Summary of the May 2023 KY K-12 Education
Technology Leaders' Virtual Meeting

In case you missed it or want a refresher, the following is what we talked about during the May 23, 2023, EdTech leaders' virtual meeting. A copy of the video and audio can be found at: https://mediaportal.education.ky.gov/technology/district-technology-leadership-webcast/2023/05/edtech-may-2023/.

Public viewing of the archived webcasts and written summaries are also available on the KDE Media Portal at: http://mediaportal.education.ky.gov/. Numbers in **RED** indicate the timestamp for that portion of the discussion so it can be easily located on the full digital recording.

This was a virtual meeting with our OET staff and all the districts joining via Microsoft Teams and/or YouTube. We will continue to make these available from our KDE media portal so that you can watch the archived discussion and share with the appropriate people in your district. Several GoSoapBox poll questions were posed throughout the meeting and district EdTech leaders were asked to respond to all the questions as it assists us in planning and getting a feel for how to best move forward. Your voice and your feedback are important and extremely helpful to us. Please remember that in addition to these webcasts being available on the KDE Media Portal, each month's webcast is accompanied by these written summaries. We encourage you to share the link and all or any portion of these summary notes with staff throughout your district who may find the information beneficial to them in their position.

(1:01) **KDE Approval Process for Leases over $100K & the Office of Legal Services (OLS) Checklist -** The approval of technology leases over $100K has been a responsibility, through statute, of our Commissioner of Education for decades. We don't have a huge number of technology leases, but a timely review and approval is important. Over the last several months we have been making revisions to streamline the lease approval process while also discussing how to move forward since the regulation expired several months ago. KDE could move forward without a re-promulgated regulation; however, the associated statute (law) requires a regulation. David took some time to review the recent changes that have been happening with leases over $100K that have to be approved by the Commissioner. For clarification, the $100K is the total amount of the lease over the life of the lease period.

It is going to be especially important that a lease submission to the email address per the instructions below includes the name of the district's legal point of contact along with their contact information. OLS will only interact with the district's legal point of contact. An email will be sent to the Superintendent if that information is not included with the lease package submission.

Leases are typically something you don't own at the end of the lease period. Fiber is an example of that; you are only leasing the use of the fiber. A Copier/printer is an example where you may own or have the option to purchase at the end of the lease period. Instructional devices are on a much shorter refresh cycle and a true lease situation.

Lindsey Schwartz of OLS joined us today and reviewed the *optional* form prepared to be used by the local board attorney (see below). The board attorney will use this as a checklist of the all the required documentation and information. If a district does not opt to complete this form, it will still go through the same review process. Using this form will ensure that all the information is being reviewed/prepared/submitted with the initial submission and this will expedite the approval process. The intent is for this form to be incorporated by reference into the newly promulgated regulation; however, the regulatory approval process could take up to a year. As a final note, keep in mind that this checklist **cannot** be edited at any time during the lease approval process.

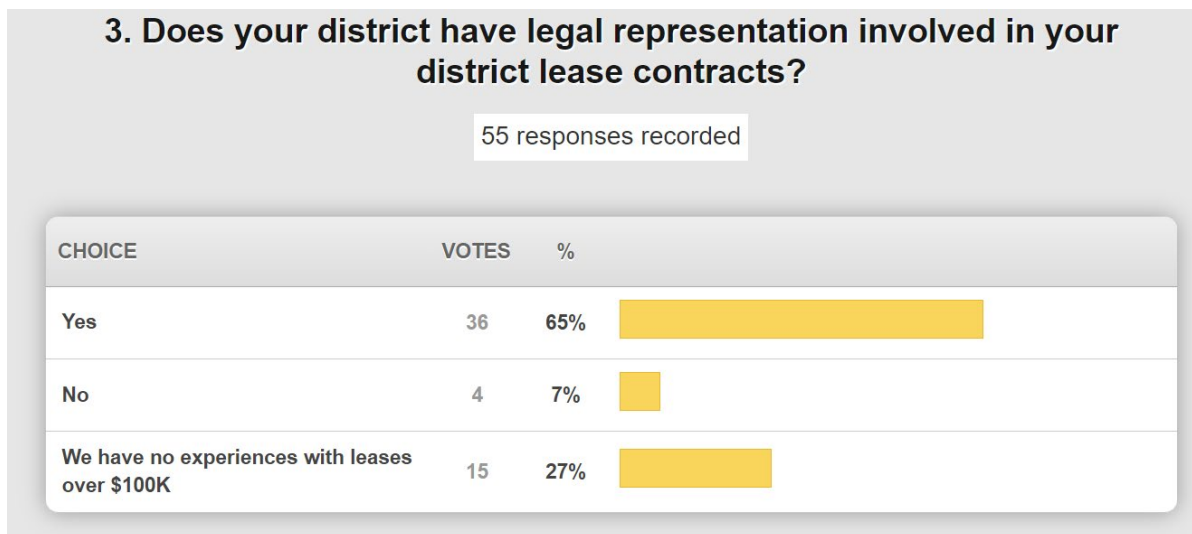If you want to check on the status of a lease, we recommend you do one of two things:

