

1 AN ACT relating to public education.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 160.290 is amended to read as follows:

- 4 (1) Each board of education shall have general control and management of the public
5 schools in its district and may establish schools and provide for courses and other
6 services as it deems necessary for the promotion of education and the general health
7 and welfare of pupils, consistent with the administrative regulations of the
8 Kentucky Board of Education. Each board shall have control and management of all
9 school funds and all public school property of its district and may use its funds and
10 property to promote public education. Each board shall exercise generally all
11 powers prescribed by law in the administration of its public school system, appoint
12 the superintendent of schools, and fix the compensation of employees. ***For a county
13 school district in a county with a consolidated local government adopted under
14 KRS Chapter 67C, the board shall conduct the duties under this section in a
15 manner that promotes the efficient, timely operation of the district by
16 empowering the superintendent to carry out the district's day-to-day operations,
17 including but not limited to matters regarding purchasing, contracting,
18 personnel, and organizational structure, in a way that reflects the impact of the
19 district's size on its administrative requirements. The superintendent shall
20 provide a quarterly report to the board on the administrative actions taken by him
21 or her to carry out the district's daily operations.***
- 22 (2) Each board shall make and adopt, and may amend or repeal, rules, regulations, and
23 bylaws for its meetings and proceedings for the management of the schools and
24 school property of the district, for the transaction of its business, and for the
25 qualification and duties of employees and the conduct of pupils. The rules,
26 regulations, and bylaws made by a board of education shall be consistent with the
27 general school laws of the state and shall be binding on the board of education and

1 parties dealing with it until amended or repealed by an affirmative vote of a
2 majority of the members of the board. The rules, regulations, and bylaws shall be
3 spread on the minutes of the board and be open to the public. The rules, regulations,
4 and bylaws may include the use of reverse auctions as defined in KRS 45A.070 in
5 the procurement of goods and leases.

6 (3) Local boards of education electing to enter into agreements pursuant to the
7 Interlocal Cooperation Act, KRS 65.210 to 65.300, with other local boards of
8 education to establish consortia to provide services in accordance with the Kentucky
9 Education Reform Act of 1990, 1990 Ky. Acts Ch. 476, may transfer real or
10 personal property to the consortia without receiving fair market value
11 compensation. The joint or cooperative action may employ employees transferred
12 from employment of a local board of education, and the employees shall retain their
13 eligibility for the Kentucky Teachers' Retirement System. The chief state school
14 officer, under administrative regulations of the Kentucky Board of Education, may
15 allot funding to an interlocal cooperative board created by two (2) or more local
16 school districts pursuant to KRS 65.210 to 65.300 to provide educational services
17 for the mutual advantage of the students in the representative districts. All statutes
18 and administrative regulations that apply to the use of these funds in local school
19 districts shall also apply to cooperative boards.

20 ➔Section 2. KRS 160.345 is amended to read as follows:

21 (1) For the purpose of this section:

22 (a) "Minority" means American Indian; Alaskan native; African-American;
23 Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or
24 South American origin; Pacific islander; or other ethnic group
25 underrepresented in the school;

26 (b) "School" means an elementary or secondary educational institution that is
27 under the administrative control of a principal and is not a program or part of

1 another school. The term "school" does not include district-operated schools
2 that are:

- 3 1. Exclusively vocational-technical, special education, or preschool
4 programs;
- 5 2. Instructional programs operated in institutions or schools outside of the
6 district; or
- 7 3. Alternative schools designed to provide services to at-risk populations
8 with unique needs;

9 (c) "Teacher" means any person for whom certification is required as a basis of
10 employment in the public schools of the state, with the exception of principals
11 and assistant principals; and

12 (d) "Parent" means:

- 13 1. A parent, stepparent, or foster parent of a student; or
- 14 2. A person who has legal custody of a student pursuant to a court order
15 and with whom the student resides.

