

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 been at the time of his or her election or appointment certified by the*  
9           *Kentucky Department of Education in accordance with Section 2 of this*  
10           *Act;*

11           (b) Has attained the age of twenty-four (24) years;

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

14           (d){(e)} Has completed at least the twelfth grade or has been issued a High  
15           School Equivalency Diploma{, as evidenced by}:

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

19           2. ~~A transcript evidencing completion of the twelfth grade or the results of~~  
20           ~~a twelfth grade equivalency examination that has been filed with the~~  
21           ~~nominating petition required by KRS 118.315};~~

22           (e) *Is not ineligible for employment in the school district pursuant to KRS*  
23           *160.380(5);*

24           (f){(d)} Does not hold any elective federal, state, county, or city office;

25           (g){(e)} Is not, at the time of his or her election, directly or indirectly interested  
26           in the sale to the board of books, stationery, or any other property, materials,  
27           supplies, equipment, or services for which school funds are expended;

- 1        **(h){(f)}**    Has not been removed from membership on a board of education for  
2                    cause; and
- 3        **(i){(g)}**    Does not have a relative employed by the school district, in the case of a  
4                    person elected after July 13, 1990. This shall not apply to a board member  
5                    holding office on July 13, 1990, whose relative was not initially hired by the  
6                    district during the tenure of the board member.
- 7        (3) (a) A member of a board of education shall be subject to removal from office  
8                    pursuant to KRS 415.050 and 415.060 if, after the election the member:
- 9                    1.      Becomes interested in any contract with or claims against the board, of  
10                    the kind mentioned in subsection (2)(g){(e)} of this section;
- 11                    2.      Moves his or her residence from the division for which he or she was  
12                    chosen;
- 13                    3.      Attempts to influence the employment of any school employee, except  
14                    the superintendent or school board attorney;
- 15                    4.      Is convicted of a felony;
- 16                    5.      Performs acts of malfeasance in performance of duties prescribed by  
17                    law;
- 18                    6.      Willfully misuses, converts, or misappropriates public property or funds;  
19                    or
- 20                    7.      Does anything that would render the member ineligible for reelection.
- 21        (b) In accordance with KRS 7.410, the Office of Education Accountability shall  
22                    have the duty and responsibility to investigate current local board of education  
23                    members for allegations of conduct prohibited by paragraph (a) of this  
24                    subsection. After review and investigation, the Office of Education  
25                    Accountability shall refer appropriate matters to the Attorney General.
- 26        (4) A member of a board of education shall be eligible for reelection unless he or she  
27                    becomes disqualified.

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

- 3 (a) Twelve (12) hours for members with zero to three (3) years of experience;  
4 (b) Eight (8) hours for members with four (4) to seven (7) years of experience;  
5 and  
6 (c) Four (4) hours for members with eight (8) or more years of experience.

7 The Kentucky Board of Education shall identify the criteria for fulfilling this  
8 requirement.

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

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

13 a. One (1) hour of ethics training each year; and  
14 b. One (1) hour of open meetings and open records training within  
15 the first twelve (12) months of initial service and at least once  
16 every four (4) years thereafter; and

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

19 a. One (1) hour of ethics training each year; and  
20 b. One (1) hour of open meetings and open records training at least  
21 once every four (4) years.

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

27 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO

1 READ AS FOLLOWS:

2 (1) An unexpired certificate issued by the Kentucky Department of Education  
3 certifying that the certificate holder meets the qualifications for office established  
4 by subsection (2) of Section 1 of this Act shall be required before an individual:

5 (a) Appears as a named candidate for membership on a board of education in  
6 any general election;

7 (b) Files a declaration of intent to be a write-in candidate for membership on a  
8 board of education in accordance with KRS 117.265; or

9 (c) Is eligible for appointment to fill a vacancy on a board of education.

10 (2) Prior to the issuance of a certificate in accordance with subsection (3) of this  
11 section, the department shall require the individual seeking certification to  
12 submit:

13 (a) To a national and state criminal background check by the Department of  
14 Kentucky State Police and the Federal Bureau of Investigation, the cost of  
15 which shall be paid by the individual;

16 (b) A clear CA/N check, as defined in KRS 160.380;

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

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

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

21 3. The results of a twelfth grade equivalency examination that has been  
22 filed with the nominating petition required by KRS 118.315; and

23 (d) Other documentation necessary to establish that the individual is eligible for  
24 membership on a board of education under subsection (2)(b) to (i) of  
25 Section 1 of this Act.

