

CHAPTER 145**(HB 48)**

AN ACT relating to education.

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

➔Section 1. KRS 156.557 is amended to read as follows:

- (1) As used in this section:
 - (a) "Formative evaluation" means a continuous cycle of collecting evaluation information and providing feedback with suggestions regarding the certified employee's professional growth and performance; and
 - (b) "Summative evaluation" means the summary of, and conclusions from, the evaluation data, including formative evaluation data that:
 1. Occur at the end of an evaluation cycle; and
 2. Include a conference between the evaluator and the evaluated certified employee and a written evaluation report.
- (2) The Kentucky Department of Education, in consultation with the Kentucky teacher and principal steering committees and other groups deemed appropriate by the commissioner of education, shall develop a statewide framework for teaching that shall promote the continuous professional growth and development of skills needed to be a highly effective teacher or a highly effective administrator in a school or district.
- (3) Each district shall develop and implement a personnel evaluation system aligned with the statewide framework for teaching established in subsection (2) of this section that shall:
 - (a) Use multiple measures of effectiveness;
 - (b) Include both formative and summative evaluation components;
 - (c) Measure professional effectiveness;
 - (d) Support professional growth;
 - (e) Have at least four (4) performance levels;
 - (f) Be used to inform personnel decisions;
 - (g) Be considerate of the time requirements of evaluators at the local level and shall not require that all certified school personnel have a formal summative evaluation each year; and
 - (h) Rate teachers or administrators by multiple measures instead of a single measure.
- (4) The performance criteria by which teachers and administrators shall be evaluated shall include but not be limited to:
 - (a) Performance of professional responsibilities related to his or her assignment, including attendance and punctuality and evaluating results;
 - (b) Demonstration of effective planning of curricula, classroom instruction, and classroom management, based on research-based instructional practices, or school management skills based on validated managerial practices;
 - (c) Demonstration of knowledge and understanding of subject matter content or administrative functions and effective leadership techniques;
 - (d) Promotion and incorporation of instructional strategies or management techniques that are fair and respect diversity and individual differences;
 - (e) Demonstration of effective interpersonal, communication, and collaboration skills among peers, students, parents, and others;
 - (f) Performance of duties consistent with the goals for Kentucky students and mission of the school, the local community, laws, and administrative regulations;

- (g) Demonstration of the effective use of resources, including technology;
 - (h) Demonstration of professional growth;
 - (i) Adherence to the professional code of ethics; and
 - (j) Attainment of the teacher standards or the administrator standards as established by the Education Professional Standards Board that are not referenced in paragraphs (a) to (i) of this subsection.
- (5) The following provisions shall apply to each school district's personnel evaluation system:
- (a) Certified school personnel, below the level of superintendent, shall be evaluated;
 - (b) The evaluation system shall include formative evaluation and summative evaluation components; and
 - (c) The Kentucky Board of Education shall adopt administrative regulations incorporating written guidelines for a local school district to follow in implementing the personnel evaluation system and shall require the following:
 1. All evaluations of certified school personnel below the level of the district superintendent shall be in writing on evaluation forms and under evaluation procedures developed by a committee composed of an equal number of teachers and administrators;
 2. The immediate supervisor of the certified school personnel member shall be designated as the primary evaluator. At the request of a teacher, observations by other teachers trained in the teacher's content area or curriculum content specialists may be incorporated into the formative process for evaluating teachers;
 3. All monitoring or observation of performance of a certified school personnel member shall be conducted openly and with full knowledge of the personnel member;
 4. Evaluators shall be trained, tested, and approved in accordance with administrative regulations adopted by the Kentucky Board of Education in the proper techniques for effectively evaluating certified school personnel. Evaluators shall receive support and resources necessary to ensure consistent and reliable ratings;
 5. The personnel evaluation system shall include a plan whereby the person evaluated is given assistance for professional growth as a teacher or administrator. The system shall also specify the processes to be used when corrective actions are necessary in relation to the performance of one's assignment;
 6. The system shall require annual summative evaluations for each teacher or other professional who has not attained continuing service status under KRS 161.740 or continuing status under KRS 156.800(7). The system shall require summative evaluations ~~at least~~ once every **five (5)** ~~three (3)~~ years for a teacher or other professional who has attained continuing service status under KRS 161.740 or continuing status under KRS 156.800(7), principals, assistant principals, and other certified administrators. ***Additional summative evaluations may be performed at the discretion of the immediate supervisor of a teacher or other professional based upon a case-by-case analysis of the performance criteria set forth in subsection (4) of this section but shall not be imposed as a uniform requirement across the system;*** and
 7. The training requirement for evaluators contained in subparagraph 4. of this paragraph shall not apply to district board of education members.
- (6) (a) Each superintendent shall be evaluated according to a policy and procedures developed by the local board of education and approved by the department.
- (b) The summative evaluation of the superintendent shall be in writing, discussed and adopted in an open meeting of the board and reflected in the minutes, and made available to the public upon request.
- (c) Any preliminary discussions relating to the evaluation of the superintendent by the board or between the board and the superintendent prior to the summative evaluation shall be conducted in closed session.
- (7) The Kentucky Board of Education shall establish an appeals procedure for certified school personnel who believe that the local school district failed to properly implement the evaluation system. The appeals procedure shall not involve requests from individual certified school personnel members for review of the judgmental conclusions of their personnel evaluations.

- (8) The local board of education shall establish an evaluation appeals panel for certified school personnel that shall consist of two (2) members elected by the certified employees of the local district and one (1) member appointed by the board of education who is a certified employee of the local board of education. Certified school personnel who think they were not fairly evaluated may submit an appeal to the panel for a timely review of their evaluation.
- (9) The Kentucky Department of Education may annually provide for on-site visits by trained personnel to review and ensure appropriate implementation of the evaluation system by the local school district. The department shall provide technical assistance to local districts to eliminate deficiencies and to improve the effectiveness of the evaluation system.
- (10) The disclosure, pursuant to KRS Chapter 61, of any data or information, including student growth data, that local school districts or the *Kentucky* Department of Education collect on individual classroom teachers under this section is prohibited.
- (11) The results of evaluations conducted under this section shall not be included in the accountability system described in KRS 158.6455 and no reporting requirements related to these results shall be imposed upon the local school districts by the *Kentucky* Department of Education.