   Option 1: Check directly with your district legal point of contact or
   Option 2: Send inquiry to the same mailbox as in the submittal steps -
   leasesover100K@education.ky.gov.

Do not send an inquiry about the status of your lease approval to the OET Associate Commissioner position, because OET nearly always will approve the district's lease for technology related items within the first 20 minutes on the same day OET receives it through the leasesover100K@education.ky.gov. OET's role in the approval process ends at that time. Thus, if you do contact the OET Associate Commissioner, that position is just going to point you back to Option 1 and/or Option 2.

If your district has a legal related issue related to the lease your district's legal rep and/or lease point of contact should talk with Lindsey Swartz, who is in the KDE Office of Legal Services. Her direct supervisor is Associate Commissioner of the KDE Office of Legal Services not the OET Associate Commissioner.

We discussed the three most common items that cause a delay in a lease being approved by KDE. The first is related to the indemnity clause. The second and third is the district not including all the documents/addendums that are referenced in a lease and the district not listing the district's legal point of contact and their contact information. As was discussed during that 23 May virtual meeting, the superintendent of the district will be directly contacted when a district does not (1) submit all the documents and addendums that are referenced in a lease and/or (2) the district did not provide their district's legal representative name and contact information in the district's lease submission.

A document has been prepared and shared below; we went over this in detail. This is the official process, and it went into place May 1, 2023. We also reviewed the following GoSoapBox poll question:

3. Does your district have legal representation involved in your district lease contracts?

55 responses recorded

CHOICE	VOTES	%	
Yes	36	65%	
No	4	7%	
We have no experiences with leases over $100K	15	27%	

Leases over $100K approval process as of 23 May 2023

Beginning on May 1, 2023, districts are to e-mail leases over $100K and any aspect of that lease to leasesover100K@education.ky.gov. If the collective amount of any district lease is at least $100,000 during the x years of the lease, then that lease needs prior approval by KDE the agency. So, this approval process is not just for a lease that is at least $100,000 per year but also for something like a 5-year lease of at least $20,000 per year (i.e., $100,000 over 5 years)

The email with the lease that is sent from the district to leasesover100K@education.ky.gov will be automatically forwarded, at the same time, to the main point of contact (POC) for leases in three different parts of KDE (i.e., the Commissioner's Office, KDE's Office of Legal Services (OLS) and KDE's Office of Education Technology (OET)). (Any e-mails sent directly to any KDE staff member (e.g., KE) versus using the leasesover100K@education.ky.gov shall be returned to the district with the directive for the district to send instead to the leasesover100K@education.ky.gov mailbox account).

Ensure the e-mail sent by the district contains both the lease and the district's legal point of contact information. If the e-mail doesn't contain both the lease and the district's legal point of contact information for the lease (i.e., the district's legal point of contact name, phone number, e-mail address) then KDE will send an e-mail to the district's Superintendent asking the Superintendent to supply that

information. KDE legal staff will only interact with the district's legal representative not the vendor's legal representative. The district will need to interact with the vendor and the vendor's legal staff. There may be rare situations where the Supt wants to play the role as the primary legal point of contact between the district and the vendor's legal point of contact, just please let us know that upfront in the original communication with the lease.

Usually within 1 day of receipt of the lease from the district to the leasesover$100K account, the OET POC will forward **two** items via e-mail (will no longer use a routing form) to the OLS lease POC and the Commissioner's office lease POC at the same time.

