

LEGAL: HB 520 CREATES A NEW SECTION OF KRS 160 TO ALLOW CHARTER SCHOOLS IN KENTUCKY.
FINANCIAL IMPLICATIONS: POSSIBLE FUNDING GOING FROM LOCAL DISTRICT SCHOOLS TO
CHARTER SCHOOLS

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.11

General Powers and Duties of the Board

The Board is an agent of the State to administer school functions delegated to local districts by the legislature. The Board powers and duties are set forth in the Kentucky Revised Statutes as follows:

ESTABLISHMENT OF SCHOOLS

The Board shall have general control and management of the public schools in its District and may establish schools and provide for courses and other services as it deems necessary for the promotion of education and the general health and welfare of pupils, consistent with the administrative regulations of the Kentucky Board of Education.¹

CHARTER SCHOOLS

KRS 160.1590 provides for charter school authorization, application, evaluation of applications and contracts with a charter school Board of Directors. Pursuant to this statute and Kentucky Board of Education regulations, the Board may serve as an authorizer for charter schools in the District.

REQUEST FOR WAIVERS AND EXEMPTIONS

The Board may authorize the Superintendent to request, on behalf of the District, a waiver of state regulations and/or reporting requirements established by a Kentucky Revised Statute requiring paperwork to be submitted to the Kentucky Board of Education or the Department of Education as permitted by statute.

When approved as a district of innovation by the Kentucky Board of Education, the District may be granted waivers and exemptions from selected Kentucky Administrative Regulations, Kentucky Revised Statutes, and, for a school of innovation, certain Board policies. A school may decide whether it voluntarily chooses to be designated as a school of innovation and, thus, be included in the District's application and plan. However, the Board may require a school identified as persistently low-achieving under KRS 160.346 to participate in the District's plan of innovation.¹¹

SCHOOL FUNDS AND PROPERTY

The Board shall have control and management of all school funds and all public school property of the District and may use its funds and property to promote public education.

ADMINISTRATION

The Board shall exercise generally all powers prescribed by law in the administration of its public school system, appoint the Superintendent of schools, create and abolish positions, approve job descriptions and classifications, and fix the compensation and terms of office of employees.¹

It is the goal of the Board that the District employ qualified personnel for all positions, establish fair and equitable procedures for transfers and promotions within the system; and provide, to the extent possible, working conditions and resources that enable each employee to support the District's Mission to provide relevant, comprehensive, quality instruction in order to educate, prepare and inspire our students to learn.

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General Powers and Duties of the Board**MANAGEMENT**

The Board may set goals for the District and shall make and adopt, and may amend or repeal, rules, regulations, policies and bylaws for its meetings and proceedings for the management of the schools and school property of the District, for the transaction of its business, and for the qualification and duties of employees and the conduct of pupils.

SUBPOENA

The Board may, in any investigation or proceeding before it, concerning a matter that may be a proper subject of inquiry by it, summon witnesses by subpoena, enforce their attendance, and require that they testify under properly administered oath.²

INSURANCE

The Board may set aside funds to provide for liability and indemnity insurance against the negligence of the drivers or operators of school buses, other motor vehicles, and mobile equipment owned or operated by the Board.³ The Board may expend funds necessary for liability insurance premiums and for the defense of any civil action brought against an individual Board member in an official or individual capacity, or both, on account of an act made in the scope and course of the performance of legal duties as a Board member.⁴ The Board shall make available liability insurance coverage for the protection of all members of school councils from liability arising in the course of pursuing their duties as members of the councils.⁹

As long as they pay the full cost of premiums required, Board members may choose to participate in any group medical or dental insurance provided by the District for employees.¹⁰

FREE SUPPLIES

The Board may furnish necessary school supplies free of charge to indigent children in its school district, or to such other children as it deems advisable, under such rules and regulations as it may adopt.

The Superintendent shall recommend and the Board shall approve a process to waive fees for students who qualify for free and reduced-priced lunches. All students who qualify shall be informed in writing of the fee waiver provisions. Mandatory waiver of fees for qualifying students shall be accomplished in compliance with applicable statutory and regulatory requirements.⁵

REPORTS

The Board shall, on forms prepared by the Commissioner of Education and approved by the Kentucky Board of Education, prepare and submit to the Kentucky Board of Education reports on all phases of its school service. It may prepare and publish for the information of the public a report on the progress of its schools.⁶

General Powers and Duties of the Board**LEVY OF TAX RATES**

As part of the budgetary process, the Board shall levy tax rates in compliance with statutory and regulatory requirements, including those mandated by the Kentucky General Assembly for the support of public education to promote and support the instructional program to the highest quality possible within the means of the tax structure and to set the general and special building fund tax rates within the limits of its taxing power. When necessary the District shall seek additional resources to support an adequate program of instruction.⁷

Following approval of the District's general budget for the ensuing fiscal year, the Board shall levy the required ad valorem tax according to statutory requirements. Additional revenues from local tax sources shall be levied as designated by law when properly authorized.

The Board shall levy a tax rate sufficient to qualify the district for state matching funds from the power equalization program fund. Prior to levying any local tax, the Board shall conduct a public hearing on the proposed local tax rates.

POWER TO BORROW FUNDS

The Board may borrow money on the credit of the Board and issue negotiable notes in anticipation of revenues from school taxes and state revenue for the fiscal year in which the money is borrowed, and may pledge the anticipated revenues for the payment of principal and interest on the loan.⁸ Debt limitations imposed by law shall be scrupulously observed.

CONTRACT WITH CONSULTANTS

The Board may contract for consulting services to provide specialized advice or assistance to the school system concerning educational, management, or administrative matters.⁴

Professional service contracts for \$5,000 or more shall be submitted to the Board prior to approval. The Superintendent is authorized to contract for all other professional service contracts necessary for carrying out the policies of the Board without prior Board approval. A list of all professional service contracts (regardless of dollar amount) shall be presented to the Board on a monthly basis.

