

1 AN ACT relating to school governance.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 160.350 is amended to read as follows:

- 4 (1) After considering the recommendations of a screening committee, as provided in
5 KRS 160.352, each board of education shall appoint a superintendent of schools
6 whose term of office shall begin on July 1, following the individual's appointment.
7 The appointment may be for a term of no more than four (4) years. In the event a
8 vacancy occurs in the office of superintendent prior to the expiration of the term set
9 by the board, the term shall expire on the date the vacancy occurs. Therefore, the
10 board may appoint a superintendent for a new term as provided in this subsection,
11 which shall begin on the date of the superintendent's appointment, except when the
12 vacancy occurs after a school board election and before the newly elected members
13 take office. When a vacancy occurs during this period, the position shall not be
14 filled until the new members take office, but the board may appoint an acting
15 superintendent to serve a term not to exceed six (6) months. This appointment may
16 be renewed once for a period not to exceed three (3) months. If a vacancy occurs, a
17 local board may also appoint an acting superintendent during the period the
18 screening committee pursuant to KRS 160.352 conducts its business and prior to
19 the actual appointment of the new superintendent. No superintendent shall resign
20 during a term and accept a new term from the same board of education prior to the
21 expiration date of the present term. In the case of a vacancy in the office for an
22 unexpired term, the board of education shall make the appointment so that the term
23 will end on June 30. The board shall set the salary of the superintendent to be paid
24 in regular installments.
- 25 (2) An individual shall not assume the duties of superintendent in a district until he or
26 she provides the board of education with a copy of a certificate for school
27 superintendent issued by the Education Professional Standards Board or its legal

predecessor. A superintendent shall hold a valid certificate throughout the period of employment. A superintendent shall successfully complete the training program and assessment center process within two (2) years of assuming the duties of superintendent. A superintendent shall not serve as director or officer of a bank, trust company, or savings or loan association that has the school district's funds on deposit. Following appointment, the superintendent shall establish residency in Kentucky.

(3) A superintendent of schools may be removed for cause by a vote of the majority~~[four-fifths (4/5)]~~ of the membership of a board of education~~[and upon approval by the commissioner of education. However, if the dismissal of the superintendent has been recommended by a highly skilled certified educator pursuant to KRS 158.6455 and the action is approved by the commissioner of education, the board shall terminate the superintendent's contract]~~. Written notice setting out the charges for removal shall be spread on the minutes of the board and given to the superintendent~~[. The board shall seek approval by the commissioner of education for removing the superintendent. The commissioner of education shall investigate the accuracy of the charges made, evaluate the superintendent's overall performance during the superintendent's appointment, and consider the educational performance of the students in the district. Within thirty (30) days of notification, the commissioner of education shall either approve or reject the board's request]~~.

(4) After the completion of a superintendent's first contract or after four (4) years, whichever comes last, the board of education may, no later than June 30, extend the contract of the superintendent for one (1) additional year beyond the current term of employment.

➔Section 2. KRS 160.180 is amended to read as follows:

(1) As used in this section, "relative" means father, mother, brother, sister, husband, wife, son, and daughter.

1 (2) A person shall only be eligible for membership on a board of education if the
2 person:

3 (a) Has attained the age of twenty-four (24) years;

4 (b) Has been a citizen of Kentucky for at least three (3) years preceding the
5 election and is a voter of the district for which he or she is elected;

6 (c) Has completed at least the twelfth grade or has been issued a High School
7 Equivalency Diploma, as evidenced by:

8 1. An affidavit signed under penalty of perjury certifying completion of the
9 twelfth grade or the equivalent that has been filed with the nominating
10 petition required by KRS 118.315; or

11 2. A transcript evidencing completion of the twelfth grade or the results of
12 a twelfth grade equivalency examination that has been filed with the
13 nominating petition required by KRS 118.315;

14 (d) Does not hold any elective federal, state, county, or city office;

15 (e) Is not, at the time of his or her election, directly or indirectly interested in the
16 sale to the board of books, stationery, or any other property, materials,
17 supplies, equipment, or services for which school funds are expended; and

