



KENTUCKY DEPARTMENT OF
EDUCATION
HB 678 (2022) REPORT



September 1, 2023

KENTUCKY DEPARTMENT OF EDUCATION

HB 678 (RS 2022) Report

[HB 678](#) was enacted during the 2022 Regular Session of the General Assembly. The law provides school districts with temporary relief from certain statutes and regulations related to school district property, facilities, and construction. Among its provisions is a requirement that the Kentucky Department of Education (KDE), by June 30, 2023, conduct a review of all “administrative regulations, incorporated materials, design manuals, and other guidance the department provides to districts concerning the construction, renovation, and modification of school facilities.” The department is to identify inefficiencies in the existing review and approval process and needed updates to administrative regulations and materials due to changing trends in facilities design, the construction industry, and the economy. This shall include identifying the most commonly granted waivers from administrative regulation and the changes required to reduce or eliminate the need for those waivers. KDE is also required to consult with the Department of Housing Buildings and Construction (HBC) to discuss whether elements of KDE’s administrative regulations may be incorporated into HBC’s building code for enforcement purposes. Finally, KDE is required to provide a report on the results of the review to the Interim Joint Committee on Education and the Interim Joint Committee on Appropriations and Revenue by September 1, 2023.

Introduction

As stated in HB 678’s emergency clause, the intent of the bill was to provide relief to school districts due to the growing financial loss from the increasing cost of construction and approval delays. The bill made several temporary noncodified changes to facilities related statutes and Kentucky Board of Education (KBE) regulations. HB 678 includes the following:

- Provides, until June 30, 2024, a school district may elect to “provide 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...”
- Adopting districts are no longer required to obtain prior approval of plans and specifications for building projects. Districts may commence projects but are still required to submit BG-1 application forms to the department for recordkeeping and data collection purposes. Districts may also use district capital outlay funds and enter into leasing/bonding arrangements per KRS 160.160(3) and (4) without KDE prior approval.
- Districts may use the estimates of architects and engineers that prepared plans and specifications to estimate the costs of projects for financing purposes without having to

seek competitive bids to establish such costs. Prior approval is not waived for any project funded with federal funds that requires approval by the State Educational Agency (e.g., ESSER funds).

- Districts must continue to submit district facility plans as well as requests for property acquisition and disposal to KDE. Upon the submission of a complete District Facility Plan (DFP) or request to purchase or sell property, the department has thirty (30) business days to approve or deny a request. These are reported in writing to the KBE bi-monthly in advance of the regularly scheduled meetings. Districts may appeal any denial to the Kentucky Board of Education (KBE). Since the inception of HB 678, KDE has only denied one property acquisition request. In that case, the district did not pursue the acquisition and did not appeal the denial to the KBE.
- Districts may list extracurricular (athletic) facilities in any priority on a DFP. Listing extracurricular facilities in higher priorities allows for the use of School Facilities Construction Commission (SFCC) funds.
- KDE is required to continue to provide assistance and guidance to districts upon request.
- Local school districts may elect to operate under the provisions of HB 678 through the adoption of a board resolution. To date, 158 out of 171 districts have passed resolutions. The remaining districts continue to operate under statutes and regulations in effect prior to the passage of HB 678.

Review

At the time of HB 678's enactment, KDE was already engaged in a review of its school district facility processes, including related regulations. In June 2021, KDE assembled an advisory group made up of thirty-five (35) members from school districts and nine (9) KDE employees. District representatives included district superintendents, assistant superintendents, finance directors, operation directors, facility directors, etc. The advisory group included subgroups covering various facets of the facilities, property, and construction process. The advisory group's first meeting was on July 16, 2021, and it continued to meet regularly through October 28, 2021. It was re-engaged in early 2023 to review suggested revisions and changes to the current facilities process after the passage of HB 678. In addition to the advisory group, KDE has continued to update the KBE on the progress of the review process, consulted with the Local Superintendent's Advisory Committee (LSAC), surveyed school district personnel and design professionals regarding advisory group recommendations, met with architects, construction contractors, school safety officials and fiscal agents regarding changes to the facilities process.

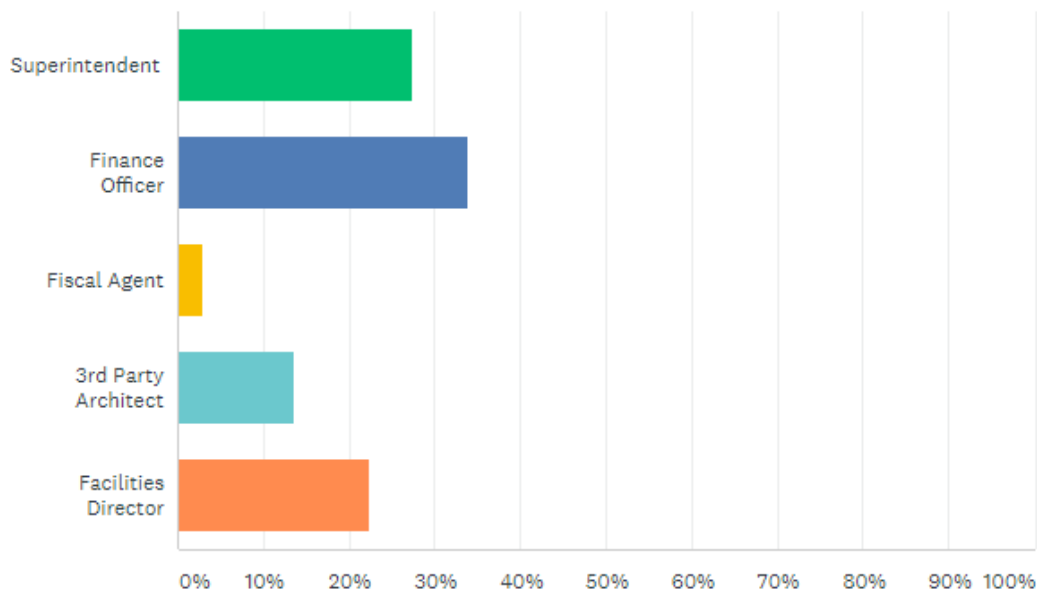
The advisory group's primary objective was to engage in a comprehensive review of the processes and systems associated with facilities and provide recommendations on how to enhance their effectiveness for the school districts. (See attached Appendix A for the advisory group membership and meeting information). The advisory group members also met in smaller group discussions on focus topics. Upon completing the smaller group discussions, KDE

convened additional meetings with all members of the advisory group to report out. The primary objective of these meetings was to review and consider any supplementary recommendations offered by the members.

KDE next asked advisory group members to review all recommendations individually. They were requested to rank them based on priority and order for review and execution. The survey was conducted from September 24th to October 5th, and 16 responses were submitted.

Finally, KDE conducted a comprehensive survey aimed at gathering feedback from all local school district Facility Directors, Finance Officers, 3rd Party Architects, Fiscal Agents, and Superintendents on the recommendations put forth by the advisory group. The chart below lists survey participation. The last meeting with the advisory group was February 16, 2023

- ☐ **The number of people the survey was sent to - 792**
- ☐ **The number of people completing the survey - 144**



The major recommendations from the review are set out as follows:

- Move career and technical education (CTE) space requirements from the model program of spaces and place under the authority of the Office of Career and Technical Education (OCTE).
- Permit districts to use restricted funds to hire facilities related district-level personnel.
- Provide additional training opportunities for district personnel, including superintendents as well as for third party district contractors and architects on all aspects of the facilities process.
- Increase facility branch staffing and efficiency.
- Improve communication between the Facilities Branch and school districts.

- Eliminate unnecessary waivers.
- Exempt school building materials from sales tax.
- Provide additional space allowances in district facilities.
- Review, update and streamline the property acquisition process.

A summary of all the recommendations is included in Appendix B of this report. The KDE Facilities Branch reviewed advisory group recommendations in light of the existing facility related regulations with the goal of implementing most of the group’s recommendations through the regulatory process where possible. The review included a thorough examination of regulations 702 KAR: 3:030, 702 KAR 4:005, 702 KAR 4:050, 702 KAR 4:090, 702 KAR 4:160, 702 KAR 4:170, 702 KAR 4:180, and a proposed new regulation which would address the local school district as a lessee.

