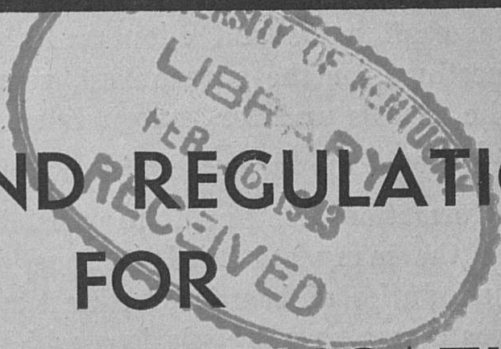


Commonwealth of Kentucky •
EDUCATIONAL BULLETIN

**RULES AND REGULATIONS
FOR
BOARDS OF EDUCATION**



Miss Elizabeth Hanson
Periodical Librarian
University of Kentucky
Lexington, Kentucky



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JOHN W. BROOKER
Superintendent of Public Instruction

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FOREWORD

Section 160.290, Kentucky Revised Statutes, requires that boards of education shall make and adopt rules, regulations and bylaws for their meetings for the government, regulation and management of the public schools and for the qualifications and employment of teachers and conduct of pupils under their jurisdiction.

The information contained in this bulletin provides ready reference to the many scattered sections of the law affecting the authority and duties of boards of education. It makes suggestions for and gives examples of regulations which will meet the needs of most boards of education. Because of the many requests which this department has received for information similar to that contained herein, I am requesting that it be published as a bulletin of the Department of Education. It has been prepared by Gordie Young, Assistant Superintendent of Public Instruction.

On request the Department will endeavor to make available the services of members of its staff to superintendents and boards of education who are adopting or revising bylaws, rules and regulations. If you have not brought to date the statute references for your rules and regulations, I suggest that you do so after you have read this publication. It should be placed in your ready-reference file for any future need.

JOHN W. BROOKER
Superintendent of Public Instruction

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INTRODUCTION

The General Assembly of Kentucky has recognized the necessity for boards of education to have authority to adapt the school laws to the needs of the varying conditions which exist in the different school districts of the Commonwealth. It has provided for meeting this need by requiring that boards of education adopt bylaws and/or rules and regulations for their meetings and proceedings, for the government, regulation and management of the public schools under their jurisdiction and for the performance of the duties of all persons employed in public school service in the districts of their jurisdiction.

KRS 160.290 provides in (2), "Each board shall make and adopt, and may amend or repeal rules, regulations and bylaws for its meetings and proceedings for the government, regulation and management of the public schools and school property of the district, for the transaction of its business, and for the qualification and employment of teachers and the conduct of pupils. The rules, regulations, and bylaws heretofore made by any governing body of a school district, or hereafter made by a board of education, shall be consistent with the general school laws of the state and shall be binding on the board of education and parties dealing with it until amended or repealed by an affirmative vote of three members of the board. The rules, regulations and bylaws shall be spread on the minutes of the board and be open to the public."

KRS 161.140 provides that, "Each board of education shall prescribe the duties to be performed by all persons in public school service in the district."

In order to put into proper effect the intention of these Statutes, it is necessary for those who formulate bylaws and/or rules and regulations to understand the proper organization and function of boards of education as well as the fundamental principles of school administration.

Part I of this statement concerning rules and regulations presents some principles of school organization and administration. Part II reviews school laws affecting regulations and suggests content for, or procedure in, making rules and regulations.

The purpose of the information contained herein is to furnish school administrators and boards suggestions which will aid them in making bylaws and/or rules and regulations suited to the conditions under which they work. The information presented is based upon

rules and regulations which are now in operation in many parts of the state, as well as on an article prepared on this subject by Otis C. Amis and published by the Department of Education in the Department Bulletin of August 1934.

The writer desires to express his appreciation to members of the Staff of the Department of Education for their assistance in the preparation of this statement of rules and regulations and to D. Y. Dunn, Superintendent of the Schools of Fayette County and C. D. Redding, Superintendent of the Schools of Frankfort, Kentucky, for reading the manuscript and offering helpful suggestions.

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INFORMATION ON AND SUGGESTIONS FOR RULES AND REGULATIONS OF BOARDS OF EDUCATION

I

Some Principles of School Organization and Administration

The successful management of any enterprise requires not only careful planning but a definite procedure on the part of those responsible for the operation of the enterprise. The principles of school organization and administration listed below have been formulated by authorities in this field and have been put into practice by boards of education in the better school systems. These principles are based upon the belief that most efficient results can be obtained:

1. By making the superintendent the chief executive officer of the board with broad powers
2. By holding him responsible for results in organization and administration of the school system
3. With an understanding that proposed new policies are to be initiated and presented to the board by him.

Based upon this idea, the duties of the board of education and the various officials who work in connection with the superintendent and board may be outlined as follows:

A. Duties of the Board of Education

1. To adopt policies for the administration of the school system
2. To elect a qualified superintendent who shall be the chief executive officer of the board
3. To hold regular meetings and such special meetings as may be necessary for the proper conduct of the business affairs of the board
4. To require periodic reports from the superintendent and treasurer
5. To pass on the recommendations of the superintendent in regard to:
 - a. Rules and regulations
 - b. Qualifications of employees
 - c. Selection of employees
 - d. Financial program
 - e. Building program
 - f. Curriculum
 - g. Selection of textbooks
 - h. Health and sanitation

- i. Transportation
- j. Libraries
- k. Establishing school centers
- l. Selection of architect and plan of school building construction

B. Duties of the Secretary of the Board

- 1. To keep an accurate record of the board in regard to policies and proceedings

C. Duties of the Treasurer of the Board

- 1. To be responsible for all the monies belonging to the school system
- 2. To keep an accurate record of receipts and disbursements of such money
- 3. To prepare periodic reports to the board to education and financial statements
- 4. To give an acceptable bond for protection of the funds

D. Duties of the Superintendent of Schools

- 1. To be responsible for the entire school program
 - a. To serve as the chief executive officer of the board of education in its conduct of the schools and of other agencies and activities under its control
 - b. To attend all meetings of the board and of its committees and to exercise the right to speak on all matters before the board or committees but without vote
 - c. To nominate, as needed, assistant superintendents, business managers, supervisors, principals, teachers, custodians, and all other employees authorized by the board of education
 - d. To suspend and recommend for discharge any employee whose services are so unsatisfactory as to warrant such action, subject to approval by the board
 - e. To determine the boundaries of school attendance districts, subject to the approval of the board
 - f. To make monthly and annual reports to the board of the conditions and needs of the schools
 - g. To prepare for the approval of the board, bylaws, rules, and regulations, needed for the direction and control of the schools
- 2. To be responsible for the selection and care of equipment
 - a. To approve and direct all purchases and expenditures within the limits of the detailed budget approved by the board and to make monthly reports of such expenditures to the board
 - b. To grant the use of schoolrooms, auditoriums, and gymnasiums, for such community purposes and under such terms as the school board may establish

3. To be responsible for the curriculum

- a. To select, after conferring with supervisors, principles, teachers, and such other persons as the superintendent may designate, textbooks and all other supplies and appliances needed for instruction and the activities of the school or other agencies under the control of the board

4. To be responsible for the instruction program

- a. To prepare or have prepared for his approval the content of each course of study authorized by the board of education
b. To direct the supervision of the elementary and high schools, of all special schools, and of all extracurricular activities
c. To assign principals, custodian, and other employees to the schools, and teachers to schools and grades, and to transfer them according to the needs of the service

5. To be responsible for the preparation of the budget and for financial accounting

- a. To prepare, or to have prepared for his inspection, the school budget showing in detail the amount of funds necessary to meet the estimated needs for the ensuing year and submit it to the board for consideration and action

6. To be responsible for the housing needs

- a. To have general supervision of the operation and maintenance of the school plant and equipment and the purchase and storage and distribution of textbooks and other supplies
b. To keep the board informed as to school building needs and to recommend school sites and plans for new buildings and for alterations of old buildings

7. To be responsible for the research program

8. To be responsible for the transportation of pupils

9. To be responsible for the health and sanitation program in the school

10. To present to the board information concerning the formulation of board policies

E. Duties of the Board and Superintendent

1. To keep the public informed as to the policies and merits of the school
2. To give to the pupils as nearly as possible adequate and desirable school service

II

Laws Concerning and Suggestions for Rules and Regulations for Boards of Education in Kentucky

Below are listed suggested rules and regulations. It is believed they will aid boards of education in meeting the requirements of the Legislature when making and adopting rules and regulations governing actions of the board and the operation of schools under their charge.

