

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

Chief state school officer's recommendation for redrawing of the school district divisions in the Scott County School District

Applicable Statute or Regulation:

KRS 160.210 (4)

Action Question:

Should the Kentucky Board of Education (KBE), upon recommendation of the chief state school officer, order the redrawing of the local school district division boundaries in the Scott County School District?

History/Background:

Existing Policy. KRS 160.210 (4) states in pertinent part:

“...if one hundred (100) residents of a county school district division petition the Kentucky Board of Education stating that the school district divisions are not divided as nearly equal in population as can reasonably be expected, the chief state school officer shall cause an investigation to determine the validity of the petition, the investigation to be completed within thirty (30) days after receipt of the petition.

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

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

On May 19, 2014, the chief state school officer (Commissioner of Education), and the KBE received a petition from residents of Scott County pursuant to KRS 160.210 (4). (See Attachment 1) The petition triggered an investigation by the Commissioner as to

whether the Scott County Board of Education member election districts are divided equally. On behalf of the Commissioner, KDE staff enlisted the assistance of the Scott County Clerk to certify the residency of the petitioners as well as to provide maps with recent census data.

On June 18, 2014, the Commissioner officially notified the KBE of the results of the investigation via a letter addressed Chair Marcum (See Attachment 2) and containing copies of the current division boundaries with the population of each district. The maps demonstrate that the populations of the current district divisions are as follows:

School District 1: 12,706
School District 2: 11,742
School District 3: 11,114
School District 4: 6,931
School District 5: 4,671

Based upon this clear evidence, the Commissioner concluded that the school district divisions of the Scott County School District are unequally divided, and recommends that the KBE order the local board of education to make changes in school district divisions as are necessary to equalize the population within the five (5) school divisions.

The local board of education has discussed this issue at several meetings this year and appears to be well aware of the issue. It is likely that the local board will proceed to change the school district divisions in early July, and is not prevented from doing so in the interim while this petition is pending before the KBE. However, the Commissioner recommends that the KBE proceed under its separate statutory authority to fulfill that requirement and to insure that the boundaries are redrawn in time for application to the August candidate filing deadline. The Scott County Clerk advises that if the local board takes action in the next few weeks, the boundaries can be redrawn and this will be applied to the upcoming 2014 election.

Staff Recommendation(s) and Rationale(s):

Staff recommends that the KBE order the Scott County Board of Education to make the changes in school district divisions as are necessary to equalize the population within the five (5) school divisions. The investigation and application of current census data by the Scott County Clerk clearly shows that the current divisions are unequally divided. KRS 160.210 (4) mandates that the KBE take this action when a citizen petition leads to this determination.

Impact on Getting to Proficiency:

Having an efficient and representative system of electing members to local boards of education is essential to supporting a high-functioning teaching and learning environment.

Contact Person:

Kevin C. Brown
Associate Commissioner and General Counsel
Office of Guiding and Support Services
kevin.brown@education.ky.gov

A handwritten signature in black ink, appearing to read "Kevin C. Brown", written over a horizontal line.

Commissioner of Education

Date:

June 26, 2014

Hiren Desai
Associate Commissioner
Office of Administrative and Support
hiren.desai@education.ky.gov