

1 EDUCATION AND LABOR CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

5 701 KAR 5:160. Selection and appointment of non-voting Kentucky board of education
6 members.

7 RELATES TO: KRS 118B.140, 118B.160, 156.029, 156.035

8 STATUTORY AUTHORITY: KRS 156.029(4) [~~156.029(3)~~], 156.070

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.029(1) authorizes the Kentucky
10 Board of Education, including an active public elementary or secondary school teacher and a
11 public high school student serving as non-voting members of the board. KRS 156.029(4)

12 [~~156.029(3)~~] requires the Kentucky Board of Education to promulgate an administrative
13 regulation establishing the process for selecting the non-voting teacher and non-voting student
14 member to serve on the board. This administrative regulation establishes the process for the
15 selection and appointment of a non-voting active public elementary or secondary school teacher
16 and a non-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 established in KRS 156.029 and
19 156.035.

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

(3) "Student" means a person enrolled in a Kentucky public high school and classified by the Kentucky public high school as a sophomore ~~[junior]~~ at the time of appointment, meaning the student shall complete grade 10 no later than ~~[on]~~ July 1 of the calendar year for which appointment is sought.

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

Section 2. Recommendation and Selection of Non-voting Teacher Member.

(1) An application for consideration to become a non-voting teacher member of the board shall contain:

(a) The applicant's name, home address, public school district of employment, and Supreme Court ~~[congressional]~~ district of residence;

(b) A resume or curriculum vitae for the applicant;

(c) A narrative statement by the applicant explaining why the applicant wants to serve as a non-voting teacher member of the board;

(d) A statement of assurance from the applicant that the applicant meets the definition of a "teacher" as defined by Section 1(4) of this administrative regulation; and

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

(2) No later than March 1 of each calendar year, the commissioner or the commissioner's designee shall publicly advertise the application process established in this administrative regulation to become a non-voting teacher member 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:

(a) The composition, authority, and duties of the board;

(b) The time commitment expected of board members;

(c) The eligibility requirements established 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 established in subsection(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.

(3) Following [~~Within three (3) business days following~~] the deadline established in subsection (2) of this section, the commissioner or commissioner's designee shall forward all eligible applications to the commissioner's Teacher Advisory Council for review and recommendation.

Applications for applicants who are ineligible for appointment because they do not meet the requirements of KRS 156.029 or this administrative regulation shall not be forwarded to the commissioner's Teacher Advisory Council for review and recommendation.

(4) 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) candidates

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

6 (5) No later than its last regular meeting of the fiscal year, the board shall consider the
7 recommendation pursuant to subsection (4) of this section and, by majority vote, select one (1)
8 candidate to serve as the non-voting teacher member of the board for a one (1) year term, which
9 shall begin on July 1 immediately following the board's selection, and expire on the following
10 June 30.

11 (6) The non-voting teacher member of the board serving a term to begin on July 1, 2027 [~~2022~~]
12 and to expire on June 30, 2028 [~~2023~~], shall reside in Kentucky's First (1st) [~~Sixth (6th)~~
13 ~~congressional~~] Supreme Court district as established by KRS 21A.010 [~~118B.160~~]. Successive
14 non-voting teacher members shall rotate among the state's Supreme Court [~~congressional~~]
15 districts in numerical order.

16 Section 3. Recommendation and Selection of Non-voting Student Member.

17 (1) An application for consideration to become a non-voting student member of the board shall
18 contain:

19 (a) The applicant's name, home address, public school district of enrollment, and Supreme Court
20 [~~congressional~~] district of residence;

21 (b) A resume or curriculum vitae for the applicant;

22 (c) A narrative statement by the applicant explaining why the applicant wants to serve as a non-
23 voting student member of the board;

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

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

(2) No later than March 1 of each calendar year, the commissioner or the commissioner's designee shall publicly advertise the application process established in this administrative regulation to become a non-voting student member 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 and superintendents for further dissemination to students. The public advertisement shall contain:

(a) The composition, authority, and duties of the board;

(b) The time commitment expected of board members;

(c) The eligibility requirements established in KRS 156.029 and this administrative regulation to be selected as a non-voting student member of the board;

(d) The selection process established in this administrative regulation for the non-voting student member of the board;

(e) All required application materials as established in subsection(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.

(3) Following [~~Within three (3) business days following~~] the deadline established in subsection

(2) of this section, the commissioner or commissioner's designee shall forward all eligible applications to the commissioner's Student Advisory Council for review and recommendation.

Applications for applicants who are ineligible for appointment because they do not meet the requirements of KRS 156.029 or this administrative regulation shall not be forwarded to the commissioner's Student Advisory Council for review and recommendation.

(4) The commissioner's Student 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 student member of the board. No later than May 1, the commissioner's Student Advisory Council shall recommend to the board three (3) candidates from the applications for selection as the non-voting student member of the board. If the commissioner's Student Advisory Council fails to take action to make a recommendation to the board by May 1, [~~within five (5) business days after May 1,~~] the commissioner shall recommend to the board three (3) candidates from the applications for selection as the non-voting student member of the board.

