

CHAPTER 27

(SB 43)

AN ACT relating to an alternative high school diploma.

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

➔Section 1. KRS 156.160 is amended to read as follows:

- (1) With the advice of the Local Superintendents Advisory Council, the Kentucky Board of Education shall promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. These regulations shall comply with the expected outcomes for students and schools set forth in KRS 158.6451. Administrative regulations shall be promulgated for the following:
 - (a) Courses of study for the different grades and kinds of common schools identifying the common curriculum content directly tied to the goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453 and distributed to local school districts and schools. The administrative regulations shall provide that:
 1. If a school offers American sign language, the course shall be accepted as meeting the foreign language requirements in common schools notwithstanding other provisions of law; and
 2. If a school offers the Reserve Officers Training Corps program, the course shall be accepted as meeting the physical education requirement for high school graduation notwithstanding other provisions of law;
 - (b) Courses of study or educational experiences available to students in all middle and high schools to fulfill the prerequisites for courses in advanced science and mathematics as defined in KRS 158.845;
 - (c) The acquisition and use of educational equipment for the schools as recommended by the Council for Education Technology;
 - (d) The minimum requirements for high school graduation in light of the expected outcomes for students and schools set forth in KRS 158.6451. Student scores from any assessment administered under KRS 158.6453 that are determined by the National Technical Advisory Panel to be valid and reliable at the individual level shall be included on the student transcript. The National Technical Advisory Panel shall submit its determination to the commissioner of education and the Legislative Research Commission;
 - (e) *The requirements for an alternative high school diploma for students with disabilities whose individualized education program indicates that, in accordance with 20 U.S.C. sec. 1414(d)(1)(A):*
 1. *The student cannot participate in the regular statewide assessment; and*
 2. *An appropriate alternate assessment has been selected for the student based upon a modified curriculum and an individualized course of study;*
 - (f) Taking and keeping a school census, and the forms, blanks, and software to be used in taking and keeping the census and in compiling the required reports. The board shall create a statewide student identification numbering system based on students' Social Security numbers. The system shall provide a student identification number similar to, but distinct from, the Social Security number, for each student who does not have a Social Security number or whose parents or guardians choose not to disclose the Social Security number for the student;
 - ~~(g)(f)~~ Sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings, and classrooms. With respect to physical standards of sanitary and protective construction for school buildings, the Kentucky Board of Education shall adopt the Uniform State Building Code;
 - ~~(h)(g)~~ Medical inspection, physical and health education and recreation, and other regulations necessary or advisable for the protection of the physical welfare and safety of the public school children. The administrative regulations shall set requirements for student health standards to be met by all students in grades four (4), eight (8), and twelve (12) pursuant to the outcomes described in KRS 158.6451. The administrative regulations shall permit a student who received a physical examination no more than six (6) months prior to his initial admission to Head Start to substitute that physical examination for the

physical examination required by the Kentucky Board of Education of all students upon initial admission to the public schools, if the physical examination given in the Head Start program meets all the requirements of the physical examinations prescribed by the Kentucky Board of Education;

- (i)~~(h)~~ A vision examination by an optometrist or ophthalmologist that shall be required by the Kentucky Board of Education. The administrative regulations shall require evidence that a vision examination that meets the criteria prescribed by the Kentucky Board of Education has been performed. This evidence shall be submitted to the school no later than January 1 of the first year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a public school, public preschool, or Head Start program;
- (j)~~(i)~~ 1. Beginning with the 2010-2011 school year, a dental screening or examination by a dentist, dental hygienist, physician, registered nurse, advanced practice registered nurse, or physician assistant that shall be required by the Kentucky Board of Education. The administrative regulations shall require evidence that a dental screening or examination that meets the criteria prescribed by the Kentucky Board of Education has been performed. This evidence shall be submitted to the school no later than January 1 of the first year that a five (5) or six (6) year-old child is enrolled in a public school.
2. A child shall be referred to a licensed dentist if a dental screening or examination performed by anyone other than a licensed dentist identifies the possibility of dental disease;
- (k)~~(j)~~ The transportation of children to and from school;
- (l)~~(k)~~ The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;
- (m)~~(l)~~ The preparation of budgets and salary schedules for the several school districts under the management and control of the Kentucky Board of Education;
- (n)~~(m)~~ A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts; and
- (o)~~(n)~~ The disposal of real and personal property owned by local boards of education.
- (2) (a) At the request of a local board of education or a school council, a local school district superintendent shall request that the Kentucky Board of Education waive any administrative regulation promulgated by that board. Beginning in the 1996-97 school year, a request for waiver of any administrative regulation shall be submitted to the Kentucky Board of Education in writing with appropriate justification for the waiver. The Kentucky Board of Education may approve the request when the school district or school has demonstrated circumstances that may include but are not limited to the following:
1. An alternative approach will achieve the same result required by the administrative regulation;
 2. Implementation of the administrative regulation will cause a hardship on the school district or school or jeopardize the continuation or development of programs; or
 3. There is a finding of good cause for the waiver.
- (b) The following shall not be subject to waiver:
1. Administrative regulations relating to health and safety;
 2. Administrative regulations relating to civil rights;
 3. Administrative regulations required by federal law; and
 4. Administrative regulations promulgated in accordance with KRS 158.6451, 158.6453, 158.6455, 158.685, and this section, relating to measurement of performance outcomes and determination of successful districts or schools, except upon issues relating to the grade configuration of schools.
- (c) Any waiver granted under this subsection shall be subject to revocation upon a determination by the Kentucky Board of Education that the school district or school holding the waiver has subsequently failed to meet the intent of the waiver.

- (3) Any private, parochial, or church school may voluntarily comply with curriculum, certification, and textbook standards established by the Kentucky Board of Education and be certified upon application to the board by such schools.
- (4) Any public school that violates the provisions of KRS 158.854 shall be subject to a penalty to be assessed by the commissioner of education as follows:
 - (a) The first violation shall result in a fine of no less than one (1) week's revenue from the sale of the competitive food;
 - (b) Subsequent violations shall result in a fine of no less than one (1) month's revenue from the sale of the competitive food;
 - (c) "Habitual violations," which means five (5) or more violations within a six (6) month period, shall result in a six (6) month ban on competitive food sales for the violating school; and
 - (d) Revenue collected as a result of the fines in this subsection shall be transferred to the food service fund of the local school district.

➔Section 2. KRS 158.140 is amended to read as follows:

- (1) When a pupil in any public elementary school or any approved private or parochial school completes the prescribed elementary program of studies, he is entitled to a certificate of completion signed by the teacher or teachers under whom the program was completed. The certificate shall entitle the pupil to admission into any public high school. Any promotions or credits earned in attendance in any approved public school are valid in any other public school to which a pupil may go, but the superintendent or principal of a school, as the case may be, may assign the pupil to the class or grade to which the pupil is best suited. In case a pupil transfers from the school of one (1) district to the school of another district, an assignment to a lower grade or course shall not be made until the pupil has demonstrated that he is not suited for the work in the grade or course to which he has been promoted.
- (2) Upon successful completion of all state and local board requirements, the student shall receive:
 - (a) A diploma indicating graduation from high school; *or*
 - (b) *An alternative high school diploma if the student has a disability and has completed a modified curriculum and an individualized course of study pursuant to requirements established by the Kentucky Board of Education in accordance with Section 1 of this Act.*
- (3)
 - (a) The Gatton Academy of Mathematics and Science in Kentucky, located at Western Kentucky University, may award a diploma to any student who completes his or her high school program at the academy. If the academy issues a diploma, the board of regents of the university shall provide to the commissioner of education a letter of assurance that the program of study completed by its students, in combination with previously earned secondary credits, meets the minimum high school graduation requirements established by the Kentucky Board of Education under KRS 156.160(1)(d).
 - (b) A local school district may award a joint diploma with the Gatton Academy of Mathematics and Science in Kentucky to any student who was enrolled in a district high school and completed his or her high school program at the academy.
 - (c) The academy and the home school district shall ensure that student transcripts from each institution accurately reflect the dual credit coursework.
- (4) A local school board may award a diploma indicating graduation from high school to any student posthumously with the high school class the student was expected to graduate.
- (5)
 - (a) A local board of education shall award an authentic high school diploma to an honorably discharged veteran who did not complete high school prior to being inducted into the United States Armed Forces during:
 - 1. World War II, as defined in KRS 40.010;
 - 2. The Korean conflict, as defined in KRS 40.010; or
 - 3. The Vietnam War. As used in this paragraph, "Vietnam War" means the period beginning August 5, 1964, and ending May 7, 1975. However, for a member of the United States Armed Forces serving in Vietnam prior to August 5, 1964, the period shall begin February 28, 1961.

