

1 AN ACT relating to local boards of education.

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

3 ➔Section 1. KRS 160.180 is amended to read as follows:

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

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

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

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

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

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

16 ~~2. A transcript evidencing completion of the twelfth grade or the results of~~
17 ~~a twelfth grade equivalency examination that has been filed with the~~
18 ~~nominating petition required by KRS 118.315];~~

19 ***(d) Is not ineligible for employment in the school district under KRS***
20 ***160.380(5);***

21 ***(e)***~~*(d)*~~ Does not hold any elective federal, state, county, or city office;

22 ***(f)***~~*(e)*~~ Is not, at the time of his or her election, directly or indirectly interested
23 in the sale to the board of books, stationery, or any other property, materials,
24 supplies, equipment, or services for which school funds are expended;

25 ***(g)***~~*(f)*~~ Has not been removed from membership on a board of education for
26 cause; and

27 ***(h)***~~*(g)*~~ Does not have a relative employed by the school district, in the case of a

1 person elected after July 13, 1990. This shall not apply to a board member
2 holding office on July 13, 1990, whose relative was not initially hired by the
3 district during the tenure of the board member.

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

- 6 1. Becomes interested in any contract with or claims against the board, of
7 the kind mentioned in subsection (2)(~~f~~)(~~e~~) of this section;
- 8 2. Moves his or her residence from the division for which he or she was
9 chosen;
- 10 3. Attempts to influence the employment of any school employee, except
11 the superintendent or school board attorney;
- 12 4. Is convicted of a felony;
- 13 5. Performs acts of malfeasance in performance of duties prescribed by
14 law;
- 15 6. Willfully misuses, converts, or misappropriates public property or funds;
16 or
- 17 7. Does anything that would render the member ineligible for reelection.

18 (b) In accordance with KRS 7.410, the Office of Education Accountability shall
19 have the duty and responsibility to investigate current local board of education
20 members for allegations of conduct prohibited by paragraph (a) of this
21 subsection. After review and investigation, the Office of Education
22 Accountability shall refer appropriate matters to the Attorney General.

23 (4) A member of a board of education shall be eligible for reelection unless he or she
24 becomes disqualified.

25 (5) The annual in-service training requirements for all members of boards of education
26 in office as of December 31, 2014, shall be as follows:

27 (a) Twelve (12) hours for members with zero to three (3) years of experience;

1 (b) Eight (8) hours for members with four (4) to seven (7) years of experience;
2 and

3 (c) Four (4) hours for members with eight (8) or more years of experience.

4 The Kentucky Board of Education shall identify the criteria for fulfilling this
5 requirement.

6 (6) (a) For all members of boards of education who begin their initial service on or
7 after January 1, 2015, the in-service training requirements shall be:

8 1. Twelve (12) hours for members with zero to eight (8) years of
9 experience each year, which shall include a minimum of:

10 a. One (1) hour of ethics training each year; and

11 b. One (1) hour of open meetings and open records training within
12 the first twelve (12) months of initial service and at least once
13 every four (4) years thereafter; and

14 2. Eight (8) hours for members with more than eight (8) years of
15 experience each year, which shall include a minimum of:

16 a. One (1) hour of ethics training each year; and

17 b. One (1) hour of open meetings and open records training at least
18 once every four (4) years.

19 (b) Training topics for members under this subsection with less than two (2) years
20 of consecutive service shall include three (3) hours of finance and one (1)
21 hour of superintendent evaluation within the first two (2) years of service. The
22 Kentucky Board of Education shall identify criteria for fulfilling this
23 requirement.