16 (2) Each local board of education shall adopt a policy for implementing school-based
17 decision making in the district which shall include, but not be limited to, a
18 description of how the district's policies, including those developed pursuant to
19 KRS 160.340, have been amended to allow the professional staff members of a
20 school to be involved in the decision making process as they work to meet
21 educational goals established in KRS 158.645 and 158.6451. The policy may
22 include a requirement that each school council make an annual report at a public
23 meeting of the board describing the school's progress in meeting the educational
24 goals set forth in KRS 158.6451 and district goals established by the board. The
25 policy shall also address and comply with the following:

26 (a) Except as provided in paragraph (b)2. of this subsection, each participating
27 school shall form a school council composed of two (2) parents, three (3)

1 teachers, and the principal or administrator. The membership of the council
2 may be increased, but it may only be increased proportionately. A parent
3 representative on the council shall not be an employee or a relative of an
4 employee of the school in which that parent serves, nor shall the parent
5 representative be an employee or a relative of an employee in the district
6 administrative offices. A parent representative shall not be a local board
7 member or a board member's spouse. None of the members shall have a
8 conflict of interest pursuant to KRS Chapter 45A, except the salary paid to
9 district employees;

10 (b) 1. The teacher representatives shall be elected for one (1) year terms by a
11 majority of the teachers. A teacher elected to a school council shall not
12 be involuntarily transferred during his or her term of office. The parent
13 representatives shall be elected for one (1) year terms. The parent
14 members shall be elected by the parents of students preregistered to
15 attend the school during the term of office in an election conducted by
16 the parent and teacher organization of the school or, if none exists, the
17 largest organization of parents formed for this purpose. A school
18 council, once elected, may adopt a policy setting different terms of
19 office for parent and teacher members subsequently elected. The
20 principal shall be the chair of the school council.

21 2. School councils in schools having eight percent (8%) or more minority
22 students enrolled, as determined by the enrollment on the preceding
23 October 1, shall have at least one (1) minority member. If the council
24 formed under paragraph (a) of this subsection does not have a minority
25 member, the principal, in a timely manner, shall be responsible for
26 carrying out the following:

27 a. Organizing a special election to elect an additional member. The

- 1 principal shall call for nominations and shall notify the parents of
2 the students of the date, time, and location of the election to elect a
3 minority parent to the council by ballot; and
- 4 b. Allowing the teachers in the building to select one (1) minority
5 teacher to serve as a teacher member on the council. If there are no
6 minority teachers who are members of the faculty, an additional
7 teacher member shall be elected by a majority of all teachers. Term
8 limitations shall not apply for a minority teacher member who is
9 the only minority on faculty;
- 10 (c) 1. The school council shall have the responsibility to set school policy
11 consistent with district board policy which shall provide an environment
12 to enhance the students' achievement and help the school meet the goals
13 established by KRS 158.645 and 158.6451. The principal shall be the
14 primary administrator and the instructional leader of the school, and
15 with the assistance of the total school staff shall administer the policies
16 established by the school council and the local board.
- 17 2. If a school council establishes committees, it shall adopt a policy to
18 facilitate the participation of interested persons, including, but not
19 limited to, classified employees and parents. The policy shall include the
20 number of committees, their jurisdiction, composition, and the process
21 for membership selection;
- 22 (d) The school council and each of its committees shall determine the frequency
23 of and agenda for their meetings. Matters relating to formation of school
24 councils that are not provided for by this section shall be addressed by local
25 board policy;
- 26 (e) The meetings of the school council shall be open to the public and all
27 interested persons may attend. However, the exceptions to open meetings

1 provided in KRS 61.810 shall apply;

2 (f) After receiving notification of the funds available for the school from the local
3 board, the school council shall determine, within the parameters of the total
4 available funds, the number of persons to be employed in each job
5 classification at the school. The council may make personnel decisions on
6 vacancies occurring after the school council is formed but shall not have the
7 authority to recommend transfers or dismissals;