Where appropriate, KDE Facilities Branch staff solicited feedback and included input from department and partner subject matter experts as follows:

- **For Project Based learning, computer labs and digital learning (curriculum)** - Office of Education Technology (OET)
- **For technology systems in schools (construction)** – OET, Kentucky Education Technology Systems (KETS)
- **For School Counseling Requirements** - Office of Teaching and Learning (OTL)
- **For School Based Decision Making (SBDM) Guidance** – Office of Continuous Improvement and Support (OCIS), Division of School and Program Improvements
- **For Special Education/Individuals with Disabilities Education Act (IDEA)** – Office of Special Education and Early Learning (OSEEL)
- **For School Safety** – Kentucky Center for School Safety
- **For District Finance and Operations**
 - Office of Finance and Operations, Division of District Support
 - Office of Finance and Operations, Pupil Transportation Branch
- **For School Construction Financing** - School Facilities Construction Commission (SFCC)

All major recommendations were presented to the original advisory group. An invitation to this meeting was sent to all members of the group. Twenty (20) members attended to discuss and provide feedback on the recommendations. The recommendations were distilled and incorporated where possible into proposed changes to existing regulations and statutory changes identified where necessary. The KBE received updates regarding the review process on December 1, 2021, February 9, 2022, April 20, 2022, and December 7, 2022. The major recommendations were summarized in presentations to the Local Superintendent’s Advisory Council (LSAC) on March 28, 2023, and to the KBE on December 7, 2022.

Recommended Changes

KDE recommends the following as amendments to existing statutes and/or regulations.

HB 697 (Statutory Codification)

- Codify the majority of the provisions of HB 678 so that Local school districts may continue to utilize the flexibilities contained therein that allow them to approve their own funding, financing, design, construction, renovation, or modifications of the district's facilities without KDE prior approval. Without the enactment of a new statute, the provisions of HB 678 will expire on June 30, 2024.
 - KDE does not recommend the codification of the HB 678 provision which notwithstanding portions of KRS 160.160(2) to allow local boards to use the estimates of architects or engineers who prepared the plans or specifications as an alternative to the receipt of advertised, public, and competitive bids for the project to estimate the cost of the project in advance of financing. It is KDE position that the use of competitive bids is a more reliable and dependable method to determine the cost of the project in advance of funding. KDE is concerned that the potential for costly estimating errors in volatile and unpredictable markets may result in economic harm to districts.
- Provide 30-business days for KDE's approval of a complete district facility plan, a request for acquisition of property, or a request for disposal of surplus property.
- Permit local boards of education to approve capital funds usage in compliance with KRS 157.420.
- Permit school districts to use capital funds to employ facility related personnel.
- Permit flexible use of restricted funds for district extracurricular facilities. SFCC shall be consulted directly for the use of SFCC funding.

New Statutory and/or Regulatory Recommendations

- Authorize local boards to approve construction and consultant agreements previously requiring KDE approval.
- Integrate the Kentucky Facilities and Inventory Classification System (KFICS) as the statewide inventory asset tool and as part of the planning and construction process.
- With the codification of HB 678 provisions, which transfers more accountability, responsibility and liability to local school districts for local facility construction, renovation, design and financing decisions, require minimum annual continuing

professional development hours to be achieved by a district employee charged with oversight of the local district facilities processes and projects.

It is the intention of KDE to commence the amendment or revision of existing regulatory requirements which impact the construction, renovation or modification of district facilities. This process includes review of proposed changes by LSAC, the KBE, public comment periods and the Administrative Regulation Review Subcommittee (ARRS). The following are high level summaries of regulations for preview. Amendments or revisions are proposed to provide greater clarity, efficiencies and decision-making authority at the local district level.

Summary of Suggested Regulatory Changes

702 KAR 4:005 Recreational Facilities, School & Community

GENERAL PURPOSE:

This regulation provides language for districts entering into agreements to develop school property for school and community recreation purposes in partnership with another public agency.

RELATES TO: KRS 156.031, 160.293

STATUTORY AUTHORITY: KRS 156.070, 160.290

NECESSITY, FUNCTION, AND CONFORMITY:

- KRS 156.031 requires that administrative regulations relating to statutes amended by the 1990 Kentucky Education Reform Act be reviewed, amended if necessary and resubmitted to the Legislative Research Commission prior to December 30, 1990; and
- KRS 160.293 allows for the development of school property recreational facilities for school and community purposes, in conjunction with another public agency. This administrative regulation implements the latter statute and provides for school and community recreational facilities.

AMENDMENTS TO STATUTES OR REGULATIONS:

- None.

DOCUMENTS INCORPORATED BY REFERENCE:

- None.

SUMMARY OF CHANGES:

- No significant changes to report.

702 KAR 4:050 Building Sites, Inspection and Final Approval

GENERAL PURPOSE:

This regulation provides guidance and requirements for districts concerning the acquisition of real property for the purpose of district use through site inspection and approval processes for “minor” and “major” acquisitions.

RELATES TO: KRS 156.160, 162.010, 162.060, (add the statutory references for KRS Chapter 324A, KRS 177.057, and KRS 162.030)

STATUTORY AUTHORITY: KRS 156.070, KRS 156.160 (codify the provisions of House Bill 678).

NECESSITY, FUNCTION, AND CONFORMITY:

- KRS 156.160 requires the State Board for Elementary and Secondary Education to prescribe administrative regulations relative to sanitary and protective construction of public-school buildings.
- KRS 162.010 requires fee simple title to school property.
- KRS 162.060 requires plan and specification approval for school construction by the chief state school officer. This administrative regulation provides for the location of school buildings in accordance with the program approved by the chief state school officer.
- Sections 184 and 186 of the Constitution of Kentucky relates to real property and case law with issued Opinions of the Attorney General regarding real property.

AMENDMENTS TO STATUTES OR REGULATIONS:

- Make the provisions of HB 678 permanent through codification. HB 678 provides for a 30-business day turnaround in approvals by KDE upon complete submittals by local districts for the acquisition of property. For districts to continue to have this ability, the provisions of HB 678 should be codified. Most complete submittals currently receive a final review within this time range. The key is receiving a complete submittal. Due to increased due diligence in districts providing complete property submittals, KDE is consistently meeting the 30-business day turnaround approval requirement for real property (See Appendix C).
- Amend regulation to include KRS Chapter 324A as a “relates to” statute that provides for the requirements and needs for appraisers/appraisal.
- Amend regulation to include KRS 177.057 as a “relates to” because it requires a local public school district to consult with Kentucky Transportation Cabinet (KYTC) before purchasing property for the construction of a school facility.
- Amend regulation to add KRS 162.030 as a “relates to” because it provides for eminent domain requirements.
- NOTE: Per KRS 162.010 title to local school district property vests in the Commonwealth which supports the continued involvement of KDE in the approval process for real property acquisition.

DOCUMENTS INCORPORATED BY REFERENCE:

- None.

SUMMARY OF PROPOSED CHANGES:

- Expand definitions to distinguish between minor and major property acquisitions, clarify eminent domain, road requirements and impact on property, and schools as they relate to property size.
- Require certified appraisals for the acquisition of property.
- Amend to provide separate and detailed submittal processes for major acquisitions, minor acquisitions, and easements. Currently, all property purchases have the same requirements for acquisition. Separate processes will permit a streamlined quicker process for simple property acquisitions.
- Permit property acquisitions to be considered for approval by KDE. Requests which are disapproved by KDE may be appealed by the district to the KBE.

702 KAR 4:090. Real Property Disposal, Surplus Property.

GENERAL PURPOSE:

This regulation provides guidance and requirements for districts concerning the disposal of real property through sale, easement or leasing as lessor (landlord).

RELATES TO: KRS 156.160

STATUTORY AUTHORITY: KRS 156.070, KRS 156.160 (codify the provisions of House Bill 678)

NECESSITY, FUNCTION, AND CONFORMITY:

- KRS 156.160 requires the State Board for Elementary and Secondary Education to promulgate administrative regulations for the disposal of real and personal property owned by local boards of education. This administrative regulation is necessary to provide for real property disposal, leases, and easements in accordance with an approved educational program.
- KRS 156.070 provides the Kentucky Board of Education shall have the management and control of the common schools.
- Sections 184 and 186 of the Constitution of Kentucky relate to real school property.

AMENDMENTS TO STATUTES OR REGULATIONS:

- Make the provisions of HB 678 permanent through codification. HB 678 provides for a 30-business day turnaround in approvals by KDE upon complete submittals by local districts for the disposition of property. For districts to continue to have this ability, the provisions of HB 678 should be codified. Most complete submittals currently receive a final review within this time range. The key is receiving a complete submittal.

- NOTE: Per KRS 162.010 title to local school district property vests in the Commonwealth which supports the continued involvement of KDE in the approval process for real property acquisition.

DOCUMENTS INCORPORATED BY REFERENCE:

- None.

SUMMARY OF PROPOSED CHANGES:

- The regulation was updated on December 15, 2021. After review, only minor language adjustments are related to easements through school district property. "Easements shall not conflict with the requirements contained in 702 KAR 4:050 and 702 KAR 4:170." This will alert those considering easements on school property to be aware of requirements for school properties outside of this regulation.

