The following bill was reported to the House from the Senate and ordered to be printed.
AN ACT relating to public education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 160.370 is amended to read as follows:

(1) 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.

(2) For a county school district in a county with a consolidated local government adopted under KRS Chapter 67C that adopts the provisions of the Kentucky Model Procurement Code, the board shall authorize the superintendent to approve purchases, in accordance with small purchase procedures adopted by the board, for any contract for which a determination is made that the aggregate amount of the contract does not exceed twenty thousand dollars ($20,000). The superintendent shall provide a quarterly report to the board on any purchases made under this subsection.

Section 2. KRS 160.345 is amended to read as follows:

(1) For the purpose of this section:

(a) "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 the school;

(b) "School" means an elementary or secondary educational institution that is
under the administrative control of a principal and is not a program or part of
another school. The term "school" does not include district-operated schools
that are:

1. Exclusively vocational-technical, special education, or preschool
   programs;

2. Instructional programs operated in institutions or schools outside of the
district; or

3. Alternative schools designed to provide services to at-risk populations
   with unique needs;

(c) "Teacher" means any person for whom certification is required as a basis of
employment in the public schools of the state, with the exception of principals
and assistant principals; and

(d) "Parent" means:

1. A parent, stepparent, or foster parent of a student; or

2. A person who has legal custody of a student pursuant to a court order
   and with whom the student resides.

(2) Each local board of education shall adopt a policy for implementing school-based
decision making in the district which shall include, but not be limited to, a
description of how the district's policies, including those developed pursuant to
KRS 160.340, have been amended to allow the professional staff members of a
school to be involved in the decision making process as they work to meet
educational goals established in KRS 158.645 and 158.6451. The policy may
include a requirement that each school council make an annual report at a public
meeting of the board describing the school's progress in meeting the educational
goals set forth in KRS 158.6451 and district goals established by the board. The
policy shall also address and comply with the following:

(a) Except as provided in paragraph (b)2. of this subsection, each participating
school shall form a school council composed of two (2) parents, three (3)
teachers, and the principal or administrator. The membership of the council
may be increased, but it may only be increased proportionately. A parent
representative on the council shall not be an employee or a relative of an
employee of the school in which that parent serves, nor shall the parent
representative be an employee or a relative of an employee in the district
administrative offices. A parent representative shall not be a local board
member or a board member's spouse. None of the members shall have a
conflict of interest pursuant to KRS Chapter 45A, except the salary paid to
district employees;

(b) 1. The teacher representatives shall be elected for one (1) year terms by a
majority of the teachers. A teacher elected to a school council shall not
be involuntarily transferred during his or her term of office. The parent
representatives shall be elected for one (1) year terms. The parent
members shall be elected by the parents of students preregistered to
attend the school during the term of office in an election conducted by
the parent and teacher organization of the school or, if none exists, the
largest organization of parents formed for this purpose. A school
council, once elected, may adopt a policy setting different terms of
office for parent and teacher members subsequently elected. The
principal shall be the chair of the school council.

2. School councils in schools having eight percent (8%) or more minority
students enrolled, as determined by the enrollment on the preceding
October 1, shall have at least one (1) minority member. If the council
formed under paragraph (a) of this subsection does not have a minority
member, the principal, in a timely manner, shall be responsible for
carrying out the following:

a. Organizing a special election to elect an additional member. The
   principal shall call for nominations and shall notify the parents of
   the students of the date, time, and location of the election to elect a
   minority parent to the council by ballot; and

b. Allowing the teachers in the building to select one (1) minority
   teacher to serve as a teacher member on the council. If there are no
   minority teachers who are members of the faculty, an additional
   teacher member shall be elected by a majority of all teachers. Term
   limitations shall not apply for a minority teacher member who is
   the only minority on faculty;

(c) 1. The school council shall have the responsibility to set school policy
   consistent with district board policy which shall provide an environment
   to enhance the students' achievement and help the school meet the goals
   established by KRS 158.645 and 158.6451. The principal shall be the
   primary administrator and the instructional leader of the school, and
   with the assistance of the total school staff shall administer the policies
   established by the school council and the local board.

