

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amendment)

701 KAR 5:110. Use of local monies to reduce unmet technology need.

RELATES TO: KRS 156.670, 157.650, 157.655, 157.660, 157.665, 160.160

STATUTORY AUTHORITY: KRS 156.070, 156.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 (1)(c) requires the Kentucky Board of Education to promulgate administrative regulations governing the acquisition and use of educational equipment for the schools. KRS 156.670(1) requires the development of the master plan for education technology to outline Commonwealth activities related to the purchase, development, and use of technology. The master plan requires a district to submit a plan and report ~~which describes~~~~[describing]~~ its educational initiatives that have technology components and their unmet technology need. KRS 157.655 authorizes a local public school district to participate in the education technology funding program based on the unmet technology need described in the local district plan and approved by the Kentucky Board of Education. Based on review of the unmet technology need, it has been determined that full implementation of the Kentucky Education Technology System (KETS) cannot be funded based solely on offers of assistance from the Education Technology Trust Fund. This administrative regulation establishes the requirements governing the use of local monies to reduce unmet technology need to ensure that all school district technology procurements, in categories for which KETS standards for unmet need have been established, will reduce the unmet technology need regardless of source of funds.

Section 1. Definitions.

- (1) "Department" means the Kentucky Department of Education.
- (2) "District education technology plan" means the plan developed by the local school district to address the unmet technology need of the district.
- (3) "Kentucky Education Technology System" or "KETS" means the statewide system established in the technology master plan issued by the Kentucky Board of Education and approved by the Legislative Research Commission.
- (4) "Master plan" means the long-range plan for the implementation of the Kentucky Education Technology System approved by the Kentucky Board of Education and the Legislative Research Commission.
- (5) "Unmet technology need" means the total cost of technology, meeting or exceeding the criteria established in the master plan, needed to achieve the capabilities outlined in the approved district education technology plan of the local school district.

Section 2. Determination of Unmet Need. A local school district shall determine its unmet technology need as part of the education technology planning process. Unmet technology need shall be audited by the department and subject to the approval of the Kentucky Board of Education as part of the state review and assistance calculation process in accordance with the master plan.

Section 3. Reducing Unmet Need.

- (1) In categories of unmet technology need, as established in the ~~2018-2024~~ 2024-2030 KETS Master Plan, a district shall limit procurements to those that will reduce unmet technology need until the district's unmet technology need no longer exists.
- (2) The department shall assist districts in selecting equipment, software, and services ~~that~~ which will reduce the unmet technology need.

Section 4. Alternative Technology. For technology components having no established KETS standards, a local school district may propose alternative technologies (waivers) in the local district education technology plan, particularly if the technology is proposed to achieve innovation. The department shall respond to the waiver within a three (3) week time period. If denied, the local school district may appeal to the Commissioner of Education.

Section 5. Incorporation by Reference.

(1) The ~~2024-2030~~~~[2018-2024]~~ KETS Master Plan, dated August 2023~~[February 2018]~~, is hereby incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, from the Office of Education Technology, 5th floor, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. through 4:30 p.m. This material may be viewed at: <https://education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx>.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

JASON E. GLASS, Ed.D., Commissioner

SHARON ROBINSON, Chairperson

APPROVED BY AGENCY: August 7, 2023

FILED WITH LRC: August 8, 2023 at 3:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on October 31, 2023 at 10am in the State Board Room, 5th Floor, Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until October 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does:

KRS 156.070 grants the Kentucky Board of Education the authority over the management and control of programs operated in the common schools. KRS 156.160(1)(c) requires the Kentucky Board of Education to promulgate administrative regulations governing the acquisition and use of educational equipment for the schools. This administrative regulation specifies when KETS standards for unmet need have been established and full implementation of KETS cannot be funded solely on offers of assistance, then any local public school district technology procurements will reduce the unmet need regardless of the funding source. This regulation also incorporates by reference the 2024-2030 KETS Master Plan for Education Technology.

(b) The necessity of this administrative regulation:

KRS 156.070 grants the Kentucky Board of Education the authority over the management and control of programs operated in the common schools. This administrative regulation was necessary to implement provisions of KRS 156.160, KRS 156.670, KRS 157.655.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation provides for specifics for the acquisition and use of educational equipment for the schools as required by KRS 156.160; incorporates the master plan as described in KRS 156.670; and stipulates that a local public school district may participate in the education technology funding program based on the unmet technology need described in KRS 157.655.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation establishes the use of local monies to reduce unmet technology need and incorporates the KETS Master Plan by reference.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment incorporates the new 2024-2030 KETS Master Plan by reference and removes the reference to the 2018-2024 KETS Master Plan.

(b) The necessity of the amendment to this administrative regulation:

The KETS Master Plan for Education Technology has been updated per KRS 156.670 and the regulation needs to be amended to reflect the latest version. (c) How the amendment conforms to the content of the authorizing statute: This amendment incorporates the updated 2024-2030 KETS Master Plan. KRS 156.670 requires the plan to be updated.

(c) How the amendment conforms to the content of the authorizing statutes:

No answer provided.

(d) How the amendment will assist in the effective administration of the statutes:

The updated KETS Master Plan for Education Technology establishes the roadmap for technology use and procurement for local public school districts for the next six (6) years.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

All local public school districts and KDE.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

This amendment will not require any additional action by local public school districts or KDE.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

This amendment should not result in any additional cost to public school districts. The Kentucky Department of Education will be impacted by staff time to provide guidance and support.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Amendment of this regulation provides the current KETS Master Plan as a document incorporated by reference.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

Minimal staff time at the Kentucky Department of Education will be required to implement this regulation.

(b) On a continuing basis:

Minimal staff time at the Kentucky Department of Education will be required to implement this regulation. The Kentucky Department of Education will provide ongoing programmatic support.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

A combination of local, state and federal funds are leveraged.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in fees or funding will be necessary to implement this amended administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This amended administrative regulation does not establish or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied?

Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and districts.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

Local education agencies and the Kentucky Department of Education will be impacted.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 156.070, KRS 156.160

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None

(c) How much will it cost to administer this program for the first year?

Minimal staff time at the Kentucky Department of Education will be required to implement this regulation. No additional costs are expected as a result of the amended administrative regulation. The Kentucky Department of Education will provide ongoing programmatic support as outlined in the document incorporated by reference.

(d) How much will it cost to administer this program for subsequent years?

Minimal staff time at the Kentucky Department of Education will be required to implement this regulation. No additional costs are expected on an ongoing basis as a result of the amended administrative regulation. The Kentucky Department of Education will provide ongoing programmatic support as outlined in the document incorporated by reference.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):N/A

Expenditures (+/-):N/A

Other Explanation:

N/A

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

None anticipated.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

None anticipated.

(c) How much will it cost the regulated entities for the first year?

No additional expenses are expected as a result of this amended administrative regulation.

(d) How much will it cost the regulated entities for subsequent years?

No additional ongoing expenses are expected as a result of this amended administrative regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):N/A

Expenditures (+/-):N/A

Other Explanation:

N/A

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] Based on the assessment of the agency, this regulation alone will not have a major economic impact on state or local regulated entities. The primary purpose is to ensure Kentucky K-12 education technology enhances the learning experience of students, help prepare students for higher education and further develop a competitive workforce.