➔Section 2. KRS 158.060 is amended to read as follows:

- (1) *Each teacher shall be provided access to a copy of his or her employment contract upon request.*
- (2) Twenty (20) school days, or days in which teachers are actually employed in the schoolroom, shall constitute a school month in the common schools.
- ~~(3)(2)~~ Each full-time teacher shall be provided with a duty-free lunch period each day during the regularly scheduled student lunch period. The duty-free lunch period shall be not less than the length of the lunch period specified in the school calendar approved by the chief state school officer. A full-time teacher may be assigned to lunch room duty during the regularly scheduled student lunch period only for an amount of time equal to the noninstructional time in excess of fifty-five (55) minutes included in the teacher's daily schedule. The calculation of noninstructional time shall not include the teacher's duty-free lunch period, the time teachers are required to be at school prior to the start of the student's instructional day, or the time teachers are required to remain at school after the students are dismissed.
- ~~(4)(3)~~ Except for children with disabilities and children attending the primary school program who may attend a program of less than six (6) hours per day under policy adopted by the local school district board of education and approved by the commissioner of education and children attending a school district where the local board has approved a schedule that provides at least the equivalent of six (6) hours of daily instruction during the school year, a minimum of six (6) hours of actual school work shall constitute a school day. Kindergarten programs may be operated for less than six (6) hours without state board approval. The Kentucky Board of Education, upon recommendation of the chief state school officer, shall develop and approve regulations governing make up by school districts of whole days missed due to emergencies, or partial days missed as a result of shortening regularly scheduled school days due to emergencies.
- ~~(5)(4)~~ Teachers shall be provided additional time for nonteaching activities. The nonteaching time shall be used to provide teachers opportunities for professional development activities as provided in KRS 156.095, instructional planning, school-based decision making as provided in KRS 160.345, curriculum development, and outreach activities involving their students' families and the community.
- ~~(6)(5)~~ Character education programs and activities shall be considered valuable and legitimate components of the actual school work constituting a school day under subsection ~~(4)(3)~~ of this section.

➔Section 3. KRS 156.095 is amended to read as follows:

- (1) (a) The Kentucky Department of Education shall establish, direct, and maintain a statewide program of professional development to improve instruction in the public schools.
- (b) *By August 1, 2025, the department shall create a four (4) year recurring professional development training schedule that includes all professional development for certified personnel required by subsection (2) of this section and federal law.*
- (c) *Each local school district shall implement the professional development training schedule created by the department.*

- (2) *All certified school district employees and public charter school employees shall complete at least one (1) hour of each of the following trainings within twelve (12) months of initial hire and at least once every four (4) years thereafter:*
- (a) *How to respond to an active shooter situation training prepared by the Department of Criminal Justice Training in collaboration with the department, the Kentucky Law Enforcement Council, and the Center for School Safety;*
 - (b) *Child abuse and neglect prevention, recognition, and reporting training from the list of trainings approved by the department in accordance with subsection (7) of this section;*
 - (c)
 1. *High-quality, evidence-based suicide prevention training, including risk factors, warning signs, protective factors, response procedures, referral, postvention, and the recognition of signs and symptoms of possible mental illness.*
 2. *As used in this paragraph, "postvention" means a series of planned supports and interventions with persons affected by a suicide for the purpose of facilitating the grieving or adjustment process, stabilizing the environment, reducing the risk of negative behaviors, and limiting the risk of further suicides through contagion; and*
 - (d) *Self-study review of seizure disorder materials.*
- (3) (a) ~~(2)~~ Each local school district superintendent shall appoint a certified school employee to fulfill the role and responsibilities of a professional development coordinator who shall disseminate professional development information to schools and personnel. Upon request by a school council or any employees of the district, the coordinator shall provide technical assistance to the council or the personnel that may include assisting with needs assessments, analyzing school data, planning and evaluation assistance, organizing districtwide programs requested by school councils or groups of teachers, or other coordination activities.
- (b) ~~(a)~~ The manner of appointment, qualifications, and other duties of the professional development coordinator shall be established by *the local board of education* ~~[Kentucky Board of Education through promulgation of administrative regulations]~~.
- (c) ~~(b)~~ The local district professional development coordinator *may* ~~shall~~ participate in the Kentucky Department of Education annual training program for local school district professional development coordinators. The training program may include, but not be limited to, the demonstration of various approaches to needs assessment and planning; strategies for implementing long-term, school-based professional development; strategies for strengthening teachers' roles in the planning, development, and evaluation of professional development; and demonstrations of model professional development programs. The training shall include information about teacher learning opportunities relating to the core content standards. The *department* ~~[Kentucky Department of Education]~~ shall regularly collect and distribute this information.
- (4) ~~(3)~~ The *department* ~~[Kentucky Department of Education]~~ shall provide or facilitate optional, professional development programs for certified personnel throughout the Commonwealth that are based on the statewide needs of teachers, administrators, and other education personnel. Programs may include classified staff and parents when appropriate. Programs offered or facilitated by the department shall be at locations and times convenient to local school personnel and shall be made accessible through the use of technology when appropriate. They shall include programs that: address the goals for Kentucky schools as stated in KRS 158.6451, including reducing the achievement gaps as determined by an equity analysis of the disaggregated student performance data from the state assessment program developed under KRS 158.6453; engage educators in effective learning processes and foster collegiality and collaboration; and provide support for staff to incorporate newly acquired skills into their work through practicing the skills, gathering information about the results, and reflecting on their efforts. Professional development programs shall be made available to teachers based on their needs which shall include but not be limited to the following areas:
- (a) Strategies to reduce the achievement gaps among various groups of students and to provide continuous progress;
 - (b) Curriculum content and methods of instruction for each content area, including differentiated instruction;
 - (c) School-based decision making;

- (d) Assessment literacy;
 - (e) Integration of performance-based student assessment into daily classroom instruction;
 - (f) Nongraded primary programs;
 - (g) Research-based instructional practices;
 - (h) Instructional uses of technology;
 - (i) Curriculum design to serve the needs of students with diverse learning styles and skills and of students of diverse cultures;
 - (j) Instruction in reading, including phonics, phonemic awareness, comprehension, fluency, and vocabulary;
 - (k) Educational leadership; and
 - (l) Strategies to incorporate character education throughout the curriculum.
- (5)(4) The department shall assist school personnel in assessing the impact of professional development on their instructional practices and student learning.
- (6) (a)(5) *Upon the request of a school district or school council*, the department shall assist ~~districts and school councils~~ with the development of long-term school and district improvement plans that include multiple strategies for professional development based on the assessment of needs at the school level.
- (b)(a) Professional development strategies may include but are not limited to participation in subject matter academies, teacher networks, training institutes, workshops, seminars, and study groups; collegial planning; action research; mentoring programs; appropriate university courses; and other forms of professional development.
- (c)(b) In planning the use of the four (4) days for professional development under KRS 158.070, school councils and districts shall give priority to programs that increase teachers' understanding of curriculum content and methods of instruction appropriate for each content area based on individual school plans. The district may use up to one (1) day to provide district-wide training and training that is mandated by state or federal law. Only those employees identified in the mandate or affected by the mandate shall be required to attend the training.
- (d)(e) State funds allocated for professional development shall be used to support professional development initiatives that are consistent with local school improvement and professional development plans and teachers' individual growth plans. The funds may be used throughout the year for all staff, including classified and certified staff and parents on school councils or committees. A portion of the funds allocated to each school council under KRS 160.345 may be used to prepare or enhance the teachers' knowledge and teaching practices related to the content and subject matter that are required for their specific classroom assignments.
- ~~((6) (a) The Kentucky Cabinet for Health and Family Services shall post on its web page evidence based suicide prevention awareness information, to include recognizing the warning signs of a suicide crisis. The web page shall include information related to suicide prevention training opportunities offered by the cabinet or an agency recognized by the cabinet as a training provider.~~
- ~~(b) Every public school and public charter school shall provide two (2) evidence based suicide prevention awareness lessons each school year, the first by September 15 and the second by January 15, either in person, by live streaming, or via a video recording to all students in grades six (6) through twelve (12). Every public school shall provide an opportunity for any student absent on the day the evidence based suicide prevention awareness lesson was initially presented to receive the lesson at a later time. The information may be obtained from the Cabinet for Health and Family Services or from a commercially developed suicide prevention training program.~~
- ~~(c) 1. Each school year, a minimum of one (1) hour of high quality evidence based suicide prevention training, including risk factors, warning signs, protective factors, response procedures, referral, postvention, and the recognition of signs and symptoms of possible mental illness, shall be required for all school district employees with job duties requiring direct contact with students in grades four (4) through twelve (12). The training shall be provided either in person, by live streaming, or via a video recording and may be included in the four (4) days of professional~~