8 (g) The school council shall determine which textbooks, instructional materials,
9 and student support services shall be provided in the school. Subject to
10 available resources, the local board shall allocate an appropriation to each
11 school that is adequate to meet the school's needs related to instructional
12 materials and school-based student support services, as determined by the
13 school council. The school council shall consult with the school media
14 librarian on the maintenance of the school library media center, including the
15 purchase of instructional materials, information technology, and equipment;

16 (h) Personnel decisions at the school level shall be as follows:

17 1. From a list of qualified applicants submitted by the local superintendent,
18 the principal at the participating school shall select personnel to fill
19 vacancies, after consultation with the school council, consistent with
20 paragraph (i)11. of this subsection. The superintendent shall provide
21 additional applicants to the principal upon request when qualified
22 applicants are available. The superintendent may forward to the school
23 council the names of qualified applicants who have pending certification
24 from the Education Professional Standards Board based on recent
25 completion of preparation requirements, out-of-state preparation, or
26 alternative routes to certification pursuant to KRS 161.028 and 161.048.
27 Requests for transfer shall conform to any employer-employee bargained

- 1 contract which is in effect;
- 2 2. a. i. If the vacancy to be filled is the position of principal, the
3 outgoing principal shall not serve on the council during the
4 principal selection process. The superintendent or the
5 superintendent's designee shall serve as the chair of the
6 council for the purpose of the hiring process and shall have
7 voting rights during the selection process.
- 8 ii. Except as provided in subdivision b. of this subparagraph,
9 the council shall have access to the applications of all
10 persons certified for the position. The principal shall be
11 elected on a majority vote of the membership of the council. ~~]~~
12 ~~No principal who has been previously removed from a~~
13 ~~position in the district for cause may be considered for~~
14 ~~appointment as principal.]~~ The school council shall receive
15 training in recruitment and interviewing techniques prior to
16 carrying out the process of selecting a principal. The council
17 shall select the trainer to deliver the training;
- 18 b. An alternative principal selection process may be used by the
19 school council as follows:
- 20 i. Prior to a meeting called to select a principal, all school
21 council members shall receive informational materials
22 regarding Kentucky open records and open meetings laws
23 and sign a nondisclosure agreement forbidding the sharing of
24 information shared and discussions held in the closed
25 session;
- 26 ii. The superintendent shall convene the school council and
27 move into closed session as provided in KRS 61.810(1)(f) to

- 1 confidentially recommend a candidate;
- 2 iii. The council shall have the option to interview the
- 3 recommended candidate while in closed session; and
- 4 iv. After any discussion, at the conclusion of the closed session,
- 5 the council shall decide, in a public meeting by majority vote
- 6 of the membership of the council, whether to accept or reject
- 7 the recommended principal candidate;
- 8 c. If the recommended candidate is selected, and the recommended
- 9 candidate accepts the offer, the name of the candidate shall be
- 10 made public during the next meeting in open session;
- 11 d. i. If the recommended candidate is not accepted by the school
- 12 council under subdivision b. of this subparagraph, then the
- 13 process set forth in subdivision a. of this subparagraph shall
- 14 apply.
- 15 ii. The confidentially recommended candidate's name and the
- 16 discussions of the closed session shall remain confidential
- 17 under KRS 61.810(1)(f), and any documents used or
- 18 generated during the closed meeting shall not be subject to an
- 19 open records request as provided in KRS 61.878(1)(i) and (j).
- 20 iii. A recommended candidate who believes a violation of this
- 21 subdivision has occurred may file a written complaint with
- 22 the Kentucky Board of Education.
- 23 iv. A school council member who is found to have disclosed
- 24 confidential information regarding the proceeding of the
- 25 closed session shall be subject to removal from the school
- 26 council by the Kentucky Board of Education under
- 27 subsection (9)(e) of this section;

1 3. *No principal who has been previously removed from a position in the*
 2 *district for cause may be considered for appointment as principal in*
 3 *that district.*

