

KENTUCKY SCHOOL UPDATES

GOVERNANCE

THE BASICS OF THE LAW

- Kentucky school law provides for **shared leadership** with certain decisions made at each level — state, district, and school. In Kentucky, many decisions are made at the school level. For example, school-based decision making allows teachers and parents the opportunity to make decisions about learning for their students.
- The **Kentucky Board of Education** is responsible for directing policy for elementary and secondary education. Members are appointed by the governor for staggered four-year terms. They must have no less than an associate's degree or its equivalent. Appointees must be approved by the Kentucky General Assembly.
- The **Council on Postsecondary Education** coordinates and provides oversight for Kentucky's public colleges and universities and the Kentucky Community and Technical College System (KCTCS). The board for KCTCS provides coordination for Kentucky community and technical colleges.
- A state **P-16 Council** (preschool through college) has been created by the Kentucky Board of Education and the Council on Postsecondary Education to coordinate efforts to improve education at all levels. Regional P-16 Councils or Councils of Partners have been created in some regions of Kentucky and can receive matching funds from the Council on Postsecondary Education for their work.
- The **Office of Education Accountability** in the Legislative Research Commission has the responsibility for monitoring the education system and conducting research as requested by the legislature. A toll-free number, (800) 242-0520, is available to report concerns or ask questions.
- Kentucky school law includes the following provisions for elementary and secondary schools:
 - ✓ In most cases, a **superintendent's relatives** cannot work in his or her school district. This rule does not apply to a relative who is an employee of the district for at least 36 months before a superintendent assumes office, or to an employee who marries a relative of the superintendent as long as he or she is qualified for that job. A superintendent's spouse who has at least 20 years of service as a school employee may be employed in the district.
 - ✓ **Principals cannot employ relatives** at their schools, but relatives employed before July 1990 are exempt under current law. Spouses are exempt if:

- the spouse was employed in that school in the 1989-90 school year and
 - there is no other position in the district for which the spouse is certified or
 - the spouse is in a district where there is no more than one elementary, middle and/or high school.
- ✓ If a principal's spouse is employed in that principal's school, he or she must be evaluated by another administrator.
- ✓ **School board members** can not have a relative employed by the school district defined as father, mother, sister, brother, husband, wife, son, daughter, uncle, aunt, son-in-law or daughter-in-law. In addition, local school board members must:
 - be at least twenty-four (24) years of age;
 - be a citizen of Kentucky for three (3) years before the election;
 - be a voter in the district or division in which they serve;
 - have achieved at least a twelfth (12th) grade education or GED;
 - not have a contractual relationship with the school district for the sale of goods or services.
 - not be an employee or officer of city or county government.
- ✓ **Campaign contributions** to school board candidates are limited to \$100 from individuals and \$200 from organizations for each election.
- ✓ **School board members** cannot ask school employees for campaign contributions or services.
- ✓ When there is a **vacancy on a local school board**, the state commissioner of education appoints members to serve until the next election. A law passed in 2004, prohibits a school board seat to be filled by a write-in vote when there are no candidates on the ballot. The Commissioner of Education would fill the vacancy in that situation.
- ✓ The **local school board hires the superintendent** with advice from a screening committee that includes two teachers, a principal, a local school board member, and a parent. A minority parent is added if there is no minority on the committee and the district has eight percent or more minority students enrolled. The school board makes the final superintendent selection and may pick someone not recommended by the committee.
- ✓ The school board can, by four-fifths vote and approval of the state education commissioner, break a **superintendent's contract** for cause.
- ✓ The **local school board** establishes district-wide goals for education; hires the superintendent; decides when and where to build new school facilities; provides services; manages all school funds and property for the district; and sets rules and

regulations for school property management. It transacts business for the district, sets tax rates, and establishes qualifications for all employees.

- ✓ **Local school boards and superintendents** create guidelines and general requirements for school operations. School-based decision making councils make curricular and instructional (what is taught and how) decisions for their school. The district and board provide support and assistance for councils to do their work.
- ✓ The Kentucky Board of Education is authorized to **waive** any of its **regulations** when a school district or school shows it can produce the same results without the regulation, or when hardship or just cause is a factor.

WHAT'S NEW?

- ➔ New state and federal laws require schools to plan **to improve student health**. Federal law requires school districts to adopt local wellness policies. State law requires districts to assess the nutrition and the physical activity environment and report to the local board, school councils and parents by November 30 each year. The local board must prepare a plan for improving nutrition and physical activity and present it to the community in a public meeting on or before January 31 each year. Schools districts are encouraged to incorporate this plan into their Comprehensive District Improvement Plan. School councils in schools with students in grades kindergarten through grade five must adopt a wellness policy, providing for daily physical activity and encouraging healthy choices. (Federal law enacted 2004; state law enacted 2005.)

WHAT YOU CAN DO TO HELP

- ★ If your school has a school-based decision making council, **run** for a school council seat, volunteer to serve on a council committee, or offer to help the PTA/PTO/PTSA with elections. If there is no PTA in your school, form one. Call the Kentucky PTA office at (502) 564-4378.
- ★ **Encourage** good candidates to run for school board offices or apply for appointment when vacancies occur between elections. Consider running for a school board seat.
- ★ To **learn more about service as a school board member**, **call** the Partnership for Successful Schools at (859) 455-9595 and ask for a copy of the report prepared with the Kentucky School Boards Association and the Kentucky Chamber of Commerce called *Difficult Ground: Community Leaders and School Board Service in Kentucky*. Also request a copy of "Want to Make a Difference ..." a booklet that provides guidelines for people interested in running for school board seats or supporting a candidate in their community.
- ★ **Attend** local school board and school council meetings. Be informed about local school board elections. **Vote** in school board and school council elections.

- ★ **Ask** your superintendent if there is a P-16 Council or Council of Partners in your region. Encourage your district to participate or to get involved in organizing one if there is none.
- ★ **Support** superior performance from school board members, administrators, and teachers.
- ★ If you have questions about whether the law is being followed in your district, **talk** with your principal, superintendent, or school board members. If that does not correct the problem or answer your questions, contact the Office of Education Accountability at (800) 242-0520.

FOR MORE INFORMATION, CONTACT

- **Council on Postsecondary Education**, (502) 573-1555 or visit the Web site at <http://www.cpe.state.ky.us/>.
- **Kentucky Association of School Councils**, (859) 238-2188 or visit the Web site at <http://www.kasc.net/>.
- **Kentucky Community and Technical College System**, (859) 246-3146, or visit the Web site at <http://www.kctcs.net/>.
- **Kentucky Department of Education, Office of Legal Services**, (502) 564-4474, or visit the Web site at <http://www.education.ky.gov/KDE/Administrative+Resources/Legal+and+Legislative+Services/default.htm>.
- **Office of Education Accountability**, (800) 242-0520.
- **Kentucky School Boards Association**, (502) 695-4630 or visit the Web site at <http://www.ksba.org/>.
- **Prichard Committee for Academic Excellence**, P.O. Box 1658, Lexington, KY 40588-1658; (859) 233-9849 or (800) 928-2111; e-mail: admin@prichardcommittee.org or visit the Web site at <http://www.prichardcommittee.org/>.

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