

1 AN ACT relating to school district superintendents.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) In addition to other methods of removal as provided in Section 2 of this Act, a*
6 *superintendent of a school district shall be subject to recall from office.*

7 *(2) (a) Any ten (10) registered and qualified voters who reside in the school district*
8 *may commence petition proceedings to recall the superintendent of a school*
9 *district by filing a superintendent recall affidavit with the county clerk of*
10 *the county in which the school district is located.*

11 *(b) The ten (10) registered and qualified voters who reside in the school district*
12 *and have signed the superintendent recall affidavit shall constitute the*
13 *membership of the petition committee.*

14 *(c) The petition committee shall be responsible for:*

15 *1. Circulating the superintendent recall petition; and*

16 *2. Properly filing the petition for a superintendent recall election with*
17 *the county clerk.*

18 *(3) A superintendent recall affidavit shall state:*

19 *(a) The names and addresses of the membership of the petition committee;*

20 *(b) The address to which all notices to the committee are to be sent; and*

21 *(c) For petition committees filing petitions to recall the superintendent of a*
22 *school district that is primarily located in a county containing an urban-*
23 *county government or a consolidated local government, whether the petition*
24 *committee is willing to incur all of the expenses associated with electronic*
25 *petition signatures. If the petition committee is not willing to incur all the*
26 *expenses, then electronic petition signatures shall not be allowed for the*
27 *petition.*

1 (4) A superintendent recall affidavit shall not be filed:

2 (a) Within ninety (90) days of the initial appointment of the superintendent; or

3 (b) Less than one hundred and eighty (180) days prior to the regular election
4 the recall question would appear on the ballot.

5 (5) Upon receipt of a superintendent recall affidavit filed in accordance with this
6 section, the county clerk shall immediately notify the petition committee:

7 (a) Of all statutory requirements for the filing of a valid superintendent recall
8 petition under this section; and

9 (b) That the clerk will publish a notice of the superintendent recall petition and
10 provide the names and addresses of the petition committee in a newspaper
11 of general circulation within the county, if:

12 1. There is a newspaper within the county in which to publish the notice;

13 2. The petition committee remits an amount equal to the cost of
14 publishing the notice determined in accordance with KRS 424.160 at
15 the time of the filing of the superintendent recall affidavit. If the
16 petition committee elects to have the notice published, the clerk shall
17 publish the notice within five (5) days of receipt of the superintendent
18 recall affidavit; and

19 3. A copy of the superintendent recall affidavit is delivered to the
20 superintendent and the local board of education.

21 (6) (a) A superintendent recall petition shall meet the following requirements:

22 1. All papers of the petition shall be substantially uniform in size and
23 style and shall be assembled in one (1) instrument for filing;

24 2. Each sheet of the petition may contain the names of voters from more
25 than one (1) voting precinct;

26 3. Each nonelectronic petition signature shall be executed in ink or
27 indelible pencil;

- 1 4. Each electronic petition signature shall comply with the requirements
- 2 of the Uniform Electronic Transactions Act, KRS 369.101 to 369.120;
- 3 5. Each petition signature shall be followed by the printed name, street
- 4 address, birth month, and birth year of the person signing; and
- 5 6. a. The petition shall be signed by at least five thousand (5,000)
- 6 registered and qualified voters residing in the affected school
- 7 district or signed by a number of registered and qualified voters
- 8 residing in the affected school district equal to at least ten
- 9 percent (10%) of the total number of votes cast in the last
- 10 preceding presidential election, whichever is less.
- 11 b. Electronic petition signatures shall be included in determining
- 12 whether the required number of petition signatures have been
- 13 obtained when the:
- 14 i. Expenses associated with the electronic petition signatures
- 15 have been incurred in accordance with subsection (3)(c) of
- 16 this section;
- 17 ii. Electronic petition signatures comply with the
- 18 requirements of this subsection; and
- 19 iii. Petition was filed to recall a superintendent of a school
- 20 district that is primarily located in a county containing an
- 21 urban-county government or a consolidated local
- 22 government.
- 23 c. The inclusion of an invalid petition signature on a page shall not
- 24 invalidate the entire page of the petition, but shall instead result
- 25 in the invalid petition signature being stricken and not counted.
- 26 (b) The county clerk shall immediately notify the local board of education and
- 27 the superintendent that the superintendent recall petition has been received

1 and make a determination within thirty (30) days of the receipt of the
2 petition of whether the petition contains enough signatures of registered
3 and qualified voters to place the question of recall of the superintendent
4 before the voters.

5 (c) If the county clerk finds the superintendent recall petition to be sufficient,
6 the clerk shall certify to the petition committee, the superintendent, and the
7 local board of education within the thirty (30) day period provided for in
8 paragraph (b) of this subsection that the petition is properly presented and
9 in compliance with the provisions of this section, and that the question of
10 recall of the superintendent will be placed before the voters.

11 (d) If the county clerk finds the superintendent recall petition to be insufficient,
12 the clerk shall, within the thirty (30) day period provided for in paragraph
13 (b) of this subsection, notify, in writing, the petition committee, the
14 superintendent, and the local board of education of the specific deficiencies
15 found. Notification shall be sent by certified mail and shall be published at
16 least one (1) time in a newspaper of general circulation within the county
17 containing the school district. If there is not a newspaper within the county
18 in which to publish the notification, the notification shall be posted at the
19 courthouse door.

