

## CHAPTER 131

( SB 95 )

AN ACT relating to improving student academic achievement in school.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) *The General Assembly finds that economically advantaged and economically disadvantaged children make similar academic progress during a school year, but that it is during the summer months when disadvantaged students fall behind. It is the intent of the General Assembly to promote a program through which disadvantaged and low-achieving children maintain and improve the reading and mathematics skills they have developed during the school year.*
- (2) *The General Assembly encourages the development of a summer learning program for children from low-income families and children who are behind in grade level work who are entering the second year of the primary program through grade five (5). The summer learning program shall provide summer camps that include a blend of evidenced-based instruction in the core subjects of reading and mathematics plus experiential and enrichment activities in the arts, technology, and sports. The purposes of the summer learning program are to:*
  - (a) *Provide learning opportunities that provide for reinforcement of skills learned during the academic year;*
  - (b) *Provide convenient access to summer learning for students of low-income families and for low-achieving students;*
  - (c) *Provide students with opportunities for development of their interests through enrichment activities;*
  - (d) *Utilize existing resources, local community services, and other organizations to build long-term investments in summer programs that benefit from robust partnerships to maintain annual summer learning programs;*
  - (e) *Prevent the academic gap between low-income and high-income students from widening during the elementary school years;*
  - (f) *Encourage local school districts and schools to use multiple sources of funding to provide comprehensive summer learning opportunities for students;*
  - (g) *Promote innovative and effective instructional strategies that motivate students and teachers to learn and teach rather than emphasizing traditional remediation models; and*
  - (h) *Provide opportunity for innovative professional development for teachers as part of the program.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

*For purposes of Sections 1 to 3 of this Act:*

- (1) *"Attendance area" means the physical boundaries that determine the school that a student is to attend;*
- (2) *"Core academic area" means reading or mathematics;*
- (3) *"Economically disadvantaged student" or "disadvantaged" means a student who meets a school district's definition for purposes of the federal Elementary and Secondary Education Act, No Child Left Behind, Title I, Part A;*
- (4) *"Enrichment instructor" means an individual considered appropriately qualified by the administrator of the summer learning program with approval by the local superintendent to instruct or facilitate a specific enrichment program, who has completed at least two (2) years of study at an accredited postsecondary education institution, who has complied with KRS 160.380, who is paid by the local district from funds other than federal Title I funds, and who is supervised by the director or principal of the summer program. A highly qualified teacher may be employed to teach enrichment classes;*
- (5) *"Highly qualified teacher" means a person who holds a Kentucky certificate under KRS 161.030 or 161.048 for the subject or level of instruction he or she is teaching and who demonstrates competency in the core academic subjects taught; and*

- (6) *"Low-achieving Title I student" means a student who performs academically below expected potential as measured by assessments used for Title I identification.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) *Schools that have schoolwide Title I programs or Targeted Assistance Title I programs are encouraged to establish summer learning camps that meet the following minimum requirements:*
- (a) *Three (3) hours of daily innovative instruction in the core academic areas for students eligible for Title I services;*
  - (b) *Three (3) hours of planned enrichment activities that are available to students eligible for Title I services as well as to other students. The activities shall be determined by the designated administrators and staff of the summer camp. Enrichment may include music and dance, arts and crafts, sports, technology, and other enrichment activities that are deemed appropriate;*
  - (c) *Twenty (20) to twenty-five (25) days of planned programming;*
  - (d) *Involvement of community partners in the planning and implementation process through advisory committees and other activities;*
  - (e) *An organized marketing and notification process to parents of eligible children;*
  - (f) *Employment of highly qualified teachers for the core academic subjects;*
  - (g) *Employment of appropriately prepared teachers to conduct the enrichment activities, which may include noncertified teachers;*
  - (h) *Documentation that all summer school personnel and volunteers have completed background checks under KRS 160.380 and 161.148;*
  - (i) *Clearly defined administrative duties and responsibilities for operating the summer learning camp under the authority of the local superintendent and local board of education;*
  - (j) *Innovative professional development for the staff with opportunity for piloting and assessing innovative models of instruction;*
  - (k) *Provisions for transporting full-day participants residing in the host school's attendance area and one-way transportation for students participating only in the enrichment programs who reside in the host school's attendance area. Title I funds shall not be used for transporting students to and from school;*
  - (l) *Adherence to the same health, safety, civil rights, and disability requirements as are applied to public schools during the regular academic year; and*
  - (m) *Evaluation procedures.*
- (2) *Prior to the commencement of the camps, a local district offering one (1) or more summer learning camps shall report to the Kentucky Department of Education its intention, the projected membership for the camps, and the estimated number of students that will be transported. Within one (1) month following the ending date of the camps, a district shall file a membership and transportation report to receive its allotment for state supplemental funding and transportation pursuant to Section 4 of this Act. The department shall specify the procedures for reporting.*
- (3) *The department shall provide technical assistance upon request by a local school or school district in developing summer learning camps, except the department shall not impose additional curriculum requirements beyond what is provided in this section.*
- (4) *Local districts may contract with private providers to offer the enrichment programs.*
- (5) *Student participation in summer camps shall be permitted as follows:*
- (a) *A summer camp to be conducted in a school that has a schoolwide Title I program shall admit children who have attended the host public school the previous year, subject to space limitations. Children residing outside the school's attendance area, but within the school district, who attended another schoolwide Title I public school or students who were identified for Title I services in a Targeted Assistance School the previous year may be admitted if space is available. Priority shall be given to children who are the lowest-achieving, most economically disadvantaged, disabled, migrant, homeless, or limited-English proficient;*

