



# KENTUCKY DEPARTMENT OF EDUCATION

300 Sower Boulevard, Frankfort, KY 40601

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## MEMORANDUM 54

**TO:** Kentucky School District Finance and Facility Directors, Architects, Engineers, Construction Managers and Fiscal Agents serving K-12 Public Schools

**FROM:** Greg Dunbar, Manager, District Facilities Branch [greg.dunbar@education.ky.gov](mailto:greg.dunbar@education.ky.gov)

**DATE:** April 5, 2023

**SUBJECT:** KRS 158.162 School Security and Initial BG-1 Approval

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KRS 158.162(7) states “A district with a school not in compliance with the requirements of subsection (3)(d) of this section by July 1, 2022, shall not be eligible for approval by the Kentucky Department of Education for new building construction or expansion in the 2022-2023 school year and any subsequent year without verification of compliance, except for facility improvements that specifically address the school safety and security requirements of this section, when deemed necessary for the protection of student or staff health and safety, or to comply with other legal requirements or orders.”

Compliance with KRS 158.162(3)(d) is determined by the Office of the State School Security Marshal (Security Marshal). The Security Marshall provides a list of non-compliant schools and districts to KDE on a monthly basis. A district report is provided by the Security Marshal to each district.

### **Districts which have not adopted HB 678 (2022 reg)**

Initial BG-1 Project Application Forms submitted to KDE are subject to KDE approval/disapproval based on the current Security Marshal’s monthly list of non-compliant schools and districts.

### **Districts which have adopted HB 678 (2022 reg)**

These districts have assumed local responsibility for “the funding, financing, design, construction, renovation, or modification of the district’s facilities in accordance with the provisions and restrictions established in statute and administrative regulation” without prior from KDE.

Applicable statutes include KRS 158.162(3)(d) and KRS 158.162(7).

A district with a school or schools determined to be non-compliant by the Security Marshal’s report should not approve an initial BG-1 that proposes capital construction that does not address the identified non-compliance issues. Taking such an action is a violation of KRS 158.162(7) and exposes the district to potential liability if the identified non-compliance matter is found to contribute to a failure related to protection of student or staff health and safety.

HB 678 (2022 reg) is in effect until June 30, 2024.

Please contact me with any questions at (502) 564-4326 ext. 4429 or KDE’s staff architect assigned to the district.

[https://education.ky.gov/\\_layouts/download.aspx?SourceUrl=https://education.ky.gov/districts/fac/Documents/New%20Project%20Manager%20List%202.1.23.xlsx](https://education.ky.gov/_layouts/download.aspx?SourceUrl=https://education.ky.gov/districts/fac/Documents/New%20Project%20Manager%20List%202.1.23.xlsx)

