

1 AN ACT relating to public education.

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

3 ➔Section 1. KRS 45A.385 is amended to read as follows:

4 ***(1)*** The local public agency may use small purchase procedures for any contract for
5 which a determination is made that the aggregate amount of the contract does not
6 exceed twenty thousand dollars (\$20,000), ***except as described in subsection (2) of***
7 ***this section.*** if small purchase procedures are in writing and available to the public.

8 ***(2)*** ***A county school district in a county with a consolidated local government adopted***
9 ***under KRS Chapter 67C that adopts the provisions of the Kentucky Model***
10 ***Procurement Code shall use small purchase procedures for any contract for***
11 ***which a determination is made that the aggregate amount of the contract does***
12 ***not exceed fifty thousand dollars (\$50,000), if small purchase procedures are in***
13 ***writing and available to the public.***

14 ➔Section 2. KRS 160.370 is amended to read as follows:

15 The superintendent shall be the executive agent of the board that appoints him and shall
16 meet with the board, except when his own tenure, salary, or the administration of his
17 office is under consideration. As executive officer of the board, the superintendent shall
18 see that the laws relating to the schools, the bylaws, rules, and regulations of the
19 Kentucky Board of Education, and the regulations and policies of the district board of
20 education are carried into effect. He may administer the oath required by the board of
21 education to any teacher or other person. He shall be the professional adviser of the board
22 in all matters. He shall prepare, under the direction of the board, all rules, regulations,
23 bylaws, and statements of policy for approval and adoption by the board. He shall have
24 general supervision, subject to the control of the board of education, of the general
25 conduct of the schools, the course of instruction, the discipline of pupils, and the
26 management of business affairs. He shall be responsible for the hiring and dismissal of all
27 personnel in the district. ***For a county school district in a county with a consolidated***

1 local government adopted under KRS Chapter 67C that adopts the provisions of the
2 Kentucky Model Procurement Code, the superintendent shall have sole authority to
3 approve small purchases described in subsection (2) of Section 1 of this Act.

4 →Section 3. KRS 160.345 is amended to read as follows:

5 (1) For the purpose of this section:

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

10 (b) "School" means an elementary or secondary educational institution that is
11 under the administrative control of a principal and is not a program or part of
12 another school. The term "school" does not include district-operated schools
13 that are:

- 14 1. Exclusively vocational-technical, special education, or preschool
15 programs;
- 16 2. Instructional programs operated in institutions or schools outside of the
17 district; or
- 18 3. Alternative schools designed to provide services to at-risk populations
19 with unique needs;

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

23 (d) "Parent" means:

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

27 (2) Each local board of education shall adopt a policy for implementing school-based

1 decision making in the district which shall include, but not be limited to, a
2 description of how the district's policies, including those developed pursuant to
3 KRS 160.340, have been amended to allow the professional staff members of a
4 school to be involved in the decision making process as they work to meet
5 educational goals established in KRS 158.645 and 158.6451. The policy may
6 include a requirement that each school council make an annual report at a public
7 meeting of the board describing the school's progress in meeting the educational
8 goals set forth in KRS 158.6451 and district goals established by the board. The
9 policy shall also address and comply with the following:

10 (a) Except as provided in paragraph (b)2. of this subsection, each participating
11 school shall form a school council composed of two (2) parents, three (3)
12 teachers, and the principal or administrator. The membership of the council
13 may be increased, but it may only be increased proportionately. A parent
14 representative on the council shall not be an employee or a relative of an
15 employee of the school in which that parent serves, nor shall the parent
16 representative be an employee or a relative of an employee in the district
17 administrative offices. A parent representative shall not be a local board
18 member or a board member's spouse. None of the members shall have a
19 conflict of interest pursuant to KRS Chapter 45A, except the salary paid to
20 district employees;

21 (b) 1. The teacher representatives shall be elected for one (1) year terms by a
22 majority of the teachers. A teacher elected to a school council shall not
23 be involuntarily transferred during his or her term of office. The parent
24 representatives shall be elected for one (1) year terms. The parent
25 members shall be elected by the parents of students preregistered to
26 attend the school during the term of office in an election conducted by
27 the parent and teacher organization of the school or, if none exists, the

1 largest organization of parents formed for this purpose. A school
2 council, once elected, may adopt a policy setting different terms of
3 office for parent and teacher members subsequently elected. The
4 principal shall be the chair of the school council.