702 KAR 4:160 Capital Construction Process

GENERAL PURPOSE:

This regulation provides frameworks for all agreements and review processes for design, bidding, and construction for a number of construction delivery methods, to meet a number of statutory requirements.

RELATES TO: KRS Chapter 45A, KRS, 157.310, 157.420, 157.440, 157.611, KRS 157.615, 157.620, 157.621, 157.622, KRS 160.160, KRS 160.476, KRS 162.070, KRS 322.010, KRS 322.360, KRS 323.010, KRS 323.033, KRS 323A.010, KRS 371.405(7), KRS 371.410, KRS 424.260

STATUTORY AUTHORITY: KRS 156.070, KRS 156.160, KRS 162.060, KRS162.065, KRS 322.360, KRS 323.033 (codify the provisions of House Bill 678).

NECESSITY, FUNCTION, AND CONFORMITY:

- KRS 156.070 requires the Kentucky Board of Education to have management and control of the common schools and their programs.
- KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations establishing standards that school districts shall meet in operational performance, including construction of public school buildings and the use of uniform forms.
- KRS 162.060 requires that the chief state school officer shall examine or cause to be examined all plans and specifications for public school buildings in accordance with administrative regulations promulgated by the Kentucky Board of Education.
- KRS 162.065 requires the Kentucky Board of Education to prescribe administrative regulations governing construction managers.

- KRS 322.360 and 323.033 require a school district, when engaged in the construction of any public work involving architecture or engineering, to utilize an architect or engineer to directly supervise the preparation of plans and specifications, estimates, and the execution of construction. This administrative regulation establishes the procedures and criteria for the construction of public school buildings.

AMENDMENTS TO STATUTES OR REGULATIONS:

- Amend the regulation to require districts to utilize the Kentucky Facilities and Inventory Classification System (KFICS) consistent with KRS 157.420(8)-(10) to provide for a standardized inventory of school buildings and for assessment requirements for the District Facilities Planning (DFP) process. At present, 1,088 school buildings out of a total of 1,423 have been reported in the KFICS system.
- Codify the flexibility provided by HB 678. HB 678 temporarily supersedes statutory and regulatory requirements which require KDE review and approval of documents related to design, bidding and financing of school facilities and moved approvals to the district level. Districts are still required to provide an initial BG-1 Project Application Form to KDE for “record-keeping and data collection” purposes only. KDE proposes that districts be required to submit an initial BG-1 within 30 business days of approval and to submit a BG-5 Project Closeout Form within 30 business days of project completion. The timely input of these forms will more accurately inform the Need/Unmet Need Report to the General Assembly. Other “BG” documents (BG-2 Outline Specifications and Energy Design Criteria, BG-3 Statement of Probable Cost, and BG-4 Construction Contract Closeout) are shortform summaries that concisely illustrate some key compliance requirements for local board review. Prior to HB 678 districts had to receive prior approval from KDE to initiate project construction and have nearly every step approved at the state level. The proposed codification of HB 678 will enable districts to continue to move forward with construction projects in a manner requiring far less dependence upon KDE approvals.

DOCUMENTS INCORPORATED BY REFERENCE:

- None.

SUMMARY OF PROPOSED CHANGES:

- A significant proposed change to this regulation is to allow the districts to approve most steps in each process with only a BG-1, appropriate revised BG-1 at post-bid phase or any significant costing or scope change, and a BG-5 to close out. These are the only BG forms required to be reported to KDE for record keeping and data collection purposes. Other BG forms will be available for the district to complete project documentation and agreement requirements (BG-2, BG-3, and BG-4).
 - Districts retain all other steps at the local level if they choose. Districts adopt a policy at the local level (per HB 678) electing local control over the process or they may elect to continue to submit for KDE review and approval.

- This change will require statutory changes previously noted to KRS 162.060 (approval of school district plans and specifications by the chief state school officer).
- Federally funded projects would continue to follow federal rules. If a federally funded project requires KDE prior approval, then KDE approval of the BG-1 and associated documents would be required.
- AIA agreement document references have been removed. The AIA document family is a group of construction agreements and contracts that are created by and belong to the American Institute of Architects. This information will be located on the KDE website referencing comparative forms but the forms are no longer incorporated by reference in the regulation. Districts will be encouraged to use the forms provided but not required.
- Construction management services have increased from \$2,000,000 to \$5,000,000. The minimum project size for using the construction manager delivery option is \$5,000,000.
- Remove architect and construction manager fee schedule from the regulation. KDE will continue to post the fee schedule on the KDE website. Local districts are encouraged to negotiate fees for construction managers in accordance with KRS 162.065.
- “Construction Management as Constructor” is a delivery system which will be added to the regulation. Currently only “Construction Manager as Adviser” is permissible. This allows for additional district flexibility in construction projects.
- Include procedures for project documentation and approval from beginning to end for the following project types:
 - General Construction
 - Construction Management (Advisor and new “Constructor” option)
 - Cooperative Purchase Agreements
 - Guaranteed Energy Saving Project
 - Significantly updated to be more in alignment with other processes.
- Provide the requirements for approving bidding information, contracts and requirements for bond sales.
- Closeout documentation requires KFICS updates prior to closing a project with a BG-5. This will provide for an accurate inventory, district fund balance and will reduce Unmet Need.
- Reduce standard forms where AIA documents are no longer referenced from 38 documents to 11. The forms are listed below. AIA documents will still be recommended for district use but will not be required.
 1. "BG-1 Project Application Form", KDE system generated.
 2. "BG-2 Outline Specifications Energy Design Criteria", 2023.
 3. "BG-3 Statement of Probable Cost", 2023.
 4. "BG-4 Contract Closeout Form", KDE system generated.
 5. "BG-5 Project Closeout Form", KDE system generated.
 6. "KDE Form of Proposal," 2023.
 7. "KDE Non-Collusion Affidavit," 2023.
 8. "KDE Purchase Order," KDE system generated;"
 9. "KDE Purchase Order Summary Form,"2023.

10. "KDE Design Review Checklist," 2023.
11. "KDE GESC Summary Template, 2023.

702 KAR 4:170 Facilities Programming and Construction Criteria

GENERAL PURPOSE:

This regulation along with incorporated by reference Facilities Programming and Construction Criteria Planning Guide is used by districts and third-party vendors to meet minimum design and construction standards for use and function of each designated model programs of spaces. The design and construction criteria in this regulation set the spatial foundations noted in facility planning tables in 702 KAR 4:180 and relative standards for design and construction requirements that are utilized in the design and construction processes outlined in 702 KAR 4:160. It additionally provides basic construction standards noted in KRS 156.160 which states, "the Kentucky Board of Education to adopt rules and administrative regulations relating to sanitary and protective construction of public-school buildings." These requirements shall not conflict or overlap with building code requirements, but rather provide for basic spatial and sanitary requirements necessary for the function of a common school environment.

RELATES TO: KRS 156.031, 156.070, 156.160, 157.420(9), 157.450, 157.455,162.060.

STATUTORY AUTHORITY: KRS 156.070, 156.160, 162.060, (Codify the flexibility provided by HB 678.)

NECESSITY, FUNCTION, AND CONFORMITY:

- KRS 156.070(4) authorizes the state board to prescribe administrative regulations for the efficient management, control, and operation of the schools and programs under its jurisdiction.
- KRS 156.160 requires the Kentucky Board of Education to adopt rules and administrative regulations relating to sanitary and protective construction of public-school buildings, toilets, physical equipment of school grounds, and school buildings and classrooms and to adopt the Uniform State Building Code for the physical standards of sanitary and protective construction.
- KRS 162.060 requires approval of all plans and specifications for school building construction by the chief state school officer, in accordance with the rules and administrative regulations of the state board. This administrative regulation implements these statutory duties by prescribing various programming, architectural, structural, mechanical, electrical, sanitary, heating and ventilation requirements to ensure functional, safe, and economical operation of the proposed educational facility.

AMENDMENTS TO STATUTES OR REGULATIONS:

- Amend the regulation to require districts to utilize the Kentucky Facilities and Inventory Classification System (KFICS) consistent with KRS 157.420(8)-(10) to provide for a standardized inventory of school buildings and for assessment requirements for the

District Facilities Planning (DFP) process. This regulation provides the baseline standards when creating the scoring rubrics within the KFICS systems. The entry of data by local school districts allows comparisons between and among districts and analysis at an aggregate state level for all districts, provided all districts participate and provide local district inventory data.

- The temporary HB 678 flexibilities impact construction (702 KAR 4:160) and planning (702 KAR 4:180) regulations which by extension relates to this regulation and the standards defined within. HB 678 should be codified to continue to provide districts with flexibility in the construction process.
- Prior to HB 678, KRS 162.060 required KDE approval of district project design documents. Codification of HB 678 flexibilities will permit final approval by the local school board. Statutory language should include the requirement that district personnel receive training on the facilities process to assist the district and local board in making design and construction decisions.

