

COMMISSIONER OF EDUCATION

LOCAL DISTRICT BOARD MEMBER APPOINTMENT PROCEDURE

AUTHORITY

KRS 160.190 and KRS 160.210 assigns the Kentucky Commissioner of Education the responsibility to appoint local school district board members to vacant seats between elections and when no candidate is on the ballot.

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 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.

RESPONSIBILITY

Appointment of a member to a local board of education is required when a sitting member can no longer occupy this office until the expiration of the elected term. When this occurs, the Kentucky Commissioner of Education makes an appointment to the vacant seat. The appointment of the Commissioner is effective until the next regular November election. However, if the vacancy has an unexpired term of less than one year, the appointment is effective until the end of the remaining term. Alternatively, if there is no candidate on the ballot for a regular November election, then the Commissioner appoints a member to serve until the next regular November election.

The Commissioner's legal counsel is responsible for supervision of the identification of candidates for the Commissioner to consider for appointment to local boards of education. Responsibility for completion of the process used to identify and recommend an applicant for appointment is assigned to the Commissioner's Designee for Board Member Appointment.

APPOINTMENT PROCESS

The Kentucky Commissioner of Education 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. The appointment process begins when a written resignation from a local board member is submitted to the Commissioner (the effective date is the date the resignation is accepted by the Commissioner). Resignations should be addressed to the Kentucky Commissioner of Education.

The written resignation of a board member that has been presented to a local board of education is acceptable when forwarded to the Commissioner. When the Commissioner accepts the resignation, the vacancy officially exists.

After the Commissioner accepts the resignation, the local board of education advertises for qualified applicants for the vacant position. The advertisement runs in the local newspaper of record on two separate occasions separated by one week. The advertisement solicits qualified applicants, enumerates all qualifications and particulars of the office and establishes a date for applications to be mailed. Applications should be mailed to the Commissioner not later than five (5), days after the second run of the advertisement. (A sample advertisement is included in this packet.) **An announcement of this vacancy should also be placed on the district website and all district social media platforms.** If fewer than two qualified candidates apply for consideration, the advertisement should be repeated, with a new mail date, to solicit additional qualified candidates. If, after the required advertisement cycle has been repeated one or more times, and no candidates or only one candidate has applied, further advertisements may be suspended and other methods considered to recruit additional applicants.

All applications are to be returned directly to the Kentucky Commissioner of Education, 300 Sower Boulevard, 5th Floor, Frankfort, KY 40601.

(Blank two-page application, voter residence certification, and criminal records check forms are included in the superintendent's information packet. These forms are to be completed by each applicant and returned directly to the Commissioner.)

Each application will be acknowledged in writing. The acknowledgement will include the interview procedure, date, time and place established for the Commissioner's designees to screen and interview all qualified applicants. Selected general information about serving on a local board of education also will be included. Each applicant will be asked to review this information prior to the scheduled interview with the Commissioner's designees.

For each vacancy having more than one (1) applicant, one of the following four (4) interview procedures will be selected. Each of these procedures will identify, in addition to the Commissioner's Designee for Board Member Appointment, one or more designees to serve on a committee tasked to review, screen, and interview all qualified applicants and make a recommendation for the Commissioner's consideration.

1. Interviews conducted by phone. A date and specific time will be established for each applicant to be interviewed by all designees via a conference phone call.
2. Interviews conducted by video conference. A date and specific time will be established for each applicant to be interviewed by all designees via SKYPE, Facetime or other appropriate video conferencing system.
3. Interviews conducted at KDE. A date and specific time will be established for each applicant to be interviewed by all designees at the Kentucky Department of Education office at 300 Sower Blvd. in Frankfort, KY.
4. Interviews conducted at the district central office. A date and specific time will be established for each applicant to be interviewed by all designees at the school district central office where the vacancy has occurred.

Each scheduled interview will be chaired by the Commissioner's Designee for Board Member Appointment. Additional designees will be recruited from members or former members of other local boards of education, the Kentucky School Boards Association, KDE Department staff, other agencies experienced and knowledgeable regarding the responsibilities of local boards of education, and other individuals currently involved or recently retired from public educational practice. Each designee will be from outside the county of the district where the vacancy has occurred.

