

1 AN ACT relating to school districts.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 160.041 is amended to read as follows:

- 4 (1) When a board of education of ~~a~~an independent school district desires to have its  
5 district merge with~~become~~ a contiguous~~part of the county~~ school district, it shall  
6 by motion so record its desire in the minutes of the board. The board, or its  
7 executive officer, shall convey this request to the~~county~~ board of education of the  
8 contiguous school district. At its next regular meeting, or at a special meeting held  
9 prior thereto, the~~county~~ board of education of the contiguous school district shall  
10 consider the~~pass upon this~~ request.
- 11 (2) If the~~county~~ board of education receiving the request refuses, or the two (2)  
12 boards of education cannot agree upon such a proposition of merger~~of the~~  
13 ~~independent district with the county district~~, the question of merger shall be  
14 submitted to the qualified voters of the two (2) districts at the next regular election  
15 if the question is filed with the county clerk not later than the second Tuesday in  
16 August preceding the regular election.
- 17 (a) If a majority of those voting on the question from each school district favor  
18 merger, the school boards of the two (2) school districts shall jointly develop a  
19 plan for adoption of the merger.
- 20 (b) If the two (2) school boards cannot agree to the terms of merger within sixty  
21 (60) days following the date of the regular election, the chief state school  
22 officer shall develop the terms of the adoption of merger.
- 23 (c) ~~[Notwithstanding subsection (2)(a) of this section, if the independent school~~  
24 ~~district cannot meet its current operating expenses from projected revenue and~~  
25 ~~if the two (2) school boards cannot agree to the terms of a merger, the~~  
26 ~~proposition of merger shall be submitted to the Kentucky Board of Education,~~  
27 ~~and the Kentucky Board of Education shall determine whether the two (2)~~

1            ~~districts should be merged and if merged the terms thereto.~~

2            ~~(d)~~—] Upon completion of the plan for adoption of the merger, whether prepared by  
3            the school boards or the ***chief state school officer***~~[superintendent]~~, it shall  
4            become effective and the ***districts***~~[independent district]~~ shall ***merge***~~[become a  
5            part of the county school district]~~ as set out in the plan.

6            **(3) Notwithstanding subsection (2) of this section, if a school district cannot meet its**  
7            **current operating expenses from projected revenue and cannot negotiate a**  
8            **merger with a contiguous school district, the Kentucky Board of Education shall**  
9            **determine and direct the merger of the insolvent school district with a contiguous**  
10           **district and the terms of the merger.**

11           **(4) The Kentucky Board of Education shall promulgate administrative regulations in**  
12           **accordance with KRS Chapter 13A to establish procedures and terms for the**  
13           **merging of school districts due to insolvency.**