(a) A draft for the Commissioner's Office of the letter of approval signature document that will be sent from the Commissioner's Office to the Superintendent of the district (see the attached example…it will have "Draft" in its title). This document needs to remain in draft form and not sent from the Commissioner's Office to the district until the Commissioner's Office gets the thumbs up approval or disapproval from OLS.

(b) Will inform the Commissioner's Office POC and OLS POC that "From an OET perspective, this is the type of lease service (e.g., fibered Internet lines, copiers/printers, computers, telephone, etc.) that is automatically eligible for an approved lease, regardless of the length of the lease and does not require any further OET review or approval of the contents of this lease."

OLS then conducts review. OLS directly interacts with the district's legal staff on any legal issues regarding lease language as needed. Then informs the Commissioner's Office that OLS recommends that either the word "approval" or "disapproval" of that specific leases be reflected in communication that Commissioner's Office sends to the Superintendent of the district that submitted the lease.

Based upon OLS input to the Commissioner's Office, the Commissioner's Office then removes the word "Draft" from the document that they previously received from OET and then either keeps the word "approval" or changes it to "disapproval (As a FYI, over the past 5 years it has always remained "approval".) Then the Commissioner's Office sends the approval letter directly via e-mail to the Superintendent of the district that submitted the lease with a courtesy Bcc to the OLS and OET POC to let them know it reached the finish line. Most often on the same day that OLS approves the lease, the Commissioner's Office will send the lease approval letter to the Supt.

Total # Leases	136	% of Total #		Total		Average
Computer leases	30 total	22.1%	$	11,847,900.11	$	394,930.00
a. Chromebooks	17	12.5%	$	4,891,971.58	$	287,763.03
b. MacBook Airs/iPads	9	6.6%	$	6,241,321.50	$	693,480.17
c. Windows laptops	4	2.9%	$	714,607.03	$	178,651.76
Copier/Printer leases	35	25.7%	$	8,357,514.60	$	238,786.13
Fibered Internet leases	65	47.8%	$	32,335,312.08	$	497,466.34
Phone leases	5	3.7%	$	1,531,017.95	$	306,203.59
Land/Building/Property leases	1	0.7%	$	-	$	-

If you want a status of your lease being approved after you send your initial lease to leasesover100K@education.ky.gov, recommend that you first ask your district's legal representation. If that person doesn't know or can't find out then you can send an e-mail to the leasesover100K@education.ky.gov address which automatically goes to the main POCs in the Commissioner's Office, OLS and OET. The main POC in the KDE office that has not yet approved the lease will be responsible for giving you a status of the approval of your lease. Just a reminder, OET automatically approves the lease the same day OET receives via leasesover100K@education.ky.gov. So once a district asks the status regarding the approval of their lease to the leasesover100K@education.ky.gov, the response will nearly always come from either OLS or the Commissioner's Office to your Superintendent. As a complete last resort, you can ask the OET Associate Commissioner for a status, however that position is just going to forward your request to the main POC for leases in OLS and the Commissioner's Office. So it makes much more sense and I encourage your Superintendent to send your district's request for an update on the status the lease being approved by KDE to the POC for leases in OLS and the Commissioner's directly through the leasesover100K@education.ky.gov e-mail account.

Example of lease approval letter from Commissioner's Office

Superintendent. Joe Buerkley
Pendleton Co County Public Schools
2525 HWY 27 North
Falmouth, KY 41040
Dear Superintendent Buerkley:

Please be advised of the approval of the lease agreement between the Pendleton County School District and Cincinnati Bell Telephone Co, LLC. This letter of approval fulfills the requirement of KRS 65.944, which provides that leases in excess of $100,000 be approved by the chief state school officer.
Sincerely,

Jason E. Glass, Ed.D.
Commissioner & Chief Learner

KDE Office of Legal Services (OLS) Checklist as of 23 May 2023

At this time, this form is optional but recommended to help speed up the KDE approval process, however the intention in the long term is to make it a requirement when the regulation of leases is reestablished over the next 7-12 months. This is a good opportunity to pilot the form prior to making it a requirement. Districts who optionally submit this form should see expedited response times. If this form is not signed by a licensed attorney in the district, then KDE will default to its traditional review of documents in order to determine whether the lease is approvable by KDE. However, the items listed below are still the specific items that OLS will be looking for in that traditional review process before OLS will their give their thumbs up to the lease.