2. If a school council establishes committees, it shall adopt a policy to
   facilitate the participation of interested persons, including, but not
   limited to, classified employees and parents. The policy shall include the
   number of committees, their jurisdiction, composition, and the process
   for membership selection;

(d) The school council and each of its committees shall determine the frequency
of and agenda for their meetings. Matters relating to formation of school
councils that are not provided for by this section shall be addressed by local
board policy;

(e) The meetings of the school council shall be open to the public and all
interested persons may attend. However, the exceptions to open meetings
provided in KRS 61.810 shall apply;

(f) After receiving notification of the funds available for the school from the local
board, the school council shall determine, within the parameters of the total
available funds, the number of persons to be employed in each job
classification at the school. The council may make personnel decisions on
vacancies occurring after the school council is formed but shall not have the
authority to recommend transfers or dismissals;

(g) The school council shall determine which textbooks, instructional materials,
and student support services shall be provided in the school. Subject to
available resources, the local board shall allocate an appropriation to each
school that is adequate to meet the school's needs related to instructional
materials and school-based student support services, as determined by the
school council. The school council shall consult with the school media
librarian on the maintenance of the school library media center, including the
purchase of instructional materials, information technology, and equipment;

(h) Personnel decisions at the school level shall be as follows:

1. From a list of qualified applicants submitted by the local superintendent,
   the principal at the participating school shall select personnel to fill
   vacancies, after consultation with the school council, consistent with
   paragraph (i)11. of this subsection. The superintendent shall provide
   additional applicants to the principal upon request when qualified
   applicants are available. The superintendent may forward to the school
council the names of qualified applicants who have pending certification from the Education Professional Standards Board based on recent completion of preparation requirements, out-of-state preparation, or alternative routes to certification pursuant to KRS 161.028 and 161.048. Requests for transfer shall conform to any employer-employee bargained contract which is in effect;

2. a. i. If the vacancy to be filled is the position of principal, the outgoing principal shall not serve on the council during the principal selection process. The superintendent or the superintendent's designee shall serve as the chair of the council for the purpose of the hiring process and shall have voting rights during the selection process.

ii. Except as provided in subdivision b. of this subparagraph, the council shall have access to the applications of all persons certified for the position. The principal shall be elected on a majority vote of the membership of the council. [No principal who has been previously removed from a position in the district for cause may be considered for appointment as principal.] The school council shall receive training in recruitment and interviewing techniques prior to carrying out the process of selecting a principal. The council shall select the trainer to deliver the training;

b. An alternative principal selection process may be used by the school council as follows:

i. Prior to a meeting called to select a principal, all school council members shall receive informational materials regarding Kentucky open records and open meetings laws
and sign a nondisclosure agreement forbidding the sharing of
information shared and discussions held in the closed
session;

ii. The superintendent shall convene the school council and
move into closed session as provided in KRS 61.810(1)(f) to
confidentially recommend a candidate;

iii. The council shall have the option to interview the
recommended candidate while in closed session; and

iv. After any discussion, at the conclusion of the closed session,
the council shall decide, in a public meeting by majority vote
of the membership of the council, whether to accept or reject
the recommended principal candidate;

c. If the recommended candidate is selected, and the recommended
candidate accepts the offer, the name of the candidate shall be
made public during the next meeting in open session;

d. i. If the recommended candidate is not accepted by the school
council under subdivision b. of this subparagraph, then the
process set forth in subdivision a. of this subparagraph shall
apply.

ii. The confidentially recommended candidate's name and the
discussions of the closed session shall remain confidential
under KRS 61.810(1)(f), and any documents used or
generated during the closed meeting shall not be subject to an
open records request as provided in KRS 61.878(1)(i) and (j).

iii. A recommended candidate who believes a violation of this
subdivision has occurred may file a written complaint with
the Kentucky Board of Education.
iv. A school council member who is found to have disclosed confidential information regarding the proceeding of the closed session shall be subject to removal from the school council by the Kentucky Board of Education under subsection (9)(e) of this section;

3. No principal who has been previously removed from a position in the district for cause may be considered for appointment as principal in that district.

