

1 AN ACT relating to education.

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

3 ➔Section 1. KRS 160.210 is amended to read as follows:

4 (1) In independent school districts, the members of the school board shall be elected
5 from the district at large. In county school districts, members shall be elected from
6 divisions.

7 (2) The board of education of each county school district shall, not later than July 1,
8 1940, divide its district into five (5) divisions containing integral voting precincts
9 and as equal in population insofar as is practicable. In first dividing the county
10 district into divisions the board shall, if more than one (1) of its members reside in
11 one (1) division, determine by lot which member from that division shall represent
12 that division, and which members shall represent the divisions in which no member
13 resides. The members so determined to represent divisions in which no member
14 resides shall be considered the members from those divisions until their terms
15 expire, and thereafter the members from those divisions shall be nominated and
16 elected as provided in KRS 160.200 and 160.220 to 160.250.

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

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

1 of the petition.

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

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

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

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

1 111, 112, 115, 116, 117.03, 131, 132. The terms of the members to be elected, KRS
2 160.044 notwithstanding, shall be four (4) years and the election for the initial four
3 (4) year terms shall be as follows: The election of the members from Divisions
4 Two, Four and Seven shall be held at the next regular November election following
5 the effective date of the merger pursuant to KRS 160.041, and the election of the
6 members from Divisions One, Three, Five and Six shall be held at the regular
7 November election two (2) years thereafter.

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

24 (7) (a) Notwithstanding the provisions of subsections (2) and (5) of this section, in
25 county school districts having reached an end-of-year enrollment of twenty-
26 five thousand (25,000) or more students there shall be two (2) additional
27 board members appointed by the Kentucky Auditor of Public Accounts who:

- 1 1. Reside in the school district;
- 2 2. Hold a bachelor's degree; and
- 3 3. Have five (5) or more years experience in the field of finance.

4 (b) The terms of members appointed under paragraph (a) of this subsection
5 shall be four (4) years.

6 (c) Members appointed under paragraph (a) of this subsection shall not serve
7 more than two (2) consecutive terms.

8 ➔Section 2. KRS 160.160 is amended to read as follows:

9 (1) Each school district shall be under the management and control of a board of
10 education consisting of five (5) members, except:

11 (a) In counties containing a city of the first class wherein a merger pursuant to
12 KRS 160.041 shall have been accomplished which shall have seven (7)
13 members elected from the divisions and in the manner prescribed by KRS
14 160.210(5); and[,]

15 (b) In county school districts having reached an end-of-year enrollment of
16 twenty-five thousand (25,000) or more students which shall have two (2)
17 additional appointed members in accordance with subsection (7) of Section
18 1 of this Act;

19 to be known as the "Board of Education of, Kentucky." Each board of education
20 shall be a body politic and corporate with perpetual succession. It may sue and be
21 sued; make contracts; expend funds necessary for liability insurance premiums and
22 for the defense of any civil action brought against an individual board member in
23 his official or individual capacity, or both, on account of an act made in the scope
24 and course of his performance of legal duties as a board member; purchase, receive,
25 hold, and sell property; issue its bonds to build and construct improvements; and do
26 all things necessary to accomplish the purposes for which it is created. Each board
27 of education shall elect a chairman and vice chairman from its membership in a

1 manner and for a term prescribed by the board not to exceed two (2) years.

2 (2) No board of education shall participate in any financing of school buildings, school

3 improvements, appurtenances thereto, or furnishing and equipment, including

4 education technology equipment without:

5 (a) First establishing the cost of the project in advance of financing, based on the

6 receipt of advertised, public, and competitive bids for such project, in

7 accordance with KRS Chapter 424; and

8 (b) Establishing the cost of financing in advance of the sale of any bonds,

9 certificates of participation in any leases, or other evidences of financial

10 commitments issued by or on behalf of such board. Any bonds, leases,

11 participations, or other financial arrangements shall not involve a final

12 commitment of the board until the purchaser or lender involved shall have

13 been determined by public advertising in accordance with KRS Chapter 424.

14 (3) No board of education shall make a mortgage, lien, or other encumbrance upon any

15 school building owned by the board, or transfer title to any such school building as

16 part of any financing arrangement, without the specific approval of the Department

17 of Education, and without the transaction being entered into pursuant to a detailed

18 plan or procedure specifically authorized by Kentucky statute.

19 (4) Without the approval of the Department of Education, no board may lease, as

20 lessee, a building or public facility that has been or is to be financed at the request

21 of the board or on its behalf through the issuance of bonds by another public body

22 or by a nonprofit corporation serving as an agency and instrumentality of the board,

23 or by a leasing corporation. Any lease, participation, or other financial arrangement

24 shall not involve a final commitment of the board unless and until the purchaser or

25 lender involved in same shall have been determined by public advertising in

26 accordance with KRS Chapter 424. No transaction shall be entered into by the

27 board except upon the basis of public advertising and competitive bidding in

1 accordance with KRS Chapter 424.

