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COMMON SCHOOL
LAWS**



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DEPARTMENT OF EDUCATION

HARRY M. SPARKS

Superintendent of Public Instruction

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FOREWORD

The laws affecting education passed by the 1964 Session of the Legislature are contained herein.

Kentucky Revised Statutes sections which have been amended or repealed are listed.

It is suggested that sections which have been repealed or amended be so marked in the 1962 Edition of the KENTUCKY COMMON SCHOOL LAWS. It can then be readily determined what laws are in effect.

There are included, also, Decisions of the Court of Appeals of Kentucky which have been decided since the 1962 Edition of the School Laws was published.

This bulletin, together with the 1962 Edition of the School Laws, furnishes a complete set of laws and court decisions to date.

HARRY M. SPARKS
Superintendent of Public Instruction

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CHAPTER I
GENERAL PROVISIONS

Amended KRS	New KRS	Added KRS
61.680	56.467	118.080
107.140	56.495	118.130
133.185	178.290	118.240
186.060	199.335	133.160
189.040	406.011	133.170
189.370	406.031	133.180
189.375	406.051	319.010
189.450		319.015 (new)

PUBLIC SCHOOL AUTHORITY

56.467 Commission to act as Kentucky Public School Authority. The commission shall act in the capacity of and exercise the powers of the Kentucky Public School Authority under the provisions of KRS 162.510 to 162.620 for the purpose of assisting boards of education of any county or independent school district in financing public school building projects and undertakings. (1964, c. 7, § 7)

REVENUE BONDS—STATE COLLEGES AND UNIVERSITY

56.495 Kentucky university and college projects, approval, procedure on bonds. The Boards of Regents of the respective state colleges and the Board of Trustees of the University of Kentucky may issue, under the provisions of KRS 162.340 to 162.380, consolidated educational building revenue bonds or housing bonds, provided that prior to seeking the final approval required by KRS 56.490, the board of the state college or of the university shall submit to the commission, through the department, a request for approval of the project before any financial commitment of any sort may be made in connection therewith, including employment or architects, engineers, fiscal agents or attorneys. The request shall include a general description of the project and its need, use, location, approximate size and such other information as the department may require. After approval by the commission, the department shall appoint fiscal agents, bond counsel and architects and engineers as may be required to make plans and specifications or financial arrangements for the project. (1964, c. 7, § 5)

RECIPROCAL ARRANGEMENTS AMONG RETIREMENT SYSTEMS

61.680 Consent of members to deductions; reciprocal arrangements among systems. (1) Every member shall be deemed to consent and agree to any deduction from his compensation required by KRS 61.510 to 61.700 and to all other provisions thereof.

(2) Notwithstanding the provisions of subsection (1) hereof, the Board of Trustees is authorized to exempt, under regulations promulgated by it, those persons entering service of a participating department with service credit in either the County Employees Retirement System or the Teachers Retirement System who desire to remain with the system in which their service originated and who are permitted by that system so to continue. Authority for reciprocal arrangements among these three systems is recognized.

(3) Reciprocal rights provided for in subsection (2) of this section may be exercised retroactively by a member in service on or after July 1, 1964. (1956, c. 110, § 35; 1960, c. 165, Part II, § 16; 1964, c. 86, § 7)

Note: 1964 amendment to KRS 61.680 takes effect July 1, 1964.

BENEFITED PROPERTY

107.140 Benefited property, what constitutes, assessment of governmental property; procedure against state. (1) (a) In the case of improvements of public ways, the benefited property shall consist of all real property abutting upon both sides of the improvement project, and the cost of improving intersections shall be included in the total costs to be assessed and apportioned, unless and to the extent the city shall appropriate, within constitutional limitations, from available funds, definite and specified sum as a contribution thereto, or a portion of the aggregate cost, or the cost of specified portions of the improvement; provided, however, that if provisions shall be made for sidewalk improvements, as an integral part of the improvement of a "public way," as defined in subsection (3) of KRS 107.020, upon only one side of the project, the costs of the sidewalk improvement shall be ascertained and assessed separately against the property abutting upon that side only, but the governing body may provide that such assessment shall include a fair share of the over-all costs as herein defined, other than the amounts of the actual construction contracts.

(b) In the case of improvements for draining sewage, storm water, or a combination thereof, the benefited properties shall consist of all properties which are thereby afforded a means of drainage, including not only the properties which may be contiguous to the improvements, but also adjacent properties within a reasonable distance therefrom as the governing body may in the proceedings set forth.

(c) In the case of an improvement project consisting in whole or in part of a sewage treatment plant, or enlargement or substantial reconstruction of an existing sewage treatment plant, the benefited properties shall be all those properties the sewage from which is treated in such plant, including properties already provided with sewer drainage facilities as well as those properties which the improvement project will provide with such drainage facilities, but the governing body may classify properties according to the extent of benefits to be afforded to them, and may establish one rate of assessment applicable to all properties participating in the benefits of the sewage treatment installations, and an additional rate of assessment applicable to properties for which the improvement project will also provide sewer drainage facilities.

(d) The governing body may, either in the proceedings initiating an improvement project, or in subsequent proceedings, recognize the necessity or desirability in the interest of the public health, safety and general welfare, that properties other than the properties originally benefited by an improvement under paragraphs (b) or (c) of this subsection, be permitted to connect to such sewer drainage and/or treatment facilities, and may make equitable provisions which may be adjustable from year to year as bonds are retired, whereby the owners of such later-connecting properties, may, by paying charges for the privilege of connecting, and/or by assuming a share of improvement assessments, or otherwise, be placed as nearly as practicable on a basis of financial equity with the owners of properties initially provided to be assessed.

(e) The governing body may, either in the proceedings initiating an improvement project, or in subsequent proceedings, recognize the necessity or desirability in the interest of the public health, safety and general welfare that residential properties within one thousand feet, measured along paved roads, of a fire hydrant in cities of the third through sixth classes may be assessed on the same basis as property abutting upon a street where a fire hydrant is to be installed.

(2) (a) Benefited property owned by the city or county, or owned by the United States Government or any of its agencies, if such property is subject to assessment by Act of Congress, shall be assessed annually the same as private property, and the amount of the annual assessment shall be paid by the city, county, or United States Government, as the case may be. The same right of action shall lie against the county as against a private owner.

(b) Benefited property owned by the state, except property the title to which is vested in the Commonwealth for the benefit of a district board of education pursuant to KRS 162.010, shall be

assessed as follows: Before assessing the state, the governing body shall serve written notice on the Commissioner of Finance setting forth specific details including the estimated total amount of any improvement assessment proposed to be levied against any state property relative to any proposed improvement project. Said written notice shall be served prior to the next regular session of the General Assembly so that the amount of any specific improvement assessment may be included in the biennial budget report to be submitted to the General Assembly. Payment of any assessment shall be made only from funds specifically appropriated for that assessment. If an amount sufficient to pay the total amount of any assessment has been appropriated, then the total amount shall be paid; if an amount sufficient only to pay annual assessments has been appropriated, then only the amount of the annual assessment shall be paid. The amount of the assessment shall be certified by the city treasurer to the Department of Finance, which shall thereupon draw a warrant upon the State Treasurer, payable to the city treasurer, and the State Treasurer shall pay the same.

(c) In the case of property the title to which is vested in the Commonwealth for the benefit of a district board of education, the amount of the annual assessment shall be paid by the city or other local governmental agency or authority which undertook the improvement project.

(3) No benefited property shall be exempt from assessment. (1956, c. 239, § 14; 1960, c. 226, § 5; 1964, c. 161, § 3; 1964, c. 175, § 1)

Note: Subsection (1) was amended by 1964 Acts Chapter 161 while subsection (2) was amended in 1964 by Acts Chapter 175.

ELECTIONS—BOARD MEMBERS

118.080 [1453; 1454] Nomination for regular election by petition. (1) A candidate for any office to be voted for at any regular election may be nominated by a petition of electors qualified to vote for him, complying with the provision of subsection (2) of this section.

(2) A petition of nomination for a state officer, or any officer for whom all the electors of the state are entitled to vote, shall contain one thousand petitioners; for a representative in Congress from any Congressional district, or for any officer from any other district except as herein provided, four hundred petitioners; for a county officer or member of the General Assembly, one hundred petitioners; for an officer of a precinct or ward, or other division less than a county, twenty petitioners. The signatures of the petition need not be appended to one paper. No petitioner shall be counted unless his residence and postoffice address are designated. If any

person joins in nominating, by petition, more than one nominee for any office to be filled, he shall not be counted as a petitioner for either nomination. The petition shall state the name and residence of each of the candidates, that he is legally qualified to hold the office, and that the subscribers desire, and are legally qualified, to vote for the candidate. The petition shall designate a brief name or title of the party or principle that the candidate represents, together with any simple figure or device by which it is desired that he be designated on the ballots. (1964, c. 83, § 3)

(1962) A good faith purpose to nominate a candidate for public office should be recognized unless "plan or manifest purpose of the law" demands a decision invalidating the petition. *Carter v. Hendrickson*, 361 S. W. (2d) 102.

118.130 [1456; 1482; 1520a-15] When certificates and petitions of nomination to be filed. (1) Certificates of nomination issued by the State Board of Elections shall be filed by that board with the Secretary of State immediately. Such certificates issued by the county election commission shall be filed by that commission with the county clerk immediately.

(2) Certificates of nomination made by the governing authority of a party to fill vacancies in office, as provided in KRS 119.030, shall, when required to be filed with the Secretary of State, be filed not less than fifty-five days before the day fixed by law for the election of the person in nomination. When required to be filed with the county court clerk, they shall be filed not less than forty-five days before the day fixed by law for the election of the person in nomination.

(3) Except as provided in subsection (4) of this section, petitions and certificates of nomination made under KRS 118.080 and 118.090, when required to be filed with the Secretary of State, shall be filed not less than fifty-five days before the day fixed by law for the holding of primary elections. When required to be filed with the county court clerk, they shall be filed not less than forty-five days before the day fixed by law for holding of primary elections.

(4) Petitions and certificates of nomination made under KRS 118.080 and 118.090 for the nomination of candidates for city offices or of candidates for members of boards of education shall be filed not less than forty-five nor more than sixty days before the day fixed by law for the election of the person in nomination, except that where any independent school district or independent graded school district comprises parts of two or more counties the petitions or certificates shall be filed with the Secretary of State not less than fifty-five days prior to the day fixed for the election of the person in nomination. Certificates of nomination for electors

of President and Vice President of the United States shall be filed with the Secretary of State not less than fifty-five days prior to the date fixed by law for the election of such electors. (1942, c. 174, § 4; 1946, c. 242, § 6; 1964, c. 142, § 3)

118.240 [1470; 1481] **Challengers at regular elections.** (1) The county executive committee of any political party having a ticket to elect at any regular election, may designate not more than two challengers to be present at and witness the holding of the election in each precinct in the county. The challengers shall be entitled to stay in the room or at the door. The challengers shall be appointed in writing signed by the chairman of the committee and shall produce written appointments on demand of any election officer.

(2) Any school board candidate, independent candidate, or independent ticket at the regular election may designate not more than one challenger to be present at and witness the holding of the elections in each precinct in the county. The challenger shall be entitled to stay in the room or at the door. The challenger shall be appointed in writing by the chairman of the committee, independent candidate or candidates representing a ticket, and shall produce written appointment on demand of any election officer.

(3) Each challenger shall take the following oath: "You do solemnly swear that you will faithfully and impartially discharge the duties as official challenger assigned by law; that you will not cause any delay to persons offering to vote, further than is necessary to procure satisfactory information of the qualification of such person as an elector; that you will use no means to influence a voter; and that you will not disclose to any person how any elector has voted." (1964, c. 142, § 5)

118.300

(1963) Making and signing of oath was mandatory before voter could obtain help in voting on voting machine, and voters registered with help without oath were illegal. *Mills v. Broughton*, 365 S. W. (2d) 315.

ASSESSMENT OF PROPERTY FOR TAXATION

133.160 [4114i-16; 4114i-17] **Notice of assessment raised by department; to whom given; contents.** When it is contemplated by the Department of Revenue that it will be necessary to raise the assessed valuation of property in any county, it shall give notice of the contemplated action to the county court, the superintendent of any school district affected by such action, the mayor of any city which is affected and which has adopted the assessment, and to the taxpayers of that county through the county judge, who shall post the notice sent him on the courthouse door and certify to the

Department of Revenue that this has been done, and it shall fix a time and place for a hearing which may be in Frankfort or any convenient place in or nearer the county seat. If the property of an individual owner is singled out for an increase, the owner shall be notified by the Department of Revenue by registered mail. (1942, c. 131, §§ 24, 32; 1946, c. 233, § 3; 1964, c. 141, § 17)

Note: The 1964 amendment to KRS 133.160 takes effect July 1, 1964.

133.170 [4114i-18] Certification of equalization; fiscal court may appeal. (1) When the Department of Revenue has completed its equalization of the assessment of the property in any county, it shall certify its action to the county judge, with a copy of the certification for the county clerk, to be laid before the fiscal court of the county.

