

1 AN ACT relating to public education.

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

3 ➔Section 1. KRS 160.370 is amended to read as follows:

4 **(1)** The superintendent shall be the executive agent of the board that appoints him and  
5 shall meet with the board, except when his own tenure, salary, or the administration  
6 of his office is under consideration. As executive officer of the board, the  
7 superintendent shall see that the laws relating to the schools, the bylaws, rules, and  
8 regulations of the Kentucky Board of Education, and the regulations and policies of  
9 the district board of education are carried into effect. He may administer the oath  
10 required by the board of education to any teacher or other person. He shall be the  
11 professional adviser of the board in all matters. He shall prepare, under the direction  
12 of the board, all rules, regulations, bylaws, and statements of policy for approval  
13 and adoption by the board. He shall have general supervision, subject to the control  
14 of the board of education, of the general conduct of the schools, the course of  
15 instruction, the discipline of pupils, and the management of business affairs. He  
16 shall be responsible for the hiring and dismissal of all personnel in the district.

17 **(2) For a county school district in a county with a consolidated local government**  
18 **adopted under KRS Chapter 67C that adopts the provisions of the Kentucky**  
19 **Model Procurement Code, the board shall authorize the superintendent to**  
20 **approve purchases, in accordance with small purchase procedures adopted by the**  
21 **board, for any contract for which a determination is made that the aggregate**  
22 **amount of the contract does not exceed twenty thousand dollars (\$20,000). The**  
23 **superintendent shall provide a quarterly report to the board on any purchases**  
24 **made under this subsection.**

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

26 (1) For the purpose of this section:

27 (a) "Minority" means American Indian; Alaskan native; African-American;

1 Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or  
2 South American origin; Pacific islander; or other ethnic group  
3 underrepresented in the school;

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

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

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

17 (d) "Parent" means:

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

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

1 meeting of the board describing the school's progress in meeting the educational  
2 goals set forth in KRS 158.6451 and district goals established by the board. The  
3 policy shall also address and comply with the following:

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

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

26 2. School councils in schools having eight percent (8%) or more minority  
27 students enrolled, as determined by the enrollment on the preceding

1           October 1, shall have at least one (1) minority member. If the council  
2           formed under paragraph (a) of this subsection does not have a minority  
3           member, the principal, in a timely manner, shall be responsible for  
4           carrying out the following:

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

9           b.     Allowing the teachers in the building to select one (1) minority  
10          teacher to serve as a teacher member on the council. If there are no  
11          minority teachers who are members of the faculty, an additional  
12          teacher member shall be elected by a majority of all teachers. Term  
13          limitations shall not apply for a minority teacher member who is  
14          the only minority on faculty;

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

22          2.     If a school council establishes committees, it shall adopt a policy to  
23          facilitate the participation of interested persons, including, but not  
24          limited to, classified employees and parents. The policy shall include the  
25          number of committees, their jurisdiction, composition, and the process  
26          for membership selection;

27          (d)    The school council and each of its committees shall determine the frequency

1 of and agenda for their meetings. Matters relating to formation of school  
2 councils that are not provided for by this section shall be addressed by local  
3 board policy;

4 (e) The meetings of the school council shall be open to the public and all  
5 interested persons may attend. However, the exceptions to open meetings  
6 provided in KRS 61.810 shall apply;

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

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

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

22 1. From a list of qualified applicants submitted by the local superintendent,  
23 the principal at the participating school shall select personnel to fill  
24 vacancies, after consultation with the school council, consistent with  
25 paragraph (i)11. of this subsection. The superintendent shall provide  
26 additional applicants to the principal upon request when qualified  
27 applicants are available. The superintendent may forward to the school

1 council the names of qualified applicants who have pending certification  
2 from the Education Professional Standards Board based on recent  
3 completion of preparation requirements, out-of-state preparation, or  
4 alternative routes to certification pursuant to KRS 161.028 and 161.048.  
5 Requests for transfer shall conform to any employer-employee bargained  
6 contract which is in effect;

7 2. a. i. If the vacancy to be filled is the position of principal, the  
8 outgoing principal shall not serve on the council during the  
9 principal selection process. The superintendent or the  
10 superintendent's designee shall serve as the chair of the  
11 council for the purpose of the hiring process and shall have  
12 voting rights during the selection process.

