

156.846 Local board's power to relinquish management and control of vocational education center -- Issues related to transfer of employees.

- (1) Notwithstanding KRS 156.808, 156.812, 156.814, 156.816, 156.820, and 156.826, upon approval of the Kentucky Board of Education, a local board of education that has operated an area vocational education and technical center for at least five (5) years may relinquish authority for the management and control of the area vocational education and technical center to the Kentucky Department of Education. The local board of education shall transfer all personnel, equipment, and supplies to the Office of Career and Technical Education within the Kentucky Department of Education.
- (2) A certified employee who is affected by a transfer to the Office of Career and Technical Education under subsection (1) of this section shall be granted the same status by the Office of Career and Technical Education as he or she had at the close of employment with the local board of education and shall be employed on the state salary schedule. A classified employee shall be guaranteed employment equal to his or her status in the local school district for at least one (1) complete school term. A transferred employee shall be provided the benefits of comparable employees in the Office of Career and Technical Education and shall be subject to all rules and policies of the Office of Career and Technical Education, including but not limited to disciplinary and personnel actions that are the same as those that may be exercised by the office for any other employee in the Commonwealth during a contract period.
- (3) The employee shall be granted credit for accrued sick leave by the Office of Career and Technical Education up to the maximum allowed for transfers of teachers between school districts. The Office of Career and Technical Education shall award sick leave credit to a classified employee based on the sick leave accumulated in the local district. Any excess sick leave that a classified or certified employee earned that had been held in escrow by the appropriate state personnel system under KRS Chapter 18A or KRS 156.800 to 156.860 when the transfer was made to the local board of education shall be restored to the employee.
- (4) An employee who is to be transferred to the Office of Career and Technical Education under provisions of this section but who chooses not to accept a contract with the Commonwealth shall be separated from the state system and the employee's position shall be abolished. The employee may apply for any state position for which the employee is qualified but shall not be granted priority over other applicants for a position because the employee's position was abolished due to a transfer of the area vocational education and technical center. An employee who refuses a contract with the Office of Career and Technical Education shall have the employee's sick leave balance placed in escrow by the state personnel system under KRS Chapter 18A or KRS 156.800 to 156.860. The sick leave balance shall be restored to the employee if the employee returns to a state government position.
- (5) A certified employee, other than a principal, who has earned continuing status in the local school district under KRS 161.740(1), shall be granted continuing status under the provisions of KRS 156.820. A principal may be granted continuing status as a

teacher, but the provisions relating to demotion of the principal under KRS 156.820 shall apply.

- (6) An employee of a local board of education who is transferred to the Office of the Career and Technical Education and who occupies a position covered by the Kentucky Teachers' Retirement System shall remain in the Kentucky Teachers' Retirement System.
- (7) General fund moneys previously appropriated to a local board of education for support of the area vocational education and technical center shall be appropriated to the Department of Education.

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