4 4. Personnel decisions made at the school level under the authority of
 5 subparagraphs 1. and 2. of this paragraph shall be binding on the
 6 superintendent who completes the hiring process;

7 ~~5.~~~~[4.]~~ Applicants subsequently employed shall provide evidence that they are
 8 certified prior to assuming the duties of a position in accordance with
 9 KRS 161.020;~~[-and]~~

10 ~~6.~~~~[5.]~~ Notwithstanding other provisions of this paragraph, if the applicant is
 11 the spouse of the superintendent and the applicant meets the service
 12 requirements of KRS 160.380(2)(e), the applicant shall only be
 13 employed upon the recommendation of the principal and the approval of
 14 a majority vote of the school council; and

15 7. *Beginning with the effective date of this Act, notwithstanding the*
 16 *requirement that a principal be elected on a majority vote of the*
 17 *council in subparagraph 2. of this paragraph, if the school council is*
 18 *in a county school district in a county with a consolidated local*
 19 *government adopted under KRS Chapter 67C, then the selection of a*
 20 *principal shall be subject to approval by the superintendent. If the*
 21 *superintendent does not approve the principal selected by the council,*
 22 *then the superintendent may select the principal;*

23 (i) The school council shall adopt a policy to be implemented by the principal in
 24 the following additional areas:

25 1. Determination of curriculum, including needs assessment, curriculum
 26 development and responsibilities under KRS 158.6453(19);

27 2. Assignment of all instructional and noninstructional staff time;

- 1 3. Assignment of students to classes and programs within the school;
- 2 4. Determination of the schedule of the school day and week, subject to the
- 3 beginning and ending times of the school day and school calendar year
- 4 as established by the local board;
- 5 5. Determination of use of school space during the school day related to
- 6 improving classroom teaching and learning;
- 7 6. Planning and resolution of issues regarding instructional practices;
- 8 7. Selection and implementation of discipline and classroom management
- 9 techniques as a part of a comprehensive school safety plan, including
- 10 responsibilities of the student, parent, teacher, counselor, and principal;
- 11 8. Selection of extracurricular programs and determination of policies
- 12 relating to student participation based on academic qualifications and
- 13 attendance requirements, program evaluation, and supervision;
- 14 9. Adoption of an emergency plan as required in KRS 158.162;
- 15 10. Procedures, consistent with local school board policy, for determining
- 16 alignment with state standards, technology utilization, and program
- 17 appraisal; and
- 18 11. Procedures to assist the council with consultation in the selection of
- 19 personnel by the principal, including but not limited to meetings,
- 20 timelines, interviews, review of written applications, and review of
- 21 references. Procedures shall address situations in which members of the
- 22 council are not available for consultation; and
- 23 (j) Each school council shall annually review data as shown on state and local
- 24 student assessments required under KRS 158.6453. The data shall include but
- 25 not be limited to information on performance levels of all students tested, and
- 26 information on the performance of students disaggregated by race, gender,
- 27 disability, and participation in the federal free and reduced price lunch

1 program. After completing the review of data, each school council, with the
2 involvement of parents, faculty, and staff, shall develop and adopt a plan to
3 ensure that each student makes progress toward meeting the goals set forth in
4 KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan
5 to the superintendent and local board of education for review as described in
6 KRS 160.340. The Kentucky Department of Education shall provide each
7 school council the data needed to complete the review required by this
8 paragraph no later than October 1 of each year. If a school does not have a
9 council, the review shall be completed by the principal with the involvement
10 of parents, faculty, and staff.

