

## CHAPTER 66

( HB 366 )

AN ACT relating to Eastern Kentucky University's model and practice school.

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

➔Section 1. KRS 164.380 is amended to read as follows:

- (1) The board of regents of *Eastern Kentucky University shall*~~each of the state universities or colleges may~~ *operate, maintain, and serve as the fiscal agent for*~~in connection with the college,~~ a model and practice school *which shall be an educational laboratory school* under the supervision of thoroughly trained *and certified education professionals*~~teachers~~ for the purpose of *piloting and testing kindergarten through high school educational pedagogies, practices, programs, assessments, and innovations to further the educational mission of the Commonwealth*~~giving observation and practice work to the student teachers~~.
- (2) *The model and practice school shall:*
- (a) *Be a university-operated public school under the governance of the Eastern Kentucky University board of regents that is separate from any school district;*
  - (b) *If confirmed by the board of regents, serve as a local education agency for the purposes of federal programs;*
  - (c) *Be subject to all statutes and regulations applicable to any other subdivision of the university, and to those statutes and regulations identified in this section or those relating to health, safety, and civil rights that are applicable to school districts;*
  - (d) *Enroll students in grades kindergarten through twelve (12), from any district in the Commonwealth, in compliance with the university's nondiscrimination policy and in alignment with the school's research objectives;*
  - (e) *Ensure students meet compulsory attendance requirements under KRS 158.030 and 158.100;*
  - (f) *Ensure high school course offerings meet or exceed the minimum high school requirements established pursuant to KRS 156.160;*
  - (g) *Participate in the assessment and accountability system under KRS Chapter 158 in the same manner as a school district and be rated and reported in the same manner as a school district;*
  - (h) *Use the same system for recording student information data as utilized by local school districts across the state in the same manner as a school district;*
  - (i) *Be subject to the same statutes requiring or authorizing criminal background checks and clear CA/N checks as specified in KRS 160.380 and 161.148 in the same manner as a school district;*
  - (j) *Provide instructional time that is at least equivalent to the student instructional year specified in KRS 158.070;*
  - (k) *Be eligible to participate in the education technology funding program under the same conditions as a district under KRS 157.655 and 157.665;*
  - (l) *Provide sufficient data to the Department of Education to generate school report cards under KRS 158.6453;*
  - (m) *Unless otherwise prevented by state or federal law, be eligible to apply for or participate in any state grant programs offered to school districts;*
  - (n) *Be eligible to participate in alternative educator certification, educator rank change, and educator internship programs in the same manner as a school district; and*
  - (o) *Be eligible to participate in state-sponsored interscholastic athletics, academic programs, competitions, awards, scholarships, and recognition programs for students, educators, administrators, and schools to the same extent, and subject to the same conditions, as any other public school or individual.*

