

AN ACT relating to teacher contracts.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

➔Section 1. KRS 161.720 is amended to read as follows:

- (1) The term "teacher" for the purpose of KRS 161.730 to 161.810 shall mean any person for whom certification is required as a basis of employment in the public schools of the state, with the exception of the superintendent.
- (2) The term "year" as applied to terms of service means actual service of not less than seven (7) school months within a school year; provided, however, that any board of education may grant a leave of absence for professional advancement or military leave for active duty service with full credit for service.
- (3) The term "limited contract" shall mean a contract for the employment of a teacher for a term of one (1) year only or for that portion of the school year that remains at the time of employment.
- (4) The term "continuing service contract" shall mean a contract for the employment of a teacher which shall remain in full force and effect until:
  - (a) The teacher resigns or retires;~~[-or]~~
  - (b) **The contract**~~[Until it]~~ is terminated or suspended as provided in KRS 161.790 and 161.800; **or**
  - (c) **For contracts entered into on or after July 1, 2017, the contract is terminated for the teacher's failure to successfully meet the requirements of a professional growth plan, as identified in KRS 156.557(5)(c)5., for a maximum of two (2) consecutive years.**
- (5) The term "continuing status" means employment of a teacher under a continuing contract.
- (6) The term "standard" or "college" certificate for the purpose of KRS 161.730 to 161.810 shall mean any certificate issued upon the basis of graduation from a standard four (4) year college or completion of a local district alternative

certification training program.

- (7) The term "superintendent" for the purpose of KRS 161.765 shall mean the school officer appointed by a board of education under the authority of KRS 160.350 or any person authorized by law to perform the duties of that officer.
- (8) The term "administrator" for the purpose of KRS 161.765 shall mean a certified employee, below the rank of superintendent, who devotes the majority of his employed time to service as a principal, assistant principal, supervisor, coordinator, director, assistant director, administrative assistant, finance officer, pupil personnel worker, guidance counselor, school psychologist, or school business administrator. The term "administrator" shall also include those assistant, associate, or deputy superintendents who do not fall within the definition of "superintendent" as set forth in subsection (7) of this section.
- (9) The terms "demote" or "demotion" for the purpose of KRS 161.765 shall mean a reduction in rank from one position on the school district salary schedule to a different position on that schedule for which a lower salary is paid. The terms shall not include lateral transfers to positions of similar rank and pay or minor alterations in pay increments required by the salary schedule.

➔Section 2. KRS 161.740 is amended to read as follows:

- (1) **Prior to July 1, 2017,** teachers eligible for continuing service status in any school district shall be those teachers who meet qualifications listed in this **subsection**~~[section]~~:
- (a) Hold a standard or college certificate as defined in KRS 161.720 or meet the certification standards for **career and technical or** vocational education teachers established by the Education Professional Standards Board.
- (b) When a currently employed teacher is reemployed by the superintendent after teaching four (4) consecutive years in the same district, or after teaching four (4) years which shall fall within a period not to exceed six (6) years in the

same district, the year of present employment included, the superintendent shall issue a written continuing contract if the teacher assumes his duties, and the superintendent shall notify the board of the action taken.

**(2) (a) Beginning July 1, 2017, each person hired for the first time in a district as a teacher shall receive a limited contract. The superintendent may choose not to grant the teacher a limited contract for any subsequent year upon written notification to the teacher on or before May 15, as outlined in KRS 161.750.**

**(b) A teacher may apply for a continuing service contract after four (4) years in the same school district if the teacher:**

**1. Holds a professional certificate as prescribed by KRS 161.020 and 161.030; and**

**2. Has consistently met or exceeded expectations for effective performance on the annual evaluation in accordance with KRS 156.557 for three (3) out of the four (4) annual summative evaluations.**

**(3)** A limited status employee on approved military leave shall be awarded service credit for each year of military service or each year of combined military and school service within a school year toward continuing contract status. If the leave time will qualify the teacher for continuing contract status, the local district may require the teacher to complete a one (1) year probationary period upon return. If required, the local district shall notify the teacher in writing within fourteen (14) days following receipt of the military leave request. Each day served in the General Assembly by a board of education employee during a regular or extraordinary session shall be included in the computation of a year as defined in KRS 161.720(2).