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

11 a. Organizing a special election to elect an additional member. The
12 principal shall call for nominations and shall notify the parents of
13 the students of the date, time, and location of the election to elect a
14 minority parent to the council by ballot; and

15 b. Allowing the teachers in the building to select one (1) minority
16 teacher to serve as a teacher member on the council. If there are no
17 minority teachers who are members of the faculty, an additional
18 teacher member shall be elected by a majority of all teachers. Term
19 limitations shall not apply for a minority teacher member who is
20 the only minority on faculty;

21 (c) 1. The school council shall have the responsibility to set school policy
22 consistent with district board policy which shall provide an environment
23 to enhance the students' achievement and help the school meet the goals
24 established by KRS 158.645 and 158.6451. The principal shall be the
25 primary administrator and the instructional leader of the school, and
26 with the assistance of the total school staff shall administer the policies
27 established by the school council and the local board.

- 1 2. If a school council establishes committees, it shall adopt a policy to
2 facilitate the participation of interested persons, including, but not
3 limited to, classified employees and parents. The policy shall include the
4 number of committees, their jurisdiction, composition, and the process
5 for membership selection;
- 6 (d) The school council and each of its committees shall determine the frequency
7 of and agenda for their meetings. Matters relating to formation of school
8 councils that are not provided for by this section shall be addressed by local
9 board policy;
- 10 (e) The meetings of the school council shall be open to the public and all
11 interested persons may attend. However, the exceptions to open meetings
12 provided in KRS 61.810 shall apply;
- 13 (f) After receiving notification of the funds available for the school from the local
14 board, the school council shall determine, within the parameters of the total
15 available funds, the number of persons to be employed in each job
16 classification at the school. The council may make personnel decisions on
17 vacancies occurring after the school council is formed but shall not have the
18 authority to recommend transfers or dismissals;
- 19 (g) The school council shall determine which textbooks, instructional materials,
20 and student support services shall be provided in the school. Subject to
21 available resources, the local board shall allocate an appropriation to each
22 school that is adequate to meet the school's needs related to instructional
23 materials and school-based student support services, as determined by the
24 school council. The school council shall consult with the school media
25 librarian on the maintenance of the school library media center, including the
26 purchase of instructional materials, information technology, and equipment;
- 27 (h) Personnel decisions at the school level shall be as follows:

- 1 1. From a list of qualified applicants submitted by the local superintendent,
2 the principal at the participating school shall select personnel to fill
3 vacancies, after consultation with the school council, consistent with
4 paragraph (i)11. of this subsection. The superintendent shall provide
5 additional applicants to the principal upon request when qualified
6 applicants are available. The superintendent may forward to the school
7 council the names of qualified applicants who have pending certification
8 from the Education Professional Standards Board based on recent
9 completion of preparation requirements, out-of-state preparation, or
10 alternative routes to certification pursuant to KRS 161.028 and 161.048.
11 Requests for transfer shall conform to any employer-employee bargained
12 contract which is in effect;
- 13 2. a. i. If the vacancy to be filled is the position of principal, the
14 outgoing principal shall not serve on the council during the
15 principal selection process. The superintendent or the
16 superintendent's designee shall serve as the chair of the
17 council for the purpose of the hiring process and shall have
18 voting rights during the selection process.
- 19 ii. Except as provided in subdivision b. of this subparagraph,
20 the council shall have access to the applications of all
21 persons certified for the position. The principal shall be
22 elected on a majority vote of the membership of the council. ~~¶~~
23 ~~No principal who has been previously removed from a~~
24 ~~position in the district for cause may be considered for~~
25 ~~appointment as principal.¶~~ The school council shall receive
26 training in recruitment and interviewing techniques prior to
27 carrying out the process of selecting a principal. The council

