

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

780 KAR 3:030. Appointments.

RELATES TO: KRS 156.808

STATUTORY AUTHORITY: 156.808

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.808(3)(e) and (f) require the Kentucky Board of Education~~[executive director]~~ to promulgate comprehensive administrative regulations for the selection of employees and type of appointments for certified and equivalent personnel employed by the Department of Education, Office of Career and Technical Education. This administrative regulation establishes the requirements governing selection and appointments of certified and equivalent personnel.

Section 1. Notice of Classes, Minimum Qualifications, and Vacancies.

(1) An official list of classes, minimum qualifications, and vacancies developed by the Department of Education~~[Division of Human Resources Management]~~ shall be posted to the official Personnel Cabinet Web site~~[of all classifications and minimum qualifications shall be posted in each area business office and each division office for public review]~~.

(2)

(a) All vacancies shall be posted online~~[in all facilities on a statewide basis]~~ for a minimum of five (5)~~[ten (10)]~~ days.

(b) The vacancy posting shall ~~[be on a Kentucky Tech School System Vacancy Posting Notice form and shall]~~ contain the title, minimum qualifications, and other pertinent information about the vacancy.

Section 2. Establishment and Abolishment of Positions. The appointing authority ~~[or his designee]~~ shall establish and abolish positions, transfer certified and equivalent employees between positions, and change titles and compensation of existing offices of certified and equivalent employees consistent with the provisions of KRS 156.808~~[12.060 and the classifications and compensation plan of the certified and equivalent personnel system]~~.

Section 3. ~~[Filing]~~ Applications.

(1) Each application shall be submitted on an Application for Employment from the official Personnel Cabinet Web site.

(2) The application shall be signed and the truth of the statements therein certified by a signature under penalty of removal for falsification and any criminal penalties that apply.

(3) The appointing authority~~[executive director]~~ shall authorize individuals to verify work experience and educational attainment of an applicant for a position in the certified and equivalent personnel system.

(4) The application shall be consistent with the state and federal equal employment opportunity requirements~~[guidelines]~~.

Section 4. Minimum Qualifications for Filing. A position shall be filled by an applicant who meets the standards or requirements prescribed by the appointing authority~~[executive director]~~ with regard to education and experience and any other factors as may be held to relate to the ability of the candidate to perform with reasonable efficiency the duties of the position.

Section 5. Selection of Employees. The Department of Education~~[Division of Human Resources Management]~~ shall only consider those~~[maintain a central referral list which shall be compiled and submitted to area business for inclusion in the consideration of]~~

qualified applicants that have applied to the posted position in consideration for employment.

Section 6.

(1) Except as provided in subsection (4) of this section, the appointing authority ~~for his designee~~ shall fill a position~~[an appointment]~~ through the consideration of a list of recommendations submitted by a designated interview committee composed of no less than three (3) or more than seven (7) members, or from supervisory recommendations ~~or peer recommendations~~.

(2) The procedure for determining the composition of the designated interview committee shall be determined by the appointing authority ~~or his designee~~.

(3) The committee shall make recommendations to the designated Office of Career and Technical Education official as determined by the appointing authority.

(4) If deemed in the best interest of the Commonwealth, the appointing authority shall not utilize an interview committee.

~~[Section 7.] [Incorporation by Reference.]~~

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

~~[(a)] [Kentucky Tech School System Vacancy Posting Notice, August 2006; and]~~

~~[(b)] [Application for Employment, December 2005.]~~

~~[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Workforce Development, Office of Career and Technical Education, Division of Human Resources Management, 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 governing selection and appointments of certified and equivalent personnel.

(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 central office and state-operated area technology centers.

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

This administrative regulation provides that 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 central office and state-operated area technology centers shall be provided by the Kentucky Board of Education.

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

This administrative regulation establishes the policies and procedures for applications and selection of certified and equivalent employees.

(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:

This amendment will update the existing regulation to parallel the statute and will clarify the specific policies and procedures of the Kentucky Board of Education to govern the state-operated area technology centers.

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

Changes were made to KRS 156.808; consequently, the administrative regulation should be updated as well. Additionally, this regulation has not been updated in many years and needs to be revised.

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

This amendment provides conformity with the authorizing statute, KRS 156.808.

(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:

All certified and equivalent staff in the Office of Career and Technical Education state-operated 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:

There will be no additional action needed from the Office of Career and Technical Education state-operated area technology centers to comply with this administrative regulation. Amendments reflect current operations within the Department of Education.

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

This change to the administrative regulation requires no additional direct costs to the Kentucky Department of Education or the state-operated area technology centers.

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

Amendments reflect current operations of the Office of Career and Technical Education under the Department of Education.

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

(a) Initially:

This amendment requires no additional cost.

(b) On a continuing basis:

(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 are 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 administrative regulation applies equally to the Office of Career and Technical Education and all state-operated area technology centers.

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 156.808, KRS 156.804

(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.