Local Board Attorney Certification

I, [Attorney's Full Name], an attorney licensed to practice law in the Commonwealth of Kentucky, do hereby certify the following:

- I represent the [District Name] Board of Education ("Board of Education") and as part of my legal representation have reviewed the attached contractual agreement ("Agreement") between Board of Education and [Vendor Name] "Vendor" for the lease of personal or real property with a total lease price in excess of one hundred thousand dollars ($100,000).
- The Agreement provides that the law of the Commonwealth of Kentucky shall govern the Agreement and the rights and obligations of the parties thereto.
- The Agreement provides that any legal dispute arising out of the Agreement will be brought in the courts of the Commonwealth of Kentucky.
- The Agreement either: (1) does not contain any provision whereby Board of Education agrees to indemnify Vendor or hold Vendor harmless; or (2) specifically conditions any agreement by Board of Education to indemnify Vendor or hold Vendor harmless as "only to the extent permitted by Kentucky law, including but not limited to Section 177 of the Kentucky Constitution."
- The Agreement, if the term is for more than one year, contains either: (1) an annual cancellation clause; or (2) provides that the Board of Education may cancel the Agreement if funds are not appropriated or are not otherwise available for the purpose of making payments without incurring any obligation for payment after the date of termination.
- The Agreement complies with KRS 45.570, if applicable to the Board of Education.
- The Agreement complies with KRS 160.160(4), if it is for real property.
- If the lease is for real property, the Agreement term, including renewals, does not exceed forty (40) years.
- The Agreement provides for an initial term of no greater than seven years if it is for education technology. In the event the Agreement contains options for Board of Education to renew the Agreement, no term of renewal is greater than seven years.
- If the lease is for personal property, other than education technology, the Agreement term, including renewals, does not exceed the useful life of the personal property financed, determined in accordance with generally accepted accounting principles.
- The Agreement either: (1) complies with KRS Chapter 45A, the Kentucky Model Procurement Code, provisions applicable to the Board of Education; or (2) complies with KRS 424.260 and 702 KAR 3:135.
- The undersigned attorney is: (1) currently covered by a policy of professional liability insurance with minimum limits of at least $100,000.00 per claim and $300,000.00 aggregate for all claims during the policy term; or (2) employed by the Board of Education as in-house counsel and not otherwise engaged in the private practice of law.

Signature of Attorney: _____
Print Name: _____
Firm Name: _____
Telephone Number: _____
Email address: _____
Kentucky Bar Association Number: _____

Draft communication from KDE to Superintendents regarding leases over $100K in an upcoming Commissioner's Monday message to Superintendents.

Pursuant to KRS 65.944(1)(b), school districts must receive approval from the Commissioner before entering into leases that exceed $100,000. On average the Kentucky Department of Education (KDE) annually receives close to 30 leases over $100,000 that must be approved. Close to 50% of those 30 leases over $100,000 will be fiber lines that districts use to connect their schools to KDE's Internet hub. 25% will be leases for copiers/printers. 22% will be a financial payment plan to immediately obtain computers and pay for them over a period of years. The remaining 3% is mainly for phone systems or property/land/buildings. KDE has recently changed some processes and reduced steps within KDE to speed up the approval process of leases over $100,000. Districts shall submit leases that exceed $100,000 to leasesover100K@education.ky.gov. KDE has also developed the attached optional form (i.e., Local Board Attorney Certification) for use by districts in an effort to expedite the approval process. If the attached form is not submitted, KDE requests that districts include the contact information for their board attorney in the email submitting the lease for approval if the district would like the KDE, Office of Legal Services to contact your board attorney directly regarding any necessary changes to the lease. Otherwise, KDE will reach out to the Superintendent from the district that submitted the lease for approval regarding any necessary changes in the lease. The district will need to work directly with the vendor regarding any changes.

The official approval e-mail to your district will come from KDE's Commissioner's Office.

