

**158.685 Standards of student, program, service, and operational performance to be established -- Educationally deficient school district -- Action to eliminate deficiency -- Education development district. (Expired)**

- (1) The State Board for Elementary and Secondary Education shall adopt administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. The State Board for Elementary and Secondary Education shall promulgate regulations establishing operational performance standards by January 1, 1991. These standards shall become effective on July 1, 1991.
- (2) The State Board for Elementary and Secondary Education shall declare a school district to be educationally deficient when, in any school year, the district fails to meet minimum student, program, service, or operational performance standards.
- (3) The chief state school officer shall provide consultation and assistance to any school district which has been declared educationally deficient by the State Board for Elementary and Secondary Education. The school district shall be provided consultation and guidance relative to programs, services, finances, personnel, and any other areas where appropriate changes would be reasonably calculated to eliminate or alleviate the deficiency and in developing and implementing a district improvement plan pursuant to KRS 158.710. The changes may include improved personnel administration, more efficient management practices, and other administrative and academic actions to improve the local district's performance. The Department of Education shall submit to the local board and superintendent a list of the services and technical assistance the department shall provide. The services listed may include activities and programs offered for the improvement of all districts. The list of services shall be attached to the district improvement plan when it is submitted to the State Board for Elementary and Secondary Education for approval.
- (4) Failure by an educationally deficient school district to meet the process goals, interim performance goals, or timelines set in the district improvement plan shall constitute grounds for removal of the superintendent and local board members from office and this action shall be initiated by the chief state school officer pursuant to KRS 156.132 and 156.136. The district shall also be declared an education development district. The State Board for Elementary and Secondary Education shall appoint the members of the district's board of education which shall have all the powers, duties, and responsibilities of an elected board, except as provided in this section. The appointed members shall serve a four (4) year term or until the district qualifies for an elected board and the duly elected members have taken office, whichever occurs first. When a new superintendent of schools is selected by the local board, the chief state school officer shall approve the selection before the appointment shall become official. The local board shall revise the district improvement plan with the assistance of the Department of Education. The Department of Education shall continue to provide the district consultation and assistance pursuant to subsection (3) of this section. Local board elections shall resume in the first even-numbered year following two (2) consecutive years of

meeting the performance standards set by the State Board for Elementary and Secondary Education. This section shall not create a statutory cause of action for educational malpractice by students, their parents or guardians.

**History:** Expired 1990 Ky. Acts ch. 476, Pt. I, sec. 11, effective June 30, 1996. -- Amended 1990 Ky. Acts ch. 476, Pt. I, sec. 10, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 357, sec. 5, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 347, sec. 3, effective July 13, 1984.

**Legislative Research Commission Note (7/15/96).** Because this statute has expired as of June 30, 1996, under KRS 158.710(6), references to the State Board for Elementary and Secondary Education within the statute have not been changed to the Kentucky Board of Education as required by 1996 Ky. Acts ch. 362, sec. 6.