

Kentucky Board of Education Policy Manual

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INTRODUCTION

The *Kentucky Board of Education Policy Manual* sets forth the rules that guide all actions and procedures of the Kentucky Board of Education (KBE) and its committees.

The specific roles of the board as defined by Kentucky statutes include:

KRS 156.024:

- Prior to submission of the formal budgetary requests of the Department of Education, established in KRS 156.010, to the Governor and executive branch, complete copies of the budget areas in the board's jurisdiction shall be forwarded to the Kentucky Board of Education to enable it to fully investigate and review said requests and make recommendations to the Governor.

KRS 156.029:

- The primary function of the board shall be to develop and adopt policies and administrative regulations, with the advice of the Local Superintendents Advisory Council, by which the Department of Education shall be governed in planning, coordinating, administering, supervising, operating, and evaluating the educational programs, services, and activities within the Department of Education which are within the jurisdiction of the board.”

KRS 156.070:

- (1) The Kentucky Board of Education shall have the management and control of the common schools and all programs operated in these schools, including interscholastic athletics, the Kentucky School for the Deaf, the Kentucky School for the Blind, and community education programs and services.
- (2) The Kentucky Board of Education may designate an organization or agency to manage interscholastic athletics in the common schools, provided that the rules, regulations, and bylaws of any organization or agency so designated shall be approved by the board, and provided further that any administrative hearing conducted by the designated managing organization or agency shall be conducted in accordance with KRS Chapter 13B.
- (3) The Kentucky Board of Education is hereby authorized to lease from the State Property and Buildings Commission, or others, whether public or private, any lands, buildings, structures, installations, and facilities suitable for use in establishing and furthering television and related facilities as an aid or supplement to classroom instruction, throughout the Commonwealth, and for incidental use in any other proper public functions.
- (4) The state board may, on the recommendation and with the advice of the chief state school officer, prescribe, print, publish, and distribute at public expense such administrative regulations, courses of study, curriculums, bulletins, programs, outlines, reports, and placards as each deems necessary for the efficient management, control, and operation of the schools and programs under its jurisdiction.
- (5) Upon the recommendation of the chief state school officer or his designee, the state board shall establish policy or act on all matters relating to programs, services, publications, capital construction and facility renovation, equipment, litigation, contracts, budgets, and all other matters which are the administrative responsibility of the Department of Education.

KRS 156.132:

- (2) The chief state school officer shall recommend by written charges the suspension by the Kentucky Board of Education of any superintendent of schools, or other public school officer whom he has reason to believe is guilty of immorality, misconduct in office, incompetency, willful neglect of duty, or nonfeasance. If the charges brought under this subsection represent an immediate threat to the public health, safety, or welfare, the Kentucky Board of Education shall summarily suspend the person against whom the charges are made. The action by the Kentucky Board of Education may be taken upon a recommendation of the chief state school officer, or the action may be taken by a majority vote of the Kentucky Board of Education without recommendation from the chief state school officer.
- (5) As an alternative to first seeking suspension, the chief state school officer may recommend by written charges the removal by the Kentucky Board of Education of any superintendent of schools, or other public school officer whom he has reason to believe is guilty of immorality, misconduct in office, incompetency, willful neglect of duty, or nonfeasance. The officer against whom the written charges are issued by the chief state school officer shall be furnished with the written charges and notice of procedural rights conferred under KRS Chapter 13B. Within twenty (20) days after receipt of the charges, the officer may notify the Kentucky Board of Education of his intention to appear and answer the charges. Upon appeal, an administrative hearing shall be conducted in accordance with KRS Chapter 13B. If the officer fails to notify the board of his intention to appear and answer the charges, the Kentucky Board of Education may remove the officer by a majority vote, and the dismissal shall be final.

KRS 156.160:

- (1) With the advice of the Local Superintendents Advisory Council, the Kentucky Board of Education shall promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. These regulations shall comply with the expected outcomes for students and schools set forth in KRS 158.6451.
- (2) (a) At the request of a local board of education or a school council, a local school district superintendent shall request that the Kentucky Board of Education waive any administrative regulation promulgated by that board. Beginning in the 1996-97 school year, a request for waiver of any administrative regulation shall be submitted to the Kentucky Board of Education in writing with appropriate justification for the waiver. The Kentucky Board of Education may approve the request when the school district or school has demonstrated circumstances that may include but are not limited to the following:
 - ❖ 1. An alternative approach will achieve the same result required by the administrative regulation;
 - ❖ 2. Implementation of the administrative regulation will cause a hardship on the school district or school or jeopardize the continuation or development of programs; or
 - ❖ 3. There is a finding of good cause for the waiver.
- (3) Any private, parochial, or church school may voluntarily comply with curriculum, certification, and textbook standards established by the Kentucky Board of Education and be certified upon application to the board by such schools.

