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 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 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.
- (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 district board member, 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 district board member, 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 Kentucky Board of Education to which all Board members, Kentucky Department of Education 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 Kentucky Board of Education's August 2001 meeting. The current edition was approved at the October 2013 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 (6 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.

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.

Beginning in 2013, 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 five (5) 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 Kentucky Board of Education is allowed to meet in closed session to discuss matters pertaining to personnel and to pending or proposed litigation. The discussion of issues and any information imparted in such closed sessions is deemed to be confidential in nature and are 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 (7) days prior to any Board meeting with any exceptions to be approved by the Board Chair.

VOTING

Votes at all Board meetings shall customarily be via voce. 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.

WORKING WITH KENTUCKY DEPARTMENT OF EDUCATION STAFF

In general, the Commissioner is the appropriate Kentucky Department of Education contact person for Board members' comments, concerns and questions.

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

To facilitate effective and efficient Board meetings, members are encouraged to contact the staff members listed on individual staff notes to seek clarification prior to meetings.

Unless authorized by the full Board or a committee of the Board, work assignments will not be made by Board members to individual staff.

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.

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 E-MAILS

Board members may expect to receive a considerable volume of written and electronic correspondence. To facilitate accurate and consistent responses, these should be forwarded to the Policy Advisor so that staff may draft replies. Board members may wish to respond to the sender, acknowledging receipt of the correspondence and explaining that staff of the Kentucky Department of Education will follow up on the issues raised. The Policy Advisor shall ensure that the staff response is disseminated to all Board members when it is sent to the correspondent.

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:

- Prior to the end of each fiscal year, the current Board Chair shall appoint a four-member ad hoc nominating committee for the purpose of bringing forward nominations for chair and vice chair to the first meeting of the fiscal year.
- The Board Chair shall designate one of the four appointed members as chair of the nominating committee.
- The nominating committee shall solicit comments from other Board members regarding the characteristics needed by the next chair/vice chair and on possible nominations for chair/vice chair.
- Any meeting of the nominating committee where a quorum is present (3 out of 4 members) is considered a public meeting and must be announced by the board's Policy Advisor so that interested parties can attend. Once the meeting is convened, the committee, upon a motion, second and majority affirmative vote, can go into closed session to discuss personnel. No action can be taken during the closed session. A motion, second and majority affirmative vote must occur to come out of closed session and an announcement must be made to the public that no action was taken. If the committee plans to make a recommendation to the full board, then a

motion, second and a majority affirmative vote must occur on this recommendation in the public session prior to adjournment.

- At the first meeting of the fiscal year, the chair of the nominating committee shall report the recommendations of the committee as to the nominations for the Board's chair and vice chair.
- After the nominating committee's report is received, the Board chair shall open the floor for additional nominations, if there are any.
- 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.
- To be eligible for election as chair or vice chair, a member shall currently have served one year on the board.
- 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 of the Board.

The Board Chair shall preside at all meetings of 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. 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 Chair shall serve as an ex officio member of all committees.

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 are also 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 Kentucky Board of Education.

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 Kentucky Department of Education 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 (5) (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.

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 autos 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 Kentucky Department of Education. 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 Kentucky Department of Education, accompanied by supporting documentation (itemized receipts). No reimbursement shall occur for alcoholic beverages. Additionally, in order to receive reimbursement for out-of-state travel, board members shall compose a one-page written summary of the meeting/conference to include the name and location of the meeting/conference plus the major learnings and how the information might be useful to the Board. This summary is to be submitted along with the itemized receipts from the out-of-state travel. The Commissioner shall ensure that written summaries of out-of-state meetings are forwarded to all Board members.

If a Board member has requested lodging reservations to be made by the Policy Advisor's office for a meeting or conference, he/she shall notify the hotel or Policy Advisor's office 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 GRIEF OR ILLNESS FUND

Board members will be requested periodically to contribute to a "grief/illness fund." The assets in this fund shall be used to send flowers or a charitable donation on behalf of the Board in the event of serious illness on the part of a Board member, the Commissioner, a member of the Planning Committee or the Policy Advisor and in the event of the death of any of the above named persons or a member of their immediate families. The Board Chair may expand this list under special circumstances. The "grief/illness fund" shall be maintained by the Board's Policy Advisor, who will utilize the funds at the direction of the Board Chair.

USE OF KENTUCKY BOARD OF EDUCATION STATIONERY

Board members may obtain official Kentucky Board of Education stationery, upon request, from the Policy Advisor's office. This is to be used ONLY for correspondence directly related to Board work and activities.