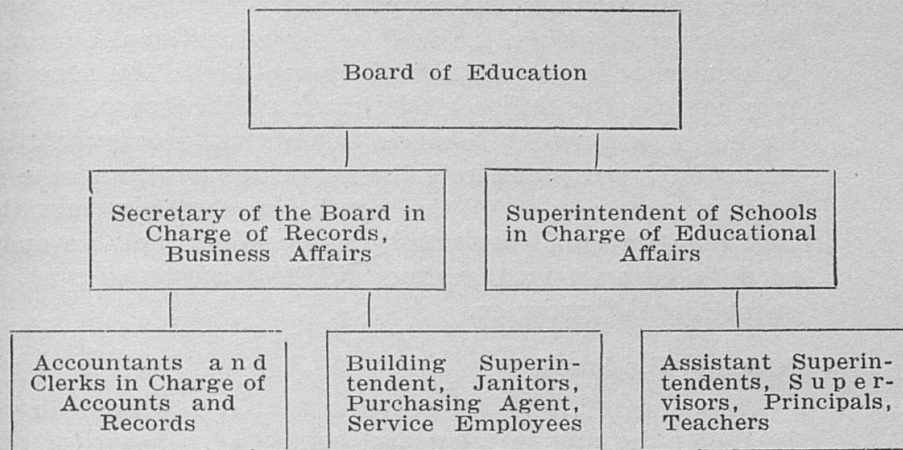
The Kentucky Revised Statutes are quoted in each point of the outline that is covered by the law. Where it is possible to do so, there is stated a rule or regulation that is generally applicable. In some instances, rules and regulations are given as an example where no general rule is applicable.

Regulations should be made by the local board where the laws and rules and regulations of the State Board of Education are not sufficiently detailed to meet board's needs for putting into operation laws or the regulations of the State Board of Education.

A. Regulations Governing the Organization of the Board

1. Types of organization

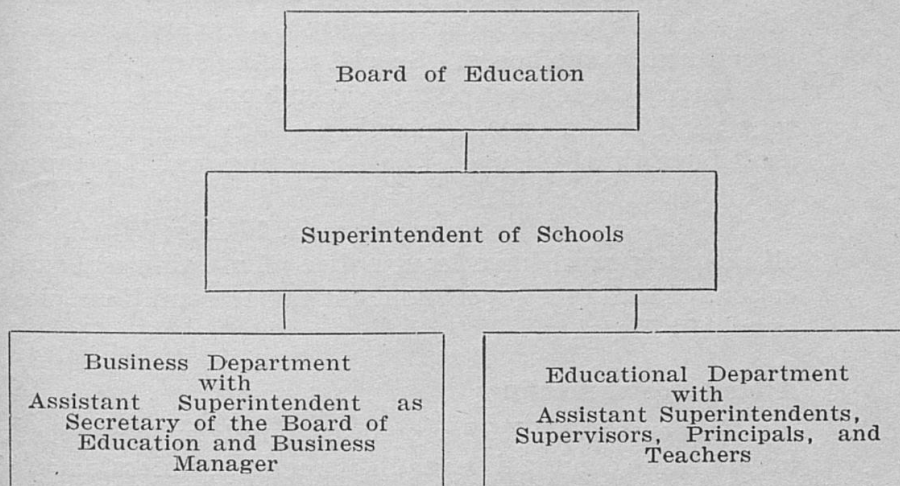
The present day superintendent of schools is employed to be the chief executive officer of the schools. As such, the board holds him responsible for the efficient administration of schools of the district in both educational and business matters. This plan of organization has proven much superior to the old idea of limiting the superintendent strictly to instructional matters. In such an organization, the clerk or secretary is the coordinating officer and is responsible entirely to the board. In such an organization, the superintendent has little or no jurisdiction whatever over business affairs. As a result, the success of both branches of the administrative setup is jeopardized. A typical dual type of organization is illustrated below.



Undesirable dual type of organization

This type of organization produces coordinate officers that have difficulty in cooperating. The ultimate end of schools, in most cases, is readily lost and the work of purchasing agent, janitors, and service employees, under the direct control of the clerk of the board, becomes an end in itself. Where such a dual system of organization is being practiced, it is difficult to place responsibility.

The diagram below illustrates a simple unit type of organization that is proving more satisfactory and being practiced generally.



Desirable type of unit organization

This type of organization provides greater efficiency to the school system as a whole. This unit plan is suitable to a school district of any size. It operates most effectively where the school district itself is relatively large in size. In the very small districts the

superintendent may, and frequently does, act as clerk of the board and assumes the responsibility for record keeping and business management as well as for educational administration. In somewhat larger districts the secretary to the superintendent may assume the duties of the clerk of the board. The plan of having a competent business agent, as previously discussed, immediately responsible to the superintendent, and the superintendent responsible to the board, is perfectly feasible. This unit plan for small communities is easily adaptable and can be made to care for vast business of the largest and most complex school district program.

2. **Name of the board**

Section 160.160 KRS provides that each school district shall be under the management and control of a board of education, consisting of five members, to be known as the "Board of Education of (Insert name of county or independent district), Kentucky."

3. **Boundary of District**

(Write boundary if independent district.)

4. **Time and place of meeting**

The board of education of (name of county or independent district), Kentucky shall hold its regular meetings on (State date and day and hour) in (State place).

5. **Number of meetings**

Section 160.270 KRS provides, "Each board of education shall hold at least one regular meeting each month, at a time and place fixed by the board. Special meetings may be called by the chairman. On request of three members of the board the secretary shall call a special meeting. Each member of the board shall have timely notice of each meeting and the nature, object, and purpose for which it is called."

In the case of **Brown v. Turman, 264 Ky. 407**, the Court said all members must have legal notice of meeting of board of education. Electing a superintendent under conditions cited in this case held illegal.

6. **Attendance at meetings**

Section 160.270 KRS provides, "Any board member failing to attend three consecutive regular meetings, unless excused by the board for reason satisfactory to it, shall be deemed to have vacated his office. A majority of the board shall constitute a quorum for the transaction of business."

The following regulation might be added as further guidance in board meetings: No member shall leave the meeting without the consent of the presiding officer. At called meetings no business shall be transacted except that specified in the call.

In the case of Board of Education of **Wurtland Independent**

School District, et al. v. Stevens, et al., 261 Ky. 475, the Court said that the office of member missing three consecutive meetings was not vacant unless action of the board so declares.

In the case of **Baisden v. Floyd County Board of Education, et al., 270 Ky. 839**, the Court said where board member was absent from one meeting and from the next two because of board's failure to inform him of change in time of holding meeting of board, although he made trips to town for the purpose of attending meeting, board's removal of such member was arbitrary and improper.

7. Annual meetings

Kentucky Revised Statutes do not provide for what is sometime known as an annual organization meeting of the board. It is suggested that the board should adopt rules and regulations as to an annual or biennial meeting. This meeting might be held the first Monday in January when the new officers take their office or at the first regular meeting day in January, as provided by the board's rules and regulations.

The board shall determine whether the chairman and vice-chairman will be elected annually or biennially. The chairman and vice-chairman must be selected from the membership of the board of education.

Newly elected members of the board of education should take the constitutional oath and the oath required by Section 160.170 KRS on or before the first Monday in January following their election.

8. Secretary of the Board of Education

Section 160.440 KRS provides that the board shall appoint a secretary for one, two, three or four years. The secretary shall not be a member of the board. The superintendent may be appointed as secretary. The board of education may fix a reasonable salary for the secretary.

He shall keep the records of the board and perform duties imposed by the board. All orders of the board shall be signed by the secretary and countersigned by the chairman. The secretary shall be the custodian of securities, documents, title papers and other papers of the board, as the board may direct. The secretary shall make available to the superintendent all records of the board and shall furnish him such information as is shown in the records at any time upon the request of the superintendent.

Board of education of an independent school district embracing a city of the first or second class may appoint its business manager or assistant superintendent of schools in charge of business affairs as secretary.

