

Senate Bill 1 (2022) Changes for School-based Decision Making (SBDM)

In 1990, the Kentucky General Assembly passed what is commonly known as the Kentucky Education Reform Act (KERA). Along with KERA, KRS 160.345 outlined the roles and responsibilities of school-based decision making (SBDM) councils.

On April 13, 2022, the Kentucky legislature passed Senate Bill 1 (SB 1), which includes changes that affect SBDM councils. Although the passing of this bill impacts several statutes, this guidance document focuses on changes to KRS 160.345, most notably the transfer of curriculum determination and principal selection from the SBDM council to the superintendent.

The Kentucky Department of Education (KDE) created this guidance to answer some of the questions that schools and councils may have. The changes from SB 1 took effect on July 14, 2022.

Curriculum, Instructional Resources, Textbook Selection

1. What does Senate Bill 1 change regarding curriculum selection?

Each district's superintendent now has the authority to select a school's curriculum, textbooks, instructional materials and student support services after consultation with the SBDM council and the local board of education. Likewise, there must be a reasonable review and response period for stakeholders in accordance with local board of education policy before the superintendent makes the final decision regarding curriculum, textbooks, instructional materials and student support services.

2. With the transfer of curriculum authority to superintendents, must councils continue to adopt a curriculum policy?

Although the council is no longer required to adopt a policy related to the determination of curriculum, which included the needs assessment, the council must continue to adopt a policy related to the writing program for its school according to KRS 158.6453(19). The needs assessment is to be conducted annually by Nov. 1 and is an essential part of the continuous improvement process. The needs assessment provides the framework for all schools to clearly and honestly identify their most critical areas for improvement in their Comprehensive Support and Improvement Plans (CSIPs).

3. What happens to my school's curriculum policy?

Pursuant to KRS 160.345, SBDM council policy must be consistent with local school board policy. Therefore, SBDM councils must amend its curriculum policy to reference its responsibilities under KRS 158.6453(19) and remove language regarding the process for determining curriculum that is inconsistent with local school board policy. For record keeping purposes, councils are encouraged to include their date of review on the policy and note the amendment in their meeting minutes. For retention purposes, all SBDM policies must be kept on file permanently. The KDE has created a [sample curriculum policy](#) that addresses the legislative changes.

4. Does my school need both a writing policy and a curriculum policy?

No. KRS 160.345 requires SBDM councils to include in its curriculum policies the responsibilities under KRS 158.6453(19) outlining the school's writing program. For more information, please see the [KDE's Guidelines for Including an Effective Writing Program Within the Curriculum webpage](#).

5. Is it permissible for a superintendent to delegate curriculum decisions back to SBDM councils?

Yes. However, the decision to delegate curriculum decision authority to SBDM councils is a decision to be made at the local level and must be consistent with local school board policies.

6. How does KDE define curriculum, instructional resources and standards?

The following operational definitions are used by KDE:

- Standards address a foundational framework of what is to be learned and contain the minimum requirements of what students should know and be able to do by the end of each grade level. Grade level standards required in all Kentucky public schools can be found at kystandards.org.
- Curriculum addresses how learning experiences are designed at the local level and drives the instructional practices of teachers, including the delivery and deployment of standards.
- Instructional resources include the print, nonprint or electronic medium designed to assist student learning.

For additional information, please review the KDE's [Model Curriculum Framework](#) resource.

7. What concepts and instructional materials must be included in the curriculum on the topics of race and sex?

Although SBDM councils no longer make curricular decisions, schools are subject to additional requirements in SB 1 and must provide instruction and instructional materials aligned to grade-level social studies standards and consistent with the following concepts:

- All individuals are created equal;
- Americans are entitled to equal protection under the law;
- An individual deserves to be treated on the basis of the individual's character;
- An individual, by virtue of the individual's race or sex, does not bear responsibility for actions committed by other members of the same race or sex;
- The understanding that the institution of slavery and post-Civil War laws enforcing racial segregation and discrimination were contrary to the fundamental American promise of life, liberty, and the pursuit of happiness, as expressed in the Declaration of Independence, but that defining racial disparities solely on the legacy of this institution is destructive to the unification of our nation;
- The future of America's success is dependent upon cooperation among all its citizens;
- Personal agency and the understanding that, regardless of one's circumstances, an American has the ability to succeed when he or she is given sufficient opportunity and is committed to seizing that opportunity through hard work, pursuit of education, and good citizenship; and
- The significant value of the American principles of equality, freedom, inalienable rights, respect for individual rights, liberty, and the consent of the governed.

8. Will superintendents have to consult with the board and council each time they want to add an instructional resource, textbook, materials and student support service or just consult with the curriculum?

KRS 160.345 requires superintendents to consult with local boards of education, the school principal, and the school council when determining the curriculum, textbooks, instructional materials, and student support services.

9. Are the local boards of education required to pass a policy on how superintendents select curriculum and instructional resources, and do they have to include how the review and response will be done?

Yes, the amended KRS 160.345 states that the local superintendent shall determine which curriculum, textbooks, instructional materials, and student support services shall be provided in the school after consulting with the local board of education, the school principal, and the

school council and after a reasonable review and response period for stakeholders in accordance with local board of education policy.

10. For the purpose of curriculum consultation with SBDM council members, are superintendents permitted to delegate these duties to other district staff?

Whether superintendents delegate consultative duties to other district staff is a local decision. The KDE encourages the superintendent and other potential designees to ensure the district's policy regarding curriculum is adhered.

11. Who is responsible for paying for the curriculum, instructional materials, textbooks, and student support services selected by the superintendent?

KRS 160.345 states that the local board of education must allocate an appropriation (subject to available resources) to each school that is adequate to meet the school's needs related to instructional materials and school-based student support services. The appropriation for these items is determined by the principal after consultation with the school council and the KDE interprets this to mean those Section 6 monies that are allocated to a council by the local board. With regard to curriculum, appropriations will be determined locally. Schools may be required to use their categorical and/or non-categorical funds to pay for curriculum selected by the district's superintendent. Local boards of education, through its budget policy, may prescribe responsibilities associated with curriculum costs and/or may also allocate (through Section 7 monies) an amount adequate enough to cover curriculum expenses. To assist councils, a [Section 7 request form](#) can be found on the [SBDM Technical Documents page](#).

12. Does the superintendent have the authority to select supplementary curriculums, instructional resources, textbooks, and student support services that an SBDM school would like to purchase through its federal allocation such as Title I, Part A?

In Section 1(g) of KRS 160.345, Senate Bill 1 gives the superintendent the authority to select the curriculum, textbooks, instructional materials, and student support services that shall be provided in the school, after consulting with the local board of education, the school principal, and the school council and after a reasonable review and response period for stakeholders in accordance with local board of education policy. The superintendent has the authority to determine the curriculum and other resources that will be used at the school after meeting the other requirements (i.e., consultation and reasonable review and response period for stakeholders). This holds true for supplementary funding sources such as Title I, Part A, as well.

13. Can an SBDM council and/or school's principal refuse to appropriate funds for a curriculum selected by a superintendent?

While there may be instances where there are not enough funds to cover curriculum related expenses, SBDM councils and principals should not use this as a method to circumvent the superintendent's statutory authority to select the school's curriculum. If there is a financial strain, councils are encouraged to make a [Section 7 request](#) to the local board of education for additional monetary assistance.

14. Is there a timeline for which local boards of education must establish its policy on how superintendents select curriculum and instructional resources?

The effective date of Senate Bill 1 is July 14, 2022; therefore, local boards of education should have policies in effect.

15. How does the KDE define stakeholders?

An operational definition of stakeholder would include those internally and externally impacted by the initiative and those with a vested interest in the success of the school.

16. The district's curriculum policy approved by the local board of education does not include actionable steps on how the superintendent should engage stakeholders in the review and response period. Should the local board of education amend the district's policy to include the step-by-step process for the superintendent to implement this requirement?

Whether to amend the policy to include specific steps is a decision of the local board of education. The KDE recommends that the superintendent establishes procedures for carrying out the duties in KRS 160.345 and in accordance with local board of education policy.

Principal Selection

1. What does Senate Bill 1 change regarding principal selection?

The superintendent selects the candidate to fill a principal vacancy and the principal selection training is no longer required for SBDM council members. Before the superintendent extends an offer to a candidate, he or she must consult with the SBDM council.

The exception to this is those SBDM councils that are in a county with a consolidated local government. Those councils will continue to receive principal selection training, review applications and interview candidates for the principal vacancy. The council will select a

candidate by majority vote and the selection is subject to approval by the superintendent. If the superintendent does not approve of the principal candidate, he or she can select the principal. Principal selection training still is required and those materials can be accessed on the [SBDM Training webpage](#).

