

KENTUCKY COMMISSIONER OF EDUCATION
LOCAL DISTRICT BOARD MEMBER APPOINTMENT PROCESS

BACKGROUND & AUTHORITY

Appointment of a member to a local board of education is required when a sitting member can no longer occupy the office until the expiration of the elected term or when there is an insufficient number of candidates to fill vacant seats on the board in an election. **KRS 160.190** and **KRS 160.210** assign the Kentucky Commissioner of Education the responsibility to appoint local school district board members in these instances.

The Commissioner’s General Counsel is responsible for supervision of the identification of candidates for the Commissioner to consider and for recommending an applicant for appointment.

KRS 160.190 Vacancies, how filled

(1) Any vacancy in any board of education shall be filled by the chief state school officer within ninety (90) days after the vacancy occurs. The member so chosen shall meet the eligibility requirements as established by KRS 160.180 and shall hold office until his successor is elected and has qualified. The local board of education may make nominations and any person may nominate himself or another for the office.

(2) Any vacancy having an unexpired term of one (1) year or more at the next regular November election after the vacancy occurs 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 chief state school officer to fill the vacancy.

KRS 160.210 Election of board members

(1)(b) If no candidate files a petition of nomination for a county board of education opening pursuant to KRS 118.315, the chief state school officer shall fill the new term of office for all openings that have no candidate filings under KRS 118.315 by appointing a member to the local board who meets the residency requirement and the qualifications for office provided in KRS 160.180. The chief state school officer shall require and receive the affidavit and transcript required by KRS 160.180 prior to making an appointment. The local board of education may make nominations and any person may nominate himself or another for the office.

(c) Unless a number of candidates equal to or greater than the number of positions to be filled file petitions for nomination for an independent board of education opening pursuant to KRS 118.315, the chief state school officer shall fill the new term of office for all openings that have no candidate filings under KRS 118.315 by appointing a member to the local board who meets the residency requirement and the qualifications for office provided in KRS 160.180. The chief state school officer shall require and receive the affidavit and transcript required by KRS 160.180 prior to making an appointment. The local board of education may make nominations and any person may nominate himself or another for the office.

OVERVIEW OF APPOINTMENT PROCESS

STEP 1: NOTIFICATION OF VACANCY. The Commissioner must appoint a member to a local board of education upon the resignation, death, vacancy or removal from office of a sitting local board member, or upon vacancy due to an insufficient number of applicants in an election. The appointment process begins when a written resignation from a local board member is submitted to the Commissioner (or upon notification of death, removal from office, or vacancy after an election). Resignations should be addressed to the Kentucky Commissioner of Education.

It is the responsibility of the local board and local superintendent to notify the Commissioner of a vacancy when the resignation is not submitted directly by the board member to the Commissioner. The superintendent must also provide the Commissioner with the term of office of the resigned member.

When the Commissioner accepts the resignation, the vacancy officially exists (the effective date is the date the resignation is accepted by the Commissioner).

STEP 2: SOLICITATION OF APPLICANTS. After the Commissioner accepts the resignation / formally acknowledges the vacancy, the superintendent and board chair will receive an email notification and additional information. The superintendent and board chair will be asked to respond within one week, answering a few questions regarding the district and the vacancy.

Within two weeks of the date of the email notification, the superintendent must advertise for qualified applicants for the vacant position. The advertisement runs in the local newspaper of record on two separate occasions separated by one week, and it solicits applicants, enumerates the qualifications and particulars of the office, and establishes a deadline for applications. Applications should be submitted to the Commissioner not later than five (5) days after the second run of the advertisement. *See sample advertisement on page three of this document.

It is also the responsibility of the local superintendent to:

- Advertise the vacancy on the district website and all district social media platforms (Facebook, Twitter, etc); and
- Distribute applications to all interested applicants.

Completed applications must be mailed to the Kentucky Commissioner of Education, c/o Office of Legal Services, 300 Sower Boulevard, 5th Floor, Frankfort, KY 40601. If fewer than two qualified candidates apply, the Commissioner's office will be in touch with the local superintendent regarding possible further advertisements and other methods to recruit additional applicants.