**(4)**~~(e)~~ When a teacher has attained continuing contract status in one district and becomes employed in another district, the teacher shall retain that status. However, a district may require a one (1) year probationary period of service in that district

before granting that status. For purposes of this subsection, the continuing contract of a teacher shall not be terminated when the teacher leaves employment, all provisions of KRS 161.720 to 161.810 to the contrary notwithstanding, and the continuing service contract shall be transferred to the next school district, under conditions set forth in this section, for a period of up to seven (7) months from the time employment in the first school district has terminated. Nothing contained herein shall be construed to give a teacher a right to reemployment in the first school district during the seven (7) month period following termination.

~~(5)~~ ~~(d)~~ Service credit toward a continuing contract shall begin only when a teacher is properly certified as defined in KRS 161.720(6) or, in the case of a **career and technical education or** vocational education teacher, when the required certification standards established by the Education Professional Standards Board have been met. **This requirement shall not apply to substitute teachers unless the district elects to employ such teachers on a contractual basis.**

~~(6)~~ ~~(2)~~ — Vocational education teachers fulfilling the requirements in subsection (1) of this section as of July 15, 1982, shall be eligible for continuing service status.

~~(3)~~ Whether employed under a limited contract or continuing service contract status, any teacher or superintendent who has been or may be hereafter inducted into the Armed Forces of this country, shall at the expiration of service be reemployed or reinstated in a comparable position as of the beginning of the next school year, provided application is made at least thirty (30) days before the opening of school, unless physically or mentally incapacitated according to medical notations on official discharge papers. Vacancies created by military leaves shall be filled by teachers or superintendents employed by the board of education under a limited contract of one (1) year or less.

➔ Section 3. KRS 156.844 is amended to read as follows:

(1) 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.

- (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 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. 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, other than a principal, who has earned continuing status in the state certified personnel system under KRS 156.800 to 156.860 may be granted tenure under the provisions of KRS 161.740(1) or (2)~~(e)~~. A principal may be granted tenure as a teacher, but the provisions relating to demotion of the principal under KRS 161.765 shall apply.
- (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.

➔Section 4. KRS 156.846 is amended to read as follows:

- (1) Notwithstanding KRS 156.808, 156.812, 156.814, 156.816, 156.820, and 156.826, upon approval of the Kentucky Board of Education, a local board of education that has operated an area vocational education and technical center for at least five (5) years may relinquish authority for the management and control of the area vocational education and technical center to the Kentucky Department of Education. The local board of education shall transfer all personnel, equipment, and supplies to the Office of Career and Technical Education within the Kentucky Department of Education.
- (2) A certified employee who is affected by a transfer to the Office of Career and Technical Education under subsection (1) of this section shall be granted the same status by the Office of Career and Technical Education as he or she had at the close of employment with the local board of education and shall be employed on the state salary schedule. A classified employee shall be guaranteed employment equal to his or her status in the local school district for at least one (1) complete school term. A transferred employee shall be provided the benefits of comparable employees in the Office of Career and Technical Education and shall be subject to all rules and policies of the Office of Career and Technical Education, including but not limited to disciplinary and personnel actions that are the same as those that may be exercised by the office for any other employee in the Commonwealth during a contract period.
- (3) The employee shall be granted credit for accrued sick leave by the Office of Career and Technical Education up to the maximum allowed for transfers of teachers between school districts. The Office of Career and Technical Education shall award sick leave credit to a classified employee based on the sick leave accumulated in the local district. Any excess sick leave that a classified or certified employee earned that had been held in escrow by the appropriate state personnel system under KRS Chapter 18A or KRS 156.800 to 156.860 when the transfer was made to the local

board of education shall be restored to the employee.

- (4) An employee who is to be transferred to the Office of Career and Technical Education under provisions of this section but who chooses not to accept a contract with the Commonwealth 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 area vocational education and technical center. An employee who refuses a contract with the Office of Career and Technical Education shall have the employee's sick leave balance placed in escrow by the 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, other than a principal, who has earned continuing status in the local school district under KRS 161.740(1) or (2), shall be granted continuing status under the provisions of KRS 156.820. A principal may be granted continuing status as a teacher, but the provisions relating to demotion of the principal under KRS 156.820 shall apply.
- (6) An employee of a local board of education who is transferred to the Office of the Career and Technical Education and who occupies a position covered by the Kentucky Teachers' Retirement System shall remain in the Kentucky Teachers' Retirement System.
- (7) General fund moneys previously appropriated to a local board of education for support of the area vocational education and technical center shall be appropriated to the Department of Education.