

1 AN ACT relating to fiscal responsibility in education technology planning.

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

3 ➔Section 1. KRS 156.660 is amended to read as follows:

4 As used in KRS 156.660 to 156.670, ~~and~~ KRS 168.015, and Section 2 of this Act,
5 unless the context indicates otherwise:

6 (1) "Break-fix rate" means the percentage obtained by dividing the number of
7 education technology devices reported as malfunctioning or needing repair due to
8 physical damage, hardware failure, or other breakage incidents prior to the stated
9 life cycle period not covered by insurance, warranty, or a policy plan period by
10 the total number of school technology devices in operation during that
11 period~~["Council" means the Council for Education Technology].~~

12 (2) "Technology" means any electronic or computerized equipment provided for
13 educational purposes in a public school, including computers, tablets, interactive
14 whiteboards, and similar devices or anything considered a digital device for
15 purposes of a local district technology plan or the statewide technology master
16 plan~~[includes, but is not limited to, computers, telecommunications, cable~~
17 ~~television, interactive video, film, low power television, satellite communications,~~
18 ~~and microwave communications].~~

19 (3) "Total cost of ownership" means an assessment that, for the expected
20 performance period or useful life of the technology, considers all of the
21 following, as applicable:

22 (a) The cost of acquisition, including purchase price or lease payments;

23 (b) The cost of deployment and configuration, including device setup, imaging,
24 enrollment, and integration with existing systems;

25 (c) The cost of operation and management, including licensing, subscriptions,
26 device management, security, and connectivity;

27 (d) The cost of maintenance, support, damage repair, and warranties or

1 protection plans;

2 (e) The cost of necessary training for staff to use and support the technology;

3 (f) Any expense reasonably related to anticipated downtime or disruption to
4 instruction or operations reasonably associated with the use or failure of the
5 technology;

6 (g) Any anticipated residual, resale, or salvage value at the end of the
7 technology's expected performance period, including value realized through
8 a trade-in or buyback program, net of reasonable transaction costs; and

9 (h) Any other factors the Kentucky Board of Education determines to be
10 relevant to achieving best value over the life of the technology.

11 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO
12 READ AS FOLLOWS:

13 (1) The Kentucky Board of Education shall promulgate administrative regulations in
14 accordance with KRS Chapter 13A to require the adoption of education
15 technology fiscal policies by the Kentucky Department of Education and local
16 school districts.

17 (2) The Kentucky Department of Education, in accordance with the administrative
18 regulations promulgated subsection (1) of this section, shall develop a model
19 education technology fiscal policy available for adoption by local school districts.
20 The model educational technology fiscal policy shall require a local school
21 district, when acquiring education technology or software, to evaluate and
22 consider:

23 (a) The total cost of ownership;

24 (b) Any flexibility for innovation and accessibility during the life of the
25 technology or software;

26 (c) Any anticipated resale or salvage value at the end of the target life cycle for
27 the technology or software, which is:

- 1 1. Not included in the total cost of ownership; and
- 2 2. Based on the average resale or salvage value of similar technology,
- 3 computer hardware, or software as a percentage of the initial cost of
- 4 purchase; and
- 5 (d) The security of the technology, including protection of student and
- 6 employee data and the ability to maintain timely security updates.
- 7 (3) By August 15, 2027, and each August 15 thereafter, each local school district
- 8 shall submit a report to the Kentucky Department of Education which shall
- 9 include data from the immediately preceding school year and contain the
- 10 following information:
- 11 (a) The break-fix rate of the school technology devices, in whole and for each
- 12 device type, in the local school district for the previous school year;
- 13 (b) The total number of and type of technology devices currently in operation in
- 14 the local school district;
- 15 (c) The total number and type of technology devices in the local school district
- 16 requiring repair that underwent repair or were no longer in service during
- 17 the previous school year, in whole and for each device type;
- 18 (d) The total amount of funds spent by the local school district to repair or
- 19 replace technology during the previous school year; and
- 20 (e) The items in paragraphs (a) to (d) of this subsection disaggregated for the
- 21 individual schools operating within the local school district.
- 22 (4) By November 15, 2027, and each November 15 thereafter, the Kentucky
- 23 Department of Education shall compile the data received pursuant to subsection
- 24 (3) of this section and prepare a summary report to be submitted to the Legislative
- 25 Research Commission for referral to the appropriate interim joint committee or
- 26 committees. The report shall include a summary of the data reported by each
- 27 local school district, as well as recommendations on how to reduce the break-fix

rate of technology and to improve fiscal responsibility across the commonwealth relating to education technology.

