

1 AN ACT relating to school district vacancies.

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

3 ➔Section 1. KRS 160.380 (Effective July 1, 2018) is amended to read as follows:

4 (1) As used in this section:

5 (a) "Alternative education program" means a program that exists to meet the
6 needs of students that cannot be addressed in a traditional classroom setting
7 but through the assignment of students to alternative classrooms, centers, or
8 campuses that are designed to remediate academic performance, improve
9 behavior, or provide an enhanced learning experience. Alternative education
10 programs do not include career or technical centers or departments;

11 (b) "Contractor" means an adult who is permitted access to school grounds
12 pursuant to a current or prospective contractual agreement with the school,
13 school board, school district, or school-affiliated entity, at times when
14 students are present. The term "contractor" includes an employee of a
15 contractor;

16 (c) "Relative" means father, mother, brother, sister, husband, wife, son, daughter,
17 aunt, uncle, son-in-law, and daughter-in-law; and

18 (d) "Vacancy" means any certified position opening created by the resignation,
19 dismissal, nonrenewal of contract, transfer, or death of a certified staff
20 member of a local school district, or a new position created in a local school
21 district for which certification is required. However, if an employer-employee
22 bargained contract contains procedures for filling certified position openings
23 created by the resignation, dismissal, nonrenewal of contract, transfer, or death
24 of a certified staff member, or creation of a new position for which
25 certification is required, a vacancy shall not exist, unless certified positions
26 remain open after compliance with those procedures.

27 (2) Except as provided in KRS 160.346:

- 1 (a) All appointments, promotions, and transfers of principals, supervisors,
2 teachers, and other public school employees shall be made only by the
3 superintendent of schools, who shall notify the board of the action taken. All
4 employees of the local district shall have the qualifications prescribed by law
5 and by the administrative regulations of the Kentucky Board of Education and
6 of the employing board. Supervisors, principals, teachers, and other
7 employees may be appointed by the superintendent for any school year at any
8 time after February 1 preceding the beginning of the school year. No
9 superintendent of schools shall appoint or transfer himself or herself to
10 another position within the school district;
- 11 (b) When a vacancy occurs in a local school district, the superintendent shall
12 notify the chief state school officer fifteen (15)~~thirty (30)~~ days before the
13 position shall be filled. The chief state school officer shall keep a registry of
14 local district vacancies which shall be made available to the public. The local
15 school district shall post position openings in the local board office for public
16 viewing;
- 17 (c) When a vacancy needs to be filled in less than fifteen (15)~~thirty (30)~~ days'
18 time to prevent disruption of necessary instructional or support services of the
19 school district, the superintendent may seek a waiver from the chief state
20 school officer. If the waiver is approved, the appointment shall not be made
21 until the person recommended for the position has been approved by the chief
22 state school officer. The chief state school officer shall respond to a district's
23 request for waiver or for approval of an appointment within two (2) working
24 days;
- 25 (d) When a vacancy occurs in a local district, the superintendent shall conduct a
26 search to locate minority teachers to be considered for the position. The
27 superintendent shall, pursuant to administrative regulations of the Kentucky

1 Board of Education, report annually the district's recruitment process and the
2 activities used to increase the percentage of minority teachers in the district;

3 (e) No relative of a superintendent of schools shall be an employee of the school
4 district. However, this shall not apply to a relative who is a classified or
5 certified employee of the school district for at least thirty-six (36) months
6 prior to the superintendent assuming office, or prior to marrying a relative of
7 the superintendent, and who is qualified for the position the employee holds.
8 A superintendent's spouse who has previously been employed in a school
9 system may be an employee of the school district. A superintendent's spouse
10 who is employed under this provision shall not hold a position in which the
11 spouse supervises certified or classified employees. A superintendent's spouse
12 may supervise teacher aides and student teachers. However, the
13 superintendent shall not promote a relative who continues employment under
14 an exception of this subsection;

15 (f) No superintendent shall employ a relative of a school board member of the
16 district, unless on July 13, 1990, the board member's relative is an employee
17 of the district, the board member is holding office, and the relative was not
18 initially hired by the district during the tenure of the board member. A relative
19 employed in 1989-90 and initially hired during the tenure of a board member
20 serving on July 13, 1990, may continue to be employed during the remainder
21 of the board member's term. However, the superintendent shall not promote
22 any relative of a school board member who continues employment under the
23 exception of this subsection;

24 (g) 1. No principal's relative shall be employed in the principal's school, except
25 a relative who is not the principal's spouse and who was employed in the
26 principal's school during the 1989-90 school year.