26 (3) Within thirty (30) days of an application for a certificate required in subsection

27 (1) of this section, the department shall either:

- 1                    (a) Issue a certificate required in subsection (1) of this section if the:
- 2                    1. Criminal background check required by subsection (2)(a) of this  
3                    section indicates that the individual has not been convicted of, and  
4                    does not have pending charges for, a criminal offense that would  
5                    make the individual ineligible for employment in the district pursuant  
6                    to KRS 160.380(5);
- 7                    2. Individual has provided a clear CA/N check;
- 8                    3. Individual has provided an affidavit or transcript evidencing  
9                    completion of the twelfth grade or results of a twelfth grade  
10                    equivalency examination;
- 11                    4. Individual is eligible for membership on a board of education in  
12                    accordance with subsection (2)(b) to (i) of Section 1 of this Act; or
- 13                    (b) Deny a certificate required in subsection (1) of this section if one (1) or  
14                    more of the qualifications identified in paragraph (a) of this subsection are  
15                    not met.
- 16                    (4) A certificate issued under subsection (3) of this section shall expire one (1) year  
17                    from the date of issuance.
- 18                    (5) Records collected by the department pursuant to subsection (2) of this section  
19                    shall be:
- 20                    (a) Used for the sole purpose of determining an individual's qualification for  
21                    membership on a board of education pursuant to subsection (2) of Section 1  
22                    of this Act; and
- 23                    (b) Excluded from the application of the Kentucky Open Records Act, KRS  
24                    61.870 to 61.884.
- 25                    ➔Section 3. KRS 160.190 is amended to read as follows:
- 26                    (1) Any vacancy in any board of education shall be filled by a majority vote of the  
27                    remaining members of the local board within sixty (60) days after the vacancy

1 occurs. Within thirty (30) days of the vacancy, the local board shall, for two (2)  
2 weeks, have solicited applications by posting a notice announcing the vacancy on  
3 the district's website and by placing an advertisement in the newspaper of the  
4 largest general circulation in the county. An applicant shall file a letter of intent  
5 with the local board affirming that the applicant meets the eligibility requirements  
6 as established by KRS 160.180[and shall submit with the application a transcript  
7 evidencing completion of the twelfth grade or results of a twelfth grade equivalency  
8 examination]. After the two (2) weeks of advertisement on the district's website and  
9 in the newspaper, the local board shall select from the applicants under this  
10 subsection to fill the vacancy.

11 (2) If the local board fails to make an appointment under subsection (1) of this section,  
12 then the chief state school officer shall fill the vacancy within sixty (60) days of the  
13 failure.

14 (3) The member chosen under this section shall **hold**:

15 (a) **An unexpired certificate issued by the Kentucky Department of Education**  
16 **in accordance with Section 2 of this Act; and**[Meet the eligibility  
17 requirements as established by KRS 160.180 and shall]

18 (b) [Hold]Office until his or her successor is elected or appointed, and has  
19 qualified.

20 (4) Any vacancy having an unexpired term of one (1) year or more on August 1 after  
21 the vacancy occurs shall be filled for the unexpired term by an election to be held at  
22 the next regular election after the vacancy occurs. The elected member shall  
23 succeed the member chosen under subsection (1) or (2) of this section to fill the  
24 vacancy. Nominating petitions shall be filed with the county clerk not later than the  
25 second Tuesday in August preceding the day for holding the regular election for the  
26 unexpired term. Declarations of intent to be a write-in candidate shall be filed with  
27 the county clerk in accordance with KRS 117.265.

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

- 11 (1) A voter may, at any regular or special election, cast a write-in vote for any person  
12 qualified as provided in subsection (2) or (3) of this section, whose name does not  
13 appear upon the ballot for any office, by writing the name of his or her choice upon  
14 the appropriate ballot for the office being voted on as required by KRS 117.125.  
15 Any candidate who is defeated or disqualified in a partisan or nonpartisan primary  
16 shall be ineligible as a candidate for the same office in the regular election, unless  
17 there is a vacancy pursuant to KRS 118.105(3). Any voter utilizing a federal  
18 provisional ballot, a federal provisional in-person absentee ballot, or a mail-in  
19 absentee ballot for a regular or special election may write in a vote for any eligible  
20 person whose name does not appear upon the ballot, by writing the name of his or  
21 her choice under the office.  
22 (2) Write-in votes shall be counted only for candidates for election to office who have  
23 filed a declaration of intent to be a write-in candidate with the Secretary of State or  
24 county clerk, depending on the office being sought, on or before the certification  
25 deadlines established in KRS 118.215(1)(a) to (c) and 118A.090(2) and not later  
26 than the second Friday before the date of a special election. In the case of a special  
27 election administered under KRS 118.730, a declaration of intent to be a write-in

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

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

8 (a) For more than one (1) office in a regular or special election; ~~or~~  
9 (b) If his or her name appears upon the ballot for any office, except that the  
10 candidate may file a notice of withdrawal prior to filing an intent to be a  
11 write-in candidate for office when a vacancy in a different office occurs  
12 because of:

- 13 1. Death;
- 14 2. Disqualification to hold the office sought;
- 15 3. Severe disabling condition which arose after the nomination; or
- 16 4. The nomination of an unopposed candidate; or

17 (c) For membership on a board of education, unless he or she files an  
18 unexpired certificate issued by the Department of Education in accordance  
19 with Section 2 of this Act with his or her declaration of intent to be a write-  
20 in candidate.

