

1 AN ACT relating to boards of 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) *(a) In the first four (4) months of the year 2033, and in the first four (4) months*
5 *of each decennial year thereafter, the Kentucky Board of Education shall*
6 *determine the necessary number of members for each school board. The*
7 *state board shall give notice to each local board within five (5) days of the*
8 *state board's determination.*

9 *(b) The number of required board members shall be based on the average daily*
10 *enrollment of the district averaged over the previous three (3) years for*
11 *which data is available. Districts with an enrollment:*

12 *1. Of fifteen thousand (15,000) students or fewer shall have five (5)*
13 *board members;*

14 *2. Between fifteen thousand one (15,001) and thirty thousand (30,000)*
15 *students shall have seven (7) members;*

16 *3. Between thirty thousand one (30,001) and forty-five thousand (45,000)*
17 *students shall have nine (9) members;*

18 *4. Between forty-five thousand one (45,001) and sixty thousand (60,000)*
19 *students shall have eleven (11) members;*

20 *5. Between sixty thousand one (60,001) and seventy-five thousand*
21 *(75,000) students shall have thirteen (13) members; and*

22 *6. Of seventy-five thousand one (75,001) and greater shall have fifteen*
23 *(15) members.*

24 *(c) If a regular election occurs within the same year the determination is made,*
25 *then the additional membership shall be selected during that election.*

26 *(d) If no regular election occurs within the same year the determination is*
27 *made, then the additional membership shall be considered a vacancy under*

1 **KRS 160.190 with an election to a full term to occur at the next regularly**
2 **scheduled election.**

3 **(e) If the determination requires the reduction of the number of members, then**
4 **the reduction shall be made by reducing the number of members subject to**
5 **election at the next regularly scheduled election.**

6 **(2) In independent school districts, the members of the school board shall be elected**
7 **from the district at large. In county school districts, members shall be elected from**
8 **divisions.**

9 **(3)[(2)] (a) The board of education of each county school district shall, within thirty**
10 **(30) days of the receipt of a notice under subsection (1) of this section****[not**
11 **later than July 1, 1940]**, divide its district into **the required number of****[five**
12 **(5)]** divisions containing integral voting precincts and as equal in population
13 insofar as is practicable.

14 **(b) In [first] dividing the county district into divisions the board shall, if more**
15 **than one (1) of its members reside in one (1) division, determine by lot which**
16 **member from that division shall represent that division, and which members**
17 **shall represent the divisions in which no member resides. The members so**
18 **determined to represent divisions in which no member resides shall be**
19 **considered the members from those divisions until their terms expire, and**
20 **thereafter the members from those divisions shall be nominated and elected as**
21 **provided in KRS 160.200 and 160.220 to 160.250.**

22 **(c) If a board of education of a county school district fails to adopt a new**
23 **division as required after the notice established in subsection (1) of this**
24 **section, then any new member positions shall be considered at-large and**
25 **subject to the appointment or election provisions in subsection (1) of this**
26 **section until the board of education adopts new divisions. Once the new**
27 **divisions are adopted, any question of representation of divisions shall be**

determined under paragraph (b) of this subsection.

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

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

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

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

27 (5) Notwithstanding the provisions of subsection (2) of this section, in counties

