

1 AN ACT relating to career and technical education and declaring an emergency.

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

3 ➔Section 1. KRS 157.069 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Secondary area technology center" or "secondary area center" means a school
6 facility dedicated to the primary purpose of offering five (5) or more technical
7 preparation programs that lead to skill development focused on specific
8 occupational areas. An area center may be called a "magnet technology
9 center" or "career center" or may be assigned another working title by the
10 parent agency. An area center may be either state or locally operated; and

11 (b) "Vocational department" means a portion of a school facility that has five (5)
12 or more technical preparation programs that lead to skill development focused
13 on specific occupational areas.

14 (2) **Except as described in subsection (5) of this section,** the Kentucky Department of
15 Education shall distribute all general funds designated for locally operated
16 secondary area centers and vocational departments~~[,]~~ which **received**~~[have been~~
17 ~~receiving]~~ state supplemental funds **in fiscal year 2020-2021**~~[prior to June 21,~~
18 ~~2001,]~~ by a weighted formula~~[,]~~ specified in an administrative regulation
19 promulgated by the Kentucky Board of Education. The formula shall take into
20 account the differences in cost of operating specific programs. The commissioner of
21 education shall determine programs to be assigned to categories based on the
22 descriptions found in paragraphs (a) to (c) of this subsection. Programs in
23 Categories III and II shall be eligible for funding.

24 (a) Category III--High-cost technical programs: Programs in which students
25 develop highly technical skills in specific occupational areas and that require
26 high-cost equipment, materials, and facilities. This category may include
27 selected industrial technology Level III programs as defined by the

1 Department of Education and programs in other occupational areas as deemed
2 appropriate;

3 (b) Category II--Technical skill programs: Programs in which students develop
4 technical skills focused in occupational areas and that require technical
5 equipment but high-cost equipment, facilities, or materials are not necessary
6 to operate the programs. This category may include selected industrial
7 technology Level III programs as defined by the Department of Education and
8 programs in other occupational areas as deemed appropriate; and

9 (c) Category I--Orientation and career exploration programs: Programs that
10 provide orientation and exploration of broad-based industries by giving
11 students knowledge and experience regarding careers within these industries
12 and develop some exploratory or hands-on skills used in the industry.

13 Notwithstanding paragraphs (a) and (b) of subsection (1) of this section, the
14 Department of Education shall approve the combining of eligible secondary
15 vocational programs into a single vocational department for purposes of funding for
16 a school district that has been receiving state supplemental funds and has distributed
17 its vocational programs, previously located in area centers, among magnet career
18 academies.

19 (3) For calculation purposes and after categorizing the programs as described in
20 subsection (2) of this section, a weight shall be applied as a percentage of the base
21 guarantee per pupil in average daily attendance as defined by KRS 157.320 under
22 the Support Education Excellence in Kentucky Program, which shall be applied to
23 full-time equivalent students in Categories II and III. Category I programs shall
24 receive no weight. The full-time equivalent students shall be calculated on the basis
25 of the total program enrollment ~~multiplied~~ ~~divided~~ by the length of the class period
26 divided by six (6).

27 (4) (a) If a school district has a locally operated secondary area center that has been

1 receiving state supplemental funds, and the district moves the center as part of
2 a collaborative project agreement between two (2) or more school districts,
3 then the Kentucky Department of Education may, subject to approval by the
4 commissioner of education, distribute the general funds designated for the
5 district's locally operated secondary area center to the district for the purpose
6 of supporting the collaborative project for the district's full-time equivalent
7 students in Category II and III programs.

8 (b) If the commissioner of education approves the distribution of funds under
9 paragraph (a) of this subsection:

- 10 1. For the first year of the collaborative project agreement, the department
11 shall distribute an amount equal to the final allotted amount of general
12 funds from the prior fiscal year designated for the district's locally
13 operated secondary area center; and
- 14 2. For any successive year of the collaborative project agreement, the
15 department shall calculate the amount of general funds to distribute
16 pursuant to subsections (2) and (3) of this section. The amount
17 distributed shall not exceed the amount distributed under subparagraph
18 1. of this paragraph.

19 **(5) If a local board of education assumes authority for the management and control**
20 **of a state-operated secondary vocational education and technology center for the**
21 **2020-2021, 2021-2022, or 2022-2023 academic year and notifies the Kentucky**
22 **Department of Education of the planned transfer on or before December 31,**
23 **2021:**

24 **(a) For the first year under the management and control of the local board of**
25 **education, the locally operated center shall receive funding in an amount**
26 **equal to one hundred percent (100%) of the annual state General Fund**
27 **appropriation allocated to the center for on-site direct costs for the most**

1 recent fiscal year under state management and control, including any
2 amount allocated directly to the local district for use of district-owned
3 facilities.

4 (b) For each fiscal year thereafter, the center shall receive seventy-five percent
5 (75%) of the amount allocated to it under paragraph (a) of this subsection.

6 (c) The remaining twenty-five percent (25%) of funds previously allocated to a
7 center as described in paragraph (b) of this subsection shall annually be
8 allocated, in accordance with the formula described in subsection (2) of this
9 section, to locally operated secondary area centers and vocational
10 departments that did not receive state supplemental funds under subsection
11 (2) of this section and were not otherwise appropriated funds by the General
12 Assembly for the current fiscal year.

