

**161.141 Participation in retirement systems -- State-sponsored insurance program -
- Appropriations for retirement and insurance -- Sick leave credit --
Requirements and prohibitions concerning public charter school employees
and local school boards -- Employees of education service provider.**

- (1) As used in this section, "education service provider," "public charter school," "local school board," and "local school district" have the same meanings as in KRS 160.1590.
- (2)
 - (a) Public charter school employees shall participate in the Teachers' Retirement System or the County Employees Retirement System, as determined by their eligibility for participation in the appropriate system and provided the public charter school satisfies the criteria set by the Internal Revenue Service to participate in a governmental retirement plan.
 - (b) Teachers and other certified personnel shall make any required employee contributions to the Teachers' Retirement System under KRS 161.220 to 161.716.
 - (c) Classified employees shall make any required employee contributions to the County Employees Retirement System under KRS 78.510 to 78.852.
 - (d) A public charter school shall participate in the state-sponsored health insurance program on the same basis as a local school district pursuant to KRS 18A.225.
 - (e) Any state appropriation for retirement, health, or life insurance benefits made on behalf of a local public employee or a school district employee shall also be made on behalf of a public charter school employee.
 - (f) A public charter school shall make any required employer contributions to the Teachers' Retirement System under KRS 161.220 to 161.716 and the County Employees Retirement System under KRS 78.510 to 78.852 in the same manner as local school districts.
 - (g) For the purposes of calculating sick leave credit under KRS 161.220 to 161.716, teachers and other certified personnel of a public charter school shall not accumulate more days of sick leave during their employment with the public charter school than they would have otherwise accumulated as a certified employee of the school district of location.
- (3)
 - (a) A public charter school employee shall not be required to be a member of any collective bargaining agreement.
 - (b) A public charter school employee who enters into any collective bargaining unit must do so as a separate unit from the local school district.
- (4) A local school board shall not require any employee of the local school district to be employed in a public charter school or any student enrolled in the school district to attend a public charter school.
- (5) A local school board shall not harass, threaten, discipline, discharge, retaliate, or in any manner discriminate against any district employee involved directly or indirectly with an application to establish a public charter school.

- (6) An employee of an education service provider shall not be considered a public charter school employee, but shall meet the same certification and background check requirements otherwise required of a public charter school employee.

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History: Amended 2022 Ky. Acts ch. 213, sec. 12, effective July 14, 2022. -- Created 2017 Ky. Acts ch. 102, sec. 11, effective June 29, 2017.