13 ii. Except as provided in subdivision b. of this subparagraph,  
14 the council shall have access to the applications of all  
15 persons certified for the position. The principal shall be  
16 elected on a majority vote of the membership of the council. ~~¶~~  
17 ~~No principal who has been previously removed from a~~  
18 ~~position in the district for cause may be considered for~~  
19 ~~appointment as principal.¶~~ The school council shall receive  
20 training in recruitment and interviewing techniques prior to  
21 carrying out the process of selecting a principal. The council  
22 shall select the trainer to deliver the training;

23 b. An alternative principal selection process may be used by the  
24 school council as follows:

25 i. Prior to a meeting called to select a principal, all school  
26 council members shall receive informational materials  
27 regarding Kentucky open records and open meetings laws

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

- 1                   iv. A school council member who is found to have disclosed  
2 confidential information regarding the proceeding of the  
3 closed session shall be subject to removal from the school  
4 council by the Kentucky Board of Education under  
5 subsection (9)(e) of this section;
- 6           3. *No principal who has been previously removed from a position in the*  
7 *district for cause may be considered for appointment as principal in*  
8 *that district.*
- 9           4. Personnel decisions made at the school level under the authority of  
10 subparagraphs 1. and 2. of this paragraph shall be binding on the  
11 superintendent who completes the hiring process;
- 12           5.~~4.~~ Applicants subsequently employed shall provide evidence that they are  
13 certified prior to assuming the duties of a position in accordance with  
14 KRS 161.020;~~and~~
- 15           6.~~5.~~ Notwithstanding other provisions of this paragraph, if the applicant is  
16 the spouse of the superintendent and the applicant meets the service  
17 requirements of KRS 160.380(2)(e), the applicant shall only be  
18 employed upon the recommendation of the principal and the approval of  
19 a majority vote of the school council; *and*
- 20           7. *Beginning with the effective date of this Act, notwithstanding the*  
21 *requirement that a principal be elected on a majority vote of the*  
22 *council in subparagraph 2. of this paragraph, if the school council is*  
23 *in a county school district in a county with a consolidated local*  
24 *government adopted under KRS Chapter 67C, then the selection of a*  
25 *principal shall be subject to approval by the superintendent. If the*  
26 *superintendent does not approve the principal selected by the council,*  
27 *then the superintendent may select the principal;*



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

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

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

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

21 (b) Assessment of individual student progress, including testing and reporting of  
22 student progress to students, parents, the school district, the community, and  
23 the state;

24 (c) School improvement plans, including the form and function of strategic  
25 planning and its relationship to district planning, as well as the school safety  
26 plan and requests for funding from the Center for School Safety under KRS  
27 158.446;

- 1 (d) Professional development plans developed pursuant to KRS 156.095;
- 2 (e) Parent, citizen, and community participation including the relationship of the  
3 council with other groups;
- 4 (f) Cooperation and collaboration within the district, with other districts, and with  
5 other public and private agencies;
- 6 (g) Requirements for waiver of district policies;
- 7 (h) Requirements for record keeping by the school council; and
- 8 (i) A process for appealing a decision made by a school council.
- 9 (4) In addition to the authority granted to the school council in this section, the local  
10 board may grant to the school council any other authority permitted by law. The  
11 board shall make available liability insurance coverage for the protection of all  
12 members of the school council from liability arising in the course of pursuing their  
13 duties as members of the council.
- 14 (5) All schools shall implement school-based decision making in accordance with this  
15 section and with the policy adopted by the local board pursuant to this section.  
16 Upon favorable vote of a majority of the faculty at the school and a majority of at  
17 least twenty-five (25) voting parents of students enrolled in the school, a school  
18 meeting its goal as determined by the Department of Education pursuant to KRS  
19 158.6455 may apply to the Kentucky Board of Education for exemption from the  
20 requirement to implement school-based decision making, and the state board shall  
21 grant the exemption. The voting by the parents on the matter of exemption from  
22 implementing school-based decision making shall be in an election conducted by  
23 the parent and teacher organization of the school or, if none exists, the largest  
24 organization of parents formed for this purpose. Notwithstanding the provisions of  
25 this section, a local school district shall not be required to implement school-based  
26 decision making if the local school district contains only one (1) school.
- 27 (6) The Department of Education shall provide professional development activities to