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

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

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

22 (8) Notwithstanding any requirements of public advertising, competitive bidding, or
23 approval by the Department of Education, or any administrative regulation
24 promulgated pursuant to KRS 156.160(1)(o), a local board may authorize the
25 transfer or sale of the district's real or personal property to another governmental or
26 quasi-governmental agency in exchange for money or a similar type of property that
27 equals or exceeds the fair market value of the district property as determined by an

1 independent appraisal conducted by:

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

6 ➔Section 3. KRS 160.170 is amended to read as follows:

7 Every person elected or appointed to a board of education shall, before assuming the
8 duties of the office, take the following oath, in addition to the constitutional oath:

9 "State of Kentucky,

10 "County of _____

11 " _____, being duly sworn, says that he or she is eligible under the law
12 to serve as a member of the board of education, and that he or she will, while serving as a
13 member of such board, carry out all duties prescribed by law and remain eligible for
14 membership on the board of education.

15 " _____

16 "Subscribed and sworn to before me this _____ day of _____

17 " _____ "

18 The oath shall be kept on record by the board.

19 ➔Section 4. KRS 160.190 is amended to read as follows:

20 (1) (a) Except as provided in paragraph (b) of this subsection, any vacancy in any
21 board of education shall be filled by a majority vote of the remaining
22 members of the local board within sixty (60) days after the vacancy occurs.
23 Within thirty (30) days of the vacancy, the local board shall, for two (2)
24 weeks, have solicited applications by posting a notice announcing the vacancy
25 on the district's website and by placing an advertisement in the newspaper of
26 the largest general circulation in the county. An applicant shall file a letter of
27 intent with the local board affirming that the applicant meets the eligibility

1 requirements as established by KRS 160.180 and shall submit with the
2 application a transcript evidencing completion of the twelfth grade or results
3 of a twelfth grade equivalency examination. After the two (2) weeks of
4 advertisement on the district's website and in the newspaper, the local board
5 shall select from the applicants under this subsection to fill the vacancy.

6 **(b) In county school districts having reached an end-of-year enrollment of**
7 **twenty-five thousand (25,000) or more students, a vacancy of an appointed**
8 **position shall be filled for the remainder of the unexpired term by the**
9 **Auditor of Public Accounts within sixty (60) days after the vacancy occurs**
10 **and in accordance with subsection (7) of Section 1 of this Act.**

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

14 (3) The member appointed[chosen] under this section shall meet the eligibility
15 requirements as established by KRS 160.180 and shall hold office until his or her
16 successor is elected or appointed, and has qualified.

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

25 (5) (a) If no candidate files a petition of nomination or declaration of intent to be a
26 write-in candidate to fill an unexpired term on a local board of education
27 under subsection (4) of this section, then a new vacancy shall exist on

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

7 ➔Section 5. KRS 160.180 is amended to read as follows:

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

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

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

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

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

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

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

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

1 (f) Has not been removed from membership on a board of education for cause;
2 and

3 (g) Does not have a relative employed by the school district, in the case of a
4 person elected or appointed after July 13, 1990. This shall not apply to a
5 board member holding office on July 13, 1990, whose relative was not
6 initially hired by the district during the tenure of the board member.

7 (3) (a) An elected~~A~~ member of a board of education shall be subject to removal
8 from office pursuant to KRS 415.050 and 415.060, and an appointed member
9 shall be subject to removal from office pursuant to subsection (2) of Section
10 6 of this Act, if, after the election or appointment the member:

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

13 2. Moves his or her residence from the division for which he or she was
14 chosen;

15 3. Attempts to influence the employment of any school employee, except
16 the superintendent or school board attorney;

17 4. Is convicted of a felony;

18 5. Performs acts of malfeasance in performance of duties prescribed by
19 law;

20 6. Willfully misuses, converts, or misappropriates public property or funds;
21 or

22 7. Does anything that would render the member ineligible for reelection or
23 reappointment.

24 (b) In accordance with KRS 7.410, the Office of Education Accountability shall
25 have the duty and responsibility to investigate current local board of education
26 members for allegations of conduct prohibited by paragraph (a) of this
27 subsection. After review and investigation, the Office of Education

1 Accountability shall refer appropriate matters to the Attorney General.

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

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

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

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

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

10 The Kentucky Board of Education shall identify the criteria for fulfilling this
11 requirement.

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

14 1. Twelve (12) hours for members with zero to 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 within
18 the first twelve (12) months of initial service and at least once
19 every four (4) years thereafter; and

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

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

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

25 (b) Training topics for members under this subsection with less than two (2) years
26 of consecutive service shall include three (3) hours of finance and one (1)
27 hour of superintendent evaluation within the first two (2) years of service. The

1 Kentucky Board of Education shall identify criteria for fulfilling this
2 requirement.

3 ➔Section 6. KRS 156.132 is amended to read as follows:

4 (1) (a) As used in this subsection[section], except in paragraph (b) of this
5 subsection[–(1)], "public school officer" means a person who previously
6 served as a superintendent of schools during which time charges were brought
7 against him under this section.

