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Writer's e-mail address: rjackson@elpolaw.com

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Via Email Only

Mr. Daniel Glass, Board Chair
Metcalf County Board of Education
709 West Stockton Street
Edmonton, KY 42129

Re: Authority of Kentucky School Boards Regarding Personnel Matters

Dear Mr. Glass:

You have asked for my legal opinion as the attorney for the Metcalfe County Board of Education regarding the limits placed upon local boards of education in Kentucky concerning personnel matters involving district employees.

Under Kentucky law, personnel administration is vested in the superintendent and district administration, not the local board of education. While the Board retains certain statutory responsibilities prescribed by law, the Board may not involve itself in the day-to-day administration, hiring, retention, supervision, investigation, discipline, evaluation, or management of district personnel.

Importantly, the Board of Education is not authorized to convene meetings for the purpose of discussing, directing, managing, or otherwise involving itself in personnel matters that fall within the administrative authority of the superintendent. Likewise, the Board may not take action as a governing body regarding personnel administration matters except where expressly authorized by statute.

The role of the Board is one of governance and policy-making, whereas personnel administration is an executive and administrative function delegated to the superintendent under KRS Chapter 160. Individual board members possess no independent authority over employees, and the Board collectively may not substitute its judgment for that of the superintendent in matters committed to administrative discretion.

Accordingly, neither individual board members nor the Board acting as a body should:

- Conduct meetings concerning employee hiring, retention, discipline, supervision, complaints, investigations, or evaluations except where specifically authorized by law;
- Direct or attempt to direct district employees regarding personnel matters;
- Participate in administrative personnel decisions;
- Interfere with ongoing personnel investigations or employment actions;
- Request or discuss confidential personnel information outside lawful and necessary Board functions; or
- Take formal or informal action intended to influence administrative personnel determinations.

Improper Board involvement in personnel matters may create significant legal concerns, including violations of statutory authority, due process protections, confidentiality obligations, and established governance standards applicable to Kentucky school districts.

Questions concerning personnel matters should instead be directed through the superintendent and appropriate administrative channels in accordance with Kentucky law and district policy.

Please let me know if further guidance is needed regarding the respective legal responsibilities of the superintendent and the Metcalfe County Board of Education.

Very truly yours,

ENGLISH, LUCAS, PRIEST & OWSLEY, LLP

/s/ Regina A. Jackson

Regina A. Jackson

RAJ/mgw