



KSBA School Board **Leadership Guide**

A Resource for Kentucky's School Board Members





www.ksba.org

This version of the Leadership Guide has been modified by the Jefferson County Public Schools with the permission of KSBA to reflect certain aspects of JCPS governance and procedure.

November, 2014



Dear Board Member:

KSBA's School Board Leadership Guide summarizes the most essential aspects of school board leadership and we believe you will find the new edition to be more manageable, readable and useful in your day-to-day duties as a board member. This is not intended to provide you with all the information and background you will need during your service, but rather serve as a starting point, with more detailed content available through our conferences, workshops, publications and the Academy of Studies.

As a local school board member, you represent the very best of American democracy and its tradition of volunteerism. Your local community has elected you to oversee two very important tasks: the education of its children and the stewardship of the tax dollars that make public education possible. This user- friendly School Board Leadership Guide contains basic information on a wide range of issues and topics related to these and other tasks. We hope it will help you navigate the increasingly complex world of school board service – a world in which boards are asked to increase student achievement with ever-dwindling resources—and make your job less overwhelming.

Since no single source can possibly address all of your questions and concerns, I hope you will also make frequent use of our website (www.ksba.org) and feel free to contact any of the KSBA staff through our toll free number (1-800-372-2962).

We are proud to serve you and the other board members of Kentucky's 173 local school districts.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerri".

Kerri Schelling, CAE
Director, Board Team Development

Kentucky School Boards Association

School Board **Leadership Guide**

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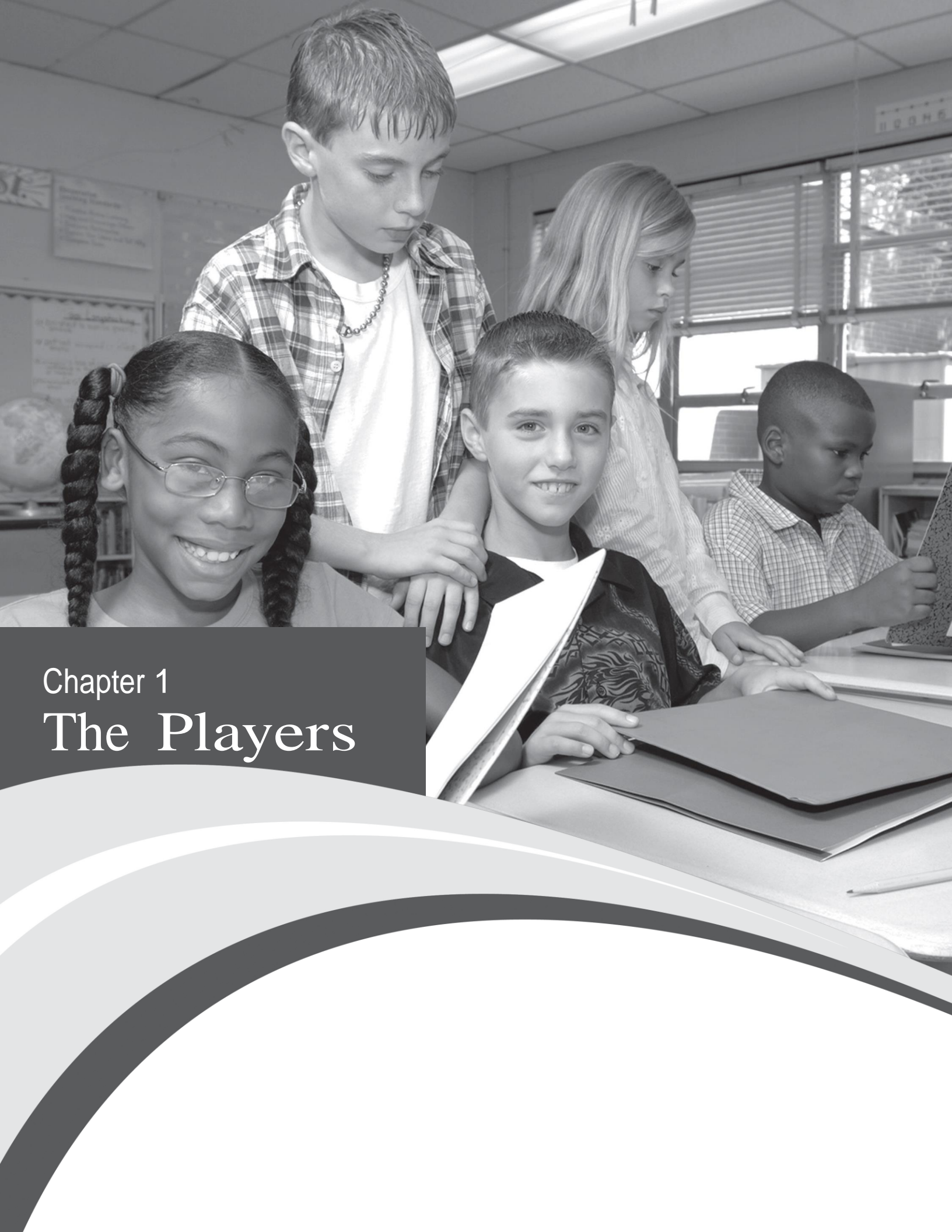
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Chapter 1
The Players

The Authority for and Structure of Public Education in Kentucky

The Kentucky Constitution requires the state General Assembly to establish an “efficient” system of common schools throughout the state. To that end, the Kentucky General Assembly by statute has created a system for elementary and secondary education. Local boards of education were created by the legislature to represent the community and provide local oversight of education within each district.

Legal Environment of Local Boards of Education

Local boards of education are governmental bodies that must comply with federal and state constitutions, statutes and regulations, and must not act contrary to those requirements. For example, personnel policies adopted by a local factory may not be legally suitable for a school district because the district is subject to constitutional, statutory and regulatory provisions that do not apply to a factory. As long as a local board is acting within the authority granted to it, it has the discretion to make choices and decisions that meet local needs and are in the best interest of the district.

The State Educational Hierarchy

The Kentucky Constitution

In addition to requiring the General Assembly to create an efficient system of public education, the state constitution also addresses the funding of public schools and limitations on how those funds are used. However, the constitution also applies in other ways. For example, it prohibits governmental entities, including school districts, from acting in an “arbitrary” manner, which means that all actions of a district must be for educational purposes and not be unconstitutional or discriminatory. The state constitution is the foundation for understanding public education in Kentucky.

The state courts

State courts are the primary interpreters of the state constitution and review legal challenges to district action. The Kentucky Education Reform Act of 1990 resulted from a Kentucky Supreme Court ruling that the state had failed to provide an “efficient” system of education as required by the state constitution. State courts have issued many decisions through the years that address all areas of district operations, from personnel actions to student discipline. The Kentucky School Laws published by the Kentucky Department of Education contains short descriptions of court cases. Board members should be cautious when using those descriptions because many of them have been supplanted by later cases or by amendments to the statutes. It’s best to consult local counsel to confirm the current judicial interpretation of a particular law.

QUESTION

Q. *Can a school board file a lawsuit?*

Yes. Boards of education may sue or be sued.

The Governor

The governor submits an executive budget to the General Assembly on behalf of executive-branch state agencies, including proposed spending for public education. The General Assembly may adopt all, some, or none of the governor's proposal when it approves the state budget.

The General Assembly

Education laws passed by the General Assembly are found mainly in six chapters of the Kentucky Revised Statutes, KRS chapters 156 through 161. These statutes address all main areas of public education, from curriculum to student discipline and from personnel action to district finance. The General Assembly also is responsible for adopting the state budget, which provides much of the funding for public education.

The General Assembly may authorize other bodies, such as the Kentucky Board of Education and local boards of education, to approve policies that further advance education, as long as the policies are within and consistent with the authority granted to those bodies. In this hierarchy, the legislature enacts statutes, the state board of education enacts regulations to carry out the intent of the laws, and local boards adopt policies to provide a framework for district action within the statutes and regulations.

The State Board of Education

The Kentucky Board of Education is composed of 11 members appointed to four-year terms by the governor. The president of the Council on Postsecondary Education serves as a nonvoting member. The general powers and duties of the state board are assigned by law in KRS 156.070. They include managing and controlling schools and all programs operated in the schools, including interscholastic athletics, the Kentucky School for the Deaf, the Kentucky School for the Blind, and community education programs and services.

While the state board performs certain direct administrative functions affecting local districts, its principal role is to adopt administrative regulations that carry out and provide the details of how legislation passed by the General Assembly will be implemented. Regulations are proposed by the state commissioner of education and then presented to the state board for consideration and adoption. Before presenting a regulation to the state board, the commissioner is required to submit all proposed regulations to the Local Superintendent Advisory Council for its review and input. The council consists of 11 local school superintendents appointed by the Legislative Research Commission, which comprises the joint leadership of the General Assembly.

The commissioner of education and the Department of Education

The commissioner of education is the chief state school officer; he is appointed by the Kentucky Board of Education and serves at the board's pleasure. The powers and duties of the commissioner are those set by the General Assembly through legislation. Among them is to be the executive officer of the state board of education in carrying out its statutory duties and implementing its policies.

The commissioner is responsible for the day-to-day administration of the education department, much as a local superintendent is responsible for the day-to-day administration of the local district. Most of the routine interaction between local districts and the state will be with the department of education and the commissioner.

Local Boards of Education

To carry out education at the local district level the General Assembly created locally elected boards of education. Local boards are composed of five members, except for Jefferson County, which has seven members. There are two types of local boards, independent and county. Each county is represented by a county school district board; independent boards represent districts in communities within the counties. Like the state board of education, the local board has certain direct administrative function to perform, including adoption of an annual budget and consideration of student disciplinary matters such as expulsions; however, the principal role of the local board is to adopt policies that provide direction for the administration of the district.

QUESTION

Q. Is there a federal role in state and local education?

The federal government affects local boards in two main ways: through United States Constitutional provisions that apply to local districts (and the judicial decisions that interpret them) and through federal programs that often require compliance to receive federal funds, such as the No Child Left Behind Act. For example, the First Amendment to the U.S. Constitution applies to local school districts and may come into play on issues such as student or employee free speech. Federal statutes also apply, such as the Individuals with Disabilities Education Act (IDEA), the federal law addressing the education of exceptional children; or Title VII, the federal law that addresses certain forms of discrimination. While there are many federal agencies that may interact with local school districts, such as the U. S. Department of Labor, the principal agency for education is the U. S. Department of Education. That agency oversees many of the federal education programs and enacts federal education regulations.

Sometimes the Kentucky Department of Education is designated as the state's agent for overseeing federal funds and programs. Even in those cases, however, the federal government retains ultimate authority over federal programs.



Office of Educational Accountability

The Office of Educational Accountability is an administrative agency of the legislature. OEA is responsible for monitoring the education system and the implementation of the Kentucky Education Reform Act. It monitors all agencies of elementary and secondary education, including local boards of education. OEA has the right to access all public records of the state education department and local districts, including confidential records, and records of meetings and hearings on local school district personnel matters. OEA has no enforcement authority; that authority rests with the Department of Education and the Kentucky Board of Education, and with the attorney general's office. Its findings are turned over to the commissioner of education and/or the state board of education for action.

OEA cannot issue regulations and other directives to local boards of education. The agency can make findings based upon its investigation and make suggestions to local districts if it believes the district or individuals are not complying with law.

If OEA issues a finding of noncompliance and there is a legal basis for the finding, the district or individuals involved should make a good-faith effort to correct the matter.

School Councils

School councils – also called school-based or site-based decision making councils – are established by statute and responsible for adopting school policies aimed at improving student academic performance. Each local board of education is required to have policies providing for school councils, and each school must have a school council unless exempted under law. [Click \(or Ctrl click\) here for Jefferson County policies. \(Policies 02.422, 02.421, 02.4231, 02.423, 02.4242, 02.4244, 02.431\)](#) Like the state board of education and the local board of education, the council's primary role is policy making, with the day-to-day administration left to the principal, who is subject to the policies the council adopts. While there are exceptions in the statute, the typical council is composed of two parents, three teachers and the principal.

The council is subject to all federal and state laws, and board policies; however, in areas specified by statute the council has the authority to adopt policies it believes will promote student achievement at the school as long as the policies are not arbitrary, discriminatory or in conflict with established legal rights such as contractual rights. Among other areas, the council is required to adopt policies on curriculum, instructional and noninstructional staff time, assignment of students to classes and programs within the school, and planning and resolution of issues involving instructional practices. Board responsibility and policies intersect with council responsibilities in some instances. For example, while the council can determine the schedule of the school day and work day, that determination is subject to the beginning and ending times of the school day and school-year calendar, which are set by the local board of education. Likewise, each council adopts a budget for the school but must work within the funds made available to it in the district budget adopted by the local board of education.

Some controlling statutes and regulations for this chapter: Kentucky Constitution Section 183§2§184§186; KRS 160.160; 156.070; 156.010; 156.029; KRS 7.410; KRS 160.345



Chapter 2

The Local Board of Education

Local Control is a Public Trust

Communities elect representatives to local boards of education to serve as their trustees. A board member holds power in trust for everyone and every group in the school district, whether he is elected districtwide or by division. A board member must carry out responsibilities for the benefit of, and in the interest of, individuals and groups in the school district.

Duties of the Local Board of Education

The General Assembly and Kentucky Board of Education have delegated much of the responsibility for organizing and conducting educational programs to local boards of education and to school councils, also called school-based or site-based decision making councils. This means that boards and councils are extensions of state government; local board members are considered state officers, receiving their authority and responsibility from the General Assembly.

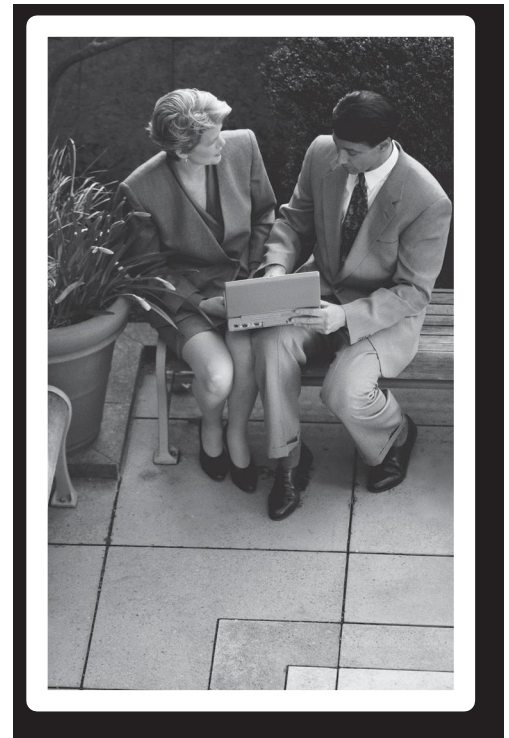
The general powers and duties of the local board are outlined in KRS 160.160 and 160.290, but the full responsibility of a local board is detailed in other statutes.