development under KRS 158.070. As used in this subparagraph, "postvention" means a series of planned supports and interventions with persons affected by a suicide for the purpose of facilitating the grieving or adjustment process, stabilizing the environment, reducing the risk of negative behaviors, and limiting the risk of further suicides through contagion.

2. ~~When a staff member subject to the training under subparagraph 1. of this paragraph is initially hired during a school year in which the training is not required, the local district shall provide suicide prevention materials to the staff member for review.~~
- (d) ~~The requirements of paragraphs (b) and (c) of this subsection shall apply to public charter schools as a health and safety requirement under KRS 160.1592(1).~~
- (7) (a) ~~By November 1 of each year, a minimum of one (1) hour of training on how to respond to an active shooter situation shall be required for all school district employees with job duties requiring direct contact with students. The training shall be provided either in person, by live streaming, or via a video recording prepared by the Kentucky Department of Criminal Justice Training in collaboration with the Kentucky Law Enforcement Council, the Kentucky Department of Education, and the Center for School Safety and may be included in the four (4) days of professional development under KRS 158.070.~~
- (b) ~~When a staff member subject to the training requirements of this subsection is initially hired after the training has been provided for the school year, the local district shall provide materials on how to respond to an active shooter situation.~~
- (c) ~~The requirements of this subsection shall also apply to public charter schools as a health and safety requirement under KRS 160.1592(1).]~~
- (7)(8) (a) The *department*~~{Kentucky Department of Education}~~ shall develop and maintain a list of approved comprehensive evidence-informed trainings on child abuse and neglect prevention, recognition, and reporting that encompass child physical, sexual, and emotional abuse and neglect.
- (b) The trainings shall be web-based or in-person and cover, at a minimum, the following topics:
 1. Recognizing child physical, sexual, and emotional abuse and neglect;
 2. Reporting suspected child abuse and neglect in Kentucky as required by KRS 620.030 and the appropriate documentation;
 3. Responding to the child; and
 4. Understanding the response of child protective services.
- (c) The trainings shall include a questionnaire or other basic assessment tool upon completion to document basic knowledge of training components.
- (d) Each local board of education shall adopt one (1) or more trainings from the list approved by the *department*~~{Department of Education}~~ to be implemented by schools.]
- (e) ~~All school administrators, certified personnel, office staff, instructional assistants, and coaches and extracurricular sponsors who are employed by the school district shall complete the implemented training or trainings within ninety (90) days of being hired and then every two (2) years after.~~
- (f) ~~Every public school shall prominently display the statewide child abuse hotline number administered by the Cabinet for Health and Family Services, the National Human Trafficking Reporting Hotline number administered by the United States Department for Health and Human Services, and the Safe Haven Baby Boxes Crisis Line number administered by the Safe Haven Baby Boxes national organization or any equivalent successor entity.~~
- (g) ~~The requirements of this subsection shall also apply to public charter schools as a health and safety requirement under KRS 160.1592(1).]~~
- (8)(9) The *department*~~{Department of Education}~~ shall establish an electronic consumer bulletin board that posts information regarding professional development providers and programs as a service to school district central office personnel, school councils, teachers, and administrators. Participation on the electronic consumer bulletin board shall be voluntary for professional development providers or vendors, but shall include all programs sponsored by the department. Participants shall provide the following information: program title; name of provider or vendor; qualifications of the presenters or instructors; objectives of the program; program length; services provided, including follow-up support; costs for participation and costs of materials; names of

previous users of the program, addresses, and telephone numbers; and arrangements required. Posting information on the bulletin board by the department shall not be viewed as an endorsement of the quality of any specific provider or program.

~~(9)(10)~~ The ~~department~~~~Department of Education~~ shall provide **voluntary** training to address the characteristics and instructional needs of students at risk of school failure and most likely to drop out of school. The training shall be developed to meet the specific needs of all certified and classified personnel depending on their relationship with these students. The training for instructional personnel shall be designed to provide and enhance skills of personnel to:

- (a) Identify at-risk students early in elementary schools as well as at-risk and potential dropouts in the middle and high schools;
- (b) Plan specific instructional strategies to teach at-risk students;
- (c) Improve the academic achievement of students at risk of school failure by providing individualized and extra instructional support to increase expectations for targeted students;
- (d) Involve parents as partners in ways to help their children and to improve their children's academic progress; and
- (e) Significantly reduce the dropout rate of all students.

~~(10)(11)~~ The department shall establish teacher academies to the extent funding is available in cooperation with postsecondary education institutions for elementary, middle school, and high school faculty in core disciplines, utilizing facilities and faculty from universities and colleges, local school districts, and other appropriate agencies throughout the state. Priority for participation shall be given to those teachers who are teaching core discipline courses for which they do not have a major or minor or the equivalent. Participation of teachers shall be voluntary.

~~(11)(12)~~ The department shall annually provide to the oversight council established in KRS 15A.063, the information received from local schools pursuant to KRS 158.449.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

Every public school shall prominently display the statewide child abuse hotline number administered by the Cabinet for Health and Family Services, the National Human Trafficking Hotline number administered by the United States Department for Health and Human Services, and the Safe Haven Baby Boxes Crisis Line number administered by the Safe Haven Baby Boxes national organization or any equivalent successor entity. The requirements of this section shall also apply to public charter schools as a health and safety requirement under KRS 160.1592(1).