- (3) *The board of regents shall adopt model and practice school policies to:*
- (a) *Develop and identify the research objectives to be conducted in the school that shall respond to the education needs within the Commonwealth and may be coordinated with the Department of Education, the Education Professional Standards Board, other academic colleges at Eastern Kentucky University, other universities or state agencies, or as directed by the General Assembly;*
  - (b) *Govern the conduct of research at the school by the university and other research partners;*
  - (c) *Establish tuition and fees, if any, for student enrollment. The policy shall include that no student who would qualify under federal law for free or reduced-price lunch shall be required to pay fees and no student shall be required to pay additional tuition or fees for exceptional education services;*
  - (d) *Establish enrollment guidelines that reflect the school's research objectives and may include a maximum enrollment cap of students residing in a local school district through an agreement entered into with the district's local board of education;*
  - (e) *Provide for the operation and management of the school, which shall include establishing the guidelines for the selection, implementation, and procurement of instructional programs, resources, materials, technology, and textbooks; and*
  - (f) *Issue high school diplomas to students who meet the state graduation requirements established pursuant to KRS 156.160.*
- (4) *The Eastern Kentucky University board of regents shall establish a model and practice school advisory council to provide general oversight and guidance for the operation of the school.*
- (a) *The advisory council shall be composed of:*
    1. *The superintendent of the school, who shall serve as chair;*
    2. *One (1) member who shall be a faculty member working at the school;*
    3. *Two (2) members who shall be faculty working outside of the school;*
    4. *Two (2) members who shall be residing in counties in which students attending the school reside;*
    5. *Two (2) members who shall be parents of students attending the school; and*
    6. *One (1) member who shall be a secondary student at the school.*
  - (b) *Other than the superintendent, all members of the advisory council shall be appointed by the president of the university for two (2) year terms beginning on July 1 and any vacancy shall be filled in the same manner for the balance of the unexpired term.*
  - (c) *The council shall annually elect a vice chair at the first meeting of the school year.*
  - (d) *Council members shall not receive a per diem for their service but may be reimbursed for travel related expenses according to policies adopted by the board of regents.*
  - (e) *The council shall advise the superintendent, president, and board of regents on matters relating to the function of the school and shall:*
    1. *Meet at least quarterly;*
    2. *Review and provide feedback on the strategic plan of the school;*
    3. *Review and provide feedback on the results of student performance, programs and initiatives, and the implementation of the strategic plan;*
    4. *Provide recommendations on programming and research; and*
    5. *Provide feedback to the president on the performance of administrative team members of the school.*
- (5) *The average daily attendance of the students attending the model and practice school shall be included in the average daily attendance of the students' districts of residence for the purpose of determining equalization under KRS 157.440(1)(a) and (b) and KRS 157.621. The Department of Education shall also grant a district of residence a deduction for each of the district's students attending the model and practice*

*school that adjusts the calculation under KRS 157.390(5) of the district's amount of local tax revenues generated for school purposes.*

- (6) *The superintendent of the model and practice school and the commissioner of education shall collaborate on the identification of research initiatives for the model and practice school that may be relevant to the Commonwealth.*
- (7) *All personnel of the model and practice school shall be university employees and shall be hired and employed subject to the university's policies and procedures.*
- (8) *Nothing in this section shall prohibit the superintendent or other model and practice school personnel from serving in other roles within the university. School personnel shall possess appropriate certifications and licenses as determined by the Education Professional Standards Board. However, school personnel shall be subject to the university's promotion, compensation, and tenure policies and other personnel policies adopted by the board of regents.*

➔Section 2. KRS 164.7874 is amended to read as follows:

As used in KRS 164.7871 to 164.7885:

- (1) "Academic term" means a semester or other time period specified in an administrative regulation promulgated by the authority;
- (2) "Academic year" means a period consisting of at least the minimum school term, as defined in KRS 158.070;
- (3) "ACT score" means the composite score achieved on the American College Test at a national test site on a national test date or the college admissions examination administered statewide under KRS 158.6453(5)(b)5. if the exam is the ACT, or an equivalent score, as determined by the authority, on the SAT administered by the College Board, Inc.;
- (4) "Authority" means the Kentucky Higher Education Assistance Authority;
- (5) "Award period" means the fall and spring consecutive academic terms within one (1) academic year;
- (6) "Council" means the Council on Postsecondary Education created under KRS 164.011;
- (7) "Eligible high school student" means any person who:
  - (a) Is a citizen, national, or permanent resident of the United States and Kentucky resident;
  - (b) Was enrolled after July 1, 1998:
    - 1. In a Kentucky high school for at least one hundred forty (140) days of the minimum school term unless exempted by the authority's executive director upon documentation of extreme hardship, while meeting the KEES curriculum requirements, and was enrolled in a Kentucky high school at the end of the academic year;
    - 2. In a Kentucky high school for the fall academic term of the senior year and who:
      - a. Was enrolled during the entire academic term;
      - b. Completed the high school's graduation requirements during the fall academic term; and
      - c. Was not enrolled in a secondary school during any other academic term of that academic year; or
    - 3. In the Gatton Academy of Mathematics and Science in Kentucky, ~~or~~ the Craft Academy for Excellence in Science and Mathematics, *or in high school at a model and practice school under Section 1 of this Act* while meeting the Kentucky educational excellence scholarship curriculum requirements;
  - (c) Has a grade point average of 2.5 or above at the end of any academic year beginning after July 1, 1998, or at the end of the fall academic term for a student eligible under paragraph (b) 2. of this subsection; and
  - (d) Is not a convicted felon;

