

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

### **protection plans;**

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

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

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

(h) Any other factors the Kentucky Board of Education determines to be 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, computer hardware, or software as a percentage of the initial cost of purchase; and
- 3        (d) The security of the technology, including protection of student and employee data and the ability to maintain timely security updates.
- 4
- 5        (3) By August 15, 2027, and each August 15 thereafter, each local school district  
6        shall submit a report to the Kentucky Department of Education which shall  
7        include data from the immediately preceding school year and contain the  
8        following information:
- 9
- 10        (a) The break-fix rate of the school technology devices, in whole and for each  
11        device type, in the local school district for the previous school year;
- 12        (b) The total number of and type of technology devices currently in operation in  
13        the local school district;
- 14        (c) The total number and type of technology devices in the local school district  
15        requiring repair that underwent repair or were no longer in service during  
16        the previous school year, in whole and for each device type;
- 17        (d) The total amount of funds spent by the local school district to repair or  
18        replace technology during the previous school year; and
- 19        (e) The items in paragraphs (a) to (d) of this subsection disaggregated for the  
20        individual schools operating within the local school district.
- 21
- 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

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

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

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

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

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;

- 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

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.