18 (f) Has not been removed from membership on a board of education for cause; ~~;~~
19 ~~and~~

20 ~~(g) Does not have a relative employed by the school district, in the case of a~~
21 ~~person elected after July 13, 1990. This shall not apply to a board member~~
22 ~~holding office on July 13, 1990, whose relative was not initially hired by the~~
23 ~~district during the tenure of the board member].~~

24 (3) (a) A member of a board of education shall be subject to removal from office
25 pursuant to KRS 415.050 and 415.060 if, after the election the member:

26 1. Becomes interested in any contract with or claims against the board, of
27 the kind mentioned in subsection (2)(e) of this section;

- 1 2. Moves his or her residence from the division for which he or she was
- 2 chosen;
- 3 3. Attempts to influence the employment of any school employee, except
- 4 the superintendent or school board attorney;
- 5 4. Is convicted of a felony;
- 6 5. Performs acts of malfeasance in performance of duties prescribed by
- 7 law;
- 8 6. Willfully misuses, converts, or misappropriates public property or funds;
- 9 or
- 10 7. Does anything that would render the member ineligible for reelection.
- 11 (b) In accordance with KRS 7.410, the Office of Education Accountability shall
- 12 have the duty and responsibility to investigate current local board of education
- 13 members for allegations of conduct prohibited by paragraph (a) of this
- 14 subsection. After review and investigation, the Office of Education
- 15 Accountability shall refer appropriate matters to the Attorney General.
- 16 (4) A member of a board of education shall be eligible for reelection unless he or she
- 17 becomes disqualified.
- 18 (5) The annual in-service training requirements for all members of boards of education
- 19 in office as of December 31, 2014, shall be as follows:
- 20 (a) Twelve (12) hours for members with zero to three (3) years of experience;
- 21 (b) Eight (8) hours for members with four (4) to seven (7) years of experience;
- 22 and
- 23 (c) Four (4) hours for members with eight (8) or more years of experience.
- 24 The Kentucky Board of Education shall identify the criteria for fulfilling this
- 25 requirement.
- 26 (6) (a) For all members of boards of education who begin their initial service on or
- 27 after January 1, 2015, the in-service training requirements shall be:

- 1 1. Twelve (12) hours for members with zero to eight (8) years of
2 experience each year, which shall include a minimum of:
3 a. One (1) hour of ethics training each year; and
4 b. One (1) hour of open meetings and open records training within
5 the first twelve (12) months of initial service and at least once
6 every four (4) years thereafter; and
7 2. Eight (8) hours for members with more than eight (8) years of
8 experience each year, which shall include a minimum of:
9 a. One (1) hour of ethics training each year; and
10 b. One (1) hour of open meetings and open records training at least
11 once every two (2)~~four (4)~~ years.
12 (b) Training topics for members under this subsection with less than two (2) years
13 of consecutive service shall include three (3) hours of finance and one (1)
14 hour of superintendent evaluation within the first two (2) years of service. The
15 Kentucky Board of Education shall identify criteria for fulfilling this
16 requirement.
17 ➔Section 3. KRS 160.160 is amended to read as follows:
18 (1) Each school district shall be under the management and control of a board of
19 education consisting of **the number of members required under Section 4 of this**
20 ~~Act~~~~five (5) members, except in counties containing a city of the first class wherein~~
21 ~~a merger pursuant to KRS 160.041 shall have been accomplished which shall have~~
22 ~~seven (7) members elected from the divisions and in the manner prescribed by KRS~~
23 ~~160.210(5)]~~, to be known as the "Board of Education of ..., Kentucky." Each board
24 of education shall be a body politic and corporate with perpetual succession. It may
25 sue and be sued; make contracts; expend funds necessary for liability insurance
26 premiums and for the defense of any civil action brought against an individual
27 board member in his official or individual capacity, or both, on account of an act

1 made in the scope and course of his performance of legal duties as a board member;
2 purchase, receive, hold, and sell property; issue its bonds to build and construct
3 improvements; and do all things necessary to accomplish the purposes for which it
4 is created. Each board of education shall elect a chairman and vice chairman from
5 its membership in a manner and for a one (1) year term~~[-prescribed by the board not~~
6 ~~to exceed two (2) years]~~.