20 (e) A final determination of the sufficiency of a superintendent recall petition
21 shall be subject to final review by the Circuit Court of the county in which
22 the school district is located and shall be limited to the validity of the county
23 clerk's determination. An action challenging the county clerk's final
24 determination shall be filed within ten (10) days of the issuance of the
25 clerk's final determination.

26 (f) The superintendent may cause the cancellation of the superintendent recall
27 election by resigning from the position of superintendent within fifteen (15)

1 days following the date the clerk finds the superintendent recall petition to
2 be sufficient. A local board of education shall not be permitted to provide
3 any post-employment compensation or benefits to a superintendent that
4 resigns during pending superintendent recall petition proceedings,
5 including but not limited to any severance benefits.

6 (7) (a) If an election is necessary under subsection (6) of this section, the local
7 board of education shall cause to be submitted to the voters of the district in
8 a called common school election not less than thirty-five (35) days nor more
9 than forty-five (45) days from the date the signatures on the petition are
10 validated by the county clerk, or at the next regular election, at the option of
11 the district board of education, the question as to whether the
12 superintendent of the school district shall be recalled. The cost of a called
13 common school election shall be borne by the school district holding the
14 election. Any called common school election shall comply with the
15 provisions of KRS 118.025.

16 (b) If an election under paragraph (a) of this subsection is held in conjunction
17 with a regular election, the question as to whether the superintendent shall
18 be recalled shall be submitted to the county clerk no later than the second
19 Tuesday in August preceding the regular election.

20 (c) In an election held under paragraph (a) of this subsection, the question
21 shall be framed to ask whether the voter is for recalling the superintendent.
22 If a majority of the votes cast upon the question favor the recall, the recall
23 of the superintendent shall become effective.

24 (d) Local, state, and federal tax dollars shall not be used to advocate, in partial
25 terms, for or against any public question that appears on the ballot in this
26 subsection. For purposes of this subsection, "local" means any city, county,
27 urban-county government, consolidated local government, unified local

1 government, charter county, or special district.

2 (8) The forms required under subsections (2) and (3) of this section shall be provided
3 by the State Board of Elections by administrative regulation promulgated in
4 accordance with KRS Chapter 13A.

5 ➔Section 2. KRS 160.350 is amended to read as follows:

6 (1) After considering the recommendations of a screening committee, as provided in
7 KRS 160.352, each board of education shall appoint a superintendent of schools
8 whose term of office shall begin on July 1, following the individual's appointment.
9 The appointment may be for a term of no more than four (4) years. In the event a
10 vacancy occurs in the office of superintendent prior to the expiration of the term set
11 by the board, the term shall expire on the date the vacancy occurs. Therefore, the
12 board may appoint a superintendent for a new term as provided in this subsection,
13 which shall begin on the date of the superintendent's appointment, except when the
14 vacancy occurs after a school board election and before the newly elected members
15 take office. When a vacancy occurs during this period, the position shall not be
16 filled until the new members take office, but the board may appoint an acting
17 superintendent to serve a term not to exceed six (6) months. This appointment may
18 be renewed once for a period not to exceed three (3) months. If a vacancy occurs, a
19 local board may also appoint an acting superintendent during the period the
20 screening committee pursuant to KRS 160.352 conducts its business and prior to
21 the actual appointment of the new superintendent. No superintendent shall resign
22 during a term and accept a new term from the same board of education prior to the
23 expiration date of the present term. In the case of a vacancy in the office for an
24 unexpired term, the board of education shall make the appointment so that the term
25 will end on June 30. The board shall set the salary of the superintendent to be paid
26 in regular installments.

27 (2) An individual shall not assume the duties of superintendent in a district until he or

1 she provides the board of education with a copy of a certificate for school
2 superintendent issued by the Education Professional Standards Board or its legal
3 predecessor. A superintendent shall hold a valid certificate throughout the period of
4 employment. A superintendent shall successfully complete the training program and
5 assessment center process within two (2) years of assuming the duties of
6 superintendent. A superintendent shall not serve as director or officer of a bank,
7 trust company, or savings or loan association that has the school district's funds on
8 deposit. Following appointment, the superintendent shall establish residency in
9 Kentucky.

10 (3) A superintendent of schools may be removed for cause by a vote of four-fifths (4/5)
11 of the membership of a board of education and upon approval by the commissioner
12 of education. However, if the dismissal of the superintendent has been
13 recommended by a highly skilled certified educator pursuant to KRS 158.6455 and
14 the action is approved by the commissioner of education, the board shall terminate
15 the superintendent's contract. Written notice setting out the charges for removal
16 shall be spread on the minutes of the board and given to the superintendent. The
17 board shall seek approval by the commissioner of education for removing the
18 superintendent. The commissioner of education shall investigate the accuracy of the
19 charges made, evaluate the superintendent's overall performance during the
20 superintendent's appointment, and consider the educational performance of the
21 students in the district. Within thirty (30) days of notification, the commissioner of
22 education shall either approve or reject the board's request.

23 (4) **A superintendent of schools may be recalled from his or her position by the voters**
24 **of the school district pursuant to Section 1 of this Act.**

25 (5) After the completion of a superintendent's first contract or after four (4) years,
26 whichever comes last, the board of education may, no later than June 30, extend the
27 contract of the superintendent for one (1) additional year beyond the current term of

1 employment.