Among the major duties of the board:

1. Establish schools, acquire sites and erect buildings.
2. Adopt courses of study.
3. Provide necessary services to pupils.
4. Manage all funds and property.
5. Make appropriate rules, regulations, and bylaws. (KRS 160.350)
6. Appoint a superintendent of schools.
7. Adopt a budget. (KRS 160.470)
8. Take necessary action to levy needed taxes. (KRS 160.460-160.500)
9. Assess individual student progress. (KRS 160.345)
10. Adopt a plan for immediate and long-term strategies to address school safety and discipline. (KRS 158)
11. Formulate a code of acceptable student behavior and discipline that applies to each school in the district.

It's impossible for the average school board member to be familiar with all the district's legal requirements, just as it is impossible for the average member of the General Assembly to be familiar with all state laws and regulations. For that reason, local board members often must rely on the expertise of district staff or local legal counsel. Board members must recognize when additional information is needed and the best sources for that information.

Most of a local board of education's duties are fulfilled with the adoption of district policies. Once policies are adopted, the focus shifts to the district superintendent and staff to implement the policies. Neither the board as an entity nor individual board members are involved with day-to-day administration of board policies or district administration; that responsibility by law falls on the superintendent and her staff. However, the board does monitor overall district performance and can revisit, amend or repeal policies that it believes are in the best interest of the district.



Board Member Qualifications

To serve on a local board of education a person must meet the following qualifications (KRS 160.180):

1. Be at least 24 years old.
2. Have been a citizen of Kentucky for at least three years preceding her election and be a voter of the district she is elected to represent.
3. Have completed at least the 12th grade, been issued a GED certificate or been elected prior to July 14, 1990 with no lapse in service.
4. Have signed an affidavit under penalty of perjury certifying completion of the 12th grade or the equivalent as determined by passage of the 12th-grade equivalency examination regulated by the state board of education, and have filed an affidavit with the nominating petition.
5. Does not hold a state office requiring the constitutional oath and is not a member of the General Assembly.
6. Does not hold or discharge the duties of any civil or political office, deputyship, or agency under city or county government.
7. Is not, at the time of his election, directly or indirectly involved in the sale to the board of anything, including services, paid for with school funds.
8. Has not been removed from a board of education for cause.
9. Does not have a father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, or daughter-in-law employed by the school district. This does not apply to a board member holding office on July 13, 1990 whose relative was not initially hired by the district during the board member's tenure.

Board Member Election

Except in Jefferson County and special cases resulting from school district merger, boards of education in Kentucky consist of five members. [The Jefferson County Board of Education consists of seven members.](#) Board members are elected for a four-year term on a nonpartisan ballot in even-numbered years. Terms are staggered so that the terms of not more than three members of a local board expire at the same time. In independent school districts, school board members are elected at large. In county school districts, members are elected from divisions.

School board candidates cannot solicit or accept any political assessment, subscription, contribution, or service of any employee of the school district. (KRS 161.164)

Board member in-service training

The minimum number of training hours that a board member must earn each year is defined in KRS 160.180(5) and is based on the length of their board experience and when they took office. For members serving prior to Jan. 1, 2015:

0-3 years	12 hours of annual training
4-7 years	8 hours of annual training
8 – plus years	4 hours of annual training

For members seated on or before January 1, 2015:

0 – 7 years	12 hours of annual training
8 – plus years	8 hours of annual training



The statute also grants authority to the Kentucky Board of Education to identify the criteria for fulfilling this requirement. A synopsis of 702 KAR 1:115, the accompanying regulation to this statute, is as follows:

- ❖ Board members with 0 – 3 years of experience must include as part of their mandated annual training three (3) hours of school finance, (1) hour of ethics and (1) hour of superintendent evaluation.
- ❖ Board members with 4 - 7 years of experience must include as part of their mandated annual training two (2) hours of school finance, (1) hour of ethics and (1) hour of superintendent evaluation.
- ❖ Board members with 8-plus years of experience must include as part of their mandated annual training one (1) hour of school finance and (1) hour of ethics, as well as (1) hour of superintendent evaluation every other year.

In addition to these requirements, new, inexperienced board members must acquire training hours from among the following topics: school law, school finance, community relations, policy development, personnel relations (for limits, see Chapter 4), instructional programs, superintendent/board relations, goal setting, decision making, employment and evaluation of the superintendent, and educational services for gifted and other special-population children.

Board Member Meeting Attendance

A board member failing to attend three consecutive regular meetings is subject to removal from his office, unless he is formally excused by the board. Such excused absences should be reflected in the official meeting minutes. Special meetings are not counted in determining whether a board member should be removed.

Immediately following election, board members are also required to regularly attend board meetings.

The Board as a Corporate Body

According to KRS 160.160, “Each Board of Education shall be a Body Politic and Corporate with perpetual succession.” That language means that individual board members have no authority outside of legally called board meetings. Only when the board gathers as a corporate body do the members have the ability to take action on behalf of the district. They cannot direct any action in the district outside of those meetings. With the exception of the chairman’s authority to call a special meeting, individual board members have no more authority than an individual citizen to direct the affairs of the district. Only actions recorded in the minutes of a board meeting reflect the official acts of the board. This is why each board member should carefully review the minutes of each board meeting before voting on their approval, as the minutes are the only legal record of the official actions of the board.

Personal liability

Board members are generally held to be immune from personal liability for actions taken by the board, providing they act in good faith, and without illegal motive, fraud, collusion or gross negligence.

State law allows school boards to purchase insurance to protect members when they act in their official capacity. Boards should discuss coverage with the superintendent and board attorney. Insurance generally will not protect board members who commit intentional bad-faith acts, such as knowingly violating criminal law or intentionally violating a person’s civil rights. Board members who commit such acts may not be immune from legal action and may be held responsible by the courts.

Board officers

To carry out its responsibilities the board is required to appoint officers. By statute the board appoints the board chairman, vice chairman, superintendent, board secretary, board treasurer and board attorney. [The Jefferson County Board of Education appointed Dr. Donna M. Hargens as Superintendent of Schools and Board Secretary beginning on August 1, 2011.](#) The position of superintendent, who is the executive agent of the board, is discussed in chapter 3.

Board chairman

The chairman presides over meetings of the board, keeping the discussion focused on the topic under

consideration, encouraging each member to contribute, and giving attention to all questions. She will lead but not dominate the meeting. The chairman can vote and make motions. The chairman signs most official board documents, including orders of the treasurer and contracts. (The superintendent or designee signs purchase orders and personnel contracts.) The chairman may perform other functions required by the board and allowed by law.

The chairman and vice chairman serve a term of no more than two years, though the board can set the term for a lesser length. [The Jefferson County Board of Education elects a Chairperson and Vice-Chairperson at its first regular meeting each January.](#)

Vice chairman

The vice chairman presides in the absence of the chairman. The vice chairman may perform other functions required by the board and allowed by law.

Board secretary

State law says a board of education must appoint a secretary for a term of one, two, three or four years. The secretary reports and is responsible to the board. The superintendent has no role in the appointment of the board secretary. The secretary cannot be a member of the board of education. [In Jefferson County, Superintendent Hargens serves as secretary; Kathy Smith is the Assistant Secretary to the Board.](#) [Click \(or Ctrl click\) here for the Jefferson County policy. \(Policy 01.412\)](#)

The secretary keeps the board's minutes. The minutes should be clear, concise, legible, and, above all, accurate. The minutes should show:

- The place, date, and time of the meeting.
- The names of members present.
- The transactions of the board, including the names of persons making and seconding motions, and the name of each person voting and how he voted.

During meetings, the secretary must record all official proceedings. Minutes of meetings are to be kept in a book that is a public record open to inspection after the board approves them. The secretary also signs all orders of the board and sees that the chairman countersigns them. The secretary is the official custodian of all securities, documents, title papers, and other papers of the board, keeping them as the board directs. The superintendent can serve as secretary to the board. A board secretary other than the superintendent must make all records, and information contained in those records, available to the superintendent at any time. A superintendent can't receive additional compensation for serving as board secretary. The board can set a reasonable salary for anyone else serving as secretary.

The secretary must call a special meeting of the board when requested by the chairman or by three members of the board. State law requires the secretary to attend board meetings except when his own tenure, salary or the administration of the office is under consideration.

Treasurer

State law requires each board of education to elect a treasurer. The board may elect its secretary to serve as treasurer. The election of the treasurer does not require the superintendent's recommendation. Although not required, it is recommended that the board hire a treasurer with accounting experience, preferably a certified public accountant. [In Jefferson County, the Board elected Chief Financial Officer Cordelia Hardin as Treasurer.](#) [Click \(or Ctrl click\) here for the Jefferson County policy. \(Policy 01.413\)](#) The treasurer reports and is responsible to the board. The board can remove the treasurer from office for cause by majority vote at any time.



The treasurer pays all bills of the board, receives all money due the district and deposits it in a depository designated by the board. Kentucky law requires the treasurer to be bonded by an authorized surety company. The board pays the premium on the bond.

Duties of the treasurer include:

- Being responsible for all funds belonging to the school system.
- Keeping an accurate record of all receipts and disbursements.
- Preparing periodic reports and financial statements.

Board attorney

Appointment of a board attorney is at the discretion of the board. However, the complexity of school issues, from special education law to due process for employees, requires legal advice from some source. A board should carefully determine the terms of the agreement with the attorney. If the attorney is put on a retainer, the agreement should clearly specify services included as part of the retainer and the costs for services outside the retainer. The board should also delineate who is authorized to contact the attorney. Usually, only the superintendent and the board members have that authorization.

An attorney who is well-versed in federal and state laws, due process laws, and court rulings that affect public schools can be an invaluable asset to a board. The National School Boards Association's "Becoming a Better Board Member" publication lists the areas where an attorney can assist the board:

- Reviewing board minutes to ensure that all board actions are legally sound.
- Determining whether board-meeting procedures comply with law.
- Advising the board on the interpretation of statutes, charters, court mandates, contract language, and other technical matters of law.
- Writing board policy in clear, precise English.
- Reviewing the board's policy manual to ensure that all legal requirements have been addressed in policy and that policies are legally sound.
- Reviewing all contracts and advising the board in contract negotiations.
- Reviewing all hiring procedures.
- Preparing or reviewing board bid invitations, job specifications, and construction and other contracts.
- Advising the board on due process procedures and the conduct of hearings.
- Reviewing all procedures and regulations regarding the rights and responsibilities of students, and pupil discipline.
- Reviewing federal programs to determine what constitutes legal compliance.

The role of the attorney is to explain the legal implications of board decisions or actions and to present options for decisions based on legal interpretations. The attorney also should point out any legal problems that may arise from a proposed action of the board.

The Jefferson County Board of Education appointed Rosemary Miller as General Counsel. The General Counsel reports to the Board of Education and the Superintendent and coordinates all legal affairs of the school district. The General Counsel is the principal legal advisor to the Board, Superintendent and staff, and serves as liaison with the retained law firms. [Click \(or Ctrl click\) here for Jefferson County Policy \(Policy 01.7\)](#) The Board has retained the law firms of Wyatt, Tarrant & Combs and Middleton & Reutlinger.

QUESTIONS

Q. *What happens if there is a vacancy in a board seat?*

Any vacancy on the board must be filled by the commissioner of education within 90 days after the vacancy occurs. The appointed member must meet the state eligibility requirements and hold office until his successor is elected and has qualified. The local board may make nominations and anyone can self-nominate for the office. The commissioner can establish a committee to interview candidates and to make a recommendation.

If a vacancy has an unexpired term of one year or more at the next regular November election after the vacancy occurs, the unexpired term shall be filled in an election at the next regular November election after the vacancy occurs. The elected member shall succeed the member chosen by the commissioner. If the unexpired term is less than one year, the commissioner's appointee serves the remainder of the term.

All board terms run for four years and never change. Thus, if a member is elected and later resigns, the person appointed serves only for the remainder of the original four-year term. In that sense, the term never changes from the original four years regardless of who or how many may serve during the four-year term.

Q. Do board members receive a salary or expenses for board service?

Board members cannot receive a salary for board service; however, board members can receive a per diem of \$75 for each board meeting attended, whether a special or regular meeting. Board members can also receive reimbursement for expenses for attending each board meeting. Per diems cannot exceed \$3,000 per calendar year and expenses for attending meetings within the district may not exceed \$3,000 per calendar year. Board members also can receive a per diem for attending the in-service training required by statute. A board member cannot receive a per diem for training above the training hours required by statute.

A board member can be reimbursed for actual and necessary expenses incurred outside the district while performing district duties as long as it is authorized by the board. For example, a board member can attend a meeting on behalf of the district at the state Department of Education in Frankfort and receive a reimbursement of expenses. Expenses incurred outside the district are not calculated in the \$3,000 calendar-year limitation for in-district expenses.

[Click \(or Ctrl click\) here for the Jefferson County policy. \(Policy 01.821\)](#)

Conflicts of Interest and Consequences

Board members can be removed from office for either of two main conflicts of interest. The first ground for removal of a board member is for a financial conflict of interest where a board member receives, directly or indirectly, any financial benefit from the district other than permitted per diems and expenses. Therefore, anytime a board member is aware that he will receive a financial benefit from the district where he serves, he should evaluate whether a conflict could occur. Financial conflicts can occur on the day of the election or thereafter. For example, if an employee of the district ran for the board but waited to resign until after the election to see if she won, it would be a conflict as the member would have a financial interest in the district on the day of the election. Other examples of possible financial conflicts:

- A school board member who is an owner or partner of a firm selling supplies or insurance to the school board. It's immaterial whether the amount of business involved is small and that full value was given.
- A board member who purchased a building and rented it to the board for use as a superintendent's office.
- A person who was interested in the sale of school bus services to the board of education on Election Day.
- A board member who was president of a corporation that sold merchandise to the school board.
- A board member who was sales representative of a company that sold paint to the district and received a commission on the sales.

Disqualification of a member because of interest in the sale of supplies or services to the school district is confined to monetary benefit that goes directly or indirectly to the member. If a spouse of a board member receives funds from the school district, this also may be considered a conflict for the board member, as the board member “indirectly” received the benefit. The indirect benefit is not always obvious. For example, if a member has a minor child who still lives at home with the member and the district proposes to pay the child for a small service during the summer, it may be deemed a financial conflict for the member as the assumption is the member indirectly benefited from the minor child’s receipt of additional living expenses from the district.

[Click \(or Ctrl click\) here for the Jefferson County policy. \(Policy 01.21\)](#)

The second main conflict of interest is called an incompatible office. The Kentucky Constitution provides that no person shall, at the same time, be a state officer and an officer or employee of any county, city, town, or other municipality. Because a school board member legally is a state officer, the member cannot be a county or municipal officer or employee. A board member is disqualified when the member accepts such appointment. Examples of offices that have been found to be incompatible with school board membership include, but are not limited to, the following:

- Member of a county board of health
- Board member or superintendent of a city or county children’s home
- City council member
- County election commissioner
- Member of a county board of supervisors
- County tax commissioner
- Magistrate
- Deputy sheriff

In addition, the courts have held that a teacher under contract is not eligible to serve on the school board in the same district that employs him. However, a teacher is eligible to serve as a school board member in a district where he is not under contract. A retired teacher is eligible to become a member of the board of education, if other qualifications are met.

Kentucky law does not prevent someone from being a state officer and a state employee at the same time. Therefore, school board membership has been held compatible with state employment, such as inspector in the state Department of Motor Vehicles, state parole officer, and maintenance supervisor of state-maintained roads. However, board members are prohibited from holding a second office that requires taking the state constitutional oath. Membership on many state boards, including higher education boards, may require the constitutional oath.