7 (2) No board of education shall participate in any financing of school buildings, school
8 improvements, appurtenances thereto, or furnishing and equipment, including
9 education technology equipment without:

10 (a) First establishing the cost of the project in advance of financing, based on the
11 receipt of advertised, public, and competitive bids for such project, in
12 accordance with KRS Chapter 424; and

13 (b) Establishing the cost of financing in advance of the sale of any bonds,
14 certificates of participation in any leases, or other evidences of financial
15 commitments issued by or on behalf of such board. Any bonds, leases,
16 participations, or other financial arrangements shall not involve a final
17 commitment of the board until the purchaser or lender involved shall have
18 been determined by public advertising in accordance with KRS Chapter 424.

19 (3) No board of education shall make a mortgage, lien, or other encumbrance upon any
20 school building owned by the board, or transfer title to any such school building as
21 part of any financing arrangement, without the specific approval of the Department
22 of Education, and without the transaction being entered into pursuant to a detailed
23 plan or procedure specifically authorized by Kentucky statute.

24 (4) Without the approval of the Department of Education, no board may lease, as
25 lessee, a building or public facility that has been or is to be financed at the request
26 of the board or on its behalf through the issuance of bonds by another public body
27 or by a nonprofit corporation serving as an agency and instrumentality of the board,

1 or by a leasing corporation. Any lease, participation, or other financial arrangement
2 shall not involve a final commitment of the board unless and until the purchaser or
3 lender involved in same shall have been determined by public advertising in
4 accordance with KRS Chapter 424. No transaction shall be entered into by the
5 board except upon the basis of public advertising and competitive bidding in
6 accordance with KRS Chapter 424.

7 (5) A school district may issue general obligation bonds in accordance with KRS
8 Chapter 66.

9 (6) Rental payments due by a board under a lease approved by the Department of
10 Education in accordance with subsection (4) of this section, and debt service
11 payments under a general obligation bond issued in accordance with this section,
12 shall be due and payable not less than ten (10) days prior to the interest due date for
13 the bonds, notes, or other debt obligations issued to finance the building or public
14 facility. If a board fails to make a rental payment when due under a lease or a debt
15 service payment when due for a general obligation bond issue, upon notification to
16 the Department of Education by the paying agent, bond registrar, or trustee for the
17 bonds not less than three (3) days prior to the interest due date, the Department of
18 Education shall withhold or intercept any funds then due the board to the extent of
19 the amount of the required payment on the bonds and remit the amount to the
20 paying agent, bond registrar, or trustee as appropriate. Thereafter, the Department
21 of Education shall resolve the matter with the board and adjust remittances to the
22 board to the extent of the amount paid by the Department of Education on the
23 board's behalf.

24 (7) Bonds, notes, or leases negotiated to provide education technology shall not be sold
25 for longer than seven (7) years or the useful life of the equipment as established by
26 the state technology master plan, whichever is less.

27 (8) Notwithstanding any requirements of public advertising, competitive bidding, or

1 approval by the Department of Education, or any administrative regulation
2 promulgated pursuant to KRS 156.160(1)(o), a local board may authorize the
3 transfer or sale of the district's real or personal property to another governmental or
4 quasi-governmental agency in exchange for money or a similar type of property that
5 equals or exceeds the fair market value of the district property as determined by an
6 independent appraisal conducted by:

- 7 (a) An individual or organization not affiliated with the district or its officers or
8 employees, using a generally accepted national or professional standard; or
9 (b) A district's officers or employees using a nationally published valuation of
10 property based on the most recent edition of the publication.