(5) No later than its last regular meeting of the fiscal year, the board shall consider the recommendation pursuant to subsection (4) of this section and, by majority vote, select one (1) candidate to serve as the non-voting student member of the board for a one (1) year term, which shall begin on July 1 immediately following the board's selection, and expire on the following June 30.

(6) The non-voting student member of the board serving a term to begin on July 1, 2027 [~~2022~~] and to expire on June 30, 2028 [~~2023~~], shall reside in Kentucky's Third (3rd) [~~Fourth (4th)~~] Supreme Court [~~congressional~~] district as established by KRS 21A.010 [~~118B.140~~]. Successive non-voting student members shall rotate among the state's Supreme Court [~~congressional~~] districts in numerical order.

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

Section 5. Appointment.

(1) Following action by the board to select a non-voting member pursuant to this administrative regulation, the board's action shall be memorialized in a written resolution signed by the board chair.

(2) Following [~~No later than five (5) business days following~~] board action to select a non-voting member pursuant to this administrative regulation, the commissioner shall forward the board's written resolution to the Governor and Secretary of State so both may take 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)

Dr. Robbie Fletcher
Commissioner of Education

(Date)

Sharon Porter Robinson, Chair
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on XXX, at 10am in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. 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 through XXX. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person:

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

Phone: 502-564-4474

Email: todd.allen@education.ky.gov

Subject Headings: Boards and Commissions; Education: Elementary; Education: Secondary.

(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 authorizes the Kentucky Board of Education to promulgate administrative regulations for the selection and appointment of nonvoting teacher and student members of the Kentucky Board of Education.

(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: This amendment updates the regulation to comply with changes to KRS 156.029 made by House Bill 727 from the 2026 legislative session.

(b) The necessity of the amendment to this administrative regulation: This amendment updates the regulation to comply with changes to KRS 156.029 made by House Bill 727 from the 2026 legislative session.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment updates the regulation to comply with changes to KRS 156.029 made by House Bill 727 from the 2026 legislative session.

(d) How the amendment will assist in the effective administration of the statutes: This amendment updates the regulation to comply with changes to KRS 156.029 made by House Bill 727 from the 2026 legislative session.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See House Bill 727 from the 2026 legislative session.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky Board of Education, Kentucky Department of Education and students/teachers interested in serving as a nonvoting member of the Kentucky Board of Education.

(5) 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 Department of Education will be required to follow the regulation to call for and process applications from eligible teachers and students. The Kentucky Board of Education will be required to devote a portion of a meeting each year selecting a student and teacher member from recommendations. Individuals interested in serving in the nonvoting teacher and student member roles must follow the application procedures and meet the requirements set forth in the regulation.

(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 additional costs associated with this amendment. KDE pays travel expenses and substitute costs for the teacher and student member to attend meetings.

(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.

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

(a) Initially: There are no additional costs associated with this amendment. KDE pays travel expenses and substitute costs for the teacher and student member to attend meetings.

(b) On a continuing basis: There are no additional costs associated with this amendment. KDE pays travel expenses and substitute costs for the teacher and student member to attend meetings.

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

(8) 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.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No direct or indirect fees are associated with this administrative regulation.

(10) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied. The regulation applies uniformly.

FISCAL IMPACT STATEMENT

701 KAR 5:160

Contact Person: Todd G. Allen

Phone: 502-564-4474

Email: todd.allen@education.ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 156.029.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by KRS 156.029.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Education and Kentucky Department of Education.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: There are no additional costs associated with this amendment. KDE pays travel expenses and substitute costs for the teacher and student member to attend meetings.

For subsequent years: There are no additional costs associated with this amendment. KDE pays travel expenses and substitute costs for the teacher and student member to attend meetings.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: This regulation is not expected to result in cost savings to the Kentucky Department of Education.

For subsequent years: This regulation is not expected to result in cost savings to the Kentucky Department of Education.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local school districts.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: None. KDE reimburses local school districts for the cost of substitutes for the nonvoting teacher members serving on the board.

For subsequent years: None. KDE reimburses local school districts for the cost of substitutes for the nonvoting teacher members serving on the board.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: None.

For subsequent years: None.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: Not applicable.

For subsequent years: Not applicable.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: There are no additional costs associated with this amendment. KDE pays travel expenses and substitute costs for the teacher and student member to attend meetings.

(b) Methodology and resources used to reach this conclusion: The agency has had a nonvoting student and teacher member on the board since 2022. KDE has paid the travel expenses and substitute costs for these nonvoting members since that time.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13): This regulation will not have a “major economic impact” as defined by KRS 13A.010(13).

(b) The methodology and resources used to reach this conclusion: The agency has had a nonvoting student and teacher member on the board since 2022. KDE has paid the travel expenses and substitute costs for these nonvoting members since that time.