**Guidance from KDE Regarding Video Teleconferencing and ALT/SBDM Council Meetings**

**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?**

Since 2018, [KRS 61.826](https://nam05.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapps.legislature.ky.gov%2Flaw%2Fstatutes%2Fstatute.aspx%3Fid%3D47297&data=02%7C01%7Cshawna.stenton%40jefferson.kyschools.us%7Cf596ffd03546416e998308d7cc0d029b%7C277d564c30a94bcea18dafc8e54540e5%7C1%7C1%7C637202228573754264&sdata=BtkbFl89520LhyhVBbQ5kxl%2FvVSAkOxdW%2Fd2CX56wOE%3D&reserved=0) has permitted public agencies to hold any meeting through video teleconference, which is defined in [KRS 61.805](https://nam05.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapps.legislature.ky.gov%2Flaw%2Fstatutes%2Fstatute.aspx%3Fid%3D23043&data=02%7C01%7Cshawna.stenton%40jefferson.kyschools.us%7Cf596ffd03546416e998308d7cc0d029b%7C277d564c30a94bcea18dafc8e54540e5%7C1%7C1%7C637202228573764258&sdata=ryTW%2F1tuh%2FD%2FfrRFvRnA%2FdosWb2CcX%2F3G0QZxmJRF%2FA%3D&reserved=0) 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](https://nam05.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapps.legislature.ky.gov%2Flaw%2Fstatutes%2Fstatute.aspx%3Fid%3D42577&data=02%7C01%7Cshawna.stenton%40jefferson.kyschools.us%7Cf596ffd03546416e998308d7cc0d029b%7C277d564c30a94bcea18dafc8e54540e5%7C1%7C1%7C637202228573764258&sdata=2o%2Fwo2UXYAPR1iF18Xgh0ezXde8NZv8DIjYZGVXd83U%3D&reserved=0), Attorney General Daniel Cameron has issued an opinion, [OAG 20-05](https://nam05.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.dropbox.com%2Fs%2Ffejwa2yi0vuyri8%2F03.18.20%2520OAG%252020-05%2520%2528final%2529.pdf%3Fdl%3D0&data=02%7C01%7Cshawna.stenton%40jefferson.kyschools.us%7Cf596ffd03546416e998308d7cc0d029b%7C277d564c30a94bcea18dafc8e54540e5%7C1%7C1%7C637202228573774255&sdata=pNPurtb9gFU6ziwy3JfegsPmcJRS%2B3%2BiKYcmBdKHd%2F0%3D&reserved=0), 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.

**61.826 Video teleconferencing of meetings.**

1. A public agency may conduct any meeting through video teleconference.
2. Notice of a video teleconference shall comply with the requirements of KRS 61.820 or 61.823 as appropriate. In addition, the notice of a video teleconference shall:
   1. Clearly state that the meeting will be a video teleconference; and
   2. Precisely identify a primary location of the video teleconference where all members can be seen and heard and the public may attend in accordance with KRS 61.840.
3. The same procedures with regard to participation, distribution of materials, and other matters shall apply in all video teleconference locations.
4. Any interruption in the video or audio broadcast of a video teleconference at any location shall result in the suspension of the video teleconference until the broadcast is restored.

**What this means for your ALT/SBDM Council:**

* Councils are only expected to meet if business needs to occur. Examples of this include, but are not limited to, consultation, staffing allocation decisions, and budget.
* Special called meeting notifications must be sent for all special called meetings. If you are meeting electronically, please list the link to the meeting (many councils are using Zoom) in the meeting location field. A modified media notification form is available.
* If your regularly scheduled council meeting is to occur electronically, please ensure that you advertise this meeting to your stakeholders (this includes providing them with the link to the electronic meeting). If you will be conducting the meeting at a location other than your school, a special called meeting notification will need to be sent.
* Members—including principals—may participate in these meetings from their home or other private location and will count toward quorum. Minutes must be kept and it is recommended that you record these meetings.

If you need any assistance setting up these electronic meetings and/or have any questions, please feel free to call or email me. Thanks for all that you do and stay well!

Shawna