(2) If the fiscal court deems it proper to ask for a review of the equalization, it shall direct the county attorney to prosecute an appeal to the Kentucky Board of Tax Appeals as provided by law. (1964, c. 141, § 18)

Note: The 1964 amendment to KRS 133.170 takes effect July 1, 1964.

133.180 [4128a-2] Certification by department to county clerk; certification of tax book; effect. When the Department of Revenue has completed its action on the assessment of property in any county, it shall, not later than June 20, certify to the county clerk the assessment and the amount of taxes due. The Department of Revenue shall charge the amount of taxes due from the county to the sheriff of the county. When any item of property is in process of appeal and the valuation has not been finally determined, the certification of such property shall be based on the valuation claimed by the taxpayer as the true value. The county clerk shall affix the certification to the tax books and enter it of record in the order book, and it shall be the sheriff's or collector's warrant for the collection of taxes. (1949, ex. s., c. 2, § 9; 1960, c. 186, Art. I, § 38; 1964, c. 141, § 19)

Note: The 1964 amendment to KRS 133.180 takes effect July 1, 1964.

133.185 Tax rate not to be fixed until assessment is certified under KRS 133.180. No tax rate for any taxing district imposing a levy upon the county assessment shall be determined before the assessment is certified by the Department of Revenue to the county court clerk as provided in KRS 133.180. (1942, c. 131, §§ 26, 32; 1949, ex. s., c. 2, § 10; 1964, c. 141, § 21)

Note: The 1964 amendment to KRS 133.185 takes effect July 1, 1964.

CONSTRUCTION OF SIDEWALKS—COUNTY ROADS

178.290 [4318] Construction of sidewalks along public roads.

Any person may build a sidewalk, composed of gravel, concrete or other suitable material, along the side of any public road in this state. The sidewalk shall not exceed sixty inches in width and the construction and repair and the use of the sidewalk shall be without expense of any kind to any other person who may want to use it. All persons who desire shall be permitted to use the sidewalk, and it shall be so constructed as not to interfere with the traveling public on any public road. The fiscal court of any county may build and repair sidewalks along public roads where the need exists for the safety of school children. Before the beginning of construction of the sidewalk, written approval must be obtained from the governmental agency having jurisdiction over the public road. (1964, c. 51, § 1)

MOTOR VEHICLES—BUSES

186.060 [2739g-7] Motor vehicles owned by governmental units.

(1) Applications for registration of motor vehicles owned exclusively by a county, city or board of education in the state or by the state or Federal government shall be accompanied by a statement from the head of the department of the governmental unit that owns the motor vehicle, certifying that the motor vehicle is exclusively owned and operated by the governmental unit. The application and statement shall be forwarded by the county clerk to the department, which shall give special authority to the clerk to register it. Upon receiving that authority the clerk shall issue a registration receipt and the official number plate described in KRS 186.240 (3), and report the registration to the head of the department authorizing the registration. For his services in issuing such certificate of registration and number plate and reporting the same, the county clerk shall be entitled to a fee of fifty cents in each instance, to be paid by the department upon whose authorization such license was issued.

(2) After such registration of any vehicle owned exclusively by a county, city or board of education in the state or by the state or federal government and after issuance of such number plate for such vehicle so owned, no subsequent registration or renewal of same, and no subsequent renewal of a number plate of said vehicle shall be necessary so long as said vehicle is owned exclusively by such governmental unit except in the case of loss or destruction of said license plate. In the event of such loss or destruction, said number plate shall be replaced in the same manner as if no plate had ever been issued.

(3) When a motor vehicle owned exclusively by a county, city or board of education in the state or by the state or federal government is transferred or sold to another governmental unit a new license plate shall be issued for the vehicle in the same manner as provided for in subsection (1) of this section and shall have the same effect as given to such license plates in subsection (2) of this section.

(4) No person shall use on a motor vehicle, not exclusively owned by a county, city board of education in the state, or the state or federal government, any license plate that has been issued for use on a motor vehicle owned by such a governmental unit. (1946, c. 122; 1948, c. 126, §§ 1, 2, 3; 1964, c. 148, § 1)

189.040 [2739g-24] Front lights; flashing lights. (1) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this section.

(2) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this section.

(3) Except as hereinafter provided, the head lamps or the auxiliary driving lamps or the auxiliary passing lamp or combinations thereof on motor vehicles other than a motorcycle or motor-driven cycle shall be so arranged that the driver may control the selection between distribution of light projected to different elevations, subject to the following requirements and limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred and fifty feet ahead for all conditions of loading;

(b) There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver;

(c) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after January 1, 1956, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and

located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(4) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in KRS 189.030, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the requirements and limitations hereinafter set forth.

(5) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in paragraph (b) of subsection (3) of this section above shall be deemed to avoid glare at all times, regardless of road contour and loading.

(6) Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this act other than the uppermost distribution of light specified in paragraph (a) of subsection (3) of this section.

(7) Headlights arranged to provide a single distribution of light not supplemented by auxiliary driving lights shall be permitted on motor vehicles manufactured and sold prior to May 30, 1939, in lieu of multiple-beam road lighting equipment, if the single distribution of light complies with the following requirements and limitations:

(a) The headlights shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall, at a distance of twenty-five feet ahead, project higher than a level of five inches below the level of the center of the light from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands, at a distance of seventy-five feet ahead;

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet;

(c) Whenever the operator of a motor vehicle approaches an oncoming vehicle within five hundred feet, he shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. In no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five feet ahead, and in no case higher than a level of forty-

two inches above the level upon which the vehicle stands at a distance of seventy-five feet ahead.

(8) Flashing lights are prohibited on all motor vehicles except as a means for indicating a right or left turn. This subsection shall not apply to authorized emergency vehicles or wreckers; to public utility repair vehicles at the scene of an emergency repair job; to any vehicles operated by mail carriers while on duty; to highway equipment while performing work that requires stopping and standing or moving at slow speeds within the traveled portions of highways; or to school buses.

(9) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front. This subsection shall not apply to authorized emergency vehicles.

(10) All wreckers when in use at the scene of a motor vehicle accident shall display at least one yellow flashing light clearly visible to all vehicles approaching the scene of the accident.

(11) Bicycles need have only one light in front which will reveal clearly substantial objects at least fifty feet ahead. (1950, c. 52, § 1; 1954, c. 248, § 1; 1960, c. 54; 1964, c. 65, § 1)

Note: 1964 Act amended subsection (8) only.

189.080

(1963) Court properly refused instruction on duty of motorist to sound horn where regardless of which version of how plaintiff child was struck by motorist's automobile were to be accepted by jury, accident was not due to any failure by motorist to give warning. *Pearce v. Rawlings*, 373 S. W. (2d) 426.

189.370 [2739g-46a; 2739g-691] **Passing stopped school or church bus prohibited; exceptions.** (1) Whenever any school bus or church bus used in the transportation of children is stopped upon a highway for the purpose of receiving or discharging passengers, the 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 bus has completed receiving or discharging passengers and has been put into motion; provided, that this stop requirement shall not apply to vehicles proceeding in the opposite direction from a church or school bus which is stopped upon a highway where multi-lane roadways providing for opposite directions of travel are separated by a raised, depressed, mountable or non-mountable median.

(2) Subsection (1) shall be applicable only in the event the bus bears on the front and rear a plainly visible sign containing the words "School Bus" or "Church Bus," whichever is appropriate, in letters not less than six inches in height, which can be covered

when the vehicle is not in use as a school or church bus. (1950, c. 96, § 1; 1960, c. 123, § 2; 1964, c. 65, § 3)

Note: 1964 Act amended subscription (1) only.

189.375 School bus stop signalling device; use; stopping regulated. No school bus shall be licensed or operated for the transportation of school children unless it has a folding sign on the drivers side thereof with letters at least 6" in height displaying the word "stop" on both sides. Before stopping the school bus and while loading or discharging school children the driver shall open out the sign so that it will be plainly visible to traffic approaching from both directions. No driver shall stop a school bus for loading or unloading purposes in a no passing area such as a hill or curve which does not afford reasonable visibility to approaching motor vehicles from both directions. No driver shall stop a school bus or church bus and allow it to remain standing for the purpose of discharging passengers whose immediate destination is on the opposite side of the road or to receive passengers waiting on the opposite side of the road on a divided highway where the roadways provided for opposite directions of travel are separated by a median; provided, that this provision does not prohibit the discharging of passengers who desire to cross the highway at a marked pedestrian crossing after the bus has proceeded. (1956, c. 41; 1958, c. 110, § 1; 1964, c. 65, § 4)

189.450 [2739g-48] Stopping, standing or repairing vehicle on highways. (1) No person shall stop a vehicle, leave it standing or cause it to stop or to be left standing upon the main traveled portion of a highway; provided, however, that this section shall not be construed to prevent parking off the main traveled portion of a highway or street in a city or suburban area where such parking is otherwise permitted. This subsection shall not apply to:

(a) A vehicle that has been disabled while on the main traveled portion of such a highway in such a manner and to such extent that it is impossible to avoid the occupation of the main traveled portion or impracticable to remove it from the highway until repairs have been made or sufficient help obtained for its removal and shall not apply to wreckers at the scene of accidents or emergency vehicles;

(b) Motor vehicles when required to stop in obedience to the provisions of any section of the Kentucky Revised Statutes or any traffic ordinance, regulation or sign or the command of any peace officer;

(c) Vehicles operating as common carriers of passengers for hire and school busses taking passengers on such vehicle or dis-

charging passengers therefrom, provided that no such vehicle shall stop for such purposes at a place on the highway which does not afford reasonable visibility to approaching motor vehicles from both directions. (1952, c. 296, § 3; 1954, c. 235; 1962, c. 288, § 2; 1964, c. 25, § 1)

CHILD WELFARE

199.335 Physicians to report injuries to children; immunity from liability; witnesses; penalty. (1) The purpose of this section, subsections (4) and (5) of KRS 208.020 and subsections (5) and (6) of KRS 208.990, is to provide for the protection of children who have had physical injury inflicted upon them and who are further threatened by the conduct of those responsible for their care and protection and to bring said cases under the purview of the county court sitting in juvenile session. Physicians who become aware of such cases shall report them to the appropriate police authority thereby causing the protective services of the state to be brought to bear in an effort to protect the health and welfare of these children and to prevent further abuses.

(2) Any physician, osteopathic physician, or other person having reasonable cause to suspect that a child under the age of eighteen brought to his attention has had serious physical injury or injuries inflicted upon him other than by accidental means by a parent or other person responsible for his care, shall report or cause reports to be made in accordance with the provisions of this section, subsections (4) and (5) of KRS 208.020 and subsections (5) and (6) of KRS 208.990; provided that when the attendance of such a person with respect to a child is pursuant to the performance of services as a member of the staff of an institution he shall notify the person in charge of the institution or his designated delegate who shall report or cause reports to be made in accordance with the provisions of this section, subsections (4) and (5) of KRS 208.020 and subsections (5) and (6) of KRS 208.990.

(3) An oral report shall be made immediately by telephone or otherwise and followed as soon thereafter as possible by a report in writing to an appropriate police authority, and a copy thereof shall be forwarded to the Department of Child Welfare for investigation. Such reports shall contain the names and addresses of the child and his parents or other persons responsible for his care, if known, the child's age, the nature and extent of the child's injuries (including any evidence of previous injuries), and any other information that the person believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator.

(4) Anyone acting upon reasonable cause in the making of a report pursuant to this section, subsections (4) and (5) of KRS 208.020 and subsections (5) and (6) of KRS 208.990 shall have

immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any such judicial proceeding resulting from such report.

(5) Neither the physician-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence proceeding resulting from a report pursuant to this section, subsections (4) and (5) of KRS 208.020 and subsections (5) and (6) of KRS 208.990.

(6) Anyone knowingly and willfully violating the provisions of subsection (2) shall be punished by a fine of not less than ten dollars nor more than one hundred dollars. (1964, c. 85, §§ 1, 2)

PSYCHOLOGISTS

319.010 Practice of psychology defined. (1) A person practices psychology within the meaning of this chapter when he renders to individuals, groups, organizations, or the public any service involving the application except as specific applications are excluded in KRS 319.015, of principles, methods or procedures of the science and profession of psychology, to include:

(a) evaluation of: disorders of cognitive processes and emotions, and problems of adjustment in individuals or in groups, through interpretation of tests of mental abilities, aptitudes, interests, attitudes, emotions, motivation, and personality characteristics;

(b) recommendation for: selection of personnel, arrangement of effective work and learning situations, resolution of interpersonal or social conflicts, and change of employment status, including termination of employment when based on interpretation of tests of the types noted in paragraph (a) above;

(c) application of: principles and methods of psychological modification of behavior, including hypnosis, and the results of research on such modification of behavior, to individuals or to groups.