8 (b)[–(1)] The chief state school officer shall recommend, by written charges to the
9 proper school authorities having immediate jurisdiction, the removal of any
10 superintendent of schools, principal, teacher, member of a school council, or
11 other public school officer as to whom he has reason to believe is guilty of
12 immorality, misconduct in office, incompetency, willful neglect of duty, or
13 nonfeasance. In the case of a member of a school council, the written charges
14 shall be provided to the local board of education.

15 (c)[–(2)] The chief state school officer shall recommend by written charges the
16 suspension by the Kentucky Board of Education of any superintendent of
17 schools or other public school officer whom he has reason to believe is guilty
18 of immorality, misconduct in office, incompetency, willful neglect of duty, or
19 nonfeasance. If the charges brought under this paragraph[subsection]
20 represent an immediate threat to the public health, safety, or welfare, the
21 Kentucky Board of Education shall summarily suspend the person against
22 whom the charges are made. The action by the Kentucky Board of Education
23 may be taken upon a recommendation of the chief state school officer, or the
24 action may be taken by a majority vote of the Kentucky Board of Education
25 without recommendation from the chief state school officer.

26 (d)[–(3)] The Kentucky Board of Education may suspend a district superintendent
27 of schools or other public school officer under paragraph (c) of this

1 subsection~~(2) of this section~~ or remove him pursuant to paragraph (f) of
2 this subsection~~(5) of this section~~ only if, after thirty (30) days of receipt of
3 the written charges specified in subsection (1) of this section, the proper
4 school authorities having immediate jurisdiction, either the superintendent or
5 the district board of education, have refused to act, have acted in bad faith,
6 arbitrarily, or capriciously, or if a recommendation to the district board would
7 have been futile.

8 (e)~~(4)~~ Any officer suspended by the Kentucky Board of Education under
9 paragraph (c) of this subsection~~(2) of this section~~ shall be furnished with
10 an emergency order specifying in detail the reasons for suspension and
11 notifying the officer of his right to appeal the action and have an emergency
12 hearing pursuant to KRS 13B.125.

13 (f)~~(5)~~ As an alternative to first seeking suspension, the chief state school
14 officer may recommend by written charges the removal by the Kentucky
15 Board of Education of any superintendent of schools or other public school
16 officer whom he has reason to believe is guilty of immorality, misconduct in
17 office, incompetency, willful neglect of duty, or nonfeasance. The officer
18 against whom the written charges are issued by the chief state school officer
19 shall be furnished with the written charges and notice of procedural rights
20 conferred under KRS Chapter 13B. Within twenty (20) days after receipt of
21 the charges, the officer may notify the Kentucky Board of Education of his
22 intention to appear and answer the charges. Upon appeal, an administrative
23 hearing shall be conducted in accordance with KRS Chapter 13B. If the
24 officer fails to notify the board of his intention to appear and answer the
25 charges, the Kentucky Board of Education may remove the officer by a
26 majority vote, and the dismissal shall be final.

27 (g)~~(6)~~ The hearing shall be public or private at the discretion of the accused

1 former or current superintendent and shall be public when testimony is taken
2 for board members.

3 **(h)(7)** The Kentucky Board of Education may meet in closed session to
4 consider the evidence and may by a majority vote remove the officer. If the
5 board votes to remove the officer, the board shall prepare final order
6 specifying which charge or charges it found to be the basis for removal. If
7 within ninety (90) days from the date of suspension if applicable, the state
8 board has not removed the officer, or has dismissed the charges, the
9 suspended officer shall be reinstated and shall be paid his full salary for the
10 period of suspension.

16 **(i)(9)** If a superintendent of schools is removed from office or resigns while
17 charges are pending pursuant to this section[~~after July 15, 1994~~], any
18 continuing contract pursuant to KRS 161.720 to 161.810 shall be terminated.
19 If the removal is reversed upon appeal, the continuing contract shall be
20 restored and he shall be paid his full salary for the period of suspension.

(2) In county school districts having reached an end-of-year enrollment of twenty-five thousand (25,000) or more students, the commissioner may remove a member of the local board of education appointed in accordance with subsection (7) of Section 1 of this Act for cause, including but not limited to malfeasance, misfeasance, incompetence, or gross neglect of duty.

26 ➔Section 7. By January 1, 2027, the appointed positions created pursuant to
27 subsection (7) of Section 1 of this Act shall be filled pursuant to subsection (7) of Section

- 1 1 of this Act.
- 2 ➔Section 8. Sections 1 to 6 of this Act take effect January 1, 2027.