- 1 shall select the trainer to deliver the training;
- 2 b. An alternative principal selection process may be used by the
- 3 school council as follows:
- 4 i. Prior to a meeting called to select a principal, all school
- 5 council members shall receive informational materials
- 6 regarding Kentucky open records and open meetings laws
- 7 and sign a nondisclosure agreement forbidding the sharing of
- 8 information shared and discussions held in the closed
- 9 session;
- 10 ii. The superintendent shall convene the school council and
- 11 move into closed session as provided in KRS 61.810(1)(f) to
- 12 confidentially recommend a candidate;
- 13 iii. The council shall have the option to interview the
- 14 recommended candidate while in closed session; and
- 15 iv. After any discussion, at the conclusion of the closed session,
- 16 the council shall decide, in a public meeting by majority vote
- 17 of the membership of the council, whether to accept or reject
- 18 the recommended principal candidate;
- 19 c. If the recommended candidate is selected, and the recommended
- 20 candidate accepts the offer, the name of the candidate shall be
- 21 made public during the next meeting in open session;
- 22 d. i. If the recommended candidate is not accepted by the school
- 23 council under subdivision b. of this subparagraph, then the
- 24 process set forth in subdivision a. of this subparagraph shall
- 25 apply.
- 26 ii. The confidentially recommended candidate's name and the
- 27 discussions of the closed session shall remain confidential

- 1 under KRS 61.810(1)(f), and any documents used or
2 generated during the closed meeting shall not be subject to an
3 open records request as provided in KRS 61.878(1)(i) and (j).
- 4 iii. A recommended candidate who believes a violation of this
5 subdivision has occurred may file a written complaint with
6 the Kentucky Board of Education.
- 7 iv. A school council member who is found to have disclosed
8 confidential information regarding the proceeding of the
9 closed session shall be subject to removal from the school
10 council by the Kentucky Board of Education under
11 subsection (9)(e) of this section;
- 12 3. *No principal who has been previously removed from a position in the*
13 *district for cause may be considered for appointment as principal in*
14 *that district.*
- 15 4. Personnel decisions made at the school level under the authority of
16 subparagraphs 1. and 2. of this paragraph shall be binding on the
17 superintendent who completes the hiring process;
- 18 ~~5.~~ Applicants subsequently employed shall provide evidence that they are
19 certified prior to assuming the duties of a position in accordance with
20 KRS 161.020; ~~and~~
- 21 ~~6.~~ Notwithstanding other provisions of this paragraph, if the applicant is
22 the spouse of the superintendent and the applicant meets the service
23 requirements of KRS 160.380(2)(e), the applicant shall only be
24 employed upon the recommendation of the principal and the approval of
25 a majority vote of the school council; and
- 26 7. *Beginning with the effective date of this Act, notwithstanding*
27 *subparagraphs 1. and 2. of this paragraph, if the school council is in a*

1 county school district in a county with a consolidated local
2 government adopted under KRS Chapter 67C, then the superintendent
3 may choose to conduct the hiring process and appoint a principal
4 without the participation of the school council;

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

- 7 1. Determination of curriculum, including needs assessment, curriculum
8 development and responsibilities under KRS 158.6453(19);
- 9 2. Assignment of all instructional and noninstructional staff time;
- 10 3. Assignment of students to classes and programs within the school;
- 11 4. Determination of the schedule of the school day and week, subject to the
12 beginning and ending times of the school day and school calendar year
13 as established by the local board;
- 14 5. Determination of use of school space during the school day related to
15 improving classroom teaching and learning;
- 16 6. Planning and resolution of issues regarding instructional practices;
- 17 7. Selection and implementation of discipline and classroom management
18 techniques as a part of a comprehensive school safety plan, including
19 responsibilities of the student, parent, teacher, counselor, and principal;
- 20 8. Selection of extracurricular programs and determination of policies
21 relating to student participation based on academic qualifications and
22 attendance requirements, program evaluation, and supervision;
- 23 9. Adoption of an emergency plan as required in KRS 158.162;
- 24 10. Procedures, consistent with local school board policy, for determining
25 alignment with state standards, technology utilization, and program
26 appraisal; and
- 27 11. Procedures to assist the council with consultation in the selection of