21 (4) Persons who wish to run for President and Vice President shall file a declaration of  
22 intent to be a write-in candidate, along with a list of presidential electors pledged to  
23 those candidates, with the Secretary of State on or before the fourth Friday in  
24 October preceding the date of the regular election for those offices. The declaration  
25 of intent shall be filed no earlier than the first Wednesday after the first Monday in  
26 November of the year preceding the year the office will appear on the ballot, and no  
27 later than 4 p.m. local time at the place of filing when filed on the last date on

1       which papers may be filed. Write-in votes cast for the candidates whose names  
2       appear on the ballot shall apply to the slate of pledged presidential electors, whose  
3       names shall not appear on the ballot.

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

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

12       ➔ SECTION 5. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO  
13       READ AS FOLLOWS:

14      (1) The Kentucky Board of Education shall adopt a code of ethics for members of  
15       local boards of education. In developing the code of ethics, the Kentucky Board  
16       of Education shall seek the input of members of local boards of education,  
17       superintendents, school administrators, teachers, parents, and other education  
18       stakeholders.

19      (2) A complaint alleging a violation of the code of ethics committed by a current  
20       board member during the member's term of office shall be:

21       (a) Filed in writing with the Office of Education Accountability; and  
22       (b) Be excluded from the application of the Kentucky Open Records Act unless  
23       and until the board issues a public reprimand in accordance with subsection  
24       (6)(a) of this section.

25      (3) The Office of Education Accountability shall investigate all complaints  
26       containing an allegation of a violation of the code of ethics committed by a  
27       current board member during the member's term office that include:

- 1                   (a) The name and contact information of the individual that submitted the  
2                   complaint;
- 3                   (b) The name of the board member alleged to have violated the code of ethics;
- 4                   (c) The name of the school district where the board member serves; and
- 5                   (d) A detailed description of the alleged facts underlying conduct that, if true,  
6                   would constitute a violation of the code of ethics.
- 7                   (4) Upon opening an investigation of a complaint containing an allegation of a  
8                   violation of the code of ethics, the Office of Education Accountability shall notify  
9                   the board member who is the subject of the complaint. The board member shall  
10                   be entitled to submit a written rebuttal and supporting documentation.
- 11                   (5) After an investigation, the Office of Education Accountability shall:
- 12                   (a) Refer a complaint supported by substantiated evidence, and all relevant  
13                   documentation, to the Kentucky Board of Education; or
- 14                   (b) Dismiss a complaint not supported by substantiated evidence and notify the  
15                   individual that submitted the complaint and the board member who is the  
16                   subject of the complaint of the dismissal.
- 17                   (6) The Kentucky Board of Education shall review all complaints alleging a violation  
18                   of the code of ethics committed by a current board member and all relevant  
19                   documentation referred by the Office of Education Accountability in a closed  
20                   meeting. If the board determines that an allegation of a violation of the code of  
21                   ethics is:
- 22                   (a) Supported by clear and convincing evidence, the board shall issue a written  
23                   public reprimand to the board member; or
- 24                   (b) Not supported by clear and convincing evidence, the board shall dismiss the  
25                   complaint and notify the individual that submitted the complaint and the  
26                   board member who is the subject of the complaint of the dismissal.
- 27                   (7) If the Kentucky Board of Education issues a written public reprimand to a board

1        *member for a violation of the code of ethics pursuant to subsection (6)(a) of this*  
2        *section, a copy of the public reprimand and the written complaint shall be entered*  
3        *into the minutes at the next regular meeting of the local board or education. The*  
4        *name and contact information of the individual that submitted the complaint and*  
5        *any other personally identifiable information of any victim, witness, or other*  
6        *bystander that is not the subject of the complaint shall be redacted unless the*  
7        *victim, witness, or other bystander waives that right.*

8        *(8) Within thirty (30) days from the date the public reprimand is issued, the board*  
9        *member who is the subject of a public reprimand may issue a written response to*  
10        *the public reprimand that shall be entered into the minutes of the next regular*  
11        *meeting of the local board of education.*

12        *(9) At any time during the investigation or hearing processes, the Kentucky Board of*  
13        *Education may enter into an agreed order with the board member who is the*  
14        *subject of the public reprimands.*

15        *(10) The Kentucky Board of Education shall promulgate administrative regulations in*  
16        *accordance with KRS Chapter 13A to administer this section by January 1, 2027.*

17        ➔Section 6. Notwithstanding subsection (3)(a)7. of Section 1 of this Act,  
18        members serving on boards of education on the effective date of Section 1 of this Act  
19        shall not be subject to removal from office on the basis of ineligibility for employment in  
20        the school district pursuant to KRS 160.380(5) but shall not be eligible for reelection  
21        unless certified by the Department of Education in accordance with Section 2 of this Act.

22        ➔Section 7. Sections 1 to 4 of this Act shall take effect January 1, 2027.