- (8) "Eligible postsecondary student" means a citizen, national, or permanent resident of the United States and Kentucky resident, as determined by the participating institution in accordance with criteria established by the council for the purposes of admission and tuition assessment, who:
- (a) Earned a KEES award;
  - (b) Has the required postsecondary GPA and credit hours required under KRS 164.7881;
  - (c) Has remaining semesters of eligibility under KRS 164.7881;
  - (d) Is enrolled in a participating institution as a part-time or full-time student; and
  - (e) Is not a convicted felon;
- (9) "Full-time student" means a student enrolled in a postsecondary program of study that meets the full-time student requirements of the participating institution in which the student is enrolled;
- (10) "Grade point average" or "GPA" means the grade point average earned by an eligible student and reported by the high school or participating institution in which the student was enrolled based on a scale of 4.0 or its equivalent if the high school or participating institution that the student attends does not use the 4.0 grade scale;
- (11) "High school" means any Kentucky public high school, the Gatton Academy of Mathematics and Science in Kentucky, the Craft Academy for Excellence in Science and Mathematics, *a high school of a model and practice school under Section 1 of this Act* and any private, parochial, or church school located in Kentucky that has been certified by the Kentucky Board of Education as voluntarily complying with curriculum, certification, and textbook standards established by the Kentucky Board of Education under KRS 156.160;
- (12) "KEES" or "Kentucky educational excellence scholarship" means a scholarship provided under KRS 164.7871 to 164.7885;
- (13) "KEES award" means:
- (a) For an eligible high school student, the sum of the KEES base amount for each academic year of high school plus any KEES supplemental amount, as adjusted pursuant to KRS 164.7881; and
  - (b) For a student eligible under KRS 164.7879(3)(e), the KEES supplemental amount as adjusted pursuant to KRS 164.7881;
- (14) "KEES award maximum" means the sum of the KEES base amount earned in each academic year of high school plus any KEES supplemental amount earned;
- (15) "KEES base amount" or "base amount" means the amount earned by an eligible high school student based on the student's GPA pursuant to KRS 164.7879;
- (16) "KEES curriculum" means five (5) courses of study, except for students who meet the criteria of subsection (7)(b)2. of this section, in an academic year as determined in accordance with an administrative regulation promulgated by the authority;
- (17) "KEES supplemental amount" means the amount earned by an eligible student based on the student's ACT score pursuant to KRS 164.7879;
- (18) "KEES trust fund" means the Wallace G. Wilkinson Kentucky educational excellence scholarship trust fund;
- (19) "On track to graduate" means the number of cumulative credit hours earned as compared to the number of hours determined by the postsecondary education institution as necessary to complete a bachelor's degree by the end of eight (8) academic terms or ten (10) academic terms if a student is enrolled in an undergraduate program that requires five (5) years of study;
- (20) "Participating institution" means an "institution" as defined in KRS 164.001 that is eligible to participate in the federal Pell Grant program, executes a contract with the authority on terms the authority deems necessary or appropriate for the administration of its programs, and:
- (a) 1. Is publicly operated;
  2. Is licensed by the Commonwealth of Kentucky and has operated for at least ten (10) years, offers an associate or baccalaureate degree program of study not comprised solely of sectarian instruction, and admits as regular students only high school graduates, recipients of a High

School Equivalency Diploma, or students transferring from another accredited degree granting institution; or

3. Is designated by the authority as an approved out-of-state institution that offers a degree program in a field of study that is not offered at any institution in the Commonwealth; and
- (b) Continues to commit financial resources to student financial assistance programs; and
- (21) "Part-time student" means a student enrolled in a postsecondary program of study who does not meet the full-time student requirements of the participating institution in which the student is enrolled and who is enrolled for at least six (6) credit hours, or the equivalent for an institution that does not use credit hours.

➔Section 3. KRS 164.7885 is amended to read as follows:

- (1) Not later than August 1, 1999, and each June 30 thereafter, each Kentucky high school shall submit to the authority, a compiled list of all high school students during the academic year. A high school shall report the grade point average of an eligible high school student pursuant to KRS 164.7874 by January 15 following the end of the fall academic term in which the student completed the high school graduation requirements. The list shall identify the high school and shall contain each high school student's name, Social Security number, address, grade point average for the academic year, expected or actual graduation date, highest ACT score, family eligibility status for free or reduced-price lunch, and each AP, Cambridge Advanced International, or IB examination score. The Gatton Academy of Mathematics and Science in Kentucky, ~~and~~ the Craft Academy for Excellence in Science and Mathematics, **and the high school of a model and practice school under Section 1 of this Act** shall report the data on its students to the authority. The list need not contain the ACT, AP, Cambridge Advanced International, or IB if the authority receives the scores directly from the testing services. The authority shall notify each eligible high school student of his or her Kentucky educational excellence scholarship award earned each academic year. The authority shall determine the final Kentucky educational excellence scholarship and supplemental award based upon the actual final grade point average, highest ACT score, and qualifying AP, Cambridge Advanced International, or IB scores and shall notify each eligible twelfth-grade high school student of the final determination. The authority shall make available a list of eligible high school and postsecondary students to participating institutions.
- (2) The authority shall provide data access only to the Kentucky Longitudinal Data System and to those participating institutions that have either received an admission application from an eligible high school or postsecondary student or have been listed by the eligible high school or postsecondary student on the Free Application For Federal Student Aid.
- (3) For each eligible postsecondary student enrolling in a participating institution after July 1, 1999, the participating institution shall verify to the authority:
  - (a) The student's initial eligibility for a Kentucky educational excellence scholarship, Kentucky educational excellence scholarship and supplemental award, or supplemental award only pursuant to KRS 164.7879(3)(d) through the comprehensive list compiled by the authority or an alternative source satisfactory to the authority;
  - (b) The student's highest ACT score attained by the date of graduation from high school, provided that the participating institution need not report the ACT score if the authority receives the ACT score directly from the testing services;
  - (c) The eligible postsecondary student's full-time or part-time enrollment status at the beginning of each academic term; and
  - (d) The eligible postsecondary student's cumulative grade point average after the completion of each award period.
- (4) Each participating institution shall submit to the authority a report, in a form satisfactory to the authority, of all eligible postsecondary students enrolled for that academic term. Kentucky educational excellence scholarships and supplemental awards shall be disbursed by the authority to each eligible postsecondary student attending a participating institution during the academic term within thirty (30) days after receiving a satisfactory report.
- (5) The Kentucky educational excellence scholarship and the supplemental award shall not be reduced, except as provided in KRS 164.7881(4).
- (6) Kentucky educational excellence scholarships and supplemental awards shall not be awarded or disbursed to any eligible postsecondary students who are:

- (a) In default on any loan under Title IV of the federal act; or
  - (b) Liable for any amounts that exceed annual or aggregate limits on any loan under Title IV of the federal act; or
  - (c) Liable for overpayment of any grant or loan under Title IV of the federal act; or
  - (d) In default on any obligation to the authority under any programs administered by the authority until financial obligations to the authority are satisfied, except that ineligibility may be waived by the authority for cause.
- (7) Notwithstanding the provisions of KRS 164.753, the authority may promulgate administrative regulations for the administration of Kentucky educational excellence scholarships and supplemental awards under the provisions of KRS 164.7871 to 164.7885 and KRS 164.7889.

➔Section 4. The following KRS section is repealed:

156.472 Textbooks for model and practice schools.

**Signed by Governor March 27, 2020.**