

LEGAL: HB 22 AMENDS KRS 160.190 TO CHANGE THE PROCESS FOR FILLING A BOARD VACANCY FROM A PERSON APPOINTED BY THE COMMISSIONER TO A PERSON APPROVED BY A MAJORITY VOTE OF THE REMAINING MEMBERS OF THE LOCAL BOARD, AND INCLUDES TIMELINES, VACANCY ADVERTISEMENT CONDITIONS AS WELL AS AN APPLICATION PROCESS.

FINANCIAL IMPLICATIONS: COST OF ADVERTISEMENT, STAFF TIME FOR PROCESSING, AND POSSIBLE ADDITIONAL MEETINGS

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.3

Board Vacancy Filling Unexpired Terms

APPOINTMENT

Vacancies on the Board ~~occurring between regular election days~~ shall be filled by a majority vote of the remaining members of the Board within ~~ninety~~sixty (90~~60~~) days after the vacancy occurs; ~~by the Commissioner of Education. A member so appointed shall meet the eligibility requirements as established by KRS 160.180 and shall hold the office until his/her successor is elected and has qualified. The Board may make nominations and any person may nominate himself/herself or another for the office.~~ Within thirty (30) days of the vacancy, the Board shall, for two (2) weeks, solicit applications by posting a notice on the District's website and place an advertisement for two (2) weeks in the newspaper of the largest general circulation in the county to solicit applications.

An applicant shall file a letter of intent with the Board affirming that s/he meets the legal qualifications for the office as established by KRS 160.180. In addition, the applicant shall submit a transcript as evidence of completion of the twelfth (12th) grade or results of a twelfth (12th) grade equivalency exam.

The Board shall select from the applicants who complete this process. Discussions that may lead to the appointment of an individual to fill the vacancy may take place in closed session. Such discussions may include individual interviews and consideration of individual applicants.¹ Final action to fill the vacancy shall be taken in open session.

As the executive agent of the Board, the Superintendent shall provide written notice to the following parties when a vacancy occurs or is expected to occur and also when a vacancy has been filled or has not been filled within the sixty (60) day timeline:

- Kentucky Secretary of State;
- County Clerk;
- Commissioner of Education; and
- Kentucky School Boards Association.

If the Board fails to make the appointment within the subject sixty (60) day timeline, then the Commissioner of Education shall fill the vacancy within sixty (60) days of the Board's failure to appoint. The member, meeting the legal requirements to fill the vacancy, shall hold office until his/her successor is elected and has qualified.

ELECTION

Any vacancy having an unexpired term of one (1) year or more on August 1 shall be filled for the unexpired term by an election to be held at the next regular ~~November~~ election after the vacancy occurs. The elected member shall succeed the member chosen by the Board or the Commissioner of Education to fill the vacancy.⁺

Board VacancyFilling Unexpired Terms

ELECTION (CONTINUED)

If no candidate files a petition of nomination to fill this unexpired term, then a new vacancy shall exist on November 1 and that vacancy shall be filled by the Board as prescribed by law.

If no candidate files a petition of nomination for a new term pursuant to KRS 118.315 and KRS 118.365, then a vacancy shall exist on January 1 and that vacancy shall be filled by the Board as prescribed by law.²

REFERENCES:

¹KRS 61.810; The Courier Journal and Louisville Times Company and Keith Runyon v. University of Louisville Board of Trustees, et. al, 596 S.W. 2d 374 (1979)

²KRS 160.190

KRS 118.315; KRS 118.365; KRS 160.180

OAG 81-316

RELATED POLICY:

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