DOCUMENTS INCORPORATED BY REFERENCE:

- The Facility Programming and Construction Criteria Manual

SUMMARY OF PROPOSED CHANGES:

The Facility Programming and Construction Criteria Manual provides for mandatory as well as optional spaces for school district construction. The intent of the amendments to this regulation is to provide districts with additional options without unnecessarily increasing district costs. The amendment clarifies district flexibilities for construction projects.

- Reformat the Facility Programming and Construction Criteria Manual to better align to the same order as the Planning Manual incorporated by reference in 702 KAR 4:180. Language is updated to meet more current standards (some standards have not been considered or adjusted since 1997).
 - While the current proposal for The Facility Programming and Construction Criteria Manual changes from a 58-page manual to a 56-page manual, there are five significant content adjustments made throughout the manual which include: 1) removing redundancies; 2) removing career and technical program information to avoid conflicts with the Office of Career and Technical Education (OCTE) requirements; 3) provide more support building information for districts and design professionals to properly reference; 4) provide clearer waiver language for what local boards or KDE may waive; and 5) clarify the material and system standards to consider resilient, efficient, and sustainable facilities through design.
- Adjustments to The Planning Manual (702 KAR 4:180) and the Construction Criteria Manual (702 KAR 4:170) impact the allowable floor area a district can propose during the District Facilities Planning (DFP) process. Appendix D compares a 300-student elementary school allowed under current regulation to a 300-student elementary school under the proposed adjustments. In summary, the adjustments to the Model Programs of Spaces in The Planning Manual and the Construction Criteria Manual along with the

allowable area increases in 702 KAR 4:160, provide flexibility for districts to increase the allowable floor area for a construction project as noted below.

- Under the existing regulations, the acceptable floor area range for a 300-student elementary school example is 43,000 gross square feet (gsf) to 49,350 gsf.
- Under the proposed adjustments to the regulations, the acceptable floor area range for a 300-student elementary school example is 42,500 gsf to 55,635 gsf.
- Additionally, there are limited provisions for waivers at the local level to further reduce the minimum on a case-by-case basis as determined by a local board of education.
- Significantly enhance and improve the definitions section and coordinated definitions with 702 KAR 4:160 and 702 KAR 4:180 for ease of use and clarity.
- Generally, added flexibility is granted for standard classrooms and other model programs of spaces to be defined as more than an enclosed area with windows, but providing opportunities for open space and other design concepts to qualify through design and reporting mechanisms.
- KFICS reporting requirements are noted throughout to attempt to clarify the reporting of spaces as required by statute.
- Technology references for all standards now reference Kentucky Education Technology System (KETS) requirements instead of listing standards in the manual (with limited exceptions as reviewed by the OET). Local technology coordinators are familiar with KETS and this eliminates conflicts and duplication of information.

PRIMARY CHANGES (DETAILS):

- Revise the Model Programs of Spaces to reflect current statutory and regulatory requirements and modern educational practices. Changes include:
 - A Storm Shelter section requires that, “areas in a school shall be clearly designated and integrated into the Model Programs of Spaces allotted for the school.” This means the space shall be used on a day-to-day basis and not created for only use as a storm shelter to prevent adding unnecessary costs.
 - Preschool classrooms increased from approximately 1 preschool classroom for every 300+ elementary students to 1 in every 200. Additionally, language is added to transfer preschool space from a given elementary school to another elementary school, so the district does not lose preschool classroom opportunities as the space is limited (where preschool is not fully funded).
 - Special Education, Self-Contained Classroom Units for students with moderate to severe disabilities (MSD) now provides 1 classroom for every 500-students instead of one for every school building. This better aligns with federal Individuals with Disabilities Education Act (IDEA) reporting and reduces districts from having to provide a broader range of classroom services that would be deducted from a districts Locally Identified Program Space Allowance (LIPSA) and resource room spaces. LIPSA is discretionary space that may be added to a construction project based on the local needs of a district. Added special education classrooms would not be required to duplicate the first self-contained

room but be created to serve more varying needs identified by local districts. This should additionally enhance and free up Resource rooms for focused learning for speech, English Language Learners (ELL), reading recovery and other programs and curricula.

- Permissible to add a room at 525 students, 1,025, students, 1,525 students, etc.
- A Science Classroom has always been defined for 5th and 6th grades and is now being proposed to be included in the Planning Manual (702 KAR 4:180) to align requirements. Language is further adjusted to support the proposed Planning Manual requirements to have one science classroom per elementary school per grade when a 5th and/or 6th grade is present in the facility. This will not apply to formal middle schools where the standard is already defined with older grade levels.
- Redefine Computer labs to Digital Learning Labs. This space will better align with today's project-based learning curricula and broader range of digital learning needs while allowing flexibility of placement within the building. Digital classrooms after the first classroom may be designated "digital areas" as shared or open spaces in classroom wings to provide digital learning and resources to supplement standard classroom learning.
- Library/Media Center Units have language to allow the assigned space to be decentralized and broken into multiple locations provided a local board approves the adjustment. This allows resource space to be assigned to each grade or wing of a building if desired (like digital learning).
- Elementary schools have an allowable option to increase their physical education space to provide bleachers to seat the school population without rolling over playing/instructional areas. This area will no longer have to be taken from discretionary LIPSA.
- Increase auditoriums space requirements (add 1,000sf) to accommodate and define more storage for costumes, props, office space, and changing rooms.
- Administration Suite Increases and new additions:
 - Adding Safety Resource Officer (SRO) space (400sf).
 - School Counseling 1 office per 250 students per KRS 158.4416.
 - Larger schools gain proportional increases for satellite administrative offices.
 - Increased conference room size for better SBDM use when needed.
 - Acknowledgement and increase of a principal's office. The area was provided in 4:180 however, 4:170 did not have a defined principal's office. The discrepancy is corrected.
- Family Resource and Youth Service Center (FRYSC) increase from 300sf to 500sf and per any expanded local requirements.
- Locally Identified Career and Technical Education (LICTE) with required review and approval by OCTE per the "OCTE Facilities Guide" for all standards related to career and technical fields. Current standards are removed from this regulation and manual to prevent duplication and redundancy.

- Locally identified program space allowance (LIPSA) is better defined for use and reporting. Previously this allowance was only noted in 702 KAR 4:180. Examples are provided to better understand the concept for districts. LIPSA is space that may be added to a construction project based on the unique local needs of a district.
- Miscellaneous Buildings are consolidated into one location and further defined in this manual.
 - Bus garage building requirements will move from the transportation regulations to this manual. Maintenance, equipment and inspection will remain in the transportation regulations however, the building and its space requirements are located in the Design and Construction Criteria Manual.
 - Space requirements are expanded to describe detailed areas of bus garage operation.
 - A training area is added and doubled up to serve as the former lounge area.
 - Central Office programs are better defined, and parameters are provided to determine an appropriate size for a central office based on the number of people working in the office.
 - A central training room is a standard allowable option that is in addition to the standard requirements.
 - Central storage and central Maintenance are defined as separate facility options for a district. Previous language did not clarify if these two facilities were the same facility or two separate qualifying facilities. They are permissible as two separate facilities based on district needs.
- Unassignable Space updates include distribution frame room information updates based on the OET KETS reviews.
- Design and Construction Requirements include the following changes:
 - Notable Sites, Site Plan, and Site Development adjustments have been made and broken into sections which includes:
 - Locating facilities, a proper distance from gas lines.
 - Efficient school design standards are noted from KRS 157.450.
 - Traffic, parking, exteriors storage and environmental considerations.
 - Security (Crime Prevention Through Environmental Design (CPTED) per KRS 158.477)
 - Building orientation
 - Floor elevations (relative to flood plains)
 - Site utilities
 - Storm drainage
 - Playgrounds and playing fields (educational, not Kentucky High School Athletic Association (KHSAA) requirements)
- Other Design and Construction requirement areas of upgrades adjustments include:
 - Roofing
 - Door frames and hardware
 - Windows

- Materials/finishes
- Energy conservation and sustainability
- Plumbing
- HVAC
- Electric
- Align space requirements for model programs of space with planning requirements in 702 KAR 4:180.
- Provide additional flexibilities within the regulation to permit local boards to approve variations from certain regulatory requirements.

702 KAR 4:180 Planning Manual

GENERAL PURPOSE:

This regulation along with its referenced Planning Manual is used by districts and third-party vendors to have a process to locally assess facilities to create and administer a District Facilities Plan (DFP) to qualify for restricted fund sources intended for use on major capital construction projects.

