

and skills as determined by measurable standards. If a school does not offer an AP course in a particular subject area, the school shall permit a qualified student to enroll in the AP course offered by the Kentucky Virtual High School and receive credit toward graduation under KRS 158.622(3)(a).

- (3) Effective with the 2008-2009 school year and thereafter, students enrolled in AP or IB courses in the public schools shall have the cost of the examinations paid by the Kentucky Department of Education.

(Enact. Acts 2002, ch. 97, § 3, effective July 15, 2002; 2008, ch. 134, § 18, effective July 15, 2008.)

**Cross-References.** Advanced placement, 704 KAR 3:510.

#### DISTRICT OFFICERS AND EMPLOYEES

### 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.

(4399-34; amend. Acts 1942, ch. 113, § 13; 1966, ch. 89, § 9; 1984, ch. 246, § 1, effective July 13, 1984; 1988, ch. 34, § 3, effective July 15, 1988; 1990, ch. 476, § 75, effective July 13, 1990; 1992, ch. 170, § 3, effective July 14, 1992; 1994, ch. 14, § 2, effective February 17, 1994; 1996, ch. 349, § 2, effective July 15, 1996; 1998, ch. 77, § 1, effective July 15, 1998; 1998, ch. 598, § 18, effective April 14, 1998; 2000, ch. 470, § 1, effective July 14, 2000; 2004, ch. 117, § 1, effective July 13, 2004; 2014, ch. 77, § 2, effective April 10, 2014.)

**Cross-References.** Certification of school employees, KRS 161.010 to 161.123.

Leave of absence, KRS 161.770.

Reinstatement of former superintendent returning from Armed Forces, KRS 161.740.

Resignations, removals and vacancies, KRS Ch. 63.

Superintendent eligible for continuing contract status under teachers' tenure law, KRS 161.721.

Termination of contract, KRS 161.780.

Superintendent training program and assessment process, 704 KAR 3:406.

**Kentucky Bench & Bar.** Whalen, The Kentucky Education Reform Act of 1990 and Local Boards of Education, Vol. 57, No. 1, Winter 1993, Ky. Bench & Bar 11.

Prather, Establishing Schools, Vol. 57, No. 1, Winter 1993, Ky. Bench & Bar 19.

**Opinions of Attorney General.** This section, which establishes the qualifications for superintendents does not contain any requirements concerning religion, and a person of the Catholic faith, if he meets the statutory qualifications, may be superintendent. OAG 60-917.

A board of education that approved the employment of a superintendent for a period of two (2) years could amend the order to read four years and extend the length of employment prior to the time the superintendent took office. OAG 61-548.

Where a superintendent whose term was to expire on June 30 planned to resign prior to January 1 and three board members were to be elected at the preceding November election, an appointment by the old board could be made only until the expiration of the resigning superintendent's term. OAG 64-592.

In June, 1964, a board, some of whose members had terms which expired in January, 1965, did not have authority to issue to its superintendent a contract to begin July 1, 1965, since the terms of some of its members did not extend beyond the date when the new term of office was to begin. OAG 65-96.

In the event of a vacancy created by resignation this section authorizes the appointment of a successor for the unexpired portion of the term only, and the board is without power to make an appointment for a term that would commence prior to the expiration of any other term. OAG 67-213.

After school board decided to employ an individual as superintendent for a one-year term, the board had authority to adopt another resolution 12 days later hiring the same individual as superintendent and secretary to the board for a two-year term. OAG 72-74.

There is no obligation to contract with one man to serve the entire unexpired term of a school superintendent as long as said part of term expires on June 30 and there is no splicing together of partial terms of office but only a fragmenting of a four-year term which was established