9. Vacancies

Section 160.190 KRS provides that in case of a vacancy in membership of a board of education for an unexpired term, it

shall be filled by the other members of the board within 90 days after the vacancy occurs. If the vacancy is not filled by the other members of the board of education within 90 days, it should be filled by the State Board of Education within 30 days after information filed by any citizen of the district that the vacancy has not been filled for more than 90 days. The person selected to fill such a vacancy shall hold office for the unexpired term of the person whose vacancy he fills and until his successor is elected and qualified. The member should be inducted into office at the next regular or called meeting after his appointment. He should take the constitutional oath and the oath as required by section 160.170 KRS on or before he takes office

B. Regulations Governing the Procedure of the Board

1. General functions of the board

Section 160.290 KRS lists the general powers and duties of boards of education under two main headings.

- a. **General control and management.** Under this authority boards shall exercise generally all powers in the administration of the public school system, appoint such officers, agents and employees as they deem necessary and proper, prescribe the duties and fix the compensation and term of office.
- b. **Make, adopt and amend rules and regulations and bylaws.** Under this authority, boards of education may make, adopt or repeal rules or regulations and bylaws for their meetings and proceedings for the government, regulation and management of the public schools and the school property of the district, for the transaction of their business and for the qualification and employment of teachers and the conduct of pupils.

2. General policies of the board

It should be the general policy of the board in carrying out the general powers and duties outlined above to do so in connection with the provisions of Sections 160.370 and 160.380 KRS, which make the superintendent the legal executive agent of the board. Boards of education should recognize their relationship with the chief executive officer for the proper functioning of the school system. They should go about the selection of the superintendent of schools in a businesslike and professional manner. The board should recognize that the most efficient results can be obtained by making the superintendent in fact the chief executive officer of the board and holding him responsible for results in the organization and administration of the school system. It should not overlook the fact that its rules and regulations and bylaws are as binding on the board as on other bodies dealing with the board until amended or repealed by an affirmative vote of three members of the board.

A regulation consistent with this plan of procedure might be as follows:

It shall be the general policy of this board to consider:

- a. Members of the board as individuals who have no authority except when in a legal meeting
- b. That the board can act only at authorized meetings when duly held
- c. That authority is vested not in a designated number of persons but in the board as a unit,
- d. That its decisions shall be made as a result of conferences and deliberations in which individual viewpoints are made a group decision
- e. That each member shall face all school problems with an open mind and with an honest desire to arrive at the best possible solution of the problem before him
- f. It shall delegate only its administrative and ministerial functions to the superintendent
- g. It shall reserve its legislative and judicial functions to itself, which may be exercised only in legal meetings
- h. A decision of the majority of the board as a decision of the board
- i. That it shall eliminate friction in the board meetings by allowing freedom of participation in discussions of questions under consideration
- j. Hearings before the board in the following manner:
 - (1) Hearing—consideration of the facts and recommendations
 - (2) Adoption of plans, policies and courses of action
 - (3) Authorization of the proper person or persons to carry out the decisions of the board.

3. Order of business

The order of business of this board shall be as follows:

- a. Call to order by chairman
- b. Roll call of members
- c. Approval of minutes
- d. Hearing from delegations
- e. Report of standing committees
- f. Report of special committees
- g. Report of superintendent
- h. Unfinished business
- i. New business
- j. Adjournment

4. Relationship of board to superintendent, principals, teachers and other staff employees

- a. **To superintendent.** The board reserves to itself the right to determine the general policies of the schools under its direction and authorizes the superintendent to direct the general educational and financial program of the school.
- b. **To the principal.** His relationship to the board shall be through the superintendent as executive officer of the board.

It is the belief of the board that this is the best way to fix responsibility and secure coordination of service.

- c. **To the teachers.** Administratively teachers shall be responsible directly to the principal or head teacher in the schools which they serve, the principal or head teacher to the superintendent and the superintendent to the board of education. This relationship should be one of mutual cooperation.
- d. **To the other staff employees.** The superintendent shall be the official who shall coordinate the work of all departments through the school system. Staff workers shall be responsible directly to the superintendent and through him to the board of education.

c.

C. Regulations for Conducting Business Affairs

1. The school budget

- a. **Form of budget.** Section 156.160 (11) KRS provides that the Superintendent of Public Instruction shall prepare or cause to be prepared and submit for approval and adoption by the State Board of Education a uniform series of forms and blanks, educational and financial. Such a series of forms has been prepared in accordance with this section and are furnished to boards of education for their use in preparing budgets.
- b. **Preparing budgets.** Section 156.160 (10) KRS provides that the Superintendent of Public Instruction shall prepare or cause to be prepared and submit for approval and adoption by the State Board of Education rules and regulations governing the preparation of budgets for the several school districts under the management and control of the State Board of Education. Such rules and regulations have been prepared in accordance with this section and are found on the budget forms furnished and in a manual entitled **Handbook of Instruction**. Copies of this may be secured from the Department of Education, Division of Finance, on request.

Section 160.470 KRS provides that the board of education shall prepare a budget which shall be filed with the clerk of the tax levying authority of the district, on or before March 20, and at the same time a copy of said budget shall be filed with the State Board of Education for its approval. The budget shall be submitted on the forms to which we have referred above.

This section also requires that each board of education shall, as required by the State Board of Education, prepare and submit not later than 15 days after the state per capita has been declared a close estimate or working budget. This working budget shall be consistent in its major divisions with the general budget previously prepared. Regulation of the board for its preparation might read as follows: The Superintendent, as the executive officer of the board, shall be

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responsible for assembling the data and formulating the budget and recommending the rate of levy which shall be passed on by the board of education.

In a county school district where there has been voted a sub-district tax levy, the superintendent shall assemble data and recommend the rate of levy for a budget for each of the sub-districts which levy a sub-district tax. These budgets shall be prepared and submitted at the same time that the regular county budget is submitted for approval of the board and for the tax levy.

- c. **Levy, maximum and minimum, and sub-district.** Section 160.480 KRS provides a minimum ad valorem tax for school purposes, other than the sinking fund, of not less than 25c annually on each \$100 of property subject to local taxation for a county school district, and a minimum of 36c on each \$100 of property subject to local taxation in independent districts embracing a city of the first class.

The section also provides for a maximum poll tax of \$2.00 in all districts except independent districts embracing a city of the first class.

Section 160.490 KRS provides for minimum limits on ad valorem tax in the different districts throughout the state.

Section 160.150 KRS provides the maximum amount of 75c on each \$100 taxable property within the district subject to the tax, and the procedure for levying such tax in sub-districts throughout the state.

Section 160.550 KRS provides that no budget shall be exceeded, except by approval of the State Board of Education, and Section 160.990 (5) KRS prescribes a penalty on the board and superintendent if they exceed the budget, without permission of the State Board of Education. The superintendent of the district shall be responsible for keeping expenditures within the budget. (In districts containing cities of the first or second class, a business director may be held responsible.)

Section 136.190 KRS provides that the superintendent of schools of each district shall furnish franchise paying corporation the district boundaries of any school district or sub-district which is authorized to levy a tax on the corporation.

Section 132.190 KRS enumerates the property subject to taxation.

2. Collecting taxes

- a. **Collector.** Section 160.500 KRS provides that school taxes shall be collected by the regular tax collector of the tax levying authority for the various school districts. The fee for collecting school taxes shall not exceed 1%. No allowance shall be made for the collection of school taxes to any collecting officer who continues to collect taxes after his term that would not be allowed him had he collected the taxes during his term.

- b. **Special tax collector.** Section 160.500 (3) KRS authorizes independent districts to employ a special tax collector. When an independent district selects a special tax collector, the clerk is allowed a fee not exceeding 3c for each separate school tax bill made for said independent district. This 3c fee for the clerk shall be paid from the funds of the independent school district.

The tax collector and special tax collector shall give a bond, on forms prescribed by the State Board of Education, to cover their duties as tax collector

- c. **Treasurer.** Section 160.560 KRS provides that the board shall elect a treasurer and that the secretary may serve as treasurer. The treasurer shall give bond on forms to be approved by the State Board of Education. This bond should be executed by a surety company authorized to do business in the state and in an amount to be approved according to rules and regulations of the State Board of Education.

Section 61.290 KRS provides that local officers shall make annual statement of collections and provides a penalty for not doing so.

