

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

5 702 KAR 3:060. Procedure for payment of employees.

6 RELATES TO: KRS 157.390, 157.395, 160.291, 160.450, 161.210(1)

7 STATUTORY AUTHORITY: KRS 156.070(4)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 160.291 provides for all school  
9 employees working on a continuing, regular basis of less than twelve (12) months a year to be paid  
10 regularly, on dates determined by the employing board of education, with the gross salary received  
11 on each pay date to be equal to the employee's annual salary divided by the number of pay dates and  
12 with payments deemed to be for services rendered. KRS 160.450 provides for the fiscal year of all  
13 school districts to begin on July 1 and end on June 30. KRS 161.210 requires a teacher or other  
14 person in a public school to submit reports at the time and in the manner prescribed by the state  
15 board. KRS 156.070 gives the Kentucky Board of Education the management and control of the  
16 public schools. KRS 157.395 requires a local board of education to provide a public school teacher  
17 who has attained certification from the National Board for Professional Teaching Standard with  
18 an annual salary supplement [~~of \$2000~~] for the life of the certificate while the teacher is employed  
19 as a teacher or mentor in the field of national certification. A teacher who attained certification  
20 from the National Board for Professional Teaching Standards before July 1, 2020 shall receive a  
21 national board certification salary supplement of two thousand dollars (\$2,000) for the life of the

1 certificate. A teacher who attains certification after July 1, 2020, shall receive an annual national  
2 board certification salary supplement for the life of the certificate in accordance with the amount  
3 appropriated for this purpose by the General Assembly. If an annual supplement amount  
4 appropriated by the General Assembly is less than two thousand dollars (\$2,000), the local board  
5 may provide an additional supplement up to the amount required for the total annual supplement  
6 to equal two thousand dollars (\$2,000). A local board of education requests reimbursement for  
7 these purposes from the fund to Support Education Excellence in Kentucky (SEEK). This  
8 administrative regulation establishes procedures relative to payment of certified and classified school  
9 employees.

10 Section 1. A board of education shall establish a calendar for payment of salaries to all school  
11 employees working on a continuing, regular basis of less than twelve (12) months a year and may  
12 require a teacher to present reports of attendance and other necessary reports before the salary  
13 check is delivered.

14 Section 2. A board of education may adopt a policy whereby employees' salaries may be made  
15 payable for a period in excess of the number of months for which the school is operated, not  
16 exceeding twelve (12) months if the board adopts one (1) of the following plans:

17 (1) The board of education shall write all deferred salary checks on or before June 30 of the  
18 current fiscal year and these deferred checks shall then be delivered at the regular pay periods in July  
19 and August of the following fiscal year; or

20 (2) The board of education shall set up a payroll account into which shall be transferred on the  
21 order of the board of education on or before June 30, the gross amount for salaries earned by  
22 employees but not paid. The amounts transferred into this payroll account shall be held for the  
23 payment of deferred employees' salaries and shall not be used for any other purpose. Payment of

1 salaries from this fund shall be at the regular pay periods in July and August of the following fiscal  
2 year.

3 Section 3. Upon written request to the superintendent by a school district employee, a local  
4 board of education shall pay all deferred salary checks to the employee. To comply with the written  
5 request, a local board shall provide the deferred checks prior to the end of the fiscal year and no  
6 later than the first regular payroll date occurring after completion of the employee's responsibilities  
7 or duties.

8 Section 4. (1) A board of education shall pay an annual national board certification salary  
9 supplement [~~of \$2,000~~] to a teacher who has attained certification from the National Board for  
10 Professional Teaching Standards who works as a teacher or mentor in the field of certification at  
11 least fifty (50) percent of the time.

12 (2) A board of education shall request reimbursement for salaries supplements paid during a  
13 school year by submitting the following information to the Department of Education by May 15  
14 of that school year:

15 (a) Teacher's name;

16 (b) [~~Social Security number~~;

17 ~~—(c)~~] Field of national certification;

18 (c)[~~(d)~~] Subject and grade;

19 (d)[~~(e)~~] Date of certification;

20 (e)[~~(f)~~] For teachers eligible for the first time, the date of completion of all requirements for the  
21 National Board for Professional Teaching certificate;

22 (f)[~~(g)~~] School name; and

23 (g)[~~(h)~~] Reimbursement amount requested.

