

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (New Administrative Regulation)

5 701 KAR 5:160. Selection and Appointment of Non-Voting Kentucky Board of Education

6 Members.

7 RELATES TO: KRS 156.029

8 STATUTORY AUTHORITY: KRS 156.029(3); 156.070

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.029(1) sets forth the membership

10 of the Kentucky Board of Education, including an active public elementary or secondary school

11 teacher and a public high school student serving as non-voting members. KRS 156.029(3)

12 requires the Kentucky Board of Education to promulgate an administrative regulation

13 establishing the process for selecting the non-voting teacher and non-voting student member to

14 serve on the board. This administrative regulation establishes the process for selection and

15 appointment of a non-voting active public elementary or secondary school teacher, and a non-

16 voting public high school student to serve on the Kentucky Board of Education.

17 Section 1. Definitions.

18 1. "Board" means the Kentucky Board of Education as provided in KRS 156.029 and
19 156.035.

20 2. "Commissioner" means the Commissioner of Education appointed by the Kentucky
21 Board of Education pursuant to KRS 156.148.

1 3. “Student” means a person enrolled in a Kentucky public high school and classified by the
2 Kentucky public high school as a junior on July 1 of the calendar year for which
3 appointment is sought.

4 4. “Teacher” means a person employed on a full-time basis by a Kentucky public school
5 district in a position for which certification is required pursuant to KRS 161.020, and who
6 is not employed in an administrative role.

7 Section 2. Recommendation and Selection of Non-Voting Teacher Member. (1) An application
8 for consideration to become a non-voting teacher member of the board shall contain the
9 following:

10 a. The applicant’s name, home address, public school district of employment, and
11 congressional district of residence;

12 b. A resume or curriculum vitae for the applicant;

13 c. A narrative statement by the applicant explaining why he/she wants to serve as a non-
14 voting teacher member of the board;

15 d. A statement of assurance from the applicant that he/she meets the definition of a teacher
16 as set forth in section one (1) of this administrative regulation; and

17 e. A description of any pending or final disciplinary action against the applicant by the
18 Education Professional Standards Board.

19 (2) The Commissioner may develop an application form for use that incorporates the
20 requirements of subsection one (1) of this section.

21 (3) No later than March 1 of each calendar year the Commissioner or the Commissioner’s
22 designee shall publicly advertise the application process to become a non-voting teacher member
23 of the board. The public advertisement may be in electronic format and shall be included in a

publication designed to reach Kentucky public school teachers. The public advertisement shall contain the following:

- a. The composition, authority, and duties of the board;
 - b. The time commitment expected of board members;
 - c. The eligibility requirements set forth in KRS 156.029 and this administrative regulation to be selected as a non-voting teacher member of the board;
 - d. The selection process for the non-voting teacher member of the board;
 - e. All required application materials as set forth in subsection one (1) of this section;
 - f. The method of application material submission, including the name and address of the individual designated by the Commissioner or Commissioner's designee to receive applications;
- and
- g. The deadline by which all application materials shall be received for consideration, which shall be no later than April 1 of the calendar year for which applications are sought.

(4) Within three (3) business days following the deadline established in subsection three (3) of this section, the Commissioner or Commissioner's designee shall forward all eligible applicants to the Commissioner's Teacher Advisory Council for review and recommendation. Applicants who are ineligible for appointment because they do not meet the requirements of KRS 156.029 and this administrative regulation shall not be forwarded to the Commissioner's Teacher Advisory Council for review and recommendation.

(5) The Commissioner's Teacher Advisory Council, or a subset of the council designated by a majority vote of the full council, shall review applications forwarded by the Commissioner or Commissioner's designee for the non-voting teacher member of the board. No later than May 1, the Commissioner's Teacher Advisory Council shall recommend to the board three (3)

1 candidates from the applications for selection as the non-voting teacher member of the board. If
2 the Commissioner's Teacher Advisory Council fails to take action to make such a
3 recommendation to the board by May 1, within five (5) business days after May 1, the
4 Commissioner shall recommend to the board three (3) candidates from the applications for
5 selection as the non-voting teacher member of the board.