A board member can become a candidate for another political office and continue to serve on the board of education. However, if she wins the election she will be required to resign from the board of education before assuming the second office.

There are other reasons why a board member might be removed from office, such as no longer meeting the essential qualifications or no longer living in the required division or district, or having a relative within the defined category hired by the district. But the financial conflict and incompatible office conflict are the two main conflicts most often encountered.



QUESTION

Q. What is the process for removing a board member?

The attorney general may file an action in circuit court to remove the board member from office. Under a separate administrative process (KRS 156.132), the commissioner of education can recommend the removal of a local board member to the state Board of Education when the commissioner has reason to believe the board member is guilty of immorality, misconduct in office, incompetence, willful neglect of duty, or nonfeasance. The state board, by a majority vote of its members, can bring charges without the recommendation of the commissioner. The board member against whom the commissioner issues written charges must be provided with the charges and notified of the date and place to appear before the state board to answer the charges. The board member can be represented by counsel and subpoena witnesses. The decision of the state board can be appealed to the circuit court and the state court of appeals.

Some controlling statutes and regulations for this chapter: KRS 118.315; KRS 156.132; KRS 158; KRS 160.160; KRS 160.180; KRS 160.190; KRS 160.210; KRS 160.270; KRS 160.280; 160.290; KRS 160.345; KRS 160.350; KRS 160.440; KRS 160.460-500; 161.164; 702 KAR 1:115

Chapter 3

The Superintendent and Board Team



The Key Person

Good school board members know the difference between governance (which is their job) and management (the administration's job) and place a high priority on respecting that difference. Board members should recognize that their responsibility is not to run the system, but to see that it is well run. That is why one of the board's most important jobs is to hire a qualified and capable superintendent to administer its schools on a day-to-day basis. The board becomes more efficient in carrying out its oversight functions by delegating authority and administrative duties to the superintendent and staff. Because the superintendent holds the key administrative position in the school system, the board should seek the best-qualified person. But to be successful, the board and superintendent must work together as a team. Neither can move the district forward in isolation but together, as a board team, they can.

Two Main Roles

The superintendent has two major roles executive officer of the school system and chief education advisor to the board. As executive officer, the superintendent has a duty to carry out all policies, rules and regulations established by the board. The superintendent has day-to-day charge of the entire school system and coordinates the work of all system personnel. As the board's education advisor, the superintendent should recommend policies for the board to consider and should advise and counsel the board on all education matters. However, this does not mean that the board cannot or should not seek information, guidance and counsel from other sources.

The Superintendent's Functions

A list of the superintendent's duties would be endless. Kentucky law has specified some of the major duties of that office:

1. Meet with the board except when his own tenure, salary, or the administration of his office is under consideration.
2. See that the laws relating to the schools; the bylaws, rules and regulations of the Kentucky State Board of Education; and the regulations and policies of the district board of education are carried out.
3. Prepare, under the board's direction, all rules, regulations, bylaws and statements of policy for approval and adoption by the board.
4. Be responsible, subject to the control and oversight of the board, for the general supervision of the schools, including instruction, management of teachers, pupil discipline and business affairs. At the same time, the superintendent examines the condition and progress of the district and keeps the board informed of those facts.
5. Make all appointments, promotions, and transfers of principals, supervisors, teachers and other school employees. If a school has school-based decision making, special rules and processes will apply to the selection and hiring of principals and other staff.
6. Prepare, or direct the preparation of, all budgets, salary schedules and reports required of the board by the state board of education.
7. Keep advised of the needs of the school system.
8. Receive and examine reports from teachers, school councils and other school officers.
9. Make reports as directed by the board.

In addition to these legal requirements, most authorities agree that the superintendent should continuously evaluate the schools and make recommendations for improvement, should evaluate the work of each staff member and make her findings available to the board, and should serve as the district's representative to the public, keeping the community informed about the schools. In short, the superintendent should provide professional leadership for the school system. [Click \(or Ctrl click\) here for Jefferson County's policy. \(Policy 02.12\)](#)

Superintendent Qualifications

Each local board of education will assess local needs and determine what qualities it will seek in superintendent candidates. Because each district's needs differ to some degree there will be differences in local qualifications. All superintendents must hold a valid certificate for superintendents issued by the state, and are subject to nepotism prohibitions similar to the rules for board members. A superintendent must live in Kentucky. [Click \(or Ctrl click\) here for Jefferson County's policy. \(Policy 02.11\)](#)

Selecting a Superintendent

State law requires a local board to establish a screening committee to review applicants and make recommendations to the board of education. The board is required to consider the recommendations of the committee but is not required to appoint a superintendent from among the recommendations of the committee. The committee has the opportunity to screen all applicants. When a board establishes a screening committee, it also must provide the committee with information necessary to do its work. For example, the committee must know what qualifications the board is looking for in a superintendent, the time frame for the search and the amount of funding available to the committee to perform its task. The role of the committee is in part defined by the charge given to it by the board.

A screening committee must be established within 10 days of the date the board determines that a superintendent vacancy has occurred or will occur, unless the vacancy will not occur for another six months or more from the determination. For example, a superintendent gives notice a year in advance of retirement. In that case, a screening committee is to be established at least 90 days before the first date on which the position may be filled. By statute, screening committees are composed of two teachers, elected by the teachers; one board member, appointed by the board chairman; one principal, elected by the principals of the district; one parent, elected by the presidents of the parent-teacher organizations of the district; and one classified employee elected by the classified employees in the district. A minority member must be elected or appointed to the screening committee in districts with a minority population of 8 percent or more as determined by the enrollment on the preceding October 1. If not, the committee membership must be increased to include one minority parent. The minority parent member is elected by parents in an election conducted by the school board. The attorney general's office has stated that the screening committee cannot deviate from this composition.

The establishment of a screening committee does not prevent the board from seeking input from other committees or community groups, such as business leaders. Nor is a board prohibited from employing consultants if it believes that will benefit the search process. KSBA provides consulting assistance to boards that are beginning a search for a superintendent. [Click \(or Ctrl click\) here for Jefferson County's policy. \(Policy 02.1\)](#)

Term of office

Kentucky law requires the term of office for a school superintendent to begin on July 1 following his appointment. The appointment may be for a term of one, two, three, or four years. After the completion of a superintendent's first contract or after four years, whichever comes last, the board of education can, no later than June 30, extend the contract of the superintendent for one additional year beyond the current term of employment.

Vacancy prior to contract expiration

If a superintendent leaves before the term set by the board expires, the term expires on the date the vacancy occurs. The board may then appoint a new superintendent for a new term that begins on the date of the appointment. This is an exception to the requirement that all terms begin on July 1. However, all terms set by a board following a vacancy must end on July 30. For example, if a superintendent resigns and the board can't appoint a new superintendent until January 1, the board would be able to grant only a three-and-a-half year term due to the July 30 requirement. A superintendent cannot resign her term and accept a new term from the same board of education prior to the expiration date of the present term. When a vacancy occurs between a school board election and when the newly elected members take office, the position cannot be filled until the new members take office, but the board can appoint an acting superintendent to serve no more than six months. This appointment can be renewed once for a period of up to three months. A screening committee does not have to be established for the appointment of an acting superintendent.

The Partnership

In the words of Henry Ford, "Coming together is a beginning. Keeping together is progress. Working together is success." But sometimes that is easier said than done. Each board member and the superintendent arrive at their positions as individuals with their own ideas, values, thoughts and preferences, but must conduct the business of the district as a corporate body. Learning to compromise for the greater good of the district can be difficult for even the most seasoned veterans, but it is a skill that each team member must strive to master if they want to be successful in their role. Healthy debate and questioning is an important part of the decision-making process, but once the vote is taken, the majority should be respected – the board must speak with one voice. This unity of message is critical to the success of a board team because it communicates to the community that the district leadership is strong, capable and in control and will help to create a climate of confidence and support. On the other hand, public disharmony and infighting of the leadership undermines the work of the board and can lead to confusion, distrust and hostility within the community, who will likely see the fractured board as incompetent to run the district effectively.

School governance is rooted in the belief that a group of different individuals dedicated to the same goal can make better decisions than one person could alone. With this in mind, it's best to be open-minded about the opinions of others on the team. The goal should not be to convert them to your point of view but rather to determine the best solution to an issue by working together with everyone's input. You want the students to be the "winners" – not one board member or another.

Making it Work

There is nothing magical about an effective board-superintendent team relationship. Nor is it automatically going to happen once a team is assembled. As with any other interpersonal relationship, it has to be cultivated and nurtured. To work well, it must be built on trust, open and honest communication, commitment, hard work and the desire to see it through.

For the board to develop and maintain a good working relationship with the superintendent all members should:

- Know their role and responsibilities.
- Communicate with the staff through the superintendent as much as possible.
- Devote the time needed to do a good job.
- Do their "homework" prior to each meeting and be prepared to discuss the issues and take action.
- Admit what they don't know.
- Use facts, not emotion, when discussing issues.
- Communicate disagreements individually in private.
- Genuinely listen to others.

- Respect others and earn respect from them.
- Be prepared to compromise.

For the board to develop and maintain a good working relationship with the superintendent, members should not:

- Jump to conclusions.
- Become a complaint department.
- Make promises outside the board meetings.
- Interfere with the administration's roles and responsibilities.
- Pretend to be an instant expert on school matters.
- Grandstand and make speeches.
- Surprise the superintendent or fellow board members at a board meeting with resolutions, problems and issues without their prior knowledge.
- Take all the credit when things are going well.

Superintendents should also work to develop and maintain a good working relationship with boards. In addition to the points listed above they should:

- Be forthright, even if that means saying they're not certain what will happen.
- Never withhold pertinent information, even with complex initiatives.
- Have a system of introducing complex, high-profile initiatives early to the board.
- Be open to board ideas and questions.

This is not an exhaustive list of behaviors that contribute to effective board team relationships but it is a great place to start. If a board team starts to feel that it is not functioning well, it may be appropriate to suggest a workshop where the board reviews its ground rules that establish how it will function. If board bylaws or policies are not effective, then consider adding to or clarifying them. A board could also hire an outside facilitator to assist in improving the board's working relations. KSBA can help with a workshop or retreat tailored to the board's specific situation.

Qualities of effective school board members

- They possess a clear understanding of the roles of the superintendent, board chairman, board members and school councils.
- They become familiar with the function of the integral components of their school system.
- They develop and practice skills for conducting, managing and participating in productive meetings.
- They practice consistency and impartiality in all dealings with personnel, constituents, and issues.
- They stay informed about the public's concerns about the schools, listen to their opinions, and help them secure needed information.
- They maintain a high (but appropriate) level of visibility in the schools, community and district.
- They visit schools to gain clearer insights, but DO NOT interfere with the operation of the school.
- They seek opportunities to grow through specially planned workshops, seminars, and conferences.
- They let employees know that they are appreciated and valued.
- They periodically evaluate themselves and the board as a whole.
- They perform objective evaluations of the superintendent in accordance with policy and established goals and objectives.

- They are trustworthy and able to communicate clearly, solve problems, and serve professionally.
- They keep children first and practice sound governance that permeates their thinking, planning, and voting.
- They continually ask, “Is this what’s best for students and learning?”

“Teamwork is the ability to work together toward a common vision; the ability to direct individual accomplishments toward organizational objectives; it is the fuel that allows common people to attain uncommon results.”

—Andrew Carnegie



Operational Guidelines for Effective Board Members

- Do not publicly surprise the superintendent with comments, ideas and suggestions.
- Recognize their function is that of a policy-forming board member and not administrative in nature.
- Enact major policies only after all sides of the matter have been studied and all persons or groups affected have been consulted. They attempt to reach decisions that all members can support.
- Familiarize themselves in a broad and nontechnical manner with the challenges and opportunities of the system.
- Refer all complaints and requests to the appropriate administrator, working through appropriate channels.
- Recognize that the appropriate administrator is entirely responsible for carrying out a particular board policy in accordance with local, state and federal laws and regulations.
- Interpret to the superintendent the attitudes, wishes, and needs of the people of the district, and articulate to the people the needs, problems and progress of the schools.
- Voice opinions frankly and courteously in board meetings and vote for what is best for the children in the district.
- Require oral and written reports to keep the board well informed.
- Give all school officials authority in keeping with their responsibilities.
- Maintain harmonious relations with other board members and the superintendent.
- Know that it is possible to disagree without being disagreeable.
- Be exceedingly cautious with comments made to them about district personnel.
- Give friendly counsel, advice and support to the superintendent.

The primary consideration in any board decision should be the tangible impact it will have on students in the district. If board teams understand the facts and relevant data, and keep the needs of all students in mind when making decisions, they will undoubtedly make good decisions, despite pressures from other constituent groups or individuals.

[Click \(or Ctrl click\) here for Jefferson County's Operating Principles.](#)

Chapter 4

In the Trenches:

The Board Meeting, Personnel and Student Discipline



The School Board Meeting

By law, a local board of education must meet at least once a month in a regular board meeting at a place and time set by the board. All official business of the board is conducted at the meeting. Outside of the meeting the board and individual board members have no authority to act.

Board meetings cover the business of the district, such as authorizing bill payments, adopting policies and making decisions on construction projects, but they also include discussions on topics such as student achievement and future district goals, presentations by students, and comments from parents or community groups. All board meetings are subject to the state Open Meetings Act, which sets procedures for when and how meetings are called and held. KSBA publishes a reference booklet detailing Open Meetings Act provisions. Board members need to have a working understanding of the Act, because failure to observe its requirements can result in board actions being set aside by a court and fines levied against individual board members.

[Click \(or Ctrl click\) here for Jefferson County's policy. \(Policy 01.4\)](#)

Types of board meetings

Regular Meetings

Under the Open Meetings Act, all boards must adopt a calendar of regular board meetings that reflects the date, time and place of each meeting. All meetings on the calendar are the regular meetings of the board. Regular board meetings feature an agenda for action and discussion, which may be amended at the meeting (as opposed to special meetings, where the agenda cannot be altered). [Click \(or Ctrl click\) here for Jefferson County's policy. \(Policy 01.42\)](#)

Special meetings

All meetings not listed on the adopted calendar are special meetings. Special meetings are subject to additional requirements and restrictions under the Open Meetings Act. For example, when a special meeting is called, an agenda must be delivered along with the notice of the meeting; the meeting is limited to the agenda sent with the notice. The agenda cannot be amended (added to) during the special meeting and only items listed in the agenda can be discussed at the meeting.