4. Personnel decisions made at the school level under the authority of subparagraphs 1. and 2. of this paragraph shall be binding on the superintendent who completes the hiring process;

5. Applicants subsequently employed shall provide evidence that they are certified prior to assuming the duties of a position in accordance with KRS 161.020;[and]

6. Notwithstanding other provisions of this paragraph, if the applicant is the spouse of the superintendent and the applicant meets the service requirements of KRS 160.380(2)(e), the applicant shall only be employed upon the recommendation of the principal and the approval of a majority vote of the school council; and

7. Beginning with the effective date of this Act, notwithstanding the requirement that a principal be elected on a majority vote of the council in subparagraph 2. of this paragraph, if the school council is in a county school district in a county with a consolidated local government adopted under KRS Chapter 67C, then the selection of a principal shall be subject to approval by the superintendent. If the superintendent does not approve the principal selected by the council, then the superintendent may select the principal;
(i) The school council shall adopt a policy to be implemented by the principal in the following additional areas:

1. Determination of curriculum, including needs assessment, curriculum development and responsibilities under KRS 158.6453(19);

2. Assignment of all instructional and noninstructional staff time;

3. Assignment of students to classes and programs within the school;

4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board;

5. Determination of use of school space during the school day related to improving classroom teaching and learning;

6. Planning and resolution of issues regarding instructional practices;

7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and principal;

8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision;

9. Adoption of an emergency plan as required in KRS 158.162;

10. Procedures, consistent with local school board policy, for determining alignment with state standards, technology utilization, and program appraisal; and

11. Procedures to assist the council with consultation in the selection of personnel by the principal, including but not limited to meetings, timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation; and
(j) Each school council shall annually review data as shown on state and local student assessments required under KRS 158.6453. The data shall include but not be limited to information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, and participation in the federal free and reduced price lunch program. After completing the review of data, each school council, with the involvement of parents, faculty, and staff, shall develop and adopt a plan to ensure that each student makes progress toward meeting the goals set forth in KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan to the superintendent and local board of education for review as described in KRS 160.340. The Kentucky Department of Education shall provide each school council the data needed to complete the review required by this paragraph no later than October 1 of each year. If a school does not have a council, the review shall be completed by the principal with the involvement of parents, faculty, and staff.

(3) The policies adopted by the local board to implement school-based decision making shall also address the following:

(a) School budget and administration, including: discretionary funds; activity and other school funds; funds for maintenance, supplies, and equipment; and procedures for authorizing reimbursement for training and other expenses;

(b) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state;

(c) School improvement plans, including the form and function of strategic planning and its relationship to district planning, as well as the school safety plan and requests for funding from the Center for School Safety under KRS 158.446;
(d) Professional development plans developed pursuant to KRS 156.095;
(e) Parent, citizen, and community participation including the relationship of the
council with other groups;
(f) Cooperation and collaboration within the district, with other districts, and with
other public and private agencies;
(g) Requirements for waiver of district policies;
(h) Requirements for record keeping by the school council; and
(i) A process for appealing a decision made by a school council.

(4) In addition to the authority granted to the school council in this section, the local
board may grant to the school council any other authority permitted by law. The
board shall make available liability insurance coverage for the protection of all
members of the school council from liability arising in the course of pursuing their
duties as members of the council.

(5) All schools shall implement school-based decision making in accordance with this
section and with the policy adopted by the local board pursuant to this section.
Upon favorable vote of a majority of the faculty at the school and a majority of at
least twenty-five (25) voting parents of students enrolled in the school, a school
meeting its goal as determined by the Department of Education pursuant to KRS
158.6455 may apply to the Kentucky Board of Education for exemption from the
requirement to implement school-based decision making, and the state board shall
grant the exemption. The voting by the parents on the matter of exemption from
implementing school-based decision making shall be in an election conducted by
the parent and teacher organization of the school or, if none exists, the largest
organization of parents formed for this purpose. Notwithstanding the provisions of
this section, a local school district shall not be required to implement school-based
decision making if the local school district contains only one (1) school.

