

161.765 Procedures for demotion of administrative personnel -- Appeal.

- (1) A superintendent may demote an administrator by complying with the requirements of KRS 161.760 when the administrator:
 - (a) Has not completed three (3) years of administrative service, not including leave granted under KRS 161.770; or
 - (b) Is in a district-level administrative position in a county school district in a county with a consolidated local government adopted under KRS Chapter 67C.
- (2) Except for an administrator described in subsection (1)(b) of this section, an administrator who has completed three (3) years of administrative service, not including leave granted under KRS 161.770, cannot be demoted unless the following procedures have been complied with:
 - (a) The superintendent shall give written notice of the demotion to the board of education and to the administrator. If the administrator wishes to contest the demotion, he or she shall, within ten (10) days of receipt of the notice, file a written statement of his or her intent to contest with the superintendent. If the administrator does not make timely filing of his or her statement of intent to contest, the action shall be final.
 - (b) Upon receipt of the notice of intent to contest the demotion, a written statement of grounds for demotion, signed by the superintendent, shall be served on the administrator. The statement shall contain:
 1. A specific and complete statement of grounds upon which the proposed demotion is based, including, where appropriate, dates, times, names, places, and circumstances;
 2. The date, time, and place for a hearing, the date to be not less than twenty (20) nor more than thirty (30) days from the date of service of the statement of grounds for demotion upon the administrator.
 - (c) Upon receipt of the statement of grounds for demotion the administrator shall, within ten (10) days, file a written answer. Failure to file such answer, within the stated period, will relieve the board of any further obligation to hold a hearing and the action shall be final. The board shall issue subpoenas as are requested.
 - (d) The hearing on the demotion shall be public or private, at the discretion of the administrator and shall be limited to the matters set forth in the written statement of grounds for demotion. The board shall provide to the administrator a verbatim transcript of the hearing. The board of education shall hear the case, with the board chairman presiding. The board, upon hearing the evidence and argument presented, shall retire to private chambers to arrive at a decision. Counsel or representatives for either party in the hearing shall not be consulted by the board unless the corresponding counsel or representatives for the other party are present and unless a verbatim transcript of such consultation is made for the record.
 - (e) Within five (5) days from the close of the hearing, the board of education shall

advise the parties of its decision and shall take official action in the case.

- (f) Appeal from final board action may be taken in the same manner and under the same provisions as an appeal from tribunal action under KRS 161.790.

Effective: June 27, 2019

History: Amended 2019 Ky. Acts ch. 65, sec. 5, effective June 27, 2019. -- Amended 1990 Ky. Acts ch. 476, Pt. IV, sec. 283, effective July 13, 1990. -- Created 1974 Ky. Acts ch. 356, sec. 2.