RELATES TO: KRS 157.420(4), KRS 157.620, KRS 157.622

STATUTORY AUTHORITY: KRS 156.070, KRS 157.420, KRS 157.440 (codify the provisions of House Bill 678).

NECESSITY, FUNCTION, AND CONFORMITY:

- KRS 157.420(4) requirements for Capital Outlay.
- KRS 157.622 requirements for school facilities plans relative to participation in funding by the School Facilities Construction Commission (SFCC).
- KRS 157.440 requirements for the Facility Support Program of Kentucky (FSPK) funds be used to address categorized priorities listed in the approved Facilities Plan.
- KRS 156.070(4) authorizes the state board to prescribe administrative regulations for the efficient management, control, and operation of the schools and programs under its jurisdiction.

AMENDMENTS TO STATUTES OR REGULATIONS:

- Amend the regulation to require districts to utilize the Kentucky Facilities and Inventory Classification System (KFICS) consistent with KRS 157.420(8)-(10) to provide for a standardized inventory of school buildings and for assessment requirements for the District Facilities Planning (DFP) process.
- Codify the flexibilities in HB 678. This includes the 30-business day for KDE to approve a complete DFP submittal by a local district. Under HB 678, the requirement that the KBE approve District Facilities Plans is now delegated to the Commissioner of Education or commissioner's designee. This should be made permanent through the codification of HB 678's provisions. This process prior to HB 678 would often take more than 90 days

from the last local board approval to the KBE's approval and final implementation. This could result in a delay for the local board and impede their ability to act on projects. Only appeals of disapproved DFPs should be considered by the KBE. KDE is consistently meeting the 30-business day turnaround approval requirement for DFP approvals (See Appendix E).

- Amend the regulation to reference KRS Chapter 424 for public notice and advertising requirements.

DOCUMENTS INCORPORATED BY REFERENCE:

- The Planning Manual

SUMMARY OF PROPOSED CHANGES:

- Reformat the Planning Manual to eliminate redundancy and focus on the roles and responsibilities for each stakeholder in the process.
 - The current proposal for The Planning Manual is to change from a 74-page manual to a 47-page manual. A potential reduction of 36% in material to administer and review at the local level. This should provide additional clarity and understanding of the processes.
- Adjustments to The Planning Manual (702 KAR 4:180) and the Construction Criteria Manual (702 KAR 4:170) impact the allowable floor area a district can propose during the District Facilities Planning (DFP) process. Appendix D compares a 300-student elementary school allowed under current regulation to a 300-student elementary school under the proposed adjustments. In summary, the adjustments to the Model Programs of Spaces in The Planning Manual and the Construction Criteria Manual along with the allowable area increases in 702 KAR 4:160, provide flexibility for districts to increase the allowable floor area for a construction project as noted below.
 - Under the existing regulations, the acceptable floor area range for a 300-student elementary school example is 43,000 gross square feet (gsf) to 49,350 gsf.
 - Under the proposed adjustments to the regulations, the acceptable floor area range for a 300-student elementary school example is 42,500 gsf to 55,635 gsf.
 - Additionally, there are limited provisions for waivers at the local level to further reduce the minimum on a case-by-case basis as determined by a local board of education.
- Remove the facilitator fee schedule from the regulation. Districts may negotiate with facilitators for a fee based on services rendered.
- Consolidate and simplify planning meeting requirements.
- Adjust the minimum number of Local Planning Committee (LPC) meetings from three (3) to two (2) if the district desires to incorporate the orientation and drafting requirements into one meeting prior to KDE review.
- Reduce LPC required membership. This will better enable districts to find members to serve on an LPC and maintain community input. Many smaller districts report struggling to make an LPC quorum due to current requirements.

- Revise the Model Programs of Spaces to reflect current statutory and regulatory requirements and modern educational practices. Overall totals are noted in the Planning Manual (702 KAR 4:180) and descriptions cited below. Details for these changes are included in the Design and Construction Criteria Manual (702 KAR 4:170).
 - Provide as allowable options to qualify for funds. However, they are only options and districts are not required to construct:
 - Locally Identified Career and Technical Education (LICTE) with required review and approval from OCTE for A1, A2 and C2 programs to place on a DFP.
 - Increase Locally Identified Program Space Allowance (LIPSA) at each school type and size.
 - Administration Suite Increases to provide for School Resource Officers (SROs), more counseling space, and larger meeting spaces.
 - Increase Special Education room size and number to provide for expanding range of needs.
 - Redefine Computer labs to Digital Learning Labs. This space will better align with today's project-based learning curricula and broader range of digital learning needs while allowing flexibility of placement within the building.
 - Increase auditoriums space requirements to accommodate and define more storage, office, and changing room spaces.
 - Increase Family Resource and Youth Service Center (FRYSC) space including consideration of expanded local needs.
 - Elementary schools have an allowable option to increase their physical education space to provide bleachers to seat the school population without rolling over playing/instructional areas. This area will no longer have to be taken from LIPSA.
 - Elementary schools with 5th and/or 6th grades in the school will now have 1 formal science classroom for school use to further support science needs at the elementary grades.
- Codify HB 678's requirement that the commissioner or education or designee approve a district DFP within 30-business days of a complete submittal.
 - HB 678 currently requires this through June 30, 2024. This will require statutory changes previously noted in the modifications section of this summary for this to work as written. KDE is consistently meeting the 30-business day turnaround approval requirement for DFP approvals (see Appendix E).
- Simplify the request to extend a district's current DFP from 4 years to 8 years.
 - The current process for requesting an extension from 4 to 8 years requires convening a new LPC and instituting the process as you would a new DFP.
 - The proposed amendment would allow a local board without a new LPC, to request a waiver after review of key information related items that qualify and impact how a plan would look. Items would include work already completed on the plan, existing facilities and building systems turning 30 years of age in the upcoming 4 years, and enrollment projections.
- Expand Priority 5 discretionary projects to have a, b, and c categories.

- 5(a) Extracurricular facilities - Construction of field houses; stadiums; sports field facilities; or athletic facilities used for KHSAA sanctioned events or other/similar associations acknowledged by KDE. Priority 5a projects will qualify for all restricted fund sources except SFCC which will require written pre-approval from SFCC to consider.
- 5(b) Additions to existing buildings exceeding 125% of the model program and/or non-qualifying renovation of spaces less than 15 or 30 years old.
- 5(c) Facilities that do not qualify in any other priorities.

Most Commonly Granted Waivers

HB 678 requires the KDE to identify the most commonly requested waivers and the necessary changes to reduce or eliminate the need for waivers. KRS 156.160(2) permits the KBE to waive administrative regulations promulgated by the board at the request of a local board of education when an alternative approach exists that will achieve the same result, implementation of the regulation will cause a hardship on the district or if there is a finding of good cause. The KBE may not waive regulations relating to health, safety, civil rights or if the regulations are required by federal law.

During the period from February 2018 through September 2023, the most commonly requested KBE waivers were as follows:

- 10 - Requests for waiver to allow site Acquisition and preparation for a project to exceed 10% of total project costs
- 7 - Requests for waiver of 702 KAR 4:050 where the project exceeds 120% of the total gross area of the Model Program of Spaces;
- 6 - Requests for waiver from 702 KAR 4:180 to permit a district to access restricted funds for construction projects related to extracurricular activities (athletic);
- 7 - Miscellaneous/Other requests for waiver of various regulations.

The proposed changes to the regulations, along with codification of HB 678, include language designed to alleviate or minimize the need for waiver requests where possible. Additionally, the waiver process has been redesigned to delegate the authority to grant waivers from the KBE to KDE staff. This should reduce approval delays and provide districts with additional local control over construction projects.

Department of Housing Buildings and Construction

HB 678 required KDE to meet with HBC, “to discuss whether elements of KDE’s administrative regulations may be incorporated into HBC’s building code for enforcement purposes.” KDE personnel met HBC staff in July 2022. It was the consensus of both KDE and HBC staff that the

building code and KBE regulations serve different purposes and inclusion in the Kentucky Building Code was inappropriate. KBE regulations related to the construction of school district facilities serve to guide the design and development of district plans. It sets forth minimum size and use specifications for school buildings to help guide the facility design process. The building code is meant “to ensure the public safety, health, and welfare insofar as they are affected by building construction and to secure safety to life and property from all hazards incident to the occupancy of buildings, structures, or premises.” *2018 Kentucky Building Code*. Thus, KDE’s regulations are meant to guide the design of a school building whereas the building code is meant to ensure safety in the construction of buildings. Further, building code inspectors are knowledgeable in building construction but may not be familiar with space and use requirements for school districts. At the point of inspection, district building designs are largely set. Lastly, plan approval by HBC has suffered from delays due to a lack of staffing. Any inclusion of additional requirements would only serve to further slowdown plan approval. For these reasons, it is not appropriate to include KDE requirements in the building code.