- d. **Depository.** Sections 160.510 and 160.570 KRS provide that the board of education shall select a depository to which the collector shall pay taxes which he collects. The tax collector shall make final settlement with the district board of education, as well as the local taxing authority. Blank forms for his use have been adopted by the State Board of Education and they will be furnished by the Department of Education.

The tax collector shall pay to the depository of the board of education, on or before the tenth day of each month, the amount of taxes collected up to and including the last day of the preceding month. A regulation might read as follows: The superintendent of the district shall be responsible for seeing that this law is obeyed.

The depository shall be required to give bond according to law and the rules and regulations of the State Board of Education for bonding such depository.

- e. **Delinquent taxes.** Section 160.520 KRS provides that the laws applying to penalties on, and the collection of, delinquent taxes shall be the same as the general laws applying to penalties on the collection of delinquent taxes of the taxing districts which embrace the various school districts.

In the case of **City of Pineville v. Board of Education of Pineville Independent School District, 272 Ky. 636**, the Court said penalties and interest on taxes collected by fourth class cities for school purposes shall be paid to the board of education.

Sections 136.050 and 136.180 KRS state when taxes on corporate franchises and railroads are due.

- f. **Special funds.** Section 160.580 KRS makes provision for gifts, grants or devise to school boards and their use and Sec-

tion 160.590 KRS provides for the use of the income only from a fund which is owned by the district.

Boards of education should adopt special rules and regulations for the handling and expenditure of other special funds, such as athletic fund, etc. The regulations should provide that the funds received should be deposited in the general fund of the board of education and withdrawn only on order of the board of education. Audits should be made of these funds in the same manner as they are made in all other funds deposited to the credit of the board.

3. **Borrowing and use of school money**

- a. **Current expenses.** Sections 160.540 and 287.290 KRS state the legal procedure and authority for borrowing money in anticipation of taxes. It should be noted that monies secured under authority of these sections must be repaid within the fiscal year in which they are borrowed.

Section 160.530 KRS provides how money collected under sections 160.460 to 160.520 KRS may be expended by boards of education.

- b. **Bond issues.** Sections 162.080-162.100 KRS authorize bond issues for school sites and buildings and prescribe the procedure to be followed in taking the vote issuing the bonds and the limitations on bond issues for such purposes.

Section 162.110 KRS provides for the levying of a tax and issuing of bonds for sub-district purposes.

4. **Procedure in making purchases**

- a. **Real estate.** Section 160.290 KRS authorizes boards of education to purchase real estate for school use and Section 162.030 KRS provides that if the board is unable to contract with the owner for the purchase of any real estate for school purposes, it may institute condemnation proceedings in the manner provided in KRS 416.010-080.

- b. **New buildings, repairs, supplies and materials.** Section 162.070 KRS provides that new buildings and repairs, exceeding \$150 in cost, and supplies exceeding \$250 in cost, must be advertised and bought from the lowest and best bidder. The board has a right to reject any and all bids.

Section 162.060 KRS provides that the Superintendent of Public Instruction shall be furnished with a copy of all plans and specifications for new public school buildings. He shall approve or disapprove them in accordance with rules and regulations of the State Board of Education. Board of education may not award contract for the erection of a new building or for the addition or alteration of an old building until the plans therefor have been approved by the Superintendent of Public Instruction.

Section 156.160 KRS provides that the Superintendent of Public Instruction shall prepare and the State Board of Education shall adopt regulations for the sanitary and pro-

tective construction of public school buildings, toilets, physical equipment of school grounds, school buildings and classrooms.

- c. **Minor repairs, supplies and equipment.** A regulation may read as follows: The superintendent of the district shall be held responsible for all repairs, for the purchasing of supplies and equipment, the purchase of which is not otherwise provided for, on the requisition of the person who has need for the article. He should advertise for and receive bids in case of purchase by bid as provided for above.

The following standards shall be observed when evaluating bids and awarding contracts.

- d. **Standards for evaluating and awarding contracts.** It shall be the policy of this board of education to observe the following standards for evaluating and awarding contracts:

- (1) To establish a feeling of fair dealing toward all bidders and contractors
- (2) To give all local dealers an opportunity to bid on all materials they sell and which are needed by the board
- (3) Not to withhold confidential information from some companies and give it to others
- (4) Not to favor local dealers, unless their products are as good as competing companies
- (5) Not to be influenced by political or family connections
- (6) Not to distribute business among the several companies, except on the basis of lowest and best bidder or to give personal preference to any of these companies
- (7) To establish definite standards of comparison of products and to use them in determining to whom contract shall be awarded
- (8) Not to knowingly permit collusion among bidders
- (9) The board will feel justified in taking drastic measures when the conduct of bidders falls below high standards of business procedure
- (10) No superintendent, member of the board, or employee thereof shall receive any reward for service in connection with the placement of an order
- (11) All activities in taking bids shall be based on legal authority for such bidding and the forms for bidding will be made in such manner as will give full information concerning the products desired and provide a definite basis for competitive bidding

5. **Procedure in paying claims**

A regulation of the board may read as follows: All claims against the board shall be filed with the superintendent or business manager before the regular meeting of the board. Claims should have the approval of the person or agent who was authorized to make the purchases, before they are filed. They shall also have the approval of the superintendent or business manager before they are presented to the board. All

claims shall be itemized in such a manner that the person making the purchase, the date of the purchase and the place where the item was used will be shown in the bill, before it is presented to the board of education for approval as a claim against the board. The board of education will provide a form suitable for presenting the list of items purchased in the manner indicated above.

After the claim has been approved by the board, it shall be presented to the treasurer and depository in the manner provided in Section 160.580 (4) KRS.

6. Responsibility for financial accounting

Section 156.160 (11) KRS provides that the Superintendent of Public Instruction shall prepare or cause to be prepared and submit for approval and adoption by the State Board of Education a uniform series of forms and blanks, educational and financial. The system of financial accounting for boards of education will therefore be the uniform system adopted by the State Board of Education under authority cited above. Such a series has been prepared and is now in use. A regulation in this connection should read somewhat as follows: The superintendent of the district shall be responsible for the manner in which the accounts are kept and preserved. He shall be responsible for the business affairs as outlined in this section of the statutes.

Independent districts, containing cities of the first and second class may elect a business manager as provided for in Section 160.430 KRS.

7. Publishing annual statement

Section 61.290 KRS requires boards of education to prepare or have prepared an itemized sworn statement at the expiration of each fiscal year of funds collected, received, held or disbursed during the fiscal year.

Boards of education of counties containing a city of the first class and in counties and cities required by law to make a monthly or quarterly publication or an annual audit of financial affairs are not required to make the annual statement in addition to the monthly or quarterly or annual audit as required by statutes.

The statements that the board must make shall show the amount of public funds collected and received, from what sources received, the amount disbursed, the date of each disbursement, for what purposes expended, to whom paid and the balance, if any, on hand at the end of the fiscal period. This section requires that such a statement shall be made within 30 days after the close of the fiscal year and shall be published in the newspaper in the county that has the largest bona fide circulation therein and that a written or printed copy of the statement shall be filed in the office of the county clerk.

Section 424.010 KRS defines "bona fide circulation" as paid subscribers and does not include any newspaper whose circula-

tion or any part thereof is distributed free other than copies to active correspondents, etc. This section also provides that the term does not include any newspaper whose circulation or any part thereof is paid for by some advertiser, merchant or promoter.

8. Tuition rate for pupils

Section 158.120 KRS provides that any board of education may charge a reasonable tuition fee for children attending its schools whose parent, guardian, or other legal custodian is not a bona fide resident of the district. The board of education should, therefore, pass a regulation setting the rate of tuition for both elementary and high school pupils who are non-residents of the school district. It might read as follows:

Tuition Rate for Non-Resident Pupils

1. **Elementary.** The rate of tuition for non-resident pupils attending the elementary schools in this system shall be \$..... per month, or \$..... per year for a term of months.
2. **Secondary.** The rate of tuition for non-resident pupils attending the secondary schools in this system shall be \$..... per month, or \$..... per year for a term of months.