Where appropriate, the Board may require bids for consulting services to be sought.

Consultants who serve the District shall exercise no authority over District employees, but will act only as advisor in accordance with their contract.

APPLICATIONS FOR GRANTS

Schools, employees, and school-related groups who intend to apply for grants on behalf of the District or District schools shall first contact the Department of Resource Development. All grants sought shall contribute to the District's strategic plan.

Except as specifically permitted by law, all grant applications that require a contract or the commitment of District funds, time or resources shall be submitted to the Board for prior approval. When an application deadline prevents Board consideration, the Superintendent is authorized to approve submission of the grant. All grants awarded and all grant agreements shall be submitted to the Board for approval.

General Powers and Duties of the Board**RESPONSIBILITIES OF THE BOARD**

The Board's chief concern is for the development and operation of the Jefferson County Public Schools in furthering the goals of quality education for each individual. Areas of action or functions which are proper responsibilities of the Board are as follows:

1. To promote and support the instructional program to the highest quality possible within the means of the tax structure;
2. To appoint a Superintendent of schools;
3. To ensure that the schools are administered in accordance with the Kentucky Revised Statutes and the policies of the Board, as permitted by law;
4. To set the general and special building fund tax rates within the limits of its taxing power;
5. To examine and approve the annual budget;
6. To consider and pass upon the recommendations of the Superintendent, within the limits provided by the Kentucky Revised Statutes;
7. To receive from the Superintendent reports on the progress of the educational program;
8. To approve the purchase of building sites and enter into contracts for the erection of school buildings and additions necessary to provide adequate housing for the school population;
9. To formulate and cause to be executed policies for the efficient operation of all schools; and
10. To perform all other duties prescribed by the Kentucky Revised Statutes.

REFERENCES:¹KRS 160.290²KRS 160.300³KRS 160.310⁴KRS 160.160⁵KRS 160.330⁶KRS 160.340⁷KRS 160.470⁸KRS 160.540⁹KRS 160.345¹⁰KRS 160.280¹¹KRS 156.108; KRS 160.107; KRS 160.346; 701 KAR 5:140

KRS 116.200; KRS 156.072; KRS 156.160

KRS 160.1590; KRS 161.158; KRS 162.010; KRS 416.560

OAG 91-10; OAG 91-122; OAG 95-10; 702 KAR 3:220; 702 KAR 4:160

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RELATED POLICIES:

01.41; 01.5; 01.7

03.124; 03.224; 04.92

LEGAL: HB 195 AMENDS MULTIPLE STATUTES TO CHANGE THE GENERAL EDUCATION DIPLOMA (GED) TO HIGH SCHOOL EQUIVALENCY DIPLOMA.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.2

Board Member Qualifications

ELIGIBILITY

To be eligible for membership on the Board, a person must meet the following qualifications:¹

1. Has attained the age of twenty-four (24) years;
2. Has been a citizen of Kentucky for at least three (3) consecutive years preceding his/her election;
3. Is a legally qualified voter of the district for which s/he is elected;²
4. Has completed at least the twelfth grade or has been issued a ~~High School~~ ~~e~~Equivalency ~~d~~Diploma ~~or has received a high school diploma through participation in the external diploma program;~~
5. Cannot hold a state office requiring the constitutional oath;
6. Is not a member of the General Assembly;
7. Cannot hold or discharge the duties of any civil or political office, deputyship, or agency under the city or county of his/her residence;

NO CONFLICT OF INTEREST

8. Has no interest, direct or indirect, in the sale to the Board of books, stationery or any other property, materials, supplies, equipment, or services for which school funds are expended;
9. Has never been removed from membership on a Board of Education for cause; and
10. Has no relative, as defined in KRS 160.180, employed by the District. This prohibition does not apply to a member holding office on July 13, 1990 who has a relative who was initially employed by the District before the member was elected to the Board.

A Board member shall be eligible for reelection unless s/he becomes disqualified.

REFERENCES:

¹KRS 160.180

²Moore v. Tiller, KY., 409 S.W. 2d 813 (1966)
OAG 88-35

RECOMMENDED: THIS CHANGE IS RECOMMENDED BECAUSE THERE IS NO STATUTORY MANDATE FOR A MEETING "AS EARLY AS IS PRACTICABLE" IN THE LAST YEAR OF THE SUPERINTENDENT'S CONTRACT, ALTHOUGH SUCH REMAINS GOOD PRACTICE. THE CHANGE ALLOWS FOR PERMISSIBLE VARIATIONS IN TIMING AS MAY BE COVERED IN SUPERINTENDENT CONTRACTS OR THE SUPERINTENDENT EVALUATION PROCESS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.1311

Contract Renewal of Superintendent

REVIEW OF CONTRACT

As early as practical in the calendar year in which the Superintendent's contract expires, the Board ~~may~~will meet to consider the Superintendent's performance and to consider whether to renew the Superintendent's contract. This provision shall not be interpreted as prohibiting the Board from reviewing the Superintendent's performance and considering the renewal of the Superintendent's contract at an earlier date as may be permitted by law.

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The Board may grant an extension of the Superintendent's contract as permitted by law.

NEW CONTRACT

The Board may agree to enter into a new contract with the Superintendent at any time so long as the term of no Board member will expire in the interim between the making of a contract and its effective date.¹ The new contract cannot become effective until the expiration of the present contract.

REFERENCES:

¹KRS 160.350

OAG 78-274; 12-OMD-145

Board of Education of McCreary City v. Nevels, Ky App., 551 S.W.2d 15