

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

780 KAR 3:080. Extent and duration of school term, use of school days and extended employment.

RELATES TO: KRS 156.808

STATUTORY AUTHORITY: KRS 156.808(1), (2), and (3)(i)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.808(1) requires the Kentucky Board of Education to promulgate administrative regulations establishing personnel policies and procedures for all 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. KRS 156.808(3)(i) requires the Kentucky Board of Education to promulgate administrative regulations relating to the extent and duration of the state-operated area technology centers~~[Kentucky Tech System]~~ school term, use of school days, and extended employment. This administrative regulation establishes the school term and employment provisions for employees.

Section 1.

(1) Except as provided in Section 2 of this administrative regulation, the regular work year for any teacher in a state-operated area technology center shall be 190 work days between July 1 and June 30 annually, to be scheduled by the center principal.

(2) During this work year, secondary students shall begin classes based on the participating school district schedules.

(3) An area technology center shall serve~~[not be closed if]~~ secondary school students ~~[need to be served]~~ for ~~[the]~~ participating school districts either in-person or virtually when those participating school districts have non-traditional or traditional instructional days.

(4) Any employee required to work on an official state holiday in order to serve students shall ~~[be compensated]~~ have their calendar adjusted to reflect a modification to their working days.

(5) The duties of an area technology center principal shall consist of 228 work days between July 1 and June 30 annually, to be scheduled by the associate commissioner for career and technical education or their designee.

(6) If the school district where the center is located closes due to inclement weather, staff in the area technology center shall not report to work and the work day will be re-scheduled to meet student needs.~~[Non-traditional instruction days may be allowed at the discretion of the associate commissioner for career and technical education.]~~

(7) The school calendar shall be adopted on or before May 30 of each year by the associate commissioner of career and technical education or their designee.

Section 2.

(1) A teacher may request to be employed beyond the 190 work days~~[if requested and approved by the associate commissioner for career and technical education or their designee].~~

(2) The principal, associate commissioner for career and technical education or their designee may request that the teacher perform other essential services for which extended employment shall be provided. The special request shall be handled on an individual basis.

(3)

- (a) To request extended employment, a teacher in an area technology center shall submit a written request to the teacher's principal.
- (b) If the principal approves the request, the principal shall sign the request and submit it to the area supervisor.
- (c) If the area supervisor approves the request, the area supervisor shall sign the request and submit it to the associate commissioner for career and technical education or their designee by April 15.
- (d) The associate commissioner for career and technical education or their designee shall send written notification regarding the decision to the teacher by May 30. The notification shall indicate:
 - 1. If the request was approved, the number of days for which approval was granted and a description of the additional duties or essential services to be performed; or
 - 2. If the request was not approved, the reasons for denial.

Section 3.

- (1) Any teacher employed 190 working days ~~shall~~~~[may request that their salary]~~ be paid in twenty-four (24) paychecks.
- (2) The last two (2) paychecks shall be adjusted if necessary to reflect any salary variance due to changes in work schedules.

Section 4.

- (1) All area technology centers shall be officially closed to students on the official state holidays designated for Christmas and New Year's.
- (2) The principal may require an employee to work for safety or security reasons.

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).

*ROBBIE FLETCHER, Ed. D., Commissioner
SHARON PORTER ROBINSON, Chairperson*

APPROVED BY AGENCY: August 12, 2024

FILED WITH LRC: August 13, 2024 at 3:00 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 23, 2024 at 10:00 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 October 31, 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 Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the school term and employment provisions for certified and equivalent employees of state-operated area technology centers.

(b) The necessity of this administrative regulation:

KRS 156.808 requires the Kentucky Board of Education to promulgate administrative regulations relating to the extent and duration of the state-operated area technology centers school term, use of school days, and extended employment

(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 school term and employment provisions for certified and equivalent employees of state-operated area technology centers.

(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 by aligning to the policies and procedures implemented for area technology center certified and equivalent staff.

(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 staff 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 center staff.

(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:

This amendment requires no additional cost.

(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:

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

(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

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

The Department of Education and secondary state-operated area technology centers.

(a) Estimate the following for the first year:

Expenditures:\$0

Revenues:\$0

Cost Savings:\$0

(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):

None.

(a) Estimate the following for the first year:

Expenditures:\$0

Revenues:\$0

Cost Savings:\$0

(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

Revenues:\$0

Cost Savings:\$0

(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.