Special board meetings can be called by the chairman or by the board secretary if requested by a majority of the board members. State law requires each member to receive written notice of a special meeting and the notice must include an agenda and the date, time and place of the special meeting. The written notice must be delivered as soon as possible in person, by fax or mail to every member of the board as well as to all media organizations that have filed a written request for such notifications. If the board member or media organization has filed a written request to receive notice by e-mail, then special meeting notice must be delivered to the address supplied in the written request. All notices of a special meeting, however delivered, must be received by the board member or requesting media at least 24 hours prior to the meeting. The written notice of the special meeting must be posted in conspicuous places in the building where the meeting will take place and in the central administration building. [Click \(or Ctrl click\) here for Jefferson County's policy. \(Policy 01.44\)](#)

Emergency meetings

An emergency special board meeting can be called by the chairman or by the board secretary if requested by a majority of board members. A reasonable effort must be made to notify the members of the board, media organizations and the public in general of the emergency meeting. At the beginning of an emergency meeting, the chairman must describe briefly for the minutes of the meeting those circumstances that prevented compliance with notification requirement for a special meeting. Discussion and action at the emergency meeting is limited to the emergency for which the meeting is called. An emergency meeting normally is called only when there is a threat to individuals' health or safety or there is a threat to the district, such as property loss or damage. In this context, emergency means emergency.

QUESTIONS

Q. Can a local board reschedule its regular board meeting?

When a board of education reschedules a regular meeting, the rescheduled meeting is to be treated as a special meeting and the requirements of a special meeting must be followed.

Q. Can an item be added to the agenda at a regular meeting?

Yes. However, if there is opposition from a board member the board should vote on whether to add the item. ~~Three~~ Four affirmative votes are necessary to add the item. [Click \(or Ctrl click\) here for the Jefferson County policy. \(Policy 01.45\)](#)

Q. If an honest error is made and an important item is omitted from the agenda for a special meeting, can the board vote to amend the agenda to correct the error?

No. In a special meeting, the board can act only on the items listed in the agenda and notice for the meeting.

Board meeting parameters

Whenever a quorum of the board (~~for a five member board, that means three~~) [\(In Jefferson County, that means four\)](#) gathers to discuss board business, it is considered a meeting and subject to the Open Meetings Act. For example, if ~~three~~ four members meet for coffee to discuss district business and do not provide public notice or make the gathering open to the public, then the discussion is in violation of the Open Meetings Act. There is no violation if only two board members meet; however, if two meet and then one of the two meets a third and fourth member in an effort to avoid a quorum and the Open Meetings Act requirements, they may be violating the Act because this process is deemed a “serial meeting.” Serial meetings are prohibited by the Open Meetings Act. [Click \(or Ctrl click\) here for Jefferson County's policy. \(Policy 01.4\)](#)

Closed sessions

All meetings of a board open and end as public meetings. However, the Open Meetings Act allows a board to go into “closed” session for a few specific topics as listed in the Act. For example, a board can go into closed session for a student discipline hearing. The Act requires the board to follow specific procedures when going into or coming out of closed sessions and the board needs to make sure that those procedures are followed. General personnel matters such as budgets and salary increases or decreases are not suitable topics for a closed session. [Click \(or Ctrl click\) here for Jefferson County's policy. \(Policy 01.43\)](#)

QUESTIONS

Q. Are closed-session discussions limited to the topics announced when going into the closed session?

Yes, only those topics announced as the reason for the closed session can be discussed.

Q. Do work sessions of the board and superintendent (where no action is to be taken) fall under the Open Meetings Act provisions, including public notification?

Yes, because district issues will be discussed, even though no final decisions, votes or other action will be taken during the work session.

The board meeting site

Most Kentucky school boards conduct the majority of their meetings at the district's central administrative offices. Some boards make it a practice to schedule some of their meetings over the course of the year at the district's schools, in libraries, media centers or cafeterias.

Attorney general's opinions have been rendered on the issue of board meetings and public participation. In general, the board meeting site should be as comfortable and pleasant as possible, both for the board and its visitors. Ample seating should be available. When possible, the board and superintendent should be seated facing the audience. Under Kentucky's Open Meetings Act, if a board meeting attracts an audience larger than it can accommodate in the planned meeting space, the board should make a good-faith effort to handle the overflow crowd. That may mean moving the meeting to a larger meeting space. A board was found in violation of the Open Meetings Act in part because people attending the board meeting could not hear the discussions. In other words, the board and superintendent should ensure, insofar as feasible, that all attendees at board meetings can get into the meeting room and hear and observe the board's discussions.

Receiving the public's comments

While no Kentucky statute requires a school board to allow public comments at its meetings, refusing to do so invites criticism that the board did not hear from constituents before making decisions. At the same time, to have an orderly meeting and show respect for all visitors – regardless of their reason for attending – means the board should establish guidelines for hearing comments from the public.

Boards can adopt procedures that apply to public comments at board meetings, such as how people request to speak, when they can speak, length of presentations, and topics to be heard at specified times. Many boards provide for a public comment opportunity at all regular meetings that allow the board to hear the concerns of the community. While a public comment segment is not required by law, it is one vehicle a board may use to hear from the community. [Click \(or Ctrl click\) here for Jefferson County's policy. \(Policy 01.421\)](#)

Parliamentary procedure

All board members should know basic parliamentary procedure. It is the responsibility of the chairman to rule on whether appropriate procedure is followed. The board may be strict or flexible in following parliamentary procedure, but it is important to establish the rules of order to be followed. Many boards follow Robert's Rules of Order, particularly the "Procedures in Small Boards" section. It is recommended that each board establish its rules of procedure and have these checked by its attorney.

[Click \(or Ctrl click\) here for Jefferson County's policy. \(Policy 01.4\)](#)

Few board members adhere to a literal and legalistic interpretation of the rules of order. If board members have a good working relationship, reliance on rules can be minimized. But it is essential to know what the rules are, because even on the most harmonious board, questions of proper procedure sometimes arise.

Voting

A majority of the board constitutes a quorum for the transaction of business, but a concurring vote by a majority of the board is still needed to take action (unless otherwise specified by statute), no matter how many members are in the quorum. On a ~~five~~ **seven**-member board, for example, at least ~~three~~ **four** concurring votes are required to take official action, even if only four **or five** members are present.

[Click \(or Ctrl click\) here for Jefferson County's policy. \(Policy 01.4\)](#)

QUESTIONS

Q. All ~~five~~ seven board members are present. ~~Two~~ Three members vote for a motion, ~~two~~ three members vote against a motion, and one member abstains. Does the motion pass?

No. The abstention goes with the majority. Since there is no majority, the motion does not pass.

Q. All ~~five~~ seven board members are present. ~~Two~~ Three members vote for a motion, ~~two~~ three members vote against a motion, and one member disqualifies himself. Does the motion pass?

No. ~~Three~~ Four concurring votes are required for an action to pass.

Q. Only ~~three~~ four board members are present. ~~Two~~ Three members vote for a motion and one member votes against the motion. Does the motion pass?

No. ~~Three~~ Four concurring votes are required.

Q. Only ~~three~~ four board members are present. ~~Two~~ Three members vote for a motion and one member abstains.
Does the motion pass?

Yes. As currently interpreted, the abstention goes with the majority, giving ~~three~~ four concurring votes.
You may want to consult with local counsel on this question.

Some controlling statutes and regulations for this section: KRS 160.270; KRS 61.805 61.850

Board Members and Personnel

The 1990 Kentucky Education Reform Act made the superintendent responsible for most personnel actions, including hiring, dismissals, suspensions, reinstatements, assignments, transfers and promotions. The authority applies to all classified and certified positions. Board members are restricted by statute (KRS 160.170 and KRS 160.180) from attempting to influence the hiring or appointment of district employees, except the hiring of the superintendent, the school board attorney, the board secretary and the board treasurer. Except for those positions, if a board member attempts to influence an employment decision, the member may be subject to removal from office under state law.

This prohibition does not apply to independent contractors such as architects, construction managers, consultants, contractors, or school suppliers who may sign a contract with the board. However, the board must be sure that these persons or groups are established as independent contractors.

While board members are prohibited from attempting to influence “who” is employed by the district, that doesn’t mean the board is entirely removed from the personnel process. The board sets the district budget, which determines annual salary increases, extra-duty salary formulas, the number of extended employment days available for the district, the number of classified and certified positions that will be funded by the district and approves collectively bargained agreements with employee unions. In addition, the board adopts all personnel policies for the district, including leave policies, work hours and benefits. So the board plays a pivotal and important role in the area of personnel, but board members need to recognize and observe legal boundaries.

School districts are governmental entities and not private business. District personnel hold both constitutional and statutory rights that employees of a private business may not hold. This means school district personnel action may encounter additional procedures and standards that a private employer may not face. In addition, because of the role of the superintendent, principals and school councils, the board does not directly make many specific personnel decisions. If, for example, a principal is failing to perform and a school is declining in performance, a board cannot direct the superintendent to remove the principal, because that is the superintendent’s authority; but the board can hold the superintendent accountable for the failure of the school to progress. If a certified employee is tenured he will hold certain rights by statute, including a right of

due process. The right of due process may require a hearing before action is taken. The same is true for classified employees where statutes and court cases have provided classified employees with certain procedural rights. Thus, the board of education makes certain broad decisions but the specific decisions and procedures rest with the superintendent and school councils.

QUESTIONS

Q. Can the board require a principal to explain the employment process she uses?

The board should direct the superintendent to report. The board should not, under normal circumstances, direct personnel other than the superintendent. The superintendent can make the report or might have the principal report. A board can ask about the hiring process used by the district. Any questions should focus on the process and not particular individuals who may be candidates for employment.

Q. Can a board member write a letter of reference for someone who is seeking a job in another district?

Yes, as long as the job seeker is not seeking a position in the board member's district.

Q. Is the superintendent's recommendation required for the board to abolish positions?

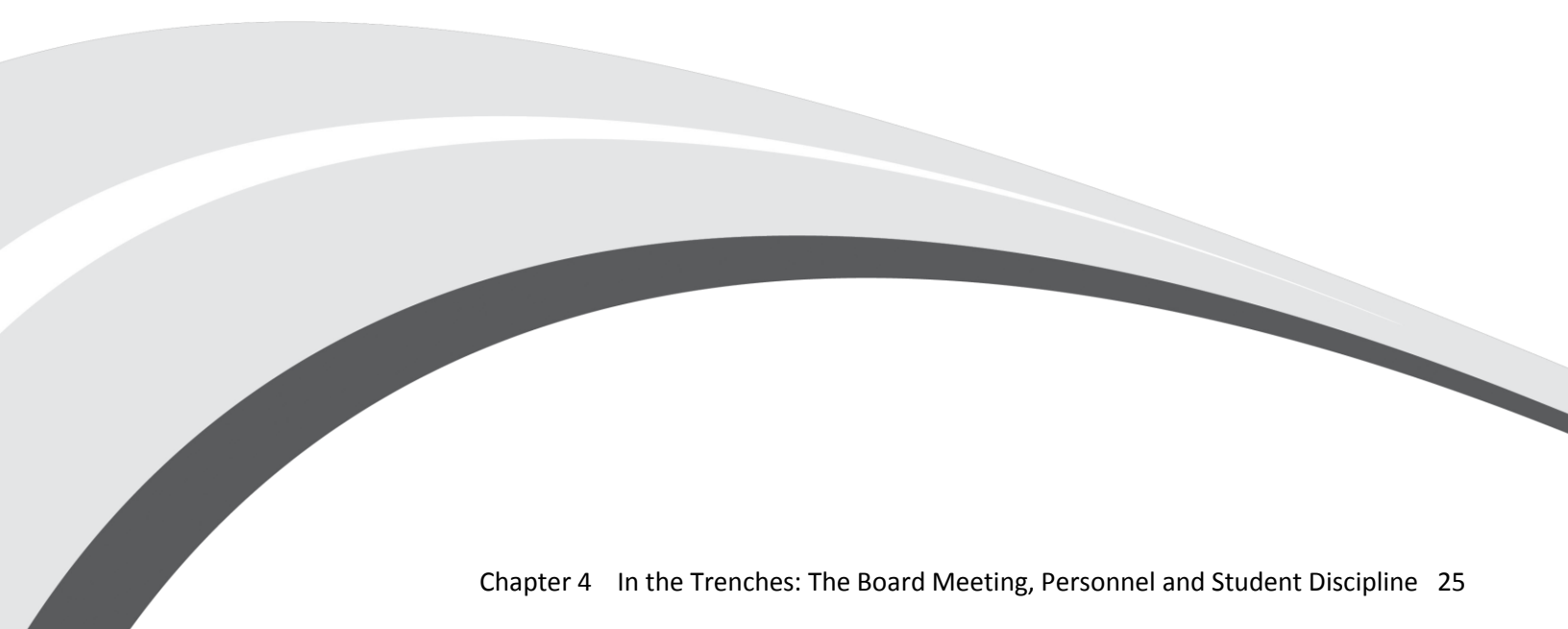
No.

Q. Can the board abolish positions held by certified employees?

Yes. However, if those employees are tenured, the superintendent would have to place them in other positions. If the positions are administrative, the superintendent might have to initiate demotion proceedings if the employee is not placed in another administrative position. The abolishment of positions should be part of an overall plan. If the board's action is legally authorized, the superintendent must carry out the board's intent.

Q. If the board wants to fire a principal, can it abolish the position and then later re-establish it so the superintendent can employ someone else?

The board would likely end up in litigation and most likely lose. This action clearly is for the purpose of dismissing an administrator, which is not within the board's authority. A position should be abolished only for budget purposes or for restructuring. If the position is abolished simply to remove ineffective personnel, the abolishment is subject to challenge.



Q. Are there positions that can't be abolished?

By law, these cannot be abolished: the superintendent, principal or head teacher of a school, school media librarian, finance officer and director of pupil personnel. The director of pupil personnel does not have to be a full-time position. The finance officer may hold another title, such as assistant superintendent or superintendent. Obviously, teaching positions are required.

Q. Can the board reduce the extended employment of teachers and administrators?

While the superintendent's personnel responsibilities include hiring and assignments, the board – as part of its responsibilities for controlling and managing school funds – may determine the amount of extended employment and compensation for personnel employed beyond the normal contractual period. Certified staff must be notified of any reduction in service and reduction in compensation as provided in KRS 161.760. The board's action must allow enough time for statutory deadlines to be met. Extra-duty and extended employment usually is set by the board through a schedule or formula for all positions.

Q. Can the school council increase or reduce the number of extended-employment days of an employee?

No. That is something only the board can do, according to the attorney general. The board may, if it chooses, allot extended employment days to the council and ask the council for a recommendation on the number of days employees should receive, but it is not required to do so. For the allocation to be legal, the board must act on the council recommendation.

Some controlling statutes and regulations for this section: KRS 156.101; KRS 157.390; KRS 157.420; KRS 159.080; KRS 160.170; KRS 160.180; KRS 160.290; KRS 160.345; KRS 160.350; KRS 160.380; KRS 161.011; KRS 161.760; KRS 161.770; KRS 161.790; KRS 161.800; 704 KAR 3:345

Board Members and Student Discipline

The local board of education plays a central role in student discipline. First, the board is required by state law to adopt a district code of acceptable behavior and discipline. [Click \(or Ctrl click\) here for Jefferson County's Code of Conduct](#). The code adopted by the board is the governing document for all district discipline questions and it must be carried out by the superintendent, principals and school staff. The code defines required behavior, behavior infractions and provides a range of discipline options to be used when a student violates the code. State law requires that codes be updated regularly, no less frequently than every two years. The discipline code is to be posted at each school and copies provided to guidance counselors for discussion with students. All school employees and parents receive a copy.