(33:31) Council of Chief State School Officers (CCSSO) nuggets from Chicago - Last week, David Couch Marty Park and Robert Hackworth attended the CCSSO/EIMAC meeting in Chicago. This is a national organization, and they have several levels of meetings for organizational members and KDE was represented well in all the events. CCSSO CIOs meet four times a year, but they have virtual meetings/discussion on a more frequent basis. This on-site meeting was a three-day event and attendees shared the major topics:

Digital Equity Plan – Every state is required to submit a Digital Equity Plan and Kentucky has a great head start on this because equity has been a major premise since KERA and KETS. This equity plan goes beyond KY K-12. In Kentucky, this plan is being prepared by the Office of Broadband, but it has been assigned for completion by the Education and Workforce Development Cabinet. We have reached out to them to share what KY K-12 has already done and the progress we have made; it is our hope that this is reflected well in the finished plan.

Artificial Intelligence – The CIOs shared quite a bit about how their states are approaching this fast-moving technology. Marty and David also presented on this topic a few weeks at the Government Digital Summit here in Kentucky. Some states initially attempted to block access to AI sites, but that is nearly impossible with the use of personal devices. We are not blocking this from KDE the agency and we are not aware of any districts blocking. In Kentucky, we seem to be a bit ahead of the curve since this has been on our radar for some time. We are concerned about the potential misuses and see the need for boundaries, etc. You are encouraged to create an account and try it out for yourself to get informed and knowledgeable.

Cybersecurity – Bob Hackworth teamed up with Nebraska and a few other state cybersecurity representatives for a panel discussion. He shared some of the Security Baseline project work and the "spring cleaning" document. There was a lot of discussion about cybersecurity into the E-rate program. There was also a lot of discussion about getting our middle and high school students into cybersecurity programs. Cybersecurity industry certifications are a major part of our Computer Science & IT Academy program. Here are the notes that Bob included in the chat during the webcast:

o   90% of successful cyber attacks begin with a phish. Staff training is the only thing that will fill the gap left by email filters
o   Well over 50% of ransomware attacks target K12 specifically
o   Only about 25% of schools nationwide are encrypting hard drives, which makes data breaches more common from loss and theft of devices
o   "Cybercrooks don't break in; they login" is an oldy but goody
o   Lots of discussion from State Leaders about getting cybersecurity into E-Rate.
o   Responsibility for cybersecurity rests in the hands of everyone, not just you

- o Accountability rests in the hands of district leadership
- o Federal cybersecurity folks continue to see major issues with school security systems exposed and vulnerable on the Internet - video surveillance, electronic door locking systems, etc. Part of Spring-Cleaning update so don't assume it's all good
- o MAKE 100% SURE your district's legal staff are updated throughout all security incidents, even the little ones, though they may not be the best folks to write communications/notifications
- o More free tools from COSN and other groups for things like self-assessments. I'll be pulling those together and sending out again soon
- o Encourage HS students to get cybersecurity certs. There was a fair amount of discussion about kids graduating into $70K/year jobs that would then help pay half of their college tuition

Interoperability – This was a big theme at the conference. Marty shared that we have several interoperability-related projects right now and we are able to take the big ideas and move them along much faster than other states due to our enterprise applications and KETS product standards. There is a lot of modernization that we have been discussing and implementing into our new, updated KETS Master Plan. The new National Edtech plan will be released soon and has three major premises – digital access, digital design and digital use. These were already integrated into our current KETS Master Plan, and we are excited to see what they include in their next plan that we hope to see in the July timeframe.

(52:55) Annual KY K-12 Cybersecurity Health Check Reminder – Each year, we have the opportunity to prepare a report and/or brief the Superintendent and local board members on the status of cybersecurity within your district. This is a time to educate them on what is going well, the current levels of risk involved and what/how much it would take to mitigate certain risks and make the district cyberhealth more secure. This is required by law with completion by the end of August on an annual basis. We encourage you to do this in a closed setting and not in an open board, public setting.

An additional reminder:
June 30th Deadline for Security Baseline Multi-Factor Authentication (MFA) for all Staff - This date will be here before we know it. Don't let up, especially given the amount of attempted phishing we are seeing. If you are having trouble, reach out!