(6) The Department of Education shall provide professional development activities to
assist schools in implementing school-based decision making. School council members elected for the first time shall complete a minimum of six (6) clock hours of training in the process of school-based decision making, no later than thirty (30) days after the beginning of the service year for which they are elected to serve. School council members who have served on a school council at least one (1) year shall complete a minimum of three (3) clock hours of training in the process of school-based decision making no later than one hundred twenty (120) days after the beginning of the service year for which they are elected to serve. Experienced members may participate in the training for new members to fulfill their training requirement. School council training required under this subsection shall be conducted by trainers endorsed by the Department of Education. By November 1 of each year, the principal through the local superintendent shall forward to the Department of Education the names and addresses of each council member and verify that the required training has been completed. School council members elected to fill a vacancy shall complete the applicable training within thirty (30) days of their election.

(7) A school that chooses to have school-based decision making but would like to be exempt from the administrative structure set forth by this section may develop a model for implementing school-based decision making, including but not limited to a description of the membership, organization, duties, and responsibilities of a school council. The school shall submit the model through the local board of education to the commissioner of education and the Kentucky Board of Education, which shall have final authority for approval. The application for approval of the model shall show evidence that it has been developed by representatives of the parents, students, certified personnel, and the administrators of the school and that two-thirds (2/3) of the faculty have agreed to the model.

(8) The Kentucky Board of Education, upon recommendation of the commissioner of
education, shall adopt by administrative regulation a formula by which school
district funds shall be allocated to each school council. Included in the school
council formula shall be an allocation for professional development that is at least
sixty-five percent (65%) of the district's per pupil state allocation for professional
development for each student in average daily attendance in the school. The school
council shall plan professional development in compliance with requirements
specified in KRS 156.095, except as provided in KRS 158.649. School councils of
small schools shall be encouraged to work with other school councils to maximize
professional development opportunities.

(9) (a) No board member, superintendent of schools, district employee, or member of
a school council shall intentionally engage in a pattern of practice which is
detrimental to the successful implementation of or circumvents the intent of
school-based decision making to allow the professional staff members of a
school and parents to be involved in the decision making process in working
toward meeting the educational goals established in KRS 158.645 and
158.6451 or to make decisions in areas of policy assigned to a school council
pursuant to paragraph (i) of subsection (2) of this section.

(b) An affected party who believes a violation of this subsection has occurred may
file a written complaint with the Office of Education Accountability. The
office shall investigate the complaint and resolve the conflict, if possible, or
forward the matter to the Kentucky Board of Education.

(c) The Kentucky Board of Education shall conduct a hearing in accordance with
KRS Chapter 13B for complaints referred by the Office of Education
Accountability.

(d) If the state board determines a violation has occurred, the party shall be
subject to reprimand. A second violation of this subsection may be grounds
for removing a superintendent, a member of a school council, or school board
member from office or grounds for dismissal of an employee for misconduct
in office or willful neglect of duty.

(e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the
state board determines a violation of the confidentiality requirements set forth
in subsection (2)(h)2. of this section by a school council member has
occurred, the state board shall remove the member from the school council,
and the member shall be permanently prohibited from serving on any school
council in the district.

(10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or
maintain a school-based decision making council and the powers, duties, and
authority granted to a school council may be rescinded or the school council's role
may be advisory if the commissioner of education or the Kentucky Board of
Education takes action under KRS 160.346.

(11) Each school council of a school containing grades K-5 or any combination thereof,
or if there is no school council, the principal, shall develop and implement a
wellness policy that includes moderate to vigorous physical activity each day and
encourages healthy choices among students. The policy may permit physical activity
to be considered part of the instructional day, not to exceed thirty (30) minutes per
day, or one hundred and fifty (150) minutes per week. Each school council, or if
there is no school council, the principal, shall adopt an assessment tool to determine
each child's level of physical activity on an annual basis. The council or principal
may utilize an existing assessment program. The Kentucky Department of
Education shall make available a list of available resources to carry out the
provisions of this subsection. The department shall report to the Legislative
Research Commission no later than November 1 of each year on how the schools
are providing physical activity under this subsection and on the types of physical
activity being provided. The policy developed by the school council or principal
shall comply with provisions required by federal law, state law, or local board
policy.

