

701 KAR 5:100. School-based decision making guidelines.

RELATES TO: KRS 160.345

STATUTORY AUTHORITY: KRS 156.070, 160.345

NECESSITY, FUNCTION, AND CONFORMITY: KRS 160.345(7) authorizes the Kentucky Board of Education (KBE) to make final approval of applications for alternative models for school-based decision making (SBDM). KRS 160.345(5) requires the KBE to exempt, upon request, a school that meets the requirements of KRS 160.345(5) from implementing SBDM. KRS 160.345(6) requires new and experienced SBDM members to complete professional development activities provided by the Kentucky Department of Education (department) through providers that have been endorsed by the department. KRS 160.345(6) requires the department to collect the names and addresses for each SBDM member. This administrative regulation establishes the SBDM database and associated reporting requirements, the application process and approval criteria for alternative models for SBDM, exemption requirements, training requirements for SBDM members, and the provider-training requirements for department endorsement.

Section 1. Definitions.

- (1) "Parent" is defined by KRS 160.345(1)(d).
- (2) "Teacher" is defined by KRS 160.345(1)(c).

Section 2. Alternative Models for School-Based Decision Making.

- (1) On or after January 1 and prior to March 1 of each calendar year, a school choosing to develop an alternative model for school-based decision making (SBDM) pursuant to KRS 160.345(7) shall submit a completed Alternative School-Based Decision Making Application through the school's local board of education to the Commissioner of Education (Commissioner) for consideration by the Kentucky Board of Education (KBE).
- (2) The Kentucky Department of Education (department) shall provide technical assistance, upon request, to districts prior to submission of the Alternative School-Based Decision Making Application to help ensure minimum compliance with the required components established in KRS 160.345(7).
- (3) Within thirty (30) days from receipt of a completed Alternative School-Based Decision Making Application, the commissioner or the commissioner's designee shall review and recommend that the KBE approve or deny the Alternative School-Based Decision Making Application, based on the requirements established in this administrative regulation.
- (4) At the next regularly scheduled meeting of the KBE following the receipt of the recommendation from the commissioner or the commissioner's designee, pursuant to subsection (3) of this section, the KBE shall approve or deny the Alternative School-Based Decision Making Application.
- (5) Implementation of an approved Alternative School-Based Decision Making Application shall begin on July 1 unless otherwise stated in the Alternative School-Based Decision Making Application submitted to and approved by the KBE pursuant to this administrative regulation.
- (6) An alternative SBDM model approved by the KBE shall undergo annual review by the department but shall be valid until the earlier of the following occurs:
 - (a) The school implements a traditional SBDM that complies with KRS 160.345 following a majority vote by the existing SBDM to do so and evidence of the council's majority vote to reinstate the traditional SBDM model is communicated in writing to the department;
 - (b) The school qualifies for and is granted, as applicable, an SBDM exemption under Section 3 of this administrative regulation;

- (c) The school is identified for comprehensive support and improvement and has its SBDM authority transferred to the superintendent pursuant to KRS 160.346; or
 - (d) The KBE revokes approval for the alternative SBDM model.
- (7) The department shall maintain a record of all schools that apply for an alternative SBDM model and a record of all approved alternative SBDM models.
- (8) An Alternative School-Based Decision Making Application shall not be necessary for changes to an SBDM that maintain the parent, teacher, and administrator voting membership ratio established in KRS 160.345. An SBDM may add one (1) or more non-voting members upon a majority vote of the existing SBDM without submission of an Alternative School-Based Decision Making Application.

Section 3. Exemptions from School-Based Decision Making.

- (1) On or after January 1 and prior to March 1 of each calendar year, a school required to implement school-based decision making pursuant to KRS 160.345 may seek an SBDM exemption. A request for exemption shall be made by submitting a written request to the commissioner for consideration by the KBE.
- (2) The department shall provide technical assistance, upon request, to districts prior to submission of the written request to help ensure minimum compliance with the required components established in KRS 160.345(5).
- (3) Within thirty (30) days from receipt of the written request, the commissioner or the commissioner's designee shall review and verify that the school meets the requirements established in KRS 160.345(5).
- (4) Once the commissioner or the commissioner's designee has verified that the school meets the requirements established in KRS 160.345(5), the school's written request shall be submitted to the KBE for final approval pursuant to KRS 160.345(5). If the commissioner or the commissioner's designee is unable to verify that the school has met the requirements for exemption established in KRS 160.345(5), the commissioner or the commissioner's designee shall recommend that the KBE deny the exemption request.
- (5) Implementation of an approved school-based decision making exemption shall begin on July 1 unless otherwise stated in the written request submitted to and approved by the KBE.
- (6) An SBDM exemption approved by the KBE shall be valid for one (1) school year. A school may annually re-apply for an SBDM exemption if it meets the requirements established in KRS 160.345(5).
- (7) The department shall maintain a record of all schools that apply for an SBDM exemption and a record of all approved SBDM exemptions.

Section 4. Training for School-Based Decision Making Members.

- (1) SBDM members shall satisfy training required under KRS 160.345 by completing department-provided training or training provided by individuals that have been endorsed by the department to provide training.
- (2) To be endorsed by the department to provide SBDM member training, an individual shall successfully complete a training program administered by the department, on an annual basis. This training shall include modules on effective training and the duties, authority, and responsibilities of SBDM members and councils as authorized by KRS 160.345.
- (3) The department shall maintain a record of individuals that it has endorsed to provide training to SBDM members.
- (4) Individuals the department has endorsed to provide training to SBDM members shall use training modules developed or approved by the department pursuant to subsection (6) of this section. Training modules shall provide professional development to SBDM members on the duties, authority, and responsibilities of SBDM members and councils as authorized by KRS 160.345.

(5) If an individual the department has endorsed to provide training to SBDM members would like to use non-department training modules to meet the requirements of KRS 160.345(6), the training modules shall be approved in advance by the department pursuant to subsection (6) of this section.

(6) To have a training module approved by the department, an individual or entity shall submit in writing to the department for review:

- (a) The title of module;
- (b) The number of training hours the module provides;
- (c) The intended audience of the module;
- (d) An overview of the module, including topics addressed and anticipated outcomes for attendees; and
- (e) All materials to be presented as part of the training, including written, audio, and video materials.

(7) The department shall maintain a record of non-department trainings that have complied with KRS 160.345(6).

Section 5. Database of School-Based Decision Making Members.

(1) By November 1 of each year, each school shall provide the following information to the department:

- (a) The names and addresses of each SBDM member; and
- (b) Verification that each SBDM member has completed the training required by KRS 160.345(6).

(2) The department shall maintain a database of all SBDM members, including training verifications for SBDM members.

Section 6. Incorporation by Reference.

(1) "Alternative School-Based Decision Making Application," February 2021 is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Education, Office of Continuous Improvement and Support, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(18 Ky.R. 219; 685; eff. 9-6-1991; 21 Ky.R. 2241; eff. 6-1-1995; Crt eff. 11-16-2018; 47 Ky.R. 2471; 48 Ky.R. 795; eff. 11-30-2021.)