6 (6) No later than its last regular meeting of the fiscal year, the board shall consider the
7 recommendation pursuant to subsection five (5) of this section and, by majority vote, select one
8 (1) candidate to serve as the non-voting teacher member of the board for a one year term which
9 shall begin on July 1 immediately following the board's selection, and expire on the following
10 June 30.

11 (7) The non-voting teacher member of the board serving a term to begin on July 1, 2022 and to
12 expire on June 30, 2023, shall reside in Kentucky's Sixth (6th) congressional district as defined by
13 KRS 118B.160. Successive non-voting teacher members shall rotate among the state's
14 congressional districts in numerical order.

15 Section 3. Recommendation and Selection of Non-Voting Student Member. (1) An application
16 for consideration to become a non-voting student member of the board shall contain the
17 following:

- 18 a. The applicant's name, home address, public school district of enrollment, and
19 congressional district of residence;
- 20 b. A resume or curriculum vitae for the applicant;
- 21 c. A narrative statement by the applicant explaining why he/she wants to serve as a non-
22 voting student member of the board;

1 d. Two letters of recommendation from a teacher, school administrator, employer, coach, or
2 volunteer supervisor explaining why the applicant should be appointed to the board; and

3 e. If the student is a minor, a parental consent form signed by a parent or guardian
4 acknowledging the time commitment and periodic travel requirements of board members, and
5 providing consent for the applicant to participate as a non-voting student member of the board if
6 selected.

7 (2) The Commissioner may develop an application form for use that incorporates the
8 requirements of subsection one (1) of this section.

9 (3) No later than March 1 of each calendar year the Commissioner or the Commissioner's
10 designee shall publicly advertise the application process to become a non-voting student member
11 of the board. The public advertisement may be in electronic format and shall be included in a
12 publication designed to reach Kentucky public school teachers and superintendents for further
13 dissemination to students. The public advertisement shall contain the following:

14 a. The composition, authority, and duties of the board;

15 b. The time commitment expected of board members;

16 c. The eligibility requirements set forth in KRS 156.029 and this administrative regulation
17 to be selected as a non-voting student member of the board;

18 d. The selection process for the non-voting student member of the board;

19 e. All required application materials as set forth in subsection one (1) of this section;

20 f. The method of application material submission, including the name and address of the
21 individual designated by the Commissioner or Commissioner's designee to receive applications;

22 and

1 g. The deadline by which all application materials shall be received for consideration, which
2 shall be no later than April 1 of the calendar year for which applications are sought.

3 (4) Within three (3) business days following the deadline established in subsection three (3) of
4 this section, the Commissioner or Commissioner's designee shall forward all eligible applicants
5 to the Commissioner's Student Advisory Council for review and recommendation. Applicants
6 who are ineligible for appointment because they do not meet the requirements of KRS 156.029
7 and this administrative regulation shall not be forwarded to the Commissioner's Student
8 Advisory Council for review and recommendation.

9 (5) The Commissioner's Student Advisory Council, or a subset of the council designated by a
10 majority vote of the full council, shall review applications forwarded by the Commissioner or
11 Commissioner's designee for the non-voting student member of the board. No later than May 1,
12 the Commissioner's Student Advisory Council shall recommend to the board three (3) candidates
13 from the applications for selection as the non-voting student member of the board. If the
14 Commissioner's Student Advisory Council fails to take action to make such a recommendation
15 to the board by May 1, within five (5) business days after May 1, the Commissioner shall
16 recommend to the board three (3) candidates from the applications for selection as the non-
17 voting student member of the board.

18 (6) No later than its last regular meeting of the fiscal year, the board shall consider the
19 recommendation pursuant to subsection five (5) of this section and, by majority vote, select one
20 (1) candidate to serve as the non-voting student member of the board for a one year term which
21 shall begin on July 1 immediately following the board's selection, and expire on the following
22 June 30.

