

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

Requested waiver for school districts from the March 1 deadline in 702 KAR 3:246, Section 2, by which local school boards must provide school councils an allocation for funds and positions for the upcoming school year

Applicable Statute(s) or Regulation(s):

702 KAR 3:246; KRS 160.345; KRS 157.360

Action Question:

Due to the uncertainty in the current state budget about the amount of money that will be allocated to local school districts for the upcoming biennium, should the Kentucky Board of Education (KBE) grant school districts a waiver of the March 1 deadline for notice of allocations to school councils for the next school year?

History/Background:

Existing Policy. 702 KAR 3:246 establishes the guidelines for a minimum school council allocation and requires that the allocation be sent to councils by March 1 of each year. KRS 160.345 requires an annual allocation to school councils and requires a regulation to establish the date and procedures. KRS 157.360 establishes minimum class cap sizes for K-12 and number of pupil hours per day for grades 7-12. These minimums are used in the regulation to establish the personnel allocation to councils.

KRS 156.160 (2) provides that upon receipt of a request from a local board of education or school council through the local superintendent, the KBE may waive one of its regulations when circumstances are demonstrated that may include the following:

- An alternative approach will achieve the same result required by the regulation;
- Implementation of the regulation will cause hardship on the school district or school or jeopardize the continuation or development of programs, or
- There is a finding of good cause for the waiver.

Due to uncertainty surrounding the state budget, many superintendents have expressed concerns about having sufficiently reliable budget information to be able to meet the March 1 deadline for providing an allocation to school councils for funds and positions for the upcoming school year. Several superintendents at the Superintendents Advisory Council meeting and at the commissioner's meeting/webcast on budget issues on January 9 requested this waiver. As a result, this request for waiver of the March 1 date is being made on behalf of all districts.

Staff Recommendations and Rationale:

Staff recommends granting the waiver of the March 1 deadline for allocating funds to school councils for this year. Such a waiver would allow for greater flexibility in local planning during this period of fiscal uncertainty.

Impact on Getting to Proficiency:

School councils use their allocations for staffing, instruction and professional development to create an environment in schools to enhance student achievement per KRS 160.345 (2).

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