1 ~~containing a city of the first class wherein a merger pursuant to KRS 160.041 shall~~
2 ~~have been accomplished, there shall be seven (7) divisions as equal in population as~~
3 ~~is practicable, with members elected from divisions. To be eligible to be elected~~
4 ~~from a division, a candidate must reside in that division. The divisions, based upon~~
5 ~~1970 United States Census Bureau Reports on total population by census tracts for~~
6 ~~Jefferson County, Kentucky shall be as follows: Division One shall include census~~
7 ~~tracts 1-28; Division Two shall include census tracts 29-35, 47-53, 57-74, 80-84,~~
8 ~~93, 129, 130; Division Three shall include census tracts 75-79, 85-88, 98-106,~~
9 ~~107-108; Division Four shall include census tracts 121-01, 123-128; Division~~
10 ~~Five shall include census tracts 36-46, 56, 90, 120, 121-02, 122; Division Six shall~~
11 ~~include census tracts 54, 55, 91, 92, 94, 95, 110-02, 113, 114, 117-01, 117-02, 118,~~
12 ~~119; Division Seven shall include census tracts 89, 96, 97, 107-02, 109, 110-01,~~
13 ~~111, 112, 115, 116, 117-03, 131, 132. The terms of the members to be elected, KRS~~
14 ~~160.044 notwithstanding, shall be four (4) years and the election for the initial four~~
15 ~~(4) year terms shall be as follows: The election of the members from Divisions~~
16 ~~Two, Four and Seven shall be held at the next regular November election following~~
17 ~~the effective date of the merger pursuant to KRS 160.041, and the election of the~~
18 ~~members from Divisions One, Three, Five and Six shall be held at the regular~~
19 ~~November election two (2) years thereafter.]~~

20 (6) In counties containing cities of the first class, responsibility for the establishment or
21 the changing of school board division boundaries shall be with the local board of
22 education, subject to the review and approval of the county board of elections.
23 Where division and census tract boundaries do not coincide with existing election
24 precinct boundaries, school board divisions shall be redrawn to comply with
25 precinct boundaries. In no instance shall precinct boundaries be redrawn nor shall a
26 precinct be divided to accommodate the drawing of school board division lines.
27 Precinct boundaries nearest existing school board division boundaries shall become

1 the new division boundary. All changes under this statute shall be completed on or
2 before January 1, 1979, and on or before January 1 in any succeeding year in which
3 a member of the school board is to be elected from any division. A record of all
4 changes in division lines shall be kept in the offices of the county board of
5 education and the county board of elections. The board of education shall publish
6 all changes pursuant to KRS Chapter 424. A copy of the newspaper in which the
7 notice is published shall be filed with the chief state school officer within ten (10)
8 days following its publication.

9 (7) **Within ten (10) days of a board of education of a county school district adopting**
10 **new divisions, the board shall submit the new divisions to the Kentucky**
11 **Department of Education and the Legislative Research Commission.**

12 ➔Section 2. KRS 160.200 is amended to read as follows:

- 13 (1) All elections for members of boards of education shall be in even numbered years,
14 for a term of four (4) years[~~, except as provided in KRS 160.210(5)~~]. Except as
15 provided in subsection (3) of this section, the elections shall be held at the regular
16 November election.
- 17 (2) In each even numbered year, there shall be held an election in every county and
18 independent district to fill the membership of the boards of education for the terms
19 that will expire on the first Monday in January following, and the regularly elected
20 members shall hold office for four (4) years and until their successors are elected
21 and have qualified.
- 22 (3) Any independent school district embracing a designated city may, at the discretion
23 of its board of education, hold its election of board members at its public school
24 building on the first Saturday in May. The election shall be held by three (3)
25 officers appointed by the board of education and the expenses of the election shall
26 be paid from the treasury of the school district. In all other respects the provisions
27 of this chapter relating to holding elections for board members shall apply.

1 (4) ~~In counties containing a city of the first class, wherein a merger pursuant to KRS~~
2 ~~160.041 shall have been accomplished, the terms of the members shall be as~~
3 ~~provided in KRS 160.210(5). Elected members of such boards, excepting those~~
4 ~~boards of education representing ten percent (10%) or less of the student population~~
5 ~~of the county serving at the effective date of such a merger shall continue to serve~~
6 ~~until their term expires, but no appointments shall be made to fill vacancies. The~~
7 ~~terms of office of members of boards of education representing ten percent (10%)~~
8 ~~or less of the student population of the county shall expire on the effective date of~~
9 ~~the merger.~~

10 (5) }As used in this section, "designated city" means a city classified as a city of the
11 fifth class as of January 1, 2014, under the city classification system in effect prior
12 to January 1, 2015. The Department of Education shall, on or before January 1,
13 2015, create an official registry listing the cities that qualify as a "designated city"
14 under this section and shall publish that registry on its website[Web site].

