

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: 702 KAR 3:340, Approval of School District Lease Agreements

Date: August 2023

Action Requested: Review Action/Consent Action/Discussion

Held In: Full Board Curriculum, Instruction and Assessment Operations

SUMMARY OF ISSUE BEFORE THE BOARD:

To take action on the promulgation of a new regulation 702 KAR 3:340, Approval of School District Leases.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of the proposed regulation 702 KAR 3:340, Approval of School District Lease Agreements

APPLICABLE STATUTE OR REGULATION:

KRS 65.944(1)(b), 156.070, 156.160

BACKGROUND:

Existing Policy:

KRS 65.944 requires the Kentucky Board of Education to promulgate regulations for the approval of school district leases in excess of one hundred thousand dollars (\$100,000). The proposed regulation updates and modernizes the process for lease approval in conformity with the statute.

Summary of Issue:

Currently, the review of school district leases in excess of one hundred thousand dollars (\$100,000) is conducted by the Kentucky Department of Education (KDE) office with subject matter jurisdiction, as well as by the Office of Legal Services (OLS). This process can be confusing to local school districts and the multiple reviews can result in approval delays. The proposed regulation and the incorporated "Local Board Attorney Certification" form will provide for a more expedited review process. The "Local Board Attorney Certification" form contains a list of the required statutory and regulatory requirements for school district leases. By signing the form, the local school district's legal counsel certifies that they have reviewed the proposed lease and that it is in conformity with Kentucky law. Leases and the completed Local Board Attorney Certification will then be submitted to KDE via an electronic mailbox where they are reviewed for completeness and then approved via an email from the Commissioner's Office. It is envisioned that this will benefit local school districts by providing a clear review process, that also avoids duplication and unnecessary delays.

Budget Impact:

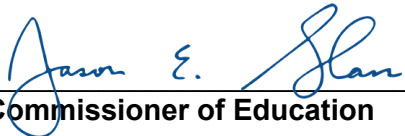
There is no impact on KDE's budget.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The proposed amendment will be reviewed by the Local Superintendents Advisory Council (LSAC) at their July 25, 2023 meeting.

CONTACT PERSON(S):

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