

Education and Workforce Development Cabinet

Kentucky Board of Education

Department of Education

(Amended After Comments)

702 KAR 1:115. Annual in-service training of district board members.

RELATES TO: KRS [~~156.031,~~] 160.180

STATUTORY AUTHORITY: KRS 156.070, 160.180

NECESSITY, FUNCTION, AND CONFORMITY: [~~KRS 156.031 requires that administrative regulations relating to statutes amended by the 1990 Kentucky Education Reform Act be reviewed, amended if necessary and resubmitted to the Legislative Research Commission prior to December 30, 1990; and~~] KRS 160.180(5) provides that all local school board members shall complete an established number of hours of in-service training annually, based on the number of years of experience, and that the Kentucky Board of Education [~~State Board for Elementary and Secondary Education~~] shall identify the criteria for fulfilling such requirements. This administrative regulation establishes standards for the annual in-service training of district board members.

Section 1. Content of training. (1) The [~~annual~~] in-service requirements for all district school board members set forth in KRS 160.180(5) shall include [~~be as follows~~]:

(a) Three (3) [(1) Twelve (12)] hours of school finance training annually, one (1) hour of ethics training annually, and one (1) hour of superintendent evaluation training annually for school board members with zero to three (3) years of experience. School board members with zero to three (3)

years of experience ~~may~~ **shall** acquire the remainder of their hours in these topics or topics listed in Section 2(1)(b) of this administrative regulation;

(b) ~~Two (2)~~ **[(2) Eight (8)]** hours of school finance training annually, one (1) hour of ethics training annually, and one (1) hour of superintendent evaluation training annually for school board members with four (4) to seven (7) years of experience; or [-]

(c) One (1) hour of school finance ~~[(3) Four (4) hours]~~ training annually, one (1) hour of ethics training annually, and one (1) hour of superintendent evaluation training biennially for school board members with eight (8) or more years of experience. ~~[(4)(a) Newly appointed or elected school board members who take office after June 30th of a particular year shall be entitled, upon appropriate request, to an extension of time under Section 5 of this administrative regulation within which to acquire a maximum number of unacquired hours equal to the difference between the required number of hours and one (1) hour per month for each full month actually served during the year, and such extensions shall extend no longer than through the remainder of the term being served or the next two (2) calendar years, whichever is longer.~~

~~(b) Newly appointed or elected members who take office prior to July 1, but on or after March 1, of a particular year may be granted an extension of time under Section 5 of this administrative regulation, in appropriate cases and for an appropriate period of time not to exceed two (2) calendar years, within which to obtain the balance of any required, but unacquired in-service hours for the initial year of new service. Any such extension to acquire hours shall not exceed the difference between the required number of hours and one (1) hour per month for each full month actually served during the year.]~~

(2) For board members with four (4) or more years of experience, the remaining hours of required training [Section 2. The topics relating to the responsibilities of board members] may include but not be limited to the following subjects:

(a) [(4)] The basic role and responsibility of the district board and its members;

(b) Curriculum and instruction [(2) Instructional programs];

(c) [(3) District finance;

(4)] Relations with superintendent and staff;

(d) [(5)] School law; and

(e) [(6)] Community relations.

(3) To qualify toward meeting the in-service board member training requirements of KRS 160.180(5) and this administrative regulation, the required training activity shall not be:

(a) The regular work of the board, such as the attendance of meetings or the conduct of hearings;

(b) Irrelevant to the pertinent knowledge and skills of board membership; or

(c) A public relations or social activity, such as graduation or other student events.

Section 2. Providers of Training. [3:] (1)(a) The Kentucky School Boards Association (KSBA) shall be [is recognized as] the provider of eight (8) hours of district board member in-service training for board members who are required to obtain twelve (12) hours annually. Board members with zero to three (3) years of experience may acquire the remaining four (4) hours of their training from either the KSBA or the providers described in subsection (2) of this section. Board members with more than four (4) years of experience may acquire their hours from the KSBA or the providers described in subsection (2) of this section. [This arrangement equates to the KSBA being the provider of thirty-two (32) of the forty-eight (48) hours required during the four (4) year period for new board members.]

(b) ~~The [New, inexperienced board members shall be exposed to basic information and skills that make them informed and effective board members. Topics that new, inexperienced board members shall acquire hours in shall be offered annually by]~~ KSBA shall offer training on eight (8) of the eleven (11) following [from the following list of] topics annually and shall offer training on all eleven (11) topics at least once during every twenty-four (24) month period:

1. School law;
2. School finance;
3. Community relations;
4. Policy development;
5. Personnel relations;
6. Curriculum and instruction ~~[Instructional programs]~~;
7. Superintendent/board relations;
8. Goal setting/decision making;
9. Employment and evaluation of the superintendent;
10. Educational services provided for the exceptional, gifted and other special population children;
- and
11. Ethics.