1 personnel by the principal, including but not limited to meetings,
2 timelines, interviews, review of written applications, and review of
3 references. Procedures shall address situations in which members of the
4 council are not available for consultation; and

5 (j) Each school council shall annually review data as shown on state and local
6 student assessments required under KRS 158.6453. The data shall include but
7 not be limited to information on performance levels of all students tested, and
8 information on the performance of students disaggregated by race, gender,
9 disability, and participation in the federal free and reduced price lunch
10 program. After completing the review of data, each school council, with the
11 involvement of parents, faculty, and staff, shall develop and adopt a plan to
12 ensure that each student makes progress toward meeting the goals set forth in
13 KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan
14 to the superintendent and local board of education for review as described in
15 KRS 160.340. The Kentucky Department of Education shall provide each
16 school council the data needed to complete the review required by this
17 paragraph no later than October 1 of each year. If a school does not have a
18 council, the review shall be completed by the principal with the involvement
19 of parents, faculty, and staff.

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

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

25 (b) Assessment of individual student progress, including testing and reporting of
26 student progress to students, parents, the school district, the community, and
27 the state;

- 1 (c) School improvement plans, including the form and function of strategic
2 planning and its relationship to district planning, as well as the school safety
3 plan and requests for funding from the Center for School Safety under KRS
4 158.446;
- 5 (d) Professional development plans developed pursuant to KRS 156.095;
- 6 (e) Parent, citizen, and community participation including the relationship of the
7 council with other groups;
- 8 (f) Cooperation and collaboration within the district, with other districts, and with
9 other public and private agencies;
- 10 (g) Requirements for waiver of district policies;
- 11 (h) Requirements for record keeping by the school council; and
- 12 (i) A process for appealing a decision made by a school council.
- 13 (4) In addition to the authority granted to the school council in this section, the local
14 board may grant to the school council any other authority permitted by law. The
15 board shall make available liability insurance coverage for the protection of all
16 members of the school council from liability arising in the course of pursuing their
17 duties as members of the council.
- 18 (5) All schools shall implement school-based decision making in accordance with this
19 section and with the policy adopted by the local board pursuant to this section.
20 Upon favorable vote of a majority of the faculty at the school and a majority of at
21 least twenty-five (25) voting parents of students enrolled in the school, a school
22 meeting its goal as determined by the Department of Education pursuant to KRS
23 158.6455 may apply to the Kentucky Board of Education for exemption from the
24 requirement to implement school-based decision making, and the state board shall
25 grant the exemption. The voting by the parents on the matter of exemption from
26 implementing school-based decision making shall be in an election conducted by
27 the parent and teacher organization of the school or, if none exists, the largest

1 organization of parents formed for this purpose. Notwithstanding the provisions of
2 this section, a local school district shall not be required to implement school-based
3 decision making if the local school district contains only one (1) school.

4 (6) The Department of Education shall provide professional development activities to
5 assist schools in implementing school-based decision making. School council
6 members elected for the first time shall complete a minimum of six (6) clock hours
7 of training in the process of school-based decision making, no later than thirty (30)
8 days after the beginning of the service year for which they are elected to serve.
9 School council members who have served on a school council at least one (1) year
10 shall complete a minimum of three (3) clock hours of training in the process of
11 school-based decision making no later than one hundred twenty (120) days after the
12 beginning of the service year for which they are elected to serve. Experienced
13 members may participate in the training for new members to fulfill their training
14 requirement. School council training required under this subsection shall be
15 conducted by trainers endorsed by the Department of Education. By November 1 of
16 each year, the principal through the local superintendent shall forward to the
17 Department of Education the names and addresses of each council member and
18 verify that the required training has been completed. School council members
19 elected to fill a vacancy shall complete the applicable training within thirty (30)
20 days of their election.

21 (7) A school that chooses to have school-based decision making but would like to be
22 exempt from the administrative structure set forth by this section may develop a
23 model for implementing school-based decision making, including but not limited to
24 a description of the membership, organization, duties, and responsibilities of a
25 school council. The school shall submit the model through the local board of
26 education to the commissioner of education and the Kentucky Board of Education,
27 which shall have final authority for approval. The application for approval of the

1 model shall show evidence that it has been developed by representatives of the
2 parents, students, certified personnel, and the administrators of the school and that
3 two-thirds (2/3) of the faculty have agreed to the model.