These procedures are followed by the Commissioner to ensure that the best possible advice is received from multiple professional sources regarding the appointment of local school board members. In all cases, the recommendations of the designees will be considered; however, the responsibility for the final decision regarding the appointment of members to local boards of education resides, by law, entirely with the Commissioner, regardless of the recommendation of the designees.

ASSIGNMENT OF RESPONSIBILITIES

RESPONSIBILITIES OF THE LOCAL SUPERINTENDENT

- Notify the Commissioner of Education of a board member vacancy when the resignation is not submitted directly by the board member to the Commissioner.
- Place an advertisement in the local newspaper of record seeking applications for the vacant board seat. Send a copy of this advertisement to the Commissioner. This advertisement should run twice, separated by one week (two weeks in a row). Applications should be mailed to the Commissioner not later than than five (5) days after the second run of the advertisement. If only one person (or no persons) apply, the advertisement should be repeated, with a new mail date, until more than one qualified person has applied. (A sample advertisement is included in the superintendent's information packet.)
- An announcement of this vacancy should be posted on the district website and all district social media platforms.
- Provide the Commissioner with the term of office of the resigned board member.
- Distribute blank two-page application, voter residence certification and criminal records check forms to each interested individual. All application forms are to be returned directly to the **Kentucky Commissioner of Education, 300 Building, Sower Boulevard, 5th Floor, Frankfort, KY 40601.**
- Provide adequate PRIVATE space for designee screening and interview of applicants.

RESPONSIBILITIES OF THE COMMISSIONER'S DESIGNEE FOR BOARD MEMBER APPOINTMENTS

- Upon notification of board vacancy, prepare appropriate correspondence for Commissioner's acceptance of resignation and/or acknowledgement of vacancy.
- Provide local superintendent with information packet containing application forms, sample newspaper advertisement and appointment procedure information.
- Complete all communication regarding board member appointments with local school districts and other authorities as required.
- Notify Secretary of State, Kentucky School Boards Association, KDE Communications staff and appropriate local County Court Clerk that a school board vacancy exists.
- Receive all completed applications from Commissioner's office. Applications should be mailed by the advertised mail date. Interviews will be scheduled approximately 10-20 working days after the mail date. All qualified applications received before interviews are scheduled will be considered.
- Screen all applicants to assure full legal eligibility to serve as a local board member.
- Select procedure to be used to interview applicants.
- Schedule procedure, date, time and place for qualified applicant screening and interviews with Commissioner's designees. Coordinate with local superintendent.
- Send acknowledgement, interview scheduling notice and board service information to all qualified applicants.
- Identify and secure designees for screening and interview of qualified applicants. Recruit designees from the Kentucky School Boards Association, local school board members and other persons who are actively involved in or recently retired from education.
- Chair designee screening and interviews of all qualified applicants.
- Provide notification of all details regarding the screening, interview and recommendation process to all material parties including the Commissioner, the Commissioner's legal counsel, designees, applicants, local superintendents, and others as required.
- Based on the designee discussion and consensus, recommend identified applicant for the Commissioner's consideration. Provide rationale supporting designee recommendation. This recommendation is made in writing to the Commissioner's legal counsel who reviews and, if in agreement, sends to the Commissioner for final consideration.
- Send appropriate notice of Commissioner's appointment action to appointee, district superintendent, all applicants, Kentucky School Boards Association, appropriate local county clerk, Secretary of State and KDE Communications Services.
- Maintain complete file for each board vacancy.
- Draft correspondence to respond to any particular or specific situation regarding local school board member appointments as directed by responsible authority.
- Submit periodic reports of board member appointment activities and vacancy status to the Commissioner's legal counsel and others as directed.
- Meet at the scheduled time and location to screen and interview qualified applicants and develop recommendation for Commissioner's consideration.
- Prior to meeting, review all applications submitted.

- Participate in the screening and interview of all qualified applicants.
- With other designees, consider all qualified applicants and work to reach consensus on a first- and, if necessary, a second-place recommendation with rationale necessary to support the recommendation.
- Maintain complete confidentiality regarding committee discussions, information considered, deliberations and recommendation.