

DATE:

3/24/2022

AGENDA ITEM (ACTION ITEM):

Consider / Approve a Resolution adopting HB 678 thereby providing for and commence the funding, financing, design, construction, renovation, or modification of the District's Facilities in accordance with the provisions and restrictions established in statute and administrative regulation notwithstanding the requirements for prior approval for the District's Plans and Specifications from the Chief State School Officer under KRS 162.060, for use of the District's Capital Outlay Funds for projects from the Commissioner of Education under KRS 157.420, and for the District's Transactions by the Kentucky Department of Education under KRS 160.160(3) and (4), and notwithstanding any administrative regulation that requires any of those entities to provide prior approval for the funding , financing, design, construction, renovation, or modification of school facilities. (Pending HB678 becoming law)

APPLICABLE BOARD POLICY:

01.1 Legal Status of the Board; HB 678

HISTORY/BACKGROUND:

Members from the Kentucky House of Representatives and Senate convened a group of local school district administrators, Kentucky School Boards Association Representatives, and select consultants to review and prepare emergency legislation designed to provide relief for districts from the overly burdensome and lengthy Kentucky Department of Education approval process for Capital Construction Projects. This process has often caused extensive delays and even financial loss to the local district. HB 678 provides local approval and authority over Capital Construction until June 30, 2024. During this two (2) year period, the Department of Education shall be compelled to conduct a review of the administrative regulations, incorporated materials, design manuals, and other guidance the Department provides to districts concerning the construction, renovation, and modification of school facilities to identify inefficiencies in the review and approval process.

FISCAL/BUDGETARY IMPACT:

None

RECOMMENDATION:

Approve a Resolution adopting HB 678 thereby providing for and commence the funding, financing, design, construction, renovation, or modification of the District's Facilities in accordance with the provisions and restrictions established in statute and administrative regulation notwithstanding the requirements for prior approval for the District's Plans and Specifications from the Chief State School Officer under KRS 162.060, for use of the District's Capital Outlay Funds for projects from the Commissioner of Education under KRS 157.420, and for the District's Transactions by the Kentucky Department of Education under KRS 160.160(3) and (4), and notwithstanding any administrative regulation that requires any of those entities to provide prior approval for the funding , financing, design, construction, renovation, or modification of school facilities. (Pending HB678 becoming law)

CONTACT PERSON:

Rob Haney, Chief Operations Officer

Principal/Administrator



District Administrator



Superintendent

Use this form to submit your request to the Superintendent for items to be added to the Board Meeting Agenda

Principal – Complete, print, sign and send to your Director. Director – if approved, sign and put in the Superintendent's mailbox

1 AN ACT relating to juvenile justice.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. Until June 30, 2024, a local board of education of a district may
4 provide for and commence the funding, financing, design, construction, renovation, or
5 modification of the district's facilities in accordance with the provisions and restrictions
6 established in statute and administrative regulation notwithstanding the requirements for
7 prior approval for the district's plans and specifications from the chief state school officer
8 under KRS 162.060, for the use of the district's capital outlay funds for projects from the
9 commissioner of education under KRS 157.420, and for the district's transactions by the
10 Kentucky Department of Education under KRS 160.160(3) and (4), and notwithstanding
11 any administrative regulation that requires any of those entities to provide prior approval
12 for the funding, financing, design, construction, renovation, or modification of school
13 facilities. A local board that elects to conduct its projects under this section shall adopt a
14 resolution by majority vote and submit the resolution to the Kentucky Department of
15 Education as notice. Such a local board shall still submit RG-1 Project Application forms
16 as appropriate to the Kentucky Department of Education for recordkeeping and data
17 collection. The provisions of KRS 160.160(5) shall remain in full effect and shall be
18 applicable to leases and bonds authorized by a local board without the prior approval of
19 department.

20 ➔Section 2. Until June 30, 2024, notwithstanding 702 KAR 4:180, 702 KAR
21 4:050, and 702 KAR 4:090, or any other similar administrative regulation to the contrary,
22 a local board of education that submits a request for approval of a complete district
23 facility plan, a request for acquisition of property, or a request for disposal of surplus
24 property shall submit the request to the commissioner of education or designee who shall
25 approve or disapprove the request within 30 business days. An approved request shall be
26 reported to the Kentucky Board of Education. A denied request may be appealed to the
27 board.

1 ➔Section 3. Until June 30, 2024, the Kentucky Department of Education shall
2 provide assistance and guidance to local boards upon request regarding facilities funding,
3 financing, design, construction, renovation, and modification, district facilities plans, and
4 the acquisition and disposal of property.

5 ➔Section 4. Sections 1 through 3 of this Act shall also be applicable to
6 submissions and requests that have been made by local boards prior to the effective date
7 of this Act, but have not yet received approval from the appropriate board or official.

8 ➔Section 5. The facilities in Sections 1 through 3 of this Act may include
9 extracurricular facilities which may be in any priority in a district facility plan
10 notwithstanding 702 KAR 4:180 or any statute or other administrative regulation to the
11 contrary.

12 ➔Section 6. Nothing in this Act shall be deemed to waive prior approval for the
13 use of federal Elementary and Secondary School Emergency Relief Fund moneys or other
14 funds that federal law requires approval from state officials prior to use.

15 ➔Section 7. By June 30, 2023, the Kentucky Department of Education shall
16 conduct a review of the administrative regulations, incorporated materials, design
17 manuals, and other guidance the department provides to districts concerning the
18 construction, renovation, and modification of school facilities to identify inefficiencies in
19 the review and approval process. During the review, the department shall also identify
20 updates needed to the administrative regulations and materials due to the changing trends
21 in facilities design, the construction industry, and the economy. This shall include
22 identifying the most commonly granted waivers from administrative regulation and the
23 changes required to reduce or eliminate the need for those waivers. The department shall
24 also review the procedures implemented in the department for conducting the reviews and
25 approvals outlined in Section 1 of this Act and develop a plan to reduce delays and
26 increase efficiency through policy changes. The Kentucky Department of Education and
27 the Department of Housing, Buildings and Construction shall discuss which elements of

1 Kentucky Board of Education administrative regulations may be appropriate to
2 incorporate into the administrative regulations of the Department of Housing, Buildings
3 and Construction and the feasibility of enforcement of the administrative regulations. By
4 September 1, 2023, the Kentucky Department of Education shall submit the results of the
5 reviews, plans, and consultations required by this subsection in a report to the Interim
6 Joint Committee on Appropriations and Revenue and the Interim Joint Committee on
7 Education. The report may include suggested changes in statute for the General Assembly
8 to consider during the 2024 Regular Session.

9 ➔Section 8. Due to the growing financial loss to school districts from the
10 increasing cost of construction and approval delays, an emergency is declared to exist,
11 and this Act takes effect upon its passage and approval by the Governor or upon its
12 otherwise becoming a law.