➔Section 3. KRS 156.670 is amended to read as follows:

- (1) The **Kentucky Department of Education**~~[Council for Education Technology]~~ shall develop the master plan for education technology and submit the plan to the Kentucky Board of Education and the Legislative Research Commission for approval. Implementation of each stage of the master plan shall begin immediately upon approval of the board and the Legislative Research Commission. The plan shall outline the Commonwealth's five (5) year activities related to purchasing, developing, and using technology to:
- (a) Improve learning and teaching and the ability to meet individual students' needs to increase student achievement;
 - (b) Improve curriculum delivery to help meet the needs for educational equity across the state;
 - (c) Improve delivery of professional development;
 - (d) Improve the efficiency and productivity of administrators; and
 - (e) Encourage development by the private sector and acquisition by districts of technologies and applications appropriate for education.
- (2) The five (5) year plan shall cover all aspects of education technology, including but not limited to, its use in educational instruction and administration, video and computer systems, software and hardware, multiple delivery systems for satellite, microwave, cable, instructional television fixed service, fiber optic, and computer connections products, the preparation of school buildings for technological readiness, and the development of staff necessary to implement the plan.
- (3) The five (5) year plan shall include specific recommendations to the Kentucky Board of Education for the adoption of administrative regulations to establish and implement a uniform and integrated system of standards and guidelines for

1 financial accounting and reporting which shall be used by all school districts.

2 (4) The integrated technology-based communications system shall provide
3 comprehensive, current, accurate, and accessible information relating to
4 management, finance, operations, instruction, and pupil programs which are under
5 the jurisdiction of the Department of Education.

6 (5) To facilitate communication among teachers, parents, students, and prospective
7 employers of students, and to provide access to many vital technological services,
8 the five (5) year plan shall include the installation of a telephone in each classroom.

9 (6) In designing and implementing the five (5) year plan, the department~~council~~ shall
10 consider seeking the active participation of private organizations whose knowledge
11 and assistance will be useful.

12 (7) The department~~council~~ shall update as necessary the plan developed under
13 subsection (2) of this section and report to the Legislative Research Commission at
14 the completion of each implementation phase of the master plan.

15 (8) The department~~council~~ shall submit its recommendations to the Kentucky Board
16 of Education, which shall accept the recommendations, or return them to the
17 department~~council~~ along with suggestions for changes to make the
18 recommendations consistent with the policies of the Kentucky Board of Education.

19 ➔Section 4. KRS 156.160 is amended to read as follows:

20 (1) With the advice of the Local Superintendents Advisory Council, the Kentucky
21 Board of Education shall promulgate administrative regulations establishing
22 standards which school districts shall meet in student, program, service, and
23 operational performance. These regulations shall comply with the expected
24 outcomes for students and schools set forth in KRS 158.6451. Administrative
25 regulations shall be promulgated for the following:

26 (a) Courses of study for the different grades and kinds of common schools
27 identifying the common curriculum content directly tied to the goals,

1 outcomes, and assessment strategies developed under KRS 158.645,
2 158.6451, and 158.6453 and distributed to local school districts and schools.

3 The administrative regulations shall provide that:

- 4 1. If a school offers American sign language, the course shall be accepted
5 as meeting the foreign language requirements in common schools
6 notwithstanding other provisions of law;
- 7 2. If a school offers the Reserve Officers Training Corps program, the
8 course shall be accepted as meeting the physical education requirement
9 for high school graduation notwithstanding other provisions of law;
- 10 3. Every public middle and high school's curriculum shall include
11 instruction on the Holocaust and other cases of genocide, as defined by
12 the United Nations Convention on the Prevention and Punishment of the
13 Crime of Genocide, that a court of competent jurisdiction, whether a
14 court in the United States or the International Court of Justice, has
15 determined to have been committed by applying rigorous standards of
16 due process; and
- 17 4. Beginning in the 2025-2026 school year, cursive writing shall be
18 included as a course of study in all elementary schools and shall be
19 designed to ensure proficiency in cursive writing by the end of grade
20 five (5);

