

Kentucky Board of **EDUCATION**



Policy Manual

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MISSION AND VISION

The Kentucky Board of Education (“KBE” or “Board”) is charged with the management and control of all public elementary and secondary schools in the Commonwealth of Kentucky. While acknowledging the role and importance of local control, the Board has the responsibility to provide direction and leadership for the supervision of all public schools under its jurisdiction.

With this in mind, the Board adopted the following mission:

Improve the future of all Kentucky learners by providing leadership, advocating for resources, advancing policy, and cultivating community partnerships to ensure each and every student has equitable access to high-quality, lifelong learning.

The Board further adopted the following vision:

Each and every Kentucky learner will become an engaged citizen and empowered learner prepared to lead a life filled with purpose.

The Kentucky Board of Education is steadfast in its dedication to ensuring equal access, opportunities, and advancement for every student. It is committed to identifying and eliminating barriers that hinder learners, particularly those from historically underserved communities, enabling all Kentucky students to realize their full potential.

STATUTES REGARDING THE KENTUCKY BOARD OF EDUCATION

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

KRS 156.035. Legal Status of Board

1. The Kentucky Board of Education is recognized to be a public body corporate and politic, and an agency and instrumentality of the Commonwealth in the performance of essential governmental functions.
2. For the benefit of programs under its control and supervision, the board is authorized to implement the provisions of any Act of Congress appropriating and apportioning funds to the state, to receive funds appropriated by the Kentucky General Assembly, to provide for the proper apportionment and disbursement of such funds in accordance with state or federal laws, and to accept and provide for the administration of any gifts, donations, or devises.
3.
 - a) The board is authorized to expend funds necessary for errors and omissions insurance premiums for insurance to cover the defense of, and any damages and costs awarded in, any civil action brought against individual board members on account of an act made in the scope and course of their performance of legal duties as board members.
 - b) The authorization of the expenditure of public funds for insurance is deemed critical to continuing to attract qualified individuals to become members of state boards, and is deemed to authorize the expenditure of public funds for a public purpose.
 - c) Nothing in this subsection shall be construed as a waiver of the sovereign immunity of the Commonwealth with respect to claims against the Kentucky Board of Education, the Department of Education, or any of their respective officers, agents, or employees.

KRS 156.070. General Powers and Duties of State Board

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. All administrative regulations published or distributed by the board shall be enclosed in a booklet or binder on which the words "informational copy" shall be clearly stamped or printed.
5. Upon the recommendation of the chief state school officer or his or her 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.

6. On or after June 27, 2025, the state board shall not impose any new reporting requirement upon public schools or public school districts that is not expressly authorized by state statute or federal law.

KRS 156.029. Kentucky Board of Education – Membership – Functions

[...]

6. At the first regular meeting of the board in each fiscal year, a chair shall be elected from its voting membership and subject to Senate confirmation in accordance with KRS 11.160. If the person selected as chair is not confirmed by the Senate, he or she shall still retain his or her position on the board, but shall vacate his or her position as chair, and the voting members of the board shall select a new chair.
[...]
9. 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 156.148. Commissioner of Education – Selection – Term – Duties

1. The commissioner of education shall be the chief state school officer. He or she shall possess the professional qualifications determined by the Kentucky Board of Education as appropriate for the office.
2. The commissioner shall: (a) Be appointed or reappointed by the Kentucky Board of Education, subject to Senate confirmation in accordance with KRS 11.160; (b) Serve for a term not to exceed four (4) years, unless removed by the Kentucky Board of Education; and (c) Receive compensation as set by the board, the provisions of KRS 64.640 notwithstanding.
3. The commissioner of education shall be the executive and administrative officer of the Kentucky Board of Education in its administration of all educational matters and functions placed under its management and control. He or she shall carry out all duties assigned to him or her by law; shall execute under the direction of the state board the educational policies, orders, directives, and administrative functions of the board; and shall direct the work of all persons employed in the Department of Education.
4. The commissioner of education shall be reimbursed for all actual and necessary traveling expenses incurred by him or her in the performance of his or her duties.

