

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

780 KAR 3:072, Attendance, compensatory time, and leave for certified and equivalent service.
(*Second Reading*)

Commissioner's Recommendation:

The Commissioner recommends that the board approve the proposed amendments to 780 KAR 3:072.

Rationale:

The amendments update the regulation and adjust forms of leave for Kentucky Tech employees. The amendments to this regulation will benefit the principals and teachers of the Kentucky Tech system.

Action Question:

Should the Kentucky Board of Education (KBE) approve the amendments to 780 KAR 3:072?

Applicable Statute or Regulation:

156.029, 156.802, 156.808, 29 C.F.R. 825, 29 U.S.C. 201-219

History/Background:

Existing Policy. KRS 156.029 discusses the membership and functions of the Kentucky Board of Education. KRS 156.802 gives the Kentucky Department of Education's Office of Career and Technical Education the responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area technology centers. KRS 156.808(3)(g) gives the Kentucky Board of Education the authority to promulgate regulations regarding attendance, compensatory time, and other forms of leave for Kentucky Tech employees. 29 C.F.R. 825 requires the granting of family and medical leave. 29 U.S.C. 201-219 establishes fair labor standards necessary for health, efficiency, and general well-being of workers.

Summary: The proposed amendments grant twenty two and a half (22.5) hours of personal leave and emergency leave, and seventy five (75) hours of sick leave to principals and teachers in the Kentucky Tech system. The amendments establish that personal leave, emergency leave, and sick leave will accrue at the beginning of the school year, similar to a local school district. Accrual of compensatory time for teachers and principals has been eliminated. School-based

employees will receive time off to vote, instead of accumulating voting leave due to the additional forms of leave being added. Adverse weather leave has been amended to become more flexible to meet the needs of feeder schools. These amendments also provide updated terminology, information, and processes related to Career and Technical Education (CTE) programs in Kentucky.

The proposed amendments are needed for the following reasons:

- To bring Kentucky Tech into alignment with the number of days worked by teachers and principals in local school districts, the Kentucky School for the Blind, and the Kentucky School for the Deaf.
- To increase flexibility in the Kentucky Tech system to meet the needs of local schools and districts.
- To provide better instruction for the students of the Commonwealth.
- To reduce teacher turnover.
- To improve equity between the Kentucky Tech system and local schools and districts.
- To incentivize teachers to spend less time away from their classroom throughout the school year.
- To simplify the personnel system.

Budget Impact: ATC teachers and principals will earn a higher daily pay rate, as they will be working approximately 26 fewer days per year. There will be a cost savings to the Kentucky Department of Education (KDE) over time, due to employees no longer accruing compensatory time. There will also be a small cost savings on utility and building expenses in ATCs due to employees being in the building fewer days over the course of the school year.

Groups Consulted and Brief Summary of Responses:

- *Kentucky Tech Area Supervisors*
- *Kentucky Tech Principals and Teachers*
- *The Local Superintendents Advisory Council*
- *Kentucky Department of Education, Office of Finance and Operations Staff*

All parties listed above support the proposed amendments.

The Office of Career and Technical Education (OCTE) has communicated and solicited feedback on the proposed amendments through the following means:

- Focus group comprised of ATC principals, Superintendents, teachers, regional supervisors, and other KDE staff.
- Skype meetings with regional supervisors.
- Recorded webinar communicated to all ATC employees in which all could ask questions. The webinar is available to watch on the KDE website.
- Annual face-to-face principal meeting.

KDE also received suggestions from the Office of Education Accountability (OEA) that clarify language in the regulation. Those changes have been made.

Contact Person:

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A handwritten signature in blue ink that reads "Stephen L. Pruitt". The signature is written in a cursive style with a large, stylized 'S' and 'P'.

Commissioner of Education

Date:

August 2017