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

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

27 (8) The Kentucky Board of Education, upon recommendation of the commissioner of

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

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

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

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

25 (d) If the state board determines a violation has occurred, the party shall be  
26 subject to reprimand. A second violation of this subsection may be grounds  
27 for removing a superintendent, a member of a school council, or school board

1 member from office or grounds for dismissal of an employee for misconduct  
2 in office or willful neglect of duty.

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

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

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

1 shall comply with provisions required by federal law, state law, or local board  
2 policy.

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

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

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

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

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

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

19 (a) The teacher resigns or retires;

20 (b) ***The contract***~~[, or until it]~~ is terminated or suspended as provided in KRS  
21 161.790 and 161.800; or

22 (c) ***For contracts entered into on or after July 1, 2019, the teacher begins***  
23 ***employment in a district-level administrative position in a county school***  
24 ***district in a county with a consolidated local government adopted under***  
25 ***KRS Chapter 67C. For purposes of this section and KRS 161.730 to***  
26 ***161.810, "district-level administrative position" means an administrative***  
27 ***position in a local school district that has administrative level-duties and***

1                   *responsibilities that are not limited to one (1) school in the district.*

- 2     (5) The term "continuing status" means employment of a teacher under a continuing  
3       contract.
- 4     (6) The term "standard" or "college" certificate for the purpose of KRS 161.730 to  
5       161.810 shall mean any certificate issued upon the basis of graduation from a  
6       standard four (4) year college or completion of a local district alternative  
7       certification training program.
- 8     (7) The term "superintendent" for the purpose of KRS 161.765 shall mean the school  
9       officer appointed by a board of education under the authority of KRS 160.350 or  
10      any person authorized by law to perform the duties of that officer.
- 11    (8) The term "administrator" for the purpose of KRS 161.765 shall mean a certified  
12      employee, below the rank of superintendent, who devotes the majority of his  
13      employed time to service as a principal, assistant principal, supervisor, coordinator,  
14      director, assistant director, administrative assistant, finance officer, pupil personnel  
15      worker, guidance counselor, school psychologist, or school business administrator.  
16      The term "administrator" shall also include those assistant, associate, or deputy  
17      superintendents who do not fall within the definition of "superintendent" as set forth  
18      in subsection (7) of this section.
- 19    (9) The terms "demote" or "demotion" for the purpose of KRS 161.765 shall mean a  
20      reduction in rank from one position on the school district salary schedule to a  
21      different position on that schedule for which a lower salary is paid. The terms shall  
22      not include lateral transfers to positions of similar rank and pay or minor alterations  
23      in pay increments required by the salary schedule.
- 24      ➔Section 4. KRS 161.740 is amended to read as follows:
- 25    (1) Teachers eligible for continuing service status in any school district shall be those  
26      teachers who meet qualifications listed in this section:
- 27      (a) Hold a standard or college certificate as defined in KRS 161.720 or meet the



1 certification standards for vocational education teachers established by the  
2 Education Professional Standards Board.

