

CHAPTER 215

(HB 449)

AN ACT relating to local boards of education.

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

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

- (1) As used in this section, "relative" means father, mother, brother, sister, husband, wife, son, and daughter.
- (2) ~~A~~~~Ne~~ person shall **only** be eligible for membership on a board of education **if the person**:
 - (a) ~~{Unless he }~~Has attained the age of twenty-four (24) years;~~{and}~~
 - (b) ~~{Unless he }~~Has been a citizen of Kentucky for at least three (3) years preceding **the**~~{his}~~ election and is a voter of the district for which he **or she** is elected;~~{and}~~
 - (c) ~~{Unless he }~~Has completed at least the twelfth grade or has been issued a High School Equivalency Diploma, **as evidenced by**:~~{and}~~
 1. ~~{(d) Unless }~~An affidavit signed under penalty of perjury certifying completion of the twelfth grade or the equivalent **that**~~{as determined by passage of the twelfth grade equivalency examination held under regulations adopted by the Kentucky Board of Education}~~ has been filed with the nominating petition required by KRS 118.315; **or**~~{and}~~
 2. ~~{(e) For a candidate who files a nominating petition as required by KRS 118.315 on or after April 4, 2018, unless }~~A transcript evidencing completion of the twelfth grade or **the** results of a twelfth grade equivalency examination **that** has been filed with the nominating petition **required by KRS 118.315**:~~{or}~~
 - (d)~~{(f)}~~ **Does not hold**~~{Who holds}~~ any elective federal, state, county, or city office;~~{or}~~
 - (e)~~{(g)}~~ ~~{Who, at the time of his election, }~~**Is not, at the time of his or her election**, directly or indirectly interested in the sale to the board of books, stationery, or any other property, materials, supplies, equipment, or services for which school funds are expended;~~{or}~~
 - (f)~~{(h)}~~ ~~{Who }~~Has **not** been removed from membership on a board of education for cause; **and**~~{or}~~
 - (g)~~{(i)}~~ **Does not have**~~{Who has}~~ a relative~~{as defined in subsection (1) of this section}~~ employed by the school district, **in the case of a person**~~{and is}~~ elected after July 13, 1990.~~{However,}~~ This shall not apply to a board member holding office on July 13, 1990, whose relative was not initially hired by the district during the tenure of the board member.
- (3) (a) **A member of a board of education shall be subject to removal from office pursuant to KRS 415.050 and 415.060** if, after the election **the**~~{of any}~~ member:~~{of the board, he }~~
 1. Becomes interested in any contract with or claims against the board, of the kind mentioned in ~~paragraph (g) of~~ subsection (2)(e) of this section;~~{or if he }~~
 2. Moves his **or her** residence from the **division**~~{district}~~ for which he **or she** was chosen;~~{or if he }~~
 3. Attempts to influence the **employment**~~{hiring}~~ of any school employee, except the superintendent ~~{of schools }~~or school board attorney;~~{or if he }~~
 4. **Is convicted of a felony;**
 5. **Performs acts of malfeasance in performance of duties prescribed by law;**
 6. **Willfully misuses, converts, or misappropriates public property or funds; or**
 7. Does anything that would render **the member**~~{him}~~ ineligible for reelection~~{, he shall be subject to removal from office pursuant to KRS 415.050 and 415.060}~~.
- (b) **In accordance with KRS 7.410, the Office of Education Accountability shall have the duty and responsibility to investigate current local board of education members for allegations of conduct**

prohibited by paragraph (a) of this subsection. After review and investigation, the Office of Education Accountability shall refer appropriate matters to the Attorney General.

- (4) A ~~board~~ member *of a board of education* shall be eligible for reelection unless he *or she* becomes disqualified.
- (5) The annual in-service training requirements for all ~~school board~~ members *of boards of education* in office as of December 31, 2014, shall be as follows:
 - (a) Twelve (12) hours for ~~school board~~ members with zero to three (3) years of experience;
 - (b) Eight (8) hours for ~~school board~~ members with four (4) to seven (7) years of experience; and
 - (c) Four (4) hours for ~~school board~~ members with eight (8) or more years of experience.

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

- (6) (a) For all ~~board~~ members *of boards of education* who begin their initial service on or after January 1, 2015, the ~~annual~~ in-service training requirements shall be:
 - 1. Twelve (12) hours for ~~school board~~ members with zero to eight (8) years of experience *each year, which shall include a minimum of:*
 - a. *One (1) hour of ethics training each year; and*
 - b. *One (1) hour of open meetings and open records training within the first twelve (12) months of initial service and at least once every four (4) years thereafter; and*
 - 2. Eight (8) hours for ~~school board~~ members with more than eight (8) years of experience *each year, which shall include a minimum of:*
 - a. *One (1) hour of ethics training each year; and*
 - b. *One (1) hour of open meetings and open records training at least once every four (4) years.*

(b) Training topics for ~~school board~~ members *under this subsection with less than two (2) years of consecutive service* shall include:

- 1. ~~three (3) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation within the first two (2) years of service~~ *annually for members with zero to three (3) years' experience;*
- 2. ~~Two (2) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation annually for members with four (4) to seven (7) years' experience; and~~
- 3. ~~One (1) hour of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation biennially for members with eight (8) or more years' experience.~~

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

➔Section 2. KRS 160.170 is amended to read as follows:

Every person elected to a board of education shall, before assuming the duties of ~~the~~^{his} office, take the following oath, in addition to the constitutional oath:

"State of Kentucky,

"County of _____

" _____, being duly sworn, says that he *or she* is eligible under the law to serve as a member of the board of education, and that he *or she* will ~~not~~, while serving as a member of such board, *carry out all duties prescribed by law and remain eligible for membership on the board of education* ~~become interested, directly or indirectly, in any contract with or claim against the board, and that he will not in any way influence the hiring or appointment of district employees, except the hiring of the superintendent of schools or school board attorney.~~

" _____

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

" _____ "

The oath shall be kept on record by the board.

➔Section 3. KRS 160.570 is amended to read as follows:

- (1) Each board of education shall appoint a bank, trust company, or savings and loan association to serve as its depository, and if its annual receipts from all sources exceed one hundred thousand dollars (\$100,000), it may designate **additional**~~three (3)~~ depositories~~, except boards of education of school districts in counties containing cities of the first class may designate up to six (6) depositories~~. The depository may be designated for a period not to exceed two (2) years, and before entering upon its duties shall agree with the board as to the rate of interest to be paid on average daily or monthly balances.
- (2) The depository selected shall, before entering upon its duties, provide collateral in accordance with KRS 41.240, to be approved by the local board of education in accordance with Kentucky Board of Education administrative regulations, and to be approved by the commissioner of education. A board of education may enter into an agreement with its depository whereby the premium on collateral guaranteed by a surety company may be paid either by the board or by the depository. If the board pays the premium, the depository shall allow the board not less than two percent (2%) interest on its average daily or average monthly balances.
- (3) The depository shall hold for the board all funds deposited by the treasurer of the board or its tax collector or duly authorized agent, subject to withdrawal by the board at any time, and shall pay all funds so deposited to such person and in such manner as the board directs. The depository shall keep full and complete accounts of all of the board's funds, and make reports to the board or its authorized agents upon request. The depository shall keep all records relating to the transactions and duties of the office and turn them over to the successor of its office along with all school funds in hand. The board of education may at any time require a due and proper audit of the depository's records of the funds of the board by a competent outside agent.

Signed by Governor April 18, 2024.