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) ***The Cabinet for Health and Family Services shall post on its website high-quality, evidence-based suicide prevention awareness information, which shall include information on recognizing the warning signs of a suicide crisis. The website shall include information related to suicide prevention training opportunities offered by the cabinet or an agency recognized by the cabinet as a training provider.***
- (2) ***Every public school and public charter school shall provide two (2) high quality, evidence-based suicide prevention awareness lessons each school year, the first by September 15 and the second by January 15, either in person, by live streaming, or via a video recording to all students in grades six (6) through twelve (12). Every public school shall provide an opportunity for any student absent on the day the high quality, evidence-based suicide prevention awareness lesson was initially presented to receive the lesson at a later time. The information may be obtained from the Cabinet for Health and Family Services or from a commercially developed suicide prevention training program.***

➔Section 6. KRS 158.070 is amended to read as follows:

- (1) As used in this section:
 - (a) "Election" has the same meaning as in KRS 121.015;
 - (b) "Minimum school term" or "school term" means not less than one hundred eighty-five (185) days composed of the student attendance days, teacher professional days, and holidays;

- (c) "School calendar" means the document adopted by a local board of education that establishes the minimum school term, student instructional year or variable student instructional year, and days that school will not be in session;
 - (d) "School district calendar committee" means a committee that includes at least the following:
 1. One (1) school district principal;
 2. One (1) school district office administrator other than the superintendent;
 3. One (1) member of the local board of education;
 4. Two (2) parents of students attending a school in the district;
 5. One (1) school district elementary school teacher;
 6. One (1) school district middle or high school teacher;
 7. Two (2) school district classified employees; and
 8. Two (2) community members from the local chamber of commerce, business community, or tourism commission;
 - (e) "Student attendance day" means any day that students are scheduled to be at school to receive instruction, and encompasses the designated start and dismissal time;
 - (f) "Student instructional year" means at least one thousand sixty-two (1,062) hours of instructional time for students delivered on not less than one hundred seventy (170) student attendance days;
 - (g) "Teacher professional day" means any day teachers are required to report to work as determined by a local board of education, with or without the presence of students; and
 - (h) "Variable student instructional year" means at least one thousand sixty-two (1,062) hours of instructional time delivered on the number of student attendance days adopted by a local board of education which shall be considered proportionally equivalent to one hundred seventy (170) student attendance days and calendar days for the purposes of a student instructional year, employment contracts that are based on the school term, service credit under KRS 161.500, and funding under KRS 157.350.
- (2) (a) The local board of education, upon recommendation of the local school district superintendent, shall annually appoint a school district calendar committee to review, develop, and recommend school calendar options.
- (b) The school district calendar committee, after seeking feedback from school district employees, parents, and community members, shall recommend school calendar options to the local school district superintendent for presentation to the local board of education. The committee's recommendations shall comply with state laws and regulations and consider the economic impact of the school calendar on the community and the state.
- (c) Prior to adopting a school calendar, the local board of education shall hear for discussion the school district calendar committee's recommendations and the recommendation of the superintendent at a meeting of the local board of education.
- (d) During a subsequent meeting of the local board of education, the local board shall adopt a school calendar for the upcoming school year that establishes the opening and closing dates of the school term, beginning and ending dates of each school month, student attendance days, and days on which schools shall be dismissed. The local board may schedule days for breaks in the school calendar that shall not be counted as a part of the minimum school term.
- (e) For local board of education meetings described in paragraphs (c) and (d) of this subsection, if the meeting is a regular meeting, notice shall be given to media outlets that have requests on file to be notified of special meetings stating the date of the regular meeting and that one (1) of the items to be considered in the regular meeting will be the school calendar. The notice shall be sent at least twenty-four (24) hours before the regular meeting. This requirement shall not be deemed to make any requirements or limitations relating to special meetings applicable to the regular meeting.
- (f) A local school board of education that adopts a school calendar with the first student attendance day in the school term starting no earlier than the Monday closest to August 26 may use a variable student

instructional year. Districts may set the length of individual student attendance days in a variable student instructional schedule, but no student attendance day shall contain more than seven (7) hours of instructional time unless the district submitted and received approval from the commissioner of education for an innovative alternative calendar.

- (3) (a) Each local board of education shall use four (4) days of the minimum school term for professional development and collegial planning activities for the professional staff without the presence of students pursuant to the requirements of KRS 156.095. At the discretion of the superintendent, one (1) day of professional development may be used for district-wide activities and for training that is mandated by federal or state law. The use of three (3) days shall be planned by each school council, except that the district is encouraged to provide technical assistance and leadership to school councils to maximize existing resources and to encourage shared planning.
- (b) ~~{At least one (1) hour of self study review of seizure disorder materials shall be required for all principals, guidance counselors, and teachers hired after July 1, 2019.}~~
- ~~(e)}~~ 1. A local board may approve a school's flexible professional development plan that permits teachers or other certified personnel within a school to participate in professional development activities outside the days scheduled in the school calendar or the regularly scheduled hours in the school work day and receive credit towards the four (4) day professional development requirement within the minimum one hundred eighty-five (185) days that a teacher shall be employed.
- 2. A flexible schedule option shall be reflected in the school's professional development component within the school improvement plan and approved by the local board. Credit for approved professional development activities may be accumulated in periods of time other than full day segments.
- 3. No teacher or administrator shall be permitted to count participation in a professional development activity under the flexible schedule option unless the activity is related to the teacher's classroom assignment and content area, or the administrator's job requirements, or is required by the school improvement plan, or is tied to the teacher's or the administrator's individual growth plan. The supervisor shall give prior approval and shall monitor compliance with the requirements of this paragraph. In the case of teachers, a professional development committee or the school council by council policy may be responsible for reviewing requests for approval.
- ~~(c){(d)}~~ The local board of each school district may use up to a maximum of four (4) days of the minimum school term for holidays; provided, however, any holiday which occurs on Saturday may be observed on the preceding Friday.
- ~~(d){(e)}~~ Each local board may use two (2) days for planning activities without the presence of students.
- ~~(e){(f)}~~ Each local board may close schools for the number of days deemed necessary for:
 - 1. National or state emergency or mourning when proclaimed by the President of the United States or the Governor of the Commonwealth of Kentucky;
 - 2. Local emergency which would endanger the health or safety of children; and
 - 3. Mourning when so designated by the local board of education and approved by the Kentucky Board of Education upon recommendation of the commissioner of education.
- (4) (a) The Kentucky Board of Education, upon recommendation of the commissioner of education, shall adopt administrative regulations governing the use of student attendance days as a result of a local emergency, as described in subsection (3)~~(e){(f)}~~2. of this section, and regulations setting forth the guidelines and procedures to be observed for the approval of waivers from the requirements of a student instructional year in subsection (1)(f) of this section for districts that wish to adopt innovative instructional calendars, or for circumstances that would create extreme hardship.
- (b) If a local board of education amends its school calendar after its adoption due to an emergency, it may lengthen or shorten any remaining student attendance days by thirty (30) minutes or more, as it deems necessary, provided the amended calendar complies with the requirements of a student instructional year in subsection (1)(f) of this section or a variable student instructional year in subsection (1)(h) of

this section. No student attendance day shall contain more than seven (7) hours of instructional time unless the district submitted and received approval from the commissioner of education for an innovative alternative calendar.

