

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amendment)

702 KAR 1:116. Annual in-service training of district board members.

RELATES TO: KRS 160.180

STATUTORY AUTHORITY: KRS 156.070, 160.180

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070 authorizes the Kentucky Board of Education to manage and control the common schools, including prescribing administrative regulations the Kentucky Board of Education deems necessary for the efficient management, control, and operation of public schools. KRS 160.180 requires that all local school board members complete an established number of hours of in-service training annually, based on number of years of experience, and requires that the Kentucky Board of Education identify the criteria for fulfilling the requirements. This administrative regulation establishes standards for the annual in-service training of district board members.

Section 1. Content of Training.

(1) Each school district board of education member shall complete the in-service training requirements established in KRS 160.180 and this administrative regulation. ~~[(The in-service training requirements for all district school board members established in KRS 160.180 shall include:]~~

~~[(a)] [Three (3) 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 acquire the remainder of their hours in these topics or topics listed in Section 2(1)(b) of this administrative regulation;]~~

~~[(b)] [Two (2) 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 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.]~~

(2) Each school district board of education member shall complete training hours on the topics and at the frequency established in KRS 160.180. School district board of education members shall complete training in one or more of the topics set forth in Section 2(1)(b) and (c) of this administrative regulation to satisfy the remaining training hours required by KRS 160.180. ~~[(For board members with four (4) or more years of experience, the remaining hours of required training may include the following subjects:]~~

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

~~[(b)] [Curriculum and instruction;]~~

~~[(c)] [Relations with superintendent and staff;]~~

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

~~[(e)] [Community relations.]~~

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

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

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

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

Section 2. Providers of Training.

(1)

(a) The Kentucky School Boards Association (KSBA) shall be the provider of eight (8) hours of annual district board member in-service training for school board members, ~~except the Kentucky School Boards Association (KSBA) shall be the provider of four (4) hours of annual district board member in-service training for school board members who are required to complete four (4) hours of annual in-service training pursuant to KRS 160.180(5)(c).~~ ~~who are required to obtain twelve (12) hours of in-service training annually.~~ Board members may acquire remaining hours of training required by KRS 160.180 from either the KSBA or other providers as described in subsection (2) of this section.

(b) The KSBA shall offer training on no less than eight (8) of the ~~eleven (11)~~ following topics annually, four (4) of which shall include the topics set forth at subparagraphs 1.-4. of this paragraph, and shall offer training on all fourteen (14) ~~eleven (11)~~ topics at least once during every twenty-four (24) month period:

1. Open meetings act and open records act; ~~[School law;]~~
2. School finance;
3. Ethics ~~[Community relations];~~
4. Employment and evaluation of the superintendent ~~[Policy development];~~
5. Personnel relations;
6. Curriculum and instruction;
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. School law ~~[Ethics.]~~
12. Community relations;
13. Policy development; and
14. Roles and responsibilities of the board of education and its members.

(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.

(2) Training providers, other than the KSBA, shall only provide training through courses that are:

- (a) Customized for school board members;
- (b) Approved by the department; and
- (c) In compliance with the requirements of this administrative regulation.

(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 from any provider other than the KSBA, 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.

Section 3. Failure to Acquire Training. Subject to extensions granted under Section 4 of this administrative regulation, the names of all district school board members who fail to complete the required in-service training set forth in KRS 160.180 and this administrative regulation shall be transmitted by the department 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 the 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. An 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, in cases of emergency as demonstrated by the district board member, may grant an extension of time within which a local board member shall complete the required hours of in-service training. Serving as a district board member less than a full year shall not constitute an emergency for which an extension may be granted pursuant to this subsection.

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).

ROBBIE FLETCHER, Ed.D., Commissioner

SHARON PORTER ROBINSON, Chairperson

APPROVED BY AGENCY: August 8, 2024

FILED WITH LRC: August 9, 2024 at 3:05 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held October 23, 2024 at 10:00 a.m., 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 is received by that date, the hearing may be cancelled. 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 through October 31, 2024. 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, Kentucky 40601, phone 502-564-

4474, fax 502-564-9321, email regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does:

Establishes annual in-service training requirements for Kentucky school board members, specifying hours and topics for training, and designating the Kentucky School Boards Association as a primary provider of local board member training.

