



Meeting Minutes

Reg Revision – District Feedback

Meeting Name: Reg Revision – District Feedback
Presenters: Robin Kinney, Chay Ritter, Greg Dunbar, John Gilbert
Meeting Coordinators: Oxana Lopetegui-Pineda, Tanesha Keene
Date: 2.16.2023
Time: 9:00 A.M.
Location: Hybrid Meeting (Sower Building & Virtual)
Attendees In-Person: Brian Buckner, Dani Bradley, Gretchen Wetzel, Jamie Weddington, Mark Ryles, Melinda Joseph-Dezarn, Steven Ward, Tim Spencer
Virtual Attendees: Buddy Berry, Coy Samons, David Gilliam, David Young, Jennifer Pierce, Joe Buerkley, Linda M Schild, Matt Ladd, Mike Borchers, Sara Harley, Thom Cochran, William L. Hodges

Purpose of the Meeting: Facilities Reg Revision – Gather District's Feedback

Highlights of Discussion (HOD):

This meeting focused on reviewing Reg Revision changes related to the Planning Manual, Property Acquisition, and Construction process.

Robin Kinney introduced the meeting and covered the section of HB678, which included an introduction of the bill, the scope of review, and provisions to retain. There were no questions or comments from the group on this section.

John Gilbert presented the content related to the Planning Manual, and below were the comments and questions discussed.

- ✓ LPC proposed table comments:
 - Table 101.2 for the proposed LPC selection received the following recommendations and comments for more flexibility with smaller districts:
 - The committee was in favor of districts with **1 to 3 schools** having either a Facility Director or a Central Office staff; they are usually the same people.
 - Continue the option for a district to select the Facility Director or a Central Office person through districts with 4-6 schools and add one community member in that same category to maintain numbers and add community input.
 - For the line local building/zoning official, provide more flexibility and range for this to be a local community official outside the school district should a district not have a local building or zoning official.
 - For larger districts, allow for more flexibility with adding community members if they prefer to exceed the numbers outlined in the table.
- ✓ Simplify priorities - One of the renovation priorities is within the biennium, and it's really the same thing that you could eliminate that entire priority. The reason that priorities were established years ago was by the General Assembly for reporting purposes. It was never used, and it might be something that it's probably not really of any value.



Meeting Minutes

Reg Revision – District Feedback

- ✓ The amendment process is almost as onerous as the DFP process. Could there be something between the Amendment and the findings being very limited? If the district wanted to make some minor modifications bigger than a finding. Could there be a mechanism for that? KDE will consider this point.
- ✓ Create functionality for FACPAC to notify its users when a project is delayed during a workflow, and no one is taking action to move it forward.
 - Currently, FACPAC does have limited capabilities in this area where districts are notified for
 - DFPs at 18, 12, 6, and the month a DFP is due.
 - Anytime a file is moved in the processing or approval of an item, a notification is sent.
 - Tracking comments are time-stamped and dated from the beginning to final approval or processing.
 - An area where it would help but would require further discussion and consideration, if possible, would be when an item drafted by a district is not sent in and sits with no action.
- ✓ Does KDE have data on the districts' money spent to complete KFICS assessments? KDE has no data on their districts' spending on KFICS assessments.
- ✓ On the surface, simplifying the district's request to extend the DFP from four years to 8 years makes a lot of sense. We have to consider the amount of turnover; you could have a completely new school board in eight years, including a new Superintendent and new Facility Manager. There will be concerns that that level of buy-in and knowledge may not be there the same if those things aren't being addressed every four years, which is essential. A local board should have the right and opportunity to ask for a waiver. If granted, but the district gets a new board, and it's your #5, and the district wants to do a new DFP, then it should be ok to proceed.
 - Provisions will be considered to note that a waiver is up to 4 years, but in that 4 year period, a Board may decide to start that process at any time upon a simple majority vote at a given time.
- ✓ There was discussion to consider allowing extracurricular facilities to count towards unmet needs however, no final recommendations were made. The following considerations were discussed:
 - Listing athletic facilities in DFP priorities that contribute to District Need.
 - Providing parameters that guide the districts for when the extracurricular facility can be part of district need and when it is not within an acceptable range.
 - KDE mentioned concerns about any attempts at defining extracurricular parameters as they are typically outside school facility requirements.
- ✓ There was no opposition to using Capital Funds to employ a district facility administrator, design, or construction professional.

Greg Dunbar presented the content related to Building Sites, Inspection, Approval, and Easements, and below were the comments and questions discussed.

- ✓ The acquisition of property mineral rights it's a statutory consideration. KDE is willing to discuss with the General Assembly. There was acknowledgement that some districts due to the limited availability of land, may desire to acquire land with mineral rights attached. There are some circumstances that may make this an acceptable option with appropriate due diligence and safeguards (forbearance agreements or local ordinances which prohibit mining).



Meeting Minutes

Reg Revision – District Feedback

John Gilbert presented the content related to Chapter 3 of the Planning Manual and Facilities Analysis.

- ✓ Allow flexibility for two counselors about the threshold of 250 students if the school has the funding. The rule of 1 counselor for 250 students is part of the statute, and the concern was that the number might have been accurate when the statute was drafted, but it might not be accurate in today's times.
 - A comment was provided noting the norm now for schools that need it is an additional counselor on top of the 1 counselor for 250 students.
- ✓ There is a need for additional space for mental health support.
 - Beyond the counseling statute, other regulations and statutes to provide were not cited.
- ✓ Why are conference room and principal's room sizes set numbers when all the school needs are different?
- ✓ There were suggestions to look into the science room space criteria further.
- ✓ District representatives present noted a concern of adding 17% of space to elementary schools where it will directly affect budgets. Consider flexibility with noted increases where possible to account for budget-minded districts.
- ✓ The model programs attempt to provide more flexibility for the district personnel to decide what to build. The districts should be able to use the Model Programs as guidance, but the districts should have flexibility when deciding what to build in the range of allowable areas provided. How do we have innovation in the schools if we don't have the flexibility to build per the school/district needs?
 - Other comments discussed what happens when you provide more flexibility, but how is it controlled and monitored, so it's not abused?
- ✓ Is there a possibility for universal early childhood and elementary schools? Robin mentioned that we will need a lot more space and will have many more preschoolers if we go this route. KDE will keep this topic in mind as we progress in the reg revision process. Additionally, preschool is not fully funded and may impact the ability to qualify for restricted funds, but the comment will be considered. Discussions at the federal and state level regarding universal preschool will continue to be monitored for the impact on facilities.

Greg Dunbar presented content related to the Capital Construction Process

- ✓ There was positive feedback on KDE reviewing the regs now since, with interest rates and inflation costs; schools are waiting to build.
- ✓ The districts are not opposed to KDE reviewing and commenting during construction. They feel the comments can be helpful, but the districts might prefer not to seek input and help because the review and comment process would revert to pre- before HB678 and not adjust the process.
- ✓ The average tenure of a superintendent is 3.5 years, and training is needed. Now, they agree with training, but training needs to be personalized. Let's not do blanket training and gear towards personalized training.
- ✓ KDE invited comments on required professional development for district facility professionals. KDE recommends professional development/training of school district facility professionals who act as the business experts in their districts. With the assumption of more responsibility at the local level and less oversight at the state level, facility professionals should receive professional development, including training in the areas of the statutes, regulations, and manuals. Training should be of high quality and should be offered by both KDE and approved external partners.