27 2. No spouse of a principal shall be employed in the principal's school,

1 except:

2 a. A principal's spouse who was employed in the principal's school
3 during the 1989-90 school year for whom there is no position for
4 which the spouse is certified to fill in another school operated in
5 the district; or

6 b. A principal's spouse who was employed in the 1989-90 school year
7 and is in a school district containing no more than one (1)
8 elementary school, one (1) middle school, and one (1) high school.

9 3. A principal's spouse who is employed in the principal's school shall be
10 evaluated by a school administrator other than the principal.

11 4. The provisions of KRS 161.760 shall not apply to any transfer made in
12 order to comply with the provisions of this paragraph; and

13 (h) A relative that is ineligible for employment under paragraph (e), (f), or (g) of
14 this subsection may be employed as a substitute for a certified or classified
15 employee if the relative is not:

16 1. A regular full-time or part-time employee of the district;

17 2. Accruing continuing contract status or any other right to continuous
18 employment;

19 3. Receiving fringe benefits other than those provided other substitutes or

20 4. Receiving preference in employment or assignment over other
21 substitutes.

22 (3) No superintendent shall assign a certified or classified staff person to an alternative
23 education program as part of any disciplinary action taken pursuant to KRS 161.011
24 or 161.790 as part of a corrective action plan established pursuant to the local
25 district evaluation plan.

26 (4) No superintendent shall employ in any position in the district any person who is a
27 violent offender or has been convicted of a sex crime as defined by KRS 17.165

1 which is classified as a felony or persons with a substantiated finding of child abuse
2 or neglect in records maintained by the Cabinet for Health and Family Services. The
3 superintendent may employ, at his discretion, except at a Kentucky Educational
4 Collaborative for State Agency Children program, persons convicted of sex crimes
5 classified as a misdemeanor.

6 (5) (a) A superintendent shall require a national and state criminal background check
7 and require a letter, provided by the individual, from the Cabinet for Health
8 and Family Services indicating the individual is clear to hire based on no
9 findings of substantiated child abuse or neglect found through a background
10 check of child abuse and neglect records maintained by the Cabinet for Health
11 and Family Services on all new certified hires in the school district and
12 student teachers assigned within the district. Excluded are certified individuals
13 who were employed in another certified position in a Kentucky school district
14 within six (6) months of the date of hire and who had previously submitted to
15 a national and state criminal background check and who have a letter,
16 provided by the individual, from the Cabinet for Health and Family Services
17 stating the employee is clear to hire based on no findings of substantiated
18 child abuse or neglect found through a background check of child abuse and
19 neglect records maintained by the Cabinet for Health and Family Services for
20 the previous employment.

21 (b) The superintendent shall require that each new certified hire and student
22 teacher, as set forth in paragraph (a) of this subsection, submit to a national
23 and state criminal history background check by the Department of Kentucky
24 State Police and the Federal Bureau of Investigation and have a letter,
25 provided by the individual, from the Cabinet for Health and Family Services
26 stating the employee is clear to hire based on no findings of substantiated
27 child abuse or neglect found through a background check of child abuse and

1 neglect records maintained by the Cabinet for Health and Family Services.

2 (c) All fingerprints requested under this section shall be on an applicant
3 fingerprint card provided by the Department of Kentucky State Police. The
4 fingerprint cards shall be forwarded to the Federal Bureau of Investigation
5 from the Department of Kentucky State Police after a state criminal
6 background check is conducted. The results of the state and federal criminal
7 background check shall be sent to the hiring superintendent. Any fee charged
8 by the Department of Kentucky State Police, the Federal Bureau of
9 Investigation, and the Cabinet for Health and Family Services shall be an
10 amount no greater than the actual cost of processing the request and
11 conducting the search.

12 (d) The Education Professional Standards Board may promulgate administrative
13 regulations to impose additional qualifications to meet the requirements of
14 Public Law 92-544.

15 (6) (a) A superintendent shall require a national and state criminal background check
16 and require a letter, provided by the individual, from the Cabinet for Health
17 and Family Services stating the employee is clear to hire based on no findings
18 of substantiated child abuse or neglect found through a background check of
19 child abuse and neglect records maintained by the Cabinet for Health and
20 Family Services on all classified initial hires.