(12) Discretionary authority exercised under subsection (2)(h)(2)b. of this section shall
not violate provisions of any employer-employee bargained contract existing
between the district and its employees.

➤ Section 3. KRS 161.720 is amended to read as follows:

(1) The term "teacher" for the purpose of KRS 161.730 to 161.810 shall mean any
person for whom certification is required as a basis of employment in the public
schools of the state, with the exception of the superintendent.

(2) The term "year" as applied to terms of service means actual service of not less than
seven (7) school months within a school year; provided, however, that any board of
education may grant a leave of absence for professional advancement or military
leave for active duty service with full credit for service.

(3) The term "limited contract" shall mean a contract for the employment of a teacher
for a term of one (1) year only or for that portion of the school year that remains at
the time of employment.

(4) The term "continuing service contract" shall mean a contract for the employment of
a teacher which shall remain in full force and effect until:

(a) The teacher resigns or retires;

(b) The contract (or until it) is terminated or suspended as provided in KRS
161.790 and 161.800; or

(c) For contracts entered into on or after July 1, 2019, the teacher begins
employment in a district-level administrative position in a county school
district in a county with a consolidated local government adopted under
KRS Chapter 67C. For purposes of this section and KRS 161.730 to
161.810, "district-level administrative position" means an administrative
position in a local school district that has administrative level-duties and
responsibilities that are not limited to one (1) school in the district.

(5) The term "continuing status" means employment of a teacher under a continuing contract.

(6) The term "standard" or "college" certificate for the purpose of KRS 161.730 to 161.810 shall mean any certificate issued upon the basis of graduation from a standard four (4) year college or completion of a local district alternative certification training program.

(7) The term "superintendent" for the purpose of KRS 161.765 shall mean the school officer appointed by a board of education under the authority of KRS 160.350 or any person authorized by law to perform the duties of that officer.

(8) The term "administrator" for the purpose of KRS 161.765 shall mean a certified employee, below the rank of superintendent, who devotes the majority of his employed time to service as a principal, assistant principal, supervisor, coordinator, director, assistant director, administrative assistant, finance officer, pupil personnel worker, guidance counselor, school psychologist, or school business administrator. The term "administrator" shall also include those assistant, associate, or deputy superintendents who do not fall within the definition of "superintendent" as set forth in subsection (7) of this section.

(9) The terms "demote" or "demotion" for the purpose of KRS 161.765 shall mean a reduction in rank from one position on the school district salary schedule to a different position on that schedule for which a lower salary is paid. The terms shall not include lateral transfers to positions of similar rank and pay or minor alterations in pay increments required by the salary schedule.

Section 4. KRS 161.740 is amended to read as follows:

(1) Teachers eligible for continuing service status in any school district shall be those teachers who meet qualifications listed in this section:

(a) Hold a standard or college certificate as defined in KRS 161.720 or meet the
certification standards for vocational education teachers established by the
Education Professional Standards Board.

(b) When a currently employed teacher is reemployed by the superintendent after
        teaching four (4) consecutive years in the same district, or after teaching four
        (4) years which shall fall within a period not to exceed six (6) years in the
        same district, the year of present employment included, the superintendent
        shall issue a written continuing contract if the teacher assumes his duties,
        except as provided in subsection (4) of this section, and the superintendent
        shall notify the board of the action taken. A limited status employee on
        approved military leave shall be awarded service credit for each year of
        military service or each year of combined military and school service within a
        school year toward continuing contract status. If the leave time will qualify the
        teacher for continuing contract status, the local district may require the teacher
        to complete a one (1) year probationary period upon return. If required, the
        local district shall notify the teacher in writing within fourteen (14) days
        following receipt of the military leave request. Each day served in the General
        Assembly by a board of education employee during a regular or extraordinary
        session shall be included in the computation of a year as defined in KRS
        161.720(2).

(c) When a teacher has attained continuing contract status in one district and
        becomes employed in another district, the teacher shall retain that status,
        except as provided in subsection (4) of this section. However, a district may
        require a one (1) year probationary period of service in that district before
        granting that status. For purposes of this subsection, the continuing contract of
        a teacher shall not be terminated when the teacher leaves employment, all
        provisions of KRS 161.720 to 161.810 to the contrary notwithstanding, and
        the continuing service contract shall be transferred to the next school district,
under conditions set forth in this section, for a period of up to seven (7)
months from the time employment in the first school district has terminated.
Nothing contained herein shall be construed to give a teacher a right to
reemployment in the first school district during the seven (7) month period
following termination.

