

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amendment)

780 KAR 3:035. Employee evaluations.

RELATES TO: KRS 156.808(3)(j), 156.828

STATUTORY AUTHORITY: KRS 156.070, 156.808(3)(j), 156.828(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.808(3)(j) requires the Kentucky Board of Education~~[executive director]~~ to promulgate ~~[comprehensive]~~ administrative regulations, personnel policies and procedures for all~~[for the]~~ certified and equivalent staff in the Office of Career and Technical Education, governing employee evaluations. KRS 156.828(1) requires the commissioner of education~~[executive director]~~ to adopt written evaluation procedures for all certified and equivalent employees. This administrative regulation establishes the requirements for employee evaluations for certified and equivalent employees working in the Office of Career and Technical Education.

Section 1. General Provisions.

(1) Evaluations of certified and equivalent employees~~[school administrators]~~ shall be conducted in accordance with the "Kentucky Tech Certified Evaluation Plan" ~~["Performance Evaluation Criteria and Procedures for School Administrators"]~~, revised annually~~[7/2008]~~, ~~[published]~~ by the associate commissioner of the Office of Career and Technical Education~~[.]~~, and

~~[(2)] [Evaluations of instructors shall be conducted in accordance with the Teacher Standards for Evaluation – Formative, published by the Office of Career and Technical Education.]~~

(2) ~~[(3)]~~ Evaluations of certified~~[.]~~ and equivalent employees of the Office of Career and Technical Education~~[or central office staff]~~ shall be conducted in accordance with KRS 156.828 and the requirements of the Kentucky framework for personnel evaluations as set forth in 704 KAR 3:370~~[the "Performance Evaluation Criteria and Procedures for Other Certified, Equivalent and Central Office Staff", revised 11/93, published by the Office of Career and Technical Education]~~.

~~[Section 2.] [Incorporation by Reference.]~~

~~[(1)] [The following material is incorporated by reference:]~~

~~[(a)] [School Administrator Standards for Evaluation – Formative, revised July 2008;]~~

~~[(b)] [Teacher Standards for Evaluation – Formative, revised July 2007; and]~~

~~[(c)] [“Performance Evaluation Criteria and Procedures for Other Certified, Equivalent and Central Office Staff”, revised 11/93.]~~

~~[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Human Resources Management, Education and Labor Cabinet, 500 Mero Street, 4th Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]~~

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

ROBIN FIELDS KINNEY, Interim Commissioner of Education

SHARON PORTER ROBINSON, Chairperson

APPROVED BY AGENCY: April 15, 2024

FILED WITH LRC: April 15, 2024 at 11:15 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 26, 2024 at 10 a.m. Eastern Time, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky 40601. Individuals interested in being heard at this meeting shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may want to submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the requirements for evaluations of certified and equivalent employees working in the Kentucky Department of Education (KDE) Office of Career and Technical Education (OCTE).

(b) The necessity of this administrative regulation:

KRS 156.808 requires the Kentucky Board of Education to promulgate personnel policies and procedures for all full-time and part-time unclassified employees, certified and equivalent staff, including administrative, teaching and supervisory staff in the Office of Career and Technical Education regarding employee evaluations. KRS 156.828 requires the commissioner of education to adopt written evaluation procedures for all certified and equivalent employees of the Office of Career and Technical Education.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation provides specific details regarding employee evaluations processes pursuant to the requirements in KRS 156.808.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation provides additional detail by establishing that the Kentucky Board of Education creates policies and procedures regarding employee evaluations and that the commissioner of education shall adopt written evaluation procedures for all certified and equivalent employees of the Office of Career and Technical Education which assists in the effective administration of KRS 156.808 and KRS 156.828. This administrative regulation provides the requirement of using the Kentucky Tech Certified Evaluation Plan and the Kentucky framework for personnel evaluations set forth by 704 KAR 3:370.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment will update the existing regulation to parallel the statutes and will clarify the specific governing body over policies and procedures relating to employee evaluations.

(b) The necessity of the amendment to this administrative regulation:

KRS 156.808 requires that the Kentucky Board of Education create policies and procedures relating to employee evaluations. KRS 156.828 requires the commissioner of education to adopt written evaluation procedures for all certified and equivalent employees of the Office of Career and Technical Education.

(c) How the amendment conforms to the content of the authorizing statutes:

This administrative regulation provides specific details in relation to the policies and procedures regarding employee evaluations required by KRS 156.828.

(d) How the amendment will assist in the effective administration of the statutes:

This administrative regulation amendment aligns details in the regulation to statute language.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The Office of Career and Technical Education and the Kentucky Tech System of Area Technology Centers will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The Office of Career and Technical Education and the Ky Tech System will be required to use the Ky Tech Certified Evaluation Plan for evaluations of certified and equivalent employees. This practice is already in place and will not be a new requirement.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There will be no additional cost to the Office of Career and Technical Education of the Ky Tech System.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

There will be no benefits accrued by the regulated entities.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

This amendment regarding employee evaluations will require no additional cost to the Kentucky Department of Education.

(b) On a continuing basis:

There is no continuing cost to as a result of this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

State generated funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increased fees or funding is anticipated as a result of this regulation amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This amendment does not establish or increase fees.

(9) TIERING: Is tiering applied?

Tiering was not appropriate in this administrative regulation because the administration regulation applies equally to all certified and equivalent employees of the Office of Career and Technical Education.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 156.070, KRS 156.808, KRS 156.828

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Department of Education

(a) Estimate the following for the first year:

Expenditures:\$0.00

Revenues:\$0.00

Cost Savings:\$0.00

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The amendment to this regulation does not result in any new expenditures, revenues, or cost savings.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

Secondary state-operated area technology centers

(a) Estimate the following for the first year:

Expenditures:\$0.00

Revenues:\$0.00

Cost Savings:\$0.00

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The amendment to this regulation does not result in any new expenditures, revenues, or cost savings.

(4) Identify additional regulated entities not listed in questions (2) or (3):

The amendment to this regulation does not impact any additional regulated entities.

(a) Estimate the following for the first year:

Expenditures:\$0.00

Revenues:\$0.00

Cost Savings:\$0.00

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The amendment to this regulation does not result in any new expenditures, revenues, or cost savings.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

The amendment to this regulation does not result in any new expenditures, revenues, or cost savings.

(b) Methodology and resources used to determine the fiscal impact:

The amendment to this regulation does not result in any new expenditures, revenues, or cost savings.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

The amendment to this regulation will not have an overall negative or adverse economic impact on any identified entities.

(b) The methodology and resources used to reach this conclusion:

The amendment to this regulation will not have an overall negative or adverse economic impact on any identified entities.