- (b) Upon recommendation of the commissioner, the Kentucky Board of Education in consultation with the Kentucky Department of Veterans' Affairs shall promulgate administrative regulations to establish the guidelines for awarding the authentic diplomas referred to in paragraph (a) of this subsection.
- (6) The Department of Education shall establish the requirements for a vocational certificate of completion. A student who has returned to school after dropping out shall receive counseling concerning the vocational program. A student who has completed the requirements established for a vocational program shall receive a vocational certificate of completion specifying the areas of competence.

➔Section 3. KRS 313.040 is amended to read as follows:

- (1) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A relating to dental hygienists. The administrative regulations may include at a minimum the classification of and licensure of dental hygienists, by examination or credentials, general supervision privileges, anesthesia registration, retirement of a license, reinstatement of a license, and charity licenses.
- (2) Renewal programs shall be organized to include continuing education approved by the board.
- (3) A licensed dental hygienist shall practice under the supervision, order, control, and full responsibility of a dentist licensed under this chapter and may practice:
 - (a) In a dental office, public or private school, health care facility, or government institution with a dentist on staff;
 - (b) Without the physical presence of a supervising dentist as provided in administrative regulations promulgated pursuant to subsections (6), (7), and (8) of this section; or
 - (c) Without a supervising dentist if providing screening services in accordance with subsection (9) of this section.
- (4) It shall be unlawful for a person or corporation to practice dental hygiene in a manner that is separate or independent from the dental practice of a supervising dentist or to establish or maintain an office or practice that is primarily devoted to the provision of dental hygiene services.
- (5) A dental hygienist may be employed by the supervising dentist or under contract with a dentist licensed under this chapter who is one (1) of the following:
 - (a) The employer of the supervising dentist;
 - (b) A shareholder in a professional association formed under KRS 274.015 of which the supervising dentist is a shareholder;
 - (c) A member or manager of a limited liability company formed under KRS 275.005 of which the supervising dentist is a member or manager;
 - (d) A shareholder in a corporation formed under KRS Chapter 271B of which the supervising dentist is a shareholder;
 - (e) A partner or employee of a partnership of which the supervising dentist is a partner or employee; or
 - (f) A government entity that employs the dental hygienist to provide dental hygiene services in a public school in connection with other programs the government entity administers.
- (6) A dental hygienist may provide the following procedures in a volunteer community health setting without the supervision of a dentist:
 - (a) Dental health education;
 - (b) Nutritional counseling;
 - (c) Preparing a generalized oral screening with subsequent referral to a dentist;
 - (d) Applying fluoride on patients;
 - (e) Demonstration of oral hygiene technique; and
 - (f) Sealants.
- (7) (a) A dental hygienist may provide, for not more than fifteen (15) consecutive full business days, dental hygiene services to a patient when the supervising dentist is not physically present at the location at which the services are provided if all the following requirements are met:

1. The dental hygienist has at least two (2) years with a minimum of three thousand (3,000) hours of experience in the practice of dental hygiene;
 2. The dental hygienist has successfully completed a course approved by the board in the identification and prevention of potential medical emergencies with reregistration in this course every two (2) years;
 3. The dental hygienist complies with written protocols for emergencies the supervising dentist establishes;
 4. The dental hygienist does not examine or provide dental health services to a patient who has not been examined by the supervising dentist within the previous seven (7) months. The supervising dentist shall have completed and evaluated a medical and dental history of the patient and shall have placed a written order for treatment in the patient's file. The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to determine guidelines for the written order; and
 5. A patient is notified in advance of an appointment for dental hygiene services when the supervising dentist will be absent from the location. The patient shall be required to sign an informed consent form, prior to treatment by the hygienist, acknowledging the dentist's absence.
- (b) The board shall promulgate administrative regulations to determine procedures the dental hygienist shall not be allowed to perform while the supervising dentist is absent from the work site.
- (8) A dental hygienist licensed by the board may practice as a public health hygienist and may provide dental hygiene services if:
- (a) The services are provided as part of a dental health program;
 - (b) The program for which the hygienist works is operated through the Department for Public Health or a governing board of health; and
 - (c) The hygienist performs only accepted standardized protocols which are contained within the scope of practice of dental hygiene and which are reviewed and approved by the Board of Dentistry and either the Department for Public Health or the dentist member of the governing board of health, as set out in administrative regulation.
- (9) A dental hygienist may provide screening services in any setting without the supervision of a dentist if:
- (a) The screening is conducted to fulfill the requirements of KRS 156.160(1)(j)~~(i)~~; and
 - (b) Patients are informed that the service being provided is a screening and that only a dentist is licensed to make a definitive diagnosis of the need for dental care.

Signed by Governor April 6, 2012.