(d) Service credit toward a continuing contract shall begin only when a teacher is
properly certified as defined in KRS 161.720(6) or, in the case of a vocational
education teacher, when the required certification standards established by the
Education Professional Standards Board have been met.

(2) Vocational education teachers fulfilling the requirements in subsection (1) of this
section as of July 15, 1982, shall be eligible for continuing service status.

(3) Whether employed under a limited contract or continuing service contract status,
any teacher or superintendent who has been or may be hereafter inducted into the
Armed Forces of this country, shall at the expiration of service be reemployed or
reinstated in a comparable position as of the beginning of the next school year,
provided application is made at least thirty (30) days before the opening of school,
unless physically or mentally incapacitated according to medical notations on
official discharge papers. Vacancies created by military leaves shall be filled by
teachers or superintendents employed by the board of education under a limited
contract of one (1) year or less.

(4) Beginning July 1, 2019, a teacher employed in a district-level administrative
position in a county school district in a county with a consolidated local
government adopted under KRS Chapter 67C shall not be issued a written
continuing contract. However, if a teacher had a written continuing contract
prior to becoming employed in a district-level administrative position and
transfers to another position in the district that is not a district-level
administrative position, then the teacher shall revert to continuing service
contract status. If the teacher becomes employed in another district, the teacher shall revert to continuing service contract status subject to the provisions of subsection (2)(c) of this section regarding probation and the time period for transferring a continuing service contract to another school district.

Section 5. KRS 161.765 is amended to read as follows:

(1) A superintendent may demote an administrator by complying with the requirements of KRS 161.760 when the administrator: [who]

(a) Has not completed three (3) years of administrative service, not including leave granted under KRS 161.770; or

(b) Is in a district-level administrative position in a county school district in a county with a consolidated local government adopted under KRS Chapter 67 C[; by complying with the requirements of KRS 161.760].

(2) Except for an administrator described in subsection (1)(b) of this section, an administrator who has completed three (3) years of administrative service, not including leave granted under KRS 161.770, cannot be demoted unless the following procedures have been complied with:

(a) The superintendent shall give written notice of the demotion to the board of education and to the administrator. If the administrator wishes to contest the demotion, he shall, within ten (10) days of receipt of the notice, file a written statement of his intent to contest with the superintendent. If the administrator does not make timely filing of his statement of intent to contest, the action shall be final.

(b) Upon receipt of the notice of intent to contest the demotion, a written statement of grounds for demotion, signed by the superintendent, shall be served on the administrator. The statement shall contain:

1. A specific and complete statement of grounds upon which the proposed demotion is based, including, where appropriate, dates, times, names,
places, and circumstances;

2. The date, time, and place for a hearing, the date to be not less than twenty (20) nor more than thirty (30) days from the date of service of the statement of grounds for demotion upon the administrator.

(c) Upon receipt of the statement of grounds for demotion the administrator shall, within ten (10) days, file a written answer. Failure to file such answer, within the stated period, will relieve the board of any further obligation to hold a hearing and the action shall be final. The board shall issue subpoenas as are requested.

(d) The hearing on the demotion shall be public or private, at the discretion of the administrator and shall be limited to the matters set forth in the written statement of grounds for demotion. The board shall provide to the administrator a verbatim transcript of the hearing. The board of education shall hear the case, with the board chairman presiding. The board, upon hearing the evidence and argument presented, shall retire to private chambers to arrive at a decision. Counsel or representatives for either party in the hearing shall not be consulted by the board unless the corresponding counsel or representatives for the other party are present and unless a verbatim transcript of such consultation is made for the record.

(e) Within five (5) days from the close of the hearing, the board of education shall advise the parties of its decision and shall take official action in the case.

(f) Appeal from final board action may be taken in the same manner and under the same provisions as an appeal from tribunal action under KRS 161.790.