

701 KAR 5:100 Guidelines for Alternative Models for School-based Decision Making (SBDM)

In the 1990 legislative session, the Kentucky General Assembly passed HB 940, commonly known as the Kentucky Education Reform Act (KERA). Essentially, this landmark legislation changed the face of education in Kentucky. One drastic change that came along with KERA was KRS 160.345, which outlined school-based decision making (SBDM) councils. Since the inception of KERA and the creation of SBDM councils, voting membership was limited to principals, teachers, and parents.

On April 7, 2021, the Kentucky Board of Education (KBE) unanimously approved the amendment to 701 KAR 5:100, which provides guidelines for alternative models for SBDM. One significant change, as a result of the amendment, is the ability for school councils to add additional voting members, such as students and classified staff, to their council's membership through an alternative SBDM application process.

In addition to adding voting students and classified staff to councils pursuant to [KRS 160.345\(7\)](#), a school may develop a model that includes non-voting council members without the prior approval of the Kentucky Board of Education (KBE). Students or classified staff may be added to the council in an advisory role to offer insight and opinions but may not have voting rights unless the council seeks and is granted approval by the KBE for an alternative SBDM.

In anticipation of the questions that schools may have regarding the two aforementioned changes, the Kentucky Department of Education (KDE) created the below guidance which answers some of the questions that schools and councils may have when they are considering adding a voting student or classified staff member and/or if they wish to add non-voting students. Those schools interested in adding voting student members are encouraged to consult their local board attorney prior to doing so.

Voting Members (Students & Classified Staff)

- 1. If my school wishes to add a voting student or classified staff person to our SBDM council, does this require the completion of an alternative model application and subsequent approval by the Kentucky Board of Education?**

Yes. The alternative model application can be found on the [SBDM Technical Documents webpage](#).

- 2. Will voting SBDM students and/or classified staff be subject to the statutory requirements that other SBDM members (principal, teachers, and parents) are subject to, including, but not limited to, the following: three (3) or six (6) hour annual training, signatures on Open Records & Open Meetings document, non-disclosure form during alternative principal selection, etc.?**

Yes, all voting members serving on an SBDM council would be subject to the requirements outlined in KRS 160.345. Please note that some voting student members not of legal age may lack the capacity to enter into legally binding documents; therefore, districts should consult their board counsel for guidance on forms to be signed by SBDM voting members who are under 18.

- 3. Must training information for voting SBDM student members and classified staff be included in the SBDM database?**

Yes, all training information must be captured in SBDM database.

- 4. Are voting students allowed to participate in closed session and interviews for personnel and/or principal selection?**

Yes, students can participate in closed sessions and interviews. The Kentucky Department of Education (KDE) encourages SBDM council members to recuse themselves from participating in conversation and decisions that appear improper and unethical.

- 5. Would it be wise to include a student in closed session to hear discussion about the school's emergency plan?**

This decision would best be determined locally. The Kentucky Department of Education (KDE) encourages each school that is considering the addition of a voting student to confer with the local board attorney to ensure that this would not interfere with a school's safety and emergency plans and put any student in harm's way.

- 6. How are students elected to council? Do students write their own procedures like the other constituent groups?**

KDE recommends for students to be elected by their constituent group (e.g. other students) and are strongly encouraged to have their own written procedures.

7. Can a student member count towards the minority membership requirement in statute?

Yes, voting student members can count towards the minority membership requirement established in KRS 160.345. The same is true for voting classified staff.

8. Can a council's bylaws establish different terms for voting student members? For example, my school wishes to add a senior to the council; can that person serve a one-year term while the other constituent groups serve two year terms?

Yes; however, this will need to be outlined in the council's bylaws and communicated with each SBDM council member. This will also need to be included in the alternative model application prior to submitting to the KDE for review and subsequent Kentucky Board of Education (KBE) approval.

9. Do voting students and classified staff count towards quorum?

Yes, voting students and classified staff will count towards quorum.

Non-voting Membership

- 1. If my school wishes to add non-voting members to our council, must we complete an alternative model application?**

No.

- 2. Are non-voting members required to be trained (annual SBDM training, Kentucky Open Records and Open Meetings Act, conflict of interest, etc.)?**

Non-voting members are not required to be trained; however, KDE encourages councils to invite nonvoting members to participate in all trainings and meetings to develop rapport, comradery, teamwork and to ensure that non-voting members are well-versed in the work and role of SBDM councils.

- 3. Does KDE require non-voting membership to be reported in the SBDM database?**

No, non-voting membership is not reported in the SBDM database.

- 4. If non-voting members do not get a vote and are not required to be trained and/or reported in KDE's SBDM database, what purpose do non-voting members serve?**

These members provide alternative viewpoints and opinions from their constituent groups not already represented on council. SBDM council members value the input from non-voting members and their knowledge and perspective.

- 5. Are non-voting members elected to a council or can they be selected?**

KDE recommends for non-voting members to be elected or selected by their constituent groups and encourages councils to consult their bylaws to determine whether a non-voting member is elected or selected by their constituent groups. SBDM membership bylaws should address how non-voting members are added to a council; however, KDE, as well as the Office of Education Accountability (OEA), recommend that school councils remove specific election procedures from their bylaws.

- 6. Do non-voting members count toward quorum?**

No, non-voting members do not count toward quorum.