15 ➔Section 3. KRS 160.160 is amended to read as follows:

16 (1) Each school district shall be under the management and control of a board of
17 education consisting of the number of members required under Section 1 of this
18 Act[~~five (5) members, except in counties containing a city of the first class wherein~~
19 ~~a merger pursuant to KRS 160.041 shall have been accomplished which shall have~~
20 ~~seven (7) members elected from the divisions and in the manner prescribed by KRS~~
21 ~~160.210(5)}~~], to be known as the "Board of Education of, Kentucky." Each board
22 of education shall be a body politic and corporate with perpetual succession. It may
23 sue and be sued; make contracts; expend funds necessary for liability insurance
24 premiums and for the defense of any civil action brought against an individual
25 board member in his official or individual capacity, or both, on account of an act
26 made in the scope and course of his performance of legal duties as a board member;
27 purchase, receive, hold, and sell property; issue its bonds to build and construct

- 1 improvements; and do all things necessary to accomplish the purposes for which it
2 is created. Each board of education shall elect a chairman and vice chairman from
3 its membership in a manner and for a term prescribed by the board not to exceed
4 two (2) years.
- 5 (2) No board of education shall participate in any financing of school buildings, school
6 improvements, appurtenances thereto, or furnishing and equipment, including
7 education technology equipment without:
- 8 (a) First establishing the cost of the project in advance of financing, based on the
9 receipt of advertised, public, and competitive bids for such project, in
10 accordance with KRS Chapter 424; and
- 11 (b) Establishing the cost of financing in advance of the sale of any bonds,
12 certificates of participation in any leases, or other evidences of financial
13 commitments issued by or on behalf of such board. Any bonds, leases,
14 participations, or other financial arrangements shall not involve a final
15 commitment of the board until the purchaser or lender involved shall have
16 been determined by public advertising in accordance with KRS Chapter 424.
- 17 (3) No board of education shall make a mortgage, lien, or other encumbrance upon any
18 school building owned by the board, or transfer title to any such school building as
19 part of any financing arrangement, without the specific approval of the Department
20 of Education, and without the transaction being entered into pursuant to a detailed
21 plan or procedure specifically authorized by Kentucky statute.
- 22 (4) Without the approval of the Department of Education, no board may lease, as
23 lessee, a building or public facility that has been or is to be financed at the request
24 of the board or on its behalf through the issuance of bonds by another public body
25 or by a nonprofit corporation serving as an agency and instrumentality of the board,
26 or by a leasing corporation. Any lease, participation, or other financial arrangement
27 shall not involve a final commitment of the board unless and until the purchaser or

- 1 lender involved in same shall have been determined by public advertising in
2 accordance with KRS Chapter 424. No transaction shall be entered into by the
3 board except upon the basis of public advertising and competitive bidding in
4 accordance with KRS Chapter 424.
- 5 (5) A school district may issue general obligation bonds in accordance with KRS
6 Chapter 66.
- 7 (6) Rental payments due by a board under a lease approved by the Department of
8 Education in accordance with subsection (4) of this section, and debt service
9 payments under a general obligation bond issued in accordance with this section,
10 shall be due and payable not less than ten (10) days prior to the interest due date for
11 the bonds, notes, or other debt obligations issued to finance the building or public
12 facility. If a board fails to make a rental payment when due under a lease or a debt
13 service payment when due for a general obligation bond issue, upon notification to
14 the Department of Education by the paying agent, bond registrar, or trustee for the
15 bonds not less than three (3) days prior to the interest due date, the Department of
16 Education shall withhold or intercept any funds then due the board to the extent of
17 the amount of the required payment on the bonds and remit the amount to the
18 paying agent, bond registrar, or trustee as appropriate. Thereafter, the Department of
19 Education shall resolve the matter with the board and adjust remittances to the
20 board to the extent of the amount paid by the Department of Education on the
21 board's behalf.
- 22 (7) Bonds, notes, or leases negotiated to provide education technology shall not be sold
23 for longer than seven (7) years or the useful life of the equipment as established by
24 the state technology master plan, whichever is less.
- 25 (8) Notwithstanding any requirements of public advertising, competitive bidding, or
26 approval by the Department of Education, or any administrative regulation
27 promulgated pursuant to KRS 156.160(1)(o), a local board may authorize the