(c) The KSBA shall coordinate with the chief state school officer annually to develop an in-service training plan for approval by the Kentucky Board of Education on or before November 1 of each year for use in the following calendar year. In-service training for district board members shall be provided at a minimum of five (5) geographic locations, on a variety of dates. [KSBA shall offer hours in at least seven (7) of the ten (10) topics listed in paragraph (b) of this subsection annually. No topic shall be made available less frequently than once in every twenty four (24) month period.

~~(d) Board members in the zero to three (3) year experience period shall be allowed a maximum of four (4) hours per year, or sixteen (16) hours for the four (4) year period, as flexible hours of in-service. If board members in this category opt to get all of their hours through the KSBA, then they shall have KSBA credit them for these hours. If they determine to acquire a portion or all of the sixteen (16) flexible hours through sources other than KSBA, then they shall get credit through their own school board's action at a board meeting, and a copy of that record shall be sent to KSBA so that proper credit can be given.]~~

(2) Training providers, other than the KSBA, including the Prichard Committee, the Kentucky Education Association, the Kentucky Association of School Councils, the Kentucky PTA, the Kentucky Association of School Superintendents, the Kentucky Association of School Administrators, and any other provider, shall only provide training through courses that are:

(a) Customized for board members;

(b) Approved by the department; and

(c) In compliance with the requirements of this administrative regulation. [Those district board members in the four (4) to seven (7) years experience category may acquire their hours anywhere, through any source they desire. If they obtain their hours through any source other than the KSBA, they shall have local board approval and send a copy of the record (board minutes) to KSBA.]

(3)(a) If board members opt to get all of their training hours through the KSBA, then they shall have KSBA credit them for these hours. If they obtain hours through any source other than the KSBA, they shall have local board approval and send a copy of the record (board minutes) to KSBA. If they acquire training hours through the other approved providers described in subsection (2) of this section, then a copy of proof of attendance including a recitation of the time, date,

location, and description of the in-service training shall be sent by the course provider to KSBA within two (2) weeks of completion of the training so that proper credit can be given.

(b) The KSBA shall combine such hours with hours of in-service training received through KSBA training activities. These records shall be submitted annually by the KSBA to the Kentucky Board of Education.

(c) Each provider of training hours shall conduct an evaluation of each training course, which is offered by the provider during a calendar year and submitted by a local board member for training hours credit under this administrative regulation, and compile responses to be submitted to the KSBA within sixty (60) days of completion of the training. [Those board members in the eight (8) or more years experience category are subject to subsection (2) of this section.

~~(4) As the approved provider, the KSBA shall, in cooperation with the chief state school officer, annually develop an in-service training plan for the review and approval of the State Board for Elementary and Secondary Education. In service training for district board members shall be provided at a minimum of five (5) geographic locations, on a variety of dates.~~

~~(5) The local district board of education shall by board action certify completion of all qualifying flexible hours of in-service training in writing to KSBA, which shall combine such hours with hours of in-service training received through its approved activities. The certification to KSBA shall include a description of the time, date, location, and description of the in-service training. These records shall be submitted annually to the State Board for Elementary and Secondary Education].~~

Section 3. Failure to Acquire Training. [4.] Subject to extensions granted under Section 4[5] of this administrative regulation, the names of all district school board members who fail to complete the

required ~~[hours of]~~ in-service training set forth in KRS 160.180(5) and this administrative regulation shall be transmitted by the department ~~[of Education]~~ to the Attorney General.

Section 4. Extension of Time. (1) The Kentucky Board of Education may grant newly appointed or elected school board members who take office after June 30th of a particular year an extension of time within which to acquire a maximum number of unacquired hours equal to the difference between the required number of hours and one (1) hour per month for each full month actually served during the year, and such extensions shall extend no longer than through the remainder of the term being served or the next two (2) calendar years, whichever is longer.

(2) The Kentucky Board of Education may grant newly appointed or elected members who take office prior to July 1, but on or after March 1, of a particular year an extension of time, for an appropriate period of time not to exceed two (2) calendar years, within which to obtain the balance of any required, but unacquired in-service hours for the initial year of new service. Any such extension to acquire hours shall not exceed the difference between the required number of hours and one (1) hour per month for each full month actually served during the year.

(3) The Kentucky Board of Education ~~[5. The State Board for Elementary and Secondary Education]~~, in cases of emergency, may grant an extension of time within which a local board member shall complete the required hours of in-service training. Such extensions may include true emergencies for board members serving less than a full year, based upon reasons other than merely less than a full year's service.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

(Date)

Terry Holliday, Ph.D.
Commissioner of Education

(Date)

David Karem, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on September 30, at 10:00 a.m. in the State Board Room, First Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until September 30, 2013. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 702 KAR 1:115

Agency Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the criteria for fulfilling the training requirements of KRS 160.180(5) for district board members.

(b) The necessity of this administrative regulation: KRS 160.180(5) requires district board members to fulfill its requirements for the number of hours of annual in-service training and directs the agency to provide criteria for that training. This administrative regulation details the criteria for training content, course standards, the consequences for failure to meet the training requirements, and the avenue for extension of time to meet the training requirements.