1 (7) The non-voting student member of the board serving a term to begin on July 1, 2022 and to
2 expire on June 30, 2023, shall reside in Kentucky's Fourth (4th) congressional district as defined
3 by KRS 118B.160. Successive non-voting student members shall rotate among the state's
4 congressional districts in numerical order.

5 Section 4. Selection to Fill an Unexpired Term as a Result of Resignation or Death. (1) In the
6 event of resignation or death of a non-voting board member selected and appointed pursuant to
7 this administrative regulation, the board shall re-consider the recommendation utilized when it
8 selected the resigned or deceased non-voting member and, by majority vote, select one (1)
9 candidate to serve the unexpired term resulting from the resignation or death of the non-voting
10 member.

11 Section 5. Appointment. (1) Following action by the board to select a non-voting member
12 pursuant to this administrative regulation, the board's action shall be memorialized in a written
13 resolution signed by the board chair. No later than five (5) business days following board action
14 to select a non-voting member pursuant to this administrative regulation, the Commissioner shall
15 forward the board's written resolution to the Governor and Secretary of State so both may take
16 notice of the action pursuant to KRS 156.029 and this administrative regulation.

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)

Jason Glass
Commissioner of Education

(Date)

Lu Young, Chair
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on XXXXXX, 2021 at 10:00 am in the State Board Room, 5th Floor, Kentucky Department of Education, 300 Sower Boulevard, 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 XXXXXX, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, KY 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

701 KAR 5:160

Contact Person: Todd G. Allen, Todd.allen@education.ky.gov

Phone Number: 502-564-4474

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the process for selecting and appointing the nonvoting teacher and student members of the Kentucky Board of Education.

(b) The necessity of this administrative regulation:

KRS 156.029 was amended during the 2021 Session of General Assembly. The statute adds a nonvoting teacher and student member to the Kentucky Board of Education, and directs the Kentucky Board of Education to promulgate administrative regulations to establish a process for selecting those members.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 156.029 requires the Kentucky Board of Education to promulgate administrative regulations to establish a process for selecting the nonvoting teacher and student members of the board.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

The administrative regulation establishes the process for selecting the nonvoting teacher and student members of the Kentucky Board of Education.

(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:

N/A.

(b) The necessity of the amendment to this administrative regulation:

N/A.

(c) How the amendment conforms to the content of the authorizing statutes:

N/A.

(d) How the amendment will assist in the effective administration of the statutes:

N/A.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Kentucky Board of Education, the Commissioner's Teachers Advisory Council, and the Commissioner's Student Advisory Council.

(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:

The Kentucky Board of Education, the Commissioner's Teachers Advisory Council, and the Commissioner's Student Advisory Council will each be required to devote a portion of their meeting at some point in spring to making their recommendation or selection as required. In addition, selected members of each group will spend time reviewing candidate applications as part of the recommendation and selection process.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There are no new costs associated with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Teachers and students provide a valuable and important voice to the formulation of statewide education policy. Allowing teachers and students input regarding their selection of member from their ranks ensures that a broad cross-section of those groups has their voice heard.

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

(a) Initially:

There are no additional costs associated with this administrative regulation.

(b) On a continuing basis:

There are no additional costs associated with this administrative regulation.

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

N/A.

(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 are necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

No direct or indirect fees are associated with the administrative regulation.

(9) TIERING: Is tiering applied? Explain why tiering was or was not used.

No tiering is applied.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

702 KAR 7:150

Contact Person: Todd G. Allen, Todd.allen@education.ky.gov

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?

Kentucky Board of Education.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 156.029.

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.

(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?

The administrative regulation will not have an impact on expenditures or revenues.

(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?

The administrative regulation will not have an impact on expenditures or revenues.

(c) How much will it cost to administer this program for the first year?

There are no new costs anticipated with this administrative regulation.

(d) How much will it cost to administer this program for subsequent years?

There are no new costs anticipated with this administrative regulation.

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

Revenues (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: N/A

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

N/A.