

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** Amendment to 701 KAR 5:055, Removal Hearing Procedures.

**Date:** February 2025

**Action Requested:** ☐ Review ☒ Action/Consent ☐ Action/Discussion

**Held In:** ☒ Full Board ☐ State Schools ☐ United We Learn

### SUMMARY OF ISSUE BEFORE THE BOARD:

The board is asked to review and approve recommended changes to 701 KAR 5:055, Removal hearing procedures. This regulation contains the procedures to be utilized for the recommended removal of a superintendent or public school official pursuant to KRS 156.132. Amendments to the regulation are recommended to align with statutory changes to KRS 156.162 in 2021.

### COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of the amendments to 701 KAR 5:055, Removal Hearing Procedures.

### APPLICABLE STATUTE OR REGULATION:

KRS 156.132.

### BACKGROUND:

#### *Existing Policy:*

701 KAR 5:055 sets forth the procedures the Department of Education will utilize in the event a superintendent or public school official is recommended for removal from office pursuant to KRS 156.132. The administrative regulation provides the due process procedures that will be implemented in the event of removal action.

#### *Summary of Issue:*

The current regulation was last amended in 1996 and will expire in November 2025 unless the agency takes action to amend or certify the regulation. Following review to determine whether the regulation should be amended or certified, it was noted that KRS 156.132 was amended in 2021 to remove reference to "local board of education members." Therefore, 701 KAR 5:055 is recommended to the board for amendment to remove reference to "local board of education members."

*Budget Impact:*

Costs to the agency are dependent upon the number of removal hearings that are conducted and the complexity of each hearing. Staff time and expenses are estimated at no less than \$15,000 per removal hearing.

**GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:**

The Local Superintendents Advisory Council (LSAC) will review the proposed amendment at its January 28, 2025 meeting.

**CONTACT PERSON(S):**

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**Commissioner of Education**

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