(c) How this administrative regulation conforms to the content of the authorizing statute: KRS 160.180(5) establishes the number of hours of in-service district board member training required annually and directs the agency to provide the criteria for that training in an administrative regulation. This administrative regulation conforms to the content of the authorizing statute by providing the criteria for that training.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation outlines the criteria for the training required of district board members and the reporting mechanism for ensuring district board members meet the training requirement of KRS 160.180(5).

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment updates the in-service training criteria to include required topics and course standards for the training of all district board members.

(b) The necessity of the amendment to this administrative regulation: The overall purpose of this amendment to the administrative regulation is to help all district board members engage in positive growth and become better informed about certain critical areas, specifically ethics, finance, and superintendent evaluation. This amendment adds mandatory requirements for training in these topics and sets course standards to ensure the alignment of the training course to the roles and needs of district board members. This amendment also provides an avenue for district board members to evaluate and provide feedback on the training they have received.

(c) How the amendment conforms to the content of the authorizing statute: KRS 160.180(5) establishes the number of hours of in-service district board member training required annually and directs the agency to provide the criteria for that training in an administrative regulation. This administrative regulation conforms to the content of the authorizing statute by updating the criteria for that training in light of current district board members' needs.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will increase the district boards' efficacy in the areas of ethics, school finance, and superintendent evaluation, which should result in better management of school districts.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 173 school districts and their governing boards.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action is required by school districts to comply.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): School districts already bear the cost of the training required of district board members in KRS 160.180(5). There would be no additional cost to continue to meet the training requirements of that statute and this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The amendment will increase the district boards' efficacy in the areas of ethics, school finance, and superintendent evaluation, which should result in better management of school districts.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No additional cost

(b) On a continuing basis: No additional cost

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General school district funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this change.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There will be no increase in fees with this administrative regulation.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 702 KAR 1:115

Contact Person: Kevin Brown

Phone number: 502-564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? School districts.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 160.180(5).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. The intent is to update the criteria for district board member training to effect an increase the district boards' efficacy in the areas of ethics, school finance, and superintendent evaluation, which should result in better management of school districts.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No additional revenue will be generated by this change.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No additional revenue will be generated by this change.

(c) How much will it cost to administer this program for the first year? None.

(d) How much will it cost to administer this program for subsequent years? None.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

STATEMENT OF CONSIDERATION

Relating to 702 KAR 1:115 Annual in-service training of district board members

Kentucky Department of Education

Amended After Comments

- (1) The public hearing on 702 KAR 1:115 scheduled for September 30, 2013 at 10:00 a.m. in the State Board Room, Kentucky Department of Education was cancelled pursuant to KRS 13A.270; however, written comments were received during the public comment period.
- (2) The following people submitted written comments:

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
Kerri Schelling, Director	Kentucky School Boards Association (KSBA)

- (3) The following people from the promulgating administrative body attended this public hearing or responded to the written comments:

<u>Name and Title</u>
Kevin C. Brown, Associate Commissioner and General Counsel
Hiren Desai, Associate Commissioner
Kay Kennedy, Director
Amy Peabody, Assistant General Counsel

Summary of Comments and Responses

- 1) Subject Matter: Topics of flexible hours of training for new district board members
 - a) Comment: Kerri Schelling (KSBA) commented that the administrative regulation's restriction, in the last sentence of Section 1(1)(a), of the eight (8) flexible hours of training, for district board members with zero (0) to three (3) years of experience, to the topics listed in Section 2(1)(b) of the administrative regulation does not accomplish the goal of ensuring that these hours of training are focused on all the topics necessary for new district board member training. Ms. Schelling stated that the list of topics in Section 2(1)(b) does not encompass fully all the topics on which new board members require training. As an example, Ms. Schelling stated that the list of topics in Section 2(1)(b) does not include pertinent topics for new district board member training such as "the basic roles and responsibilities of a board member, school board meetings, facilities, and safety...." Ms. Schelling commented that the language of the last sentence of Section 1(1)(a) should be amended from "shall" to "may" to allow the flexibility needed for the topics of these eight (8) hours of training.

- b) Response: A change was made as a result of this comment. The agency agreed with the comments made and has amended the language of the last sentence of Section 1(1)(a) of the administrative regulation.

**Summary of Statement of Consideration and
Action Taken by Promulgating Administrative Body**

The Kentucky Department of Education has responded to the comments from the public regarding proposed amendments to 702 KAR 1:115. The single commenter requested one change to the administrative regulation. The agency made one revision to the administrative regulation as a result of this comment.

The lone commenter requested that the agency allow more flexibility in the topics of the remaining eight (8) hours of training for new district board members than the exclusive list of topics found in Section 2(1)(b) of the administrative regulation and suggested that additional topics would as well prove beneficial to new district board members in their training. The agency agrees with this comment, concluding that the list of topics for the flexible hours of training for new district board members should not be limited to the list of topics found in Section 2(1)(b) of the administrative regulation. The agency amended the language of the last sentence of Section 1(1)(a) of the administrative regulation to enact this change.

The agency proposes the following changes to the administrative regulation:

Page 2

Section 1(1)(a)

Line 1

After “years of experience”, insert “may”.

Delete: “shall”.