Second, the board of education is responsible for holding a due-process hearing for all students subject to expulsion charges. Prior to each expulsion the student and his parents have the opportunity to appear before the board and hear the evidence presented supporting the expulsion. The student has a right to be represented by counsel, and to present evidence on his or her behalf before the board reaches a decision on the expulsion. The board may need the assistance of local counsel at expulsion hearings. While the district code of behavior is the governing document, state and federal laws also might play a role in the decision of the board.

Suspension and expulsion

Suspension and expulsion are terms used to define the removal of a student from the school setting. A suspension is the shorter of the two, and normally does not exceed 10 days. Expulsion is longer and is used when a student exhibits serious misbehavior or when other measures of discipline have failed to control the misbehavior. The superintendent, principals, assistant principals and head teachers have the authority by law to suspend a student (KRS 158.150), but must report the action immediately to the superintendent and to the parent, guardian, or person having legal custody.

By law, only the board of education can expel a student. Expulsion may not occur until the parent, guardian, or person having legal custody or control of the pupil has had an opportunity to have a hearing before the board. The decision of the board is final, though parents may appeal the expulsion to circuit court. Expulsion hearings are held before the board of education, with the student and the student's parents being afforded due process rights at that hearing.

State law requires the local board to adopt a policy requiring the expulsion from school for a period of not less than one year if it determines that a student has brought a weapon to a school under its jurisdiction. However, the board may make exceptions to the expulsion on a case-by-case basis. The board is also required to adopt a policy requiring disciplinary actions, up to and including expulsion from school, for a student who it determines:

- Possessed prescription drugs or controlled substances for the purpose of sale or distribution in a district school; or
- physically assaulted, battered or abused educational personnel or other students at a school or school function under the board's jurisdiction.

School administrators, teachers or other school personnel can immediately remove or have someone else remove threatening or violent students from a classroom setting or from the district transportation system pending any further disciplinary action.

Services for expelled students

Education services must be provided to an expelled student unless the board determines:

- There is "clear and convincing evidence" the student posed a threat to the safety of other students and staff; and
- the student cannot be placed into a state-funded agency program.

The expulsion statute, KRS 158.150, contains a definition of the types of behavior that may be considered a threat.

The board should consult an attorney and gather as much information as possible when determining that a student is to be expelled without educational services. If a student is identified under the Individuals with Disabilities Education Act (IDEA) or federal Section 504 regulations, different rules will apply that may affect both the disciplinary process and potential options. In those cases, the board must consult with legal counsel on special education laws before taking any action.



QUESTIONS

Q. The school council is required to adopt a policy on the responsibilities of students and school personnel, and for selecting and implementing discipline and classroom management techniques. Isn't that the same as the board's discipline code?

The district code is the governing document. The council may adopt discipline provisions specific to the school, as long as the provisions carry out the intent of the district code and don't conflict with the district code.

Q. Can the council suspend or expel a student?

No. Only the board can expel a student, and only the superintendent, principal or head teacher can suspend a student. However, school personnel can remove threatening or violent students from the classroom setting, pending administrative action.

Q. Can the board of education regulate the conduct of students going to and from school?

The district code of conduct can address student conduct on the way to and from school—for example, at the bus stop or while on a school bus.

Q. Can the local board adopt a policy limiting the number of days a student can be suspended? Can the board require a specific number of days of suspension for misbehavior?

Yes. However, the student must be given due process.

Q. Can the local board conduct an expulsion hearing without the superintendent's recommendation that a hearing be conducted?

Yes. The superintendent's recommendation is not required by statute. In some cases the expulsion recommendation is made by the principal.

Special education

One of the most litigious areas of public education is special education. Federal laws, regulations, and local procedures greatly impact programming for students with disabilities.

The Individuals with Disabilities Education Act (IDEA) most directly applies to special education programs in local school districts.

Two other laws also may have serious implications for local school districts. Section 504 of the federal Rehabilitation Act and the federal Americans with Disabilities Act cover an additional range of students and issues. All students with disabilities eligible under IDEA are likewise covered under these laws. However, these two laws also cover students who do not qualify for special education, yet have a physical or mental impairment—perhaps only a temporary one—that substantially limits one or more major life activities as defined by regulation.

In essence, these are anti-discrimination, civil-rights laws that require boards of education to ensure that none of their programs is operated in a way that would exclude or discriminate against a student eligible for protection.



Discipline implications for boards

The district must have local procedures that guide the implementation of IDEA and Section 504. KSBA offers model procedures that districts can adopt. Districts also must designate someone to serve as Section 504 and ADA coordinators. In many districts, these are two separate positions.

Federal and state laws require that districts provide a free, appropriate public education in the least restrictive environment. First consideration is always given to whether the student can be served in regular classes with assistance. Typically, 504-eligible students receive accommodations to meet their needs in the regular classroom. Increasingly, students who qualify for special education are included in the general curriculum.

Admissions and Release Committees (ARC) and 504 Teams are federally mandated teams that decide on accommodations and services that must be provided for students with disabilities, through Individual Education Plans and 504 Plans. Local boards and school councils cannot do anything to negate these individual plans.

It is critical to understand that additional due process protections and procedures apply to IDEA- and 504-eligible students. Suspension or expulsion beyond 10 cumulative days per year may constitute a change of the Individual Education Plan or 504 Plan approved for a student. This requires the ARC or 504 Team, not the board of education, to determine the relationship between behavior and disability. Board members should always make sure that proper due process procedures have been followed with students with disabilities before taking any disciplinary action regarding them.

Some controlling statutes and regulations for this section: KRS 158.150; KRS 158.444 (data collection); KRS 160.290; KRS 157.195-290.

Note: For a thorough and practical explanation of student discipline law, please contact KSBA to obtain a copy of Kentucky Student Discipline – Desk Reference by KSBA staff.

A black and white photograph of a person's hand holding a pen, writing on a form. The person is wearing a suit jacket and a white shirt. The form has various fields and text, including "Signature", "Address", "City", "State", "Zip", "Phone", and "Fax". The background is blurred.

Chapter 5

What is a Policy

What Is a Policy?

Policy making is one of the local board of education's three major areas of responsibility, the others being hiring a superintendent and adopting the district budget.

A policy is a statement of the board's intent to guide present and future actions and decisions; it is a broad directive establishing a course of action. Policies are designed to serve as guidelines for students, staff, school councils, community members and the board itself. They usually specify what is required, who is responsible and to what degree. The purpose of a policy is to provide a framework for the school district's programs, actions of board employees and board operations. A policy establishes limits on actions of those carrying out the board's directions – think of it as a guide for discretionary action.

[Click \(or Ctrl click\) here for Jefferson County's policy. \(Policy 01.5\)](#)

A policy should:

- Balance focus with broad applicability.
- Recognize limitations, such as legal constraints and available resources.
- Direct action by answering the questions of what is to be done, why and how much.
- Assign responsibility – who is responsible and to whom, in what manner and when?
- Provide information for stakeholders, including staff, students and community.
- Address accountability. This includes monitoring, reporting and evaluating student achievement and reviewing and revising reports when necessary.
- Reflect community's vision for its schools.

Advantages of Written Policies

Much of what an effective board team does falls under the broad umbrella of policy implementation. Because of that, it is crucial that board policies be translated into a written framework to promote understanding, stability, consistency and fairness. [Click \(or Ctrl click\) here for Jefferson County's policy. \(Policy 01.5\)](#)

Up-to-date and practical board-formulated and published policies give boards the following benefits:

- Help the district build a framework supporting improved student achievement.
- Clarify school operations and board functions for school staff, parents and citizens.
- Support the superintendent and staff by providing a clear guide for their actions.
- Provide information, interpretation and orientation for school staff, citizens and new board members.
- Improve public relations and reduce pressures on the board from individuals and groups.
- Facilitate an orderly review of board practices.
- Give the board a sense of direction.
- Make it possible to develop more specific rules and regulations.
- Improve efficiency by delineating responsibilities, duties and working relationships.

It is important to develop a well-organized, indexed policy manual. It is good practice to keep at least one copy of the official board policy manual in a loose leaf notebook so that revisions can be easily inserted and to separate policies from administrative procedures by means of color coding.

Note that records retention requirements of the Kentucky Department of Libraries and Archives apply to all school districts and policy documents are among the records falling under those requirements.

Legal Requirements

Not only are written policies a good administrative practice, but they are required of school boards by Kentucky law, which states that each board must have on file at its office policies relating to these areas:

- Pupil transportation
- Discipline and conduct of pupils
- Limitations or restrictions on use of school facilities
- Conduct of board meetings, including policies on the calling of executive sessions
- Personnel matters that apply to certified employees, including evaluation, fringe benefits, salary schedules, nonclassroom duties, professional growth of staff, and pupil-teacher ratio
- Selection of textbooks and instructional materials
- Expenditures and accounting for school funds, including all special funds
- School based decision-making (school councils)
- School safety and student discipline

Board policies carry the force of law when it comes to the school district, as long as they touch on issues within the board's authority and don't conflict with state or federal laws or regulations. The board's policies cover its own jurisdiction and there is no need for it to adopt state or federal laws and regulations. Policies must be updated annually and are public records. [\(The Jefferson County Board of Education Policy Manual is available on the General Counsel's page of the District Web site.\)](#)

Policy and Procedure: the Distinction

Policy making means not only developing policies, but also providing the means by which policies are carried out. A policy is a statement that describes an objective to be met. The ideal policy statement is one broad enough to include all (or most) cases likely to occur, yet specific enough to apply to a particular situation. Obviously, it may be difficult in all instances for one statement to meet both of these criteria.

Because of this, policy statements are often supplemented by administrative procedures. Administrative procedures specify particular courses of action within the framework of policy. The board can view the policies as more basic and check proposed administrative procedures to see if they are in accord with policy. Most boards review administrative procedures, but do not formally adopt or approve them. Here's an example:

The board adopts a policy that the schools will charge a fee for the use of cafeterias by approved nonschool groups. The superintendent prepares a usage application form – a procedure. The board reviews, but does not adopt the proposed application form.

QUESTIONS

Q. What is the statutory authority for boards to establish policies?

As found in KRS 160.290, each board will make and adopt -- and may amend or repeal -- rules, regulations and bylaws for its meetings and proceedings. This is done to govern, regulate and manage the schools and property of the district; to transact the district's business; and to specify the qualifications and duties of employees and conduct of pupils.

Q. Is a board of education bound to obey its own policies?

Yes. The rules and regulations of a board of education are binding upon the board itself and all parties dealing with it until repealed or amended by an affirmative vote of a majority of the board.

The Board and Policy Development

A policy statement clarifies the manner in which the board, administration, staff, pupils, and citizens of the community relate to each other to meet their goals and objectives. A full agenda of routine business at a board meeting sometimes results in a board having little time to consider policy development. However, taking the time to develop a full set of consistent, written policies likely will make it easier to handle many problems that arise at



board meetings and in the daily operations of the schools – and handle them to the greater satisfaction of all parties involved. Therefore, many boards of education reserve specific board meetings throughout the year for working sessions to evaluate current policies and to consider new ones.

The superintendent generally is responsible for developing proposed drafts of new policies. State law requires the superintendent to prepare, under the board's direction, all rules, regulations, bylaws, and statements of policy for approval and adoption by the board. The Jefferson County Board of Education has established a Policy Development Committee made up of three board members. The Committee reviews policy recommendations and, along with the Superintendent, makes recommendations to the full board.

Jefferson County has undertaken a comprehensive policy review with the assistance of the Kentucky School Boards Association. When complete, the revised policy manual will have a new format and enhanced electronic search functions.

Board Policy and School Council Policy

The Kentucky Supreme Court in Board of Education of Boone County vs. Bushee ruled the board has no authority to adopt a policy that requires board approval of council policy in an area over which the council has responsibility by law. A board can still adopt a position on what it believes the standard should be, but at the same time acknowledge that the council can adopt whatever policies it wants in areas reserved specifically for the council. If there is a difference between the two, the council does not need board approval and by the same token, the board may still address any subject that is a community interest or concern.

In some cases, the council, rather than reinventing the wheel, may simply adopt district policy as its own so that it can concentrate on other areas. Boards and councils can collaborate, if they wish, to reach a mutually agreeable policy. Not all schools will choose to adopt the school-based decision making governance. Those schools will still need a general district policy framework.

The board continues to be a platform for addressing the community's interests and views. In line with that, the board has a responsibility to require reports and information from the superintendent and/or council on district and school progress, plans and actions. The board can provide a valuable service by bringing to the community issues that should be discussed and considered by the community as a whole.

QUESTION

Q. If there is no council policy addressing an area or a situation, do the school and school staff have to abide by board policy?

Yes. The council is a policy-making body for the school, and as such, is responsible for setting policy in those areas designated by KRS 160.345. However, absent council policy in a designated area, board policy will apply. In areas not spelled out in KRS 160.345, board policy governs, even if the council has a policy.

Selected controlling statutes and regulations for this chapter: KRS 160.290; KRS 160.340; KRS 160.345; KRS 160.370

Chapter 6

Student Achievement and Student Assessment



The Reason We Serve

Our education program exists to support student achievement. The local board represents the community by making sure that tax dollars are used effectively and efficiently on behalf of their students. Student achievement may be more broadly defined to include work ethic, character education and job skills, but academic achievement is the core purpose of schooling. [Click \(or Ctrl click\) here for Jefferson County's Strategic Plan.](#)

Defining Student Achievement

There are clearly defined state and federal parameters for addressing student achievement in Kentucky. Local school boards have the option of further defining what student achievement in their district looks like, but they must ensure that all students are successful in the following Academic Expectations:

1. Communication skills necessary to function in a complex and changing civilization
2. Knowledge to make economic, social and political choices
3. Core values and qualities of good character to make moral and ethical decisions throughout their life
4. Understanding of governmental processes as they affect the community, the state and the nation
5. Sufficient self-knowledge and knowledge of their mental and physical wellness
6. Sufficient grounding in the arts to enable them to appreciate their individual cultural and historical heritage
7. Sufficient preparation to choose and pursue their life's work intelligently
8. Skills to enable them to compete favorably with students in other states and nations

Kentucky Education Reform Act (KERA)

In 1990, the General Assembly of Kentucky adopted a standards-based system of education for our children. KERA sets high standards for all students, requires accountability for meeting those standards, calls for local school-based decision making, and defines programs that help schools and students reach those goals. Among those programs are family resource and youth service centers, technology and professional development.

Senate Bill 168

Kentucky legislators approved a bill in 2002 requiring schools and districts to review student achievement data for subgroups of student populations within each school as well as the district. Any achievement gaps among different groups of students are required to be addressed by the school and the district. Specifically targeted are:

- Racial minorities
- Students with disabilities
- Gender disparities
- Low socioeconomic groups
- Students with limited English proficiency or who qualify for English as a second language programs

Senate Bill 1/Unbridled Learning

The 2009 Kentucky General Assembly required the development of a new assessment and accountability system. The model is a balanced approach that incorporates all aspects of school and district work and is organized around the Kentucky Board of Education's four strategic priorities: next-generation learners, next-generation professionals, next-generation support systems and next-generation schools/districts.