21 (b) The superintendent shall require that each classified initial hire submit to a
22 national and state criminal history background check by the Department of
23 Kentucky State Police and require a letter, provided by the individual, from
24 the Cabinet for Health and Family Services stating the employee is clear to
25 hire based on no findings of substantiated child abuse or neglect found
26 through a background check of child abuse and neglect records maintained by
27 the Cabinet for Health and Family Services.

1 (c) Any request for any criminal background records under this section shall be
2 on an applicant fingerprint card provided by the Department of Kentucky
3 State Police. The results of the state criminal background check and the results
4 of the national criminal history background check, if requested under
5 paragraph (b) of this subsection, shall be sent to the hiring superintendent.
6 Any fee charged by the Department of Kentucky State Police and the Cabinet
7 for Health and Family Services shall be an amount no greater than the actual
8 cost of processing the request and conducting the search.

9 (7) (a) The superintendent shall require a contractor who works on school premises
10 during school hours and may require a contractor who does not have contact
11 with students, a volunteer, or a visitor to submit to a national and state
12 criminal history background check by the Department of Kentucky State
13 Police and the Federal Bureau of Investigation and have a letter, provided by
14 the individual, from the Cabinet for Health and Family Services stating the
15 employee is clear to hire based on no findings of substantiated child abuse or
16 neglect found through a background check of child abuse and neglect records
17 maintained by the Cabinet for Health and Family Services.

18 (b) Any request for records under this section shall be on an applicant fingerprint
19 card provided by the Department of Kentucky State Police. If requested, the
20 results of the state criminal background check and the results of the national
21 criminal history background check and a letter, provided by the individual,
22 from the Cabinet for Health and Family Services stating the employee is clear
23 to hire based on no findings of substantiated child abuse or neglect found
24 through the results of a background check of child abuse and neglect records
25 maintained by the Cabinet for Health and Family Services shall be sent to the
26 hiring superintendent. Any fee charged by the Department of Kentucky State
27 Police and the Cabinet for Health and Family Services shall be an amount no

1 greater than the actual cost of processing the request and conducting the
2 search.

3 (8) (a) If a school term has begun and a certified or classified position remains
4 unfilled or if a vacancy occurs during a school term, a superintendent may
5 employ an individual, who will have supervisory or disciplinary authority over
6 minors, on probationary status pending receipt of the criminal history
7 background check and have a letter, provided by the individual, from the
8 Cabinet for Health and Family Services stating the employee is clear to hire
9 based on no findings of substantiated child abuse or neglect found through a
10 background check of child abuse and neglect records maintained by the
11 Cabinet for Health and Family Services. Application for the criminal record
12 and a request for a letter, provided by the individual, from the Cabinet for
13 Health and Family Services stating the employee is clear to hire based on no
14 findings of substantiated child abuse or neglect found through a background
15 check of child abuse and neglect records maintained by the Cabinet for Health
16 and Family Services of a probationary employee shall be made no later than
17 the date probationary employment begins.

18 (b) Employment shall be contingent on the receipt of the criminal history
19 background check documenting that the probationary employee has no record
20 of a sex crime nor as a violent offender as defined in KRS 17.165 and receipt
21 of a letter, provided by the individual, from the Cabinet for Health and Family
22 Services stating the employee is clear to hire based on no findings of
23 substantiated child abuse or neglect found through a background check of
24 child abuse and neglect records maintained by the Cabinet for Health and
25 Family Services.

26 (c) Notwithstanding KRS 161.720 to 161.800 or any other statute to the contrary,
27 probationary employment under this section shall terminate on receipt by the

1 school district of a criminal history background check documenting a record
2 of a sex crime or as a violent offender as defined in KRS 17.165 and no
3 further procedures shall be required.

4 (d) The provisions of KRS 161.790 shall apply to terminate employment of a
5 certified employee on the basis of a criminal record other than a record of a
6 sex crime or as a violent offender as defined in KRS 17.165.

7 (9) (a) Each application or renewal form, provided by the employer to an applicant
8 for a classified position, shall conspicuously state the following: "FOR THIS
9 TYPE OF EMPLOYMENT, STATE LAW REQUIRES A STATE
10 CRIMINAL HISTORY BACKGROUND CHECK AND HAVE A LETTER,
11 PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH
12 AND FAMILY SERVICES STATING THE EMPLOYEE IS CLEAR TO
13 HIRE BASED ON NO FINDINGS OF SUBSTANTIATED CHILD ABUSE
14 OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF
15 CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE
16 CABINET FOR HEALTH AND FAMILY SERVICES AS A CONDITION
17 OF EMPLOYMENT. UNDER CERTAIN CIRCUMSTANCES, A
18 NATIONAL CRIMINAL HISTORY BACKGROUND CHECK MAY BE
19 REQUIRED AS A CONDITION OF EMPLOYMENT."