11 **(9) A board of education shall maintain oversight over the superintendent. The**
12 **superintendent shall submit a report on closed investigations involving district**
13 **employees to the board for the purposes of the board's consideration of board**
14 **policy and the evaluation of the superintendent's performance.**

15 ➔ Section 4. KRS 160.210 is amended to read as follows:

16 (1) **(a) In the first four (4) months of the year 2033, and in the first four (4) months**
17 **of each decennial year thereafter, the Kentucky Board of Education shall**
18 **determine the necessary number of members for each school board. The**
19 **state board shall give notice to each local board within five (5) days of the**
20 **state board's determination.**

21 **(b) The number of required board members shall be based on the average daily**
22 **enrollment of the district averaged over the previous three (3) years for**
23 **which data is available. Districts with an enrollment:**

24 **1. Of fifteen thousand (15,000) students or fewer shall have five (5)**
25 **board members;**

26 **2. Between fifteen thousand one (15,001) and thirty thousand (30,000)**
27 **students shall have seven (7) members;**

- 1 3. Between thirty thousand one (30,001) and forty-five thousand (45,000)
2 students shall have nine (9) members;
3 4. Between forty-five thousand one (45,001) and sixty thousand (60,000)
4 students shall have eleven (11) members;
5 5. Between sixty thousand one (60,001) and seventy-five thousand
6 (75,000) students shall have thirteen (13) members; and
7 6. Of seventy-five thousand one (75,001) and greater shall have fifteen
8 (15) members.

9 (c) If a regular election occurs within the same year after the determination is
10 made, then the additional membership shall be selected during that election.

11 (d) If a regular election does not occur within the same year after the
12 determination is made, then the additional membership shall be considered
13 a vacancy under KRS 160.190 with an election to a full term to occur at the
14 next regular election.

15 (e) If the determination requires the reduction of the number of members, then
16 the reduction shall be made by reducing the number of members subject to
17 election at the next regular election.

18 (2) In independent school districts, the members of the school board shall be elected
19 from the district at large. In county school districts, members shall be elected from
20 divisions.

21 ~~(3)~~~~(2)~~ (a) The board of education of each county school district shall, within thirty
22 (30) days of the receipt of a notice under subsection (1) of this section~~not~~
23 ~~later than July 1, 1940~~, divide its district into the required number of~~five~~
24 ~~(5)~~ divisions containing integral voting precincts and as equal in population
25 insofar as is practicable.

26 (b) In ~~first~~ dividing the county district into divisions the board shall, if more
27 than one (1) of its members reside in one (1) division, determine by lot which

1 member from that division shall represent that division, and which members
2 shall represent the divisions in which no member resides. The members so
3 determined to represent divisions in which no member resides shall be
4 considered the members from those divisions until their terms expire, and
5 thereafter the members from those divisions shall be nominated and elected as
6 provided in KRS 160.200 and 160.220 to 160.250.

7 **(c) If a board of education of a county school district fails to adopt a new**
8 **division as required after the notification of the state board's determination**
9 **under subsection (1) of this section, then any new member positions shall be**
10 **considered at-large and subject to the appointment or election provisions in**
11 **subsection (1) of this section until the board of education adopts new**
12 **divisions. Once the new divisions are adopted, any question of**
13 **representation of divisions shall be determined under paragraph (b) of this**
14 **subsection.**

15 ~~(4)~~~~(3)~~ Any changes made in division boundary lines shall be to make divisions as
16 equal in population and containing integral voting precincts insofar as is practical.
17 No change may be made in division boundary lines less than five (5) years after the
18 last change in any division lines, except in case of merger of districts, a change in
19 territory due to annexation, or to allow compliance with KRS 117.055(2).

20 ~~(5)~~~~(4)~~ (a) Notwithstanding the provisions of subsection ~~(4)~~~~(3)~~ of this section, if
21 one hundred (100) residents of a county school district division petition the
22 Kentucky Board of Education stating that the school district divisions are not
23 divided as nearly equal in population as can reasonably be expected, the chief
24 state school officer shall cause an investigation to determine the validity of the
25 petition, the investigation to be completed within thirty (30) days after receipt
26 of the petition.

27 (b) If the investigation reveals the school district to be unequally divided

1 according to population, the Kentucky Board of Education, upon the
2 recommendation of the chief state school officer, shall order the local board of
3 education to make changes in school district divisions as are necessary to
4 equalize population within the **required number of** ~~five (5) school~~ divisions.

