

KENTUCKY DEPARTMENT OF EDUCATION (KDE) STAFF NOTE

Topic: Amendment of 701 KAR 5:090, Teacher Disciplinary Hearings

Date: June 2026

Action Requested: Review Action/Consent Action/Discussion

Held In: Full Board State Schools United We Learn

SYNOPSIS OF WHAT YOU WILL BE SHARING:

To take action on the proposed amendment to 701 KAR 5:090, Teacher disciplinary hearings. The proposed regulation amendment includes clarifications that align to current practice.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends the Kentucky Board of Education approve the proposed amendments to 701 KAR 5:090.

APPLICABLE STATUTE OR REGULATION:

KRS 156.070, 161.770, 161.790.

BACKGROUND:

Existing Policy:

KRS 156.070 establishes that the Kentucky Board of Education shall have the management and control of the common schools and all programs operated in these schools[.] KRS 161.770 provides that a board of education may grant leave of absence and renewals thereof to any teacher or superintendent because of physical or mental disability, but such teacher or superintendent shall have the right to a hearing and appeal on such unrequested leave of absence or its renewal in accordance with the provisions for hearing and appeal in KRS 161.790. KRS 161.790 establishes that certified educators may be terminated for cause and that when a district terminates or places a certified educator on unrequested leave of absence, the educator may notify the commissioner and superintendent of his or her intention to answer the charge. KRS 161.790 further requires the commissioner to appoint a three-member tribunal, consisting of a teacher (who may be retired), an administrator (who may be retired), and an attorney to serve as a hearing officer. A tribunal is to be conducted if the matter is not settled or dismissed as a result of a prehearing conference. This administrative regulation establishes the requirements relative to teacher disciplinary hearings.

Summary of Issue:

701 KAR 5:090 is nearing its seven year expiration date. KDE staff conducted a review of the regulation to determine its alignment with current law. While the regulation aligns with current law, staff determined that the regulation would benefit from further clarifications. While there are no substantive changes to the process currently implemented, the language in the regulation has been amended for clarification and to make the language more concise. Moreover, the material incorporated by reference was amended as well.

Budget Impact:

There are moderate costs to the Kentucky Department of Education to implement this administrative regulation. Costs are in the form of staff time to receive and process tribunal requests, communicate with the Office of Attorney General for assignment of a hearing officer, communicate with tribunal members for assignment, and to routinely train tribunal members.

Groups Consulted and a Brief Summary of Responses:

This item will be presented for review by the Local Superintendents Advisory Council on May 26, 2026.

CONTACT PERSON(S):

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Commissioner of Education

GOALS/PRIORITIES: Indicate all applicable options.

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| <input type="checkbox"/> | Foster Educational Innovation Through Vibrant Learning Experiences |
| <input checked="" type="checkbox"/> | Advance Educational Excellence Through Continuous Professional Improvement |
| <input type="checkbox"/> | Cultivate Collaborative Partnerships |
| <input type="checkbox"/> | Legislation |
| <input type="checkbox"/> | Commissioner's Management |