21 (b) Courses of study or educational experiences available to students in all middle
22 and high schools to fulfill the prerequisites for courses in advanced science
23 and mathematics as defined in KRS 158.845;

24 (c) The acquisition and use of educational equipment for the schools as
25 recommended by the Kentucky Department of Education~~[Council for~~
26 ~~Education Technology]~~;

27 (d) The minimum requirements for high school graduation in light of the

1 expected outcomes for students and schools set forth in KRS 158.6451. The
2 minimum requirements shall not include achieving any postsecondary
3 readiness indicator as described in KRS 158.6455 or any minimum score on a
4 statewide assessment administered under KRS 158.6453. Student scores from
5 any assessment administered under KRS 158.6453 that are determined by the
6 department's technical advisory committee to be valid and reliable at the
7 individual level shall be included on the student transcript. The department's
8 technical advisory committee shall submit its determination to the
9 commissioner of education and the Legislative Research Commission;

10 (e) The requirements for an alternative high school diploma for students with
11 disabilities whose individualized education program indicates that, in
12 accordance with 20 U.S.C. sec. 1414(d)(1)(A):

- 13 1. The student cannot participate in the regular statewide assessment; and
- 14 2. An appropriate alternate assessment has been selected for the student
15 based upon a modified curriculum and an individualized course of
16 study;

17 (f) Taking and keeping a school census, and the forms, blanks, and software to be
18 used in taking and keeping the census and in compiling the required reports.
19 The board shall create a statewide student identification numbering system
20 based on students' Social Security numbers. The system shall provide a
21 student identification number similar to, but distinct from, the Social Security
22 number, for each student who does not have a Social Security number or
23 whose parents or guardians choose not to disclose the Social Security number
24 for the student;

25 (g) Sanitary and protective construction of public school buildings, toilets,
26 physical equipment of school grounds, school buildings, and classrooms. With
27 respect to physical standards of sanitary and protective construction for school

1 buildings, the Kentucky Board of Education shall adopt the Uniform State
2 Building Code;

3 (h) Medical inspection, physical and health education and recreation, and other
4 regulations necessary or advisable for the protection of the physical welfare
5 and safety of the public school children. The administrative regulations shall
6 set requirements for student health standards to be met by all students in
7 grades four (4), eight (8), and twelve (12) pursuant to the outcomes described
8 in KRS 158.6451. The administrative regulations shall permit a student who
9 received a physical examination no more than six (6) months prior to his or
10 her initial admission to Head Start to substitute that physical examination for
11 the physical examination required by the Kentucky Board of Education of all
12 students upon initial admission to the public schools, if the physical
13 examination given in the Head Start program meets all the requirements of the
14 physical examinations prescribed by the Kentucky Board of Education;

15 (i) A vision examination by an optometrist or ophthalmologist that shall be
16 required by the Kentucky Board of Education. The administrative regulations
17 shall require evidence that a vision examination that meets the criteria
18 prescribed by the Kentucky Board of Education has been performed. This
19 evidence shall be submitted to the school no later than January 1 of the first
20 year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a
21 public school, public preschool, or Head Start program;

22 (j) 1. Beginning with the 2010-2011 school year, a dental screening or
23 examination by a dentist, dental hygienist, physician, registered nurse,
24 advanced practice registered nurse, or physician assistant that shall be
25 required by the Kentucky Board of Education. The administrative
26 regulations shall require evidence that a dental screening or examination
27 that meets the criteria prescribed by the Kentucky Board of Education

1 has been performed. This evidence shall be submitted to the school no
2 later than January 1 of the first year that a five (5) or six (6) year-old
3 child is enrolled in a public school.

