

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Amendment to 701 KAR 5:090, Teacher disciplinary hearings.

Date: June 2019

Action Requested: Review Action/Consent Action/Discussion

Assigned To: Full Board Curriculum, Instruction and Assessment

Finance Operations Management

SUMMARY OF ISSUE BEFORE THE BOARD:

To amend and update 701 KAR 5:090, Teacher disciplinary hearings, to comply and align with changes to KRS 161.790 as a result of Senate Bill 8 (2019).

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of amendment to 701 KAR 5:090, Teacher disciplinary hearings.

APPLICABLE STATUTE OR REGULATION:

KRS 161.790 and KRS 161.770

BACKGROUND:

Existing Policy: KRS 161.790 provides for administrative hearings in the event of contract termination or discipline of certified staff for insubordination; immoral character or conduct unbecoming a teacher; physical or mental disability; or inefficiency, incompetency or neglect of duty. Similar administrative hearings are required by KRS 161.770 for involuntary leave of absence due to physical or mental disability. Pursuant to these laws, the Kentucky Board of Education must promulgate administrative regulations governing teacher tribunal hearings.

Summary of Issue: Senate Bill 8 (2019) made changes to KRS 161.790 and KRS 161.770. Senate Bill 8 altered the membership of the tribunal, added minimum requirements for the hearing officer and amended procedural details related to tribunal hearings. These changes make it necessary to update 701 KAR 5:090, Teacher disciplinary hearings to align with the requirements of Senate Bill 8. Senate Bill 8 will become effective on June 27, 2019.

The amendments to 701 KAR 5:090, Teacher disciplinary hearings, align with Senate Bill 8 by establishing qualifications for the hearing officer member of the tribunal, providing additional details regarding selection of potential teacher and administrator tribunal members, providing additional training requirements for tribunal members, and providing clarifying language changes.

Budget Impact: By altering the membership of the tribunal to remove the lay person, school districts will realize a minimal cost savings. By reducing the pool of potential teacher and

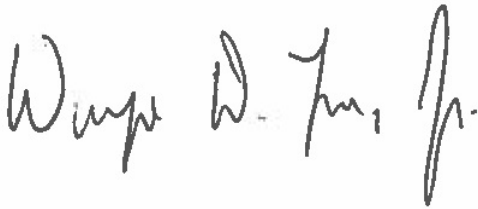
administrator tribunal members to a number more closely aligned to need, the KDE will realize a minimal cost savings for training tribunal members.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The amendment was presented to the Local Superintendents Advisory Council (LSAC) on May 28, 2019. Comments from the LSAC should be received by the June meeting.

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Commissioner of Education

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