KRS 156.160. Promulgation of Administrative Regulations by Kentucky Board of Education

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. Administrative regulations shall be promulgated for the following:
 - a) Courses of study for the different grades and kinds of common schools [;]
 - b) Courses of study or educational experiences available in all middle and high schools to fulfill the prerequisites for courses in advanced science and mathematics as defined in KRS 158.845;
 - c) The acquisition and use of educational equipment for the schools as recommended by the Kentucky Department of Education;
 - d) The minimum requirements for high school graduation in light of the expected outcomes for students set forth in KRS 156.6451[;]
 - e) Beginning with the 2027-2028 school year, the requirements for an alternate high school diploma for students with disabilities[;]

- f) Taking and keeping a school census, and forms, blanks, and software to be used in taking and keeping the census and in compiling the required reports[;]
 - g) Sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings, and classrooms[;]
 - h) Medical inspection, physical and health education and recreation, and other regulations necessary or advisable for the protection of the physical welfare and safety of the public school children[;]
 - i) A vision examination by an optometrist or ophthalmologist that shall be required by the Kentucky Board of Education[;]
 - j) [...] A dental screening or examination by a dentist, dental hygienist, physician, registered nurse, advanced practice registered nurse, or physician assistant that shall be required by the Kentucky Board of Education[;]
 - k) The transportation of children to and from school[;]
 - l) The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;
 - m) The preparation of budgets and salary schedules for the several school districts under the management and control of the Kentucky Board of Education;
 - n) A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts;
 - o) The disposal of real and personal property owned by local boards of education; and
 - p) The development and implementation of procedures, for all students who are homeless children and youths as defined by 42 U.S.C. sec. 11434a(2)[.]
2. 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.
 3. Any public school that violates the provisions of KRS 158.854 shall be subject to a penalty to be assessed by the commissioner of education[.]

KRS 156.024. Department's Budget Requests to be Submitted to State Board

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 156.132. Removal or Suspension of Public School Officers

[...]

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 156.161. Waiver of Administrative Regulations and Statutes by Kentucky Board of Education

1. Except as provided in Section 3 of this Act or otherwise provided in statute, the Kentucky Board of Education, upon the request of the local board of education of a school district, may grant a waiver from the requirements of an administrative regulation promulgated by the state board or from a statute over which the state board has authority to enforce. The state board may also grant a waiver from the requirements of an administrative regulation promulgated by the Education Professional Standards Board or from a statute over which the Education Professional Standards Board has authority to enforce, after consultation with the Education Professional Standards Board. A waiver granted by the state board shall expire on June 30 of the third full school year after the request was first approved, regardless of subsequent amendment, unless the state board renews the waiver prior to expiration. However, a waiver granted for specific school district facility projects, such as the waiver of requirements for the construction or renovation of school buildings or the acquisition or disposition of property, shall not expire unless the state board specifically provides for expiration when granting the waiver. The state board shall not approve any waiver request to overturn a certification determination of a specific individual by the Education Professional Standards Board. The state board shall not waive any statute or administrative regulation:
 - a) Relating to health and safety, including required criminal background checks for staff and volunteers specified in KRS 160.380 and 161.148;
 - b) Relating to civil rights;
 - c) Required by federal law;
 - d) Relating to compulsory attendance requirements under KRS 158.030 and 158.100, or the recording of data necessary for participation in the fund to support education excellence in Kentucky;
 - e) Establishing certification requirements for teachers, except a waiver may authorize up to twenty-five percent (25%) of the teaching staff of a school may be employed without teacher certification if the individual possesses a: (1) Baccalaureate or graduate degree in the subject the individual is hired to teach; or (2) Recognized industry credential in the technical education area the individual is hired to teach;
 - f) Requiring students' participation in state assessment of student performance as required under KRS 158.6453;
 - g) Financial audits, audit procedures, and audit requirements under KRS 156.265;
 - h) Open records and open meeting requirements under KRS Chapter 61;
 - i) Purchasing requirements and limitations under KRS Chapter 45A and KRS 156.074 and 156.480; or
 - j) Requiring instructional time that is at least equivalent to the student instructional year specified in KRS 158.070.
2. A waiver request under subsection (1) of this section shall:
 - a) Identify the specific statutes and administrative regulations for which the local board is seeking a waiver;
 - b) Specify the schools or programs within the district to which the waiver shall apply;