(2) This definition does not include the teaching of principles of psychology for accredited educational institutions, or the conduct of research in problems of human behavior. Nothing in this definition shall be construed as permitting the administration or prescribing of drugs or in any way infringing upon the practice of medicine as defined in the laws of this state. (1948, c. 169, § 1; 1964, c. 154, § 1)

319.015 Activities not included in practice of psychology. Nothing in this chapter shall be construed to limit or authorize:

(4) The recognized educational activities of teachers in accredited public and private schools, or the authorized duties of guidance counselors and psychometricians who are certified by the State Board of Education, or special education supervisor in State Department of Education the activities of persons using psychological techniques in business and industrial organizations for employment placement, promotion, or job adjustment of their own officers and employes. However, no industrial or business firm or corporation may sell or offer to the public or to other firms or corporations for remuneration any psychological services as specified in this law, unless such services are performed or supervised by individuals duly and appropriately licensed under KRS 319.005 to 319.131. (1964, c. 154, § 15)

OBLIGATIONS OF PARENT

406.011 Obligations of father. The father of a child which is or may be born out of wedlock is liable to the same extent as the father of a child born in wedlock, whether or not the child is born alive, for the reasonable expense of the mother's pregnancy and confinement and for the education, necessary support and funeral expenses of the child. (1964, c. 37, § 1)

406.031 Limitation on recovery from the father; limitation of action. The father's liabilities for past education and necessary support are limited to a period of four years next preceding the commencement of an action. An action under this chapter shall be brought within four years after the birth, miscarriage or stillbirth of a child or be forever barred. (1964, c. 37, § 4)

406.051 Remedies. The county court has jurisdiction of an action brought under this chapter and all remedies for the enforcement of judgments for expenses of pregnancy and confinement for a wife or for education, necessary support or funeral expenses for illegitimate children. An appeal may be had to the circuit court if prosecuted within sixty days from the date of judgment. The court has continuing jurisdiction to modify or revoke a judgment for future education. All remedies under the Uniform Reciprocal Enforcement of Support Act are available for enforcement of duties of support under this chapter. (1964, c. 37, § 5)

CHAPTER II
DEPARTMENT OF EDUCATION

AMENDED KRS

156.070

NEW KRS

156.437

156.447

156.070 [4377-1; 4377-12; 4527-63; 4618-80] **General powers and duties of board.** (1) The State Board of Education shall have the management and control of the common schools, public vocational education and vocational rehabilitation, West Kentucky Vocational School, and the Kentucky School for the Blind.

(2) (a) It is hereby authorized to lease from the State Property and Buildings Commission, or others, whether public or private, any lands, buildings, structures, installations and facilities suitable for use in establishing and furthering television as an aid or supplement to classroom instruction, throughout the Commonwealth, and for incidental use in any other proper public functions. Any such lease may be for any initial term commencing with the date of such lease and ending with the next ensuing June 30 which is the close of the then current fiscal biennium of the Commonwealth with exclusive options in favor of the board to renew the same for successive ensuing bienniums (July 1 in each even year to June 30 in the next ensuing even year); and the rentals may be fixed at such sums in each biennium, if renewed, as will be sufficient to enable the State Property and Buildings Commission to pay therefrom the maturing principal of and interest on (and provide reserves for) any revenue bonds which said State Property and Buildings Commission may determine to be necessary and sufficient, in agreement with the board, to provide the cost of acquiring such television facilities, with appurtenances and such costs as may be incident to the issuance of such bonds.

(b) Each such option of the State Board of Education to renew the lease for succeeding biennial term may be exercised at any time after the adjournment of the session of the General Assembly at which appropriations shall have been made for the operation of the state government for such succeeding biennial term, by notifying the State Property and Buildings Commission in writing, signed by the Superintendent of Public Instruction and delivered to the Commissioner of Finance as a member of said commission; provided, however, that such option shall be deemed automatically exercised, and the lease automatically renewed for the succeeding biennium,

effective on the first day thereof, unless a written notice of the board's election not to renew shall have been delivered in the office of the Commissioner of Finance before the close of business on the last working day in April immediately preceding the beginning of such succeeding biennium.

(c) The board shall not itself operate such leased television facilities, or undertake the preparation of the educational presentations or films to be transmitted thereby, but may enter into one or more contracts to provide therefor, with any public agency and instrumentality of the Commonwealth having, or able to provide, a staff with proper technical qualifications, upon which agency and instrumentality the board, through the Superintendent of Public Instruction and the Department of Education, is represented in such manner as to coordinate matters of curriculum with the curricula prescribed for the public schools of the Commonwealth. Any such contract for the operation of the leased television facilities may permit limited and special uses of the television facilities for other programs in the public interest, subject to such reasonable terms and conditions as the board and the operating agency and instrumentality may agree upon; but any such contract shall affirmatively forbid the use of the television facilities, at any time or in any manner, in the dissemination of political propaganda or in furtherance of the interest of any political party or candidate for public office, or for commercial advertising. No lease between the board and the State Property and Buildings Commission shall bind the board to pay rentals for more than one fiscal biennium at a time, subject to the aforesaid renewal options. The board may receive and may apply to rental payments under any such lease and to the cost of providing for the operation of such television facilities not only appropriations which may be made to it from state funds, from time to time, but also contributions, gifts, matching funds, devises and bequests from any source, whether federal or state, and whether public or private, so long as the same are not conditioned upon any improper use of the television facilities in a manner inconsistent with the provisions of this subsection.

(3) The State Board of Education may, on the recommendation and with the advise of the Superintendent of Public Instruction, prescribe, print, publish and distribute at public expense such rules, regulations, courses of study, curriculums, bulletins, programs, outlines, reports and placards as it deems necessary for the efficient management, control and operation of the schools under its jurisdiction. All rules and regulations published or distributed by the board shall be enclosed in a booklet or binder on which the words "Informational Copy" shall be clearly stamped or printed.

(4) In its capacity as a board of control for the West Ken-

tucky School, the board may receive by any legal mode of conveyance, and hold and enjoy, property of any description. (1952, c. 41, § 2; 1958, c. 47, § 2; 1962, c. 13, § 3; 1964, c. 5)

Note: 1964 Act repealed former subsection (2) only. This repeal takes effect February 19, 1964.

156.437 State Board of Education to designate subjects; rules for listing, and adoption of subjects. (1) The State Board of Education, upon the recommendation of the Superintendent of Public Instruction, may designate subjects in the State Courses of Study for which programs may be listed by the State Textbook Commission and adopted by the county and independent school districts and the state model and practice schools in lieu of the number of books as stipulated in subsection (1) of KRS 156.435, subsections (2) and (3) of KRS 156.440; subsections (1) and (2) of KRS 156.472; subsections (1) and (2) of KRS 156.474 and KRS 156.476.

(2) The State Board of Education, upon the recommendation of the Superintendent of Public Instruction, shall have the authority to prescribe rules and regulations for the listing by the State Textbook Commission, adoption by local adoption units, the purchase of subject programs for the pupils in the state public schools. (1964, c. 193, § 1)

156.447 State Board may authorize books for experimental instructions; approval of subjects. (1) The State Board of Education, upon the recommendation of the Superintendent of Public Instruction, may authorize school districts for instructional experimentation to select and use textbooks other than those selected and listed by the State Textbook Commission and adopted by adoption units.

(2) Before subjects for experimentation are offered and taught to the pupils in the state public schools, such subjects shall have been approved by the State Board of Education, upon the recommendation of the Superintendent of Public Instruction. The selected textbooks by the school districts shall be approved by the State Textbook Commission as regards size, paper, binding, print, illustration, subject matter, and the retail, lowest wholesale, and exchange prices before the books are used by the public schools. The purchase, distribution, and use of such books shall be by the same procedures as that for other textbooks for said subjects and grades. (1964, c. 193, § 2)

CHAPTER III

STATE SUPPORT OF EDUCATION

Amended KRS

157.390

157.400

157.430

157.390 Classification of teachers; procedure for determination of amounts for teachers' salaries, and other expenses. (1) (a) The Superintendent of Public Instruction, under regulations of the State Board of Education, shall classify teachers in rank as follows:

Rank I. Those holding regular certificates and who have a master's degree and who have earned thirty semester hours of additional approved graduate work, and those teachers who, as of September 1, 1962, were included in Rank I, having earned twenty-four semester hours of additional approved graduate work.

Rank II. Those holding regular certificates and who have a master's degree or its equivalent.

Rank III. Those holding regular certificates and who have an approved four-year college degree or the equivalent.

Rank IV. Those holding certificates and who have ninety-six to one hundred and twenty-eight semester hours of approved college training or the equivalent; provided, however, that persons holding emergency certificates shall not be classified higher than this rank.

Rank V. Those holding certificates and who have sixty-four to ninety-five semester hours of approved college training or the equivalent.

Rank VI. Those holding certificates and who have thirty-two to sixty-three semester hours of approved college training or the equivalent; provided, however, that effective July 1, 1965, no teacher in Rank VI shall be included in calculating the amount to be included in the foundation program.

Rank VII. Those holding certificates and who have fewer than thirty-two semester hours of approved college training or the equivalent; provided, however, that effective July 1, 1964, no teacher in Rank VII shall be included in calculating the amount to be included in the foundation program.

(b) In determining ranks, the Superintendent of Public Instruction, under regulations of the State Board of Education, shall

classify teachers who hold valid certificates in the respective ranks according to approved college semester hours of credit. The Superintendent of Public Instruction, in defining preparation for certain types of vocational teachers as equivalent to college training, shall give consideration to apprenticeship training and industrial experience.

(2) The amount to be included in the 1964-65 school year in the foundation program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following schedule for each rank:

Rank I	\$4900
Rank II	4600
Rank III	4300
Rank IV	2900
Rank V	2600
Rank VI	2200

Beginning with the school year 1965-66, the amount to be included in the foundation program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following allotment schedule for each rank:

Rank I	\$5100
Rank II	4800
Rank III	4500
Rank IV	2900
Rank V	2600

Provided, the amount to be included for vocational units, supervisory units, and units for administrators, directors of pupil personnel and special instructional services shall be increased proportionately if the personnel for such units are employed for longer than the regular school term and such employment is approved by the Superintendent of Public Instruction under regulations of the State Board of Education. Where the actual number of teachers employed by the district varies from the number allowed under the provisions of KRS 157.310 to 157.440, the number to be included in each rank shall be in the same ratio that the number of teachers actually in each rank is to the total number of teachers employed.

(3) The amount to be included in the foundation program for other current expenses shall be determined by multiplying the number of classroom units by nine hundred dollars.

(4) The amount to be included in the foundation program for capital outlay shall be determined by multiplying the number of classroom units by six hundred dollars.

(5) The amount to be included in the foundation program of each district for transportation shall be determined by multiplying the aggregate attendance of transported children by the allowable cost per pupil per day for that district determined in accordance with the provisions of KRS 157.370.

(6) The total cost of the foundation program for each district shall be the sum of the allotments in subsections (2), (3), (4), and (5) of this section. (1954, c. 214, § 9; 1960, c. 145, § 6; 1962, c. 244, Art. V; 1964, c. 171, § 1)

157.400 Procedure for determining amount distributable to each district from foundation program fund. (1) The amount of money distributable to each district from the public school foundation program fund shall be determined by subtracting the required local tax effort from the total foundation program allotment for the district as determined in KRS 157.390.

(2) (a) If it shall be determined in subsection (1) that the amount of money distributable to a school district for the school year 1964-65 shall be less than one hundred thirty-six dollars per pupil in average daily attendance and, beginning in the 1965-66 school year, that the amount of money distributable to a school district shall be less than one hundred forty-three dollars per pupil in average daily attendance, then the apportionment for that district shall be increased to one hundred thirty-six dollars per pupil in average daily attendance in 1964-65 and, beginning in the 1965-66 school year, the apportionment for that district shall be increased to one hundred forty-three dollars per pupil in average daily attendance; provided, however, if a district fails to provide the total potential classroom units under KRS 157.360 subsections (2), (6), (7), and (8) and at least as many classroom units under KRS 157.360 subsections (4) and (5) as were provided in each of these subsections in 1955-56, any increase in the apportionment called for in this subsection shall be reduced to the extent that the district fails to provide the classroom units.

(b) The average daily attendance referred to in this subsection shall be the prior year average daily attendance of the district adjusted proportionally for any increase in classroom units allotted the district under provisions of KRS 157.360 subsection (3).

(c) The classroom unit requirement under this subsection relating to classroom units under KRS 157.360 subsections (4) and (5) may be waived for any district by the Superintendent of Public Instruction when it is shown that the need for these educational services no longer exists.

(3) In the event a district whose appropriation is increased under subsection (2) of this section is allotted classroom units under KRS 157.360 subsections (4) or (5) in excess of the number of such units allotted that district in 1955-56, then the allotment to that district determined in subsection (2) of this section shall be increased by the foundation program cost of these units determined in accordance with KRS 157.390 subsections (2), (3), and (4).