20 (b) Each application or renewal form, provided by the employer to an applicant
21 for a certified position, shall conspicuously state the following: "FOR THIS
22 TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND
23 STATE CRIMINAL HISTORY BACKGROUND CHECK AND HAVE A
24 LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR
25 HEALTH AND FAMILY SERVICES STATING THE EMPLOYEE IS
26 CLEAR TO HIRE BASED ON NO FINDINGS OF SUBSTANTIATED
27 CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND

1 CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED
2 BY THE CABINET FOR HEALTH AND FAMILY SERVICES AS A
3 CONDITION OF EMPLOYMENT."

- 4 (c) Each application form for a district position shall require the applicant to:
- 5 1. Identify the states in which he or she has maintained residency,
6 including the dates of residency; and
 - 7 2. Provide picture identification.

8 (10) The provisions of subsections (5), (6), (7), (8) and (9) of this section shall apply to a
9 nonfaculty coach or nonfaculty assistant as defined under KRS 161.185.

10 (11) (a) A school-based decision-making council parent member, as defined under
11 KRS 160.345, shall submit to a state and national fingerprint-supported
12 criminal history background check by the Department of Kentucky State
13 Police and the Federal Bureau of Investigation and have a letter, provided by
14 the individual, from the Cabinet for Health and Family Services stating the
15 employee is clear to hire based on no findings of substantiated child abuse or
16 neglect found through a background check of child abuse and neglect records
17 maintained by the Cabinet for Health and Family Services.

18 (b) The results of the state criminal history background check and the results of
19 the national criminal history background check, if requested, and a letter,
20 provided by the individual, from the Cabinet for Health and Family Services
21 stating the employee is clear to hire based on no findings of substantiated
22 child abuse or neglect found through the results of a background check of
23 child abuse and neglect records maintained by the Cabinet for Health and
24 Family Services shall be sent to the district superintendent. Any fee charged
25 by the Department of Kentucky State Police and the Cabinet for Health and
26 Family Services shall be an amount no greater than the actual cost of
27 processing the request and conducting the search. A parent member may serve

1 prior to the receipt of the criminal history background check report but shall
2 be removed from the council on receipt by the school district of a report
3 documenting a record of a sex crime or criminal offense against a victim who
4 is a minor as defined in KRS 17.500 or as a violent offender as defined in
5 KRS 17.165, and no further procedures shall be required.

6 (12) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary,
7 when an employee of the school district is charged with any offense which is
8 classified as a felony, the superintendent may transfer the employee to a second
9 position until such time as the employee is found not guilty, the charges are
10 dismissed, the employee is terminated, or the superintendent determines that further
11 personnel action is not required. The employee shall continue to be paid at the same
12 rate of pay he or she received prior to the transfer. If an employee is charged with an
13 offense outside of the Commonwealth, this provision may also be applied if the
14 charge would have been treated as a felony if committed within the Commonwealth.
15 Transfers shall be made to prevent disruption of the educational process and district
16 operations and in the interest of students and staff and shall not be construed as
17 evidence of misconduct.

18 (13) Notwithstanding any law to the contrary, each certified and classified employee of
19 the school district shall notify the superintendent if he or she has been found by the
20 Cabinet for Health and Family Services to have abused or neglected a child, and if
21 he or she has waived the right to appeal a substantiated finding of child abuse or
22 neglect or if the substantiated incident was upheld upon appeal. Any failure to
23 report this finding shall result in the certified or classified employee being subject to
24 dismissal or termination.

25 (14) The form for requesting a letter, required by this section, stating an employee is
26 clear to hire based on a background check of child abuse and neglect records
27 maintained by the Cabinet for Health and Family Services shall be made available

1 on the Cabinet for Health and Family Services Web site.

2 ➔Section 2. KRS 156.240 is amended to read as follows:

3 The chief state school officer shall prepare for electronic publication biennially, the
4 complete school laws of the state, including abstracts of decisions of the Court of Justice,
5 and opinions and interpretations of the Attorney General and the chief state school
6 officer. He shall explain the true intent and meaning of the school laws and the published
7 administrative regulations of the Kentucky Board of Education, and in doing so he shall
8 freely consult the Attorney General.