5 (c) If any board fails to comply with the order of the Kentucky Board of
6 Education within thirty (30) days or prior to August 1 in any year in which
7 any members of the board are to be elected, members shall be elected from
8 the district at large until the order of the Kentucky Board of Education has
9 been complied with.

10 (d) No change shall be made in the boundary of any division under the provisions
11 of this subsection after August 1 in the year in which a member of the school
12 board is to be elected from any division.

13 ~~[(5) Notwithstanding the provisions of subsection (2) of this section, in counties~~
14 ~~containing a city of the first class wherein a merger pursuant to KRS 160.041 shall~~
15 ~~have been accomplished, there shall be seven (7) divisions as equal in population as~~
16 ~~is practicable, with members elected from divisions. To be eligible to be elected~~
17 ~~from a division, a candidate must reside in that division. The divisions, based upon~~
18 ~~1970 United States Census Bureau Reports on total population by census tracts for~~
19 ~~Jefferson County, Kentucky shall be as follows: Division One shall include census~~
20 ~~tracts 1-28; Division Two shall include census tracts 29-35, 47-53, 57-74, 80-84,~~
21 ~~93, 129, 130; Division Three shall include census tracts 75-79, 85-88, 98-106,~~
22 ~~107.01, 108; Division Four shall include census tracts 121.01, 123-128; Division~~
23 ~~Five shall include census tracts 36-46, 56, 90, 120, 121.02, 122; Division Six shall~~
24 ~~include census tracts 54, 55, 91, 92, 94, 95, 110.02, 113, 114, 117.01, 117.02, 118,~~
25 ~~119; Division Seven shall include census tracts 89, 96, 97, 107.02, 109, 110.01,~~
26 ~~111, 112, 115, 116, 117.03, 131, 132. The terms of the members to be elected, KRS~~
27 ~~160.044 notwithstanding, shall be four (4) years and the election for the initial four~~

1 ~~(4) year terms shall be as follows: The election of the members from Divisions~~
2 ~~Two, Four and Seven shall be held at the next regular November election following~~
3 ~~the effective date of the merger pursuant to KRS 160.041, and the election of the~~
4 ~~members from Divisions One, Three, Five and Six shall be held at the regular~~
5 ~~November election two (2) years thereafter.}~~

6 (6) In counties containing cities of the first class, responsibility for the establishment or
7 the changing of school board division boundaries shall be with the local board of
8 education, subject to the review and approval of the county board of elections.
9 Where division and census tract boundaries do not coincide with existing election
10 precinct boundaries, school board divisions shall be redrawn to comply with
11 precinct boundaries. In no instance shall precinct boundaries be redrawn nor shall a
12 precinct be divided to accommodate the drawing of school board division lines.
13 Precinct boundaries nearest existing school board division boundaries shall become
14 the new division boundary. All changes under this statute shall be completed on or
15 before ~~[January 1, 1979, and on or before]~~January 1 in any ~~[succeeding]~~year in
16 which a member of the school board is to be elected from any division. A record of
17 all changes in division lines shall be kept in the offices of the county board of
18 education and the county board of elections. The board of education shall publish
19 all changes pursuant to KRS Chapter 424. A copy of the newspaper in which the
20 notice is published shall be filed with the chief state school officer within ten (10)
21 days following its publication.

22 **(7) Within ten (10) days of a board of education of a county school district adopting**
23 **new divisions, the board shall submit the new divisions to the Kentucky**
24 **Department of Education and the Legislative Research Commission.**

25 ➔Section 5. KRS 160.200 is amended to read as follows:

26 (1) All elections for members of boards of education shall be in even numbered years,
27 for a term of four (4) years~~[, except as provided in KRS 160.210(5)].~~ Except as

1 provided in subsection (3) of this section, the elections shall be held at the regular
2 November election.

3 (2) In each even numbered year, there shall be held an election in every county and
4 independent district to fill the membership of the boards of education for the terms
5 that will expire on the first Monday in January following, and the regularly elected
6 members shall hold office for four (4) years and until their successors are elected
7 and have qualified.

