

1 AN ACT relating to public schools.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 162.060 is amended to read as follows:

4 The chief state school officer shall be furnished a copy of all plans and specifications for
5 new public school buildings contemplated by boards of education and for all additions to
6 or alterations of old buildings. ~~He shall examine or cause to be examined all such plans
7 and specifications and shall approve or disapprove them in accordance with the rules and
8 regulations of the Kentucky Board of Education.~~ Plan reviews for conformance with the
9 Uniform State Building Code shall be conducted only by the Department of Housing,
10 Buildings and Construction. **The chief state school officer may provide suggestions and
11 advice regarding the plans and specifications. However, the board of education shall
12 not be required to obtain any approval prior to awarding a contract for the erection of
13 a new building or contract for an addition to or alteration of an old building.** ~~No board
14 of education may award a contract for the erection of a new building or contract for an
15 addition to or alteration of an old building until the plan has been approved by the chief
16 state school officer.~~

17 ➔Section 2. KRS 162.065 is amended to read as follows:

18 The State Board of Education shall promulgate administrative regulations for use by local
19 school boards when constructing school buildings using construction managers. **The
20 administrative regulation shall not require prior approval of plans or specifications
21 used by local school boards.** A construction manager is an experienced and qualified
22 construction contracting organization that is paid a fee for its professional management
23 and supervision services. The regulations shall include, but not be limited to:

24 (1) A standard "Request for Proposal" form, including appropriate criteria for use by
25 local school boards to ensure only qualified construction managers are considered:

26 (a) A list of successfully completed projects or a demonstrated capability to
27 perform projects of a similar type;

- 1 (b) A descriptive detail of projects showing the experience and the ability to
2 perform budget estimating, value engineering, and scheduling; and
- 3 (c) A list of experienced and qualified personnel with a track record of achieved
4 quality and the capability to provide bidder solicitation;
- 5 (2) Adequate public notice of the invitation for proposals shall be given a sufficient
6 time prior to the date set for the opening of proposals;
- 7 (3) A requirement for bids, when requested by a construction manager, be submitted to
8 the architect or owner and opened in public;
- 9 (4) A requirement that all bids for school construction projects be advertised in
10 newspapers with the largest local circulation;
- 11 (5) A sample fee schedule for construction manager services shall be developed by
12 recommendation of a diversified committee consisting of Department of Education
13 personnel, architects, and construction managers for the guidance of local school
14 boards;
- 15 (6) A requirement that established qualifications-based selection procedures be
16 implemented by local boards when selecting firms to provide architectural and
17 engineering services; and
- 18 (7) A requirement that specifications in every invitation for bids or request for
19 proposals shall provide that an item equal to that named or described in the
20 specifications may be furnished. The specifications may identify a sole brand in
21 cases where, in the written opinion of the chief procurement officer, documented
22 unique and valid conditions require compatibility, continuity, or conformity with
23 established standards. An item shall be considered equal to the item named or
24 described if, in the opinion of the local board and the design professional
25 responsible for the specifications:
- 26 (a) It is at least equal in quality, durability, strength, design, and other criteria
27 deemed appropriate;

1 (b) It will perform at least equally the function imposed by the general design for
2 the public work being contracted for or the material being purchased; and

3 (c) It conforms substantially to the detailed requirements for the item in the
4 specifications.

5 ➔Section 3. KRS 160.290 is amended to read as follows:

6 (1) Each board of education shall have general control and management of the public
7 schools in its district and may establish schools and provide for courses and other
8 services as it deems necessary for the promotion of education and the general health
9 and welfare of pupils, consistent with the administrative regulations of the
10 Kentucky Board of Education. Each board shall have control and management of all
11 school funds and all public school property of its district and may use its funds and
12 property to promote public education, which shall include the purchase of
13 property for the location of school district facilities and the construction,
14 addition, and renovation of those facilities. Each board shall exercise generally all
15 powers prescribed by law in the administration of its public school system, appoint
16 the superintendent of schools, and fix the compensation of employees.

17 (2) Each board shall make and adopt, and may amend or repeal, rules, regulations, and
18 bylaws for its meetings and proceedings for the management of the schools and
19 school property of the district, for the transaction of its business, and for the
20 qualification and duties of employees and the conduct of pupils. The rules,
21 regulations, and bylaws made by a board of education shall be consistent with the
22 general school laws of the state and shall be binding on the board of education and
23 parties dealing with it until amended or repealed by an affirmative vote of a
24 majority of the members of the board. The rules, regulations, and bylaws shall be
25 spread on the minutes of the board and be open to the public. The rules, regulations,
26 and bylaws may include the use of reverse auctions as defined in KRS 45A.070 in
27 the procurement of goods and leases.

1 (3) Local boards of education electing to enter into agreements pursuant to the
2 Interlocal Cooperation Act, KRS 65.210 to 65.300, with other local boards of
3 education to establish consortia to provide services in accordance with the Kentucky
4 Education Reform Act of 1990, 1990 Ky. Acts Ch. 476, may transfer real or
5 personal property to the consortia without receiving fair market value
6 compensation. The joint or cooperative action may employ employees transferred
7 from employment of a local board of education, and the employees shall retain their
8 eligibility for the Kentucky Teachers' Retirement System. The chief state school
9 officer, under administrative regulations of the Kentucky Board of Education, may
10 allot funding to an interlocal cooperative board created by two (2) or more local
11 school districts pursuant to KRS 65.210 to 65.300 to provide educational services
12 for the mutual advantage of the students in the representative districts. All statutes
13 and administrative regulations that apply to the use of these funds in local school
14 districts shall also apply to cooperative boards.