

KENTUCKY DEPARTMENT OF EDUCATION (KDE) STAFF NOTE

Topic: Amendment to 701 KAR 5:160, Selection and Appointment of Non-Voting Kentucky Board of Education Members.

Date: August 2026

Action Requested: ☐Review ☒Action/Consent ☐Action/Discussion

Held In: ☒Full Board ☐State Schools ☐United We Learn

SYNOPSIS OF WHAT YOU WILL BE SHARING:

The proposed amendments to 701 KAR 5:160 align the regulation to changes made to KRS 156.029 during the 2026 legislative session. Namely, the non-voting teacher and student members of the KBE will be selected from Kentucky Supreme Court districts beginning in 2027, not Congressional districts.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of the amendments to 701 KAR 5:160.

APPLICABLE STATUTE OR REGULATION:

156.029

BACKGROUND:

Existing Policy:

KRS 156.029 establishes the Kentucky Board of Education (KBE), including the makeup of its membership. Since 2021, the statute provided for a nonvoting teacher and student member of the KBE. Until July 2026, KRS 156.029 provided: "The nonvoting teacher and student members shall be selected by the board from the state's six (6) congressional districts on a rotating basis from different districts. The public high school student shall be classified as a junior at the time of appointment. The teacher and student members shall serve for a one (1) year term, except the initial appointments shall serve a term which shall expire on April 14, 2022. The board shall promulgate an administrative regulation establishing the process for selecting the nonvoting teacher and student members." The KBE promulgated 701 KAR 5:160 to comply with this requirement and detail the procedures for appointment of nonvoting student and teacher members.

Summary of Issue:

During the 2026 legislative session, House Bill (HB) 727 amended KRS 156.029 regarding appointment of nonvoting student and teacher members of the KBE. Specifically, the statute was amended to provide for selection based on Supreme Court district, not Congressional district. Furthermore, the statute was amended to clarify that the student member shall be a sophomore at the time of appointment, meaning he/she will be a junior at the time of service.

The proposed regulation amendment makes technical corrections to statutory references, clarifies the definition of student to indicate he/she shall be a sophomore at the time of appointment but have completed the 10th grade no later than July 1 of the calendar year for which appointment is sought, and realign selection and appointment to Kentucky Supreme Court districts. Finally, the proposed amendment strikes certain internal processing timelines to provide the department greater flexibility as it processes applications.

Budget Impact:

There is no anticipated budget impact as a result of the amendment. KDE pays the reasonable travel costs for the teacher and student member, a per diem amount to the student member, and the cost of a substitute teacher for days the teacher member attends KBE meetings. However, these expenses have been paid since 2021.

Groups Consulted and a Brief Summary of Responses:

This item will be presented for review by the Local Superintendents Advisory Council on July 28, 2026.

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Commissioner of Education

GOALS/PRIORITIES: Indicate all applicable options.

☐	Foster Educational Innovation Through Vibrant Learning Experiences
☐	Advance Educational Excellence Through Continuous Professional Improvement
☒	Cultivate Collaborative Partnerships
☒	Legislation
☐	Commissioner's Management