- c) Explain how the waiver for the schools or programs of each specific statute or administrative regulation will improve operations or student academic achievement; and
 - d) Include any evidence the district wishes to submit to support the request.
- 3. A local board may request the Kentucky Department of Education to assist in the development of a waiver request. To receive assistance, a local board shall provide the department with a list of innovative practices the local board intends to submit in a waiver request. The department shall provide a timely analysis of the list to the local board that identifies which statutes and administrative regulations under the authority of the state board or the Education Professional Standards Board, if any, would need to be waived to allow the innovative practice.
- 4. The department may provide the state board an analysis of a waiver request to assist the state board with consideration of the waiver request. However, if the waiver request was previously analyzed by the department while assisting under subsection (3) of this section and has not been modified, then the analysis for the state board shall be consistent with the completed analysis for the local board. The department and the commissioner shall not recommend approval or denial to the state board, but may provide the benefits and disadvantages of approving the waiver request.
- 5. Upon the majority vote of a local board approving a waiver request, the superintendent of the district or the local board's designee shall submit the waiver request to the state board. The state board shall consider the waiver of each statute or administrative regulation included in the request at a meeting occurring no later than thirty (30) calendar days after submission and shall either approve or deny the request. In considering approval for each statute or administrative regulation identified in a waiver request, the state board shall grant the request if, when considered in conjunction with the findings and declarations of Section 1 of this Act, the waiver request reasonably demonstrates that approval is more likely than not:
 - a) To improve that school's or program's operation without hindering student academic achievement; or
 - b) To improve student academic achievement at that school or program.
- 6. In submitting a waiver request for consideration under subsection (5) of this section, a local board may seek to identify the school or program that is the subject of the request as a school of innovation for the purposes of providing innovative educational opportunities to students. An application for identification as a school of innovation may also incorporate any waivers previously approved and in effect under this section or Section 3 of this Act. The state board shall approve the request to be identified as a school of innovation if the request demonstrates that all the approved waivers under this section and Section 3 of this Act attempt to improve student outcomes in a manner that would be difficult or impossible without the approved waivers. Notwithstanding any previous expiration date, the waivers incorporated in the identification as a school of innovation shall expire on June 30 of the third full school year after the identification is made.
- 7. A local board whose request to waive a statute or administrative regulation under subsection (5) or (6) of this section was denied may amend the original request for reconsideration at the state board's next regularly scheduled meeting.
- 8. A local board may seek to amend a previously approved waiver request by submitting the amendment for approval by the state board under the same procedures as the original request.
- 9. A local board that is granted a waiver under subsection (5) or (6) of this section may submit a request to renew the waiver to the state board. A renewal request shall be submitted no earlier than six (6) months prior to that waiver's expiration. The renewal request shall include evidence of the operational improvement of the school or program that is subject to the waiver, the academic achievement of the students enrolled in the schools or program, comparisons of those students with similar students across the state, and any other evidence of the waiver's benefit to student academic achievement. If the state board finds that the waiver has had a positive impact on the school's or program's operation or the academic achievement of students, then the renewal request shall be approved. An approved

renewal request shall extend the waiver for an additional three (3) school years. However, a waiver related to school district facility projects, as identified in subsection (1) of this section, shall not expire unless the state board specifically provides for expiration when granting the waiver.

10. Any school that is subject to a waiver shall admit any and all children eligible to attend the school subject to the local board's policies.
11. If the state board at any time finds by a two-thirds (2/3) majority vote that a specific waiver previously granted has hindered school or program operations, endangered students, impeded student academic achievement, or supported financial malfeasance or criminal activity, then the waiver shall be rescinded. The existence of a waiver shall not negate the legal duties or professional responsibilities of a district employee.
12. The Kentucky Board of Education, the commissioner of education, and the Kentucky Department of Education shall not penalize a school district for an action that violates a statute or administrative regulation if:
 - a) The action was described in a request for assistance under subsection (3) of this section; and
 - b) The analysis of the request for assistance submitted to the district by the department: (1) Indicated that the action would not violate any statute or administrative regulation in existence at the time of the analysis; or (2) Did not include the statute or administrative regulation in existence at the time of the analysis and the exact request for assistance was approved as a waiver request by the Kentucky Board of Education.
13. The state board shall promulgate administrative regulations in accordance with KRS Chapter 13A to adopt a standardized waiver request form and establish any procedures for processing waiver requests in compliance with this section.