This policy manual was composed in order to have clear, written policies and procedures for the operation of the KBE to which all board members, Kentucky Department of Education (KDE) staff and the public can refer. The content addresses frequently asked questions that have arisen in the past relative to the board's operation.

Final approval of the manual's first edition occurred at the KBE's August 2001 meeting. The current edition was approved at the August 5, 2021 meeting. Any subsequent revisions to the manual shall require board action.

KENTUCKY BOARD OF EDUCATION POLICIES AND PROCEDURES

Rules of Order

Except as modified by board policy, Robert's Rules of Order (most recent edition) shall constitute the rules of parliamentary procedure applicable to all meetings of the board and its committees.

Quorum

A quorum for the conduct of business by the board shall be a majority of all voting members of the board (six of 11 voting members).

Meetings

Regular meetings of the board for the transaction of business shall be held in the months of February, April, June, August, October and December. Specific dates for meetings to be held in the following calendar year shall be determined at the board's annual retreat or the first regular meeting of each fiscal year.

An annual retreat shall be held at a time to be determined by the commissioner and board chair. Its purposes shall include reviewing the board's goals and objectives, identifying the major issues likely to face the board in the coming year and establishing priorities for board action.

At its October meeting, the board shall conduct its annual evaluation of the commissioner.

Special meetings of the board may be set at any regular meeting of the board or may be called by the chair. Upon the written request of any two voting members of the board, the chair shall call a special meeting.

The commissioner shall ensure that each board member receives appropriate notification of all board meetings, regular and special, as provided in statute.

Only those matters specified in the notice of a special meeting may be considered at said special meeting.

The commissioner shall ensure that notification of the public and the media of regular and special meetings of the board and its committees is given in accordance with the Open Meetings Law.

All meetings of the board and its committees shall be open to the public unless, consistent with state law, a meeting or portion thereof is closed to the public by vote of the board or committee.

Confidentiality

By statute, the KBE is allowed to meet in closed session to discuss matters pertaining to personnel, pending or proposed litigation, and other matters as provided by the Kentucky Open Meetings Act. The discussion of issues and any information imparted in such closed sessions is deemed to be confidential in nature and is not to be shared with any persons outside of the board.

Agenda

The agenda for each board meeting shall be determined by the chair in consultation with the commissioner to ensure that the board's priorities are served and legislative requirements are met. Committee chairs shall be consulted about the agendas for their committee meetings. Members wanting to have items considered as an addition to the agenda shall submit these to the chair for consideration. The agenda for each regular meeting shall include an item under which board members may raise issues not included on the agenda for the purposes of clarification, referral to a committee, or scheduling for future board review and/or action if such is the consensus of the board.

The commissioner shall be responsible for compiling agenda materials and providing them to each board member at least seven days prior to any board meeting with any exceptions to be approved by the board chair.

Regulatory Process

Newly promulgated regulations, amendments to existing regulations, and repeal of regulations shall be approved by a majority vote of the board. Upon consultation with the commissioner, the board chair shall place new promulgations, amendments and repeals on the board agenda for discussion and action. Readings on a single regulation over the course of multiple meetings shall not be required for board action to adopt a promulgation, amendment, or repeal. However, the board chair may place a promulgation, amendment or repeal on the board agenda for discussion only if the board chair feels the matter needs discussion over the course of multiple meetings prior to action. Furthermore, the board may vote to table action on any new promulgation, amendment or repeal if a majority of the board feels further discussion is needed prior to taking action on the regulation. KRS 13A.010 establishes a seven-year administrative regulation review cycle. A regulation will expire seven years after its last effective date unless the board takes action pursuant to KRS 13A.010.

Voting

Votes at all board meetings shall customarily be via voice. Any member may, however, call for a roll call vote on any item.