(56:52) 2025-2030 KETS Master Plan for Education Technology Update – It is our intention to present our next master plan to the Kentucky Board of Education (KBE) in August. Mike is coordinating this effort and the goal is for this to be a minor update and revision versus a complete re-write. We'll be in a position to share more in our June webcast and upcoming CIO regional meetings. There are three primary areas of revision—KETS Areas of Emphasis, KETS Master Plan Budget, and KETS Standards section.
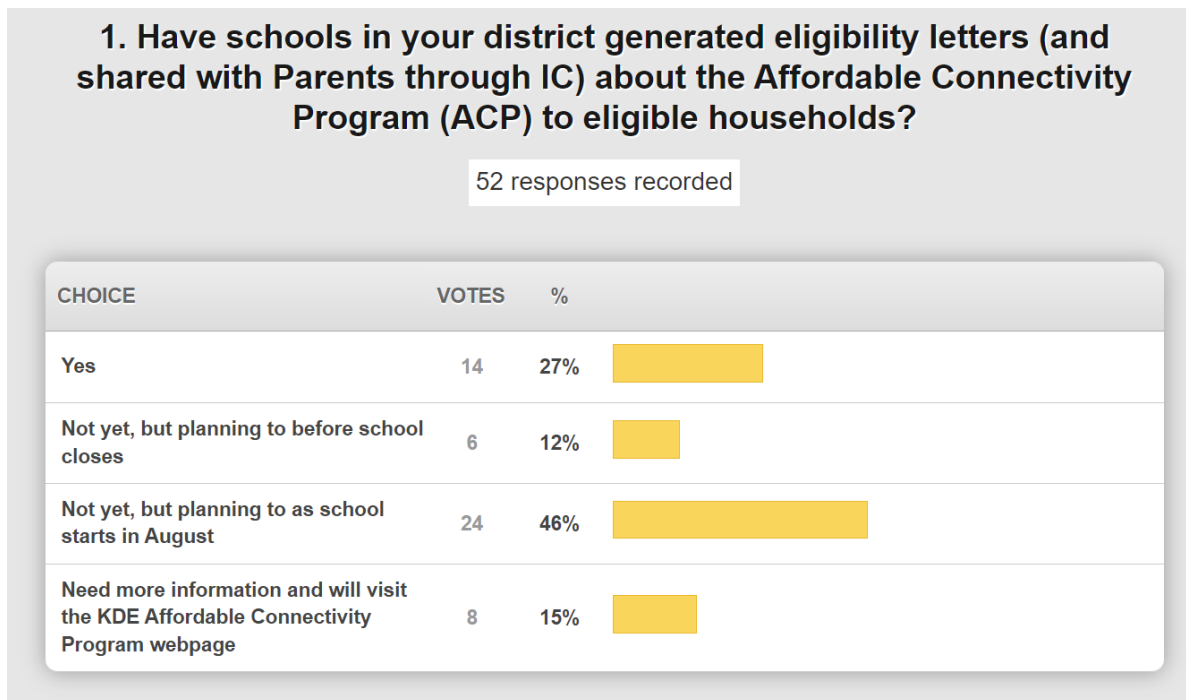
(59:31) KETS RFPS & Contracts Updates –
- Next Generation KY K-12 Internet (NGKI) – This is a new contract, and we are making progress in planning, preparation and implementation with a completion date for transition of July 2024.
- Education Licensure Project – Please continue to pay attention and be aware of this; it has several phases.
- Connected User Experience (CUES) – This RFP has not been released yet but it is progressing.
- School Report Card (SRC) – This RFP is now open with a closing date of June 28.
- SEEK – This is predominantly internal, but this system makes up the funding for our school systems. This RFP has closed, and responses are now being evaluated.
- 2nd KETS Offer of Assistance – This $9/ADA offer is underway; this is the remaining activity to bring us to our $21/ADA offers for the year.

(1:03:59) End of Support for Windows 10 and Need to Transition to Windows 11 - Phil Coleman joined us and shared that Windows 10 will be reaching end of life with no support at some point in 2025. While that's a few years away, Microsoft has been building in some automatic updates in their WSUS updates that would bring a Windows 10 device up to Windows 11; we have been removing those, so they don't automatically push to district Windows 10 devices. We plan to build in an "opt in" option for you soon and that will allow you to control when this update is pushed to your Windows 10 devices. More details will be shared through your KETS Engineers as they become available.

(1:06:29) Affordable Connectivity Program (ACP) Update – Affordability remains the largest barrier; some have several options, but affordability prohibits them from obtaining a service. We believe in this program, and we will continue to push fairly hard. We found out just prior to the webcast that we are now up to 42% participation, and we are only being outpaced by three other states. Ease of access and parent/guardian awareness is a focus. 80% of our public school students are eligible for this program. Our target goal is 70% and this represents close to 400,000 students.