STEP 3: REVIEW OF APPLICATIONS. Each application will be acknowledged in writing and will be reviewed to see if the candidate meets the requirements of KRS 160.180. Candidates will be emailed information regarding an interview date, time and place, as well as general information about serving on a local board of education. Applicants must review this information prior to the scheduled interview.

STEP 4: INTERVIEWS. Interviews may be conducted by the Commissioner and/or his designee(s) by phone, by video conference, in person at the Department of Education office, or in person at the district central office. Each interviewer will be from outside the county of the district where the vacancy exists.

STEP 5: RECOMMENDATION AND SELECTION. After the interviews, the designee(s) make a recommendation to the Commissioner; however, the responsibility for the final decision regarding the appointment of members to local boards resides, by law, entirely with the Commissioner. Notification of the selected applicant will be sent to the appointee, the superintendent and board chair, and all other candidates.

RECAP OF DISTRICT RESPONSIBILITIES

- Immediately upon learning of vacancy: Superintendent or board chair notify the Commissioner of a board vacancy.
- Within one week of receiving acceptance of the vacancy from the Commissioner’s Office (via email): Superintendent and board chair review all information sent and answer all questions included in the email re the vacancy.
- Within two weeks of receiving acceptance of the vacancy, the superintendent advertises for qualified applicants in the local newspaper of record. The advertisement should run on two separate occasions separated by one week and should include a deadline for applications.
- Within two weeks of receiving the email, the superintendent advertises the vacancy on the district website and on all district social media platforms (Facebook, Twitter, etc).
- Superintendent and board chair distribute the application to all interested applicants.

For all questions regarding local board appointments, please contact Deanna Durrett, General Counsel, Kentucky Department of Education, at (502) 892-6153 or Deanna.Durrett@education.ky.gov. The Kentucky Department of Education does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity, religion, age or disability in employment or the provision of services.

SAMPLE NEWSPAPER ADVERTISEMENT

NOTICE OF VACANT (*School District Name*) BOARD OF EDUCATION SEAT

The Kentucky Commissioner of Education is seeking applications for appointment to the (*School District Name*) Board of Education. You are invited to nominate yourself or someone you know who is qualified to serve on the (*School District Name*) Board of Education representing

- Educational Division # _____ (*County School System*)
- The district at large. (*Independent School System*)

This appointment is effective until

- The November (*give year*) regular election. (*Use if next regular November election scheduled **more than one year** prior to end of remaining term*)
- The end of the term. (*Use if next regular November election scheduled **one year or less** prior to end of remaining term*)

This is a public service position. The appointee will not be employed by the (*School District Name*).

Responsibilities

Serving on the school board is an important public service. School board members are leaders in the community and play a critical role in ensuring students receive the high quality education they deserve.

Responsibilities include:

- Developing policy that governs the operation of schools;
- Providing visionary leadership that establishes long-range plans and programs for the district;
- Hiring the district superintendent and issuing annual evaluation reports;
- Setting local tax rates and practicing vigorous stewardship to ensure that all school district funds are spent wisely.

Requirements

Board members must be:

- At least 24 years old;
- A Kentucky citizen for the last three years;
- A registered voter in the district and voter precinct(s) of the vacancy. (*county district, list vacant educational division here*);
- Have a high school diploma or a GED certificate; and
- Meet all other qualifications set forth in law (KRS 160.180).

Applications must be completed and mailed by (*Date*). Applications are available at:

- (*School District Name*) Board of Education Office at (*board office address*)
- The Kentucky Department of Education website:
<http://education.ky.gov/districts/legal/Pages/default.aspx>

All applications must be mailed directly to: **Kentucky Department of Education, Commissioner of Education, c/o Office of Legal Services, 300 Sower Blvd. 5th Floor, Frankfort, KY 40601.**

Interviews will be conducted approximately 1-3 weeks after this mail date. All qualified applications received by the date stated above will be considered.