9. Eligibility for tuition

Section 158.140 KRS and regulations of the State Board of Education make provision for determining the eligibility of pupils to enter high school. Such regulations may be found in the **Manual of Organization and Administration of High Schools.**

Section 158.130 KRS makes provision for the board of education to permit pupils to attend other districts than the one in which they reside. Boards of education have authority to make any regulations concerning these two provisions which are not contrary to the law as stated in these two sections. Where it is at all possible, pupils should be permitted to attend other schools when they do not have reasonable access to the school within their own district and can more conveniently attend a school elsewhere. A regulation to this effect might read: All pupils who do not have reasonable access to a school suitable to their needs should make application to superintendent of this district for permission to attend such a school.

D. Regulations Respecting All Professional Personnel

1. Time of Election

- a. **Superintendent.** Section 160.350 KRS provides for the election of the superintendent. The new contract of the superintendent should be made in time for him to plan his program before he assumes his duties the following July 1. Accord-

ing to Statute, the board of education may fix the length of the term of this contract, but not to exceed four years. The board of education should be guided as to the time of election of the superintendent in accordance with the Court decision in the case of **Maynard v. Allen et al.**, 276 Ky. 485. In this case the Court said the superintendent may be appointed before the first day of April in the year in which his term begins, provided the appointment is made by the same board authorized to act at the time the vacancy occurs and by members whose terms extend beyond the date when his term of appointment to office begins.

Before a superintendent can legally assume the duties of the office to which he is elected, he shall present to the board of education that elected him a statement signed by the Superintendent of Public Instruction that he has been issued a certificate in Administration and Supervision which qualifies him to hold the position to which he has been elected.

- b. **Teaching personnel.** Sections 160.380 and 160.130 KRS provide for the nomination and election of teachers. According to law, teachers, new to the system, may not be elected for a full term until after the first day of April. This teaching personnel should be elected as early after the first day of April as it is practicable. Teachers in the employ of the board by a limited contract are automatically reemployed unless the employing board shall give them written notice on or before the thirty-first of March of its intention not to reemploy them.

In the case of **Beckham et al. v. Kimbell et al.**, 282 Ky. 648, the Court held that the county board of education was compelled to elect teachers nominated by the superintendent if they are legally and morally qualified. The burden of showing lack of qualifications is on the board of education. Law contemplates that nominations be made before July 1. (April 23, 1940.)

2. Qualification for various positions

Sections 161.010-100 KRS show the certificates which are required. The qualifications set in these sections of the statutes are minimum. Boards of education have full authority to require additional training and experience for any school position.

It is not necessary that the teacher hold a certificate and have the qualifications required by the board at the time the teacher is elected. A teacher must have a certificate which qualifies for her position and meet the educational requirements and experience requirements of the board when she begins on her contract.

This requirement is fully discussed in the case of **Martin v. Knott County Board of Education**, 275 Ky. 483, where the Court said qualifications of applicant as teacher must be determined

at the time he begins to fulfill contract and not at the time that application is made.

These ideas are further emphasized in the case of **Daviess County Board of Education v. Vanover**, 219 Ky. 565 and the case of **McLeod v. State**, 122 S.W. 737, when the Court said when a teacher has completed the qualifications required by the Commonwealth of Kentucky and is not otherwise unfit morally or in ill health, and meets the educational standard fixed by county board of education, he has a right to teach in the common schools and that an attempt of the county board to prevent married women who meet the above qualifications from teaching in the county schools is unauthorized and an abuse of discretion.

The present Teacher Tenure Law, in Sections 161.720-161.810, Kentucky Revised Statutes, provides that teachers may hold their positions during competency and good behavior. Boards of education have ample authority to extend such provisions to all of their employees. They may be dismissed as provided in KRS 161.790.

Definite regulations concerning qualifications for various positions should be determined by a board of education for operation of the school system in normal times. Some boards of education have regulations for teachers without continuing contracts which read somewhat as follows:

"All teachers employed by the Board of Education shall hold their positions during competency and good behavior; and no teacher shall be dismissed except after a hearing.

A teacher in the elementary grades shall have a minimum of sixty-four semester hours of college training from a standard junior or senior college of not less than B rating by the Kentucky Association of Colleges. High school teachers shall be graduates of a standard four-year college of the above mentioned rating. All teachers must be certified according to the law of the state. High school teachers will be employed to teach in their major or minor fields of training only.

The superintendent and all principals shall have at least one year of graduate training and a graduate degree in the field of school administration from an institution with a rating not inferior to that of the University of Kentucky."

Section 161.140 KRS provides that each board of education shall prescribe the duties to be performed by all persons in the public school service of the district. The regulations provided for in this section of the law should be adopted by a board of education on the recommendation of the superintendent of the district.

For the law on the employment and removal of school employees, the superintendent and board of education should consult Kentucky Revised Statutes 160.290, 160.350, 160.360, 160.380, 160.390, 160.990 and 156.110.

3. Physical Fitness

Section 160.290 KRS provides that boards of education may adopt rules and regulations concerning the regulation and management of the public schools under their jurisdiction. Authority granted by this section of the Statutes permits boards of education to adopt regulations requiring certificates of physical fitness before a teacher may be employed in the school system under their jurisdiction.

Some boards of education have a regulation somewhat as follows: Before a teacher shall enter upon her duties of teaching she shall file with the superintendent of schools a certificate from a reputable physician showing that the teacher has been examined by the physician within sixty days next before the opening of school and that she possesses good health and physical vigor.

In the case of **Montgomery County Board of Education, et al., v. Messer, 257 Ky. 836**, the Court said that boards of education may establish qualifications higher than the minimum required by the Statutes.

4. The teacher's contract

Section 156.160 KRS requires the Superintendent of Public Instruction to prepare a uniform series of blanks including forms of contract. Both limited and continuing contract forms have been prepared to meet requirements of Section 161.750 KRS. These have been adopted by the State Board of Education and should be signed by each teacher employed by boards of education. Written contracts with teachers are required as is indicated in the cases of **Leslie County Board of Education v. Melton, 277 Ky. 772** and **Bullock v. Brown, 258 Ky. 522**.

5. Absence from duty

Sections 160.290 and 161.140 KRS authorize boards of education to make regulations and prescribe the duties to be performed by their employees. Under the authority granted by these Statute sections, boards of education should make a regulation concerning absence from duty, as follows: Any teacher who is unavoidably absent from duty shall report the cause of her absence as soon as possible to the superintendent and receive his permission for absence. He shall arrange for a substitute teacher during the absence of the regular teacher. The substitute teacher shall be paid (state either according to regular salary schedule or a definite sum per day which shall be or shall not be deducted from the teacher's salary).

6. Provision for salary payments

The salary schedule adopted by the State Board of Education in accordance with authority of Section 156.160 KRS shall be used by the board of education. Each board shall pay its teachers according to a salary schedule which shall include training,

quality of service, experience and such other items as the State Board of Education may approve. For example, the board of education shall determine a basal salary on the minimum qualification indicated in the schedule.

An additional amount shall be added to the teacher's salary for college credit above the minimum and for each year of successful experience up to a certain number of years. The quality of service, objectively rated, should also affect the salary of the teacher.

Section 161.150 KRS provides for a minimum salary for teachers. In making the salary schedule, this section of the law must be observed.

Salaries shall be payable each month. Should any teacher, principal, or superintendent fail to make any report due, salary for the current month may be withheld until such report is made. A regulation should be made concerning withholding salaries before it is practiced. It may read as next to the last sentence above.

In the case of **Madison County Board of Education v. Madison County Fiscal Court, 249 Ky. 540**, the Court said that teachers must be paid according to law and the amount due them as shown in the budget and not according to temporary salary schedule formerly made and adopted for use as emergency measure.

7. Professional advancement

Under authority of Section 161.140 KRS, boards of education have authority to make regulations which will encourage professional advancement of the teacher. They should be encouraged to advance thus professionally by taking extension courses, correspondence courses, summer school and travel studies. Regulation may read as follows: It will be the policy of this board of education to give recognition to such efforts for advancement in so far as possible in its salary schedule.

8. Provision for visiting day, field trips, etc.

Section 161.140 KRS gives the board of education authority to make provisions for visiting day and field trips in the regulations which it adopts concerning duties to be performed by its school employees. Such a regulation may read as follows: It shall be within the discretion of the superintendent to grant permission to a teacher or teachers to be absent to visit designated schools for improvement in professional work and to permit field trips, visits and excursions by classes when he deems it of value to them.

