

1 AN ACT relating to classified school staff and declaring an emergency.

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

3 ➔Section 1. KRS 161.011 is amended to read as follows:

- 4 (1) (a) "Classified employee" means an employee of a local district who is not  
5 required to have certification for his ***or her*** position as provided in KRS  
6 161.020; and
- 7 (b) "Seniority" means total continuous months of service in the local school  
8 district, including all approved paid and unpaid leave.
- 9 (2) The commissioner of education shall establish by January, 1992, job classifications  
10 and minimum qualifications for local district classified employment positions  
11 which shall be effective July 1, 1992. After June 30, 1992, no person shall be  
12 eligible to be a classified employee or receive salary for services rendered in that  
13 position unless he ***or she*** holds the qualifications for the position as established by  
14 the commissioner of education.
- 15 (3) No person who is initially hired after July 13, 1990, shall be eligible to hold the  
16 position of a classified employee or receive salary for services rendered in such  
17 position, unless he ***or she*** holds at least a high school diploma or high school  
18 certificate of completion or High School Equivalency Diploma, or ***is provided an***  
19 ***opportunity by the school district upon employment to obtain***~~he shows progress~~  
20 ~~toward obtaining~~ a High School Equivalency Diploma ***at no cost to the employee.***  
21 ***Licenses or credentials issued by a government entity that require specialized skill***  
22 ***or training may also substitute for this requirement***~~[To show progress toward~~  
23 ~~obtaining a High School Equivalency Diploma, a person shall be enrolled in a High~~  
24 ~~School Equivalency Diploma program and be progressing satisfactorily through the~~  
25 ~~program, as defined by administrative regulations promulgated by the Education~~  
26 ~~and Labor Cabinet].~~
- 27 (4) Local school districts shall encourage classified employees who were initially hired

1 before July 13, 1990, and who do not have a high school diploma or a High School  
2 Equivalency Diploma to enroll in a program to obtain a High School Equivalency  
3 Diploma.

4 (5) Local districts shall enter into written contracts with classified employees.  
5 Contracts with classified employees shall be renewed annually except contracts  
6 with the following employees:

7 (a) An employee who has not completed four (4) years of continuous active  
8 service, upon written notice which is provided or mailed to the employee by  
9 the superintendent, no later than May 15, that the contract will not be renewed  
10 for the subsequent school year. Upon written request by the employee, within  
11 ten (10) days of the receipt of the notice of nonrenewal, the superintendent  
12 shall provide, in a timely manner, written reasons for the nonrenewal.

13 (b) An employee who has completed four (4) years of continuous active service,  
14 upon written notice which is provided or mailed to the employee by the  
15 superintendent, no later than May 15, that the contract is not being renewed  
16 due to one (1) or more of the reasons described in subsection (7) of this  
17 section. Upon written request within ten (10) days of the receipt of the notice  
18 of nonrenewal, the employee shall be provided with a specific and complete  
19 written statement of the grounds upon which the nonrenewal is based. The  
20 employee shall have ten (10) days to respond in writing to the grounds for  
21 nonrenewal.

22 (6) Local districts shall provide in contracts with classified employees of family  
23 resource and youth services centers the same rate of salary adjustment as provided  
24 for other local board of education employees in the same classification.

25 (7) Nothing in this section shall prevent a superintendent from terminating a classified  
26 employee for incompetency, neglect of duty, insubordination, inefficiency,  
27 misconduct, immorality, or other reasonable grounds which are specifically

1 contained in board policy.

2 (8) The superintendent shall have full authority to make a reduction in force due to  
3 reductions in funding, enrollment, or changes in the district or school boundaries, or  
4 other compelling reasons as determined by the superintendent.

5 (a) When a reduction of force is necessary, the superintendent shall, within each  
6 job classification affected, reduce classified employees on the basis of  
7 seniority and qualifications with those employees who have less than four (4)  
8 years of continuous active service being reduced first.

9 (b) If it becomes necessary to reduce employees who have more than four (4)  
10 years of continuous active service, the superintendent shall make reductions  
11 based upon seniority and qualifications within each job classification affected.

12 (c) Employees with more than four (4) years of continuous active service shall  
13 have the right of recall positions if positions become available for which they  
14 are qualified. Recall shall be done according to seniority with restoration of  
15 primary benefits, including all accumulated sick leave and appropriate rank  
16 and step on the current salary schedule based on the total number of years of  
17 service in the district.

18 (9) Local school boards shall develop and provide to all classified employees written  
19 policies which shall include but not be limited to:

20 (a) Terms and conditions of employment;

21 (b) Identification and documentation of fringe benefits, employee rights, and  
22 procedures for the reduction or laying off of employees; and

23 (c) Discipline guidelines and procedures that satisfy due process requirements.

24 (10) Local school boards shall maintain a registry of all vacant classified employee  
25 positions that is available for public inspection in a location determined by the  
26 superintendent and make copies available at cost to interested parties. If financially  
27 feasible, local school boards may provide training opportunities for classified

1 employees focusing on topics to include but not be limited to suicide prevention,  
2 abuse recognition, and cardiopulmonary resuscitation (CPR). If suicide prevention  
3 training is offered it may be accomplished through self-study review of suicide  
4 prevention materials.

5 (11) The evaluation of the local board policies required for classified personnel as set  
6 out in this section shall be subject to review by the Department of Education while  
7 it is conducting district management audits pursuant to KRS 158.785.

8 ➔Section 2. Whereas recruiting and retaining classified staff in schools is crucial  
9 to the success, health, and financial well-being of all citizens of the Commonwealth, an  
10 emergency is declared to exist, and this Act takes effect upon its passage and approval by  
11 the Governor or upon its otherwise becoming a law.