- (b) *Two (2) or more schools that have schoolwide Title I programs may establish one (1) summer learning camp and admit children who have attended those schools, subject to space limitations. Priority shall be given to children who are the lowest-achieving, most economically disadvantaged, disabled, migrant, homeless, or limited-English proficient;*
  - (c) *A summer learning camp in a school that has a Targeted Assistance Title I program shall admit children who are identified based on the federal requirements in Title I, Part A, Section 1115;*
  - (d) *A summer learning camp may admit children who are not identified for Title I services to the enrichment programs in any of the summer camps without charging tuition as long as funds other than Title I funds are used for that purpose on a space available basis; and*
  - (e) *Local districts that do not contain a Title I school may establish summer learning camps as described in this section and compensate highly qualified teachers from available state and local funds.*
- (6) *Compensation for highly qualified teachers who serve Title I identified students in the core academic areas may be paid from Title I funds or Individuals with Disabilities Education Act funds, if appropriate. Compensation for enrichment instructors may be from extended school services funds, state general fund appropriations designated for summer learning camps, local public funds, private funds, grants, and receipts from fundraising activities.*
  - (7) *Compensation for summer learning camp teachers shall be considered extra services and highly qualified teachers shall make contributions to the Kentucky Teachers' Retirement System.*
  - (8) *Each local school district shall submit a summary annual report for each summer learning camp in the district to the Kentucky Department of Education based on the timelines, processes, and reporting form developed by the department. The report shall include at least the following:*
    - (a) *Students' demographic data including grade level, gender, economic disadvantage, race, and where applicable, disabilities;*
    - (b) *Membership and average daily attendance;*
    - (c) *Programs provided;*
    - (d) *Description of enrichment activities, including field trips;*
    - (e) *Credentials of staff;*
    - (f) *Summary of activities to engage parents; and*
    - (g) *Summary of partnerships established and description of shared activities.*
  - (9) *The department shall annually summarize the reports required in subsection (8) of this section and electronically publish a statewide report, highlighting best practices and success stories. The department shall also provide state academic assessment data disaggregated by those attending summer learning camps.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section "summer learning program" and "summer learning camp" mean the program and camps established by Sections 1 to 3 of this Act.*
- (2) *To the extent funds are appropriated by the General Assembly to support summer learning programs, those funds shall be distributed to each local district operating a summer learning program each year based on the average daily membership of the district's summer learning camps for that year. In addition, any funds appropriated to support transportation of students to summer learning camps, shall be distributed based on the previous year per pupil calculation as determined under KRS 157.370.*
- (3) (a) *Each school district operating a summer learning program shall establish and maintain a separate fund for each school where a summer learning camp is being held. The fund:*
  - 1. *Shall include any state appropriations specifically designated for the summer learning camp at the school, excluding Title I funds; and*
  - 2. *May include moneys from grants, donations from individuals and businesses, and proceeds from fundraising efforts to support the summer learning camp at the school.*

- (b) *Funds in the accounts shall be used for personnel, field trips, and to purchase supplies, materials, and equipment for the summer learning camp.*
- (c) *Any amounts remaining in an individual school fund at the end of the year shall be carried forward into the next year. If a school discontinues operation of its summer learning camp, the funds shall be transferred to another school in the district where a summer learning camp will be held. If there are no summer learning camps in the district, the funds may be used by the district to close the achievement gap between low-income and high-income students.*

➔Section 5. The Legislative Research Commission is directed to establish the Task Force on Student Access to Technology to develop a strategy and funding mechanism to provide fifth and sixth grade students with access to computing devices such as laptops, tablets, netbooks, and e-readers for school and home use. The task force shall invite representatives of agencies, businesses, industries, civic organizations, and others who may provide information and resources in developing and implementing the strategy for providing computing devices to fifth and sixth grade students. The study shall review the statewide availability of broadband technology that is necessary for students to acquire the best use of their computing devices when at home.

➔Section 6. (1) The task force of the Legislative Research Commission shall be appointed by June 1, 2012, and shall be composed of the following members with final membership of the task force being subject to the consideration and approval of the Legislative Research Commission:

- (a) The chair of the Senate Education Committee;
- (b) The chair of the House Education Committee;
- (c) The chair of the Senate Appropriations and Revenue Committee;
- (d) The chair of the House Appropriations and Revenue Committee;
- (e) Three members of the Senate, two to be appointed by the President of the Senate, and one to be appointed by the Minority Floor Leader of the Senate; and
- (f) Three members of the House of Representatives, two to be appointed by the Speaker of the House, and one to be appointed by the Minority Floor Leader of the House.

(2) The President of the Senate and the Speaker of the House shall each appoint one co-chair of the task force from among the members of the task force.

➔Section 7. The task force shall report its findings to the Legislative Research Commission for referral to the appropriate committee or committees no later than December 1, 2012.

➔Section 8. Provisions of Sections 5 to 7 of this Act to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified in Sections 5 to 7 of this Act to an interim joint committee or subcommittee thereof, and to designate a study completion date.

➔Section 9. Sections 5 to 7 of this Act shall have the same legal status as a Senate Concurrent Resolution.

**Signed by Governor April 11, 2012.**