



Frequently Asked Questions Re: New filing requirement for all school board candidates

June 15, 2018

The Kentucky General Assembly made several changes to education statutes in this year's [SB 101](#), which already took effect on April 4, 2018. Included in those changes was a new candidate filing requirement for anyone seeking **election or re-election** to a local school board. The changes apply to filings that candidates provide to their county clerks for election this November and in the future. KSBA is providing this frequently asked questions (FAQ) resource to help you navigate these changes and meet the filing deadline with all required documentation.

1. What has changed?

Kentucky statute, KRS 160.180, now requires a board candidate to file, in addition to the documentation already required for candidates, a copy of a transcript evidencing 12th grade completion or passing results from a high school equivalency test. The statute now provides (in relevant part):

“No person shall be eligible for membership on a board of education:
... (e) For a candidate who files a nominating petition as required by KRS 118.315 on or after the effective date of this Act, **unless a transcript evidencing completion of the twelfth grade or results of a twelfth grade equivalency examination has been filed with the nominating petition;...**”

2. Who has to meet this new requirement?

Any person filing to run for a board seat or seeking re-election to a board seat has to meet this new requirement to be on the ballot or to be eligible as a write-in candidate in this year's general election in November (and in future elections).

3. What will satisfy this requirement?

A candidate will need to file, in addition to the documents already required to be a candidate, a copy of “a transcript evidencing” completion of the 12th grade. Alternatively, a board candidate can file a copy of the candidate's twelfth grade equivalency test results (the most common type are GED® test results so we will often refer to this as GED® test results for the rest of the FAQ).

4. What kind of transcript will meet this requirement?

The statute requires “a transcript.” It does not explicitly require only a high school transcript. Therefore, KSBA understands that a transcript from the candidate’s high school, showing completion of the 12th grade will certainly meet this requirement. Alternatively, a candidate may have a college transcript evidencing the candidate’s prior completion of the 12th grade or passage of a high school equivalency test. This type of transcript would also meet the statute’s new requirement as it is “a transcript” which bears evidence of 12th grade completion or passage of a high school equivalency test.

In most cases, the best and easiest option will be to provide a high school transcript or GED® test result to the county clerk, if it is available. A transcript from a post-secondary institution should only be provided to the clerk if the candidate is unable to get a copy of the high school transcript or GED® test results.

5. Where can I go to get my transcript?

a. Kentucky public high school graduates:

Public school districts in Kentucky are required to keep student transcripts *permanently*.¹ A public school is required by federal law² to provide a person with a copy of his/her own education records, including his/her transcript. A public school cannot refuse to provide you a copy of your own education records, even if you still owe the school money for fees or fines. The district may choose to charge a fee for a copy (up to the district).

A candidate should **contact the central office of the school district where he/she graduated to request a copy of the transcript**. During the summer, there may be fewer staff at the central office so you should make your request as soon as possible.

2008 or earlier graduates:

If you graduated from a Kentucky public high school before 2009, you can only get a paper copy of your transcript from the school district central office directly.

2009 or later graduates:

If you graduated from a Kentucky public high school after 2009, you can request an electronic copy of your transcript. KDE has information on this at <https://education.ky.gov/districts/tech/eTrans/Pages/default.aspx>. If you want a paper copy of your transcript instead of the e-transcript, you must contact the central office of the school district where you graduated to request a copy.

b. Catholic school graduates:

¹ Kentucky Department for Libraries and Archives, Public School District Records Retention Schedule, Series L2363

² Federal Family Educational Rights and Privacy Act (FERPA)

Individual catholic schools that are still in existence should have a transcript of former students' graduation and credit completion. You should contact the school where you graduated for a copy of your transcript showing 12th grade completion.

If your catholic high school has closed, you can contact the archdiocese for that area to get a copy of your high school transcript. Each archdiocese has a separate website and contact information. Many archdiocese websites have information and direct links for requests for high school transcripts.

c. Other private school graduates:

If you graduated from a private, non-catholic high school that is still in existence, you should contact that high school to request a copy of your transcript showing completion of the 12th grade. If the private high school is no longer in existence, you may consider contacting the [Kentucky Non-Public School Commission](#) to ask if they can help you locate an archived copy of your transcript from that private high school.

d. Home school graduates:

A home school graduate may provide a copy of the home school transcript evidencing completion of the 12th grade to the county clerk. There is no requirement in the statute for a public high school transcript or a formal private school's transcript.

e. Graduates from schools in other states or countries:

A candidate who graduated from a high school or secondary school outside Kentucky, either in another U.S. state or in a foreign country, should contact the school to get a copy of his/her transcript. The board candidate can present this transcript with a copy of the KDE chart at https://education.ky.gov/curriculum/hsgradreq/Documents/Checklist_of_High_School_Graduation_Requirements_Entry_1979_to_Present.pdf to the county clerk to demonstrate that the transcript shows completion of the 12th grade.

