

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: KDE School Facilities Task Force Recommendations

Date: December 2021

Action Requested: Review Action/Consent Action/Discussion

Held In: Full Board Curriculum, Instruction and Assessment Operations

SUMMARY OF ISSUE BEFORE THE BOARD:

To provide the Kentucky Board of Education (KBE) with an update on the Kentucky Department of Education's (KDE) School Facilities Task Force and a review of its recommendations. The task force was created to review the relevant statutes, regulations and policies impacting school facility planning and construction and to provide recommendations to improve the process.

APPLICABLE STATUTE OR REGULATION:

KRS 156.070; KRS Chapter 162; and 702 KAR Chapter 4

BACKGROUND:

Existing Policy:

Pursuant to KRS 156.070, the KBE is responsible for establishing policy on all matters relating to capital construction and facility renovation. This policy is expressed in 702 KAR Chapter 4, the KBE's administrative regulations relating to school facilities and construction. The regulations are subject to the requirements and limitations of authorizing statutes.

Summary of Issue:

In order to examine the statutes, regulations and policies governing the school planning and construction process, KDE created the School Facilities Task Force. The Task Force was comprised of 35 members. Thirty-three members represented school districts and two represented educational cooperatives. Nine members of KDE staff participated as facilitators, technical support and project management. District representation included superintendents (18), assistant superintendents (2), chief financial officers (2), directors of operations (3), executive directors (2), finance officers (4), an assistant principal, and a chief executive officer. The task force was subdivided into subcommittees to examine specific topics including communication and training, Facilities Planning and Construction Application (FACPAC) & BG, funding, Kentucky Facilities Inventor and Classification System (KFICS), Local Planning Committee/District Facility Plan (LPC/DFP), the planning manual and property acquisition. The Task Force met twenty-one times from July through October. The last meeting was on October 28, 2021. Further meetings may be called in the future on an as-need basis for updates and additional input.

The Task Force produced a recommendations document. That document is included in the

KBE's materials. Recommendations include requests for additional training in various aspects of the facilities planning process, the need for additional and better communication, the revision of the planning manual, simplification of the BG process, changes to taxes and state funding, and the reduction of KDE's role in property acquisition and disposal. Many of the recommendations may be addressed through regulatory changes, however, some will require statutory revisions. The regulatory amendments will be brought before the KBE at future board meetings. Examples of changes possibly requiring legislative action include amending the property disposal and acquisition statutes. Likewise, any change to the sales tax statute to permit a school district's exemption to be applied to materials purchased by a contractor for a school construction project will take action by the General Assembly.

Budget Impact:

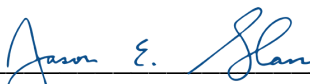
While there is no immediate impact on KDE funds related to the task force's recommendations, they will shape future KBE regulatory revisions as well as requests to the General Assembly for statutory amendments. Such changes, will impact KDE staff and processes and may impact KDE's budget. District facility plans and construction projects impact district budgets and any regulatory or statutory changes that change the current processes may have a budgetary impact.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The Task Force membership consisted of representatives of school districts and educational cooperatives. Based on its review of the school facility planning and construction statutes, regulations and policies, the Task Force membership produced a set of recommendations. From September 24 through October 5, KDE surveyed facility directors, finance officers, architects, fiscal agents and superintendents regarding the recommendations. Surveys were sent to 792 individuals with KDE receiving responses from 144. These recommendations are included in the KBE's materials and will be posted on KDE's website for public review.

CONTACT PERSON(S):

Robin Fields Kinney, Associate Commissioner
Office of Finance and Operations
Robin.Kinney@education.ky.gov
(502) 564-1976



Commissioner of Education

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