(4) If the allotment to a school district as determined in subsections (2) and (3) is an amount less than the allotment per pupil in average daily attendance in 1963-64, then the allotment shall be increased by an amount necessary to provide a per pupil average daily attendance allotment in 1964-65 and in 1965-66 equal to the per pupil average daily attendance allotment in 1963-64; provided, however, if a district fails to provide the total potential classroom units under KRS 157.360 subsections (2), (6), (7), and (8) and at least as many classroom units under KRS 157.360 subsections (4) or (5) as were provided in 1955-56, any increase in the apportionment called for in this subsection shall be reduced to the extent that the district fails to provide the classroom units.

(5) If a district fails for any reason to make the required local tax effort, as provided in KRS 157.380, the amount of the apportionment of the public school foundation program fund to be paid to such district under subsections (1), (2), (3), and (4) of this section shall be reduced by the percentage of loss from the required local tax effort.

(6) So much of the public school foundation program fund which would not be distributed under subsections (1) through (5) inclusive of this section, due to the failure of one or more participating districts to meet the full requirements, shall be held in the account for distribution the following year among districts which meet the requirements for participation. (1954, c. 214, § 10; 1956, c. 106, § 5; 1960, c. 145, § 7; 1964, c. 171, § 1)

157.430 Procedure for percentage reduction of amounts distributable to districts in case of insufficient appropriation by General Assembly. If, when the apportionments are being determined under the provisions of KRS 157.310 to 157.440, funds appropriated by the General Assembly to the public school foundation program fund plus that portion of the funds required from local tax effort

are insufficient to provide the amount of money required under subsections (1), (2), (3), and (4) of KRS 157.400, the Superintendent of Public Instruction shall make a percentage reduction in the allotments determined in these subsections for each district to the extent necessary to reduce the total of these allotments to funds available, provided that it meets the requirements set forth in KRS 157.350 and subsections (2), (3), (4), and (5) of KRS 157.400. (1954, c. 214, § 13; 1956, c. 106, §§ 7, 8; 1960, c. 145, § 9; 1964, c. 171, § 1)

CHAPTER IV
CONDUCT OF SCHOOLS
PRE-SCHOOL CHILD CARE CENTERS

Amended KRS

158.070

158.300

158.310

158.320

158.340

158.010

(1963) Where court order required county school district to maintain equal educational facilities for all children of district and either maintain regional high school system and re-establish high school in eastern part of county, or establish central high school system, under circumstances, proposal to improve and expand, existing city high school and maintain one of two high schools in western part of county, with equality of programs, curricula, facilities and expenditure of funds was acceptable. *Wooley v. Spaulding*, 365 S. W. (2d) 323.

158.070 [4370-7] School terms; exceptions. (1) The minimum school term for the 1963-1964 school term shall be one-hundred and eighty-four days. Thereafter, the minimum school term shall be one hundred eighty-five days. The Superintendent of Public Instruction, upon the approval of the State Board of Education, may extend the minimum term to ten months when the resources of the school fund or contributions by local taxation justify the extension, but no extension shall be made if it reduces the salaries of the teachers below the minimum fixed by law. A board of education may extend its terms beyond the minimum term set by the Superintendent of Public Instruction.

(2) The board of education of any school district may use no more than four days of the minimum school term for holidays, three days for in-service training and professional work, three days for attendance at state and district meetings of professional and educational associations, and shall use one day of excused absence for attendance at the Kentucky State Fair for students applying for excused absence for this purpose. The State Board of Education, upon recommendation of the Superintendent of Public Instruction, shall adopt regulations governing the use of school days. (1952, c. 104; 1962, c. 244, Art. VII, § 2; 1964, c. 6, § 1; 1964, c. 133, § 1)

Note: Subsection (1) of KRS 57.070 was amended by 1964 Acts c. 6, § 1, which takes effect February 19, 1964; subsection (2) was amended by c. 133, § 1. Both amendments are included in the above section.

158.110

(1963) Where court order required county school district to maintain equal educational facilities for all children of district and either maintain regional high school system and re-establish high school in eastern part of county or establish central high school system, under circumstances, proposed to improve and expand existing city high school and maintain one of two high schools in western part of county, with equality of programs, curricula, facilities and expenditure of funds was acceptable. *Wooley v. Spaulding*, 365 S. W. (2d) 323.

158.300 Definitions for KRS 158.300 to 158.350. As used in KRS 158.300 to 158.350, unless the context requires otherwise:

(1) "Kindergarten-Nursery School" means any private kindergarten or nursery school which provides educational experiences for four or more children, between the ages of three and six years, in return for tuition, fees or other forms of compensation; provided, that the kindergarten or nursery school shall not include any public, private school or college operating under the accreditation program of the State Department of Education;

(2) "Superintendent" means Superintendent of Public Instruction;

(3) "Age" means the age attained at a child's last birthday;

(4) "School Day" means a minimum of two and one-half hours;

(5) "Permit" includes both a "regular" and "provisional" permit. "Regular" permits are those issued by the superintendent upon satisfactory proof of compliance with the provisions of KRS 158.300 to 158.350. "Provisional" permits are those issued by the superintendent, within the discretion of the superintendent, for the purpose of enabling kindergarten-nursery schools to comply with the provisions of KRS 158.300 to 158.350; a "provisional" permit will be issued when the kindergarten-nursery school does not meet the requirements for a "regular" permit provided the kindergarten-nursery school shows evidence of meeting full requirements within a reasonable period of time. (1956, c. 168, § 1; 1962, c. 196, § 5; 1964, c. 194, § 1)

158.310 Permit; requirements. (1) No person, firm, corporation, association or organization shall conduct, operate, maintain or establish a kindergarten-nursery school unless a permit therefore has been issued by the superintendent, and such permit shall not be transferable.

(2) Each kindergarten-nursery school in operation as of the effective date of KRS 158.300 to 158.350 shall, within sixty days thereafter, make application to the superintendent, on a form provided for that purpose, for a permit. Permit application forms shall be as prescribed by the superintendent and shall include the following:

(a) The name and address of the kindergarten-nursery school, its owners, operators, instructors, assistants and personnel engaged in the operation of the kindergarten-nursery school;

(b) Certificates from the local health officer, fire marshal or, in his absence, the chief of the fire department, and such other inspecting personnel as may be designated by the superintendent showing that the applicant has complied with all conditions required by such officials.

(3) A permit shall be issued by the superintendent provided an evaluation of the application form, written reports and/or visits by staff members indicates that the requirements of the law have been met.

(4) Each initial application for a permit hereunder shall be accompanied by the payment of a fee in the amount of thirty-five dollars and shall, be renewable upon expiration and re-application when accompanied by payment of a fee in the amount of ten dollars, subject only to compliance with the provisions hereof. Regular and provisional permits, shall expire one year from their effective date. Each kindergarten-nursery school shall post its permit in a conspicuous place. No change in address may be effected by any kindergarten-nursery school without the approval of the superintendent.

(5) The superintendent shall, pursuant to regulations adopted by the State Board of Education under KRS 158.330, regulate the issuance of permits to established kindergarten-nursery schools not meeting the requirements of KRS 158.300 to 158.350, and may revoke the permit of any kindergarten-nursery school failing to meet such requirements within a reasonable period of time. (1956, c. 168, § 2; 1964, c. 194, § 2)

158.320 Centers, inspection of; records to be kept; reports to be made. Kindergarten-nursery schools shall, at all times, be open to inspection by such persons and inspectors as are herein provided for and shall keep such records, furnish such information and reports, and comply with such rules and regulations as may be adopted and published pursuant to the provisions of KRS 158.330. (1956, c. 168, § 3; 1964, c. 194, § 3)

158.330 Board of Education to make rules and regulations. The State Board of Education shall promulgate reasonable rules and regulations consistent herewith, to properly administer the provisions of KRS 158.300 to 158.350. (1956, c. 168, § 4; 1964, c. 194, § 4)

158.340 Fees, how credited in state treasury. All fees collected under the provisions of KRS 158.300 to 158.350 shall be paid into the State Treasury, and credited to the Department of Education for the purpose of administering KRS 158.300 to 158.350. (1956, c. 168, § 5; 1964, c. 194, § 5)

CHAPTER V SCHOOL DISTRICTS

Amended KRS

160.220

160.450

160.045

(1962) "Owners" as used in subsection (2) of this section prior to amendment of 1956 means all persons who owned any interest in realty which would permit them to be concerned with community school affairs. Both husband and wife holding title to realty as tenants by the entirety are included in the term. *Campbell County Bd. of Ed. v. Boulevard Enterprises*, 360 S. W. (2d) 744.

160.170

(1962) Where school board members took constitutionally required oath prior to taking office but inadvertently failed to take additional statutory oath until over five months later when, upon discovering omission, they took oath in writing and entered it in records of school board, omission did not cause members to forfeit their office nor did it authorize their removal. *Comm. v. Marshall*, 361 S. W. (2d) 103.

160.220 [4399-25] Secret ballots; nominating petitions. All elections for members of boards of education shall be by secret ballot. The ballot shall be on a separate sheet from all other ballots used in any election. The county clerk shall cause to be printed on the ballot the names of legally eligible candidates who have filed with the clerk a petition as provided in KRS 118.010. (1964, c. 83, § 1)

Note: HOUSE BILL 27 which amended KRS 160.220 was in error in reference to KRS 118.010, since KRS 118.010 defines the word "election". Reference properly should have been KRS 118.080. OAG 64-480. (Refer to KRS 118.080 in GENERAL PROVISIONS CHAPTER I.)

(1962) Where school board members took constitutionally required oath prior to taking office but inadvertently failed to take additional statutory oath until over five months later when, upon discovering omission, they took oath in writing and entered it in records of school board, omission did not cause members to forfeit their office nor did it authorize their removal. *Comm. v. Marshall*, 361 S. W. (2d) 103.

(1962) Priority as to time of filing, and not time of signing, petitions of nomination is controlling in determining for which candidate petitioners who have signed petitions of more than one candidate should be counted. *Huie v. Jones*, 362 S. W. (2d) 287.

(1962) Allegation that petition nominating candidate for office of member of county board of education did not show address of three petitioners was tantamount to allegation that place of residence of such petitioners was not shown as required by statute. *Ibid.*

(1962) Complaint stated claim upon which relief could be granted enjoining county clerk from placing name of co-defendant on ballot on ground that his nominating petition, was insufficient in that one petitioner was not legal voter, place of residence of three other petitioners was not shown and six other petitioners had also signed previously filed petition of other candidate for same office. *Ibid.*

(1962) Statute requiring nominating petition of candidate for office of member of county board of education to show place of residence of each signer is mandatory. *Ibid.*

160.380

(1963) Employment status of attorney with county board of education was that of independent contractor, not "public school employe," where attorney had numerous clients, and therefore board was justified in discharging attorney as its counsel after he filed suit against board. *Hobson v. Howard*, 367 S. W. (2d) 249.

160.450 [4399-39] Fiscal year of school districts. The fiscal year of all school districts shall begin on July 1 and end on June 30, except in those districts where the law governing the municipality which they embrace provides otherwise; provided, however, that any independent school district in a county containing a city of the second class may elect to adopt a fiscal year which shall begin on July 1 and end on June 30. (1964, c. 100)

CHAPTER VI
SCHOOL EMPLOYEES, TEACHERS'
RETIREMENT AND TENURE

Amended KRS	New KRS	Repealed KRS
161.220	161.600	161.525
161.340	161.605	161.603
161.380	161.620	161.607
161.420	161.655	161.661
161.430	161.705	161.675
161.440	161.720	
161.470	161.730	161.660
161.480	161.740	161.670
161.490	161.750	
161.520	161.760	
161.540	161.790	
161.560		

161.220 [4506b-2] **Definitions for KRS 161.220 to 161.710.** (1)

"Retirement system" means the arrangement provided for in KRS 161.230 to 161.710 for payment of allowances to teachers.

(2) "Retirement allowance" means the amount annually payable during the course of his natural life to a member who has been retired by reason of service.

(3) "Disability allowance" means the amount annually payable to a member retired by reason of disability.

(4) "Teacher" means:

(a) Any full-time regular or special teacher, principal, supervisor, superintendent, assistant superintendent, librarian, attendance officer, or other full-time member of the teaching or professional staff engaged in the service of the public elementary and secondary schools for whom certification is required as a condition of employment;

(b) All members of the instructional and administrative staffs of Eastern Kentucky State College, Kentucky State College, Morehead State College, Murray State College, Western Kentucky State College, Kentucky School for the Deaf, Kentucky School for the Blind, and the State and area vocational schools who are regularly employed by a board of education, board of regents or similar body;

(c) The Superintendent of Public Instruction and the division heads and other professional staff members of the State Department of Education;

(d) Any member of a local retirement system who became a member of the state teachers' retirement system according to the provisions of Acts, 1938, 1st ex. s., c. 1, paragraph 49;

(e) Such members of the administrative staff of the teachers' retirement system of the State of Kentucky as the board of trustees may designate by regulation; and

(f) All members of the instructional and administrative staffs of any existing or later established public junior college not under control of the Board of Trustees of the University of Kentucky.