No Child Left Behind (NCLB)

The federal No Child Left Behind law of 2001 requires schools and districts to review student subgroup data similar to Senate Bill 168. NCLB calls for high expectations for all students, with rigorous student performance standards tied to annual assessments in grades 3-8 and one grade in high school. It also requires multiple assessments, school accountability, school report cards, proficiency by 2014 and increased graduation rates. Kentucky currently has received a waiver from the NCLB requirements and the federal law is past due for reauthorization.

Planning for Student Achievement

The local school board should always focus on student achievement and organize meetings to ensure that discussion of student achievement is foremost and ongoing. School board meetings should include discussion about student achievement with the superintendent and support staff, school councils and community groups. Student achievement data should be reviewed for progress toward goals, used to make budget and policy decisions, and analyzed to plan for the future. Board members should expect to hear how school and district programs contribute to improving student achievement and they should be willing to ask questions to better understand how the programs will benefit students. The following are some examples of these types of questions:

- How does this program support student achievement?
- How will this program move our student achievement closer to our district goals?
- What data do we have on the effectiveness of this program? Does data show that there has been a positive impact on achievement for all students?
- According to the data, should changes be made to the existing program?
- What does the community know about this program and its contribution to student achievement?
- How does this program supplement other programs in our district? Does it duplicate another program or work at odds with another program?
- Is the student achievement that we are seeing as a result of this program enough to justify the use of resources to support it?
- Does this program incorporate district and state standards?
- What data do we have to show that student progress continues after a student exits this program?
- Are students and families satisfied with this program?



Assessing Student Achievement

There are numerous and varied measurements of student achievement in Kentucky schools. The local board of education's meetings should include regular review and discussion of multiple data indicators to ensure continual improvement for all students.

Reviewing Data

Research shows that board members in high-achieving districts are well-informed about their district data – both the strengths and the areas that could improve. The school board should discuss assessment results openly and honestly, involving district and community stakeholders in two-way give-and-take. The board and community need to understand student progress in meeting school, district, state and national goals. Student performance should be reviewed on at least an annual basis and used to determine what adjustments must be made to further improve progress. Student progress should be reviewed from various perspectives – individual students, subgroups, school and district. The board should determine through data review that student assessment data is used regularly to drive effective teaching and learning. Every decision made for students should be based on data. The following questions may be helpful in guiding discussions about student assessment data and student progress:

- How well are our schools doing and where do they need to improve?
- What does the data show about our students' performance?
- According to the data, which subject area should be the priority for district focus?
- What percentage of students in each grade are performing at or above grade level?
- Does the data demonstrate progress from year to year?
- What evidence do we have indicating that students have improved since the beginning of the year?
- Are all subgroups of students showing improvement?
- Are achievement gaps narrowing for subgroups of students?
- Which population of students has the greatest gap? What should we do to help them improve?
- How do we disaggregate and use the data to improve programs?
- What are the trends in our student data, school data, and districtwide data?
- How is this data communicated to the public?
- In what specific ways can the board continue to hold our district accountable and assist in reaching student, school and district goals?
- What are the implications from this data for our budget?

- What agenda items on student data should we set up for future meetings?
- Do any board policies need to be revised or written based on this data?

Controlling statutes and regulations for this chapter:

Student Achievement: KRS 158.645 (Academic Expectations); KRS 160.345; KRS 160.435 (2) (i); KRS 158.440

Assessment: 703 KAR 4:020; KRS 158.148; KRS 159.051; KRS 158.6445; KRS 160.347; KAR 5:130 (Accountability)

Chapter 7

Advocacy at All Levels

Make Your District's Voice Heard



Advocacy at the Local Level

The most important advocacy role school board members have is to maintain a relationship with their constituents. To have credibility with constituents, board members must be completely open, honest and committed to serving the children of their district. Remember that all taxpayers have the right, through their elected school board, to have a voice in their schools.

Board meetings

Board members must be willing to listen to their constituents and to provide honest information about education through personal contact and through board meetings. All knowledge about education or the school system belongs to everyone and should be shared. If community members don't know how their tax dollars are spent and how decisions are made in the school district, they risk being disenfranchised. Board members must see that this information is provided.

The board meeting is where boards are most visible and most able to make information available. It also is the board's public forum and the district's showplace for student achievement. In many communities, board meetings are covered by the local news media. Staff who attend the meetings also report back to their co-workers about decisions and discussions. So the board of education meeting is a focal point of school-community relations, whether by design or default.

To use the board meeting forum to show the board's attention to students, each meeting can feature a demonstration of student learning. While it's fine to set aside time for student and staff recognitions, it sends a totally different message when the board is willing to devote a portion of its time to watching and listening to students demonstrate what they are learning in class. Here are just a few examples seen at Kentucky school board meetings:

- Science projects demonstrated
- Technology use, including new equipment purchased by the board
- Quick recall challenges (sometimes involving board members themselves)
- Reading aloud samples from writing portfolios
- Verbal reports on field trips and their relation to classroom studies
- Skits based on social studies research assignments
- New instructional techniques to strengthen core content learning
- Art, drama and dance presentations

Community forums

While the board meeting is the district's primary public forum on decisions, goals, progress and challenges, the crush of business to be conducted realistically limits the ability of board members, administrators, staff and guests to fully discuss many topics at these meetings. Therefore, some issues may demand more lengthy and thoughtful deliberation at single-purpose public forums.

While such forums should be carefully planned, board members and the superintendent may tailor the format to the topic. One format KSBA has successfully used in helping dozens of boards is the Community Discussion, where the board, superintendent and a broad cross-section of the community gather to focus on a single issue. The board team acts as an observer.

The Community Discussion, or any other type of public forum format chosen by district leaders, demonstrates that those leaders not only want to listen to the community but that they are willing to use their time and resources to reach out for that input. However, board members should also realize that the act of seeking public insight creates an expectation that they will listen to, consider and act upon the input in the final decision making process.

District communications programs

Just a decade ago, most Kentucky school boards made decisions that staff found out about days later in a superintendent's memo. In most Kentucky communities, the general public may have learned of the action in the next edition of the weekly newspaper.

With instant information – from cell phone text messaging to Internet blogs – board votes may be known by dozens of people before the meeting is even over. A school board that doesn't reach out to the community it serves – including the internal community of district employees – allows other forces to take control of the image of the board and of the public school system that it is striving to lead.

Kentucky boards and districts that are successful in community relations use a wide variety of tools, ranging from the relatively inexpensive and time-consuming to more sophisticated efforts that have a greater probability of reaching the intended audiences – and being heard.

Public forums, whether board meetings or other formats, reach a portion of the community with the news about their schools and the accomplishments of their students. Yet, data from the U.S. Census Bureau shows that nearly three-quarters of the adults in a typical U.S. community have neither a school-age child nor a school employee in their households. To keep this segment of the community in the know, school boards should support other initiatives that, individually and collectively, can enable a district to get its message out to more taxpayers.

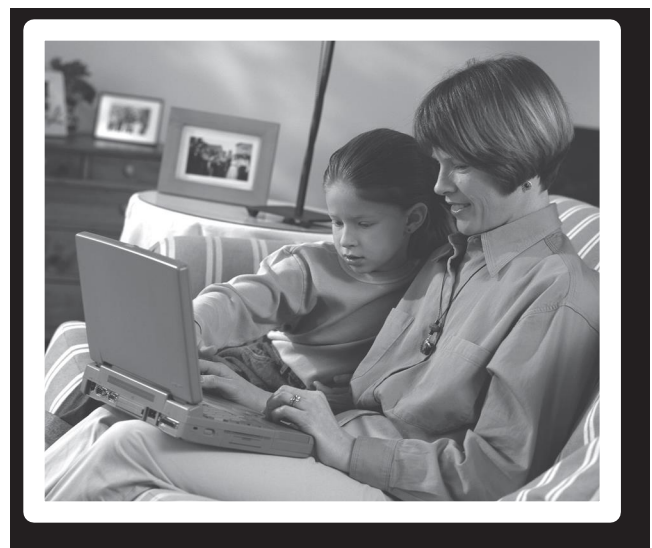
Internet websites

No communications tool in existence today is growing as steadily as use of the Internet. District and school websites have become influential as more parents – and nonparents – turn to the Web for information.

[Click \(or Ctrl click\) here to access Jefferson County's website. \(www.jefferson.k12.ky.us\)](http://www.jefferson.k12.ky.us)

The only thing that limits the usefulness of a school system website is the creativity of those who decide what to post there. Currently, Kentucky school districts use their websites to inform users of:

- School-year calendars, special events, athletic and academic team schedules
- News releases about district achievements
- Inclement weather closings
- Post-meeting reports of actions of the board
- School cafeteria menus
- Special services to students and families
- Homework assignments and Web research tools
- Attendance records
- **Announcements**
- Board meeting agendas
- Board policies and procedures
- Emergency numbers and crisis response procedures
- Bus routes and schedules
- Contact information at district and school levels



Websites should be reviewed and updated on a regular basis to maintain their value as a current information resource for users.

District publications

While computers and the Internet represent a fast way to reach many board constituents, the plain truth is that the printed word remains the best way to reach other citizens.

Some Kentucky districts publish newsletters on a monthly, quarterly or twice-a-year basis. These publications frequently carry news of board decisions, district accomplishments, past and future events, features about student and staff honors, messages from the superintendent and other administrators, and photos of students. Some newsletters are distributed via “backpack express,” others by mail and still others are stuffed inside editions of the local newspaper under an agreement with that publication.

Electronic Newsletters

Some districts unable to afford printing and distributing a hard-copy newsletter, or that want a faster way to reach the public without having to depend on visits to a website, have opted to create an electronic publication. These are usually sent via e-mail to a distribution list of recipients, both within the school system and throughout the larger community.

Examples of topics in electronic newsletters created by Kentucky school systems include reports on the most recent school board actions, a schedule of upcoming events, notations of honors won by students and staff, informational documents that are attached for later review, links to specific school websites for announcements of their activities, and general information about school programs and services.

Electronic newsletters are an excellent way for boards and superintendents to inform small groups of people known as “key communicators.” These people represent a cross-section of community leaders, business executives, influential clergy, parents, elected officials and people who are seen as opinion makers in the community.

Public access CATV programs

For some school board members, the idea of board meetings broadcast live or on a tape delay is a harrowing thought. Yet, a cable television showing of a board meeting over the CATV system’s public-access channel allows people to see and hear exactly what takes place, not what someone else tells them occurred. [Jefferson County’s board meetings are televised. Click \(or Ctrl click\) here for Jefferson County’s policy. \(Policy 01.421\)](#)

As more middle and high school student technology leadership programs include video production among their class options, a growing number of Kentucky districts are utilizing the CATV public access channels for student- and staff-produced videos and PowerPoint presentations about school activities, tips for parents and children, and demonstrations of classroom academic exercises. Some have also scheduled their own “talk shows,” featuring an interview between a district staff person and teacher or student involved in an interesting activity.

Personal contacts

Keeping the public informed must be an ongoing activity. Although discussion at open board meetings and an organized public relations program can help provide information to the public, many people gain their information about the schools from personal contacts. Members of the board and of the school staff should remember that what they say in conversations with their friends and relatives will heavily influence the perceptions those people have about the schools. Board members in particular must be aware that their position lends weight to their words. Everything said about the schools will affect the views that some people have.

Communications staff

It ill serves a school board or district administration to pull together a public information tool only when there is a crisis, a need to refute a rumor or to gain strong community support for an initiative. Perhaps that is why many Kentucky school boards and superintendents have designated staff positions with public information responsibilities. In a pinch, those leaders have access to someone who has the experience and knowledge of the communications tools that work and the most effective approaches to reach the public.

In Kentucky, district communications staff may have those duties full time or may have multiple responsibilities. Organizations such as the Kentucky School Public Relations Association (which has multiple joint projects with KSBA) ensure that district communications staff have a wealth of resources to call upon for both the routine initiative and the emergency situation.

Community Education and community schools

In recent years, some school districts have transformed their buildings into “community schools.” The term is part of a national movement to create stronger bonds between schools and communities by deliberately opening school buildings to the community at large to offer programs for both adults and children. This concept requires districts to reach out to community groups that can be partners in these programs, which can be educational, recreational or whatever the board and those partners determine will meet community needs.

Community Education is a close relative to this concept because it also helps local boards forge stronger relationships with the community. Some state funding is available for this program, which encompasses five components:

- Expanded use of school facilities: Buildings are transformed into centers of learning for the community.
- Lifelong learning opportunities: Public schools respond to formal and informal educational needs of all ages.
- Volunteer programs: Student performance tends to improve when parents and other community members are involved in educating students.
- Learn and serve: In service learning, the community becomes the classroom for this curriculum-based education that gives students real-life experiences.
- Collaboration: Internally, Community Education links with other school-based initiatives that help children; externally, it links with business, industry, civic groups and other community agencies and organizations.

News media relations

As elected officials, school board members can expect to be called on from time to time by reporters with local newspaper, radio and television outlets. When a reporter is assigned to cover a board meeting, he or she will find something to write about. Boards that make an effort to work with their local media will find it much easier to get the positive coverage that they want to balance the unfavorable stories that are as much a part of public service as are differences of opinion, complaints and human errors.

The news media have a responsibility to cover the news, and they will do so regardless of the amount of cooperation they receive from the school system. There is a natural tendency for organizations to release information about themselves that is only favorable. To attempt to withhold information from the media is self-defeating. If the board attempts to cover up some unfavorable information, the news media are likely to find out about it and report the information from their perspective. Without the cooperation of the board and staff, the information may not tell the whole story accurately; therefore, the board should attempt to make sure this information is as accurate and complete as possible.

Board members and the superintendent should discuss and establish a practice for responding to inquiries from reporters. The policy should include items such as who serves as spokesman for the board (usually the chairman) and for the district (usually the superintendent or the district communications director) and how crisis situations are handled. The policy should not prevent anyone from being honest and open with the media. Board members are members of the collective board but also individually elected representatives of their constituents. Each board member has the right to choose whether to respond to reporters' inquiries. However, board members should be ready and willing to refer an inquiry to the district administration when that is the appropriate source for a response.

Advocacy at the State Level

While education happens locally, public schools are a key function of state government. Because of that, board members must make their voice heard by those who make decisions that affect education at the state level. Board members must be willing to express their views and those of their constituents to key policy makers in the political arena, including the Kentucky General Assembly, Kentucky's U.S. representatives and senators, the Kentucky Board of Education, and the governor and staff in the executive branch. Each board should select a member to be its legislative liaison, functioning as a point person to pass along information during legislative sessions and at other times. This does not preclude all board members from being active in the legislative process.

The Kentucky Board of Education

It is important for local school board members to communicate with members of the Kentucky Board of Education from their area. The state board is a critical education policy maker, so its members should have the opportunity to meet local board members and to hear about their efforts and challenges in implementing education reforms and state regulations. The state board needs a perspective on the effects of its actions that is broader than the assessment provided by only the Department of Education's staff. This would be comparable to local board members getting a perspective only from the superintendent and her staff. Groups of board members are encouraged to meet with state board members from their areas, and KSBA Governmental Relations staff can help arrange these meetings.

Agendas for Kentucky Board of Education meetings and supporting materials are available on the Kentucky Department of Education's website at www.education.ky.gov. Click on the "Administrative Resources" tab and scroll to Kentucky Board of Education. The link also provides contact information for state board members. KSBA Governmental Relations staff attend state board meetings and monitor its work. They also attend meetings of the Local Superintendents Advisory Council, which is a statutorily established committee that advises the state board on the impact of regulations on local school districts.