Conclusion

Pursuant to HB 678, the Kentucky Department of Education has undertaken a comprehensive review all 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. Through this report, the department has endeavored to identify needed updates to statutes, administrative regulations, and incorporated materials due to changing trends in the facilities design, the construction industry, and the economy. KDE intends to move forward with regulatory changes in conformity with the identified needed updates contained herein. The intent is to make the facility planning, design and construction process more efficient and easier to use for all of Kentucky’s school districts.

Appendix A

The advisory group was divided by KDE into smaller groups according to their level of expertise.

- **Funding**
- **Communication & Training**
- **FACPAC & BG's**
- **KFICS**
- **Planning Manual**
- **LPC/DFP**
- **Property Acquisition**

Advisory Group Meetings

Meeting Group	Meeting Date
Funding	16-Jul 2021
Funding	19-Jul 2021
Communications & Training	6-Jul 2021
Communications & Training	19-Jul 2021
Communications & Training	2-Aug 2021
FACPAC & BG'S	7-Jul 2021
FACPAC & BG'S	20-Jul 2021
FACPAC & BG'S	3-Aug 2021
KFICS	7-Jul 2021
KFICS	20-Jul 2021
KFICS	3-Aug 2021
Planning Manual	12-Jul 2021
Planning Manual	26-Jul 2021
LPC/DFP	12-Jul 2021
LPC/DFP	26-Jul 2021
LPC/DFP	9-Aug 2021
Property Acquisition	13-Jul 2021
Property Acquisition	27-Jul 2021
Property Acquisition	10-Aug 2021
All Members	31-Aug 2021
All Members	7-Sep 2021

Appendix B

Facilities Advisory Group Recommendations

Additional recommendations added by Career and Tech & Task Force Members

- ✓ **Career Tech** - Remove career and technical education (CTE) references from the KDE model program specs (this will require regulatory amendments).
- ✓ **Career Tech** - Defer ALL CTE facilities reviews to the Office of Career and Technical Education (OCTE). This will allow OCTE to review all programs pursuant to the CTE Facilities Manual and treat all program reviews the same, regardless of program location.
- ✓ Allow the use of restricted funds to hire additional help such as a “Construction Manager.”
- ✓ Allow districts to decide what size their athletic buildings should be (new construction) if funds are available.

Training Recommendations

- (1.0) Increase in-person training via CoOps
- (1.01) Train every Superintendent with all their district support staff to develop a professional relationship with Facilities
- (1.02) Include assistant superintendents or designees in future training sessions
- (1.03) Offer more regional training opportunities in Western KY
- (1.04) Develop a system to enforce 3rd party architects' attendance at Facilities training sessions
- (1.05) Create a curriculum for 3rd party architects that lists a set of (KDE) required training
- (1.06) Offer more facility-focused training days for people unfamiliar with Facilities processes –
- (1.07) Develop training sessions for district personnel to learn how to negotiate architect fees
- (1.08) Establish a relationship with AIA for everyone to be consistent with the processes
- (1.09) Change KFICS training from June to July to January/February
- (1.10) Create a Superintendent training and lead program for them to become subject matter experts and assist other districts.

Staffing Recommendations

- (2.0) Improve Facilities staffing at KDE. Add a minimum of one more architect and support staff
- (2.01) Increase work efficiency. Rely more on the expertise of third parties and have KDE audit them

Communication Recommendations

- (3.0) Draft the district communications with minimal Reg. language and more district-level language
- (3.01) Create a step-by-step on the DFP process with links to DFP resources. Allow for virtual meetings
- (3.02) Create an internal process so Facilities can help avoid unnecessary waivers
- (3.03) Improve communication channels and responsiveness between KDE and the districts
- (3.04) Develop a helpdesk to respond to district questions. Take into consideration time zone differences
- (3.05) Create a flowchart that outlines the FACPAC process, which also includes resource documents
- (3.06) Create an overview of the Planning Process with a timeline and resources. Add appendix for resources
- (3.07) Create a list of board meeting agenda items and signatures before and after each stage, including timing
- (3.08) Eliminate or reduce the considered "extra" steps in the Facilities processes

FACPAC Recommendations

- (4.0) Update the FACPAC training documentation to make it user-friendly. Include page numbers and hyperlinks
- (4.01) Allow districts to submit a board-signed contract contingent on KDE's approval
- (4.02) Create an alert or hard stop within FACPAC that informs the user to include attachments
- (4.03) Exempt school building materials from sales tax

BG Process Recommendations

- (5.0) Simplify the BG process - Combine BG-1 & BG-3
- (5.01) Simplify the BG process – Allow the BG-4 & BG-5 to be submitted simultaneously
- (5.02) Allow ESSER funds to be used for ventilation
- (5.03) Eliminate the need for KDE to ask for documentation for unusual fund sources

Funding Recommendations

- (6.0) Change the nickel process to make it more manageable

- (6.01) Change allowable tax rates (i.e., 4% to 6%) with additional 2% restricted to Facilities
- (6.02) Needs-based facilities grant at the state level
- (6.03) Adjust SEEK formula. Current .30 cents local efforts do not change when tax rates change
- (6.04) Facilities in the CFR process. The District should be able to attest to the funds available

KFICS Recommendations

- (7.0) KDE should provide funds to districts to assist with KFICS completion
- (7.01) Hire 3rd party architects when the DFP is due and complete both processes together (DFP & KFICS)
- (7.02) Enforce KFICS participation by using a similar approach that was taken to complete SB1 (2019)
- (7.03) Integrate the technical systems such as FACPAC and KFICS
- (7.04) Automate the DFP process

DFP Recommendations

- (8.0) Extend the DFP process to longer than four years, i.e., six years
- (8.01) Provide a template with a standard language for the DFP with building codes, etc.
- (8.02) Publish an annual list with all the districts with a DFP due during each evaluation cycle. It should include district name, Superintendent, and KDE contact

LPC Recommendations

- (9.0) Assess actual voting. Use the student enrollment numbers in the District
- (9.01) Adjust the LPC membership numbers based on district size
- (9.02) Add a breakdown of the number of students to simplify the table. District's voter numbers differ
- (9.03) Define the interpretation of school centers to determine how many are representative of school centers and numerically group them
- (9.04) Committee members must live within the county. Eliminate the need for exemptions for non-resident employees

Planning Manual Recommendations

- (10.0) Clarify the language and update it periodically to keep current with needs and requirements
- (10.01) Create focus groups for writing the manual to include SFCC, include all district sizes

- (10.02) Add hyperlinks to the manual for easier access to resources
- (10.03) Review various data sources as there is stagnation, growth, and decline in student population
- (10.04) Additional space consideration is needed for innovation areas such as Resource Officer, special education, preschool, childcare, or English language learner (EL & ML)
- (10.05) Add the square footage for high school renovations; many ATC centers are needed
- (10.06) Address renovations of athletic facilities as bondable projects due to the significant expense

Property Acquisition

- (11.0) Reduce KDE participation in the process
- (11.01) Create checklists; one for new school development and one for incremental property for an existing school
- (11.02) Allow the process to be managed locally, as most districts can handle it on their own. Involve KDE only when necessary
- (11.03) Recommendation KDE put a broad statement in the DFP. In the past, they had a broad statement that worked
- (11.04) Allow more flexibility on long-term projects such as purchasing land for campus development
- (11.05) Review and update (if necessary) the property acquisition requirements
- (11.06) Eliminate the need for KDE to review deeds
- (11.07) Have different requirements for a new school vs. purchasing an existing one
- (11.08) Create a different process for small acquisitions

Appendix C - Property

District	Property Action	Address	District Submittal Completion Date	KDE Final Approval Letter Date	KDE Review Duration (Business Days)	Denial	Waiver
April 8, 2022 - May 16, 2022 (June KBE)							
Raceland-Worthington	Acquisition	500 Greenup Ave	4/7/2022	4/8/2022	1	N/A	N/A
Meade Co.	Acquisition	Ridgeway Dr.	5/11/2022	5/17/2022	6	N/A	N/A
Dayton Ind.	Acquisition	782 3 rd St	5/5/2022	5/5/2022	0	N/A	N/A
Carroll Co.	Acquisition	Kath. Primary	3/18/2022	4/29/2022	29	N/A	N/A
Cloverport Ind.	Disposal - Surplus	214 W Main St	4/12/2022	5/9/2022	18	N/A	N/A
Bullitt Co.	Surplus - Easement	BEHS	1/31 – Legal; 2/24 - DFP	Pending Waiver Approval	N/A	Yes	N/A
Harlan Co.	Disposal - Surplus	251 Ball Park Rd	5/3/2022	5/10/2022	5	N/A	N/A
Barren Co.	Acquisition	BCHS	N/A	N/A	N/A	5/11/22 (Note 1)	N/A
Totals = Acquisition - 5 Surplus - 2 Easement - 1 Lease - 0 Denial - 0 Waiver - 0 Duration Average - 9.83 days Note 1: No mechanism exists in statute or regulation which allows school districts to purchase real property by auction.							

