

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Certification of 701 KAR 5:120, Prevention of sexually explicit materials transmitted to schools via computer

Date: February 2025

Action Requested: ☐ Review ☒ Action/Consent ☐ Action/Discussion

Held In: ☒ Full Board ☐ State Schools ☐ United We Learn

SUMMARY OF ISSUE BEFORE THE BOARD:

To take action on the recertification of 701 KAR 5:120, Prevention of sexually explicit materials transmitted to schools via computer.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of the recertification of 701 KAR 5:120.

APPLICABLE STATUTE OR REGULATION:

KRS 156.160, 156.675

BACKGROUND:

Existing Policy:

KRS 156.160 authorizes the Kentucky Board of Education (KBE) to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service and operational performance. Per KRS 156.675(1), the Kentucky Board of Education is authorized to promulgate administrative regulations necessary to prevent sexually explicit material from being transmitted from or received by any computing or telecommunications system used in local schools and school districts.

This administrative regulation requires school districts to implement acceptable use policies and to use filtering technologies in every school. The administrative regulation also specifies the Kentucky Department of Education's responsibilities to provide filtering technology to local districts, to provide technical assistance to support implementation of the regulation, and to ascertain compliance.

Summary of Issue:

701 KAR 5:120 is nearing its expiration date. The KBE must approve the recertification of the regulation to avoid expiration.

Budget Impact:

The proposed recertification of this regulation has no fiscal impact on state funds.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The Office of Education Technology reviewed the regulation for verification that it is in compliance with current governing law and requires no amendments at this time.

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