

**160.350 Superintendent of schools -- Appointment -- Term -- Vacancy -- Qualifications -- Removal -- Contract extension.**

- (1) After considering the recommendations of a screening committee, as provided in KRS 160.352, each board of education shall appoint a superintendent of schools whose term of office shall begin on July 1, following the individual's appointment. The appointment may be for a term of no more than four (4) years. In the event a vacancy occurs in the office of superintendent prior to the expiration of the term set by the board, the term shall expire on the date the vacancy occurs. Therefore, the board may appoint a superintendent for a new term as provided in this subsection, which shall begin on the date of the superintendent's appointment, except when the vacancy occurs after a school board election and before the newly elected members take office. When a vacancy occurs during this period, the position shall not be filled until the new members take office, but the board may appoint an acting superintendent to serve a term not to exceed six (6) months. This appointment may be renewed once for a period not to exceed three (3) months. If a vacancy occurs, a local board may also appoint an acting superintendent during the period the screening committee pursuant to KRS 160.352 conducts its business and prior to the actual appointment of the new superintendent. No superintendent shall resign during a term and accept a new term from the same board of education prior to the expiration date of the present term. In the case of a vacancy in the office for an unexpired term, the board of education shall make the appointment so that the term will end on June 30. The board shall set the salary of the superintendent to be paid in regular installments.
- (2) An individual shall not assume the duties of superintendent in a district until he or she provides the board of education with a copy of a certificate for school superintendent issued by the Education Professional Standards Board or its legal predecessor. A superintendent shall hold a valid certificate throughout the period of employment. A superintendent shall successfully complete the training program and assessment center process within two (2) years of assuming the duties of superintendent. A superintendent shall not serve as director or officer of a bank, trust company, or savings or loan association that has the school district's funds on deposit. Following appointment, the superintendent shall establish residency in Kentucky.
- (3) A superintendent of schools may be removed for cause by a vote of four-fifths (4/5) of the membership of a board of education and upon approval by the commissioner of education. However, if the dismissal of the superintendent has been recommended by a highly skilled certified educator pursuant to KRS 158.6455 and the action is approved by the commissioner of education, the board shall terminate the superintendent's contract. Written notice setting out the charges for removal shall be spread on the minutes of the board and given to the superintendent. The board shall seek approval by the commissioner of education for removing the superintendent. The commissioner of education shall investigate the accuracy of the charges made, evaluate the superintendent's overall performance during the superintendent's appointment, and consider the educational performance of the

students in the district. Within thirty (30) days of notification, the commissioner of education shall either approve or reject the board's request.

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

**Effective:** April 10, 2014

**History:** Amended 2014 Ky. Acts ch. 77, sec. 2, effective April 10, 2014. -- Amended 2004 Ky. Acts ch. 117, sec. 1, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 470, sec. 1, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 77, sec. 1, effective July 15, 1998; and ch. 598, sec. 18, effective April 14, 1998. -- Amended 1996 Ky. Acts ch. 349, sec. 2, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 14, sec. 2, effective February 17, 1994. -- Amended 1992 Ky. Acts ch. 170, sec. 3, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 476, sec. 75, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 34, sec. 3, effective July 15, 1988. -- Amended 1984 Ky. Acts ch. 246, sec. 1, effective July 13, 1984. -- Amended 1966 Ky. Acts ch. 89, sec. 9. -- Amended 1942 Ky. Acts ch. 113, sec. 13. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4399-34.