(5) "Present teacher" means any teacher who was a teacher on or before July 1, 1940, and became a member of the retirement system created by Acts 1938, 1st ex.s., c. 1, on the date of the inauguration of the system or within one year after that date, and any teacher who was a member of a local teacher retirement system in the public elementary or secondary schools of the state on or before July 1, 1940, and continued to be a member of such system until he, with the membership of the local retirement system, became a member of the state teachers' retirement system, or who becomes a member under the provisions of KRS 161.470 (4).

(6) "New teacher" means any teacher not a present teacher.

(7) "Prior service" means the number of years during which the member was a teacher in Kentucky prior to July 1, 1941, except that not more than thirty years' prior service shall be allowed or credited to any teacher.

(8) "Subsequent service" means the number of years during which the teacher is a member of the teachers' retirement system after July 1, 1941.

(9) "Annual salary" means the average annual salary which the member has received for his service as a teacher in the public schools of Kentucky for five years or for as many years, if less than five prior to July 1, 1941, except that any salary which exceeds two thousand dollars shall be considered two thousand dollars. Any salary subsequent to July 1, 1941, on which the member has made contribution shall be the actual arithmetic average salary for the five consecutive years, or for as many consecutive years if less than five, which will provide the highest average.

(10) "Annual compensation" means the contractual salary and additions thereto received by a member as compensation for services as a teacher in the public schools of Kentucky during a fiscal year before any deductions.

(11) "Age of retirement" means the age attained at the last birthday of the member preceding the date of retirement.

(12) "Age of entrance" means the age attained at the last birthday of any member at the time of the establishment of the

retirement system, if the member was a teacher subject to membership in the system at that time. Otherwise it means the age attained at the last birthday of any member at the time he first becomes a member of the retirement system. Any birthday occurring on February 29 shall be considered as occurring on February 28.

(13) "Regular interest" means interest at three percent per annum.

(14) "Accumulated contributions" means the contributions of a member to the teachers' savings fund for retirement annuity.

(15) "Annuitant" means a person who receives a retirement allowance or a disability allowance.

(16) "Local retirement system" means any teacher retirement or annuity system created in any public school district in Kentucky in accordance with the laws of Kentucky.

(17) "Fiscal year" means the twelve-month period from July 1 to June 30.

(18) "Public schools" means the schools and other institutions mentioned in subsection (4) of this section.

(19) "Dependent" as used in KRS 161.520 and 161.525 means a person who was receiving, at the time of death of the member, at least one-half of the support from the member for maintenance, including board, lodging, medical care and like costs.

(20) "Last earned annual compensation" means the gross compensation before any deductions earned by the member for the last full payroll period, multiplied by the number of payroll periods in the member's contract year. (1946, c. 111, § 1; 1954, c. 196, §§ 1, 2; 1960, c. 44, § 1; 1962, c. 64, § 1; 1964, c. 43, § 1)

Note: 1964 amendment to KRS 161.220 takes effect July 1, 1964.

161.340 [4506b-12] Officers of board; personnel of system. (1) The board of trustees shall elect from its membership a chairman and a vice chairman on an annual basis as prescribed by the rules and regulations of the board of trustees. It shall appoint or contract for the services of an executive secretary and fix his compensation without limitation of the provisions of KRS Chapter 18 and KRS 64.640 subject to the approval of the Commissioner of Personnel. The executive secretary, at the time of his appointment or selection, shall be a person at least thirty-five years of age, a graduate of a standard four-year college with at least ten years' membership in the teachers' retirement system. He shall not have held by appointment or election an elective office within the five-year period next preceding the date of appointment or selection.

(2) The board shall engage such actuarial, legal, medical and other technical services and such clerical and other services as are required to transact the business of the retirement system. The compensation of all persons engaged by the board shall be paid at such rates and in such amounts as the board approves, subject to the approval of the Commissioner of Personnel. All other expenses for the operation of the retirement system shall be in such amounts as the board approves. (1958, c. 8, § 1; 1960, c. 44, § 4; 1962, c. 64, § 2; 1964, c. 43, § 2)

Note: No change was effected by the 1964 amendment since the proposed change in the section was stricken in the course of the bill through the legislature.

161.380 [4506b-22] Duties of treasurer. The State Treasurer is the custodian of all funds of the retirement system. He shall honor and pay all vouchers drawn on the retirement funds. All securities purchased by order of the board of trustees shall be placed in the hands of the treasurer. He shall collect the interests and principal thereon as it becomes due and payable and place it in the guarantee fund. The treasurer shall, upon delivery of the securities to him, honor and pay all vouchers drawn on the retirement funds for payment of securities purchased upon order of the board. The board may sell any of the securities and the proceeds thereof shall be paid by the purchaser to the treasurer upon delivery to him of the securities by the treasurer. All payments from the several funds of the retirement system shall be made only upon vouchers signed by the secretary of the retirement system. (1964, c. 43, § 3)

Note: 1964 amendment to KRS 161.380 takes effect July 1, 1964.

161.420 [4506b-35] Funds of the retirement system. All the assets of the retirement system shall be credited according to the purpose for which they are held to one of the following funds:

(1) The expense fund shall consist of the funds set aside from year to year by the board of trustees to defray the expenses of the administration of the retirement system. Each fiscal year an amount not greater than four percent of the receipts of the state accumulation fund shall be set aside into the expense fund or expended for the administration of the retirement system.

(2) The teachers' savings fund shall consist of the contributions paid by members of the retirement system into this fund and regular interest assigned by the board of trustees from the guarantee fund. The accumulated contributions of a member returned to him upon his withdrawal or paid to his estate or designated beneficiary in the event of his death shall be paid from the teachers' savings fund. Any accumulated contributions forfeited by a failure of a teacher or his estate to claim the same shall be transferred from

the teachers' savings fund to the guarantee fund. The accumulated contributions of a member shall be transferred from the teachers' savings fund to the allowance reserve fund in the event of retirement by reason of service or disability.

(3) The state accumulation fund shall consist of funds appropriated by the state for the purpose of providing annuities including any sums appropriated for meeting unfunded liabilities, excluding money assigned to the expense fund together with regular interest assigned by the board of trustees from the guarantee fund. At time of retirement of a member by reason of service or disability there shall be transferred from the state accumulation fund to the allowance reserve fund an amount which together with the sum transferred from the teachers' savings fund will be sufficient to provide the member a retirement allowance.

(4) The allowance reserve fund shall be the fund from which shall be paid all retirement allowances.

(5) The hospital and medical insurance fund shall be the fund in which an amount equal to one half of one percent of the gross annual payroll of all members shall be deposited. One quarter of one percent of such funds shall derive from member contributions and one quarter of one percent from state appropriation. Moneys so deposited shall be paid from this fund in order to meet costs resulting from medical and hospital services to retired members as provided in KRS 161.675. Any amounts not required to meet current costs shall be maintained as a reserve for this benefit.

(6) The survivors and death benefit fund shall consist of amounts accumulated for the purpose of providing survivors and death benefits to the estates or assigns of deceased members as provided in KRS 161.520 and 161.655. One half of one percent of the annual compensation of all members shall be deposited in this fund. One quarter of one percent of this amount shall derive from the contributions of members and one quarter of one percent from state appropriation. In addition whenever a change in the status of a member results in an obligation on this fund, there shall be transferred to this fund from the teachers' savings fund, the state accumulation fund and the allowance reserve fund such amounts as may be held in those funds for the account or benefit of the member. All claims for benefits under KRS 161.520 and 161.655 shall be paid from this fund. Any amounts not required to meet current costs shall be maintained as a reserve for this benefit.

(7) The guarantee fund shall be maintained to facilitate the crediting of uniform interest on the amounts of the other funds, except the expense fund, and to provide a contingent fund out of which special requirements of any of the other funds may be cov-

ered. All income, interest and dividends derived from the authorized deposits and investments shall be paid into the guarantee fund. Any funds received from gifts and bequests, which the board is hereby authorized to accept, shall be credited to the guarantee fund. Any funds transferred from the teachers' savings fund by reason of lack of claimant or because of a surplus in any fund and any other moneys whose disposition is not otherwise provided for, shall also be credited to the guarantee fund. The interest allowed by the board of trustees to each of the other funds shall be paid to such funds from the guarantee fund. Any deficit occurring in any fund that would not be automatically covered shall be met by the payments from the guarantee fund to that fund. (1964, c. 43, § 4)

Note: 1964 amendment to KRS 161.420 takes effect July 1, 1964.

161.430 [4506b-21] Investment of funds. (1) The board of trustees shall be the trustee of the funds of the retirement system and shall have full power and responsibility for the purchase, sale, exchange, transfer or other disposition of the investments and moneys of the retirement system. The board may appoint an investment committee consisting of the executive secretary and two trustees to act for the board in all matters of investment, subject to the approval of the board of trustees. The board of trustees in keeping with their responsibilities as trustees and wherever feasible shall be given priority to the investment of funds in obligations calculated to improve the industrial development and enhance the economic welfare of the Commonwealth. No investment shall be made of the funds except in the following:

(a) Bonds, notes and other obligations of or guaranteed by the United States, or those for which the credit of the United States is pledged for the payment of the principal and interest thereof, and any bonds, notes, debentures or any other obligations or securities issued or guaranteed by any federal government agency, presently or in the future established by an Act of Congress, and as amended or supplemented from time to time;

(b) Obligations of the Commonwealth of Kentucky and obligations of its departments and agencies, including revenue bonds;

(c) Obligations of any city of the first, second, third, fourth, or fifth classes of the Commonwealth of Kentucky, or county containing such city, for the payment of principal and interest on which the full faith and credit of the issuing body is pledged;

(d) School improvement bonds issued in accordance with authority granted under KRS 162.080 to and including KRS 162.100;

(e) School building revenue bonds issued in accordance with authority granted under KRS 162.120 to and including KRS 162.300, and any act or acts passed in the 1960 session of the General Assem-

bly providing for the issuance of school building revenue bonds, provided the issuance of such bonds is approved by the State Board of Education;

(f) Revenue bonds issued by educational institutions of the Commonwealth of Kentucky as authorized by KRS 162.340 to and including KRS 162.380;

(g) Public utility revenue bonds issued by any city of the first, second, third, fourth, or fifth classes, or by a county containing such a city, or by a special taxing district located within such city or county in the Commonwealth, provided: 1. the net income from such public utility property available for the payment of such securities, for the five fiscal years next preceding any such investment, shall have averaged at least 1 1/10 times all debt service requirements for principal, interest and sinking fund of all revenue securities payable only out of the revenues from such property during each of such fiscal years, and 2. the issuer of the securities covenants and is obligated to maintain rates to produce revenues, or will receive contract payments, either or both of which will be sufficient to meet costs of operation, taxes and all debt service requirements and such obligation or contract is legally enforceable;

(h) Obligations, consisting of notes, bonds, debentures, or equipment trust certificates issued under an indenture, which are the direct obligation or in the case of equipment trust certificates, are secured by direct obligation, of a corporation organized under the laws of the United States or any state in the United States or the District of Columbia, when such bonds are rated at time of purchase within the three highest classifications established by one or more major rating services;

(i) Deposits in banks or trust companies in the Commonwealth of Kentucky organized under the laws of this state, or of the United States, when such deposits are interest bearing at a rate not lower than two percent per annum, and when such deposits are fully secured by direct obligations of the United States Government or of the Commonwealth of Kentucky, placed in the hands of the state treasurer and approved by the board of trustees;

(j) Stocks, preferred or common, issued or guaranteed by a corporation created or existing under the laws of the United States or any state thereof, subject to the statutory restrictions governing investments by insurance companies incorporated in Kentucky.

(k) Mutual-type funds established and controlled by any organization which may be formed by the Kentucky Teachers' Retirement System and other state retirement systems of Kentucky and other southern states for the mutual investment of funds in Kentucky or the southern regional area;

(l) Productive real estate;

(m) Industrial revenue bonds issued under authority of KRS 103.200 to 103.280; provided, however, the lease for the building between the city and the leasing corporation is for a period equal to or greater than the period for which the bonds are issued and the rental payments are sufficient to amortize all the bonds issued, and further provided that:

1. The Common stock of the leasing corporation shall be listed on either the New York Stock Exchange or the American Stock Exchange.

2. In each of the last three reporting years prior to the issuance of the bonds the income before taxes of the leasing corporation must have been equal to at least twice the maximum lease requirements under the lease agreement.

3. The current assets of the leasing corporation at the end of each of the three last reporting years prior to the issuance of the bonds must have been at least 150 percent of the current liabilities at those given periods.

4. The net worth of the leasing corporation at the end of the last reporting period must be at least twice the amount of the proposed bond issue under the lease agreement.

5. The net working capital of the leasing corporation at the end of the most recent reporting year must have been at least fifteen million dollars.

(n) Obligations of the Kentucky Industrial Development Authority.

