

**156.106 Critical shortage areas -- Appointment of retired teachers and administrators -- Administrative regulations.**

- (1) For purposes of this section and KRS 161.605, "critical shortage area" means a lack of certified teachers in particular subject areas, in grade levels, or in geographic locations at the elementary and secondary level, as determined annually by the commissioner of education. The commissioner may use any source considered reliable including, but not limited to, data provided by the Education Professional Standards Board and local education agencies to identify the critical shortage areas.
- (2) The Kentucky Board of Education shall promulgate administrative regulations to establish procedures to be used to appoint retired teachers and administrators to positions in critical shortage areas under this section and KRS 161.605. The administrative regulations shall assure that:
  - (a) A retired teacher or administrator shall not be hired until the superintendent assures that he or she has made every reasonable effort to recruit an active teacher or administrator for the position on an annual basis; and
  - (b) A retired teacher or administrator shall be paid, at a minimum, a salary at Rank II with ten (10) years of experience based on a single salary schedule adopted by the district.

The commissioner of education shall report members reemployed under this section to the Kentucky Teachers' Retirement System.

- (3) The Kentucky Board of Education shall promulgate administrative regulations to establish procedures to be used to appoint retired teachers and administrators to positions in critical shortage areas under this section and KRS 161.605. The administrative regulations shall assure that a retired teacher or administrator shall not be hired until the superintendent assures the commissioner of education that the superintendent has made every reasonable effort to recruit an active teacher or administrator for the position on an annual basis. The commissioner of education shall report members reemployed under this section to the Kentucky Teachers' Retirement System.
- (4) If a local school district needs a person to fill a critical shortage position after reaching its quota established under KRS 161.605, the commissioner of education with the approval of the executive director of the Kentucky Teachers' Retirement System may allow the district to exceed its quota if the statewide quota has not been met.

**Effective:** July 14, 2000

**History:** Created 2000 Ky. Acts ch. 477, sec. 1, effective July 14, 2000; and ch. 498, sec. 3, effective July 1, 2000.

**Legislative Research Commission Note (7/14/2000).** Subsections (1) and (4) of this statute were enacted identically in 2000 Ky. Acts ch. 477, sec. 1, subsecs. (1) and (3), and ch. 498, sec. 3, subsecs.(1) and (3). Subsections (2) and (3) were enacted by the same two Acts but with nonidentical, but very similar, text, subsection (2) coming from Acts ch. 477, sec. 1, subsec. (2), and subsection (3) coming from Acts ch. 498, sec. 3, subsec. (2). Because the two Acts differ in the texts of their second subsections in newly created statutes, both versions have been codified. Cf. KRS 446.250. Acts ch. 477 (House Bill 519) was signed by the President of the Senate on

April 11, 2000, at 10:28 a.m.; Acts ch. 498 (House Bill 739) was signed by the President of the Senate on April 11, 2000, at 1:15 p.m. The tables for the 2000 Kentucky Acts show Acts ch. 498 as being codified at KRS 156.497, but, because of the near identity of the sections, it was subsequently decided to merge them into a single KRS section for codification.