

1 AN ACT relating to school foods.

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

3 → Section 1. KRS 158.854 is amended to read as follows:

4 (1) The Kentucky Board of Education shall promulgate an administrative regulation in  
 5 accordance with KRS Chapter 13A to specify the minimum nutritional standards  
 6 for all foods and beverages that are sold outside the National School Breakfast and  
 7 National School Lunch programs, whether in vending machines, school stores,  
 8 canteens, or a la carte cafeteria sales. Minimum nutritional standards shall be based  
 9 on the most recent edition of the United States Department of Agriculture's Dietary  
 10 Guidelines for Americans. The administrative regulation shall address serving size,  
 11 sugar, and fat content of the foods and beverages. School districts may impose more  
 12 stringent standards than the standards implemented under the administrative  
 13 regulation. A school shall follow the minimum standards specified in the  
 14 administrative regulation unless a waiver has been requested under KRS 156.161 by  
 15 the school district for the school from the Kentucky Board of Education.  
 16 Notwithstanding the duration of a waiver granted under KRS 156.161, any waiver  
 17 approved by the Kentucky Board of Education relating to this section shall be  
 18 reviewed on an annual basis.

19 (2) As used in this section:

20 (a) "Competitive food" means any food or beverage item sold in competition with  
 21 the National School Breakfast and National School Lunch programs. The term  
 22 does not include any food or beverage sold a la carte in the cafeteria;

23 (b) "School day" means the period of time between the arrival of the first student  
 24 at the school building and the end of the last instructional period;~~and~~

25 (c) "School-day-approved beverage" means water, one hundred percent (100%)  
 26 fruit juice, lowfat milk, and any beverage that contains no more than ten (10)  
 27 grams of sugar per serving; ***and***

1 **(d) "Student-based enterprise" means a district-approved program operated by**  
 2 **a school district's students as part of a course designed to provide students**  
 3 **with knowledge and experience of the operation of a business.**

4 (3) No school may sell competitive foods or beverages from the time of the arrival of  
 5 the first student at the school building until thirty (30) minutes after the last lunch  
 6 period.

7 (4) Only school-day-approved beverages shall be sold in elementary schools during the  
 8 school day in vending machines, school stores, canteens, or fundraisers that sell  
 9 beverages by students, teachers, or groups.

10 (5) Nothing in this section or KRS 158.850 shall be construed to limit the sale of any  
 11 foods or beverages by fundraisers off school property.

12 **(6) Notwithstanding subsection (3) of this section, a local board of education may**  
 13 **identify a student-based enterprise to sell competitive foods throughout the school**  
 14 **day. The local board may establish policies for the operation of the student-based**  
 15 **enterprise and for the use of the proceeds from the operation of the student-based**  
 16 **enterprise. Competitive foods sold by a student-based enterprise shall comply with**  
 17 **the minimum nutritional standards established under subsection (1) of this**  
 18 **section.**

19 → Section 2. KRS 156.160 is amended to read as follows:

20 (1) With the advice of the Local Superintendents Advisory Council, the Kentucky  
 21 Board of Education shall promulgate administrative regulations establishing  
 22 standards which school districts shall meet in student, program, service, and  
 23 operational performance. These regulations shall comply with the expected  
 24 outcomes for students and schools set forth in KRS 158.6451. Administrative  
 25 regulations shall be promulgated for the following:

26 (a) Courses of study for the different grades and kinds of common schools  
 27 identifying the common curriculum content directly tied to the goals,

1 outcomes, and assessment strategies developed under KRS 158.645,  
2 158.6451, and 158.6453 and distributed to local school districts and schools.

3 The administrative regulations shall provide that:

4 1. If a school offers American sign language, the course shall be accepted  
5 as meeting the foreign language requirements in common schools  
6 notwithstanding other provisions of law;

7 2. If a school offers the Reserve Officers Training Corps program, the  
8 course shall be accepted as meeting the physical education requirement  
9 for high school graduation notwithstanding other provisions of law;

10 3. Every public middle and high school's curriculum shall include  
11 instruction on the Holocaust and other cases of genocide, as defined by  
12 the United Nations Convention on the Prevention and Punishment of the  
13 Crime of Genocide, that a court of competent jurisdiction, whether a  
14 court in the United States or the International Court of Justice, has  
15 determined to have been committed by applying rigorous standards of  
16 due process; and

17 4. Beginning in the 2025-2026 school year, cursive writing shall be  
18 included as a course of study in all elementary schools and shall be  
19 designed to ensure proficiency in cursive writing by the end of grade  
20 five (5);

21 (b) Courses of study or educational experiences available to students in all middle  
22 and high schools to fulfill the prerequisites for courses in advanced science  
23 and mathematics as defined in KRS 158.845;

24 (c) The acquisition and use of educational equipment for the schools as  
25 recommended by the Council for Education Technology;

26 (d) The minimum requirements for high school graduation in light of the  
27 expected outcomes for students and schools set forth in KRS 158.6451. The

1 minimum requirements shall not include achieving any postsecondary  
2 readiness indicator as described in KRS 158.6455 or any minimum score on a  
3 statewide assessment administered under KRS 158.6453. Student scores from  
4 any assessment administered under KRS 158.6453 that are determined by the  
5 department's technical advisory committee to be valid and reliable at the  
6 individual level shall be included on the student transcript. The department's  
7 technical advisory committee shall submit its determination to the  
8 commissioner of education and the Legislative Research Commission;

9 (e) The requirements for an alternative high school diploma for students with  
10 disabilities whose individualized education program indicates that, in  
11 accordance with 20 U.S.C. sec. 1414(d)(1)(A):

