

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 160.190 is amended to read as follows:

- 4 (1) Any vacancy in any local board of education ***due to resignation, death, or removal***
 5 ***from office*** shall be filled by ***election of an eligible person by majority vote of the***
 6 ***remaining members of the local board of education***~~[the chief state school officer]~~
 7 within ~~sixty (60)~~~~ninety (90)~~ days after the vacancy occurs. ***Within thirty (30) days***
 8 ***of the vacancy, the local board of education shall advertise for eligible applicants***
 9 ***for the vacant position on two (2) separate occasions separated by not less than***
 10 ***seven (7) days in the newspaper meeting the requirements of KRS 424.120. An***
 11 ***announcement of the vacancy shall also be placed on the local district Web site***
 12 ***and all local school district social media platforms. Applicants shall file the***
 13 ***affidavit and transcript required by KRS 160.180 with the board prior to the vote***
 14 ***to fill the vacancy.*** The member so chosen shall meet ~~all~~~~the~~ eligibility
 15 requirements as established by KRS 160.180 and shall hold office until ***that***
 16 ***member's***~~[his]~~ successor is elected and has qualified.~~[The local board of education~~
 17 ~~may make nominations and any person may nominate himself or another for the~~
 18 ~~office.]~~
- 19 (2) ***If the remaining members of the local board of education fail to elect, by majority***
 20 ***vote, an eligible person to fill the vacancy under subsection (1) of this section***
 21 ***within sixty (60) days after the vacancy occurs, the vacancy shall be filled within***
 22 ***thirty (30) days of the failure as follows:***
- 23 ***(a) For a county board of education, the county judge/executive of that county***
 24 ***shall appoint an eligible person from the list of all eligible persons***
 25 ***considered by the local board of education for the unexpired term. In a***
 26 ***county that has adopted a consolidated local, urban-county, charter county,***
 27 ***or unified local form of government, the appointment shall be made by the***

1 chief executive officer of that government from the list of all eligible
 2 persons considered by the local board of education for the unexpired term;

3 or

4 (b) For an independent board of education, the mayor of the designated city
 5 embraced by the independent school district shall appoint an eligible person
 6 from the list of all eligible persons considered by the local board of
 7 education for the unexpired term. In those independent school districts that
 8 contain more than one (1) designated city, the mayor of the city serving the
 9 largest percentage of the student population of the independent school
 10 district shall make the appointment from the list of all eligible persons
 11 considered by the local board of education for the unexpired term.

12 (3) Any vacancy having an unexpired term of one (1) year or more at the next regular~~ly~~
 13 ~~November~~ election after the vacancy occurs shall be filled for the unexpired term
 14 by an election governed by the following provisions:

15 (a) If the vacancy occurs at any time before the time prescribed in KRS 118.365
 16 for filing petitions for nomination, the election to fill the unexpired term
 17 shall be held at the next regular election at which members of boards of
 18 education are to be elected under KRS 160.200; or

19 (b) If the vacancy occurs at any time after the time prescribed in KRS 118.365
 20 for filing petitions for nomination, the election to fill the unexpired term
 21 shall be held at the second succeeding regular election at which members of
 22 boards of education are to be elected under KRS 160.200~~[to be held at the~~
 23 ~~next regular November election after the vacancy occurs].~~

24 The elected member shall succeed the member chosen by the remaining members
 25 of the local board of education or appointed by the chief executive~~[state school]~~
 26 officer to fill the vacancy and shall assume the office on the first Tuesday
 27 following the first Monday in January following the regular election at which the

1 member is elected.

2 (4) If no candidate files a petition of nomination for a local board of education
3 opening pursuant to KRS 118.315 and 118.316, the members of the local board of
4 education who are serving on the first Tuesday following the first Monday in
5 January following the regular election shall fill the new term of office for all
6 openings by majority vote. All openings shall be filled within sixty (60) days of the
7 first Tuesday following the first Monday in January. The member elected to fill
8 any opening shall meet the residency requirement and all qualifications for office
9 provided in KRS 160.180. Applicants shall file the affidavit and transcript
10 required by KRS 160.180 with the board prior to the vote to fill any opening. The
11 individual members of the local board of education may make nominations and
12 any person may nominate himself, herself, or any other eligible person for the
13 office.