4 (8) The Kentucky Board of Education, upon recommendation of the commissioner of
5 education, shall adopt by administrative regulation a formula by which school
6 district funds shall be allocated to each school council. Included in the school
7 council formula shall be an allocation for professional development that is at least
8 sixty-five percent (65%) of the district's per pupil state allocation for professional
9 development for each student in average daily attendance in the school. The school
10 council shall plan professional development in compliance with requirements
11 specified in KRS 156.095, except as provided in KRS 158.649. School councils of
12 small schools shall be encouraged to work with other school councils to maximize
13 professional development opportunities.

14 (9) (a) No board member, superintendent of schools, district employee, or member of
15 a school council shall intentionally engage in a pattern of practice which is
16 detrimental to the successful implementation of or circumvents the intent of
17 school-based decision making to allow the professional staff members of a
18 school and parents to be involved in the decision making process in working
19 toward meeting the educational goals established in KRS 158.645 and
20 158.6451 or to make decisions in areas of policy assigned to a school council
21 pursuant to paragraph (i) of subsection (2) of this section.

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

26 (c) The Kentucky Board of Education shall conduct a hearing in accordance with
27 KRS Chapter 13B for complaints referred by the Office of Education

1 Accountability.

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

7 (e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the
8 state board determines a violation of the confidentiality requirements set forth
9 in subsection (2)(h)2. of this section by a school council member has
10 occurred, the state board shall remove the member from the school council,
11 and the member shall be permanently prohibited from serving on any school
12 council in the district.

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

18 (11) Each school council of a school containing grades K-5 or any combination thereof,
19 or if there is no school council, the principal, shall develop and implement a
20 wellness policy that includes moderate to vigorous physical activity each day and
21 encourages healthy choices among students. The policy may permit physical activity
22 to be considered part of the instructional day, not to exceed thirty (30) minutes per
23 day, or one hundred and fifty (150) minutes per week. Each school council, or if
24 there is no school council, the principal, shall adopt an assessment tool to determine
25 each child's level of physical activity on an annual basis. The council or principal
26 may utilize an existing assessment program. The Kentucky Department of
27 Education shall make available a list of available resources to carry out the

1 provisions of this subsection. The department shall report to the Legislative
 2 Research Commission no later than November 1 of each year on how the schools
 3 are providing physical activity under this subsection and on the types of physical
 4 activity being provided. The policy developed by the school council or principal
 5 shall comply with provisions required by federal law, state law, or local board
 6 policy.

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

10 ➔Section 4. KRS 161.720 is amended to read as follows:

11 (1) The term "teacher" for the purpose of KRS 161.730 to 161.810 shall mean any
 12 person for whom certification is required as a basis of employment in the public
 13 schools of the state, with the exception of the superintendent.

14 (2) The term "year" as applied to terms of service means actual service of not less than
 15 seven (7) school months within a school year; provided, however, that any board of
 16 education may grant a leave of absence for professional advancement or military
 17 leave for active duty service with full credit for service.

18 (3) The term "limited contract" shall mean a contract for the employment of a teacher
 19 for a term of one (1) year only or for that portion of the school year that remains at
 20 the time of employment.

21 (4) The term "continuing service contract" shall mean a contract for the employment of
 22 a teacher which shall remain in full force and effect until:

23 (a) The teacher resigns or retires;

24 (b) *The contract*, ~~or until it~~ is terminated or suspended as provided in KRS
 25 161.790 and 161.800; or

26 (c) *For contracts entered into on or after July 1, 2019, the teacher begins*
 27 *employment in an administrative position that reports directly to the*

1 *superintendent in a county school district in a county with a consolidated*
2 *local government adopted under KRS Chapter 67C.*