- (5) (a)
 1. In setting the school calendar, school may be closed for two (2) consecutive days for the purpose of permitting professional school employees to attend statewide professional meetings.
 2. These two (2) days for statewide professional meetings may be scheduled to begin with the first Thursday after Easter, or upon request of the statewide professional education association having the largest paid membership, the commissioner of education may designate alternate dates.
 3. If schools are scheduled to operate during days designated for the statewide professional meeting, the school district shall permit employees who are delegates to attend as compensated professional leave time and shall employ substitute teachers in their absence.
 4. The commissioner of education shall designate one (1) additional day during the school year when schools may be closed to permit professional school employees to participate in regional or district professional meetings.
 5. These three (3) days so designated for attendance at professional meetings may be counted as a part of the minimum school term.
- (b)
 1. If any school in a district is used as a polling place, the school district shall be closed on the day of the election, and those days may be used for professional development activities, professional meetings, or parent-teacher conferences.
 2. A district may be open on the day of an election if no school in the district is used as a polling place.
- (c) All schools shall be closed on the third Monday of January in observance of the birthday of Martin Luther King, Jr. Districts may:
 1. Designate the day as one (1) of the four (4) holidays permitted under subsection (3)(c)~~(4)~~ of this section; or
 2. Not include the day in the minimum school term specified in subsection (1) of this section.
- (6) (a) The Kentucky Board of Education, or the organization or agency designated by the board to manage interscholastic athletics, shall be encouraged to schedule athletic competitions outside the regularly scheduled student attendance day.
- (b) Any member of a school-sponsored interscholastic athletic team who competes in a regional tournament or state tournament sanctioned by the Kentucky Board of Education, or the organization or agency designated by the board to manage interscholastic athletics, and occurring on a regularly scheduled student attendance day may be counted present at school on the date or dates of the competition, as determined by local board policy, for a maximum of two (2) days per student per year. The student shall be expected to complete any assignments missed on the date or dates of the competition.
- (c) The school attendance record of any student for whom paragraph (b) of this subsection applies shall indicate that the student was in attendance on the date or dates of competition.
- (7) Schools shall provide continuing education for those students who are determined to need additional time to achieve the outcomes defined in KRS 158.6451, and schools shall not be limited to the minimum school term in providing this education. Continuing education time may include extended days, extended weeks, or extended years. A local board of education may adopt a policy requiring its students to participate in continuing education. The local policy shall set out the conditions under which attendance will be required and any exceptions which are provided. The Kentucky Board of Education shall promulgate administrative regulations establishing criteria for the allotment of grants to local school districts and shall include criteria by which the commissioner of education may approve a district's request for a waiver to use an alternative service delivery option, including providing services during the student attendance day on a limited basis. These grants shall be allotted to school districts to provide instructional programs for pupils who are identified as needing additional time to achieve the outcomes defined in KRS 158.6451. A school district that has a school operating a model early reading program under KRS 158.792 may use a portion of its grant money as part of the matching funds to provide individualized or small group reading instruction to qualified students outside of the regular classroom during the student attendance day.

- (8) Notwithstanding any other statute, each school term shall include no less than the equivalent of the student instructional year in subsection (1)(f) of this section, or a variable student instructional year in subsection (1)(h) of this section, except that the commissioner of education may grant up to the equivalent of ten (10) student attendance days for school districts that have a nontraditional instruction plan approved by the commissioner of education on days when the school district is closed for health or safety reasons. The district's plan shall indicate how the nontraditional instruction process shall be a continuation of learning that is occurring on regular student attendance days. Instructional delivery methods, including the use of technology, shall be clearly delineated in the plan. Average daily attendance for purposes of Support Education Excellence in Kentucky program funding during the student attendance days granted shall be calculated in compliance with administrative regulations promulgated by the Kentucky Board of Education.
- (9) The Kentucky Board of Education shall promulgate administrative regulations to prescribe the conditions and procedures for districts to be approved for the nontraditional instruction program. Administrative regulations promulgated by the board under this section shall specify:
- (a) The application, plan review, approval, and amendment process;
 - (b) Reporting requirements for districts approved for the program, which may include but are not limited to examples of student work, lesson plans, teacher work logs, and student and teacher participation on nontraditional instruction days. Documentation to support the use of nontraditional instruction days shall include clear evidence of learning continuation;
 - (c) Timelines for initial approval as a nontraditional instruction district, length of approval, the renewal process, and ongoing evaluative procedures required of the district;
 - (d) Reporting and oversight responsibilities of the district and the Kentucky Department of Education, including the documentation required to show clear evidence of learning continuation during nontraditional instruction days; and
 - (e) Other components deemed necessary to implement this section.
- (10) Notwithstanding the provisions of KRS 158.060~~(4)~~~~(3)~~ and the provisions of subsection (2) of this section, a school district shall arrange bus schedules so that all buses arrive in sufficient time to provide breakfast prior to the beginning of the student attendance day. The superintendent of a school district that participates in the Federal School Breakfast Program may also authorize up to fifteen (15) minutes of the student attendance day to provide the opportunity for children to eat breakfast during instructional time.
- (11) Notwithstanding any other statute to the contrary, the following provisions shall apply to a school district that misses student attendance days due to emergencies, including weather-related emergencies:
- (a) A certified school employee shall be considered to have fulfilled the minimum one hundred eighty-five (185) day contract with a school district under KRS 157.350 and shall be given credit for the purpose of calculating service credit for retirement under KRS 161.500 for certified school personnel if:
 - 1. State and local requirements under this section are met regarding the equivalent of the number and length of student attendance days, teacher professional days, professional development days, holidays, and days for planning activities without the presence of students; and
 - 2. The provisions of the district's school calendar to make up student attendance days missed due to any emergency, as approved by the Kentucky Department of Education when required, including but not limited to a provision for additional instructional time per day, are met.
 - (b) Additional time worked by a classified school employee shall be considered as equivalent time to be applied toward the employee's contract and calculation of service credit for classified employees under KRS 78.615 if:
 - 1. The employee works for a school district with a school calendar approved by the Kentucky Department of Education that contains a provision that additional instructional time per day shall be used to make up full days missed due to an emergency;
 - 2. The employee's contract requires a minimum six (6) hour work day; and
 - 3. The employee's job responsibilities and work day are extended when the instructional time is extended for the purposes of making up time.