May 17, 2022 - July 18, 2022 (August KBE)							
Augusta Ind.	Acquisition	R.O.W. adjacent to Augusta School	6/3/2022	6/20/2022	11	N/A	N/A
Dayton Ind.	Acquisition	778 3 rd Street	6/6/2022	6/17/2022	9	N/A	
Fayette Co.	Acquisition	2160 Versailles Rd	5/9/2022	6/10/222	24	N/A	6/9/2022
Nelson Co.	Acquisition	Adjacent to Thomas Nelson HS	5/19/2022	5/23/2022	2	N/A	N/A
Raceland-Worthington Ind.	Surplus	Old Worthington School	5/10/2022	5/17/2022	5	N/A	N/A
Totals = Acquisition - 4 Surplus - 1 Easement - 0 Lease - 0 Denial - 0 Waiver - 0 Duration Average - 10.2 days							

District	Property Action	Address	District Submittal Completion Date	KDE Final Approval Letter Date	KDE Review Duration (Business Days)	Denial	Waiver
July 19, 2022 - September 9, 2022 (October KBE)							
Christian Co.	Surplus	Country Club Lane	8/3/2022	8/4/2022	1	N/A	N/A
Dayton Ind.	Acquisition	300/304/306 Clay Street	8/23/2022	9/9/2022	12	N/A	N/A
Franklin Co.	Acquisition	625 Chamberlin Ave	7/20/2022	7/20/2022	0	N/A	N/A
Johnson Co.	Acquisition	27 Acres to KY Route 321, Paintsville	7/14/2022	7/29/2022	11	N/A	N/A
Marion Co.	Easement	Marion ATC	8/4/2022	8/8/2022	2	N/A	N/A
Meade Co.	Acquisition	215 Crestview Drive (adj. to MCHS)	9/9/2022	9/9/2022	0	N/A	N/A
Montgomery Co.	Acquisition	4319 Camargo Road	7/26/2022	8/3/2022	6	N/A	N/A
Paintsville Ind.	Acquisition	Main Street, Paintsville	7/8/2022	7/28/2022	14	N/A	N/A
Pulaski Co.	Acquisition	New Burnside ES	8/3/2022	8/8/2022	3	N/A	N/A
Totals = Acquisition - 7 Surplus - 1 Easement - 1 Lease - 0 Denial - 0 Waiver - 0 Duration Average - 5.44 days							

September 10, 2022 - November 10, 2022 (December KBE)							
Adair Co.	Acquisition	126 Public Square (Donated Property)	10/5/2022	10/7/2022	2	N/A	N/A
Bullitt Co.	Acquisition	Campus Expansion – East Brookepointe Dr	9/30/2022	9/30/2022	0	N/A	N/A
Dayton Ind.	Acquisition	320 Clay St	9/13/2022	9/20/2022	5	N/A	N/A
Green Co.	Acquisition	Softball Field, American Legion Park	10/24/2022	10/31/2022	5	N/A	N/A
Hardin Co.	Acquisition	801 S Logsdon PKWY	10/24/2022	11/1/2022	6	N/A	N/A
Mercer Co.	Acquisition	Industry Rd, Harrodsburg	9/13/2022	10/6/2022	17	N/A	N/A
Totals = Acquisition - 6 Surplus - 0 Easement - 0 Lease - 0 Denial - 0 Waiver - 0 Duration Average - 5.83 days							

District	Property Action	Address	District Submittal Completion Date	KDE Final Approval Letter Date	KDE Review Duration (Business Days)	Denial	Waiver
November 11, 2022 - January 10, 2023 (February KBE)							
Hancock Co.	Acquisition	444 St. Rte. 271 South	12/15/2022	12/16/2022	1	N/A	N/A
McCracken	Surplus	1250 Husband Road - Farley ES	11/30/2022	12/5/2022	3	N/A	N/A
Breathitt Co.	Acquisition	1101 Lakeside Drive	12/5/2022	12/6/2022	1	N/A	N/A
Breathitt Co. (Phase I)	Acquisition	432 Court & 1407 Elm Street	11/29/2022	11/29/2022	0	N/A	N/A
Jefferson Co.	Lease (sub)	145 N 1 st Street (600 SF Office)	5/17/2022	11/18/2022	127	N/A	N/A
Jefferson Co.	Lease – Cell Tower	8620 Preston HWY - Southern HS	11/30/2022	12/2/2022	2	N/A	N/A
Daviess Co.	Surplus	1415 E 4 th Street	10/24/2022	11/28/2022	22	N/A	N/A
Floyd Co.	Surplus	106 N Front Avenue	11/14/2022	12/12/2022	18	N/A	N/A
Floyd Co.	Surplus	Tract 204 Corner of Front Avenue & Goble Street - Parking Lot	11/14/2022	12/12/2022	18	N/A	N/A
Floyd Co.	Surplus	11479 Main Street Martin, KY	12/13/2022	12/14/2022	1	N/A	N/A
Bowling Green Ind.	Easement	503 Old Morgantown Rd – Dishman McGinnis ES	12/22/2022	1/9/2023	9	N/A	N/A
Totals = Acquisition - 3 Surplus - 5 Easement - 1 Lease - 2 Denial - 0 Waiver - 0 Duration Average - 18.4 days							

District	Property Action	Address	District Submittal Completion Date	KDE Final Approval Letter Date	KDE Review Duration (Business Days)	Denial	Waiver
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January 10, 2023 - March 10, 2023 (April KBE)							
Breathitt Co.	Easement	2303 Bobcat Ln	2/14/2023	2/23/2023	6	N/A	N/A
Bullitt Co.	Surplus	11450 Hwy Mt. Washington	2/7/2023	2/8/2023	1	N/A	N/A
Floyd Co.	Surplus	366 KY Rte. 680	2/22/2023	2/22/2023	0	N/A	N/A
Garrard Co.	Acquisition	141 Industry Rd Lancaster KY	1/23/2023	1/23/2023	0	N/A	N/A
Hopkins Co.	Surplus	3233 Grapevine Rd Madisonville KY	2/22/2023	2/23/2023	1	N/A	N/A
Jefferson Co.	Acquisition	1400 W Jefferson	1/30/2023	2/6/2023	5	N/A	N/A
Kenton Co.	Acquisition	Radio Rd/ Adjacent to River Edge	3/8/2023	3/8/2023	0	N/A	N/A
Logan Co.	Acquisition	1626 Irl Scott Rd	2/14/2023	2/23/2023	6	N/A	N/A
McCreary Co.	Acquisition	Cabin Cr Rd/ US 127/ KY 92	1/31/2023	2/2/2023	2	N/A	N/A
Taylor Co.	Acquisition	2705 Hodgenville Rd	2/16/2023	2/22/2023	3	N/A	N/A
Hardin Co.	Acquisition	3120 & 3134 Leitchfield Rd (US 62) Cecilia KY	2/28/2023	3/10/2023	8	N/A	N/A
Totals = Acquisition - 7 Surplus - 3 Easement - 1 Lease - 0 Denial - 0 Waiver - 0 Duration Average - 2.90 days							

March 11, 2023 - May 10, 2023 (June KBE)							
Caldwell Co.	Acquisition	201 Northfield Dr	3/22/2023	3/23/2023	1	N/A	N/A
Campbellsville Ind.	Surplus	1364 S. Columbia	3/24/2023	4/3/2023	6	N/A	N/A
Elliott Co.	Surplus	5980 S KY 32 (6.266 Acres)	5/10/2023	5/10/2023	0	N/A	N/A
Kenton Co.	Acquisition	347 Madison Pike (KY17)	4/28/2023	4/28/2023	0	N/A	N/A
Warren Co.	Acquisition	1050 Brookwood Dr (20+ Acres)	5/8/2023	5/9/2023	1	N/A	N/A
Warren Co.	Acquisition	2421 Fitzgerald Industrial Dr (3.55+ Acres)	5/3/2023	5/9/2023	4	N/A	N/A
Totals = Acquisition - 4 Surplus - 2 Easement - 0 Lease - 0 Denial - 0 Waiver - 0 Duration Average - 2.0 days							