24 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
25 READ AS FOLLOWS:

26 *(1) A county clerk shall require an individual seeking membership on a board of*
27 *education, as a candidate named on the ballot or a registered write-in candidate,*

1 to establish that he or she meets the qualifications for office established by
2 subsection (2) of Section 1 of this Act by submitting:

3 (a) To a national and state criminal background check by the Department of
4 Kentucky State Police and the Federal Bureau of Investigation, the cost of
5 which shall be paid by the individual, that indicates the individual has not
6 been convicted of, and does not have pending charges for, a criminal
7 offense that would make the individual ineligible for employment in the
8 district pursuant to KRS 160.380(5);

9 (b) A clear CA/N check, as defined in KRS 160.380, the cost of which shall be
10 paid by the individual;

11 (c) Proof of completion of the twelfth grade as evidenced by:

12 1. An affidavit signed under penalty of perjury certifying completion of
13 the twelfth grade or the equivalent;

14 2. A transcript evidencing completion of the twelfth grade; or

15 3. The results of a twelfth grade equivalency examination; and

16 (d) Other documentation determined by the clerk of the county to be necessary
17 to establish that the individual is eligible for membership on a board of
18 education under subsection (2) of Section 1 of this Act.

19 (2) Records collected by the county clerk pursuant to subsection (1) of this section
20 shall be:

21 (a) Used for the sole purpose of determining an individual's qualification for
22 membership on a board of education pursuant to subsection (2) of Section 1
23 of this Act; and

24 (b) Exempt from Kentucky Open Records Act, KRS 61.870 to 61.884. This
25 paragraph shall not restrict access to open records in the possession or
26 control of another office or agency.

27 ➔Section 3. KRS 160.190 is amended to read as follows:

- 1 (1) Any vacancy in any board of education shall be filled by a majority vote of the
 2 remaining members of the local board within sixty (60) days after the vacancy
 3 occurs. Within thirty (30) days of the vacancy, the local board shall, for two (2)
 4 weeks, have solicited applications by posting a notice announcing the vacancy on
 5 the district's website and by placing an advertisement in the newspaper of the
 6 largest general circulation in the county. An applicant shall file a letter of intent
 7 with the local board affirming that the applicant meets the eligibility requirements
 8 as established ~~in~~^{by} KRS 160.180 ~~and shall submit with the application a~~
 9 ~~transcript evidencing completion of the twelfth grade or results of a twelfth grade~~
 10 ~~equivalency examination~~. After the two (2) weeks of advertisement on the district's
 11 website and in the newspaper, the local board shall select from the applicants under
 12 this subsection to fill the vacancy.
- 13 (2) If the local board fails to make an appointment under subsection (1) of this section,
 14 then the chief state school officer shall fill the vacancy within sixty (60) days of the
 15 failure.
- 16 (3) The member chosen under this section shall:
- 17 **(a) Meet the eligibility requirements for office established in subsection (2) of**
 18 **Section 1 of this Act; and**~~Meet the eligibility requirements as established by~~
 19 ~~KRS 160.180 and shall~~
- 20 **(b)** Hold office until his or her successor is elected or appointed, and has
 21 qualified.
- 22 (4) Any vacancy having an unexpired term of one (1) year or more on August 1 after
 23 the vacancy occurs shall be filled for the unexpired term by an election to be held at
 24 the next regular election after the vacancy occurs. The elected member shall
 25 succeed the member chosen under subsection (1) or (2) of this section to fill the
 26 vacancy. Nominating petitions shall be filed with the county clerk not later than the
 27 second Tuesday in August preceding the day for holding the regular election for the

1 unexpired term. Declarations of intent to be a write-in candidate shall be filed with
2 the county clerk in accordance with KRS 117.265.

3 (5) (a) If no candidate files a petition of nomination or declaration of intent to be a
4 write-in candidate to fill an unexpired term on a local board of education
5 under subsection (4) of this section, then a new vacancy shall exist on
6 November 1 and the vacancy shall be filled according to subsection (1) of this
7 section.

8 (b) If no candidate files a petition of nomination or declaration of intent to be a
9 write-in candidate for a new term on a local board of education opening
10 pursuant to KRS 118.315 and 118.365, then a vacancy shall exist on January 1
11 and the vacancy shall be filled according to subsection (1) of this section.