1 (3) If an eligible teacher satisfactorily completes all requirements for the National Board for  
2 Professional Teaching certificate by September 1 of the school year, the salary supplement [of  
3 \$2,000] shall be added to the teacher's annual salary. If the teacher becomes eligible for the  
4 national board certification salary supplement during the school year, the school district shall pay  
5 the portion of the salary supplement equal to the portion of the school year during which the teacher  
6 was eligible.~~[If an eligible teacher completes all requirements for the National Board for~~  
7 ~~Professional Teaching certificate between September 2 and December 31 of the school year, the~~  
8 ~~salary supplement of \$1,000 shall be added to the teacher's annual salary.]~~

9 (4) If the teacher becomes ineligible for the national board certification salary supplement  
10 during the school year, the school district shall pay the portion of the salary supplement equal to  
11 the portion of the school year during which the teacher was eligible.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

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(Date)

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Jason Glass, Ed.D.  
Commissioner of Education

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(Date)

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Lu Young, Chair  
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on **Month ##, 2021**, at **time**, at **location of the meeting**. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through **Month ##, 2021** *{Insert last day of the month}*. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Todd Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, KY 40601, phone 502-564-4474, fax 502-564-9321, email [regcomments@education.ky.gov](mailto:regcomments@education.ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 702 KAR 3:060

Contact Person: Todd G. Allen, [Todd.allen@education.ky.gov](mailto:Todd.allen@education.ky.gov)

Phone Number: 502-564-4474

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This amendment brings the regulation into conformity with the provisions of KRS 157.395.

(b) The necessity of this administrative regulation:

KRS 157.395 was amended to change the requirements for national board certification salary supplements to teachers attaining national board certification after July 1, 2020. This amendment brings the regulation into conformity with the statute.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 156.070(4) permits the Kentucky Board of Education to promulgate administrative regulations for the efficient management, control, and operation of the schools and programs under its jurisdiction. This amendment provides for the efficient administration of the reimbursement of salary supplements for nationally board certified teachers as required by KRS 157.395.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This amendment provides for the efficient administration of the reimbursement of salary supplements for nationally board certified teachers as required by KRS 157.395.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

Pursuant to KRS 157.395, teachers attaining national board certification after July 1, 2020, shall receive an annual national board certification salary supplement for the life of the certificate in accordance with the amount appropriated for this purpose by the General Assembly. If an annual supplement amount appropriated by the General Assembly is less than two thousand dollars (\$2,000), the local board may provide an additional supplement up to the amount required for the total annual supplement to equal two thousand dollars (\$2,000). Teachers with certificates issued prior to July 1, 2020 shall receive two thousand dollars (\$2,000) for the life of the certificate.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to bring the regulation into conformity with the provisions of KRS 157.395.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 156.070(4) permits the Kentucky Board of Education to promulgate administrative regulations for the efficient management, control, and operation of the schools and programs under its jurisdiction. This amendment provides for the efficient administration of the reimbursement of salary supplements for nationally board certified teachers as required by KRS 157.395.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment provides for the efficient administration of the reimbursement of salary supplements for nationally board certified teachers as required by KRS 157.395.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

School districts and national board certified teachers.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Neither districts nor national board certified teachers will be impacted by the change in regulation. The amendment conforms the regulation to the existing statute. The statute was amended to permit districts to reimburse teachers attaining national board certification after July 1, 2020 based on the amount appropriated by the General Assembly.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There are no costs associated with the proposed amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Amending the regulation to conform to KRS 157.395 will eliminate conflicting provisions between the statute and regulation reducing confusion for school districts and teachers attaining national board certification.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially:

There should be no cost to implement. The regulation amends an existing program.



(b) On a continuing basis:

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

District general funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment:

No fees are necessary to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

No fees are associated with this amendment.

(9) TIERING: Is tiering applied? **Explain why tiering was or was not used.**

No, this regulation uniformly applies to all school districts.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 702 KAR 3:060

Contact Person: Todd G. Allen, [Todd.allen@education.ky.gov](mailto:Todd.allen@education.ky.gov)

Phone Number: 502-564-4474

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

School districts.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 157.395.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

This amendment brings the regulation into conformity with KRS 157.395. That statute permits a school district to provide an annual national board certification salary supplement for teachers attaining a certificate after July 1, 2020 in accordance with the amount appropriated by the General Assembly. If the annual supplement amount appropriated by the General Assembly is less than two thousand dollars (\$2,000), the local board may provide an additional supplement up to the amount required for the total annual supplement to equal two thousand dollars (\$2,000). Prior to the proposed amendment, the regulation required districts to pay an annual supplement of two thousand dollars (\$2,000) to all national board certified teachers. Teachers attaining a certification prior to July 1, 2020 will receive a two thousand dollars (\$2,000) annual supplement for the life of their certificate. Districts providing a supplement of less than two thousand dollars (\$2,000) in accordance with the amount appropriated by the General Assembly may have a reduction in expenditures.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

The amendment is not expected to generate any revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

The amendment is not expected to generate any revenue.

(c) How much will it cost to administer this program for the first year?

Unknown. However, because this is an amendment of an existing program, no new costs are expected.

(d) How much will it cost to administer this program for subsequent years?

Unknown. However, because this is an amendment of an existing program, no new costs are expected.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-): Districts may experience a reduction in expenditures if electing to provide an annual supplement in the amount appropriated by the General Assembly. If the district does not provide an additional amount to teachers with national board certificates attained after July 1, 2020 to bring the supplement up to two thousand dollars (\$2,000), then the district will have reduced expenditures. It is unknown how many districts will provide such supplements.

Other Explanation: