

COVID-19 and SBDM FAQ

1. What changes, if any, should be made to meetings of School-based Decision Making (SBDM) councils during this State of Emergency and to comply with Centers for Disease Control (CDC) guidelines?

To practice social distancing and prevent the further spread of COVID-19, public agencies should consider live streaming all meetings and strongly encourage the public to participate by joining the live stream and not attending meetings in person during the State of Emergency.

Since 2018, [KRS 61.826](#) has permitted public agencies to hold any meeting through video teleconference, which is defined in [KRS 61.805](#) to mean “one (1) meeting, occurring in two (2) or more locations, where individuals can see and hear each other by means of video and audio equipment.”

Although the statute requires that the public notice of the meeting clearly state that the meeting will be conducted through video teleconference and identify a primary location where the public may attend in accordance with [KRS 61.840](#), Attorney General Daniel Cameron has issued an opinion, [OAG 20-05](#), finding that public agencies are not required to identify a primary physical location for video teleconference meetings given the urgent need for social distancing during the public health crisis. However, the opinion does require, while the State of Emergency is in effect, public agencies to identify a website, television station, or other means that the public can access to view the meeting.

2. What changes, if any, should be made to SBDM elections during this State of Emergency and to comply with CDC guidelines?

[KRS 160.345](#)(2)(b) requires teacher representatives on SBDM be elected “by a majority of the teachers” and requires parent representatives on SBDM be elected “by the parents of students preregistered to attend the school...in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose.” KDE interprets KRS 160.345 to also require voting occur in person because other provisions of the statute reference the specific “time” and physical “location” of the elections.

However, as a result of the COVID-19 pandemic, upcoming SBDM elections may be held by electronic means. KDE maintains that it is the intent of KRS 160.345 that SBDM voting be done in person, but believes that giving local leaders the flexibility to administer electronic voting is justified given the current State of Emergency. Alternatively, and preferably, SBDM elections should be postponed, if feasible, until voting may be done in person.

3. Does the participation in NTI constitute a schedule change or otherwise require SBDM approval?

KRS 158.070(9) requires NTI to “be a continuation of learning that is occurring on regular student attendance days.” Accordingly, while NTI uses alternative instructional delivery methods, NTI days are still instructional days on which all K-12 students are expected to participate, and SBDM adopted policies related to, for example, curriculum, the assignment of staff and student time, and discipline and classroom management are still applicable on those days. Similarly, NTI days are counted for purposes of complying with legally required timelines and determining, for example, a district’s end-of-year testing window. Further, districts receive most funding streams on NTI days, once those days are approved by the Commissioner of Education. Therefore, NTI days do not require changes to district calendars or to a school’s daily or weekly schedule.

KDE does encourage the engagement of stakeholders, which includes but is not limited to SBDM councils, in NTI planning and implementation and believes this type of involvement produces increased buy-in and more comprehensive NTI processes, which amplifies benefits for students. However, the only entity that must review and approve the application at the local level is the school district’s board of education, and the completed application must be signed and dated by the local board chair and the superintendent following that required review and approval.