District	Property Action	Address	District Submittal Completion Date	KDE Final Approval Letter Date	KDE Review Duration (Business Days)	Denial	Waiver
May 11, 2023 - July 10, 2023 (August KBE)							
Barren Co.	Acquisition	Trojan Trail Glasgow, KY	5/18/2023	6/16/2023	20	N/A	N/A
Breathitt Co.	Surplus	115 Red Skin Run Lost Creek, KY	6/6/2023	6/15/2023	7	N/A	N/A
Breathitt Co. Phase II	Acquisition	434 Court St. Jackson. KY	6/13/2023	6/15/2023	2	N/A	N/A
Carter Co.	Acquisition	Pack/Fannin Property US 60 (180 Acres ±)	5/18/2023	5/26/2023	6	N/A	N/A
Carter Co.	Acquisition	Davis/Littleton Property US 60 (20 Acres ±)	5/15/2023	5/26/2023	9	N/A	N/A
Elliott Co.	Surplus	5980 S KY HWY 32 Isonville, KY	5/10/2023	5/10/2023	0	N/A	N/A
Fayette Co. Phase I	Acquisition	1411 & 1451 Greendale Rd. Lexington, KY	6/21/2023	6/21/2023	0	N/A	N/A
Fayette Co. Phase II	Acquisition	1345 Greendale Rd. Lexington, KY	6/21/2023	6/21/2023	0	N/A	N/A
Frankfort Ind.	Acquisition	301 Ewing St Frankfort, KY	6/7/2023	6/8/2023	1	N/A	N/A
Franklin Co.	Surplus	170, 180 & 190 Kings Daughters Dr Frankfort, KY	6/1/2023	6/12/2023	7	N/A	N/A
Henry Co.	Acquisition	US 421/KY HWY 55 New Castle, KY	5/6/2023	5/25/2023	13	N/A	N/A
Johnson Co.	Easement	649 US HWY 23 S. Paintsville, KY	5/25/2023	6/15/2023	14	N/A	N/A
Knox Co.	Surplus	Lynn Camp School Rd	5/13/2023	6/15/2023	22	N/A	N/A
Menifee Co.	Surplus	202 Back St Frenchburg, KY	6/1/2023	6/7/2023	4	N/A	N/A
Totals = Acquisition - 8 Surplus - 5 Easement - 1 Lease - 0 Denial - 0 Waiver - 0 Duration Average - 7.5 days							

Appendix E - District Facility Plan

District	District Facility Plan Type	District Submittal Completion Date	KDE Email Approval Date	KDE Review Duration (Business Days)	Denial	KBE Action
April 8, 2022 - May 16, 2022 (June KBE)						
Carter Co.	Amendment No.1	4/13/2022	5/3/2022	13	N/A	N/A
Hazard Ind.	New	4/12/2022	5/9/2022	18	N/A	N/A
Hardin Co.	New	4/20/2022	5/3/2022	9	N/A	N/A
Caverna Ind.	New	4/14/2022	5/3/2022	12	N/A	N/A
Totals = New - 3 Amendment - 1 Waiver - 0 Duration Average - 13.0 days						
May 17, 2022 - July 18, 2022 (August KBE)						
Franklin Co.	New	7/1/2022	7/7/2022	3	N/A	N/A
Totals = New - 1 Amendment - 0 Waiver - 0 Duration Average - 3.0 days						
July 19, 2022 - September 9, 2022 (October KBE)						
Fulton Co.	New	7/26/2022	8/2/2022	5	N/A	N/A
Metcalfe Co	New	9/1/2022	9/10/2022	6	N/A	N/A
Totals = New - 2 Amendment - 0 Waiver - 0 Duration Average - 5.5 days						
September 10, 2022 - November 10, 2022 (December KBE)						
Russell Co.	New	9/12/2022	9/20/2022	6	N/A	N/A
Pineville Ind.	New	9/8/2022	9/22/2022	10	N/A	N/A
Totals = New - 2 Amendment - 0 Waiver - 0 Duration Average - 8.0 days						
November 11, 2022 - January 10, 2023 (February KBE)						
Grayson Co.	Amendment 1	12/13/2022	12/14/2022	1	N/A	N/A
Hopkins Co.	Waiver	11/9/2022	11/14/2022	2	N/A	N/A
Meade Co.	Amendment 1	11/9/2022	11/17/2022	5	N/A	N/A
Scott Co.	New	12/14/2022	12/19/2022	3	N/A	N/A
Totals = New - 1 Amendment - 2 Waiver - 1 Duration Average - 2.75 days						
January 11, 2023 - March 10, 2023 (April KBE)						
Barren Co.	Amendment 1	1/13/2023	1/20/2023	4	N/A	N/A
Lawrence Co.	New	2/14/2023	2/27/2023	8	N/A	N/A
Oldham Co.	New	2/7/2023	2/7/2023	0	N/A	N/A
Paintsville Ind.	Amendment 1	2/15/2023	2/27/2023	7	N/A	N/A
Pike Co.	Amendment 1	2/1/2023	2/1/2023	0	N/A	N/A
Trigg Co.	Waiver	2/14/2023	2/22/2023	5	N/A	N/A
Warren Co.	Amendment 2	1/18/2023	1/20/2023	2	N/A	N/A
Webster Co.	New	2/17/2023	2/28/2023	6	N/A	N/A
Totals = New - 3 Amendment - 4 Waiver - 1 Duration Average - 4.0 days						
March 11, 2023 - May 10, 2023 (June KBE)						
Jefferson Co.	Amendment 1	4/25/2023	4/25/2023	0	N/A	N/A
Glasgow Ind.	New	4/19/2023	5/10/2023	15	N/A	N/A
Green Co.	Waiver	4/17/2023	4/28/2023	9	N/A	N/A
Kenton Co.	New	5/4/2023	5/4/2023	0	N/A	N/A
Logan Co.	Waiver	3/31/2023	5/2/2023	21	N/A	N/A
Mason Co.	New	5/10/2023	5/10/2023	0	N/A	N/A
Mercer Co.	Amendment 1	3/31/2023	5/8/2023	25	N/A	N/A
Owsley Co.	New	3/22/2023	3/23/2023	1	N/A	N/A
Shelby Co.	New	5/2/2023	5/5/2023	3	N/A	N/A
Totals = New - 5 Amendment - 2 Waiver - 2 Duration Average - 8.22 days						

District	District Facility Plan Type	District Submittal Completion Date	KDE Email Approval Date	KDE Review Duration (Business Days)	Denial	KBE Action
May 11, 2023 - July 10, 2023 (August KBE)						
Ballard Co.	New	6/21/2023	6/21/2023	0	N/A	N/A
Beechwood Ind.	New	6/13/2023	6/15/2023	2	N/A	N/A
Bracken Co.	New	6/19/2023	6/22/2023	2	N/A	N/A
Bullitt Co.	New	6/19/2023	6/28/2023	6	N/A	N/A
Butler Co.	Waiver	6/29/2023	7/6/2023	4	N/A	N/A
Casey Co.	New	6/21/2023	6/27/2023	4	N/A	N/A
Clinton Co.	New	6/19/2023	6/21/2023	1	N/A	N/A
Covington Ind.	Waiver	5/15/2023	5/15/2023	0	N/A	N/A
Cumberland Co.	Waiver	6/6/2023	6/6/2023	0	N/A	N/A
Daviess Co.	Amendment 1	6/21/2023	6/22/2023	1	N/A	N/A
Edmonson Co.	New	5/17/2023	5/18/2023	1	N/A	N/A
Estill Co.	New	6/29/2023	6/30/2023	1	N/A	N/A
Fulton Ind.	Waiver	6/5/2023	6/5/2023	0	N/A	N/A
Garrard Co.	New	6/5/2023	6/5/2023	0	N/A	N/A
Hart Co.	New	5/30/2023	5/31/2023	1	N/A	N/A
Lewis Co.	Waiver	6/19/2023	6/21/2023	1	N/A	N/A
Madison Co.	New	5/12/2023	5/15/2023	1	N/A	N/A
Magoffin Co.	Waiver	6/21/2023	6/21/2023	0	N/A	N/A
Middlesboro Ind.	Waiver	6/26/2023	6/28/2023	2	N/A	N/A
Powell Co.	Waiver (1yr)	6/5/2023	6/5/2023	0	N/A	N/A
Rockcastle Co.	New	6/6/2023	6/7/2023	1	N/A	N/A
Rowan co.	New	6/15/2023	6/16/2023	1	N/A	N/A
Science Hill Ind.	New	6/12/2023	6/12/2023	0	N/A	N/A
Taylor Co.	New	6/19/2023	6/20/2023	1	N/A	N/A
Todd Co.	New	5/30/2023	5/30/2023	0	N/A	N/A
Union Co.	New	6/22/2023	6/22/2023	0	N/A	N/A
Washington Co.	New	6/28/2023	6/28/2023	0	N/A	N/A
Wayne Co.	New	6/26/2023	6/27/2023	1	N/A	N/A
Totals = New - 19 Amendment - 1 Waiver - 8 Duration Average - 1.10 days						

