

1 AN ACT relating to career and technical education.

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 have been receiving state
17 supplemental funds prior to June 21, 2001, by a weighted formula, specified in an
18 administrative regulation promulgated by the Kentucky Board of Education. The
19 formula shall take into account the differences in cost of operating specific
20 programs. The commissioner of education shall determine programs to be assigned
21 to categories based on the descriptions found in paragraphs (a) to (c) of this
22 subsection. Programs in Categories III and II shall be eligible for funding.

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

1 appropriate;

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

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

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

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

26 (4) (a) If a school district has a locally operated secondary area center that has been
27 receiving state supplemental funds, and the district moves the center as part of

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

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

9 1. For the first year of the collaborative project agreement, the department
10 shall distribute an amount equal to the final allotted amount of general
11 funds from the prior fiscal year designated for the district's locally
12 operated secondary area center; and

13 2. For any successive year of the collaborative project agreement, the
14 department shall calculate the amount of general funds to distribute
15 pursuant to subsections (2) and (3) of this section. The amount
16 distributed shall not exceed the amount distributed under subparagraph
17 1. of this paragraph.

18 **(5) (a) For the first year a local board of education assumes authority for the**
19 **management and control of a state-operated secondary vocational**
20 **education and technology center on or after the effective date of this Act,**
21 **the locally operated center shall receive funding in an amount not less than**
22 **one hundred percent (100%) of the annual state General Fund**
23 **appropriation allocated to the center for on-site direct costs for the budget**
24 **year immediately preceding the transfer, including any amount allocated**
25 **directly to the local district for use of district-owned facilities.**

26 **(b) In the second year after the local board of education assumes authority of a**
27 **state-operated center and annually thereafter, the center shall receive an**

1 amount not less than seventy-five percent (75%) of the amount allocated to
 2 it under paragraph (a) of this subsection.

3 (c) The remaining twenty-five percent (25%) of funds previously allocated to a
 4 center as described in paragraph (b) of this subsection shall annually be
 5 allocated to locally operated secondary area centers and vocational
 6 departments that did not receive state supplemental funds under subsection
 7 (2) of this section prior to June 21, 2001, in accordance with the formula
 8 described in subsection (2) of this section.

9 → Section 2. KRS 156.844 is amended to read as follows:

10 (1) (a) A local board of education may submit a request to the commissioner of
 11 education to assume authority for the management and control of a state-
 12 operated secondary vocational education and technology center. Upon
 13 agreement between the commissioner of education and the local board of
 14 education for the transfer of a state-operated secondary vocational education
 15 and technology center, all personnel, equipment, and supplies shall be
 16 transferred to the local board of education and shall be utilized for the
 17 operation of the locally operated vocational center.

18 (b) Beginning with the effective date of this Act, if a state-operated secondary
 19 vocational education and technology center serves more than one (1) school
 20 district, any agreement under paragraph (a) of this subsection shall require
 21 the local board to continue to serve the additional school district or districts
 22 through an interlocal agreement.

23 (2) A certified employee who is affected by a transfer to the local board of education
 24 under subsection (1) of this section shall be granted a one (1) year limited contract
 25 by the local board of education, except as provided in subsection (5) of this section,
 26 and shall be employed on the local district salary schedule. A classified employee
 27 shall be guaranteed employment equal to his or her present status for at least one (1)

1 complete school term, except as provided in subsection (5) of this section. A
2 transferred employee shall be provided the benefits of comparable employees in the
3 district and shall be subject to all rules and policies of the local board of education,
4 including but not limited to disciplinary and personnel actions that are the same as
5 those that may be exercised by the district for any other employee in the district
6 during a contract period.

7 (3) A transferred employee who has accrued annual leave and compensatory time shall
8 be paid a lump sum for the accrued time at the effective date of the transfer by the
9 Department of Education. The employee shall be granted credit for accrued sick
10 leave up to the maximum allowed for transfers of teachers between school districts.
11 Sick leave credit shall be awarded to a classified employee based on the local board
12 policy. Any excess sick leave that a classified or certified employee has earned that
13 the district will not accept in the transfer may be requested to be held in escrow by
14 the appropriate state personnel system under KRS Chapter 18A or KRS 156.800 to
15 156.860, and the sick leave balance shall be restored to the employee if the
16 employee returns to a state government position.

17 (4) An employee who is to be transferred to a local board of education under provisions
18 of this section but who chooses not to accept a one (1) year limited contract with the
19 board shall be separated from the state system and the employee's position shall be
20 abolished. The employee may apply for any state position for which the employee is
21 qualified but shall not be granted priority over other applicants for a position
22 because the employee's position was abolished due to a transfer of the vocational
23 education and technology center. An employee who refuses a contract with the local
24 board shall be provided a lump-sum payment for accrued annual leave and
25 compensatory time, and the employee's sick leave balance shall be placed in escrow
26 by the appropriate state personnel system under KRS Chapter 18A or KRS 156.800
27 to 156.860. The sick leave balance shall be restored to the employee if the employee

1 returns to a state government position.

2 (5) A certified employee~~[, other than a principal,]~~ who has earned continuing status in
3 the state certified personnel system under KRS 156.800 to 156.860 may be granted
4 **a continuing service contract as defined in KRS 161.720 upon transfer to a local**
5 **board of education under subsection (1) of this section**~~[tenure under the~~
6 ~~provisions of KRS 161.740(1)(c)].~~ A principal **who has earned continuing status**
7 **prior to transfer** may be granted **a continuing service contract**~~[tenure as a teacher],~~
8 but the provisions relating to demotion of the principal under KRS 161.765 shall
9 apply. **A classified employee who has four (4) years of continuous active service**
10 **in the state certified personnel system under KRS 156.800 to 156.860 at the time**
11 **of transfer may be offered an employment contract at the time of transfer that**
12 **shall be considered a continuing service contract as defined in KRS 161.720 for a**
13 **minimum of five (5) complete school terms.**

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

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