- 12 1. The student cannot participate in the regular statewide assessment; and
- 13 2. An appropriate alternate assessment has been selected for the student  
14 based upon a modified curriculum and an individualized course of  
15 study;

16 (f) Taking and keeping a school census, and the forms, blanks, and software to be  
17 used in taking and keeping the census and in compiling the required reports.  
18 The board shall create a statewide student identification numbering system  
19 based on students' Social Security numbers. The system shall provide a  
20 student identification number similar to, but distinct from, the Social Security  
21 number, for each student who does not have a Social Security number or  
22 whose parents or guardians choose not to disclose the Social Security number  
23 for the student;

24 (g) Sanitary and protective construction of public school buildings, toilets,  
25 physical equipment of school grounds, school buildings, and classrooms. With  
26 respect to physical standards of sanitary and protective construction for school  
27 buildings, the Kentucky Board of Education shall adopt the Uniform State

1 Building Code;

2 (h) Medical inspection, physical and health education and recreation, and other  
3 regulations necessary or advisable for the protection of the physical welfare  
4 and safety of the public school children. The administrative regulations shall  
5 set requirements for student health standards to be met by all students in  
6 grades four (4), eight (8), and twelve (12) pursuant to the outcomes described  
7 in KRS 158.6451. The administrative regulations shall permit a student who  
8 received a physical examination no more than six (6) months prior to his or  
9 her initial admission to Head Start to substitute that physical examination for  
10 the physical examination required by the Kentucky Board of Education of all  
11 students upon initial admission to the public schools, if the physical  
12 examination given in the Head Start program meets all the requirements of the  
13 physical examinations prescribed by the Kentucky Board of Education;

14 (i) A vision examination by an optometrist or ophthalmologist that shall be  
15 required by the Kentucky Board of Education. The administrative regulations  
16 shall require evidence that a vision examination that meets the criteria  
17 prescribed by the Kentucky Board of Education has been performed. This  
18 evidence shall be submitted to the school no later than January 1 of the first  
19 year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a  
20 public school, public preschool, or Head Start program;

21 (j) 1. Beginning with the 2010-2011 school year, a dental screening or  
22 examination by a dentist, dental hygienist, physician, registered nurse,  
23 advanced practice registered nurse, or physician assistant that shall be  
24 required by the Kentucky Board of Education. The administrative  
25 regulations shall require evidence that a dental screening or examination  
26 that meets the criteria prescribed by the Kentucky Board of Education  
27 has been performed. This evidence shall be submitted to the school no

1 later than January 1 of the first year that a five (5) or six (6) year-old  
2 child is enrolled in a public school.

3 2. A child shall be referred to a licensed dentist if a dental screening or  
4 examination performed by anyone other than a licensed dentist identifies  
5 the possibility of dental disease;

6 (k) The transportation of children to and from school;

7 (l) The fixing of holidays on which schools may be closed and special days to be  
8 observed, and the pay of teachers during absence because of sickness or  
9 quarantine or when the schools are closed because of quarantine;

10 (m) The preparation of budgets and salary schedules for the several school  
11 districts under the management and control of the Kentucky Board of  
12 Education;

13 (n) A uniform series of forms and blanks, educational and financial, including  
14 forms of contracts, for use in the several school districts;

15 (o) The disposal of real and personal property owned by local boards of  
16 education; and

17 (p) The development and implementation of procedures, for all students who are  
18 homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do  
19 the following:

20 1. Awarding and accepting of credit, including partial credit, for all  
21 coursework satisfactorily completed by a student while enrolled at  
22 another school;

23 2. Allowing a student who was previously enrolled in a course required for  
24 graduation the opportunity, to the extent practicable, to complete the  
25 course, at no cost to the student, before the beginning of the next school  
26 year;

27 3. Awarding a diploma, at the student's request, by a district from which

1 the student transferred, if the student transfers schools at any time after  
 2 the completion of the student's second year of high school and the  
 3 student is ineligible to graduate from the district to which the student  
 4 transfers, but meets the graduation requirements of the district from  
 5 which the student transferred; and

6 4. Exempting the student from all coursework and other requirements  
 7 imposed by the local board of education that are in addition to the  
 8 minimum requirements for high school graduation established by the  
 9 Kentucky Board of Education pursuant to paragraph (d) of this  
 10 subsection in the district to which the student transfers, if the student  
 11 transfers schools at any time after the completion of the student's second  
 12 year of high school and the student is ineligible to graduate both from  
 13 the district to which the student transfers and the district from which the  
 14 student transferred.

15 (2) Any private, parochial, or church school may voluntarily comply with curriculum,  
 16 certification, and textbook standards established by the Kentucky Board of  
 17 Education and be certified upon application to the board by such schools.

18 (3) (a) Any public school that violates the provisions of KRS 158.854 shall be  
 19 subject to a penalty to be assessed by the commissioner of education as  
 20 follows:

21 ~~1.(a)~~ The first violation shall result in a fine of no less than one (1)  
 22 week's revenue from the sale of the competitive food;

23 ~~2.(b)~~ Subsequent violations shall result in a fine of no less than one (1)  
 24 month's revenue from the sale of the competitive food;

25 ~~3.(c)~~ "Habitual violations," which means five (5) or more violations  
 26 within a six (6) month period, shall result in a six (6) month ban on  
 27 competitive food sales for the violating school; and

1           ~~4.(d)~~     Revenue collected as a result of the fines in this subsection shall be  
2                           transferred to the food service fund of the local school district.

3           **(b) Penalties under this subsection shall not be applicable to a student-based**  
4                           **enterprise operating under Section 1 of this Act.**