Public schools in the U.S. are required by federal law to provide you a copy of your own education records, including your transcript, and cannot refuse to do so even if you still owe the school money for fees or fines. **You should request a copy as early as possible to make sure you meet the filing deadline.**

f. High school graduates who cannot get a copy of their high school transcript from their high school:

If a candidate cannot obtain a copy of the high school transcript from the high school where he/she graduated, the candidate may consider seeking a copy from other places where he/she previously submitted the transcript, such as an employer, a college, or the armed forces.

g. Candidates who cannot get a copy of their high school transcript from anywhere:

A candidate who cannot get a copy of a high school transcript showing completion of the 12th grade, but who went on to college, can contact the college he/she attended and request a copy of the college transcript. This transcript will likely evidence that the person completed the 12th grade or passed a high school equivalency test (e.g., got a GED®) prior to entering college. While there is no language in the statute stating explicitly that only a high school transcript, and not a college transcript, can be accepted by the county clerk to satisfy this requirement, the statute does not prohibit this, and again only requires “a transcript evidencing” that the board candidate completed the 12th grade. KSBA understands the filing requirement to be met by a college transcript that includes information showing the candidate completed the 12th grade or passed a high school equivalency test (e.g., got a GED®).

College transcripts are available directly from the college you attended or can be requested from www.studentclearinghouse.org. Fees may apply. **Your request may take time to process so you should request a copy as early as possible to make sure you meet the filing deadline.**

6. What if a private high school won't give me a copy of my transcript because I still owe it money?

If a private high school is refusing to release a copy of your transcript to you because you have an unpaid balance at the school (e.g., tuition, fees, fines), then KSBA suggests that you contact the school administration to discuss how you may pay the balance in full, or enter into an agreement to allow your transcript to be released.

7. If I obtained a GED® instead of graduating from a high school, where can I go to get my GED® test results?

a. If you passed the GED® exam in Kentucky:

You may request your GED® test results from the Kentucky Council on Postsecondary Education (CPE) at its “Kentucky GED record request page” at <https://request.ged.ky.gov/> with links for requesting your “high school equivalency diploma” examination results. You can go to this page to request a copy of your GED® test results if you took the exam in Kentucky.

b. If you passed the GED® exam in another state:

You may request your GED® test results from the GED® company at: https://ged.com/life_after_ged/.

c. If you passed a high school equivalency exam from a company other than GED®:

You should contact that company and request a copy of your high school equivalency test results.

d. *If you passed a high school equivalency exam and cannot get a copy of the test results from anywhere:*

See KSBA's answer to **Q 5.g.** above, which recommends the candidate get a copy of the college transcript which will likely have information that the candidate passed a high school equivalency test. KSBA understands the filing requirement to be met by a college transcript that includes information showing the candidate completed the 12th grade or passed a high school equivalency test (e.g., got a GED®).

8. If I obtained a GED® and I graduated from high school, which document do I give to the clerk to be on the ballot?

If you have both a passing GED® score and a high school diploma, then you have the option of either providing the equivalency test results *or* the transcript showing completion of the 12th grade.

9. When is this year's filing deadline for board candidates?

Because board elections are non-partisan, they are not included in the primary elections and are only included in the general elections in November. According to the Kentucky Secretary of State's [website](#), **the filing deadline for board candidates this year is August 14, 2018.**

The filing deadline for write-in candidates (those who file a declaration of intent as a write-in candidate) this year is October 26, 2018.

10. When should I obtain my transcript or GED® test results?

NOW. There may be delays in getting a copy of your transcript or test results and the filing deadline will not be extended if you can't get a copy to the county clerk before the deadline.

KSBA strongly urges all board candidates to start working to obtain their transcript or test results immediately.

Additionally, you should consult with your county clerk to identify any other documents that the clerk will accept to comply with this filing requirement.