

160.045 Transfer of adjacent territory to school district other than that in which it is located.

- (1) If seventy-five percent (75%) of either the registered voters or property owners in an area adjacent to either a county or independent school district petition the respective school boards for a transfer of property to the school board district other than that in which it is located, or if either board initiates an action, the school boards may effect the transfer by agreement, duly spread upon the minutes of their respective boards.
- (2) If the boards fail to agree within ninety (90) days from the filing of petitions for the transfer, either board may petition the chief state school officer for approval or disapproval of the transfer of the property involved. In his consideration for giving approval or disapproval, he shall be governed by any policies and rules and regulations of the Kentucky Board of Education which may be affected by the transfer of the property and shall give due consideration to the following: the ratio of the wealth of the territory involved in its relation to the total wealth of the district from which the territory will be annexed; the effect of the proposed territorial loss or gain on the educational programs of the respective districts; extent of and effect on the physical plant, facilities, and equipment available in each of the affected districts; the indebtedness and bonded or rental obligations of the respective districts; any contemplated indebtedness or obligation arising out of the proposed transfer; and other factors as may have a bearing upon the determination of the desirability of the proposed annexation from the vantage point of all interested persons.
- (3) In those instances where the requested transfer will result in a surplus of physical plant, facilities, or equipment in the transferring school district, the chief state school officer shall determine an equitable plan for the transfer of any surplus to the annexing district as his plan may determine will be needed. His plan shall be based on the fair value of the property on a replacement basis, taking into consideration its age and condition. In any considerations and suggestions which he may propose for the settlement of the differences between the boards of education, he shall be bound by any agreements outstanding between the boards of education of the school districts on July 15, 1982.
- (4) If the chief state school officer is unable to arrive at a satisfactory agreement with the two (2) boards of education concerning the transfer of the involved property within one hundred twenty (120) days from the time it is presented to him, either board may request that he bring the matter before the Kentucky Board of Education at its next regularly scheduled meeting. The state board shall grant and schedule an administrative hearing, and the hearing shall be conducted in accordance with KRS Chapter 13B. In that event, he shall file with the Kentucky Board of Education all the facts which he has gathered, the recommendation he has made, and the basis for his recommendation, for their consideration. In those instances where, after giving consideration to the factors set forth in subsection (2) of this section, the chief state school officer determines that a transfer of only a portion of the territory in question

is in the best interest of the respective districts, he may recommend to the Kentucky Board of Education a modified plan of transfer of territory.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 318, sec. 51, effective July 15, 1996; and ch. 362, sec. 6, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 476, Pt. IV, sec. 226, effective July 13, 1990. -- Amended 1982 Ky. Acts ch. 32, sec. 1, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 114, sec. 24, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 155, sec. 82, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 315, sec. 17. -- Amended 1956 Ky. Acts ch. 240, sec. 1. -- Amended 1948 Ky. Acts ch. 90, sec. 1. -- Created 1946 Ky. Acts ch. 140, sec. 1.