11 (3) The policies adopted by the local board to implement school-based decision making
12 shall also address the following:

13 (a) School budget and administration, including: discretionary funds; activity and
14 other school funds; funds for maintenance, supplies, and equipment; and
15 procedures for authorizing reimbursement for training and other expenses;

16 (b) Assessment of individual student progress, including testing and reporting of
17 student progress to students, parents, the school district, the community, and
18 the state;

19 (c) School improvement plans, including the form and function of strategic
20 planning and its relationship to district planning, as well as the school safety
21 plan and requests for funding from the Center for School Safety under KRS
22 158.446;

23 (d) Professional development plans developed pursuant to KRS 156.095;

24 (e) Parent, citizen, and community participation including the relationship of the
25 council with other groups;

26 (f) Cooperation and collaboration within the district, with other districts, and with
27 other public and private agencies;

1 (g) Requirements for waiver of district policies;

2 (h) Requirements for record keeping by the school council; and

3 (i) A process for appealing a decision made by a school council.

4 (4) In addition to the authority granted to the school council in this section, the local
5 board may grant to the school council any other authority permitted by law. The
6 board shall make available liability insurance coverage for the protection of all
7 members of the school council from liability arising in the course of pursuing their
8 duties as members of the council.

9 (5) All schools shall implement school-based decision making in accordance with this
10 section and with the policy adopted by the local board pursuant to this section.
11 Upon favorable vote of a majority of the faculty at the school and a majority of at
12 least twenty-five (25) voting parents of students enrolled in the school, a school
13 meeting its goal as determined by the Department of Education pursuant to KRS
14 158.6455 may apply to the Kentucky Board of Education for exemption from the
15 requirement to implement school-based decision making, and the state board shall
16 grant the exemption. The voting by the parents on the matter of exemption from
17 implementing school-based decision making shall be in an election conducted by
18 the parent and teacher organization of the school or, if none exists, the largest
19 organization of parents formed for this purpose. Notwithstanding the provisions of
20 this section, a local school district shall not be required to implement school-based
21 decision making if the local school district contains only one (1) school.

22 (6) The Department of Education shall provide professional development activities to
23 assist schools in implementing school-based decision making. School council
24 members elected for the first time shall complete a minimum of six (6) clock hours
25 of training in the process of school-based decision making, no later than thirty (30)
26 days after the beginning of the service year for which they are elected to serve.
27 School council members who have served on a school council at least one (1) year

1 shall complete a minimum of three (3) clock hours of training in the process of
2 school-based decision making no later than one hundred twenty (120) days after the
3 beginning of the service year for which they are elected to serve. Experienced
4 members may participate in the training for new members to fulfill their training
5 requirement. School council training required under this subsection shall be
6 conducted by trainers endorsed by the Department of Education. By November 1 of
7 each year, the principal through the local superintendent shall forward to the
8 Department of Education the names and addresses of each council member and
9 verify that the required training has been completed. School council members
10 elected to fill a vacancy shall complete the applicable training within thirty (30)
11 days of their election.

12 (7) A school that chooses to have school-based decision making but would like to be
13 exempt from the administrative structure set forth by this section may develop a
14 model for implementing school-based decision making, including but not limited to
15 a description of the membership, organization, duties, and responsibilities of a
16 school council. The school shall submit the model through the local board of
17 education to the commissioner of education and the Kentucky Board of Education,
18 which shall have final authority for approval. The application for approval of the
19 model shall show evidence that it has been developed by representatives of the
20 parents, students, certified personnel, and the administrators of the school and that
21 two-thirds (2/3) of the faculty have agreed to the model.

22 (8) The Kentucky Board of Education, upon recommendation of the commissioner of
23 education, shall adopt by administrative regulation a formula by which school
24 district funds shall be allocated to each school council. Included in the school
25 council formula shall be an allocation for professional development that is at least
26 sixty-five percent (65%) of the district's per pupil state allocation for professional
27 development for each student in average daily attendance in the school. The school

1 council shall plan professional development in compliance with requirements
2 specified in KRS 156.095, except as provided in KRS 158.649. School councils of
3 small schools shall be encouraged to work with other school councils to maximize
4 professional development opportunities.