4 2. A child shall be referred to a licensed dentist if a dental screening or
5 examination performed by anyone other than a licensed dentist identifies
6 the possibility of dental disease;

7 (k) The transportation of children to and from school;

8 (l) The fixing of holidays on which schools may be closed and special days to be
9 observed, and the pay of teachers during absence because of sickness or
10 quarantine or when the schools are closed because of quarantine;

11 (m) The preparation of budgets and salary schedules for the several school
12 districts under the management and control of the Kentucky Board of
13 Education;

14 (n) A uniform series of forms and blanks, educational and financial, including
15 forms of contracts, for use in the several school districts;

16 (o) The disposal of real and personal property owned by local boards of
17 education; and

18 (p) The development and implementation of procedures, for all students who are
19 homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do
20 the following:

21 1. Awarding and accepting of credit, including partial credit, for all
22 coursework satisfactorily completed by a student while enrolled at
23 another school;

24 2. Allowing a student who was previously enrolled in a course required for
25 graduation the opportunity, to the extent practicable, to complete the
26 course, at no cost to the student, before the beginning of the next school
27 year;

- 1 3. Awarding a diploma, at the student's request, by a district from which
2 the student transferred, if the student transfers schools at any time after
3 the completion of the student's second year of high school and the
4 student is ineligible to graduate from the district to which the student
5 transfers, but meets the graduation requirements of the district from
6 which the student transferred; and
- 7 4. Exempting the student from all coursework and other requirements
8 imposed by the local board of education that are in addition to the
9 minimum requirements for high school graduation established by the
10 Kentucky Board of Education pursuant to paragraph (d) of this
11 subsection in the district to which the student transfers, if the student
12 transfers schools at any time after the completion of the student's second
13 year of high school and the student is ineligible to graduate both from
14 the district to which the student transfers and the district from which the
15 student transferred.
- 16 (2) Any private, parochial, or church school may voluntarily comply with curriculum,
17 certification, and textbook standards established by the Kentucky Board of
18 Education and be certified upon application to the board by such schools.
- 19 (3) Any public school that violates the provisions of KRS 158.854 shall be subject to a
20 penalty to be assessed by the commissioner of education as follows:
- 21 (a) The first violation shall result in a fine of no less than one (1) week's revenue
22 from the sale of the competitive food;
- 23 (b) Subsequent violations shall result in a fine of no less than one (1) month's
24 revenue from the sale of the competitive food;
- 25 (c) "Habitual violations," which means five (5) or more violations within a six (6)
26 month period, shall result in a six (6) month ban on competitive food sales for
27 the violating school; and

1 (d) Revenue collected as a result of the fines in this subsection shall be
2 transferred to the food service fund of the local school district.

3 ➔Section 5. KRS 157.615 is amended to read as follows:

4 As used in KRS 157.611 to 157.640, unless the context requires otherwise:

- 5 (1) "Available local revenue" means the sum of the school building fund account
6 balance; the bonding potential of the capital outlay and building funds; and the
7 capital outlay fund account balance on June 30 of odd-numbered years. These
8 accounts shall be as defined in the manual for Kentucky school financial accounting
9 systems;
- 10 (2) "Board of education" means the governing body of a county school district or an
11 independent school district;
- 12 (3) "Bonds" or "bonds of the commission" means bonds issued by the commission, or
13 issued by a city, county, or other agency or instrumentality of the Board of
14 Education, in accordance with KRS Chapter 162, payable as to principal and
15 interest from rentals received from a board of education or from the department
16 pursuant to a lease or from contributions from the commission, and constitute
17 municipal bonds exempt from taxation under the Constitution of the
18 Commonwealth;
- 19 (4) "Department" means the State Department of Education;
- 20 (5) "District technology plan" means the plan developed by the local district and the
21 Department of Education and approved by the Kentucky Board of Education~~[upon~~
22 ~~the recommendation of the Council for Education Technology];~~
- 23 (6) "Equivalent tax rate" means the rate which results when the income from all taxes
24 levied by the district for school purposes is divided by the total assessed value of
25 property plus the assessment for motor vehicles certified by the Department of
26 Revenue as provided by KRS 160.470;
- 27 (7) "Kentucky Education Technology System" means the statewide system set forth in

1 the technology master plan issued by the Kentucky Board of Education with the
2 recommendation of the department~~[Council for Education Technology]~~ and
3 approved by the Legislative Research Commission;

4 (8) "Lease" or "lease instrument" means a written instrument for the leasing of one (1)
5 or more school projects executed by the commission as lessor and a board of
6 education as lessee, or executed by the commission as lessor and the department as
7 lessee, as the case may be;

8 (9) "Lease/purchase agreement" means a lease between the school district or the
9 department and a vendor that includes an option to purchase the technology
10 equipment or software at the end of the lease period;