**160.352 Screening committee -- Minority representation -- Recommendations for superintendent.**

- (1) For purposes of this section the term "minority" means American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin; Pacific islander; or other ethnic group underrepresented in a local school district.
- (2) Each board of education shall appoint a superintendent of schools after receiving the recommendations of a screening committee. A screening committee shall be established within thirty (30) days of a determination by a board of education that a vacancy has occurred or will occur in the office of superintendent, except that when the board determines a vacancy will not occur before six (6) months from the date of determination, the board shall establish a screening committee at least ninety (90) days before the first date on which the position may be filled.
- (3) A screening committee shall be composed of:
  - (a) Two (2) teachers, elected by the teachers in the district;
  - (b) One (1) board of education member, appointed by the board chairman;
  - (c) One (1) principal, elected by the principals in the district;
  - (d) One (1) parent, elected by the presidents of the parent-teacher organizations of the schools in the district;
  - (e) One (1) classified employee, elected by the classified employees in the district; and
  - (f) If a minority member is not elected or appointed to a screening committee in districts with a minority population of eight percent (8%) or more, as determined by the enrollment on the preceding October 1, the committee membership shall be increased to include one (1) minority parent. This minority parent member shall be elected by the parents in an election conducted by the local school board. Parents in the district shall be given adequate notice of the date, time, place, and purpose of the election.
- (4) Prior to appointing a superintendent of schools, the board of education shall consider the recommendations of the screening committee, but the board shall not be required to appoint a superintendent from the committee's recommendations.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 257, sec. 2, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 362, sec. 2, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 159, sec. 1, effective April 1, 1994; ch. 255, sec. 1, effective July 15, 1994; and ch. 400, sec. 1, effective April 11, 1994. -- Created 1990 Ky. Acts ch. 476, Pt. II, sec. 76, effective July 13, 1990.

**160.370 Superintendent as executive agent of board -- Duties.**

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

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 362, sec. 6, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 476, Pt. II, sec. 89, effective July 13, 1990. -- Amended 1966 Ky. Acts ch. 89, sec. 10. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4399-34.

**160.380 School employees -- Restrictions on appointment of relatives, violent offenders, and persons convicted of sex crimes -- Restriction on assignment to alternative education program as disciplinary action -- National and state criminal history background checks on applicants, new hires, and school-based decision-making council parent members -- Application and renewal forms -- Employees charged with felony offenses. (Effective until July 1, 2018)**

(1) As used in this section:

- (a) "Alternative education program" means a program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience. Alternative education programs do not include career or technical centers or departments;
- (b) "Contractor" means an adult who is permitted access to school grounds pursuant to a current or prospective contractual agreement with the school, school board, school district, or school-affiliated entity, at times when students are present. The term "contractor" includes an employee of a contractor;
- (c) "Relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law; and
- (d) "Vacancy" means any certified position opening created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member of a local school district, or a new position created in a local school district for which certification is required. However, if an employer-employee bargained contract contains procedures for filling certified position openings created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member, or creation of a new position for which certification is required, a vacancy shall not exist, unless certified positions remain open after compliance with those procedures.

(2) Except as provided in KRS 160.346:

- (a) All appointments, promotions, and transfers of principals, supervisors, teachers, and other public school employees shall be made only by the superintendent of schools, who shall notify the board of the action taken. All employees of the local district shall have the qualifications prescribed by law and by the administrative regulations of the Kentucky Board of Education and of the employing board. Supervisors, principals, teachers, and other employees may be appointed by the superintendent for any school year at any time after February 1 preceding the beginning of the school year. No superintendent of schools shall appoint or transfer himself or herself to another position within the school district;
- (b) When a vacancy occurs in a local school district, the superintendent shall notify the chief state school officer thirty (30) days before the position shall be

filled. The chief state school officer shall keep a registry of local district vacancies which shall be made available to the public. The local school district shall post position openings in the local board office for public viewing;