5 (9) (a) No board member, superintendent of schools, district employee, or member of
6 a school council shall intentionally engage in a pattern of practice which is
7 detrimental to the successful implementation of or circumvents the intent of
8 school-based decision making to allow the professional staff members of a
9 school and parents to be involved in the decision making process in working
10 toward meeting the educational goals established in KRS 158.645 and
11 158.6451 or to make decisions in areas of policy assigned to a school council
12 pursuant to paragraph (i) of subsection (2) of this section.

13 (b) An affected party who believes a violation of this subsection has occurred may
14 file a written complaint with the Office of Education Accountability. The
15 office shall investigate the complaint and resolve the conflict, if possible, or
16 forward the matter to the Kentucky Board of Education.

17 (c) The Kentucky Board of Education shall conduct a hearing in accordance with
18 KRS Chapter 13B for complaints referred by the Office of Education
19 Accountability.

20 (d) If the state board determines a violation has occurred, the party shall be
21 subject to reprimand. A second violation of this subsection may be grounds
22 for removing a superintendent, a member of a school council, or school board
23 member from office or grounds for dismissal of an employee for misconduct
24 in office or willful neglect of duty.

25 (e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the
26 state board determines a violation of the confidentiality requirements set forth
27 in subsection (2)(h)2. of this section by a school council member has

1 occurred, the state board shall remove the member from the school council,
2 and the member shall be permanently prohibited from serving on any school
3 council in the district.

4 (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or
5 maintain a school-based decision making council and the powers, duties, and
6 authority granted to a school council may be rescinded or the school council's role
7 may be advisory if the commissioner of education or the Kentucky Board of
8 Education takes action under KRS 160.346.

9 (11) Each school council of a school containing grades K-5 or any combination thereof,
10 or if there is no school council, the principal, shall develop and implement a
11 wellness policy that includes moderate to vigorous physical activity each day and
12 encourages healthy choices among students. The policy may permit physical activity
13 to be considered part of the instructional day, not to exceed thirty (30) minutes per
14 day, or one hundred and fifty (150) minutes per week. Each school council, or if
15 there is no school council, the principal, shall adopt an assessment tool to determine
16 each child's level of physical activity on an annual basis. The council or principal
17 may utilize an existing assessment program. The Kentucky Department of
18 Education shall make available a list of available resources to carry out the
19 provisions of this subsection. The department shall report to the Legislative
20 Research Commission no later than November 1 of each year on how the schools
21 are providing physical activity under this subsection and on the types of physical
22 activity being provided. The policy developed by the school council or principal
23 shall comply with provisions required by federal law, state law, or local board
24 policy.

25 (12) Discretionary authority exercised under subsection (2)(h)2.b. of this section shall
26 not violate provisions of any employer-employee bargained contract existing
27 between the district and its employees.

1 ➔Section 3. KRS 161.720 is amended to read as follows:

- 2 (1) The term "teacher" for the purpose of KRS 161.730 to 161.810 shall mean any
3 person for whom certification is required as a basis of employment in the public
4 schools of the state, with the exception of the superintendent.
- 5 (2) The term "year" as applied to terms of service means actual service of not less than
6 seven (7) school months within a school year; provided, however, that any board of
7 education may grant a leave of absence for professional advancement or military
8 leave for active duty service with full credit for service.
- 9 (3) The term "limited contract" shall mean a contract for the employment of a teacher
10 for a term of one (1) year only or for that portion of the school year that remains at
11 the time of employment.
- 12 (4) The term "continuing service contract" shall mean a contract for the employment of
13 a teacher which shall remain in full force and effect until:
- 14 (a) The teacher resigns or retires;
- 15 (b) ~~The contract~~, ~~or until it~~ is terminated or suspended as provided in KRS
16 161.790 and 161.800; or
- 17 (c) *For contracts entered into on or after July 1, 2019, the teacher begins*
18 *employment in a district-level administrative position in a county school*
19 *district in a county with a consolidated local government adopted under*
20 *KRS Chapter 67C. For purposes of this section and KRS 161.730 to*
21 *161.810, "district-level administrative position" means an administrative*
22 *position in a local school district that has administrative level-duties and*
23 *responsibilities that are not limited to one (1) school in the district.*
- 24 (5) The term "continuing status" means employment of a teacher under a continuing
25 contract.
- 26 (6) The term "standard" or "college" certificate for the purpose of KRS 161.730 to
27 161.810 shall mean any certificate issued upon the basis of graduation from a

1 standard four (4) year college or completion of a local district alternative
2 certification training program.

