

**161.011 Definitions of "classified employee" and "seniority" -- Job classifications and minimum qualifications -- Requirement of written contracts and written personnel policies -- Reduction in force -- Registry of vacant classified employee positions and training -- Review of local board policies by Department of Education.**

- (1) (a) "Classified employee" means an employee of a local district who is not required to have certification for his position as provided in KRS 161.020; and  
(b) "Seniority" means total continuous months of service in the local school district, including all approved paid and unpaid leave.
- (2) The commissioner of education shall establish by January, 1992, job classifications and minimum qualifications for local district classified employment positions which shall be effective July 1, 1992. After June 30, 1992, no person shall be eligible to be a classified employee or receive salary for services rendered in that position unless he holds the qualifications for the position as established by the commissioner of education.
- (3) No person who is initially hired after July 13, 1990, shall be eligible to hold the position of a classified employee or receive salary for services rendered in such position, unless he holds at least a high school diploma or high school certificate of completion or High School Equivalency Diploma, or he shows progress toward obtaining a High School Equivalency Diploma. To show progress toward obtaining a High School Equivalency Diploma, a person shall be enrolled in a High School Equivalency Diploma program and be progressing satisfactorily through the program, as defined by administrative regulations promulgated by the Education and Workforce Development Cabinet.
- (4) Local school districts shall encourage classified employees who were initially hired before July 13, 1990, and who do not have a high school diploma or a High School Equivalency Diploma to enroll in a program to obtain a High School Equivalency Diploma.
- (5) Local districts shall enter into written contracts with classified employees. Contracts with classified employees shall be renewed annually except contracts with the following employees:
  - (a) An employee who has not completed four (4) years of continuous active service, upon written notice which is provided or mailed to the employee by the superintendent, no later than May 15, that the contract will not be renewed for the subsequent school year. Upon written request by the employee, within ten (10) days of the receipt of the notice of nonrenewal, the superintendent shall provide, in a timely manner, written reasons for the nonrenewal.
  - (b) An employee who has completed four (4) years of continuous active service, upon written notice which is provided or mailed to the employee by the superintendent, no later than May 15, that the contract is not being renewed due to one (1) or more of the reasons described in subsection (7) of this section. Upon written request within ten (10) days of the receipt of the notice of nonrenewal, the employee shall be provided with a specific and complete

written statement of the grounds upon which the nonrenewal is based. The employee shall have ten (10) days to respond in writing to the grounds for nonrenewal.

- (6) Local districts shall provide in contracts with classified employees of family resource and youth services centers the same rate of salary adjustment as provided for other local board of education employees in the same classification.
- (7) Nothing in this section shall prevent a superintendent from terminating a classified employee for incompetency, neglect of duty, insubordination, inefficiency, misconduct, immorality, or other reasonable grounds which are specifically contained in board policy.
- (8) The superintendent shall have full authority to make a reduction in force due to reductions in funding, enrollment, or changes in the district or school boundaries, or other compelling reasons as determined by the superintendent.
  - (a) When a reduction of force is necessary, the superintendent shall, within each job classification affected, reduce classified employees on the basis of seniority and qualifications with those employees who have less than four (4) years of continuous active service being reduced first.
  - (b) If it becomes necessary to reduce employees who have more than four (4) years of continuous active service, the superintendent shall make reductions based upon seniority and qualifications within each job classification affected.
  - (c) Employees with more than four (4) years of continuous active service shall have the right of recall positions if positions become available for which they are qualified. Recall shall be done according to seniority with restoration of primary benefits, including all accumulated sick leave and appropriate rank and step on the current salary schedule based on the total number of years of service in the district.
- (9) Local school boards shall develop and provide to all classified employees written policies which shall include but not be limited to:
  - (a) Terms and conditions of employment;
  - (b) Identification and documentation of fringe benefits, employee rights, and procedures for the reduction or laying off of employees; and
  - (c) Discipline guidelines and procedures that satisfy due process requirements.
- (10) Local school boards shall maintain a registry of all vacant classified employee positions that is available for public inspection in a location determined by the superintendent and make copies available at cost to interested parties. If financially feasible, local school boards may provide training opportunities for classified employees focusing on topics to include but not be limited to suicide prevention, abuse recognition, and cardiopulmonary resuscitation (CPR). If suicide prevention training is offered it may be accomplished through self-study review of suicide prevention materials.
- (11) The evaluation of the local board policies required for classified personnel as set out in this section shall be subject to review by the Department of Education while it is conducting district management audits pursuant to KRS 158.785.

**Effective:** June 27, 2019

**History:** Amended 2019 Ky. Acts ch. 146, sec. 30, effective June 27, 2019. -- Amended 2017 Ky. Acts ch. 63, sec. 18, effective June 29, 2017. -- Amended 2010 Ky. Acts ch. 136, sec. 2, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 113, sec. 6, effective April 14, 2008. -- Amended 2006 Ky. Acts ch. 211, sec. 90, effective July 12, 2006. -- Amended 2003 Ky. Acts ch. 29, sec. 21, effective June 24, 2003. -- Amended 2002 Ky. Acts ch. 5, sec. 1, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 271, sec. 2, effective March 31, 2000. -- Amended 1998 Ky. Acts ch. 590, sec. 1, effective April 14, 1998. -- Amended 1994 Ky. Acts ch. 25, sec. 1, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 476, Pt. II, sec. 54, effective July 13, 1990. -- Created 1988 Ky. Acts ch. 388, sec. 1, effective July 15, 1988.

**Legislative Research Commission Note (7/15/2010).** The amendments made to this section by 2010 Ky. Acts ch. 136 shall be known as the "Make a Difference for Kids Act of 2010."

**Legislative Research Commission Note. (7/5/2001)** Previous references to "subsection (6) of this section" in subsection (5)(b) of this statute were not changed to "subsection (7)" when the subsections were renumbered in 2000 Ky. Acts ch. 271, sec. 2. It is clear from the context that this should have been done but was inadvertently overlooked. This omission has been corrected by the reviser of statutes under KRS 7.136(1)(e) and (h).