No member may vote by proxy. No vote on any matter under consideration by the board or a committee may be cast in absentia.

Public Comments

During each regular meeting, the board shall reserve no less than 30 minutes to receive public comment from any person regarding items that appear on the board's agenda for that meeting, as well as general public comments regarding issues within the jurisdiction of the board. A person who desires to speak to the board shall sign up on the day of the meeting, indicating his/her name and the topic on which he/she will speak. Each individual will be limited to three minutes during the public comment segment of the meeting to speak on the issue(s) indicated on the sign-up form. Individuals shall be called to speak to the board in the order they appear on the sign-up form. Once the 30-minute segment for public comment has been exhausted, the board will not hear further comments during the meeting. If multiple members of an organization wish to provide public expression, membership of that group may be asked to select one person to comment. To allow for appropriate consideration, written comments also will be accepted via email and distributed to members for review; however, the comments may not be read during the meeting. Public criticism of individual staff members or individual board members is prohibited. Since no individual board member may act on behalf of the board, concerns about the board's actions should be directed to the board as a whole.

Working with Kentucky Department of Education Staff

In general, the commissioner is the appropriate KDE contact person for board members' comments, concerns and questions.

The executive director for the KBE serves as the board's liaison for questions and/or concerns relating to meeting and travel arrangements and to board compensation and reimbursement. The executive director for the KBE also provides valuable assistance in communicating information to, from and among board members or to, from and among board members and KDE staff members.

Speaking on Behalf of the Board

When representing the board at public events, board members should express the board's policy or viewpoint on issues. If a member's personal viewpoint is expressed at any point, the board member shall emphasize that he/she is not speaking for the board. Additionally, the chair shall serve as the official spokesperson for the board and shall represent the board in public and at ceremonial events. When the chair is unable to attend such events, he/she shall designate a board representative.

If a board member intends to submit a document for publication that is a board-related item to a news publication, the member will make it clear whether the letter represents the board's viewpoint or his/her own personal viewpoint. Before sending such a letter to a news publication, the member will share and discuss it with the board chair and vice chair.

Responding to Written Correspondence and Emails

Board members may expect to receive a considerable volume of written and electronic correspondence. To facilitate accurate and consistent responses, these generally should be forwarded to the executive director for the KBE so staff may draft replies. Board members may wish to respond to the sender, acknowledging receipt of the correspondence and explaining that KDE staff will follow up on the issues raised. The executive director for the KBE shall ensure the staff response is disseminated to all board members when it is sent to the correspondent. In the event a board member responds individually to a sender, the board member's response shall indicate he/she is not speaking for the board.

Officers

At its first regular meeting of each fiscal year, the board shall elect from its membership a chair and a vice chair. To facilitate this election, the following process shall be followed:

- At the first meeting of the fiscal year, the board chair shall open the floor for nominations for board chair and vice chair.
- A motion, second and a majority of the membership voting "aye" shall occur for a member to be elected chair or vice chair.
- In the event that a vacancy occurs prior to the end of the term of the chair, the vice chair will become chair and complete the rest of the previous chair's term.
- The chair and vice chair shall be elected annually and can only serve three consecutive one-year terms. After serving three consecutive one-year terms as chair or vice chair, a member shall go out of office for one year before being eligible to serve in that same position again.

The commissioner shall serve as the secretary to the board.

The board chair shall preside at all meetings of the board. The board chair is charged with the responsibility for calling special meetings and for deciding the mechanics of board procedures. In keeping with established board priorities, the chair shall determine board agendas. The board chair must approve members' participation in, or attendance at, meetings or conferences held out-of-state. Subject to board approval, the chair appoints chairs and members of all board committees and panels.

The board's vice chair shall preside at board meetings in the absence of the chair.

The secretary shall attend all meetings of the board and shall be responsible for the preparation of meeting materials, its minutes and other public records.

Committees

The board chair, with the approval of the board, shall establish standing and ad hoc committees to carry out specific board tasks, to preliminarily consider matters to come before the board and/or to evaluate policy alternatives. No board committee may act

independently on behalf of the board unless the committee's charge specifically empowers the committee to act on the board's behalf.

The chair, with the approval of the board, shall name members and chairs for all committees.

All board members are expected to serve on committees.