(b) The necessity of this administrative regulation:

KRS 160.180 requires that all local school board members complete an established number of hours of in-service training and requires the Kentucky Board of Education to identify criteria for fulfilling the requirements. This regulation ensures that school board members receive continuous education to perform their roles effectively and comply with statutory requirements.

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

Aligns with KRS 160.180 by detailing the required training topics for school board members, as well as providing how the training hours and topics will be provided, tracked, and reported to the Kentucky Board of Education.

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

Provides a clear framework for training, ensuring school board members are knowledgeable and capable of fulfilling their responsibilities.

(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:

Refines the training requirements to comply with statutory changes resulting from HB 449 from the 2024 legislative session.

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

Annual training requirements were amended by HB 449 from the 2024 legislative session, requiring amendments to this regulation.

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

Continues to meet the requirements of KRS 160.180, adding specificity to accommodate different board member needs.

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

Ensures all board members receive pertinent education, improving their governance and decision-making capabilities.

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

School districts across Kentucky and their board members; Training providers, especially the Kentucky School Boards Association.

(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:

Board members must complete the specified training hours and topics. Training providers must align their courses with the new requirements.

(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. 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):

Board members receive targeted, relevant training, improving their ability to govern effectively.

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

(a) Initially:

The agency does not anticipate any additional cost as a result of this amendment.

(b) On a continuing basis:

The agency does not anticipate any additional cost as a result of this amendment.

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

General 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:

This regulation does not establish or increase any fees. An increase in fees or funding is unlikely as Kentucky School Boards Association typically manages such training within existing budgets. Should there be a need for additional resources, it may come from state or district funds.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This regulation does not establish any fees or directly or indirectly increase fees.

(9) TIERING: Is tiering applied?

Tiering is applied in 701 KAR 1:116 only to the extent it is provided in the authorizing statute, KRS 160.180, to address the varying training needs of school board members based on their years of experience.

FISCAL IMPACT STATEMENT

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

KRS 160.180, 156.070.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

Kentucky Board of Education; Kentucky Department of Education.

(a) Estimate the following for the first year:

Expenditures:No additional expenditures are anticipated as a result of the amendment.

Revenues:No additional revenue will be generated by this regulation.

Cost Savings:No additional cost savings will be generated by this regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

No additional expenditures, revenues, or cost savings are anticipated in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

School Districts

(a) Estimate the following for the first year:

Expenditures:School districts already bear the cost of the training required of district board members in KRS 160.180. No additional cost is anticipated to continue to meet the training requirements of that statute and this administrative regulation. In any event, the training requirements are statutorily prescribed, not created by this regulation.

Revenues:No additional revenue will be generated by this regulation.

Cost Savings:No additional cost savings will be generated by this regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

No additional expenditures, revenues, or cost savings are anticipated in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3):

No additional regulated entities.

(a) Estimate the following for the first year:

Expenditures:Not applicable as no additional regulated entities have been identified.

Revenues:Not applicable as no additional regulated entities have been identified.

Cost Savings:Not applicable as no additional regulated entities have been identified.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

Not applicable as no additional regulated entities have been identified.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

The fiscal impact of this regulation is expected to be neutral, as no additional cost will be incurred beyond those already mandated by the general assembly under KRS 160.180. This regulation is designed to facilitate the statutory requirements for in-service training for school board members, ensuring that the necessary training is conducted efficiently and effectively.

(b) Methodology and resources used to determine the fiscal impact:

The regulation does not establish any new training requirements. The actual training requirements are established by the General Assembly in KRS 160.180. The agency reviewed current administrative requirements compared with those contained in the amendment and found there is no substantial change in administrative requirements and no additional fiscal impact is anticipated.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

This administrative regulation is not anticipated to have an overall negative or adverse major economic impact. Training is a requirement of KRS 161.180, not this administrative regulation. As a result, the cost of training is not an economic impact of this regulation. Costs are expected to be manageable within existing budgets.

(b) The methodology and resources used to reach this conclusion:

Reading the requirements of KRS 161.180 and the proposed amendment to this regulation.