9 ➔Section 3. KRS 160.180 is amended to read as follows:

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

12 (2) No person shall be eligible ~~for~~ membership on a board of education:

13 (a) Unless he has attained the age of twenty-four (24) years; and

14 (b) Unless he has been a citizen of Kentucky for at least three (3) years preceding
15 his election and is a voter of the district for which he is elected; and

16 (c) Unless he has completed at least the twelfth grade or has been issued a High
17 School Equivalency Diploma and he is elected after July 13, 1990; and

18 (d) Unless an affidavit signed under penalty of perjury certifying completion of
19 the twelfth grade or the equivalent as determined by passage of the twelfth
20 grade equivalency examination held under regulations adopted by the
21 Kentucky Board of Education has been filed with the nominating petition
22 required by KRS 118.315; ~~and~~

23 (e) *For a candidate who files a nominating petition as required by KRS 118.315*
24 *on or after the effective date of this Act, unless a transcript evidencing*
25 *completion of the twelfth grade or results of a twelfth grade equivalency*
26 *examination has been filed with the nominating petition; or*

27 (f) Who holds a state office requiring the constitutional oath or is a member of

1 the General Assembly; or

2 ~~(g)~~~~(f)~~ Who holds or discharges the duties of any civil or political office,
3 deputyship, or agency under the city or county of his residence; or

4 ~~(h)~~~~(g)~~ Who, at the time of his election, is directly or indirectly interested in the
5 sale to the board of books, stationery, or any other property, materials,
6 supplies, equipment, or services for which school funds are expended; or

7 ~~(i)~~~~(h)~~ Who has been removed from membership on a board of education for
8 cause; or

9 ~~(j)~~~~(i)~~ Who has a relative as defined in subsection (1) of this section employed
10 by the school district and is elected after July 13, 1990. However, this shall
11 not apply to a board member holding office on July 13, 1990, whose relative
12 was not initially hired by the district during the tenure of the board member.

13 (3) If, after the election of any member of the board, he becomes interested in any
14 contract with or claims against the board, of the kind mentioned in paragraph
15 ~~(h)~~~~(g)~~ of subsection (2) of this section, or if he moves his residence from the
16 district for which he was chosen, or if he attempts to influence the hiring of any
17 school employee, except the superintendent of schools or school board attorney, or
18 if he does anything that would render him ineligible for reelection, he shall be
19 subject to removal from office pursuant to KRS 415.050 and 415.060.

20 (4) A board member shall be eligible for reelection unless he becomes disqualified.

21 (5) The annual in-service training requirements for all school board members in office
22 as of December 31, 2014, shall be as follows:

23 (a) Twelve (12) hours for school board members with zero to three (3) years of
24 experience;

25 (b) Eight (8) hours for school board members with four (4) to seven (7) years of
26 experience; and

27 (c) Four (4) hours for school board members with eight (8) or more years of

1 experience.

2 The Kentucky Board of Education shall identify the criteria for fulfilling this
3 requirement.

4 (6) (a) For all board members who begin their initial service on or after January 1,
5 2015, the annual in-service training requirements shall be twelve (12) hours
6 for school board members with zero to eight (8) years of experience and eight
7 (8) hours for school board members with more than eight (8) years of
8 experience.

9 (b) Training topics for school board members shall include:

- 10 1. Three (3) hours of finance, one (1) hour of ethics, and one (1) hour of
11 superintendent evaluation annually for members with zero to three (3)
12 years' experience;
- 13 2. Two (2) hours of finance, one (1) hour of ethics, and one (1) hour of
14 superintendent evaluation annually for members with four (4) to seven
15 (7) years' experience; and
- 16 3. One (1) hour of finance, one (1) hour of ethics, and one (1) hour of
17 superintendent evaluation biennially for members with eight (8) or more
18 years' experience.

19 The Kentucky Board of Education shall identify criteria for fulfilling this
20 requirement.

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

22 (1) (a) In independent school districts, the members of the school board shall be
23 elected from the district at large. In county school districts, members shall be
24 elected from divisions.

25 (b) If no candidate files a petition of nomination for a county board of education
26 opening pursuant to KRS 118.315, the chief state school officer shall fill the
27 new term of office for all openings that have no candidate filings under KRS

1 118.315 by appointing a member to the local board who meets the residency
2 requirement and the qualifications for office provided in KRS 160.180. *The*
3 *chief state school officer shall require and receive the affidavit and*
4 *transcript required by KRS 160.180 prior to making an appointment.* The
5 local board of education may make nominations and any person may nominate
6 himself or another for the office.