- 3 (5) The term "continuing status" means employment of a teacher under a continuing
4 contract.
- 5 (6) The term "standard" or "college" certificate for the purpose of KRS 161.730 to
6 161.810 shall mean any certificate issued upon the basis of graduation from a
7 standard four (4) year college or completion of a local district alternative
8 certification training program.
- 9 (7) The term "superintendent" for the purpose of KRS 161.765 shall mean the school
10 officer appointed by a board of education under the authority of KRS 160.350 or
11 any person authorized by law to perform the duties of that officer.
- 12 (8) The term "administrator" for the purpose of KRS 161.765 shall mean a certified
13 employee, below the rank of superintendent, who devotes the majority of his
14 employed time to service as a principal, assistant principal, supervisor, coordinator,
15 director, assistant director, administrative assistant, finance officer, pupil personnel
16 worker, guidance counselor, school psychologist, or school business administrator.
17 The term "administrator" shall also include those assistant, associate, or deputy
18 superintendents who do not fall within the definition of "superintendent" as set forth
19 in subsection (7) of this section.
- 20 (9) The terms "demote" or "demotion" for the purpose of KRS 161.765 shall mean a
21 reduction in rank from one position on the school district salary schedule to a
22 different position on that schedule for which a lower salary is paid. The terms shall
23 not include lateral transfers to positions of similar rank and pay or minor alterations
24 in pay increments required by the salary schedule.
- 25 ➔Section 5. KRS 161.740 is amended to read as follows:
- 26 (1) Teachers eligible for continuing service status in any school district shall be those
27 teachers who meet qualifications listed in this section:

- 1 (a) Hold a standard or college certificate as defined in KRS 161.720 or meet the
2 certification standards for vocational education teachers established by the
3 Education Professional Standards Board.
- 4 (b) When a currently employed teacher is reemployed by the superintendent after
5 teaching four (4) consecutive years in the same district, or after teaching four
6 (4) years which shall fall within a period not to exceed six (6) years in the
7 same district, the year of present employment included, the superintendent
8 shall issue a written continuing contract if the teacher assumes his duties,
9 except as provided in subsection (4) of this section, and the superintendent
10 shall notify the board of the action taken. A limited status employee on
11 approved military leave shall be awarded service credit for each year of
12 military service or each year of combined military and school service within a
13 school year toward continuing contract status. If the leave time will qualify the
14 teacher for continuing contract status, the local district may require the teacher
15 to complete a one (1) year probationary period upon return. If required, the
16 local district shall notify the teacher in writing within fourteen (14) days
17 following receipt of the military leave request. Each day served in the General
18 Assembly by a board of education employee during a regular or extraordinary
19 session shall be included in the computation of a year as defined in KRS
20 161.720(2).
- 21 (c) When a teacher has attained continuing contract status in one district and
22 becomes employed in another district, the teacher shall retain that status,
23 except as provided in subsection (4) of this section. However, a district may
24 require a one (1) year probationary period of service in that district before
25 granting that status. For purposes of this subsection, the continuing contract of
26 a teacher shall not be terminated when the teacher leaves employment, all
27 provisions of KRS 161.720 to 161.810 to the contrary notwithstanding, and

1 the continuing service contract shall be transferred to the next school district,
2 under conditions set forth in this section, for a period of up to seven (7)
3 months from the time employment in the first school district has terminated.
4 Nothing contained herein shall be construed to give a teacher a right to
5 reemployment in the first school district during the seven (7) month period
6 following termination.

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

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

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

22 **(4) Beginning July 1, 2019, a teacher employed in an administrative position that**
23 **reports directly to the superintendent in a county school district in a county with a**
24 **consolidated local government adopted under KRS Chapter 67C shall not be**
25 **issued a written continuing contract.**

26 ➔Section 6. KRS 161.765 is amended to read as follows:

27 (1) A superintendent may demote an administrator **by complying with the**

1 requirements of KRS 161.760 when the administrator:~~[who]~~

2 (a) Has not completed three (3) years of administrative service, not including
3 leave granted under KRS 161.770; or

4 (b) Is in an administrative position that reports directly to the superintendent in
5 a county school district in a county with a consolidated local government
6 adopted under KRS Chapter 67C~~[, by complying with the requirements of~~
7 ~~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.