660, 157.665, 160.160

7 STATUTORY AUTHORITY: KRS 156.070, 156.160

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 (1)(b) requires the Kentucky

9 Board of Education to promulgate administrative regulations governing the acquisition and use

10 of educational equipment for the schools. KRS 156.670(1) requires the development of the

11 master plan for education technology to outline Commonwealth activities related to the purchase,

12 development, and use of technology. The master plan requires a district to submit a plan and

13 report which describes its educational initiatives that have technology components and their

14 unmet technology need. KRS 157.655 stipulates that a local public school district may

15 participate in the education technology funding program based on the unmet technology need

16 described in the local district plan and approved by the Kentucky Board of Education. Based on

17 review of the unmet technology need, it has been determined that full implementation of the

18 Kentucky Education Technology System (KETS) cannot be funded based solely on offers of

19 assistance from the Education Technology Trust Fund. This administrative regulation establishes

20 the requirements governing the use of local monies to reduce unmet technology need to ensure

21 that all school district technology procurements, in categories for which KETS standards for

unmet need have been established, will reduce the unmet technology need regardless of source of funds.

Section 1. Definitions. (1) "Department" means the Kentucky Department of Education.

(2) "District education technology plan" means the plan developed by the local school district to address the unmet technology need of the district.

(3) "Kentucky Education Technology System" or "KETS" means the statewide system set forth in the technology master plan issued by the Kentucky Board of Education and approved by the Legislative Research Commission.

(4) "Master plan" means the long-range plan for the implementation of the Kentucky Education Technology System approved by the Kentucky Board of Education and the Legislative Research Commission.

(5) "Unmet technology need" means the total cost of technology, meeting or exceeding the criteria established in the master plan, needed to achieve the capabilities outlined in the approved district education technology plan of the local school district.

Section 2. Determination of Unmet Need. A local school district shall determine its unmet technology need as part of the education technology planning process. Unmet technology need shall be audited by the department and subject to the approval of the Kentucky Board of Education as part of the state review and assistance calculation process, as provided by the master plan.

Section 3. Reducing Unmet Need. (1) In categories of unmet technology need, as provided in the 2018-2024 ~~[2013-2018]~~ KETS Master Plan, a district shall limit procurements to those which will reduce unmet technology need until the district's unmet technology need no longer exists.

(2) The department shall assist districts in selecting equipment, software, and services which will reduce the unmet technology need.

Section 4. Alternative Technology. For technology components for which KETS standards have not been established, a local school district may propose alternative technologies (waivers) in the local district education technology plan, particularly if the technology is proposed to achieve innovation. The department shall respond to the waiver within a three (3) week time period. If denied, the local school district may appeal to the Commissioner of Education.

Section 5. Incorporation by Reference. (1) The 2018-2024 ~~[2013-2018]~~ KETS Master Plan, dated February 2018 ~~[November 2012]~~, is hereby incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, from the Office of Education Technology, 5th floor, 300 Sower Boulevard, ~~[Knowledge, Information and Data Services, 15 Fountain Place,]~~ Frankfort, Kentucky, 40601, Monday through Friday, 8 a.m. through 4:30 p.m. (20 Ky.R. 886; Am. 2973; eff. 5-18-94; 22 Ky.R. 989; eff. 1-8-96; 24 Ky.R. 2425; 25 Ky.R. 75; eff. 7-13-98; 27 Ky.R. 226; 765; eff. 9-11-2000; 33 Ky.R. 3045; eff. 7-6-2007; 39 Ky.R. 1319; 1693; eff. 3-8-2013.)

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).

(Date)

Stephen L. Pruitt, Ph.D.
Commissioner of Education

(Date)

Mary Gwen Wheeler, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on X, at 10:00 a.m. in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days 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 canceled. 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 X. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321; email kevin.brown@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 701 KAR 5:110. Amendment of 701 KAR 5:110
Contact Person: Kevin C. Brown, kevin.brown@education.ky.gov
Phone number: 502-564-4474

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation specifies when KETS standards for unmet need have been established and full implementation of KETS cannot be funded solely on offers of assistance, then any local public school district technology procurements will reduce the unmet need regardless of the funding source. This regulation also incorporates by reference the 2018-2024 KETS Master Plan.

(b) The necessity of this administrative regulation: This administrative regulation was necessary to implement provisions of KRS 156.160, KRS 156.670, KRS 157.655

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides for specifics for the acquisition and use of educational equipment for the schools as required by KRS 156.160; incorporates the master plan as described in KRS 156.670; and stipulates that a local public school district may participate in the education technology funding program based on the unmet technology need described in KRS 157.655.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides for the use of local monies to reduce unmet technology need and incorporates the Master Plan by reference.

(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: This amendment incorporates the new 2018-2024 KETS Master Plan by reference and removes the reference to the 2013-2018 KETS Master Plan. Also, revision to the office name and the physical address.

(b) The necessity of the amendment to this administrative regulation: The KETS Master Plan for Education Technology has been updated per KRS 156.670 and the regulation needs to be amended to reflect the latest version.

(c) How the amendment conforms to the content of the authorizing statute: This amendment incorporates the updated 2018-2024 KETS Master Plan as KRS 156.670 requires the plan to be updated.

(d) How the amendment will assist in the effective administration of the statutes: The updated KETS Master Plan for Education Technology establishes the roadmap for technology use and procurement for local public school districts for the next 6 fiscal years.

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

as they are the intended audience of the document incorporated by reference. The KDE as it is tasked with the development and revision of this plan.

(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: No action necessary by local public school districts to comply with the amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs to local public school districts

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Amendment of this regulation provides the current KETS Master Plan as a document incorporated by reference and revises the office name and physical location.

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

(a) Initially: No costs

(b) On a continuing basis: No costs

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A (as per items 5a and 5b)

(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: None to implement the amended regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all public schools and districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 701 KAR 5:110. Amendment of 701 KAR 5:110
Contact Person: Kevin C. Brown, kevin.brown@education.ky.gov
Phone number: 502-564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Local public school districts and the Kentucky Department of Education.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.070 and KRS 156.160

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. No additional expenses or revenues to local public school districts or the Kentucky Department of Education.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? No additional costs

(d) How much will it cost to administer this program for subsequent years? No additional costs

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: N/A

Summary Page – Incorporation by Reference

701 KAR 5:110. Use of local monies to reduce unmet technology need.

- (1) The following documents are incorporated by reference:

Section 5. Incorporation by Reference. (1) The 2018-2024 [~~2013-2018~~] KETS Master Plan, dated February 2018 [~~November 2012~~], is hereby incorporated by reference.

- (2) The document establishes a roadmap for technology use and procurement for local public school districts for the next 6 fiscal years.
- (3) The document incorporated by reference consists of 68 pages.
- (4) The amendment revises the office name and physical address.