

**156.035 Legal status of board -- Administration of fund.**

- (1) The Kentucky Board of Education is recognized to be a public body corporate and politic, and an agency and instrumentality of the Commonwealth in the performance of essential governmental functions.
- (2) For the benefit of programs under its control and supervision, the board is authorized to implement the provisions of any Act of Congress appropriating and apportioning funds to the state, to receive funds appropriated by the Kentucky General Assembly, to provide for the proper apportionment and disbursement of such funds in accordance with state or federal laws, and to accept and provide for the administration of any gifts, donations, or devises.
- (3)
  - (a) The board is authorized to expend funds necessary for errors and omissions insurance premiums for insurance to cover the defense of, and any damages and costs awarded in, any civil action brought against individual board members on account of an act made in the scope and course of their performance of legal duties as board members.
  - (b) The authorization of the expenditure of public funds for insurance is deemed critical to continuing to attract qualified individuals to become members of state boards, and is deemed to authorize the expenditure of public funds for a public purpose.
  - (c) Nothing in this subsection shall be construed as a waiver of the sovereign immunity of the Commonwealth with respect to claims against the Kentucky Board of Education, the Department of Education, or any of their respective officers, agents, or employees.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 362, sec. 6, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 470, sec. 47, effective July 1, 1990; and ch. 476, Pt. IV, sec. 127, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 361, sec. 5, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 264, sec. 1, effective April 3, 1986; and ch. 331, sec. 27, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 155, sec. 86, effective June 17, 1978. -- Created 1962 Ky. Acts ch. 13, sec. 2.

**Legislative Research Commission Note (7/13/90).** This section was amended by two 1990 Acts. Where those Acts are not in conflict, they have been compiled together. Where a conflict exists, the Act which was last enacted by the General Assembly prevails pursuant to KRS 446.250.