

CHAPTER 24

(HB 22)

AN ACT relating to local boards of education.

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

➔Section 1. KRS 160.190 is amended to read as follows:

- (1) Any vacancy in any board of education shall be filled by ***a majority vote of the remaining members of the local board***~~the chief state school officer~~ within ***sixty (60)***~~ninety (90)~~ days after the vacancy occurs. ***Within thirty (30) days of the vacancy, the local board shall, for two (2) weeks, have solicited applications by posting a notice announcing the vacancy on the district's Web site and by placing an advertisement in the newspaper of the largest general circulation in the county. An applicant shall file a letter of intent with the local board affirming that the applicant meets the eligibility requirements as established by KRS 160.180 and shall submit with the application a transcript evidencing completion of the twelfth grade or results of a twelfth grade equivalency examination. After the two (2) weeks of advertisement on the district's Web site and in the newspaper, the local board shall select from the applicants under this subsection to fill the vacancy.***
- (2) ***If the local board fails to make an appointment under subsection (1) of this section, then the chief state school officer shall fill the vacancy within sixty (60) days of the failure.***
- (3) The member ***chosen under this section***~~so chosen~~ shall meet the eligibility requirements as established by KRS 160.180 and shall hold office until his ***or her*** successor is elected ***or appointed***, and has qualified.~~The local board of education may make nominations and any person may nominate himself or another for the office.~~
- ~~(4)~~***(2)*** Any vacancy having an unexpired term of one (1) year or more ***on August 1*** ~~at the next regular November election~~ after the vacancy occurs shall be filled for the unexpired term by an election to be held at the next regular ~~November~~ election after the vacancy occurs. The elected member shall succeed the member chosen ***under subsection (1) or (2) of this section***~~by the chief state school officer~~ to fill the vacancy.
- (5)
 - (a) ***If no candidate files a petition of nomination to fill an unexpired term on a local board of education under subsection (4) of this section, then a new vacancy shall exist on November 1 and the vacancy shall be filled according to subsection (1) of this section.***
 - (b) ***If no candidate files a petition of nomination for a new term on a local board of education opening pursuant to KRS 118.315 and 118.365, then a vacancy shall exist on January 1 and the vacancy shall be filled according to subsection (1) of this section.***

➔Section 2. KRS 160.210 is amended to read as follows:

- (1) ~~[(a)]~~In independent school districts, the members of the school board shall be elected from the district at large. In county school districts, members shall be elected from divisions.
 - ~~[(b)]~~ If no candidate files a petition of nomination for a county board of education opening pursuant to KRS 118.315, ~~the chief state school officer shall fill the new term of office for all openings that have no candidate filings under KRS 118.315 by appointing a member to the local board who meets the residency requirement and the qualifications for office provided in KRS 160.180. The chief state school officer shall require and receive the affidavit and transcript required by KRS 160.180 prior to making an appointment. The local board of education may make nominations and any person may nominate himself or another for the office.~~
 - ~~[(c)]~~ Unless a number of candidates equal to or greater than the number of positions to be filled file petitions for nomination for an independent board of education opening pursuant to KRS 118.315, ~~the chief state school officer shall fill the new term of office for all openings that have no candidate filings under KRS 118.315 by appointing a member to the local board who meets the residency requirement and the qualifications for office provided in KRS 160.180. The chief state school officer shall require and receive the affidavit and transcript required by KRS 160.180 prior to making an appointment. The local board of education may make nominations and any person may nominate himself or another for the office.~~

- (2) The board of education of each county school district shall, not later than July 1, 1940, divide its district into five (5) divisions containing integral voting precincts and as equal in population insofar as is practicable. In first dividing the county district into divisions the board shall, if more than one (1) of its members reside in one (1) division, determine by lot which member from that division shall represent that division, and which members shall represent the divisions in which no member resides. The members so determined to represent divisions in which no member resides shall be considered the members from those divisions until their terms expire, and thereafter the members from those divisions shall be nominated and elected as provided in KRS 160.200 and 160.220 to 160.250.
- (3) Any changes made in division boundary lines shall be to make divisions as equal in population and containing integral voting precincts insofar as is practical. No change may be made in division boundary lines less than five (5) years after the last change in any division lines, except in case of merger of districts, a change in territory due to annexation, or to allow compliance with KRS 117.055(2).
- (4)
 - (a) Notwithstanding the provisions of subsection (3) of this section, if one hundred (100) residents of a county school district petition the Kentucky Board of Education stating that the school district divisions are not divided as nearly equal in population as can reasonably be expected, the chief state school officer shall cause an investigation to determine the validity of the petition, the investigation to be completed within thirty (30) days after receipt of the petition.
 - (b) If the investigation reveals the school district to be unequally divided according to population, the Kentucky Board of Education, upon the recommendation of the chief state school officer, shall order the local board of education to make changes in school district divisions as are necessary to equalize population within the five (5) school divisions.
 - (c) If any board fails to comply with the order of the Kentucky Board of Education within thirty (30) days or prior to August 1 in any year in which any members of the board are to be elected, members shall be elected from the district at large until the order of the Kentucky Board of Education has been complied with.
 - (d) No change shall be made in the boundary of any division under the provisions of this subsection after August 1 in the year in which a member of the school board is to be elected from any division.
- (5) Notwithstanding the provisions of subsection (2) of this section, in counties containing a city of the first class wherein a merger pursuant to KRS 160.041 shall have been accomplished, there shall be seven (7) divisions as equal in population as is practicable, with members elected from divisions. To be eligible to be elected from a division, a candidate must reside in that division. The divisions, based upon 1970 United States Census Bureau Reports on total population by census tracts for Jefferson County, Kentucky shall be as follows: Division One shall include census tracts 1-28; Division Two shall include census tracts 29-35, 47-53, 57-74, 80-84, 93, 129, 130; Division Three shall include census tracts 75-79, 85-88, 98-106, 107.01, 108; Division Four shall include census tracts 121.01, 123-128; Division Five shall include census tracts 36-46, 56, 90, 120, 121.02, 122; Division Six shall include census tracts 54, 55, 91, 92, 94, 95, 110.02, 113, 114, 117.01, 117.02, 118, 119; Division Seven shall include census tracts 89, 96, 97, 107.02, 109, 110.01, 111, 112, 115, 116, 117.03, 131, 132. The terms of the members to be elected, KRS 160.044 notwithstanding, shall be four (4) years and the election for the initial four (4) year terms shall be as follows: The election of the members from Divisions Two, Four and Seven shall be held at the next regular November election following the effective date of the merger pursuant to KRS 160.041, and the election of the members from Divisions One, Three, Five and Six shall be held at the regular November election two (2) years thereafter.
- (6) In counties containing cities of the first class, responsibility for the establishment or the changing of school board division boundaries shall be with the local board of education, subject to the review and approval of the county board of elections. Where division and census tract boundaries do not coincide with existing election precinct boundaries, school board divisions shall be redrawn to comply with precinct boundaries. In no instance shall precinct boundaries be redrawn nor shall a precinct be divided to accommodate the drawing of school board division lines. Precinct boundaries nearest existing school board division boundaries shall become the new division boundary. All changes under this statute shall be completed on or before January 1, 1979, and on or before January 1 in any succeeding year in which a member of the school board is to be elected from any division. A record of all changes in division lines shall be kept in the offices of the county board of education and the county board of elections. The board of education shall publish all changes pursuant to KRS Chapter 424. A copy of the newspaper in which the notice is published shall be filed with the chief state school officer within ten (10) days following its publication.