12 ➔Section 4. KRS 117.265 is amended to read as follows:

13 (1) A voter may, at any regular or special election, cast a write-in vote for any person
14 qualified as provided in subsection (2) or (3) of this section, whose name does not
15 appear upon the ballot for any office, by writing the name of his or her choice upon
16 the appropriate ballot for the office being voted on as required by KRS 117.125.
17 Any candidate who is defeated or disqualified in a partisan or nonpartisan primary
18 shall be ineligible as a candidate for the same office in the regular election, unless
19 there is a vacancy pursuant to KRS 118.105(3). Any voter utilizing a federal
20 provisional ballot, a federal provisional in-person absentee ballot, or a mail-in
21 absentee ballot for a regular or special election may write in a vote for any eligible
22 person whose name does not appear upon the ballot, by writing the name of his or
23 her choice under the office.

24 (2) Write-in votes shall be counted only for candidates for election to office who have
25 filed a declaration of intent to be a write-in candidate with the Secretary of State or
26 county clerk, depending on the office being sought, on or before the certification
27 deadlines established in KRS 118.215(1)(a) to (c) and 118A.090(2) and not later

1 than the second Friday before the date of a special election. In the case of a special
2 election administered under KRS 118.730, a declaration of intent to be a write-in
3 candidate shall be filed at least twenty-eight (28) days before the day of the
4 election. The declaration of intent shall be filed no earlier than the first Wednesday
5 after the first Monday in November of the year preceding the year the office will
6 appear on the ballot, and no later than 4 p.m. local time at the place of filing when
7 filed on the last date on which papers may be filed. The declaration of intent shall
8 be on a form prescribed and furnished by the Secretary of State.

9 (3) A person shall not be eligible as a write-in candidate:

10 (a) For more than one (1) office in a regular or special election;~~[-or]~~

11 (b) If his or her name appears upon the ballot for any office, except that the
12 candidate may file a notice of withdrawal prior to filing an intent to be a
13 write-in candidate for office when a vacancy in a different office occurs
14 because of:

15 1. Death;

16 2. Disqualification to hold the office sought;

17 3. Severe disabling condition which arose after the nomination; or

18 4. The nomination of an unopposed candidate; or

19 (c) For membership on a board of education, unless he or she meets the
20 eligibility requirements for office established in subsection (2) of Section 1
21 of this Act, as required to be proven in accordance with the Section 2 of this
22 Act.

23 (4) Persons who wish to run for President and Vice President shall file a declaration of
24 intent to be a write-in candidate, along with a list of presidential electors pledged to
25 those candidates, with the Secretary of State on or before the fourth Friday in
26 October preceding the date of the regular election for those offices. The declaration
27 of intent shall be filed no earlier than the first Wednesday after the first Monday in

1 November of the year preceding the year the office will appear on the ballot, and no
2 later than 4 p.m. local time at the place of filing when filed on the last date on
3 which papers may be filed. Write-in votes cast for the candidates whose names
4 appear on the ballot shall apply to the slate of pledged presidential electors, whose
5 names shall not appear on the ballot.

6 (5) The county clerk shall provide to the precinct election officers certified lists of
7 those persons who have filed declarations of intent as provided in subsections (2)
8 and (3) of this section. These lists shall not be posted anywhere, but a voter may
9 request to see a copy of the list. Once the voter has reviewed the copy, it shall
10 immediately be returned to the precinct election officer. Only write-in votes cast for
11 qualified candidates shall be counted.

12 (6) Two (2) election officers of opposing parties shall upon the request of any voter
13 instruct the voter on how to cast a write-in vote.

14 ➔Section 5. Notwithstanding subsection (3)(a)7. of Section 1 of this Act,
15 members serving on boards of education on the effective date of Section 1 of this Act
16 shall not be subject to removal from office on the basis of ineligibility for employment in
17 the school district pursuant to KRS 160.380(5) but shall not be eligible for reelection
18 unless he or she meets the eligibility requirements for office established in subsection (2)
19 of Section 1 of this Act, as required to be proven in accordance with Section 2 of this Act.

20 ➔Section 6. Sections 1 to 4 of this Act take effect January 1, 2027.