The eligibility letter is now available to parents and guardians through the IC Parent Portal's messenger service. Our target is to have 100 districts using this service where the district automatically generates this eligibility letter. Keep in mind that all students who are part of a CEP program are eligible. This is not a district-led or district-implemented program; however, we are striving to do all we can to ensure that our parents and guardians are aware and have access to everything they need to take advantage of this discount program. We have confirmed that they are accepting this letter as required verification. It is a family/household benefit so this only needs to be completed for one child but there is an annual renewal. If your provider is not participating, it is possible to work directly with the federal government level. Not every provider participates. Here is an FCC resource to help identify provider participation in your area: https://www.fcc.gov/affordable-connectivity-program-providers

1. Have schools in your district generated eligibility letters (and shared with Parents through IC) about the Affordable Connectivity Program (ACP) to eligible households?

52 responses recorded

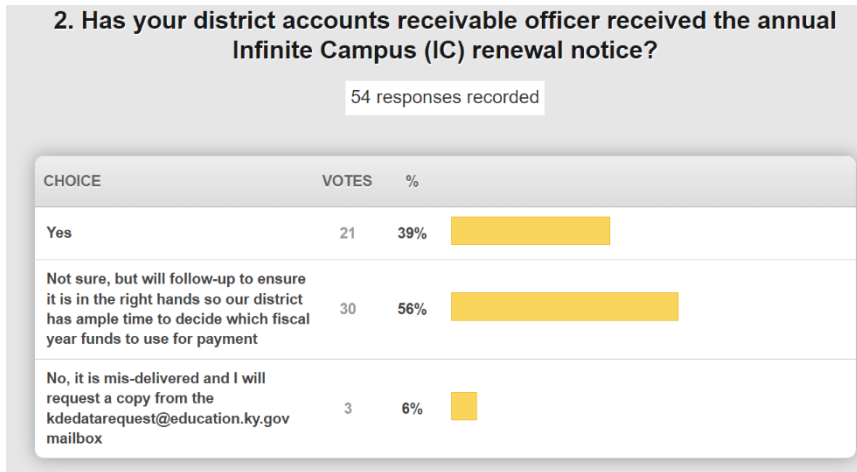| CHOICE	VOTES	%	
Yes	14	27%	
Not yet, but planning to before school closes	6	12%	
Not yet, but planning to as school starts in August	24	46%	
Need more information and will visit the KDE Affordable Connectivity Program webpage	8	15%	

The majority of responses are that they plan to have this complete before students return in August.

We released information through Kentucky Teacher last week as well as a KDE News Release. One item within that news release is the link to our webpage on this topic. OET has offered a training and prepared a how-to guide. Based on the responses above, we will plan another push as the 2023-2024 school year begins.

(1:20:41) Other Items to Note:
- Future Supt's Webcast Sharing – KDE meets monthly with KY K-12 Superintendents. David asked for feedback on whether OET spend time discussing current EdTech technology initiatives and the KETS baseline funding would be helpful for CIOs at the district level. Would this help support your district-wide efforts?
- Upcoming Annual KETS Vendor Partner Meeting on July 12th– This is an annual event and we wanted to make you aware of this. The agenda is being formulated at this time. This is a valuable meeting and there will be both virtual and in-person options for attendees. It does require pre-registration.

- <u>Online Testing Update</u> - Total number of KY K-12 on-line summative tests successfully completed by KY K-12 students so far this spring is 1,560,857! This number changes daily and has lots of moving parts.
- <u>GoSoapBox Poll Question #2</u> – This is just a reminder; it is not due until August 15th. We share this and ask about this so that if your district would like to pay for it using this fiscal year funds, you may do so.

2. Has your district accounts receivable officer received the annual Infinite Campus (IC) renewal notice?

54 responses recorded

CHOICE	VOTES	%	
Yes	21	39%	
Not sure, but will follow-up to ensure it is in the right hands so our district has ample time to decide which fiscal year funds to use for payment	30	56%	
No, it is mis-delivered and I will request a copy from the kdedatarequest@education.ky.gov mailbox	3	6%	

Graduations and summer breaks are upon us! Have a great summer break and take some time off to rest and refresh.