- (c) When a vacancy needs to be filled in less than thirty (30) days' time to prevent disruption of necessary instructional or support services of the school district, the superintendent may seek a waiver from the chief state school officer. If the waiver is approved, the appointment shall not be made until the person recommended for the position has been approved by the chief state school officer. The chief state school officer shall respond to a district's request for waiver or for approval of an appointment within two (2) working days;
- (d) When a vacancy occurs in a local district, the superintendent shall conduct a search to locate minority teachers to be considered for the position. The superintendent shall, pursuant to administrative regulations of the Kentucky Board of Education, report annually the district's recruitment process and the activities used to increase the percentage of minority teachers in the district;
- (e) No relative of a superintendent of schools shall be an employee of the school district. However, this shall not apply to a relative who is a classified or certified employee of the school district for at least thirty-six (36) months prior to the superintendent assuming office, or prior to marrying a relative of the superintendent, and who is qualified for the position the employee holds. A superintendent's spouse who has previously been employed in a school system may be an employee of the school district. A superintendent's spouse who is employed under this provision shall not hold a position in which the spouse supervises certified or classified employees. A superintendent's spouse may supervise teacher aides and student teachers. However, the superintendent shall not promote a relative who continues employment under an exception of this subsection;
- (f) No superintendent shall employ a relative of a school board member of the district, unless on July 13, 1990, the board member's relative is an employee of the district, the board member is holding office, and the relative was not initially hired by the district during the tenure of the board member. A relative employed in 1989-90 and initially hired during the tenure of a board member serving on July 13, 1990, may continue to be employed during the remainder of the board member's term. However, the superintendent shall not promote any relative of a school board member who continues employment under the exception of this subsection;
- (g)
  - 1. No principal's relative shall be employed in the principal's school, except a relative who is not the principal's spouse and who was employed in the principal's school during the 1989-90 school year.
  - 2. No spouse of a principal shall be employed in the principal's school, except:
    - a. A principal's spouse who was employed in the principal's school during the 1989-90 school year for whom there is no position for

which the spouse is certified to fill in another school operated in the district; or

- b. A principal's spouse who was employed in the 1989-90 school year and is in a school district containing no more than one (1) elementary school, one (1) middle school, and one (1) high school.
  3. A principal's spouse who is employed in the principal's school shall be evaluated by a school administrator other than the principal.
  4. The provisions of KRS 161.760 shall not apply to any transfer made in order to comply with the provisions of this paragraph; and
- (h) A relative that is ineligible for employment under paragraph (e), (f), or (g) of this subsection may be employed as a substitute for a certified or classified employee if the relative is not:
1. A regular full-time or part-time employee of the district;
  2. Accruing continuing contract status or any other right to continuous employment;
  3. Receiving fringe benefits other than those provided other substitutes; or
  4. Receiving preference in employment or assignment over other substitutes.
- (3) No superintendent shall assign a certified or classified staff person to an alternative education program as part of any disciplinary action taken pursuant to KRS 161.011 or 161.790 as part of a corrective action plan established pursuant to the local district evaluation plan.
- (4) No superintendent shall employ in any position in the district any person who is a violent offender or has been convicted of a sex crime as defined by KRS 17.165 which is classified as a felony. The superintendent may employ, at his discretion, persons convicted of sex crimes classified as a misdemeanor.
- (5) (a) A superintendent shall require a national and state criminal background check on all new certified hires in the school district and student teachers assigned within the district. Excluded are certified individuals who were employed in another certified position in a Kentucky school district within six (6) months of the date of hire and who had previously submitted to a national and state criminal background check for the previous employment.
- (b) The superintendent shall require that each new certified hire and student teacher, as set forth in paragraph (a) of this subsection, submit to a national and state criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation.
- (c) All fingerprints requested under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police. The fingerprint cards shall be forwarded to the Federal Bureau of Investigation from the Department of Kentucky State Police after a state criminal background check is conducted. The results of the state and federal criminal background check shall be sent to the hiring superintendent. Any fee charged by the Department of Kentucky State Police and the Federal Bureau of

Investigation shall be an amount no greater than the actual cost of processing the request and conducting the search.