3 (7) The term "superintendent" for the purpose of KRS 161.765 shall mean the school
4 officer appointed by a board of education under the authority of KRS 160.350 or
5 any person authorized by law to perform the duties of that officer.

6 (8) The term "administrator" for the purpose of KRS 161.765 shall mean a certified
7 employee, below the rank of superintendent, who devotes the majority of his
8 employed time to service as a principal, assistant principal, supervisor, coordinator,
9 director, assistant director, administrative assistant, finance officer, pupil personnel
10 worker, guidance counselor, school psychologist, or school business administrator.
11 The term "administrator" shall also include those assistant, associate, or deputy
12 superintendents who do not fall within the definition of "superintendent" as set forth
13 in subsection (7) of this section.

14 (9) The terms "demote" or "demotion" for the purpose of KRS 161.765 shall mean a
15 reduction in rank from one position on the school district salary schedule to a
16 different position on that schedule for which a lower salary is paid. The terms shall
17 not include lateral transfers to positions of similar rank and pay or minor alterations
18 in pay increments required by the salary schedule.

19 ➔Section 4. KRS 161.740 is amended to read as follows:

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

22 (a) Hold a standard or college certificate as defined in KRS 161.720 or meet the
23 certification standards for vocational education teachers established by the
24 Education Professional Standards Board.

25 (b) When a currently employed teacher is reemployed by the superintendent after
26 teaching four (4) consecutive years in the same district, or after teaching four
27 (4) years which shall fall within a period not to exceed six (6) years in the

1 same district, the year of present employment included, the superintendent
2 shall issue a written continuing contract if the teacher assumes his duties,
3 except as provided in subsection (4) of this section, and the superintendent
4 shall notify the board of the action taken. A limited status employee on
5 approved military leave shall be awarded service credit for each year of
6 military service or each year of combined military and school service within a
7 school year toward continuing contract status. If the leave time will qualify the
8 teacher for continuing contract status, the local district may require the teacher
9 to complete a one (1) year probationary period upon return. If required, the
10 local district shall notify the teacher in writing within fourteen (14) days
11 following receipt of the military leave request. Each day served in the General
12 Assembly by a board of education employee during a regular or extraordinary
13 session shall be included in the computation of a year as defined in KRS
14 161.720(2).

15 (c) When a teacher has attained continuing contract status in one district and
16 becomes employed in another district, the teacher shall retain that status,
17 except as provided in subsection (4) of this section. However, a district may
18 require a one (1) year probationary period of service in that district before
19 granting that status. For purposes of this subsection, the continuing contract of
20 a teacher shall not be terminated when the teacher leaves employment, all
21 provisions of KRS 161.720 to 161.810 to the contrary notwithstanding, and
22 the continuing service contract shall be transferred to the next school district,
23 under conditions set forth in this section, for a period of up to seven (7)
24 months from the time employment in the first school district has terminated.
25 Nothing contained herein shall be construed to give a teacher a right to
26 reemployment in the first school district during the seven (7) month period
27 following termination.

1 (d) Service credit toward a continuing contract shall begin only when a teacher is
2 properly certified as defined in KRS 161.720(6) or, in the case of a vocational
3 education teacher, when the required certification standards established by the
4 Education Professional Standards Board have been met.

5 (2) Vocational education teachers fulfilling the requirements in subsection (1) of this
6 section as of July 15, 1982, shall be eligible for continuing service status.