Board Member Development

Each new member of the board shall participate in an initial orientation program designed to familiarize him/her with board roles and responsibilities, logistical information and issues currently under consideration by the board. New board members also are encouraged to attend the New Board Member Institute sponsored by the National Association of State Boards of Education, which pays the expenses of attendees as long as attendance occurs during the first year as a new board member. Additionally, the board chair may appoint an experienced, currently sitting board member (one having served a minimum of one year) to serve as a mentor for each newly appointed board member during his/her first year of service on the KBE.

Each member of the board is encouraged to further his/her development as a board member through attendance at meetings/conferences, membership on study groups/task forces and/or participation in national conventions. Because of the costs involved, out-of-state travel will be limited to one national convention and one study group or task force series per member, per year (unless a waiver is granted by the board chair). The board must approve membership on in-state and out-of-state study groups, task forces and boards and out-of-state convention/meeting attendance. Due to budgetary considerations, all out-of-state travel requests (once approved by the board), including an agenda for the meeting/conference, shall be submitted in advance through the KDE to the Finance Cabinet for final approval, if reimbursement is to be sought. The number of members attending the same out-of-state meeting/conference shall be limited to five (unless a waiver is granted by the board chair) and those five members shall be determined by the board chair on a first come, first served basis.

Compensation and Expense Reimbursement

Members of the board shall be paid the amount provided by law for each day, or part thereof, in actual attendance at any meeting of the board for which a quorum is present. Ex-officio members who receive a salary from state government or public employment shall not be paid the daily attendance rate. An ex-officio member who serves in his/her capacity as an active school teacher may be eligible for substitute reimbursement.

Members are entitled to be reimbursed for actual and necessary expenses incurred while engaged in the performance of official duties or in the conduct of board authorized business. Reimbursement shall occur only for the expenses incurred directly for an

individual board member. In the event that personal automobiles are used for travel, reimbursement shall be at the current state rate per mile.

All out-of-state travel for which reimbursement is sought shall be approved in advance by the board and by the Finance Cabinet through the KDE. If the travel must occur between meetings of the board, then the approval of the board chair for the travel shall be sought.

For all in-state and out-of-state travel, members shall submit expense forms provided by the KDE accompanied by supporting documentation (itemized receipts). No reimbursement shall occur for alcoholic beverages.

If a board member requested lodging reservations to be made by the executive director for the KBE for a meeting or conference, he/she shall notify the hotel or executive director for the KBE in time to cancel the reservation if he/she cannot attend, or the board member will be responsible for any charges incurred (unless a waiver is granted due to special circumstances by the board chair).

Use of Kentucky Board of Education Stationery

Board members may obtain official KBE stationery, upon request, provided by the executive director for the KBE. This is to be used ONLY for correspondence directly related to board work and activities.

Compliance with KRS Chapter 11A – Executive Branch Code of Ethics

It is the public policy of the Commonwealth that a public servant works for the benefit of the people of the Commonwealth. The Executive Branch Code of Ethics recognizes that public office is a public trust where government is based upon the consent of its citizens. Those citizens are entitled to have complete confidence in the integrity of their government. As such, the Executive Branch Code of Ethics sets forth the minimum standards of ethical behavior for public servants.

KBE members are specifically defined as “officers” in the Executive Branch Code of Ethics. Therefore, KBE members shall comply with all provisions of the Executive Branch Code of Ethics that apply to officers, including but not limited to required ethics training, statement of financial disclosure submission, limitation on acceptance of gifts, and seeking approval for outside employment.

KRS 11A.040(10) provides: “Without the approval of his appointing authority, a public servant shall not accept outside employment from any person or business that does business with or is regulated by the state agency for which the public servant works or which he or she supervises, unless the outside employer's relationship with the state agency is limited to the receipt of entitlement funds.” KBE voting members shall complete and submit the outside employment request form to the KBE Chair and designated Ethics Officer. All outside employment request forms received by the KBE Chair and Ethics

Officer will be added to the next regular KBE meeting for action, provided the request was received five or more business days prior to the next regular KBE meeting.

KRS 11A.020(3) provides that public servants, including KBE members, shall avoid participating in an “official decision in which he has or may have a personal or private interest,” and that public servants should disclose these conflicts in writing. KBE members are encouraged to consult with the designated Ethics Officer or the Executive Branch Ethics Commission on any questions that may arise related to their KBE service and compliance with the Executive Branch Code of Ethics.