- (d) The Education Professional Standards Board may promulgate administrative regulations to impose additional qualifications to meet the requirements of Public Law 92-544.
- (6)
- (a) A superintendent shall require a state criminal background check on all classified initial hires.
  - (b) The superintendent shall require that each classified initial hire submit to a state criminal history background check by the Department of Kentucky State Police. If an applicant has been a resident of Kentucky twelve (12) months or less, the superintendent may require a national criminal history background check as a condition of employment.
  - (c) Any request for records under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police. The results of the state criminal background check and the results of the national criminal history background check, if requested under the provisions of paragraph (b) of this subsection, shall be sent to the hiring superintendent. Any fee charged by the Department of Kentucky State Police shall be an amount no greater than the actual cost of processing the request and conducting the search.
- (7) The superintendent may require a contractor, volunteer, or visitor to submit to a national and state criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation. Any request for records under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police. The results of the state criminal background check and the results of the national criminal history background check, if requested, shall be sent to the hiring superintendent. Any fee charged by the Department of Kentucky State Police shall be an amount no greater than the actual cost of processing the request and conducting the search.
- (8)
- (a) If a school term has begun and a certified or classified position remains unfilled or if a vacancy occurs during a school term, a superintendent may employ an individual, who will have supervisory or disciplinary authority over minors, on probationary status pending receipt of the criminal history background check. Application for the criminal record of a probationary employee shall be made no later than the date probationary employment begins.
  - (b) Employment shall be contingent on the receipt of the criminal history background check documenting that the probationary employee has no record of a sex crime nor as a violent offender as defined in KRS 17.165.
  - (c) Notwithstanding KRS 161.720 to 161.800 or any other statute to the contrary, probationary employment under this section shall terminate on receipt by the school district of a criminal history background check documenting a record of a sex crime or as a violent offender as defined in KRS 17.165 and no further procedures shall be required.



- (d) The provisions of KRS 161.790 shall apply to terminate employment of a certified employee on the basis of a criminal record other than a record of a sex crime or as a violent offender as defined in KRS 17.165.
- (9)
  - (a) Each application or renewal form, provided by the employer to an applicant for a classified position, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A STATE CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT. UNDER CERTAIN CIRCUMSTANCES, A NATIONAL CRIMINAL HISTORY BACKGROUND CHECK MAY BE REQUIRED AS A CONDITION OF EMPLOYMENT."
  - (b) Each application or renewal form, provided by the employer to an applicant for a certified position, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT."
  - (c) Each application form for a district position shall require the applicant to:
    - 1. Identify the states in which he or she has maintained residency, including the dates of residency; and
    - 2. Provide picture identification.
- (10) The provisions of subsections (5), (6), (7), (8) and (9) of this section shall apply to a nonfaculty coach or nonfaculty assistant as defined under KRS 161.185.
- (11) A school-based decision-making council parent member, as defined under KRS 160.345, shall submit to a state and national fingerprint-supported criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation. The results of the state criminal history background check and the results of the national criminal history background check, if requested, shall be sent to the district superintendent. Any fee charged by the Department of Kentucky State Police shall be an amount no greater than the actual cost of processing the request and conducting the search. A parent member may serve prior to the receipt of the criminal history background check report but shall be removed from the council on receipt by the school district of a report documenting a record of a sex crime or criminal offense against a victim who is a minor as defined in KRS 17.500 or as a violent offender as defined in KRS 17.165, and no further procedures shall be required.
- (12) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, when an employee of the school district is charged with any offense which is classified as a felony, the superintendent may transfer the employee to a second position until such time as the employee is found not guilty, the charges are dismissed, the employee is terminated, or the superintendent determines that further personnel action is not required. The employee shall continue to be paid at the same rate of pay he or she received prior to the transfer. If an employee is charged with an offense outside of the Commonwealth, this provision may also be applied if the charge would have been treated as a felony if committed within the Commonwealth. Transfers shall be made to prevent disruption of the educational process and district

operations and in the interest of students and staff and shall not be construed as evidence of misconduct.