8 (3) Any independent school district embracing a designated city may, at the discretion
9 of its board of education, hold its election of board members at its public school
10 building on the first Saturday in May. The election shall be held by three (3)
11 officers appointed by the board of education and the expenses of the election shall
12 be paid from the treasury of the school district. In all other respects the provisions
13 of this chapter relating to holding elections for board members shall apply.

14 (4) ~~In counties containing a city of the first class, wherein a merger pursuant to KRS~~
15 ~~160.041 shall have been accomplished, the terms of the members shall be as~~
16 ~~provided in KRS 160.210(5). Elected members of such boards, excepting those~~
17 ~~boards of education representing ten percent (10%) or less of the student population~~
18 ~~of the county serving at the effective date of such a merger shall continue to serve~~
19 ~~until their term expires, but no appointments shall be made to fill vacancies. The~~
20 ~~terms of office of members of boards of education representing ten percent (10%)~~
21 ~~or less of the student population of the county shall expire on the effective date of~~
22 ~~the merger.~~

23 (5) ~~As used in this section, "designated city" means a city classified as a city of the~~
24 ~~fifth class as of January 1, 2014, under the city classification system in effect prior~~
25 ~~to January 1, 2015. The Department of Education shall, on or before January 1,~~
26 ~~2015,~~ create an official registry listing the cities that qualify as a "designated city"
27 under this section and shall publish that registry on its website ~~web site~~.

1 ➔Section 6. KRS 116.200 is amended to read as follows:

- 2 (1) (a) On or before January 1, 2011, each city clerk, except in consolidated local
3 governments and urban-county governments, shall provide the clerk of the
4 county or counties in which the city is located with a list of all properties
5 within the city and a map of the city boundaries for the county clerk to
6 maintain a roster of voters who are eligible to vote in city elections. A county
7 clerk may accept the list of city properties in an electronic format and the city
8 clerk may provide a copy of the city's boundary map maintained by the
9 Kentucky Commonwealth Office of Technology, Division of Geographic
10 Information Systems; and
- 11 (b) Documentation of any change to the boundaries of a city shall be reported to
12 the county clerk in accordance with KRS 81A.475.
- 13 (2) (a) On or before January 1, 2011, each school district board shall provide the
14 clerk of the county in which the school district is located with maps and
15 written descriptions of the boundaries of each school board district located in
16 the county for the county clerk to maintain a roster of voters who are eligible
17 to vote in school board elections.
- 18 (b) Documentation of any change to a school district's boundaries shall be
19 reported to the county clerk within sixty (60) days of the change, or
20 immediately if the change is within sixty (60) days of the August 1 deadline
21 established in KRS 160.210~~(5)~~~~(4)~~(d).
- 22 (3) Each county clerk shall code all registered voters in that county in such a manner
23 that precinct election officers may determine the voter's eligibility to vote in city
24 and school board elections prior to each primary and regular election for city
25 officers in that county, each regular election for school board members in that
26 county, and each special election in which a ballot question is presented to the
27 residents of a city or a school board district.

1 (4) Notwithstanding KRS 64.012, the county clerk shall not charge a fee to a city or
2 school district providing any information required by subsections (1)(a) and (2)(a)
3 of this section.

4 (5) Nothing in this section shall prohibit a county clerk from requesting additional
5 information from the city, school district board, or any other reliable source to
6 ascertain whether a registered voter resides within a city or a school district
7 boundary.

8 ➔Section 7. Notwithstanding the specific future dates established in subsection
9 (1) of Section 4 of this Act, the Kentucky Board of Education shall make initial
10 determinations of the board size required under Section 4 of this Act by December 31,
11 2025. Within 30 days of receiving a notice from the Kentucky Board of Education, any
12 local board of education that is required to add membership due to the district's
13 enrollment shall conduct the necessary division changes pursuant to Section 4 of this Act.
14 However, the additional positions created shall be declared vacant and filled pursuant to
15 KRS 160.190. The appointed vacancies shall be filled at the next regular election for a
16 full four-year term.

17 ➔Section 8. Within 30 days of the effective date of this Act, each superintendent
18 shall submit a report to the district's local board of education required under subsection
19 (9) of Section 3 of this Act for all the closed investigations that have been concluded
20 during the superintendent's current contract.