1 transfer or sale of the district's real or personal property to another governmental or
2 quasi-governmental agency in exchange for money or a similar type of property that
3 equals or exceeds the fair market value of the district property as determined by an
4 independent appraisal conducted by:

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

9 ➔Section 4. KRS 116.200 is amended to read as follows:

- 10 (1) (a) On or before January 1, 2011, each city clerk, except in consolidated local
11 governments and urban-county governments, shall provide the clerk of the
12 county or counties in which the city is located with a list of all properties
13 within the city and a map of the city boundaries for the county clerk to
14 maintain a roster of voters who are eligible to vote in city elections. A county
15 clerk may accept the list of city properties in an electronic format and the city
16 clerk may provide a copy of the city's boundary map maintained by the
17 Kentucky Commonwealth Office of Technology, Division of Geographic
18 Information Systems; and
- 19 (b) Documentation of any change to the boundaries of a city shall be reported to
20 the county clerk in accordance with KRS 81A.475.
- 21 (2) (a) On or before January 1, 2011, each school district board shall provide the
22 clerk of the county in which the school district is located with maps and
23 written descriptions of the boundaries of each school board district located in
24 the county for the county clerk to maintain a roster of voters who are eligible
25 to vote in school board elections.
- 26 (b) Documentation of any change to a school district's boundaries shall be
27 reported to the county clerk within sixty (60) days of the change, or

immediately if the change is within sixty (60) days of the August 1 deadline established in KRS 160.210 (5)(4)(d).

3 (3) Each county clerk shall code all registered voters in that county in such a manner
4 that precinct election officers may determine the voter's eligibility to vote in city
5 and school board elections prior to each primary and regular election for city
6 officers in that county, each regular election for school board members in that
7 county, and each special election in which a ballot question is presented to the
8 residents of a city or a school board district.

9 (4) Notwithstanding KRS 64.012, the county clerk shall not charge a fee to a city or
10 school district providing any information required by subsections (1)(a) and (2)(a)
11 of this section.

12 (5) Nothing in this section shall prohibit a county clerk from requesting additional
13 information from the city, school district board, or any other reliable source to
14 ascertain whether a registered voter resides within a city or a school district
15 boundary.

16 →Section 5. KRS 160.042 is amended to read as follows:

17 (1) Upon a merger under the provisions of KRS 160.040 and 160.041 of an
18 independent school district in a city of the first class with a county school district in
19 counties containing a city of the first class, the members of the county board of
20 education of the merged county school district, shall be elected pursuant to KRS
21 160.200 and 160.210.

22 (2) Each member of the respective boards of education at the time of the merger of the
23 districts, may continue to hold office until the expiration of his or her term of office,
24 [except as provided in KRS 160.200(4);]but any vacancy occurring among such
25 members for any reason shall not be filled.

26 ➔Section 6. Notwithstanding the specific future dates established in subsection
27 (1) of Section 1 of this Act, the Kentucky Board of Education shall make initial

1 determinations of the board size required under Section 1 of this Act by December 31,
2 2026. Within 30 days of receiving a notice from the Kentucky Board of Education, any
3 local board of education that is required to add membership due to the district's
4 enrollment shall conduct the necessary division changes pursuant to Section 1 of this Act.
5 However, the additional positions created shall be declared as vacancies and filled
6 pursuant to KRS 160.190. The appointed vacancies shall be filled at the next regular
7 election for a full four-year term.