9. Jury service—School employees are exempt from jury service as provided in KRS 29.030.

E. Rules Respecting Personnel Other Than Professional

The personnel which boards of education have authority to appoint, other than professional, is as follows:

1. **Attendance officer**

Section 159.080 KRS provides for the appointment of an attendance officer.

2. **Clerk**

Section 160.390 KRS authorizes the superintendent of schools to appoint the necessary clerks, whose salaries shall be determined by the board of education.

3. **Business director**

Section 160.430 KRS authorizes independent districts in a city of the first or second class to appoint a business director.

4. **Janitors**

Sections 160.290 and 160.380 KRS authorize the board to employ janitors and prescribe their duties. The regulations should prescribe their duties such as: They shall do all the work that may be necessary to keep the buildings, appurtenances thereto, and the grounds in the proper condition throughout the year, or during the period of their employment and they shall be directly responsible to the superintendent or the business manager as the case may be for the care of the same. They shall run errands for the superintendent and principal, assist the teachers in doing the manual labor in the classrooms, do all that they can to promote the health and comfort of the pupils while they are in the school and perform such other duties as may be reasonably required of them. They shall guard against fire hazards, report to the principal any needed repairs and make requisition for needed supplies. For the performance of their duties within the buildings janitors will be responsible to the principals, subject to the approval of the superintendent.

5. **Other employees**

Sections 160.290 and 160.380 KRS provide for the employment and promotion and transfer of any other employees as are deemed necessary and proper and prescribe the duties and fix the compensation and term of office.

Authority is granted by these sections to employ bus operators, bus drivers and such other personnel as the board may deem advisable. Definite duties should be prescribed for each of the employees to be performed as is specifically imposed by Section 161.140 KRS.

In the employment of such personnel, the board of education will keep in mind the principle that the schools are run for the children and not in order that individuals may have jobs and will attempt to secure services of those who are capable and efficient.

Regulations should be made for the employment of this personnel at a definite time.

Copies of State Board of Education rules and regulations for bus drivers and operators may be had from the Department of Education by writing to the Superintendent of Public Instruction.

F. Regulations Respecting Pupil Personnel

1. School census and attendance

Section 159.080 KRS provides that each board of education shall, upon the nomination and recommendation of the superintendent, appoint and fix the salary of an attendance officer and such assistant attendance officers as are deemed necessary, etc.

Section 159.250 KRS provides that the attendance officer of each district, working under the direction of the superintendent of schools, shall institute and maintain a complete, accurate, permanent and continuous school census of all children between the ages of six and eighteen years who reside in the school district.

Section 156.080 KRS requires that the State Board of Education shall provide the forms to be used in the permanent and continuing school census and may make rules and regulations for the operation of the school census. Such forms have been prepared and all schools are required to use them. Copies of these may be had from the Department of Education by addressing the Superintendent of Public Instruction.

For detailed information on the laws governing compulsory attendance and continuing census, one should consult Sections 159.010-159.990 KRS, inclusive and **School Census and Attendance Bulletin**, published by the Department of Education.

2. Limitations on entrance to school and employment of children

Section 158.030 KRS provides that no school shall be deemed a common school or receive support from public taxation, unless the school is taught by a qualified teacher for a term of seven or more months during the school year and every child residing in the district between the ages of six and eighteen years has had the privilege of attending it whether contributing towards defraying the expense or not.

Section 158.040 KRS provides that any child who is six years of age or who will become six years of age on or before September 30 may enter the school at the beginning of the session and any board of education that operates its schools or school on the semi-annual promotion basis shall, at the opening of the second session, admit beginning students who will become six years of age on or before February 28.

If this section of law does not meet all situations for the board, regulations should be passed to meet the needs.

Section 339.010 KRS provides:

"(1) No person shall employ or permit any child under sixteen years of age to work in any gainful occupation until such person has secured and placed on file in his office a work permit for the child as provided in KRS 339.020 and 339.030.

(2) No child under the age of fourteen years shall be employed or permitted to work in any occupation or service what-

soever during any of the hours when the public schools of the school district in which the child resides are in session."

Section 339.020 KRS provides who is entitled to work permits. It states, "Any board of education through its superintendent or other authorized agent may issue work permits as follows:

(1) A work permit may, when the issuing officer is convinced that the need is sufficient, be issued to a child who is under the age of sixteen years, but who has passed his fifteenth birthday and who has completed the seventh grade of a public school course or an equivalent course.

(2) A work permit may, when the issuing officer is convinced that the need is sufficient, be issued to a child who is under the age of sixteen years but who has passed his fourteenth birthday who holds a certificate of completion of an eight-year elementary school or an equivalent course."

A child with a work permit is exempt from compulsory school attendance as provided in KRS 159.030.

Section 339.030 KRS gives further information on issuing of permits, as follows:

"(1) No work permit may be issued to any child until he, accompanied by his parent, guardian, or the person having control or custody of him, appears in person before the proper officer of the board and makes application for it.

(2) No work permit may be issued until the issuing authority has examined, approved and recorded the following duly executed papers:

- (a) The school record of the child, giving age, grade and attendance for the current term, signed by the principal or teacher.
- (b) Evidence of age, such as the school record of enrollment or a certificate of birth, or a baptismal certificate duly attested, or a passport, or affidavit of the parent, guardian or custodian of the child, sufficient to convince the issuing authority that that child is of the age required by law.
- (c) The written statement of the prospective employer that work is waiting for the child, with a description of the nature of the work.
- (d) A certificate signed by a regularly licensed physician or public health officer stating that the child has been thoroughly examined by him and that, in his opinion, he is physically fit to pursue the work specified. No fee shall be charged for this examination certificate.

(3) The parent, guardian, or custodian accompanying the child shall make oath that his statements setting out the name, address, birthplace and age of the child, as entered upon the application for the work permit, are true to the best of his knowledge and belief.

(4) The officer authorized to issue work permits shall ad-

minister oaths required by this section, but no fee shall be charged for administering the oaths or for issuing the permit.

(5) No work permit shall be issued or used in violation of Federal child labor laws."

For further information on work permits, one should refer to Sections 339.060 to 339.130 KRS, found on pages 698-699 of the 1942 edition of the Common School Laws.

3. Suspension and expulsion

Section 158.150 KRS provides that pupils admitted to the common schools shall comply with the lawful rules and regulations for the government of the schools and provides for expulsion of all pupils from school who do not comply with the laws and the rules and regulations of the board of education governing the school.

In the case of the **Board of Education v. Booth, 110 Ky. 807, 62 S.W. 872**, the Court of Appeals held pupils may be expelled for the violation of rules of school and courts will not interfere with or control action of the trustee unless it was arbitrary or malicious.

In the case of **Byrd, et al. v. Begley, 262 Ky. 422**, the Court held that the action of the superintendent in suspending pupil for willful disobedience is proper exercise of authority. This case was decided January 31, 1936.

Section 161.180 KRS provides that each teacher in the public school shall hold pupils to a strict account of their conduct in school, on the way to and from school, on the playgrounds and during intermission or recess.

In the case of **City Board of Education v. Dudley, et al., 154 Ky. 426**, the Court defined the teacher's rights and liabilities in the conduct of the schools.

Section 161.190 KRS provides that no person may upbraid, insult or abuse any teacher of the public schools in the presence of the school or in the presence of a pupil of the school.

Section 161.990 KRS provides that any person who violates any of the provisions of KRS 161.190 shall be fined not less than \$10 nor more than \$100.

4. Care of handicapped children

Section 159.060 KRS authorizes board of education to provide for the instruction of children of proper school age who by reason of defective eyesight or hearing, or because of physical or mental handicap require special books or special instruction in order to profitably or safely attend the public schools in the district.

Section 167.090 KRS provides, except as provided in KRS 167.100 and 167.120, that every person residing in this state who has custody, control, care or supervision of any deaf children, between the ages of seven and sixteen years, shall cause the

child to attend some public, private or parochial school for the hearing or in which deaf children are taught for the full term of each year.

Sections 167.130 and 167.080 KRS provide for a school for the deaf as required by Section 167.090 above. Said school is known as the Kentucky School for the Deaf and is located in Danville. Any communication concerning the operation of this school should be addressed to the superintendent thereof.

Section 167.140 KRS provides a school for the blind which shall be under the management and control of the State Board of Education. Said school is known as the Kentucky School for the Blind and is located in Louisville. Any communication concerning the school should be addressed to the superintendent thereof.

