

156.844 Local board's petition to commissioner of education seeking power to manage and control state-operated secondary vocational education and technology center -- Issues related to transfer of employees.

- (1) (a) A local board of education may submit a request to the commissioner of education to assume authority for the management and control of a state-operated secondary vocational education and technology center. Upon agreement between the commissioner of education and the local board of education for the transfer of a state-operated secondary vocational education and technology center, all personnel, equipment, and supplies shall be transferred to the local board of education and shall be utilized for the operation of the locally operated vocational center.
- (b) Beginning March 18, 2021, if a state-operated secondary vocational education and technology center serves more than one (1) school district, any agreement under paragraph (a) of this subsection shall require the local board to continue to serve the additional school district or districts through a memorandum of understanding. The executed memorandum of understanding shall be submitted to the commissioner of education at the same time as the request to assume authority for management and control of the state-operated secondary vocational education and technology center.
- (2) A certified employee who is affected by a transfer to the local board of education under subsection (1) of this section shall be granted a one (1) year limited contract by the local board of education, except as provided in subsection (5) of this section, and shall be employed on the local district salary schedule. A classified employee shall be guaranteed employment equal to his or her present status for at least one (1) complete school term, except as provided in subsection (5) of this section. A transferred employee shall be provided the benefits of comparable employees in the district and shall be subject to all rules and policies of the local board of education, including but not limited to disciplinary and personnel actions that are the same as those that may be exercised by the district for any other employee in the district during a contract period.
- (3) A transferred employee who has accrued annual leave and compensatory time shall be paid a lump sum for the accrued time at the effective date of the transfer by the Department of Education. The employee shall be granted credit for accrued sick leave up to the maximum allowed for transfers of teachers between school districts. Sick leave credit shall be awarded to a classified employee based on the local board policy. Any excess sick leave that a classified or certified employee has earned that the district will not accept in the transfer may be requested to be held in escrow by the appropriate state personnel system under KRS Chapter 18A or KRS 156.800 to 156.860, and the sick leave balance shall be restored to the employee if the employee returns to a state government position.
- (4) An employee who is to be transferred to a local board of education under provisions of this section but who chooses not to accept a one (1) year limited contract with the board 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 vocational education and technology center. An employee who refuses a contract with the local board shall be provided a lump-sum payment for accrued annual leave and compensatory time, and the employee's sick leave balance shall be placed in escrow by the appropriate 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 who has earned continuing status in the state certified personnel system under KRS 156.800 to 156.860 shall be granted a continuing service contract as defined in KRS 161.720 upon transfer to a local board of education under subsection (1) of this section. A principal who has earned continuing status prior to transfer shall be granted a continuing service contract, but the provisions relating to demotion of the principal under KRS 161.765 shall apply. A classified employee who has four (4) years of continuous active service in the state certified personnel system under KRS 156.800 to 156.860 at the time of transfer shall be offered an employment contract at the time of transfer that shall be considered a continuing service contract as defined in KRS 161.720 for a minimum of five (5) complete school terms.
- (6) An employee of the Office of Career and Technical Education who is transferred to the local school district and who occupies a position covered by the Kentucky Teachers' Retirement System shall remain in the Kentucky Teachers' Retirement System.
- (7) After the effective date of the transfer, the local board of education shall receive funding for the support of the local board of education center operations pursuant to KRS 157.069. In addition, the local board of education shall receive one hundred percent (100%) of the Support Education Excellence in Kentucky program funds from the Department of Education that are generated from students enrolled in the center.

Effective: March 18, 2021

History: Amended 2021 Ky. Acts ch. 40, sec. 2, effective March 18, 2021. --
Created 2013 Ky. Acts ch. 59, sec. 4, effective June 25, 2013.

2020-2022 Budget Reference. See State/Executive Branch Budget, 2020 Ky. Acts ch. 92, Pt. I, C, 3, (13) at 872.