3 (b) When a currently employed teacher is reemployed by the superintendent after  
4 teaching four (4) consecutive years in the same district, or after teaching four  
5 (4) years which shall fall within a period not to exceed six (6) years in the  
6 same district, the year of present employment included, the superintendent  
7 shall issue a written continuing contract if the teacher assumes his duties,  
8 **except as provided in subsection (4) of this section**, and the superintendent  
9 shall notify the board of the action taken. A limited status employee on  
10 approved military leave shall be awarded service credit for each year of  
11 military service or each year of combined military and school service within a  
12 school year toward continuing contract status. If the leave time will qualify the  
13 teacher for continuing contract status, the local district may require the teacher  
14 to complete a one (1) year probationary period upon return. If required, the  
15 local district shall notify the teacher in writing within fourteen (14) days  
16 following receipt of the military leave request. Each day served in the General  
17 Assembly by a board of education employee during a regular or extraordinary  
18 session shall be included in the computation of a year as defined in KRS  
19 161.720(2).

20 (c) When a teacher has attained continuing contract status in one district and  
21 becomes employed in another district, the teacher shall retain that status,  
22 **except as provided in subsection (4) of this section**. However, a district may  
23 require a one (1) year probationary period of service in that district before  
24 granting that status. For purposes of this subsection, the continuing contract of  
25 a teacher shall not be terminated when the teacher leaves employment, all  
26 provisions of KRS 161.720 to 161.810 to the contrary notwithstanding, and  
27 the continuing service contract shall be transferred to the next school district,

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

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

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

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

21 **(4) Beginning July 1, 2019, a teacher employed in a district-level administrative**  
22 **position in a county school district in a county with a consolidated local**  
23 **government adopted under KRS Chapter 67C shall not be issued a written**  
24 **continuing contract. However, if a teacher had a written continuing contract**  
25 **prior to becoming employed in a district-level administrative position and**  
26 **transfers to another position in the district that is not a district-level**  
27 **administrative position, then the teacher shall revert to continuing service**

1 *contract status. If the teacher becomes employed in another district, the teacher*  
 2 *shall revert to continuing service contract status subject to the provisions of*  
 3 *subsection (2)(c) of this section regarding probation and the time period for*  
 4 *transferring a continuing service contract to another school district.*

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

6 (1) A superintendent may demote an administrator *by complying with the*  
 7 *requirements of KRS 161.760 when the administrator:*~~[who]~~

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

10 *(b) Is in a district-level administrative position in a county school district in a*  
 11 *county with a consolidated local government adopted under KRS Chapter*  
 12 *67C,*~~by complying with the requirements of KRS 161.760].~~

13 (2) *Except for an administrator described in subsection (1)(b) of this section,* an  
 14 administrator who has completed three *(3)* years of administrative service, not  
 15 including leave granted under KRS 161.770, cannot be demoted unless the  
 16 following procedures have been complied with:

17 (a) The superintendent shall give written notice of the demotion to the board of  
 18 education and to the administrator. If the administrator wishes to contest the  
 19 demotion, he shall, within ten (10) days of receipt of the notice, file a written  
 20 statement of his intent to contest with the superintendent. If the administrator  
 21 does not make timely filing of his statement of intent to contest, the action  
 22 shall be final.

23 (b) Upon receipt of the notice of intent to contest the demotion, a written  
 24 statement of grounds for demotion, signed by the superintendent, shall be  
 25 served on the administrator. The statement shall contain:

26 1. A specific and complete statement of grounds upon which the proposed  
 27 demotion is based, including, where appropriate, dates, times, names,

1 places, and circumstances;

2 2. The date, time, and place for a hearing, the date to be not less than  
3 twenty (20) nor more than thirty (30) days from the date of service of the  
4 statement of grounds for demotion upon the administrator.

5 (c) Upon receipt of the statement of grounds for demotion the administrator shall,  
6 within ten (10) days, file a written answer. Failure to file such answer, within  
7 the stated period, will relieve the board of any further obligation to hold a  
8 hearing and the action shall be final. The board shall issue subpoenas as are  
9 requested.

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

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

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