(2) (a) Not more than twenty-five percent of any one issue may be purchased by the board of trustees as an investment, and not more than five percent of the invested funds of the retirement system may be invested in the obligations of any issuer except in the case of obligations of the United States Government; provided that not more than ten percent of the invested funds may be invested in an issue of the Commonwealth of Kentucky or its departments or agencies as defined in this subsection. For the purpose of this subsection revenue bond obligations of the Commonwealth of Kentucky or its departments or agencies shall not be deemed to be obligations of the same obligor if the revenues pledged are derived from separate projects. No investment may be made in the obligation of any issuer which has been in default of any of its bonds or interest during a period of the last ten years immediately preceding the purchase.

(b) No more than sixty percent of the assets of the retirement system may be invested in the foregoing classification subsection (1) (h); no more than twenty percent of said assets may be invested in the foregoing classification subsection (1) (b); no more

than twenty-five percent of said assets may be invested in any one of the foregoing classifications subsections (1) (c), (1) (d), (1) (e), (1) (f) and (1) (g); and no more than ten percent of said assets may be invested in any one of the foregoing classifications subsections (1) (i), (1) (j), and (1) (k); and no more than six percent of said assets may be invested in the foregoing classifications subsections (1) (l) and (1) (m).

(3) No investment or disbursement of funds shall be made unless authorized by resolution adopted by the board of trustees. (1954, c. 215; 1958, c. 8, § 2; 1960, c. 44, § 7; 1962, c. 64, § 4; 1964, c. 43, § 5)

Note: 1964 amendment to KRS 161.430 takes effect July 1, 1964.

161.440 [4506b-23] Assignment of interest to funds. At the end of each fiscal year the board of trustees shall assign from the guarantee fund to each of the other funds, except the expense fund, interest at the rate of three percent. The amounts so allowed shall be due and payable to the funds and shall be annually credited thereto by the board of trustees from interest and other earnings on money of the retirement system. (1964, c. 43, § 6)

Note: 1964 amendment to KRS 161.440 takes effect July 1, 1964.

161.470 [4506b-27] Membership; forfeiture of service credit; reinstatement; termination of membership; accumulated contributions paid, when. (1) The membership of the retirement system shall consist of all new teachers, and all present teachers except as provided in Acts, 1938, 1st ex.s., c. 1, paragraph 29.

(2) Service credit shall be forfeited upon withdrawal. If a teacher again enters service it shall be as a new teacher, except that any teacher who withdraws by claiming his deposits may, before he is absent from service three school years, repay the system the amount withdrawn plus regular interest and re-establish his service credit. Effective July 1, 1960, and thereafter, a member or former member of the retirement system with at least three years of contributing service subsequent to the withdrawal of contributions and cancellation of service credit may regain such credit by depositing in the teachers' savings fund the amount withdrawn with interest at the rate of three percent per annum compounded annually computed from the first of the month of withdrawal and including the month of redeposit and by depositing in the state accumulation fund an additional sum equal to fifty percent of this amount. The payment to the state accumulation fund, shall, in the event of death of the member prior to retirement, be refunded to the estate or assigns of the teacher unless the assigns qualify for benefits provided in KRS 161.520 or 161.525.

(3) Effective July 1, 1960, any teacher who declined membership as provided in Acts, 1938, 1st ex. s., c. 1, paragraph 29, and who has since entered as a "new" teacher may secure service credit for prior service, and for any subsequent service prior to date of membership, by depositing in the teachers' savings fund contributions for each year of subsequent service prior to date of membership, with interest at the rate of three percent compounded annually to the date of deposit. The teacher shall also deposit an additional sum equal to fifty percent of this amount in the state accumulation fund. In the event of the death of the member prior to retirement, the payment to the state accumulation fund shall be refunded to the estate or assigns of the teacher unless the assigns qualify for benefits provided in KRS 161.520 or 161.525.

(4) Effective July 1, 1960, any teacher who declined membership as provided in Acts, 1938, 1st ex. s., c. 9, paragraph 29, may become a member and receive credit for prior and subsequent service by making proper contribution for the year 1940-41 and for each year thereafter, together with interest at the rate of three percent per annum compounded annually. The teacher shall deposit an additional sum equal to fifty percent of this amount in the state accumulation fund. In the event of the member's death prior to retirement, the contributions to the state accumulation fund shall be refunded to the estate or assigns of the teacher unless the assigns qualify for benefits provided in KRS 161.520 or 161.525.

(5) No person shall take advantage of the provisions of subsections (2), (3) and (4) above more than once.

(6) Membership in the retirement system shall be terminated:

(a) by retirement for service;

(b) by death;

(c) by withdrawal;

(d) when a teacher who is absent from service withdraws his deposits in the fund; or

(e) when a teacher is absent from service six consecutive years, provided, however, that a member who has completed ten years of service in Kentucky may elect to leave his deposits with the system and retire as set forth in KRS 161.600, paragraph 1.

(7) In case of withdrawal from service prior to eligibility for retirement, the board of trustees shall return to the teacher all of his accumulated contributions, but the teacher shall have no claim on any contributions made by the state with a view to his retirement or to any contributions made to the hospital and medical insurance fund, or the survivors and death benefit fund. If the member is eligible for a retirement allowance provided in KRS 161.600 no withdrawal and refund shall be permitted, but in lieu

thereof the teacher shall be entitled to the retirement allowance provided by the retirement system.

(8) Except as provided in KRS 161.520 in case of death prior to retirement the board of trustees shall pay to the estate of the deceased member or to his assigns all of his accumulated contributions, with regular interest, but the estate or assigns shall have no claim on any contributions made by the state with a view to the retirement of the teacher or to any contributions made to the hospital and medical insurance fund or the survivors and death benefit fund. (1960, c. 44, § 8; 1962, c. 64, § 5; 1964, c. 43, § 7)

Note: 1964 amendment to KRS 161.470 takes effect July 1, 1964.

161.480 [4506b-29] Statement of member; designation of beneficiary. Each person, upon becoming a member of the retirement system shall file a detailed statement as required by the board of trustees and shall designate a beneficiary to receive any benefits accruing from the death of the member. This designation shall remain in full force and effect until changed by the member except that subsequent marriage by the member shall void the designation and the spouse of the member at death shall be considered as beneficiary unless the member subsequent to marriage designates another beneficiary. (1964, c. 43)

Note: 1964 amendment to KRS 161.480 takes effect July 1, 1964.

161.490 [4506b-30] Investigation of statement. To the extent to which it is used in determining the liability of any fund of the retirement system, the board of trustees shall ascertain the correctness of the statement filed under KRS 161.480 by the best evidence it is able to obtain. If official records are not available as to length of service, age, salary, or other information required for the administration of the retirement system, the board may use its discretion as to the evidence to be accepted. (1964, c. 43, § 9)

Note: 1964 amendment to KRS 161.490 takes effect July 1, 1964.

161.520 [4506b-33] Payment of accumulated contributions on death; survivor's benefit. Upon death of a member who has had subsequent service credit for at least three years and who was in contributing service during the fiscal year immediately prior to his death or prior to the beginning of his last illness, or upon the death of a teacher retired for disability, the board of trustees shall pay to the estate or assigns of the deceased teacher a refund of his accumulated contributions; provided, however, the survivors of the deceased teacher, in the following named order, may elect to receive in lieu of a refund of the accumulated contributions a survivor's benefit, payable as follows:

(1) Where the survivor is a widow or a dependent widower, and the survivor's marriage to the deceased teacher took place at least one year prior to the teacher's death, the benefit shall be eighty dollars per month, or one-half of the retirement allowance that the teacher would have received had he been eligible and retired at the date of his death or was receiving as a disabled teacher at the date of death, whichever is larger.

(2) Where the survivor is an unmarried child under age eighteen, the benefit shall be eighty dollars per month in the case of one such child, one hundred and twenty-five dollars per month in the case of two such children, one hundred and fifty dollars per month in the case of three such children, and one hundred and sixty dollars per month in the case of four or more such children.

(3) Where the survivor is a child age eighteen or older whose mental or physical condition is sufficient to cause his dependency on the deceased member at the time of the member's death, the benefit shall be one hundred dollars per month, payable for the life of such child or until such time as the mental or physical condition creating the dependency no longer exists. Benefits under this subsection and subsection (1) shall apply to legally adopted survivors provided the proceedings for the adoption were initiated at least one year prior to the death of the member. Benefits under this subsection and subsection (1) shall apply notwithstanding an eligible widow or dependent widower survives the deceased member.

(4) Where the sole eligible survivors are dependent parents aged sixty-five or over, the benefit shall be eighty dollars per month for one parent or one hundred and twenty dollars per month for two parents. Dependency of a parent shall be established as of the date of the death of the member.

(5) Where the sole eligible survivor is a dependent brother or sister, the benefit shall be eighty dollars per month. In order to qualify the brother or sister must have been a resident of the deceased member's household for at least one full year prior to the member's death or must have been receiving care in a hospital, nursing home or other institution at the member's expense for a like period.

(6) The benefit to a child shall terminate upon the attainment of age eighteen or upon marriage. The benefit to a widow, dependent widower, dependent parent or dependent brother or sister shall terminate upon marriage. The benefit shall not be paid during the time the survivor, other than a child, is receiving an annuity, pension or allowance in excess of eighty dollars per month from a retirement or pension system in the state of Kentucky financed in whole or part by public contributions, excluding Old Age and

Survivors Insurance, or has income from all sources of \$2,400 per year, not including any benefit payable under the terms of KRS 161.220 to 161.710. If income from all sources exceeds \$2,400 per year, one dollar shall be subtracted from the benefit for each dollar of total income exceeding \$2,400 per year.

(7) The board of trustees shall be the sole judge of eligibility or dependency of any beneficiary, and may require formal application or information relating thereto, including proof of annual income satisfactory to the board. The board of trustees may subpoena records and individuals whenever it deems such action necessary.

(8) No payments of benefits shall be made unless the board of trustees shall have authorized such payments. The board shall formulate and adopt necessary rules and regulations for the administration of the foregoing provisions and in every case the decision of the board of trustees shall be final as to eligibility, dependency or disability, and the amounts of benefit payable. (1958, c. 7, § 2; 1962, c. 64, § 10; 1964, c. 43, § 10)

Note: 1964 amendment to KRS 161.520 takes effect July 1, 1964.

161.525 Death of member eligible to retire, options of beneficiary. Upon the death of a member in active contributing service at the time of death, who was eligible to retire by reason of service, the spouse or legal dependent of said member, if named as beneficiary, shall be entitled to elect, in lieu of a refund of the member's account or benefits provided in subsection (1) of KRS 161.520, an annuity actuarially equivalent at the attained age of the beneficiary to the annuity that would have been paid to the deceased member had he been retired on the day immediately preceding his death. In exercising this right the spouse or legal dependent shall be limited to selecting an option providing either a straight life with refundable balance or ten years certain payment. Nothing in this section shall prevent a spouse from receiving the annuity provided herein at the same time as minor children are qualifying for survivors benefits under the provisions of KRS 161.520. (1964, c. 43, § 22)

Note: KRS 161.525 takes effect July 1, 1964.

161.540 [4506b-36] Members' contributions. Each member shall contribute to the retirement system seven percent of his annual compensation. The contribution of a member shall not exceed this percentage on his current annual compensation. (1946, c. 111, § 3; 1954, c. 196, § 3; 1960, c. 44, § 10; 1964, c. 43, § 11)

Note: 1964 amendment to KRS 161.540 takes effect July 1, 1965. The contribution rate until effective date is five percent.

161.560 [4506b-38] Deduction of teachers' contributions; forwarding to retirement system. Each agency employing members of the retirement system shall deduct from the compensation of each member for each payroll period subsequent to the date upon which the teacher became a member such percentage of his earnable compensation as is due under the rates prescribed in KRS 161.540. No later than fifteen days following the end of each payroll period the agency shall forward all amounts so deducted to the teachers' retirement system. Such payroll reports, contributions lists, and other data as may be required by regulation of the board of trustees shall be submitted. The deductions shall be made notwithstanding the fact that the salary as a result may be less than the minimum compensation provided by law. Every member shall be deemed to consent and agree to the deductions and the deductions shall be considered as having been paid to the member. (1964, c. 43, § 12)

Note: 1964 amendment to KRS 161.560 takes effect July 1, 1964.

161.600 [4506b-41] Retirement conditions. (1) Any member who has attained the age of sixty years and who has completed ten years of service as a teacher in Kentucky, five of which are subsequent to July 1, 1941, with at least one year subsequent to July 1, 1959, may retire upon written application to the board of trustees of the teachers' retirement system. Any member shall be automatically retired as of July 1 following the end of the fiscal year during which he attains the age of seventy.

(2) Any member of the retirement system with thirty years of creditable service in Kentucky may apply for and receive an annuity. At least five years of such service must be subsequent to July 1, 1941.

