

Supreme Court of Kentucky

2023-SC-0498-DG

RUSSELL COLEMAN, IN HIS OFFICIAL
CAPACITY AS ATTORNEY GENERAL
OF THE COMMONWEALTH OF
KENTUCKY

APPELLANT

V. ON REVIEW FROM COURT OF APPEALS
NO. 2022-CA-0964
JEFFERSON CIRCUIT COURT NO. 22-CI-002816

JEFFERSON COUNTY BOARD OF
EDUCATION AND ROBBIE
FLETCHER, COMMISSIONER OF
EDUCATION

APPELLEES

ORDER GRANTING PETITION FOR REHEARING,
SETTING ORAL ARGUMENT, AND BRIEFING SCHEDULE

The Petition for Rehearing, filed by the Appellee Jefferson County Board of Education is GRANTED, and the Opinion of the Court rendered on December 19, 2024, is withdrawn.

There will be supplemental briefing and oral argument, which will be limited to the following issues:

1. Does the statute at issue in this case apply to an open or a closed class as that concept was articulated in this Court’s December 19, 2024 Opinion?

2. Did the trial court apply the correct standard for resolution of a claim that a statute violates Sections 59 and 60 of the Kentucky Constitution?

The parties shall follow the supplemental briefing schedule:

- a. Appellant and Appellees shall each file simultaneous briefs complying with RAP 31(G)(3)(a) within thirty (30) days of the date of this Order.
- b. Appellant and Appellees shall each file simultaneous response briefs complying with RAP 31(G)(3)(a) within thirty (30) days of the date of filing of the initial briefs.

Pursuant to RAP 38(A), oral argument will be heard on August 6, 2025 at 10:00 a.m., prevailing Lexington time, at the Robert F. Stephens Circuit Courthouse (Fourth Floor, Courtroom I) in Lexington, Kentucky. Each side shall be allotted 15 minutes to present argument. RAP 38(B).

All sitting. Bisig, Goodwine, Keller, and Thompson, JJ., concur. Lambert, C.J.; Conley and Nickell, JJ., dissent as the issues noted were presented to the Court in the Brief for the Commonwealth thus rehearing under RAP 38(B) is inappropriate.

ENTERED: April 24, 2025.


CHIEF JUSTICE