11 (10) "Percentage discount" means the degree to which the commission will participate in
12 meeting the bond and interest redemption schedule required to amortize bonds
13 issued by the commission on behalf of a local school district;

14 (11) "Project" means a defined item of need to construct new facilities or to provide
15 major renovation of existing facilities which is identified on the priority schedule of
16 the approved school facilities plan;

17 (12) "School facilities plan" means the plan developed pursuant to the survey specified
18 by KRS 157.420 and by administrative regulations of the Kentucky Board of
19 Education;

20 (13) "Technology master plan" means the long-range plan for the implementation of the
21 Kentucky Education Technology System as developed by the department~~[Council~~
22 ~~for Education Technology]~~ and approved by the Kentucky Board of Education and
23 the Legislative Research Commission;

24 (14) "Unmet facilities need" means the total cost of new construction and major
25 renovation needs as shown by the approved school facilities plan less any available
26 local revenue;

27 (15) "Unmet technology need" means the total cost of technology need as shown by the

1 approved technology plan of the local district; and

2 (16) "Eligible district" means any local school district having an unmet facilities need, as
3 defined in this section, in excess of one hundred thousand dollars (\$100,000) or a
4 district qualifying for education technology funding.

5 ➔Section 6. KRS 157.655 is amended to read as follows:

6 (1) To participate in the education technology funding program, a local public school
7 district shall have an unmet technology need described in its local district
8 technology plan and approved by the Kentucky Board of Education pursuant to its
9 technology master plan, and shall match equally the amount of funds offered by the
10 School Facilities Construction Commission for this purpose each biennium~~[except~~
11 ~~as provided in subsection (2) of this section. Technology approved for the Kentucky~~
12 ~~Education Technology System and included in the local district technology plan,~~
13 ~~which was acquired prior to April 3, 1992, and for which the district has an~~
14 ~~outstanding financial obligation, shall qualify for commission funding. This~~
15 ~~provision shall not apply to any purchases or contracts made between April 3, 1992,~~
16 ~~and the first offers of assistance recommended by the Council for Education~~
17 ~~Technology to the State Board for Elementary and Secondary Education].~~

18 (2) ~~[For fiscal year 1992-93, funding shall be allotted to districts without an approved~~
19 ~~plan upon the recommendation of the Council for Education Technology to the~~
20 ~~State Board for Elementary and Secondary Education.~~

21 ~~(3)~~ If a local board of education determines that for any reason the district's approved
22 technology plan is grossly inconsistent with the administrative regulations
23 governing the development of the plan, the local board may certify, by official
24 action, the reason for the inconsistency and may request that the Department of
25 Education reevaluate the technology plan of the district. After review of the data,
26 the chief state school officer may require a reevaluation and the approval of a new
27 technology plan certified prior to an official offer from the School Facilities

1 Construction Commission. If the chief state school officer elects to recommend the
2 new technology plan to the Kentucky Board of Education, the board shall notify the
3 School Facilities Construction Commission of any change required in the offer of
4 assistance for the district.

5 ➔Section 7. KRS 157.660 is amended to read as follows:

6 The School Facilities Construction Commission shall be governed by the following
7 procedures in making an offer of assistance to local public school districts for providing
8 education technology:

9 (1) The base level of assistance to each eligible district shall be determined by dividing
10 the total amount available for education technology by the total of the prior year's
11 statewide average daily attendance of the eligible districts times the district's prior
12 year's average daily attendance.

13 (2) The funds shall be applied to the projects listed in the district's technology plan, and
14 the funds shall be applied to projects in the priority order listed on the plan~~except~~
15 ~~as provided in KRS 157.655(2)].~~ The first priority for the expenditure of each new
16 offer of assistance shall be to meet the previous obligations of bonds, leases, or
17 other financial agreements made for education technology by the district.

18 (3) The commission shall establish administrative regulations by which a district that
19 receives an offer of assistance but does not have the local match shall be able to
20 accumulate a credit for the state offer of assistance for a period not to exceed three
21 (3) years.

22 (4) All unused state funds allocated according to the provisions of subsection (1) of this
23 section shall be reallocated by the commission. The reallocation shall follow the
24 process and intent as set forth in this section with eligible districts being those
25 districts which have the available local matching funds and have not completely
26 implemented the Kentucky Education Technology System.