2. What is a council member required to do prior to consultation with the superintendent?

Each member will sign a nondisclosure agreement forbidding the disclosure of information shared and discussions held during consultation. A school council member found to have violated the nondisclosure agreement may be subject to removal from the school council by the Kentucky Board of Education. A sample nondisclosure agreement can be found in the [KDE's Principal Selection Guidebook](#).

3. Must councils create a principal selection policy?

SBDM councils must add to their current consultation policy procedures to assist with consultation in the selection of the principal by the superintendent. However, KRS 160.345 requires that SBDM council policy must be consistent with local school board policy. Therefore, SBDM policies on consultation must comply with KRS 160.345 and local board policies on principal selection. When the superintendent is consulting with the council on the principal hire, he/she must follow the procedures outlined in the policy, including meetings, timelines, interviews, review of written applications and review of references.

4. What should happen if a council is in the middle of the principal selection process once the law becomes effective?

The decision to finish the process under the previous provisions in KRS 160.345 or to transfer the principal selection process is a determination made at the local level by each district's superintendent.

5. Can the superintendent delegate principal selection authority to SBDM councils using the same traditional principal selection processes and/or those currently afforded to those districts with a consolidated local government?

Yes. However, the decision to delegate principal selection authority to SBDM councils is made at the local level and must be consistent with local school board policies.

- 6. When consulting with the council prior to filling a principal vacancy, will the superintendent follow the consultation policies of each council or will the superintendent amend the district policy and the council consultation policy will align to that one?**

Each council will have to amend their consultation policy to include the principal selection process and the superintendent will follow each separate consultation policy when consulting.

- 7. Does the KDE have model policies to assist schools in the revision of their consultation policies to comply with SB1?**

The KDE has amended its model consultation policy to assist schools with procedures related to principal selection and to align with SB1. SB1 requires SBDM councils to modify their consultation policy to include procedures to assist the council with consultation in the selection of the principal by the superintendent and the selection of personnel by the principal, including but not limited to meetings, timelines, interviews, review of written applications, and review of references. The consultation policy must continue to address situations in which members of the council are not available for consultation.

Also, SB1 allows for a separate principal selection process for those SBDM councils operating in a consolidated local government and KDE created a separate and distinct model policy that supports those statutory processes. Both sample consultation policies can be found on the [SBDM Technical Documents page](#).

- 8. Are SBDM schools required to adopt KDE's model consultation policy?**

No. The model consultation policies serve as a guide for SBDM councils and if adopted by the council, should be updated to include the school's name and contents to align to a school's local context. SBDM councils can refer to the model policy as a sample when creating their own consultation procedures; however, the consultation policy must include meetings, timelines, interviews, review of written applications, and review of references.

- 9. If my school has both a consultation and principal selection policy, should we amend both policies to align to the statutory requirements on principal selection?**

Pursuant to KRS 160.345(2)(i)(11), councils must revise their consultation policies to include procedures to assist the council with consultation in the selection of the principal by the superintendent. Although best practice, a principal selection policy is not a required policy of SBDM councils; however, any language included within a school's principal selection policy must align to the language of the consultation policy.

Council Policy Alignment

1. Is the SB1 language on council policy aligning to board policy different than the intent and language in the previous version of the statute?

KRS 160.345(2)(c)(1) has been amended to emphasize that school policies not only enhance student achievement and meeting a school's goals, but policies must also meet the goals established by the local board of education for the district:

*The school council shall have the responsibility to set school policy **that shall be consistent with district board policy and** which shall provide an environment to enhance the students' achievement and help the school meet the goals established by KRS 158.645 and 158.6451 and **goals for the district established by the board.***

Budget Determinations

1. Who is responsible for determining the appropriations for instructional materials and school-based student support services at each school?

The superintendent selects the instructional materials and student support services after consultation with the school board and the school council. But, the appropriation for these items is determined by the principal after consultation with the school council.

2. The amended statute notes that *[s]ubject to available resources, the local board shall allocate an appropriation to each school that is adequate to meet the school's needs related to instructional materials and school-based student support services, as determined by the school principal after consultation with the school council.* Are the funds referenced here that of Section 6 monies or is this a separate allocation provided to schools in addition to Section 6 monies provided by local boards of education?

KDE interprets this to mean those [Section 6](#) monies that are allocated to a council by the local board.