KENTUCKY BOARD OF EDUCATION

POLICIES AND PROCEDURES

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

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, 2026, meeting. Any subsequent revisions to the manual shall require Board action.

Governance

I. Officers

At its first regular meeting of each fiscal year, the Board shall elect from its membership a Chair¹ 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 remainder 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 vacate the officer role held for one year before being eligible to serve in that same officer role again.

The Commissioner of Education (“Commissioner”) shall serve as the Secretary to the Board.² Unless excused by 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.

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 assume all duties of the chair in his/her absence. In the absence of the Chair and the Vice Chair at any meeting of the Board, the Board member with the most seniority on the Board shall serve as temporary chair and preside for the purposes of calling the meeting to order, taking roll call

¹ KRS 156.029.

² KRS 156.029.

and serving as temporary chair to conduct business at the meeting. The board expects the Chair and Vice Chair to work as a team with the Commissioner.

II. 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 Board Chair, with the approval of the Board, shall name members and chairs for all committees. All board members are expected to serve on committees.

III. Boardsmanship Expectations

Board members are expected to:

- Be fully prepared and informed on all issues on the Board agenda.
- Maintain an open dialogue with each other.
- Listen and show courtesy and respect for one another and staff. Treat the public and all presenters with professional courtesy.
- Respect other board members and their opinions, accept there will be differences which should not be taken personally. Always attempt to find common ground.
- Feel free to ask questions for clarification.
- During the public forum, board members should only ask clarifying questions without expressing an opinion.
- Follow board policy and procedures and abide by the decision of the Board majority,
- Attend all regular meetings and notify the Board Secretary and Chair if not able to attend.
- Never publicly discuss matters that are shared in executive session.
- Not misrepresent the Board's official position on issues.
- Remember that Board members only have authority to act as a body, not individually.

IV. 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. Furthermore, the KBE may receive confidential or privileged communication relating to matters within the Board's authority. 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. Likewise, confidential or privileged communications received by board members in their official capacity is not to be shared with any persons outside of the Board.

V. 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 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.

VI. Representing the Board

A. 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.

B. 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 Director of Education Policy 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 Director of Education Policy 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.

C. Use of Kentucky Board of Education Stationery

Board members may obtain official KBE stationery, upon request, provided by the Director of Education Policy. This is to be used ONLY for correspondence directly related to Board work and activities.

VII. Working with Department Staff

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

The Director of Education Policy serves as the Board's liaison for questions and/or concerns relating to meeting and travel arrangements and to board member compensation and reimbursement. The Director of Education Policy also provides valuable assistance in communicating information to, from and among board members or to, from and among board members and KDE staff members.

VIII. 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 to his/her employing school district.

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 by the Board Chair due to special circumstances).

IX. Contracts

Pursuant to KRS 156.070, "the state board shall establish policy or act on all matters relating to [contracts.]" It is the Board's policy that contracting authority, except for contracts relating to the employment of the Commissioner, shall be delegated to the Commissioner. In exercising said authority, the Commissioner shall take steps to ensure compliance with all applicable provisions of KRS Chapter 45A, as well as any other applicable legal requirements. The Commissioner shall provide a quarterly report to the board of all contracts entered into during the last quarter.

Meetings

I. Schedule

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.³ Only those matters specified in the notice of a special meeting may be considered at said special meeting.

³ KRS 156.060.

The Commissioner shall ensure that each board member receives appropriate notification of all Board meetings, regular and special, as provided in statute. 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 Kentucky Open Meetings Act.

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.

II. 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.

III. Rules of Order

Except as modified by KBE 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.

IV. 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).

V. 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.

A concurring vote of a majority of the full Board is necessary to take any particular action, unless otherwise specified by statute. Members of the Board who are present but abstain from voting are considered as acquiescing with the majority voting on a particular matter.⁴

VI. Public Comments

During each regular meeting in even numbered months, 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

⁴ OAG 82-374; *Payne v. Petrie*, 419 S.W.2d 761 (Ky. 1967).

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.

Board Member Development

I. New Members

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.

II. Continued Professional Development

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 for a board member to appear at such event in his/her board capacity and receive travel reimbursement. 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.

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.