- (c) Classified employees who are regularly scheduled to work less than six (6) hours per day and who do not have additional work responsibilities as a result of lengthened student attendance days shall be excluded from the provisions of this subsection. These employees may be assigned additional work responsibilities to make up service credit under KRS 78.615 that would be lost due to lengthened student attendance days.

➔Section 7. KRS 158.4416 is amended to read as follows:

- (1) For purposes of this section:

- (a) "Direct services" means in-person or virtual services provided directly to a student by a school counselor, including but not limited to individual counseling, group counseling, and individual student planning, scheduling, and registration;
- (b) "Indirect services" means services provided on behalf of a student as a result of interactions with others, including but not limited to consultation and collaboration with parents, teachers, and other educators;
- (c) "School counselor" means an individual who holds a valid school counselor certificate issued in accordance with the administrative regulations of the Education Professional Standards Board;
- (d) "School psychologist" means an individual who holds a valid school psychology certificate issued in accordance with the administrative regulations of the Education Professional Standards Board;
- (e) "School social worker" means an individual who holds a valid school social work certificate issued in accordance with the administrative regulations of the Education Professional Standards Board;
- (f) "School-based mental health services provider" means a certified school counselor, school psychologist, school social worker, or other qualified mental health professional as defined in KRS 202A.011;
- (g) "Trauma" means physical, emotional, or life-threatening harm; and
- (h) "Trauma-informed approach" means incorporating principles of trauma awareness and trauma-informed practices in a school in order to foster a safe, stable, and understanding learning environment for all students and staff and ensuring that all students are known well by at least one (1) adult in the school setting.

- (2) The General Assembly recognizes that all schools must provide a place for students to feel safe and supported to learn throughout the school day, and that any trauma a student may have experienced can have a significant impact on the ability of a student to learn. The General Assembly directs all public schools to adopt a trauma-informed approach to education in order to better recognize, understand, and address the learning needs of students impacted by trauma and to foster a learning environment where all students, including those who have been traumatized, can be safe, successful, and known well by at least one (1) adult in the school setting. The requirements of this subsection shall apply to public charter schools as a health and safety requirement under KRS 160.1592(1).

- (3) (a) As funds and qualified personnel become available:

- 1. Each school district and each public charter school shall employ at least one (1) school counselor in each school with the goal of the school counselor spending at least sixty percent (60%) or more of his or her time providing direct services to students and no more than forty percent (40%) of his or her time providing indirect services to students; and
- 2. It shall be the goal that each school district and each public charter school shall provide at least one (1) school counselor or school-based mental health services provider who is employed by the school district for every two hundred fifty (250) students, including but not limited to the school counselor required in subparagraph 1. of this paragraph.
- (b) A school counselor or school-based mental health services provider at each school shall be the facilitator of a trauma-informed team to identify and assist students whose learning, behavior, and relationships have been impacted by trauma. The trauma-informed team may consist of school administrators, school counselors, school psychologists, school social workers, school-based mental health services providers, community-based mental health services providers hired by the district, family resource and youth services coordinators, school nurses, school resource officers, and any other school or district personnel.
- (c) The trauma-informed team shall:

1. Provide assistance to school personnel to enable them to support students whose learning, behavior, and relationships have been impacted by trauma;
 2. Identify ways to recognize and respond to mental health issues in all students; *and*
 3. Identify ways to build resiliency and wellness in all students;
 - ~~4. Compile an annual record of its activities during the course of the school year to be used in the annual comprehensive school improvement plan process required by 703 KAR 5:225; and~~
 - ~~5. Submit the record created in accordance with subparagraph 4. of this paragraph to the department.~~
- (d) Each school counselor or school-based mental health services provider providing services pursuant to this section, and the trauma-informed team members described in paragraph (b) of this subsection, shall provide training, guidance, and assistance to other administrators, teachers, and staff on:
1. Recognizing symptoms of trauma in students;
 2. Utilizing interventions and strategies to support the learning needs of those students; and
 3. Implementing the plan for a trauma-informed approach as described in subsection (5) of this section.
- (e)
1. School districts may employ or contract for the services of school-based mental health services providers to assist with the development and implementation of a trauma-informed approach and the development of a trauma-informed team pursuant to this subsection and to enhance or expand student mental health support services as funds and qualified personnel become available.
 2. School-based mental health services providers may provide services through a collaboration between two (2) or more school districts or between school districts and educational cooperatives or any other public or private entities, including but not limited to local or regional mental health day treatment programs.
- (f) No later than November 1 of each year, the local school district superintendent shall report to the department the number of school-based mental health service providers, the position held, placement in the district, certification or licensure held, the source of funding for each position, a summary of the job duties and work undertaken by each school-based mental health service provider, and the approximate percent of time devoted to each duty over the course of the year.
- (g) The department shall annually compile and maintain a list of school-based mental health service providers by district which shall include the information required in paragraph (f) of this subsection.
- (h) No later than June 1 of each year, the department shall provide the Interim Joint Committee on Education with the information reported by local school district superintendents and compiled in accordance with paragraph (g) of this subsection.
- (4) The department shall make available a toolkit that includes guidance, strategies, behavioral interventions, practices, and techniques to assist school districts and public charter schools in developing a trauma-informed approach in schools.
- (5) Each local board of education and board of a public charter school shall develop a plan for implementing a trauma-informed approach in its schools. The plan shall include but not be limited to strategies for:
- (a) Enhancing trauma awareness throughout the school community;
 - (b) Conducting an assessment of the school climate, including but not limited to inclusiveness and respect for diversity;
 - (c) Developing trauma-informed discipline policies;
 - (d) Collaborating with the Department of Kentucky State Police, the local sheriff, and the local chief of police to create procedures for notification of trauma-exposed students; and
 - (e) Providing services and programs designed to reduce the negative impact of trauma, support critical learning, and foster a positive and safe school environment for every student.

- (6) The trauma-informed approach plan developed in accordance with subsection (5) of this section shall be reviewed and updated annually ~~and incorporated into the annual comprehensive district improvement plan required by 703 KAR 5:225,~~ and submitted to the department. The department shall annually provide a summary of the trauma-informed approach strategies being used in districts to the board and the Legislative Research Commission for referral to the Interim Joint Committee on Education.