**Effective:** June 29, 2017

**History:** Amended 2017 Ky. Acts ch. 37, sec. 1, effective June 29, 2017. -- Amended 2016 Ky. Acts ch. 104, sec. 2, effective July 15, 2016. -- Amended 2012 Ky. Acts ch. 61, sec. 1, effective July 12, 2012; and ch. 85, sec. 1, effective July 12, 2012. -- Amended 2010 Ky. Acts ch. 1, sec. 2, effective January 14, 2010. -- Amended 2009 Ky. Acts ch. 38, sec. 1, effective June 25, 2009. -- Amended 2007 Ky. Acts ch. 85, sec. 169, effective June 26, 2007. -- Amended 2006 Ky. Acts ch. 182, sec. 18, effective July 12, 2006; and ch. 221, sec. 5, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 177, sec. 1, effective June 20, 2005. -- Amended 2001 Ky. Acts ch. 60, sec. 3, effective June 21, 2001. -- Amended 1998 Ky. Acts ch. 178, sec. 2, effective July 15, 1998; ch. 362, sec. 1, effective July 15, 1998; ch. 467, sec. 1, effective July 15, 1998; and ch. 489, sec. 1, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 349, sec. 1, effective July 15, 1996; and ch. 362, sec. 6, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 192, sec. 1, effective July 15, 1994; and ch. 483, sec. 1, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 401, sec. 1, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 476, Pt. II, sec. 78, effective July 13, 1990; and ch. 518, sec. 7, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 345, sec. 4, effective July 15, 1988. -- Amended 1978 Ky. Acts ch. 155, sec. 82, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 88, sec. 1. -- Amended 1966 Ky. Acts ch. 89, sec. 11. -- Amended 1958 Ky. Acts ch. 126, sec. 18. -- Amended 1942 Ky. Acts ch. 113, sec. 13. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4399-34.

**Legislative Research Commission Note (7/12/2012).** Under the authority of KRS 7.136(1), the Reviser of Statutes in codification has changed the internal numbering of subsection (6) of this statute. The words in the text were not changed.

**160.390 General duties as to condition of schools -- Responsibilities -- Reports.**

- (1) The superintendent shall devote himself exclusively to his duties. He shall exercise general supervision of the schools of his district, examine their condition and progress, and keep himself informed of the progress in other districts. He shall prepare or have prepared all budgets, salary schedules, and reports required of his board by the Kentucky Board of Education. He shall advise himself of the need of extension of the school system of the district, shall receive and examine reports from teachers and other school officers, and shall make reports from time to time as required by the rules of his board or as directed by the board. He shall be responsible to the board for the general condition of the schools. He shall be responsible for all personnel actions including hiring, assignments, transfer, dismissal, suspension, reinstatement, promotion, and demotion and reporting the actions to the local board.
- (2) All personnel actions by the superintendent as described in subsection (1) shall be recorded in the minutes of the local board of education at the next meeting after the action is taken and shall not be effective prior to receipt of written notice of the personnel action by the affected employee from the superintendent.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 362, sec. 6, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 476, Pt. II, sec. 90, effective July 13, 1990. -- Amended 1978 Ky. Acts ch. 155, sec. 82, effective June 17, 1978. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4399-34.

**161.020 Certificates required of school employees -- Filing requirements -- Validity and terms for renewal.**

- (1) (a) No person shall be eligible to hold the position of superintendent, principal, teacher, supervisor, director of pupil personnel, or other public school position for which certificates may be issued, or receive salary for services rendered in the position, unless he or she holds a certificate of legal qualifications for the position, issued by the Education Professional Standards Board.
- (b) No person seeking initial employment as a school finance officer on or after July 1, 2015, shall be eligible to hold the position of school finance officer unless the person holds a certificate of legal qualification for the position, issued by the Kentucky Department of Education.
- (2) No person shall enter upon the duties of a position requiring certification qualifications until his or her certificate has been filed or credentials registered with the local district employer.
- (3) The validity and terms for the renewal of any certificate shall be determined by the laws and regulations in effect at the time the certificate was issued.

**Effective:** July 15, 2014

**History:** Amended 2014 Ky. Acts ch. 136, sec. 4, effective July 15, 2014. -- Amended 2001 Ky. Acts ch. 137, sec. 6, effective June 21, 2001. -- Amended 1990 Ky. Acts ch. 476, Pt. II, sec. 55, effective July 13, 1990. -- Amended 1978 Ky. Acts ch. 56, sec. 1, effective June 17, 1978. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4502-6, 4502-10, 4502-11, 4503-2.