If the state board of education is considering a controversial regulation, KSBA staff will notify local board members and superintendents about the pending action so they can communicate their position to state board members in their area. Local board members also may want to place discussion of the regulation on their board agenda, possibly taking an official position of support or opposition.

The General Assembly

Legislators must make courageous decisions to raise revenue or reallocate dollars away from other priorities to adequately fund public education. In turn, they need support from board members and superintendents in their local communities. The needs of children must be at the forefront in public-policy debates, but legislators primarily hear about employee needs and priorities. School board members can ensure that public policy decisions remain focused on children.

Legislators are influenced most directly by their local constituents, which is where school board members come in as legislative advocates. Board members can serve as legislative liaisons in their local district, host regional receptions for House/Senate caucus members, meet with legislators in Frankfort, and attend KSBA's Advocacy Day at the Capitol each February to make sure the presence of education leaders is felt in Frankfort.

Board members also can get involved in the election process by encouraging current or former school leaders to run for state elective offices and/or actively supporting candidates whose voting records and positions further academic achievement and opportunities for students.

Our Governmental Relations staff help individual school board members, board teams, and superintendents in leading policy discussions about public education with legislators in local communities.

The outcome of elections has an important impact on public policy decisions affecting education, collective bargaining, budget and tax policy, and other critical issues. With that in mind, the KSBA Board of Directors established the Kids First Political Action Committee in 2004. Kids First is governed by a bipartisan board of local school board members and superintendents. The PAC contributes only to political parties and not to individual candidates. KSBA's Governmental Relations staff can provide more information about contributing to the political process in a bipartisan way.

It is important that board members establish effective communication with their legislators so that they can convey to lawmakers the opinions of concerned constituents. These opinions are important to the outcome of most legislative issues. Grassroots lobbying is a powerful tool in making government responsive to the governed and also backs up the positions of lobbyist advocates for education. Grassroots lobbying means local board members are sharing these concerns and effectively communicating them to their legislators who value their constituents' opinions. To identify and contact your local state legislators, go to KSBA's website: <http://www.ksba.org/governmental-relations> and click on Capitol Impact – KSBA Legislation Making Service.

For some tips on working with your local lawmakers, see the two attachments at the end of this chapter.

KSBA's Legislative Agenda

Before each legislative session, KSBA surveys its members, asking them to rank legislative issues by importance. Those survey results are used to create an initial draft of the Legislative Agenda. The draft is then shared with a volunteer group of superintendents and board members who provide input before the final version is brought before the association's Board of Directors for final approval.

Congress

KSBA's online Capitol Impact also provides contact information for Kentucky's Congressional delegation. With the federal government playing an increasingly large role in local public education, local board members can extend their advocacy to the national level by contacting their U.S. senators and representatives.

The National School Boards Association's Federal Relations Network involves local school board members in grassroots lobbying at the federal level. The Network sponsors an annual meeting in Washington, D.C., in which designated local board members visit the offices of their Congressional delegation.

Dos and Don'ts of dealing with legislators



DO know the proper way to address a member of the legislature. In written correspondence, members of the House and Senate should be referred to as The Honorable John Smith and the letter should begin with either Dear Senator Smith or Dear Representative Smith.

DO volunteer to provide additional data about the subject matter. When your cause or issue comes up, you want the legislator to think of you. Legislators want to be well versed on all sides of your issue. It's in your best interest and their best interest to provide support material.

DO ask for an appointment when you want a personal visit. Most members of the Kentucky General Assembly try to balance their time. They are more than willing to meet with constituents, but appreciate the courtesy of scheduling an appointment in advance.

DO get straight to the point of the meeting. State your case clearly and concisely and be prepared to respond to any questions the legislator may have.

DO know your subject matter inside and out. If you are going to be a spokesperson for an issue or a cause, then you had better be prepared to not only define it, but explain and defend it as well.

DON'T expect results from form letters. This is the least personal, least effective way to communicate with an elected official. Most mailings of this type are filed away—usually in the trash.

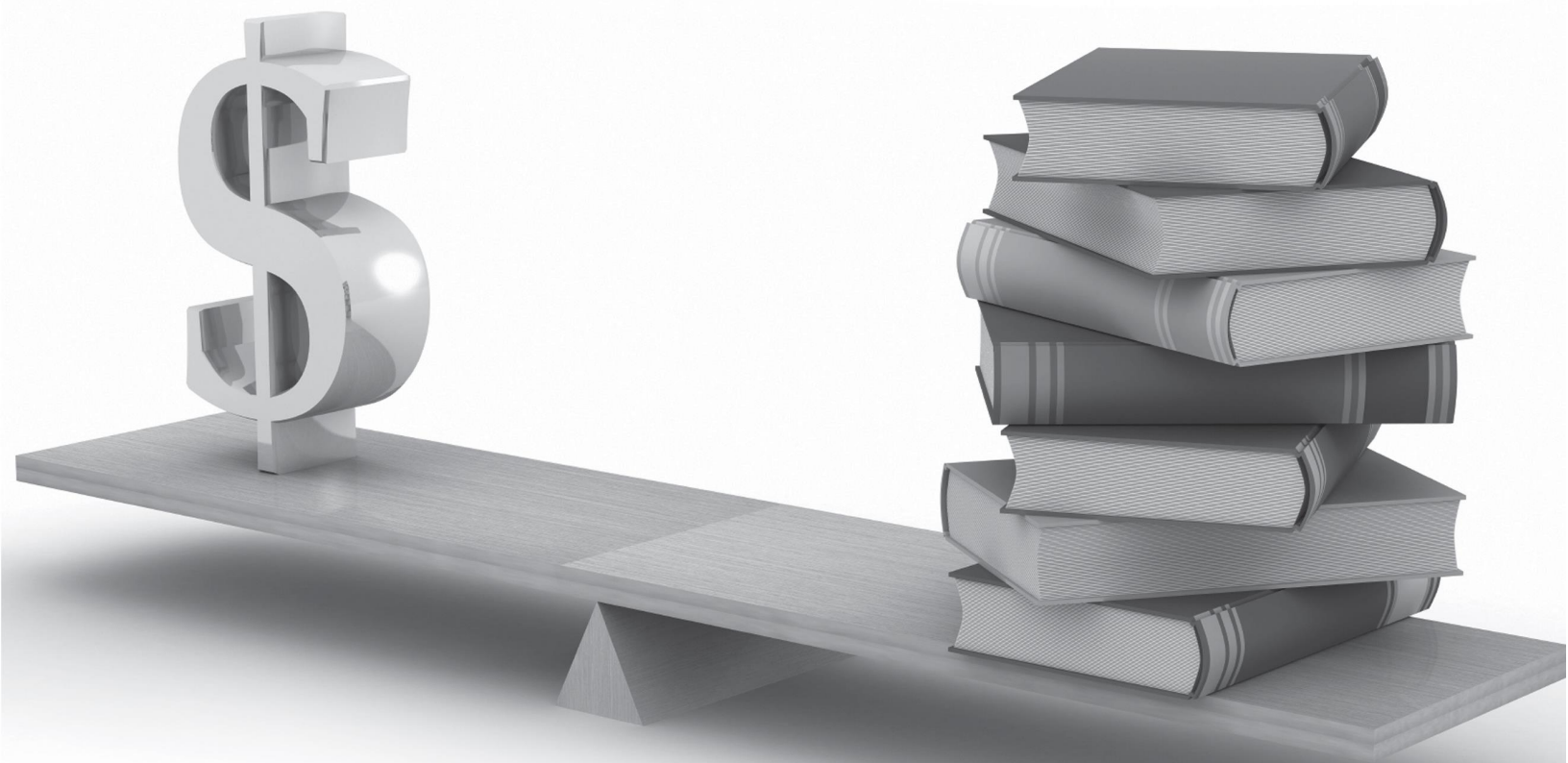
DON'T be the source of inaccurate or misleading information. There is no substitute for truthfulness and candor in dealing with elected officials. Most of them abide by the old maxim, "Lie to me once, shame on you; lie to me twice, shame on me."

DON'T overstay your welcome. If you say you need 15 minutes, then speak your piece, check the clock, and be on your way. Meetings of a complicated nature often require more time. If this is the case, then make sure the legislator knows before the meeting starts, not after.

DON'T bring volumes of written material with you. Unless the subject is extremely complex, a brief written summary, folder or fact sheet is preferable and more likely to be read.

Eight major mistakes in dealing with legislators

- 1. Assume each legislator is a walking encyclopedia on every pending issue.** During the 2010 Kentucky General Assembly, 833 bills and 608 resolutions were introduced; 162 bills and four resolutions became law. That's a lot of legislation to read and remember. It's virtually impossible for every legislator to know chapter and verse of every bill. Individual legislators are most familiar with three types of bills—those they personally sponsor, those that come before committees on which they serve, and those that someone in their district has urged them to either support or oppose.
- 2. Expect a commitment on the spot.** Most legislators are thoughtful, deliberate types, who make a point to seek out all sides of a particular issue before taking a position. Remember that a good politician generally checks out the water's depth before diving.
- 3. Fail to come armed with the facts.** Smoke and mirrors won't do the job in winning a legislator over. You must demonstrate through tangible evidence supported by facts that a particular action is both desirable and justifiable—and the ultimate burden of proof is on you.
- 4. Forget there's always another side to the issue.** Each state representative has an average of 37,280 constituents; each state senator has an average of 98,105. You can be sure that there's at least one constituent, if not more, who has a different position on an issue and, just like you, expects to have his or her voice heard. As one veteran office holder is fond of saying, "Some of my friends are for this bill, some are against—and I'm sticking with my friends!"
- 5. Run down the opposition.** Name-calling or derogatory remarks don't win friends and influence legislation. If your issue can't stand on its own merits, then your cause is already lost. Besides, your legislator's brother-in-law might be a key member of the group that's on the other side of the fence!
- 6. Burn your bridges when you don't win.** Working with the legislators is an investment that may not pay off immediately. Don't burn your bridges if results aren't immediately forthcoming.
- 7. Fail to say thank you.** Even though meeting with constituents comes with the territory for legislators, it's still an act that should be acknowledged. A thank-you note for taking the time to meet with you is always in order.
- 8. Leave, never to be heard from again.** One phone call or visit isn't enough. That means keeping in touch to let the legislator know that your interest is not a passing fancy. Stay on top of developments relating to your issue so that when new and relevant information becomes available, you can pass it along.



Chapter 8

Fiscal Management

Ultimate Responsibility

Public funds come from taxes, and it's the job of the elected local board of education to make sure the taxpayers' money is managed properly. The board can delegate administration of these funds to the superintendent and school councils, but it is ultimately responsible. Fiscal management is more than passing a tax rate and approving a budget. It is seeing that the right programs are funded, that purchasing procedures are followed resulting in the best product for the cost, that funds are invested in a way that gets the best return, that assets are properly insured, and generally that all funds are properly managed. Most importantly, good fiscal management ensures that the budget adopted by the board is followed and not exceeded without its permission. [Click \(or Ctrl click\) here for Jefferson County's policy. \(Policy 04.0\)](#)

Sources and Uses of Funds

Every board member should have a grasp of the programs and operations of a school district. The budget is the single most important document in the district because it reflects the district's direction, priorities and philosophy. To understand the programs and operations, members must have a basic understanding of budget documents.

The Kentucky Board of Education requires districts to use the Municipal Information System (MUNIS) for fund accounting. MUNIS provides comprehensive financial reporting options, most of which are beyond what is needed for oversight by the board or the general public. This doesn't mean that the comprehensive reports should not be made available to board members or the general public if they request them. However, district finance staff should develop alternative documents that everyone can understand easily.

Fund Accounting

The major purpose of fund accounting is to provide a way to separate financial resources and to ensure that the funding is being used as intended. MUNIS accomplishes this through a double-entry accounting system with a very complicated coding system. It is not necessary (or advisable) for board members to memorize the coding system, though some summaries of the coding system follow. It is important, however, to always know the fund account under review. The fund account (budget) will be listed at the top of the MUNIS printout. For example, General Fund (1), where the (1) is the digit designating the general fund.

MUNIS provides for several different fund accounts (budgets), but eight are required: the general fund, special revenue funds, capital outlay fund, building fund, construction fund, school food service fund and governmental and ancillary capital assets funds. Each fund is a separate group of accounts with its own revenues, expenditures, assets, liabilities and fund balances. Each has detailed records of revenues and expenditures, a record of all transactions and a balance sheet that summarizes the transactions.

Here are brief descriptions of these fund accounts:

(1) THE GENERAL FUND – This is the fund to which the board should direct the most attention. The General Fund includes all financial resources except those that are separate because they are restricted for specific purposes. The General Fund is used for normal expenditures in the district, such as paying salaries, providing transportation, maintaining buildings and purchasing supplies and equipment.

(2) SPECIAL REVENUE FUNDS – This fund account includes financial resources that are required to be spent for specific purposes. State and federal programs are included in this fund.

(310) CAPITAL OUTLAY FUND – Kentucky’s basic school funding program, SEEK, provides \$100 per pupil for the Capital Outlay Fund. Expenditures are limited primarily to direct payment of construction costs and debt service for facilities. However, more recently the Kentucky legislature has provided greater flexibility in spending these funds. Boards should review the state budget language annually for exceptions.

(320) BUILDING FUND – Proceeds from the Facilities Support Program of Kentucky (FSPK), both state and local revenue, are deposited in this fund. This fund can be spent only on debt service on facility bond issues, new facilities and major renovations of existing facilities listed in the district’s approved facility plan.

(360) CONSTRUCTION FUND – Revenue and expenditures for ongoing construction projects should be processed in this fund. Revenue from a bond sale for construction of a school is deposited here and the payments to the contractor, architect, etc., are made from this fund.

(51) SCHOOL FOOD SERVICE FUND – All receipts and expenditures for the school food service operations of the district are processed through this fund.

(8) and (81) CAPITAL ASSETS FUNDS – All capital assets and related accumulated depreciation are recorded in these funds. Capital assets include land, buildings, infrastructure, vehicles, technology equipment and furnishings.

Budget Development

The local board, through its policies, is responsible for developing a budgeting process that includes planning and reporting to the community. There is an inherent connection between financial resources and how they are allocated, and the district’s ability to provide a quality education to students. [Click \(or Ctrl click\) here for Jefferson County's policies. \(Policies 04.1, 04.3121\)](#)

State statutes give local boards control over public school funds. The board takes action on three types of budget documents during a year:

- **Draft Budget** - The board must adopt a Draft Budget by Jan. 31 each year. The Draft Budget is an estimate and often mirrors the previous year’s budget. It should include all revenues and expenditures that are known at that time as well as at least a 2 percent contingency. Special Revenue and Construction Funds are not presented at this time.
- **Tentative Working Budget** - The Tentative Working Budget must be adopted by May 30. This is a refinement of the Draft Budget and includes all funds. The Tentative Working Budget includes the most recent revenue and expenditure figures, along with next year’s salaries. The district is required to include a 2 percent contingency in this version. This budget is as close as possible to what is actually expected.
- **Working Budget** - The Working Budget is the final budget for the school year, encompassing the fiscal year, which runs from July 1 through June 30. The Working Budget must be adopted by Sept. 30.