(3) Any person who has been a teacher in Kentucky for thirty years or more and who withdraws from teaching after July 1, 1941, and before reaching the age of sixty-five years may refuse to withdraw his deposits and continue to pay into the fund each year until the end of the fiscal year in which he reaches the age of sixty-five years the same amount that he was required to contribute during his last full year as a teacher. If he so elects he shall, at the end of the fiscal year in which he attains the age of sixty-five years and thereafter, be entitled to receive the same retirement allowance as a teacher who retires at the age of sixty-five years. (1962, c. 64, § 12; 1964, c. 43, § 13)

Note: The 1964 amendment to KRS 161.600 takes effect July 1, 1964.

161.603 Resumption of teaching by retired member; effect. Any teacher retired by reason of service and less than age seventy

may waive his annuity and return to regular employment in a Kentucky public elementary or secondary school or state college. Such teacher shall receive no annuity payments while so employed and shall be returned to the annuity rolls as of July 1 following the close of the fiscal year in which the teaching was performed. Such person shall not be considered a member of the retirement system, and no contributions shall be made for him. Service subsequent to retirement shall not be used to improve an annuity. (1964, c. 43, § 19)

Note: KRS 161.603 takes effect July 1, 1964.

161.605 Substitute teaching by retired teachers. Retired teachers may do substitute teaching in the public schools for the equivalent of sixty days in any one school year and receive compensation for same without reduction in retirement annuities. The board of trustees by regulation may establish fractional equivalents of a day of teaching service. (1952, c. 226; 1958, c. 10; 1964, c. 43, § 14)

Note: 1964 amendment to KRS 161.605 takes effect July 1, 1964.

161.607 Employment in position covered by other Kentucky retirement system, effect. Any member of the teachers' retirement system who enters employment covered by another retirement system in Kentucky financed in whole or part with public funds may retain membership in the teachers' retirement system instead of joining the new system. Persons who enter service covered by the teachers' retirement system and who hold membership in a Kentucky retirement system financed in whole or part with public funds may retain membership in that system providing the statutes and regulations governing said system make continued membership possible. (1964, c. 43, § 21)

Note: KRS 161.607 takes effect July 1, 1964.

161.620 [4506b-43] Retirement allowances; amount. (1) The retirement allowance of a member retiring or retired for service whose age at retirement is sixty-five years shall be one percent of his average annual salary for prior service for each year of prior service credit plus one and three-fourths percent of his annual salary for the years after July 1, 1941. The retirement allowance of a member whose age at retirement is less than sixty-five shall be reduced to that amount which the value of the retirement allowance computed as provided in this section at age sixty-five will purchase as of the actual age of retirement of the member according to the actuarial tables in use by the system. The retirement allowance of a member whose age at retirement is greater than sixty-five shall be increased in a like manner. Retirement allowance in final amount

at age of retirement shall be determined by an actuarial factor equivalent to one at age sixty-five. Said factors shall be determined by the actuary of the retirement system and approved by the board of trustees. In determining the amount of retirement allowance the actuarial value for male lives from the actuarial tables in use by the system shall be applied to all members both male and female.

(2) For any member retiring on or after July 1, 1955, no retirement allowance shall be greater than three-fourths of the annual salary unless such allowance shall result from the application of a statutory minimum.

(3) Any teacher qualifying for retirement shall be entitled to receive an annual allowance amounting to not less than forty dollars multiplied by the service credit years of the teacher.

(4) The minimum provided in this section shall apply in the case of teachers retired or retiring under an option in the same proportion to the benefits of the teacher and his beneficiary or beneficiaries. (1946, c. 111, § 4; 1950, c. 78, § 1; 1954, c. 196, § 4; 1954, c. 194; 1956, c. 146, 1960, c. 44, § 13; 1962, c. 64, § 14; 1964, c. 43, § 15)

Note: 1964 amendment to KRS 161.620 takes effect July 1, 1964.

161.655 Death benefit of retired member. (1) Upon the death of a retired teacher who at time of death is receiving a retirement or disability allowance, or upon the death of a member who was in contributing service during the fiscal year immediately preceding his death, a death benefit of one thousand dollars shall be paid to his estate following application to the board of trustees, together with acceptable evidence of death and eligibility.

(2) Suit or civil action shall not be required for the collection of the death benefit provided herein, but nothing in this section shall prevent the maintenance of suit or civil action against the beneficiary or legal representative receiving the death benefit. (1958, c. 7, § 4; 1962, c. 64, § 17; 1964, c. 43, § 16)

Note: 1964 amendment to KRS 161.655 takes effect July 1, 1964.

161.661 Disability retirement; eligibility; duration; examinations; effect of employment; medical review board. (1) Any member who has completed ten or more years of accredited service in the public schools, or other covered positions, of the State of Kentucky, one full year of which immediately preceded retirement, may retire for disability and shall be granted a disability allowance. The annual allowance shall be equal to one-half of the last earned annual compensation.

(2) No member who has reached the age of sixty years and who is otherwise qualified for retirement may retire by reason of disability.

(3) Members shall earn one year of entitlement to disability retirement for each four years of service in a covered position but any member meeting the service requirement for disability retirement shall be credited with no less than five years of such eligibility.

(4) A member retired by reason of disability shall continue to earn service credit at the rate of one year for each year so retired.

(5) Any member retired by reason of disability and remaining disabled at the expiration of the eligibility period shall be entitled to retire for service. The retirement allowance shall be calculated as set forth in KRS 161.620 except that those persons less than sixty years of age shall be considered as sixty.

(6) In order to qualify for retirement by reason of disability a teacher must suffer from a physical or mental condition of such a nature as to render him incapable of being gainfully employed as a teacher. Such incapability must be revealed by a competent examination by a licensed physician or physicians and must be approved by the medical review board.

(7) A member retired by reason of disability shall be required to undergo periodic examinations as the discretion of the board of trustees to determine whether the disability allowance shall be continued. When examination and recommendation of the medical review board indicates the disability no longer exists, the allowance shall be discontinued.

(8) No payment of a disability benefit shall be made until ninety days after the application for disability retirement has been filed.

(9) No person who receives a disability allowance may serve as a teacher either within or without the state of Kentucky. So doing shall constitute a misdemeanor. The recipient of a disability allowance who engages in any gainful occupation other than teaching must make a report of the duties involved, compensation received and any other pertinent information required by the board of trustees. If the income from other employment plus the disability benefit exceed seventy-five percent of the last earned annual compensation, the benefit shall be reduced to an amount which with earned income will not exceed seventy-five percent of the last earned annual compensation. In no case shall the benefit be reduced to less than fifty dollars per month.

(10) The board of trustees shall designate a medical review board consisting of three licensed physicians and may designate physicians in various areas of the Commonwealth to conduct ex-

aminations as needed. The medical review board shall pass upon all applications for disability retirement and upon all statements, certifications, and examinations submitted in connection with such applications. The disposition of each case shall be recommended by the medical review board in writing to the board of trustees. Members of the medical review board shall follow such rules and regulations regarding procedures as the board of trustees may enact and shall be paid reasonable fees and expenses as authorized by the board of trustees in compliance with the provisions of KRS 161.330 and 161.340. The board of trustees may secure such additional medical service and information as it deems necessary. (1964, c. 43, § 18)

Note: KRS 161.661 takes effect July 1, 1964.

161.675 Contracts for hospital and major medical insurance for retired members authorized. (1) The board of trustees is empowered to enter into contracts with insurance carriers for the purpose of providing a broad program of hospital and major medical insurance coverage to retired teachers age sixty or older and to the spouses of said retired teachers.

(2) The coverage provided shall be as set forth in the contracts and the regulations of the board of trustees. The contracts and regulations shall provide for, but not be limited to, hospital room and board, surgical procedures, doctors' care in the hospital and miscellaneous hospital costs.

(3) The board of trustees is empowered to pay premiums for insurance coverage from the hospital and medical insurance fund. It may provide such insurance coverage as is deemed desirable by making payment to institutions and individuals for services performed.

(4) Contracts negotiated may include the provision that a stated amount of hospital cost or period of hospitalization shall incur no obligation on the part of the insurance carrier or the retirement system.

(5) The board of trustees is empowered to adopt such rules and regulations as are necessary to assure efficient operation of the hospital and medical insurance program. (1964, c. 43, § 20)

Note: KRS 161.675 takes effect July 1, 1964.

161.705 Voluntary contributions by or for member. (1) Any member of the teacher's retirement system, or the board of education employing such member, or both, may make voluntary contributions of two percent or more of the member's annual compensation to the retirement system for the benefit of the member. Such contributions shall be invested as provided in KRS 161.430.

(2) At retirement upon written application any such member shall receive in addition to retirement allowances provided by law, such annuity as has been earned by the voluntary contributions made by or for such member, computed upon an actuarial basis, or a refund of contributions and accrued interest. The member shall have the same benefit options with respect to such additional annuity as are provided in KRS 161.630.

(3) Upon the death or withdrawal from the retirement system of any member for reason other than retirement, or upon the demand of the member such member or the estate of such member shall be reimbursed for any voluntary contributions made by such member. A board of education may be reimbursed for any contributions made on behalf of a member by the board. Such reimbursement shall be made in a lump sum with earned interest or at rate of interest fixed by the retirement board. (1950, c. 79, § 2; 1964, c. 43, § 17)

Note: 1964 amendment to KRS 161.705 takes effect July 1, 1964.

TEACHERS' TENURE

161.720 Definitions for teachers' tenure law. (1) The term "teacher" for the purpose of KRS 161.720 to 161.810 shall mean any person for whom certification is required as a basis of employment in the public schools of the state with the exception of the superintendent.

(2) The term "year" as applied to terms of service means actual service of not less than seven school months within a school year; provided, however, that any board of education may grant a leave of absence for professional advancement with full credit for service.

(3) The term "limited contract" shall mean a contract for the employment of a teacher for a term of one year only or for that portion of the school year that remains at the time of employment.

(4) The term "continuing service contract" shall mean a contract for the employment of a teacher which shall remain in full force and effect until the teacher resigns or retires, or reaches the age of 65, or until it is terminated or suspended as provided in KRS 161.790 and 161.800.

(5) The term "continuing status" means employment of a teacher under a continuing contract.

(6) The term "standard" or "college" certificate for the purpose of KRS 161.720 to 161.810 shall mean any certificate issued upon the basis of graduation from a standard four-year college. (1942, c. 113, § 1; 1944, c. 98; 1964, c. 41, § 1)

161.730 Limited or continuing contracts with teachers required. Each board of education shall enter into written contracts, either

limited or continuing, for the employment of all teachers. (1942, c. 113, § 2; 1944, c. 98; 1964, c. 41, § 2)

161.740 Eligibility for continuing service status; reemployment of those eligible; transfer teachers; reinstatement after war service.

(1) Teachers eligible for continuing service status in any school district shall be those teachers who meet qualifications listed in this section:

(a) Hold a standard or college certificate as defined in KRS 161.720;

(b) When a currently employed teacher is recommended for reemployment after teaching four consecutive years in the same district, or after teaching four years which shall fall within a period not to exceed six years in the same district, the year of present employment included, the superintendent shall recommend said teacher for a continuing contract, and, if the teacher is employed by the board of education, a written continuing contract shall be issued.

(c) When a teacher has attained continuing contract status in one district and becomes employed in another district, said teacher shall resume probationary status and shall become eligible for continuing contract status only upon fulfilling the requirements of KRS 161.740 (1) (a) and (b).

(d) Service credit toward a continuing contract shall begin only when a teacher is properly certified as defined in KRS 161.720 (6).

(2) Any teacher or superintendent who has been or may be hereafter inducted into the armed forces of this country, shall at the expiration of such service be reemployed or reinstated in a comparable position as of the beginning of the next school year, provided application is made at least thirty days before the opening of school, unless physically or mentally incapacitated according to medical notations on official discharge papers. Vacancies created by military leaves shall be filled by teachers or superintendents employed by the board of education under a limited contract of one year or less. (1942, c. 113, § 3; 1944, c. 98; 1954, c. 60; 1964, c. 41, § 3)

161.750 Limited contracts; teacher reemployed unless notified.

(1) A written limited contract shall be entered into by each board of education with each teacher who is not eligible for a continuing contract as defined in KRS 161.740.

(2) Any teacher employed under a limited contract and ineligible for a continuing contract shall at the expiration of such

limited contract be deemed reemployed under the provisions of KRS 161.720 to 161.810 for the succeeding school year at the same salary plus any increment or decrease or provided by the salary schedule, unless the employing board shall give such teacher written notice on or before the fifteenth day of May of its intention not to reemploy him. Such teacher shall be presumed to have accepted such employment, unless he shall notify the board of education in writing to the contrary on or before the fifteenth day of June, and a written contract for the succeeding year shall be executed accordingly. (1942, c. 113, § 4; 1944, c. 98; 1964, c. 41, § 4)

161.760 Salaries of teachers, notice; reductions and increase; assignment of personnel. (1) Each board of education shall cause notice to be given annually not later than July 1 to each teacher who holds a contract valid for the succeeding school year, stating the best estimate as to the salary to be paid such teacher during such year. Such salary shall not be lower than the salary paid during the preceding school year unless such reduction be a part of a uniform plan affecting the entire district, or unless there is a reduction or elimination of extra service, administrative and/or supervisory duties and responsibilities of the teacher or other certified personnel. But nothing herein shall prevent increases of salary after the board's annual notice has been given. All teachers who refuse assignment shall notify the superintendent in writing not later than July 15. Reassignment of certificated personnel after July 15 shall be made only to fill vacancies created by illness, death or resignations; to reduce or increase personnel because of a shift in school population; to make personnel adjustments after consolidation or merger; to assign personnel according to their major or minor fields of training.