A proper regulation should read somewhat as follows: It shall be the policy of this board to see that each child in the district has an opportunity for training, so far as he is able to profit by it. If the board of education does not provide a school suitable for giving the educational opportunities needed for the particular child, it will make an effort to provide the educational facilities by paying tuition at a school that does furnish the proper educational opportunities. Special cases will be called to the attention of the Superintendent of Public Instruction, who can assist in putting boards of education in touch with institutions that provide special training for handicapped children.

G. Regulations in Regard to Transportation of School Children

1. Who shall be transported

Sections 156.160 (7) and 189.540 KRS provide that the State Board of Education shall adopt and enforce regulations governing the design and operation of school buses used for the transportation of school children and that these regulations shall apply to the officials of the district, their employees and every person employed under contract in the district. Paragraph (2) of section 189.540 KRS provides that any officer or employee of any school district who violates any of the regulations shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with the school district who fails to comply with any of the regulations shall be guilty of breach of contract and his contract shall be canceled after notice and hearing by the responsible officers of such school district.

Section 158.110 KRS provides that boards of education shall furnish transportation for pupils of elementary grade who do not reside within reasonable walking distance of the school provided for them and any board of education may provide transportation for any pupils of any grade who do not live within a reasonable walking distance of the school provided for them.

Section 158.130 KRS provides that boards of education may enter into tuition contracts with public school authorities of other

districts for furnishing adequate school facilities and that the district of the residence may include transportation as a part of the public expense for furnishing school facilities.

A regulation might read as follows:

It shall be the aim of the board to put each child within reach of the best possible school program it is able to supply for him. Transportation will be furnished to children in accordance with law and the rules and regulations of the State Board of Education.

It will be the policy of the board to adopt such rules and regulations as will insure the comfort, health and safety of the children who are transported, consistent with the rules and regulations of the State Board of Education.

2. **Other laws governing school transportation**

- a. **Passing stopped school buses.** Section 189.370 KRS provides that whenever a bus is stopped on the highway for the purpose of receiving or discharging passengers, every operator of a vehicle approaching from any direction shall bring his vehicle to a complete stop and shall not start up or attempt to pass until the school bus has finished receiving or discharging passengers.
- b. **School buses stop at railroad crossings.** Section 189.550 KRS provides that school buses must stop at railroad crossings.
- c. **Tolls, free to school children.** Section 280.320 (2) KRS provides that children going to or returning from school and school buses and other vehicles used exclusively in the transportation of school children to and from school shall not be required to pay toll on any such bridge or ferry.
- d. **School buses exempted from motor transportation laws.** There shall be exempted from the motor transportation laws motor vehicles used as school buses while engaged in the transportation of pupils under the supervision and control and at the direction of school authorities.
- e. **Age for school bus drivers.** Section 186.600 KRS provides, "No person under the age of twenty-one shall drive a motor vehicle while it is in use as a school bus for the transportation of pupils to or from school, . . .".

3. **Standards for school buses**

In accordance with authority of section 189.540 and section 156.160 KRS, the State Board of Education has prescribed minimum standards for school bus chassis and school bus bodies. All buses purchased for use in Kentucky by individual operators or by boards of education must meet this minimum standard before money can legally be paid for their operation in transporting school children

Manufacturers as well as dealers are required to file specifications of school buses which they offer for sale in the state

before they may legally be purchased by operators or boards of education.

Boards of education may prescribe standards in addition to the minimum standards required by the State Board of Education.

The State Board of Education has published standards and they are available in the Department of Education. They may be had by addressing the Superintendent of Public Instruction, Frankfort, Kentucky.

4. Regulations for operation and maintenance of school buses

By authority of sections 189.540 and 156.160 KRS the State Board of Education has adopted rules and regulations for the operation and maintenance of school buses as well as a set of blank contract and report forms to be used in connection with the purchase, operation and maintenance of school buses. Copies of these are on file in the Department of Education and may be had by addressing the Superintendent of Public Instruction, Frankfort, Kentucky.

Boards of Education have authority to make requirements in addition to the minimum regulations prescribed by the State Board of Education.

5. School bus insurance

Section 160.310 KRS provides that boards of education may purchase indemnity and liability insurance against the negligence of drivers or operators of school buses and that contractors shall be required to carry such insurance in amounts to be designated by the board.

The State Board of Education has prescribed rules and regulations for the purchasing of fleet insurance and has prescribed a standard school bus endorsement to be attached to all school bus policies.

Forms and information concerning purchase by bid of this insurance may be had from the Department of Education by addressing the Superintendent of Public Instruction, Frankfort, Kentucky.

6. Management of Transportation

School children who ride buses are no safer than the driver of the school bus in which they ride. For this reason, superintendents and boards of education should make regulations which will specify duties of drivers with reference to:

- a. Maintenance of schedules
- b. Rate of speed at which they may drive
- c. Responsibility and authority in regard to pupils
- d. Care of the vehicles
- e. Conduct of the driver while on duty

Regulations in this connection might read somewhat as follows:

The principals of the various schools should be responsible

for the working out of bus schedules in such a way as to allow the most convenience to the greatest number of children. They shall insist that the schedule be maintained as nearly as possible at all times. School bus drivers shall be responsible directly to the principal of the schools which they serve.

Drivers shall meet such physical tests as will qualify them to drive under the laws and rules and regulations of the State Board of Education and the additional requirements prescribed by this board.

Bus drivers and operators shall report to the superintendent of the district monthly the condition of their buses as is revealed by a careful inspection by a competent mechanic.

H. Regulations Governing Management of School Property

1. Authority of boards of education concerning school property

Section 160.160 KRS provides that each school district shall be under the management and control of the board of education, which board may purchase, receive, hold and sell property, issue its bonds and build and construct improvements and do all things necessary to accomplish the purposes for which it is created.

Section 162.010 KRS provides that the title to all school property owned by the school district shall be vested in the Commonwealth for the benefit of the district board of education. Boards of education, however, have authority to give good title to property which is held under their official title. Such authority has been affirmed by the Court of Appeals in the case of **Bellamy v. Board of Education of Ohio County, et al.** The Court held, although the title to school property is technically vested in the Commonwealth by Section 162.010, the broad powers to control, buy and sell, is specifically to boards of education by Section 160.160. This authority taken with that of 162.300 evidences a clear intention of the legislature to make boards of education agencies of the state in the purchase, control and sale of school property.

Section 162.030 KRS provides that boards may institute condemnation proceedings for the purchase of real estate when they are unable to contract with the owner for the purchase of the same.

Section 162.040 KRS provides that certain property which escheats to the state shall be vested in the state for the use and benefit of the public schools of the district.

Sections 162.120 and 162.300 KRS, respectively, and the sections immediately following provide means of securing buildings with financial assistance from the Federal Government.

Section 273.060 KRS grants boards of education authority to proceed against any person injuring or intruding on property under their jurisdiction.

Section 339.130 KRS authorizes boards of education to approve machinery used for manual training, etc.

2. Use of school property by other organizations

- a. **Organizations that may use and their responsibility.** Section 162.050 KRS provides "The board of education of any school district may permit the use of the schoolhouse while school is not in session, by any lawful public assembly of educational, religious, agricultural, political, civic or social bodies under rules and regulations which the board deems proper."

The buildings and grounds controlled by the board of education may be used for public purposes when school is not in session only when the organization requesting their use is of such reputation as to make it seem advisable for the board of education to permit the use of such property by that organization. Any organization using such property shall be responsible for its proper care and shall return it to the board of education in the same condition as when it received it, ordinary wear and tear excepted.

Regulations should be prescribed by the board for all conditions which these laws do not meet.

3. Upkeep of buildings and grounds

Under authority of Section 162.070 KRS boards of education may erect new buildings, repair buildings and buy equipment for operation of the schools.

Sections 162.080-162.110 KRS authorize boards of education to issue bonds for repair and upkeep of buildings. It shall be the duty of the superintendent of schools to keep such records and compile such information as is necessary to determine the upkeep needs of the school buildings under the jurisdiction of the board of education. He or the business manager, as is authorized by law, shall recommend to the board of education, from time to time, such repairs as are needed and shall propose to the board the necessary steps to secure the desired repairs.