7 (c) Unless a number of candidates equal to or greater than the number of
8 positions to be filled file petitions for nomination for an independent board of
9 education opening pursuant to KRS 118.315, the chief state school officer
10 shall fill the new term of office for all openings that have no candidate filings
11 under KRS 118.315 by appointing a member to the local board who meets the
12 residency requirement and the qualifications for office provided in KRS
13 160.180. *The chief state school officer shall require and receive the affidavit*
14 *and transcript required by KRS 160.180 prior to making an appointment.*

15 The local board of education may make nominations and any person may
16 nominate himself or another for the office.

17 (2) The board of education of each county school district shall, not later than July 1,
18 1940, divide its district into five (5) divisions containing integral voting precincts
19 and as equal in population insofar as is practicable. In first dividing the county
20 district into divisions the board shall, if more than one (1) of its members reside in
21 one (1) division, determine by lot which member from that division shall represent
22 that division, and which members shall represent the divisions in which no member
23 resides. The members so determined to represent divisions in which no member
24 resides shall be considered the members from those divisions until their terms
25 expire, and thereafter the members from those divisions shall be nominated and
26 elected as provided in KRS 160.200 and 160.220 to 160.250.

27 (3) Any changes made in division boundary lines shall be to make divisions as equal in

1 population and containing integral voting precincts insofar as is practical. No
2 change may be made in division boundary lines less than five (5) years after the last
3 change in any division lines, except in case of merger of districts, a change in
4 territory due to annexation, or to allow compliance with KRS 117.055(2).

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

12 (b) If the investigation reveals the school district to be unequally divided
13 according to population, the Kentucky Board of Education, upon the
14 recommendation of the chief state school officer, shall order the local board of
15 education to make changes in school district divisions as are necessary to
16 equalize population within the five (5) school divisions.

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

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

25 (5) Notwithstanding the provisions of subsection (2) of this section, in counties
26 containing a city of the first class wherein a merger pursuant to KRS 160.041 shall
27 have been accomplished, there shall be seven (7) divisions as equal in population as

1 is practicable, with members elected from divisions. To be eligible to be elected
2 from a division, a candidate must reside in that division. The divisions, based upon
3 1970 United States Census Bureau Reports on total population by census tracts for
4 Jefferson County, Kentucky shall be as follows: Division One shall include census
5 tracts 1-28; Division Two shall include census tracts 29-35, 47-53, 57-74, 80-84,
6 93, 129, 130; Division Three shall include census tracts 75-79, 85-88, 98-106,
7 107.01, 108; Division Four shall include census tracts 121.01, 123-128; Division
8 Five shall include census tracts 36-46, 56, 90, 120, 121.02, 122; Division Six shall
9 include census tracts 54, 55, 91, 92, 94, 95, 110.02, 113, 114, 117.01, 117.02, 118,
10 119; Division Seven shall include census tracts 89, 96, 97, 107.02, 109, 110.01,
11 111, 112, 115, 116, 117.03, 131, 132. The terms of the members to be elected, KRS
12 160.044 notwithstanding, shall be four (4) years and the election for the initial four
13 (4) year terms shall be as follows: The election of the members from Divisions
14 Two, Four and Seven shall be held at the next regular November election following
15 the effective date of the merger pursuant to KRS 160.041, and the election of the
16 members from Divisions One, Three, Five and Six shall be held at the regular
17 November election two (2) years thereafter.

18 (6) In counties containing cities of the first class, responsibility for the establishment or
19 the changing of school board division boundaries shall be with the local board of
20 education, subject to the review and approval of the county board of elections.
21 Where division and census tract boundaries do not coincide with existing election
22 precinct boundaries, school board divisions shall be redrawn to comply with
23 precinct boundaries. In no instance shall precinct boundaries be redrawn nor shall a
24 precinct be divided to accommodate the drawing of school board division lines.
25 Precinct boundaries nearest existing school board division boundaries shall become
26 the new division boundary. All changes under this statute shall be completed on or
27 before January 1, 1979, and on or before January 1 in any succeeding year in which

1 a member of the school board is to be elected from any division. A record of all
2 changes in division lines shall be kept in the offices of the county board of
3 education and the county board of elections. The board of education shall publish
4 all changes pursuant to KRS Chapter 424. A copy of the newspaper in which the
5 notice is published shall be filed with the chief state school officer within ten (10)
6 days following its publication.