

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Kentucky Board of Education

Department of Education

(Amended at ARRS Committee)

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

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

STATUTORY AUTHORITY: KRS 156.029(3), 156.070

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.029(1) authorizes the Kentucky Board of Education, including an active public elementary or secondary school teacher and a public high school student serving as non-voting members of the board. KRS 156.029(3) requires the Kentucky Board of Education to promulgate an administrative regulation establishing the process for selecting the non-voting teacher and non-voting student member to serve on the board. This administrative regulation establishes the process for the selection and appointment of a non-voting active public elementary or secondary school teacher and a non-voting public high school student to serve on the Kentucky Board of Education.

Section 1. Definitions.

- (1) "Board" means the Kentucky Board of Education as established in KRS 156.029 and 156.035.
- (2) "Commissioner" means the Commissioner of Education appointed by the Kentucky Board of 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 junior 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 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) 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 from the applications for selection as the non-voting teacher member of the board. If the commissioner's Teacher 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 teacher 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 teacher 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 teacher member of the board serving a term to begin on July 1, 2022 and to expire on June 30, 2023, shall reside in Kentucky's Sixth (6th) congressional district as established by KRS 118B.160. Successive non-voting teacher members shall rotate among the state's congressional districts in numerical order.

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

- (1) An application for consideration to become a non-voting student member of the board shall contain:
- (a) The applicant's name, home address, public school district of enrollment, and 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 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) 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, 2022 and to expire on June 30, 2023, shall reside in Kentucky's Fourth (4th) congressional district as established by KRS 118B.140. Successive non-voting student members shall rotate among the state's 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) 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.

(48 Ky.R. 1075, 1748; eff. 3-1-2022.)

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