7 (3) Whether employed under a limited contract or continuing service contract status,
8 any teacher or superintendent who has been or may be hereafter inducted into the
9 Armed Forces of this country, shall at the expiration of service be reemployed or
10 reinstated in a comparable position as of the beginning of the next school year,
11 provided application is made at least thirty (30) days before the opening of school,
12 unless physically or mentally incapacitated according to medical notations on
13 official discharge papers. Vacancies created by military leaves shall be filled by
14 teachers or superintendents employed by the board of education under a limited
15 contract of one (1) year or less.

16 **(4) Beginning July 1, 2019, a teacher employed in a district-level administrative**
17 **position in a county school district in a county with a consolidated local**
18 **government adopted under KRS Chapter 67C shall not be issued a written**
19 **continuing contract. However, if a teacher had a written continuing contract**
20 **prior to becoming employed in a district-level administrative position and**
21 **transfers to another position in the district that is not a district-level**
22 **administrative position, then the teacher shall revert to continuing service**
23 **contract status. If the teacher becomes employed in another district, the teacher**
24 **shall revert to continuing service contract status subject to the provisions of**
25 **subsection (2)(c) of this section regarding probation and the time period for**
26 **transferring a continuing service contract to another school district.**

27 ➔Section 5. KRS 161.765 is amended to read as follows:

- 1 (1) A superintendent may demote an administrator by complying with the
2 requirements of KRS 161.760 when the administrator:~~[who]~~
- 3 (a) Has not completed three (3) years of administrative service, not including
4 leave granted under KRS 161.770; or
- 5 (b) Is in a district-level administrative position in a county school district in a
6 county with a consolidated local government adopted under KRS Chapter
7 67C~~[, by complying with the requirements of KRS 161.760].~~
- 8 (2) Except for an administrator described in subsection (1)(b) of this section, an
9 administrator who has completed three (3) years of administrative service, not
10 including leave granted under KRS 161.770, cannot be demoted unless the
11 following procedures have been complied with:
- 12 (a) The superintendent shall give written notice of the demotion to the board of
13 education and to the administrator. If the administrator wishes to contest the
14 demotion, he shall, within ten (10) days of receipt of the notice, file a written
15 statement of his intent to contest with the superintendent. If the administrator
16 does not make timely filing of his statement of intent to contest, the action
17 shall be final.
- 18 (b) Upon receipt of the notice of intent to contest the demotion, a written
19 statement of grounds for demotion, signed by the superintendent, shall be
20 served on the administrator. The statement shall contain:
- 21 1. A specific and complete statement of grounds upon which the proposed
22 demotion is based, including, where appropriate, dates, times, names,
23 places, and circumstances;
- 24 2. The date, time, and place for a hearing, the date to be not less than
25 twenty (20) nor more than thirty (30) days from the date of service of the
26 statement of grounds for demotion upon the administrator.
- 27 (c) Upon receipt of the statement of grounds for demotion the administrator shall,

1 within ten (10) days, file a written answer. Failure to file such answer, within
2 the stated period, will relieve the board of any further obligation to hold a
3 hearing and the action shall be final. The board shall issue subpoenas as are
4 requested.

5 (d) The hearing on the demotion shall be public or private, at the discretion of the
6 administrator and shall be limited to the matters set forth in the written
7 statement of grounds for demotion. The board shall provide to the
8 administrator a verbatim transcript of the hearing. The board of education
9 shall hear the case, with the board chairman presiding. The board, upon
10 hearing the evidence and argument presented, shall retire to private chambers
11 to arrive at a decision. Counsel or representatives for either party in the
12 hearing shall not be consulted by the board unless the corresponding counsel
13 or representatives for the other party are present and unless a verbatim
14 transcript of such consultation is made for the record.

15 (e) Within five (5) days from the close of the hearing, the board of education shall
16 advise the parties of its decision and shall take official action in the case.

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