(2) Upon recommendation of the superintendent and approval of the board of education reduction of responsibility for a teacher may be accompanied by a corresponding reduction in salary; provided that written notification setting forth the reason or reasons for such reduction shall be furnished the teacher not later than May 15.

(3) Employment of a teacher, under either a limited or a continuing contract, is employment in the school district only and not in a particular position or school. (1942, c. 113, § 5; 1944, c. 98; 1964, c. 41, § 5)

161.790 Termination of contract by board; causes for; procedure; suspension pending trial; appeal. (1) The contract of a teacher shall remain in force during good behavior and efficient

and competent service by the teacher and shall not be terminated except for any of the following causes:

(a) Insubordination, including but not limited to 1. violations of lawful rules and regulations established by the local board of education for the operation of schools, and 2. refusal to recognize or obey the authority of the superintendent, principal, or any other supervisory personnel of the board in the performance of their duties;

(b) Immoral character or conduct unbecoming a teacher;

(c) Physical or mental disability;

(d) Inefficiency, incompetency, or neglect of duty, when a written statement identifying the problems or difficulties has been furnished the teacher or teachers involved.

(2) (a) Charges on the above causes shall be supported by written records of teacher performance by the superintendent, principal, or other supervisory personnel of the board.

(b) Marriage of a teacher shall not be cause for termination of the contract.

(3) No contract shall be terminated except upon recommendation of the superintendent and unless the teacher is furnished with a written statement, specifying in detail the charge or charges against said teacher, signed by the chairman and secretary of the board of education and naming a date and place at which the teacher may appear before the board of education and answer said charge or charges. Said date for the hearing shall not be less than twenty nor more than thirty days after the service of such charges upon the teacher. The teacher shall within ten days after the receipt of the written statement of such charges notify the board of education of his intention to appear and answer such charges, and upon failure of the teacher to give such notice, the board of education may dismiss the teacher by a majority vote and such dismissal shall be final.

(4) Upon receipt of the teacher's notice of intention to appear and answer such charges, the board of education shall issue such subpoenas as shall be necessary for the determination of the issues involved. The issue shall be heard at the time and place set and the hearing shall be public or private at the discretion of the teacher. Both parties may be represented by counsel and may require the presence of witnesses upon subpoena. Each witness shall be required to take oath or affirmation before an officer of the board of education. The board of education shall provide for a stenographic report of the proceedings and furnish the teacher with a copy. Upon completion of both sides of the case the board of education may by a majority vote dismiss the teacher or may defer its action for not more than five days.

(5) The board of education may, on recommendation of the superintendent, suspend a teacher pending final action to terminate his contract if, in its judgment, the character of the charges warrants such action. If after the hearing the decision of the board is against termination of the contract, the suspended teacher shall be paid his full salary for the period of such suspension.

(6) The teacher shall have a right to make an appeal both as to law and as to fact to the circuit court. If said appeal is not made within thirty days after dismissal, then the decision of the board of education shall be final. Such appeal shall be an original action in said court and shall be commenced by the filing of a petition against such board of education, in which petition the facts shall be alleged upon which the teacher relies for a reversal or modification of the order of termination of contract. Upon service or waiver of summons in said appeal, such board of education shall forthwith transmit to the clerk of said court for filing a transcript of the original notice of charges and a transcript of all evidence adduced at the hearing before such board, whereupon the cause shall be at issue without further pleading and shall be advanced and heard without delay. The court shall examine the transcript and record of the hearing before the board of education and shall hold such additional hearings as it may deem advisable, at which it may consider other evidence in addition to such transcript and record. Upon final hearing, the court shall grant or deny the relief prayed for in the petition as may be proper under the provisions of KRS 161.720 to 161.810 and in accordance with the evidence adduced at the hearing. Either the teacher or the board of education may appeal from the action of the court to the Court of Appeals. (1942, c. 113, § 8; 1944, c. 98; 1964, c. 41, § 6)

CHAPTER VII

SCHOOL PROPERTY AND BUILDINGS

Amended KRS

162.520

Repealed KRS

162.510

162.530

162.560

162.570

162.610

162.260

(1963) Fact that refunding bonds create new obligation will not preclude issuance of refunding bonds authorized by statute. *Hemlepp v. Aronberg*, 369 S. W. (2d) 121.

(1963) Reasonable cost of refunding school district revenue bonds could not be said to impair right of holders of other school bonds, where holders were on notice that school revenue bonds could be refunded, and refunding bonds provided that they were not issued in impairment of other existing liens or other security rights. *Ibid.*

(1963) Immediate and substantial increase in total amount of bonded debt, plus obligation to pay additional interest for certain period, upon issuance and sale of refunding bonds would not result in improper expenditure of public funds, where net result of refunding at lower interest rate would be substantial saving by time total indebtedness was paid. *Ibid.*

162.300

(1963) Circuit court properly ruled that power to accept or reject bid for construction of elementary school was in fiscal court and that circuit court could not interfere in matter in absence of fraud or collusion. *Fosson v. Fiscal Court of Boyd County*, 369 S. W. (2d) 108.

(1963) Where bidders for construction of elementary school were instructed that estimate number of working days would be given weight in selection of successful bidder, and first bidder submitted bid of \$249,751 with time estimate of 180 days, and second bidder face bid of \$249,745 with estimated completion time of 220 days, it was proper to accept bid of first bidder. *Ibid.*

162.520 Definitions for KRS 162.510 to 162.620. As used in KRS 162.510 to 162.620, the following terms and words have the following respective meanings, unless another meaning is clearly indicated by the context:

(1) As used in KRS 162.540, 162.550, 162.580, 162.590, 162.600 and 162.620 "authority" means "State Property and Buildings Commission."

(2) "Department" means the State Department of Education;

(3) "Superintendent" means the Superintendent of Public Instruction;

(4) "Board of education" means the governing body of a county school district, or of an independent school district, for which the authority issues its revenue bonds pursuant to KRS 162.510 to 162.620;

(5) "Project" means any undertaking to provide for a board of education any school buildings, facilities, improvements, and appurtenances and may include not only such as are authorized in KRS 162.120 to 162.300, but also those for any purpose enumerated in KRS 160.477 (1) (a);

(6) "Lease" or "lease instrument" means a written instrument for the leasing of one or more school projects executed by the authority as lessor and a board of education as lessee, conforming to the specifications set forth in KRS 162.140;

(7) "Bonds" or "bonds of the authority" means bonds issued by the authority under KRS 162.510 to 162.620, payable as to principal and interest solely from rentals received from a board of education pursuant to a lease. (1960, c. 81, § 2; 1964, c. 7, § 9)

Note: 1964 Act amended subsection (1) only.

CHAPTER VIII

VOCATIONAL EDUCATION AND REHABILITATION

New KRS

163.085

163.085 Buildings for area vocation schools, acquisition or construction. The State Board of Education is authorized to purchase, lease, or erect one or more buildings to be used as area vocational schools at such sites and serving such areas as, in the discretion of the board, will best meet the vocational education needs of the Commonwealth. Such facilities for vocational education shall be operated in accordance with policies of the board and in accordance with the State Plan for Vocational Education. (1964, c. 145, § 1)

CHAPTER IX
STATE UNIVERSITIES AND COLLEGES

Amended KRS	New KRS	Repealed KRS
164.027	164.026	164.025
164.220		

164.026 State support of medical and dental schools. (1) The General Assembly recognizes the continuing need for medical and dental education and research in Kentucky, and that the need is larger than the capacity of the facilities of the state university to supply. The General Assembly finds that the University of Louisville Medical and Dental Schools help to supply, for the entire state, this need existing in the fields of medical and dental education and research, and declares that support of the University of Louisville Medical and Dental Schools is a public purpose for which public money may be validly expended.

(2) The University of Louisville shall keep its books and records available to the State Auditor. An audit of expenditure of public money by the University is subject to the laws generally governing audits of expenditures of public money. (1964, c. 8, § 1)

164.027 Occupational qualification development program; state payments to participating municipal junior colleges. (1) The Council on Public Higher Education shall have authority to provide for a program of occupational qualification development in the Commonwealth. The program may be provided for by contract with any recognized and accredited municipal junior college located within the Commonwealth. Such contract shall provide that the college shall admit to its course of instruction, up to such percentage of its full teaching capacity as may be fixed by contract, residents of the Commonwealth who make application to pursue the course of study of such college; provided however, that such persons shall be certified to the council as to status of residency by the State Superintendent of Public Instruction and shall be eligible for admission to said junior college.

(2) The Council on Public Higher Education shall pay to the college not more than \$200 per school year for each such student enrolled. Such payments shall be additional to the annual tuition fees paid by each such student. The council shall have authority to provide by contract that it pay the expense of specific research projects or programs conducted by the college. The council shall

make an annual report of its occupational qualification development program after June 30 of each year, including an accounting of all moneys received and disbursed. The council shall have no authority to incur any obligation in excess of the sums that have been appropriated to it. (1962, c. 115, § 1; 1964, c. 26, § 1)

164.220 [4527-21; 4527-24] Appointment, salaries and retirement benefits of university personnel. (1) The Board of Trustees may appoint a president, professors, assistants, tutors and other personnel and determine the compensation, duties and official relations of each. In the appointment of presidents, professors or instructors no preference shall be shown to any religious denomination.

(2) The Board of Trustees shall provide the compensation for all positions created and filled by the board. In addition thereto the board may provide for employe retirement benefits and such other employe benefits as are related to the respective employments and services rendered.

(3) The Board of Trustees may establish and maintain such retirement plan or plans as it may deem to be for the best interests of the University of Kentucky, including, but without limitation the retirement ages, the benefits of such employes including group insurance, annuities, establishment of a trust fund or funds; and, the amounts to be paid or contributed by such employes and the amounts to be paid or contributed by the University of Kentucky and other appropriate terms and provisions with respect thereto. (1964, c. 82)

CHAPTER X
EDUCATIONAL TELEVISION

Amended KRS

168.060

168.060 Meetings; notice; quorum; organization. (1) The authority shall meet not less frequently than quarterly, and otherwise as often as necessary for the orderly conduct of its affairs. If it sees fit to do so, it may establish in its bylaws, or by resolution, four or more fixed dates for regular meetings at one or more specified places, in which event any proper business may come before the authority on such occasions, and it shall not be necessary that the members be given notice thereof unless the chairman shall deem it necessary or desirable that the day, place or hour be changed, whereupon notice to such effect shall be mailed to each member by the chairman or secretary, by ordinary first class mail, postage prepaid, not less than one week in advance. Regular meetings may be adjourned to convene again at another time and place, if the facts are shown in a motion or resolution adopted by a majority of those present and entered upon the minutes; and if such be done, the adjourned session shall constitute a continuation of the regular session without notice to absent members; but the motion or resolution of adjournment may specify that every reasonable effort be made to give such notice to absent members as time and circumstances may permit, whereupon the secretary (or in his absence the chairman or any designated member) shall make such effort and report the same and the success or failure thereof as to each member, at the occasion of the adjourned session of the regular meeting. Special meetings may be called by the chairman, vice-chairman, secretary, or any two members upon notice of the time, place and business to be transacted, similarly given; and special meetings may be adjourned in like manner as in the case of regular meetings, except that the matters considered shall be limited to such as are set forth in the notice of the special meeting.

(2) Any member may waive notice orally or in writing at any time before, at or after any meeting; and the presence of a member at any meeting shall constitute a waiver of notice unless such member tenders at such meeting a written protest on the ground of want of sufficient notice.

(3) Five or more members shall constitute a quorum for the transaction of business at any meeting, and a majority vote thereof

shall be sufficient to transact any business properly before the meeting. Any lesser number may adjourn to reconvene at another time for failure to muster a quorum.

(4) Immediately upon receiving notice of the election or appointment of all other members, the Superintendent of Public Instruction shall call a meeting for organizational purposes, the same to be held at Frankfort, Kentucky, at a time and place set forth in a written notice mailed to each member, as set forth above. At such meeting, the superintendent shall preside as temporary chairman, and the authority shall elect from among the members a chairman, a vice-chairman, a secretary and a treasurer, and define the duties thereof; or it may combine the office of treasurer with any other office of the authority or with any position created pursuant to KRS 168.080. (1962, c. 16, § 5; 1964, c. 120)

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