

STATEMENT OF CONSIDERATION
RELATING TO 702 KAR 4:090

Kentucky Board of Education, Department of Education
(Amended After Comments)

I. A public hearing was scheduled for the above regulation on October 22, 2020 at 10:00 a.m. Eastern Time at the Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky, but was cancelled because no one registered to attend. However, a written comment was received during the public comment period.

II. The following individual submitted written comments:

<u>Name</u>	<u>Title and Affiliation</u>
Kerri Schelling	Executive Director, Kentucky School Boards Association

III. The following people from the promulgating administrative body responded to the written comments:

Name and Title
Robin Fields Kinney, Associate Commissioner, Office of Finance and Operations

Matt Ross
Executive Advisor, Office of Finance and Operations

Greg Dunbar
Manager, Facilities Branch, Division of District Support Services, Office of Finance and Operations

IV. Summary of Comments and Responses

(1) Subject Matter: Proposed Amendment should remove conflict of interest requirements for school board members participating in the disposal of district surplus property.

(a) Comment: Kerri Schelling, Executive Director, Kentucky School Boards Association, suggests that the conflict of interest provisions found in Section 4(1) of the proposed amendment should be removed because they are not aligned with the statutory grant of authority, are vague, beyond conflict of interest provisions found in other statutes, and do not address “perceived” conflict of interest.

(b) Response: The agency carefully reviewed this comment and is deleting the conflict of interest provisions found in Section 4(1).

(2) Subject Matter: Proposed Amendment should include a process valuation of certain small real property interests.

(a) Comment: Comment: Kerri Schelling, Executive Director, Kentucky School Boards Association, suggests the amendment include a “minor acquisition review” valuation process for certain small real property interests.

(b) Response: The agency carefully reviewed this comment and does not believe that it can implement the Kentucky Transportation Cabinet’s “minor acquisition review” process. School districts disposing of surplus property must ascertain fair market value and the surest manner for the district to obtain such valuation is through an independent appraisal.

V. Summary of Statement of Consideration
And Action Taken by Promulgating Administrative Body

The public hearing on this administrative regulation was scheduled for October 22, 2020 at 10:00 a.m., in the State Board Room, Fifth Floor, Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky, but was later cancelled due to no notice of anticipated attendees. One written comment was received. The agency responded to the comment and amends the administrative regulation as follows:

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Section 4(1)

Line 18

Section 4(1) is to be deleted in its entirety.