13 (d) If no locally operated secondary area centers and vocational departments
14 are eligible for funding under paragraph (c) of this subsection, the
15 remaining twenty-five percent (25%) of funds shall be allocated, in
16 accordance with the formula described in subsection (2) of this section, to
17 all locally operated secondary area centers and vocational departments that
18 received funds for the current fiscal year.

19 (e) Locally operated centers described in paragraph (a) or (b) of this subsection
20 shall not receive additional funds under paragraph (d) of this subsection.

21 ➔Section 2. KRS 156.844 is amended to read as follows:

22 (1) (a) A local board of education may submit a request to the commissioner of
23 education to assume authority for the management and control of a state-
24 operated secondary vocational education and technology center. Upon
25 agreement between the commissioner of education and the local board of
26 education for the transfer of a state-operated secondary vocational education
27 and technology center, all personnel, equipment, and supplies shall be

1 transferred to the local board of education and shall be utilized for the
2 operation of the locally operated vocational center.

3 **(b) Beginning with the effective date of this Act, if a state-operated secondary**
4 **vocational education and technology center serves more than one (1) school**
5 **district, any agreement under paragraph (a) of this subsection shall require**
6 **the local board to continue to serve the additional school district or districts**
7 **through a memorandum of understanding. The executed memorandum of**
8 **understanding shall be submitted to the commissioner of education at the**
9 **same time as the request to assume authority for management and control**
10 **of the state-operated secondary vocational education and technology center.**

11 (2) A certified employee who is affected by a transfer to the local board of education
12 under subsection (1) of this section shall be granted a one (1) year limited contract
13 by the local board of education, **except as provided in subsection (5) of this section,**
14 and shall be employed on the local district salary schedule. A classified employee
15 shall be guaranteed employment equal to his or her present status for at least one (1)
16 complete school term, **except as provided in subsection (5) of this section.** A
17 transferred employee shall be provided the benefits of comparable employees in the
18 district and shall be subject to all rules and policies of the local board of education,
19 including but not limited to disciplinary and personnel actions that are the same as
20 those that may be exercised by the district for any other employee in the district
21 during a contract period.

22 (3) A transferred employee who has accrued annual leave and compensatory time shall
23 be paid a lump sum for the accrued time at the effective date of the transfer by the
24 Department of Education. The employee shall be granted credit for accrued sick
25 leave up to the maximum allowed for transfers of teachers between school districts.
26 Sick leave credit shall be awarded to a classified employee based on the local board
27 policy. Any excess sick leave that a classified or certified employee has earned that

1 the district will not accept in the transfer may be requested to be held in escrow by
 2 the appropriate state personnel system under KRS Chapter 18A or KRS 156.800 to
 3 156.860, and the sick leave balance shall be restored to the employee if the
 4 employee returns to a state government position.

5 (4) An employee who is to be transferred to a local board of education under provisions
 6 of this section but who chooses not to accept a one (1) year limited contract with the
 7 board shall be separated from the state system and the employee's position shall be
 8 abolished. The employee may apply for any state position for which the employee is
 9 qualified but shall not be granted priority over other applicants for a position
 10 because the employee's position was abolished due to a transfer of the vocational
 11 education and technology center. An employee who refuses a contract with the local
 12 board shall be provided a lump-sum payment for accrued annual leave and
 13 compensatory time, and the employee's sick leave balance shall be placed in escrow
 14 by the appropriate state personnel system under KRS Chapter 18A or KRS 156.800
 15 to 156.860. The sick leave balance shall be restored to the employee if the employee
 16 returns to a state government position.

17 (5) A certified employee~~[, other than a principal,]~~ who has earned continuing status in
 18 the state certified personnel system under KRS 156.800 to 156.860 shall~~[may]~~ be
 19 granted **a continuing service contract as defined in KRS 161.720 upon transfer to**
 20 **a local board of education under subsection (1) of this section**~~[tenure under the~~
 21 ~~provisions of KRS 161.740(1)(e)].~~ A principal **who has earned continuing status**
 22 **prior to transfer shall**~~[may]~~ be granted **a continuing service contract**~~[tenure as a~~
 23 ~~teacher]~~, but the provisions relating to demotion of the principal under KRS
 24 161.765 shall apply. **A classified employee who has four (4) years of continuous**
 25 **active service in the state certified personnel system under KRS 156.800 to**
 26 **156.860 at the time of transfer shall be offered an employment contract at the**
 27 **time of transfer that shall be considered a continuing service contract as defined**

1 *in KRS 161.720 for a minimum of five (5) complete school terms.*

2 (6) An employee of the Office of Career and Technical Education who is transferred to
3 the local school district and who occupies a position covered by the Kentucky
4 Teachers' Retirement System shall remain in the Kentucky Teachers' Retirement
5 System.

6 (7) After the effective date of the transfer, the local board of education shall receive
7 funding for the support of the local board of education center operations pursuant to
8 KRS 157.069. In addition, the local board of education shall receive one hundred
9 percent (100%) of the Support Education Excellence in Kentucky program funds
10 from the Department of Education that are generated from students enrolled in the
11 center.

12 ➔Section 3. Whereas Section 1(5) of this Act codifies previously non-codified
13 actions of the General Assembly set forth in Ky. Acts ch. 92, Section 1(5) of this Act
14 shall be retroactive to April 15, 2020.

15 ➔Section 4. Whereas the provisions of this Act require timely enactment to
16 provide for the administration of and budgeting for locally operated secondary area
17 centers, an emergency is declared to exist, and this Act takes effect upon its passage and
18 approval by the Governor or upon its otherwise becoming a law.