14 (5) If the members of the local board of education fail to elect, by majority vote, an
15 eligible person to fill the opening under subsection (4) of this section within sixty
16 (60) days of the first Tuesday following the first Monday in January, the opening
17 shall be filled within thirty (30) days of the failure as follows:

18 (a) For a county board of education, the county judge/executive of that county
19 shall appoint an eligible person to fill the new term of office for all openings
20 that have no candidate filings under KRS 118.315 from the list of all
21 eligible persons considered by the local board of education. In a county that
22 has adopted a consolidated local, urban-county, charter county, or unified
23 local form of government, the appointment shall be made by the chief
24 executive officer of that government from the list of all eligible persons
25 considered by the local board of education; or

26 (b) For an independent board of education, the mayor of the designated city
27 embraced by the independent school district shall appoint an eligible person

1 to fill the new term of office for all openings that have no candidate filings
2 under KRS 118.315 from the list of all eligible persons considered by the
3 local board of education. In those independent school districts that contain
4 more than one (1) designated city, the mayor of the city serving the largest
5 percentage of the student population of the independent school district shall
6 make the appointment from the list of all eligible persons considered by the
7 local board of education.

8 ➔Section 2. KRS 160.210 is amended to read as follows:

9 (1) ~~[(a)]~~In independent school districts, the members of the school board shall be
10 elected from the district at large. In county school districts, members shall be
11 elected from divisions.

12 ~~[(b)]~~ If no candidate files a petition of nomination for a county board of education
13 opening pursuant to KRS 118.315, the chief state school officer shall fill the
14 new term of office for all openings that have no candidate filings under KRS
15 118.315 by appointing a member to the local board who meets the residency
16 requirement and the qualifications for office provided in KRS 160.180. The
17 chief state school officer shall require and receive the affidavit and transcript
18 required by KRS 160.180 prior to making an appointment. The local board of
19 education may make nominations and any person may nominate himself or
20 another for the office.

21 ~~[(c)]~~ Unless a number of candidates equal to or greater than the number of
22 positions to be filled file petitions for nomination for an independent board of
23 education opening pursuant to KRS 118.315, the chief state school officer
24 shall fill the new term of office for all openings that have no candidate filings
25 under KRS 118.315 by appointing a member to the local board who meets the
26 residency requirement and the qualifications for office provided in KRS
27 160.180. The chief state school officer shall require and receive the affidavit

1 ~~and transcript required by KRS 160.180 prior to making an appointment. The~~
2 ~~local board of education may make nominations and any person may nominate~~
3 ~~himself or another for the office.]~~

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

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

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

26 (b) If the investigation reveals the school district to be unequally divided
27 according to population, the Kentucky Board of Education, upon the

1 recommendation of the chief state school officer, shall order the local board of
2 education to make changes in school district divisions as are necessary to
3 equalize population within the five (5) school divisions.

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

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

12 (5) Notwithstanding the provisions of subsection (2) of this section, in counties
13 containing a city of the first class wherein a merger pursuant to KRS 160.041 shall
14 have been accomplished, there shall be seven (7) divisions as equal in population as
15 is practicable, with members elected from divisions. To be eligible to be elected
16 from a division, a candidate must reside in that division. The divisions, based upon
17 1970 United States Census Bureau Reports on total population by census tracts for
18 Jefferson County, Kentucky shall be as follows: Division One shall include census
19 tracts 1-28; Division Two shall include census tracts 29-35, 47-53, 57-74, 80-84,
20 93, 129, 130; Division Three shall include census tracts 75-79, 85-88, 98-106,
21 107.01, 108; Division Four shall include census tracts 121.01, 123-128; Division
22 Five shall include census tracts 36-46, 56, 90, 120, 121.02, 122; Division Six shall
23 include census tracts 54, 55, 91, 92, 94, 95, 110.02, 113, 114, 117.01, 117.02, 118,
24 119; Division Seven shall include census tracts 89, 96, 97, 107.02, 109, 110.01,
25 111, 112, 115, 116, 117.03, 131, 132. The terms of the members to be elected, KRS
26 160.044 notwithstanding, shall be four (4) years and the election for the initial four
27 (4) year terms shall be as follows: The election of the members from Divisions

1 Two, Four and Seven shall be held at the next regular November election following
2 the effective date of the merger pursuant to KRS 160.041, and the election of the
3 members from Divisions One, Three, Five and Six shall be held at the regular
4 November election two (2) years thereafter.

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

21 ➔Section 3. The provisions of Section 1 of this Act shall not apply to any vacancy
22 or opening occurring before the effective date of this Act.