To accomplish this, it’s essential for the board to have a planned process for developing the budget and a method for involving the staff and all other stakeholders – employees, parents, community leaders and interested citizens – in that process. A needs assessment also can guide the board team when deciding budget priorities. A needs assessment is a planned process to determine needs of a school or school district. It may include both learning needs of the students and physical needs (equipment, buildings, etc.) of the school or district.

The Board's Budget Responsibilities

The majority of these duties are delegated to the superintendent or his designee, but the board is ultimately responsible for:

1. Ensuring the development of a budget calendar.
2. Reviewing property assessments. The superintendent should review the property assessments each year and compare them with those of previous years.
3. Ensuring that the appropriate tax rate has been set.
4. Examining the percentage of delinquent taxes collected by the county attorney. To what degree are collection efforts being made?
5. Ensuring the budget includes funds to correct deficiencies and needed changes.
6. Making sure that there is competitive bidding of depository.
7. Approving all salary schedules for the district, including extended days and extra services.
8. Projecting the impact of the salary schedule over several years.
9. Knowing how much is being expended on administration.
10. Knowing the teacher-pupil ratio in each school at each grade level.
11. Being aware of the history of past expenditures and receipts.
12. Projecting enrollments over the next five years. Be aware of the impact of increasing or decreasing enrollments.
13. Ensuring that payments for all payroll taxes, retirements and insurances are being made on time.
14. Ensuring that there is security and integrity of the check writing and issuance process.
15. Ensuring that receipts are recorded daily and kept up to date.
16. Knowing if the district is involved in pending litigation that could adversely affect its financial health.

School activity accounts

School activity accounts, also called activity funds, are those accounts kept at the schools. This money is generated by students and should be spent only for students. Activity funds are separate from the board allocation to the school council. Revenue is received and checks for expenditures are written at the school on these activity accounts. These funds will include receipts from athletic contests, concessions, school fundraisers, bookstore sales and school club accounts. The principal has primary responsibility, but the board of education is responsible for oversight of school activity funds and is responsible for any debt the school council may incur. These funds are governed by the "Accounting Procedures for School Activity Funds," commonly referred to as The Redbook, which outlines a method of uniform accounting for school activity funds. Principals and school bookkeepers should have copies of The Redbook and related training.



The Redbook lists these best practices for school activity funds:

1. Internal accounts are kept in one bank account.
2. The board receives monthly financial reports of school accounts, with copies retained at the central office.
3. School accounts are interest bearing.
4. Accounts are reconciled monthly.
5. The school uses a uniform system of internal accounting.
6. A purchase order system is used.
7. Tickets are used for athletic events.
8. Drink machine receipts are properly reconciled to expenditures.
9. Salaries are not paid from school accounts, particularly not athletics coaches.
10. The board approves all school fundraisers.

The school council's role

By regulation, categorical funds are exempt from the school council allocation formula and are under the district's authority. Councils should, however, be involved in the planning of the budget of categorical programs.

Investments and Banking Services

Investment practices should ensure maximum yield, taking into account cash availability and protection of taxpayers' dollars. State law requires the superintendent to appoint a finance officer who is responsible for the district's cash, investment and financial management. The finance officer may be the superintendent. Banking services should be procured competitively, through a bid process using a Request for Proposals (RFP).

Any funds that are temporarily in excess of operating needs should be invested. The board may have an agreement with its depository to invest surplus funds there, or it may shop around for the best interest rate.

The board should receive, at a minimum, a monthly report showing the amount of funds invested, the type of investment (CD, Treasury bill, repurchase agreement, etc.), the length of investment, the interest rate received, and the name of the financial institution where the funds are invested. [Click \(or Ctrl click\) here for Jefferson County's Investment policy. \(Policy 04.6\)](#)

Purchasing

The failure of boards and superintendents to pay attention to purchasing services, materials and supplies can create tremendous problems for a school district. Boards are responsible for setting purchasing expectations for school councils, teachers and administrators. Board members should not, however, attempt to influence school personnel in the area of purchasing and should not do "favors" for gain of any kind – monetary, political or friendship. Board members should not get involved in "micro purchasing," because the day-to-day operation of the district is the superintendent's responsibility. Once the board has adopted the budget and approved a bid calendar, its role should be to protect the integrity of the purchasing process.

Oversight

Boards should ensure the district has an organized method for determining purchasing needs of all programs. This can be accomplished through the needs assessment of the budget process. Boards also should ensure that purchases made through bidding are made in an organized and systematic way, and that bid maximums are not exceeded. A bid calendar can help.

The following are some pitfalls to avoid and practices to follow:

- Invoices should not be split to circumvent the bid laws.
- Although the bid laws usually are interpreted to apply to fiscal years, avoid the practice of dividing purchases over two fiscal years to circumvent bid requirements.
- The same concerns above apply to the internal accounts of individual schools.
- Boards should ensure that procedures in the purchase order system clearly delineate who can purchase services, equipment and supplies.
- Boards also should ensure that the system has a procedure that describes how purchases are received and distributed.
- Listings of bills and claims paid from internal accounts should be organized and filed in the central office and should be made available for public review.

Conflicts of interest

Board members cannot have a direct or indirect interest in the sale to the district or schools of any services, materials, equipment or supplies. If a board member benefits monetarily from any expenditure by the board, then most likely there is a conflict.

Bidding

Boards must elect to operate under either the bid law found in KRS 424.260 or the Model Procurement Code, KRS 45A. [The Jefferson County Board of Education adopted the local public agency provisions of the Kentucky Model Procurement Code in 1980, and first adopted procurement regulations in September 1980. Click \(or Ctrl click\) here for Jefferson County's Purchasing policy. \(Policy 04.32\) Click \(or Ctrl click\) here for Jefferson County's Procurement Regulations.](#)

Bid Law - KRS 424.260

Under this law, districts are required to reasonably estimate the total dollar amount of “like” items to be purchased during the fiscal year. If the total amount exceeds \$20,000, the district must purchase from an established price contract of the federal government (General Services Administration), the Kentucky Finance and Administration Cabinet or educational cooperatives, or the district must advertise for its own bids. If the district bids the items, specifications must meet those awarded through the state price contracts. State price contracts are between state government and vendors; school districts can purchase items through these contracts without having to seek bids locally. The state education commissioner provides districts with a list of state price contracts. An exception to the bidding requirements allows local school districts to purchase supplies and/or equipment outside the bidding procedure if:

1. The supplies and/or equipment meet the specifications of contracts awarded by the state Finance and Administration Cabinet, a federal agency (GSA), a school district that allows other districts to use its bids, or a cooperative;
2. the supplies and/or equipment are available for purchase at a lower price; and
3. the district's finance officer or purchasing officer has certified 1 and 2.

Districts don't have to request bids on perishable meat, fish or vegetables, equipment and professional contractual services, such as architectural, engineering and accounting services.

Model Procurement Code

KRS 45A.343 permits any local public agency to adopt the Model Procurement Code. If adopted, no other statutes governing purchasing apply.

The code requires that all contracts or purchases be awarded by competitive, sealed bidding. The code allows competitive negotiations, noncompetitive negotiations, and negotiations after competitive sealed bidding on some occasions, if specific written findings are given. Model procurement allows local school districts to acquire supplies and/or equipment outside of the purchasing agreements held by the federal government, the state Division of Finance, or education cooperatives if:

1. the purchase is for less than \$2,500;
2. the supplies and/or equipment meet the same contract specifications;
3. the supplies and/or equipment are available at a lower price; and
4. the district finance officer has certified items 2 and 3.

Districts operating under the Model Procurement Code also may accept a price reduction on supplies and equipment offered by a vendor with whom a price agreement has been made.

Districts may accept special price reductions even if the reduced price requires the purchase of a specified quantity of units different from the quantity stated in the original price agreement.

Small Purchase Procedures

A school district can use small purchase procedures for any contract for that does not exceed \$20,000 in the aggregate, if small purchase procedures are in writing and available to the public.

Audits

State law requires that a State Committee for School District Audits have the accounts of each board audited not less than once every fiscal year. The committee may, at any time, require a comprehensive and complete audit of any board. The commissioner and the Kentucky Board of Education are required by law to receive and examine all audit reports, and advise all boards of education on the expenditures, business methods and accounts.

The Committee for School District Audits has statutory authority to select the auditor, but usually accepts the recommendation of the local board. The board is responsible for paying for the audit of the district's General Fund, as well as the audits of high schools. Audits of other accounts (school food service, federal programs, elementary and middle schools, etc.) may be paid either out of those accounts or from the board's General Fund. All accounts are conducted as a single audit and contained in one audit report.

The board should meet with the auditor prior to the audit to give any special instructions, including pointing out any areas that it would like to be closely scrutinized. Instructions should never include asking the auditor to ignore any area. This meeting should be open to the public.

The board should direct the auditor to determine whether the board is properly executing its responsibilities, and include those findings in its report.

All local boards are required to report in writing to the state education commissioner the progress being made to correct exceptions appearing in school audits, or justify in writing any failure to correct exceptions.

At a minimum, a local board should require the following upon completion of the audit:

1. That the annual fiscal audit be presented to the full board.
2. That the management letter from the auditor be part of the audit process. Management letters include details of weaknesses and all changes recommended in the district's financial processes.
3. That the auditors conduct an exit conference with the district staff.

[Click \(or Ctrl click\) here for Jefferson County's policy. \(Policies 04.9\)](#)

Insurance

The board should ensure that all board-owned real property has adequate property insurance coverage, and that the district's transportation program is covered by adequate fleet insurance. The board also should ensure that the district has a loss-control program as part of its workers' compensation coverage.

Federal Grants

All school districts receive funding from the federal government and many receive grants for categorical programs from a variety of sources. A categorical program is one that has a specific source of funding that can be used only for that program. Though the mechanics of these programs can be confusing, board members should require that the superintendent give them a summary of the various grant funded programs that includes the name of the grant, the funding amount, the type of grant, a description of services provided, and the person responsible for administering the grant. Board members should be familiar with the different federally funded programs and understand that federal regulations limit administrative discretion in using federal funds.

Elementary and Secondary Education Act (ESEA)

ESEA is the federal government's primary response to K-12 education needs and issues at the local level. Through the years it has included more than 60 programs and thousands of regulations. The largest of the programs is Title I, which provides funds to improve the educational skills of disadvantaged children. The 2001 No Child Left Behind Law (NCLB) is the most recent incarnation of ESEA.

State Grants

Although KERA combined most funding sources to schools through SEEK, several strands of KERA are funded through grants. These include staff development, preschool, extended school services, technology, family resource and youth service centers, textbooks, school safety grants, Commonwealth School Improvement grants, and the gifted and talented program. The state department of education can retain a percentage of the legislative funding of most categorical programs for its own use. Some of the money retained is for its priority programs and some is used for awarding grants to districts as pilot programs.

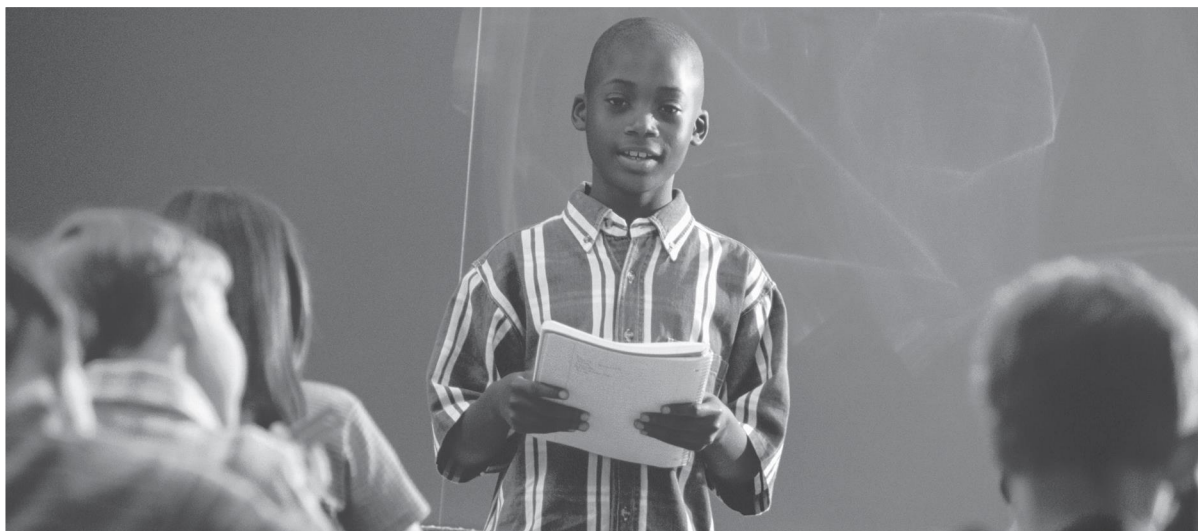
Other grants

Nonprofit foundations and for-profit corporations provide competitive grants to schools and school districts, ranging from a few hundred dollars for a classroom project to millions of dollars for larger programs.

Boards should, as part of the information they receive from the superintendent, ensure that grant money received or sought is for projects and programs that are in line with the district's needs and objectives.

The Jefferson County Public Education Foundation is a non-profit foundation incorporated in 1983 to assist and support the public school system of Jefferson County, Kentucky, financially and to engage in any and all activities that advance the education of the citizens of Jefferson County through the support of the Jefferson County Public Schools. [Click \(or Ctrl click\) here to read more.](http://www.jefferson.kyschools.us/Programs/JCPEF/index.html) <http://www.jefferson.kyschools.us/Programs/JCPEF/index.html> [Jefferson County Public Education Foundation homepage on JCPS Web site.](#)

Some controlling statutes and regulations for this chapter: KRS 160.290:1; 702 KAR:3:130, 702 KAR 3:245; KRS 160.180; KRS 424.260; KRS 45A; KRS 156.076; 702 KAR 3:030





www.ksba.org



ACADEMY OF STUDIES KSBA School Board Leadership Guide Self-Study Credit Hour Form

Upon their election or appointment, The Kentucky School Boards Association provides each board member a CD that contains the KSBA School Board Leadership Guide. This comprehensive manual was created to help members understand the complex and vital role they assume with their election or appointment to a local board of education. **Board members receive 2.5 hours credit for self-study of this manual while serving as a board member, as outlined in Level 1 of the KSBA Academy of Studies.** If you have not previously utilized your option to obtain credit for self-study of this manual and would like to do so, please complete this form after you have completed your study of the manual. This manual may also be found on the KSBA website for your convenience and reference.

If you have questions regarding this form, or your board member training requirements, please contact Kerri Schelling at the KSBA office by phone at 800-372-2962, ext. 1276 or email at Kerri.Schelling@ksba.org.

No Board action is required to receive credit for this self-study of KSBA-provided material.

KSBA School Board Leadership Guide 2.5 HRS.

By my signature, I certify that I have studied the subject materials for a minimum of the indicated hours.

Printed Name

School District

Date

Signature

Please return this form to: Kerri Schelling
KSBA
260 Democrat Drive
Frankfort, KY 40601

or FAX to 502-783-1181