4. Acquiring new property and disposing of old property

- a. **Statutes relating to acquiring and erection of schools.** New property shall be acquired and old property disposed of only as a part of a well planned school program based on data secured by the superintendent of schools which shows the plant needs of the school system.

Section 156.160 (5) KRS provides that, "The Superintendent of Public Instruction shall prepare or cause to be prepared and submit for approval and adoption by the State Board of Education: Regulations for the sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings and classrooms." Minimum requirements for school house construction have been prepared and copies of these may be secured from the Department of Education by any board of education or any person interested in the construction of a building or the repair of old buildings. To secure this information one

should address the Superintendent of Public Instruction, Frankfort, Kentucky.

Section 162.060 KRS provides that the Superintendent of Public Instruction shall be furnished a copy of all plans and specifications for new public school buildings contemplated by boards of education and all additions, all alterations on old buildings.

Section 162.070 KRS provides for competitive bids for contracts for the erection of new school buildings and additions and repairs to old buildings, except repairs not exceeding \$150.

5. Willfully damaging, stealing from, or trespass on public buildings

Sections 433.180, 433.480, 433.490 KRS provide punishment for any person who shall feloniously take out of, or from, a school house any goods or chattels or other thing of value belonging thereto and for any person who willfully and unlawfully damages a school house or who shall trespass on or injure any school property.

I. Miscellaneous Rules and Regulations

1. Redress of grievances

Under authority of Sections 160.290 and 161.140 KRS the boards of education should prescribe regulations regarding the procedure of patrons or employed personnel for redress of any grievances which they may have concerning the school system under the control of the board of education. The following regulation is suggested: In case of grievance by patron, the grievance shall first be taken up with the person immediately in charge and if that person is a teacher, in the presence of the principal or the superintendent when possible. The order of appeal shall be as follows: Teacher, or head teacher, Principal, Superintendent, Board of Education.

2. School services district shall provide

Section 158.100 KRS indicates the public school services which boards of education are required to provide for all children of public school age.

3. Legal holidays

Section 156.160 (9) provides, "The Superintendent of Public Instruction shall prepare or cause to be prepared and submit for approval and adoption by the State Board of Education: Rules and regulations fixing the holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine."

The State Board of Education has prepared rules and regulations in this connection which have been distributed to boards of education and school administrators throughout the state. They

are on file in the Department of Education. Copies of them may be had by addressing the Superintendent of Public Instruction.

4. Common school defined and length of its term

Section 158.030 KRS states, "A 'common school' is an elementary or secondary school of the state supported in whole or in part by public taxation. No school shall be deemed a 'common school' or receive support from public taxation unless the school is taught by a qualified teacher for a term of seven or more months during the school year and every child residing in the district between the ages of six and eighteen years has had the privilege of attending it, whether contributing towards defraying the expense or not."

Section 158.070 KRS authorizes the Superintendent of Public Instruction to extend the minimum seven months' term to eight or nine or ten months. This section also authorizes boards of education to extend the term of school beyond the minimum term set by the Superintendent of Public Instruction.

Section 158.050 KRS defines school month and school day.

Section 158.050 KRS indicates that the school year shall begin on July 1 and end on June 30.

5. Disease and epidemics

Sections 158.160 and 212.260 KRS provide legal means for protecting the health of the children against disease and epidemics. Boards of education should make such rules and regulations for putting into effect these laws as in their opinion will give the best protection to the health and general welfare of the children and the community. Since the State Board of Education has certain authority to prescribe rules and regulations in this connection, it is suggested that the superintendent of the district should submit to the Superintendent of Public Instruction any regulations which are about to be made by the local board of education, in order to determine whether it conflicts with the laws and rules and regulations of the State Board of Education.

THE SCHOOL-BOARD MEMBER'S CREED

As a Member of the School Board

- I will listen.
- I will recognize the integrity of my predecessors and associates and the merit of their work.
- I will be motivated only by a desire to serve the children of my community.
- I will recognize that it is my responsibility together with that of my fellow board members to see that the schools are properly run—not to run them myself.
- I will work through the administrative employees of the board—not over or around them.
- I will recognize that school business may be legally transacted only in open meeting legally called.
- I will not “play politics”!
- I will attempt to inform myself on the proper duties and functions of a school-board member.

In Performing the Proper Functions of a School-Board Member

- I will deal in terms of general educational policies.
- I will function, in meeting the legal responsibility that is mine, as a part of a legislative, policy-forming body—not as an administrative officer.
- I will consider myself a trustee of public education and will attempt to protect and conserve it.

In Maintaining Desirable Relations with Other Members of the Board

- I will respect the opinions of others.
- I will recognize that authority rests with the board in legal session—not in individual members of the board.
- I will make no disparaging remarks in or out of meeting about other members of the board or their opinions.
- I will recognize that to promise in advance of a meeting how I will vote on any proposition which is to be considered is to close my mind and agree not to think through other facts and points of view which may be presented in the meeting.
- I will make decisions in board meetings only after all sides of the question have been presented.
- I will discourage the use of standing committees and insist that all members of the board participate fully in board action—delegating detail matters to administrative employees.
- I will insist that special committees be appointed to serve only in an investigating and advisory capacity.
- I will consider unethical and will thus avoid “star chamber” or

"secret" sessions of the board members held without presence of the school administration.

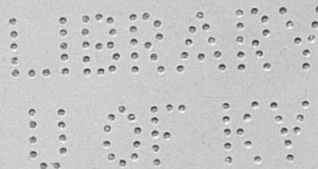
In Meeting My Responsibility to My Community

- I will attempt to appraise fairly both the present and the future educational needs of the community.
- I will attempt to procure adequate financial support for the schools.
- I will interpret to the schools as best I can the needs and attitudes of the community.
- I will consider it an important responsibility of the board to interpret the aims and methods of the schools and the materials used in them to the community.
- I will insist that business transactions of the school district be on an ethical, open, and above-board basis.
- I will not buy for personal use at "school" prices.
- I will not consider a position on the school board as a "stepping stone" to political power.

In Working with the Superintendent of Schools and His Staff

- I will hold the superintendent of schools responsible for the administration of the schools.
- I will give the superintendent of schools authority commensurate with his responsibility.
- I will expect the schools to be administered by the best trained technical and professional people it is possible to procure.
- I will elect employees only on the recommendation of the superintendent.
- I will participate in board legislation only after considering the recommendation of the superintendent and only after he has furnished complete information supporting his recommendation.
- I will expect the superintendent of schools to keep the board of education adequately informed at all times through both oral and written reports.
- I will expect to spend more time in board meetings on educational programs and procedures than on business detail.
- I will give the superintendent of schools friendly counsel and advice.
- I will refer all complaints to the proper administrative officer or insist that they be presented in writing to the board as a whole.
- I will present any personal criticisms of employees to the superintendent.
- I will provide adequate safeguards around the superintendent and other personnel so they may perform the proper functions of education on a professional basis.

From *The American School Board Journal*, October, 1938.



SUPERINTENDENTS' SALARIES

	\$1200- \$1799	\$1800- \$2399	\$2400- \$2999	\$3000- \$3599	\$3600- \$4199	\$4200- \$4799	\$4800- \$5000
Counties							
1938-39	22	56	30	5	5	1	1
1940-41	22	52	32	8	4	1	1
1942-43	14	50	34	17	2	0	3
Independent							
1938-39	24	51	25	18	13	7	3
1940-41	21	52	23	19	16	5	5
1942-43	17	44	32	21	19	4	4

The figures above show the general trend in salaries of school superintendents for the years 1939 to and including 1943.

There is a distinct shift in the salaries of county superintendents for the year 1943. It may be noted that in county districts the number of superintendents receiving salaries from \$1200 to \$2400 has decreased ten from the number receiving the same salaries in 1941, while those receiving salaries from \$2400 to \$3600 have increased eleven. The greatest increase has been in the \$3000 to \$3600 group. Again, the group from \$3600 to \$4200 has decreased two and the \$4800 to \$5000 has increased two.

In the independent districts the group from \$1200 to \$2400 has decreased twelve, while the group from \$2400 to \$3600 has increased eleven. The group from \$4200 to \$5000 has decreased two and the group from \$3600 to \$4200 has increased three.

The general tendency has been to increase the salaries of both types of districts. These figures indicate that there is a tendency for salaries of Superintendents of both types of districts to become the same.