➔Section 8. KRS 161.031 is amended to read as follows:

- (1) As used in this section:
 - (a) "Mentor" means an educator who has at least three (3) full years of experience under a professional certificate and who has been trained to assist a beginning educator in the same professional role with his or her professional responsibilities and general school and district procedures; and
 - (b) "New teacher induction and mentor program" means a multiyear, structured program of mentorship and professional development in which trained mentors provide constructive feedback to new teachers.
- (2) The Education Professional Standards Board shall develop standards and guidance for ~~school local~~ districts to implement new teacher induction and mentor programs. All school districts ~~are encouraged to~~ ~~shall~~ provide an induction program for teachers in their first year of teaching ***that is aligned with the standards and guidance for school districts developed by the Education Professional Standards Board.***
- (3) Standards for new teacher induction and mentor programs shall include but not be limited to the following:
 - (a) An orientation program for new teachers and other incoming teachers to be provided at the beginning of and throughout the first year of employment;
 - (b) Assignment of a mentor teacher to a new teacher within the first two (2) weeks of teaching and remaining with the new teacher for the first year of the new teacher's employment in the school. The mentoring relationship shall be composed of activities that the beginning teacher and mentor participate in together, including but not limited to coteaching, lesson planning, and observation;
 - (c) The creation of a support team to provide assistance for new teachers, including focus on each new teacher's individual professional growth and development plan;
 - (d) Workshops and training, including professional development opportunities specifically designed for the beginning teacher that provides vital information on topics relevant during the first year in the classroom;
 - (e) Workshops and training for mentors prior to assignment to a beginning teacher on the skills necessary for effective mentoring;
 - (f) Opportunities for the new teacher to meet with the assigned mentor to share successes and troubleshooting strategies;
 - (g) Support teams to link the beginning teacher with a network of teachers in the school or district, in addition to their mentor, that the beginning teacher can rely on for assistance and guidance, especially for content specialization; and
 - (h) Formative and summative evaluations to provide feedback for a beginning teacher to gain an understanding of his or her strengths and weaknesses and to grow professionally.
- (4) The Education Professional Standards Board shall develop evaluations and rubrics aligned to state academic standards and state and local procedures that shall be based on the following standards of effective teaching:
 - (a) Curriculum, content mastery, planning, and assessment;
 - (b) Teaching all students; and
 - (c) Family engagement.
- (5) Rubrics shall describe practice in detail at different levels of performance.
- (6) Categories of evidence shall be included to assess educator performance, including multiple measures of student learning, observations, and additional relevant evidence.
- (7) Evaluations shall include new teacher self-assessment, individual goal setting and plan development, implementation of the plan, formative assessment, and a summative evaluation.

- (8) ~~[Beginning October 1, 2024, and]~~By October 1 *of* each year ~~[thereafter]~~, the Education Professional Standards Board shall provide a report to the Legislative Research Commission for referral to the Interim Joint Committee on Education. The report shall include but not be limited to:
- (a) ***Identification of the school districts that have not implemented an induction program for teachers in their first year of teaching that is aligned with the standards and guidance for local districts developed by the Education Professional Standards Board;***
 - (b) The number of mentor teachers and the educator preparation programs that were attended by the mentor teachers;
 - (c)~~[(b)]~~ The number of new teachers and the educator preparation programs that were attended by the new teachers;
 - (d)~~[(c)]~~ An analysis of how prepared new teachers are upon entering the profession;
 - (e)~~[(d)]~~ The types of training utilized by districts to train new teachers, mentors, and support teams;
 - (f)~~[(e)]~~ The types of remediation or supports needed by districts for new teachers that were not covered in the educator preparation programs;
 - (g)~~[(f)]~~ The major components of each new teacher induction and mentor program;
 - (h)~~[(g)]~~ How new teacher induction and mentor programs are operated and funded;
 - (i)~~[(h)]~~ How long new teachers receive mentor support;
 - (j)~~[(i)]~~ The estimated annual amount spent per new teacher;
 - (k)~~[(j)]~~ Measures being utilized to gauge the new teacher induction and mentor program's effectiveness; and
 - (l)~~[(k)]~~ Impact on teacher retention.
- (9) The Education Professional Standards Board shall accumulate long-term data for analysis of the impact of teacher induction and mentor programs on new teacher retention.

➔Section 9. KRS 156.492 is amended to read as follows:

- (1) The Kentucky Department of Education may enter into an agreement with any building and construction trade organization to develop a training program for school counselors providing services to students in the Commonwealth. The purpose of the training program shall be to promote building and construction trades and training facilities available to students by making school counselors aware of what is available to students participating in the building and construction trade. The training program shall include information relating to:
 - (a) The pay and benefits available to people who work in the building and construction trades; and
 - (b) Job opportunities, pre-apprenticeships, apprenticeships, and pathways within the building and construction trade industry.
- (2) The participating trade organization shall ensure ample opportunities for school counselors that serve grades seven (7) through twelve (12) to complete the training created under subsection (1) of this section annually and shall bear all costs associated with the training. The participating trade organization may choose to offer professional development opportunities to teachers who serve students in grades seven (7) through twelve (12), if resources are available for this purpose.
- (3) The department shall include the training program created in this section on the electronic consumer bulletin board created pursuant to KRS 156.095(8)~~[(9)]~~ if requested by the training program.
- (4) A school counselor serving students in grades seven (7) through twelve (12) may complete four (4) hours of training developed under this section which shall count towards the twenty-one (21) hours required annually pursuant to KRS 156.101(4)(b)2.
- (5) Local boards of education or school-based decision making councils may incorporate this training as part of the four (4) days of professional development required pursuant to KRS 158.070(3)(a) for teachers who serve students in grades seven (7) through twelve (12) if offered by the participating trade organization.

➔Section 10. KRS 157.360 is amended to read as follows:

- (1)
 - (a) In determining the cost of the program to support education excellence in Kentucky, the statewide guaranteed base funding level, as defined in KRS 157.320, shall be computed by dividing the amount appropriated for this purpose by the prior year's statewide average daily attendance.
 - (b) When determining the biennial appropriations for the program, the average daily attendance for each fiscal year shall include an estimate of the number of students graduating early under the provisions of KRS 158.142.
 - (2) Each district shall receive an amount equal to the base funding level for each pupil in average daily attendance in the district in the previous year, except a district shall receive an amount equal to one-half (1/2) of the state portion of the average statewide per pupil guaranteed base funding level for each student who graduated early under the provisions of KRS 158.142. Each district's base funding level shall be adjusted by the following factors:
 - (a) The number of at-risk students in the district. At-risk students shall be identified as those approved for the free lunch program under state and federal guidelines. The number of at-risk students shall be multiplied by a factor to be established by the General Assembly. Funds generated under this paragraph may be used to pay for:
 1. Alternative programs for students who are at risk of dropping out of school before achieving a diploma; and
 2. A hazardous duty pay supplement as determined by the local board of education to the teachers who work in alternative programs with students who are violent or assaultive;
 - (b) The number and types of exceptional children in the district as defined by KRS 157.200. Specific weights for each category of exceptionality shall be used in the calculation of the add-on factor for exceptional children; and
 - (c) Transportation costs. The per-pupil cost of transportation shall be calculated as provided by KRS 157.370. Districts which contract to furnish transportation to students attending nonpublic schools may adopt any payment formula which ensures that no public school funds are used for the transportation of nonpublic students.
 - (3) Beginning with the 2015-2016 school year and each year thereafter, the General Assembly shall annually allocate funds equal to one-half (1/2) of the state portion of the average statewide per pupil guaranteed base funding level for each student who graduated early under the provisions of KRS 158.142 the previous school year to the Kentucky Higher Education Assistance Authority for deposit in the early graduation scholarship trust fund.
 - (4) The program to support education excellence in Kentucky shall be fully implemented by the 1994-95 school year.
 - (5)
 - (a) Except for those schools which have implemented school-based decision making, the commissioner of education shall enforce maximum class sizes for every academic course requirement in all grades except in vocal and instrumental music, and physical education classes. Except as provided in subsection (6) of this section, the maximum number of pupils enrolled in a class shall be as follows:
 1. Twenty-four (24) in primary grades (kindergarten through third grade);
 2. Twenty-eight (28) in grade four (4);
 3. Twenty-nine (29) in grades five (5) and six (6);
 4. Thirty-one (31) in grades seven (7) to twelve (12).
 - (b) Except for those schools which have implemented school-based decision making, class size loads for middle and secondary school classroom teachers shall not exceed the equivalent of one hundred fifty (150) pupil hours per day.
 - (c) The commissioner of education, upon approval of the Kentucky Board of Education, shall adopt administrative regulations for enforcing this provision. These administrative regulations shall include procedures for a superintendent to request an exemption from the Kentucky Board of Education when unusual circumstances warrant an increased class size for an individual class. A request for an exemption shall include specific reasons for the increased class size with a plan for reducing the class size prior to the beginning of the next school year. A district shall not receive in any one (1) year

exemptions for more classes than enroll twenty percent (20%) of the pupils in the primary grades and grades four (4) through eight (8).

- (d) In all schools the commissioner of education shall enforce the special education maximum class sizes set by administrative regulations adopted by the Kentucky Board of Education. A superintendent may request an exemption pursuant to paragraph (c) of this subsection. A local school council may request a waiver pursuant to KRS 156.160(2). An exemption or waiver shall not be granted if the increased class size will impede any exceptional child from achieving his or her individual education program in the least restrictive environment.
- (6) In grades four (4) through six (6) with combined grades, the maximum class size shall be the average daily attendance upon which funding is appropriated for the lowest assigned grade in the class. There shall be no exceptions to the maximum class size for combined classes. In combined classes other than the primary grades, no ungraded students shall be placed in a combined class with graded students. In addition, there shall be no more than two (2) consecutive grade levels combined in any one (1) class in grades four (4) through six (6). However, this shall not apply to schools which have implemented school-based decision making.
- (7) If a local school district, through its admission and release committee, determines that an appropriate program in the least restrictive environment for a particular child with a disability includes either part-time or full-time enrollment with a private school or agency within the state or a public or private agency in another state, the school district shall count as average daily attendance in a public school the time that the child is in attendance at the school or agency, contingent upon approval by the commissioner of education.
- (8) Pupils attending a center for child learning and study established under an agreement pursuant to KRS 65.210 to 65.300 shall, for the purpose of calculating average daily attendance, be considered as in attendance in the school district in which the child legally resides and which is party to the agreement. For purposes of subsection (1) of this section, teachers who are actually employees of the joint or cooperative action shall be considered as employees of each school district which is a party to the agreement.
- (9) Program funding shall be increased when the average daily attendance in any district for the first two (2) months of the current school year is greater than the average daily attendance of the district for the first two (2) months of the previous school year. The program funds allotted the district shall be increased by the percent of increase. The average daily attendance in kindergarten is the kindergarten full-time equivalent pupils in average daily attendance.
- (10) If the average daily attendance for the current school year in any district decreases by ten percent (10%) or more than the average daily attendance for the previous school year, the average daily attendance for purposes of calculating program funding for the next school year shall be increased by an amount equal to two-thirds (2/3) of the decrease in average daily attendance. If the average daily attendance remains the same or decreases in the succeeding school year, the average daily attendance for purposes of calculating program funding for the following school year shall be increased by an amount equal to one-third (1/3) of the decrease for the first year of the decline.
- (11) If the percentage of attendance of any school district shall have been reduced more than two percent (2%) during the previous school year, the program funding allotted the district for the current school year shall be increased by the difference in the percentage of attendance for the two (2) years immediately prior to the current school year less two percent (2%).
- (12) (a) Instructional salaries for vocational agriculture classes shall be for twelve (12) months per year. Vocational agriculture teachers shall be responsible for the following program of instruction during the time period beyond the regular school term established by the local board of education: supervision and instruction of students in agriculture experience programs; group and individual instruction of farmers and agribusinessmen; supervision of student members of agricultural organizations who are involved in leadership training or other activity required by state or federal law; or any program of vocational agriculture established by the Department of Education. During extended employment, no vocational agriculture teacher shall receive salary on a day that the teacher is scheduled to attend an institution of higher education class which could be credited toward meeting any certification requirement.
- (b) Each teacher of agriculture employed shall submit an annual plan for summer program to the local school superintendent for approval. The summer plan shall include a list of tasks to be performed, purposes for each task, and time to be spent on each task. Approval by the local school superintendent shall be in compliance with the guidelines developed by the Department of Education. The supervision

and accountability of teachers of vocational agriculture's summer programs shall be the responsibility of the local school superintendent. The local school superintendent shall submit to the commissioner of education a completed report of summer tasks for each vocational agriculture teacher. Twenty percent (20%) of the approved vocational agriculture programs shall be audited annually by the State Department of Education to determine that the summer plan has been properly executed.

- (13) (a) In allotting program funds for home and hospital instruction, statewide guaranteed base funding, excluding the capital outlay, shall be allotted for each child in average daily attendance in the prior school year who has been properly identified according to Kentucky Board of Education administrative regulations. Attendance shall be calculated pursuant to KRS 157.270 and shall be reported monthly on forms provided by the Department of Education; and
 - (b) Pursuant to administrative regulations of the Kentucky Board of Education, local school districts shall be reimbursed for home and hospital instruction for pupils unable to attend regular school sessions because of short-term health impairments. A reimbursement formula shall be established by administrative regulations to include such factors as a reasonable per hour, per child allotment for teacher instructional time, with a maximum number of funded hours per week, a reasonable allotment for teaching supplies and equipment, and a reasonable allotment for travel expenses to and from instructional assignments, but the formula shall not include an allotment for capital outlay. Attendance shall be calculated pursuant to KRS 157.270 and shall be reported annually on forms provided by the Department of Education.
- (14) Except for those schools which have implemented school-based decision making and the school council has voted to waive this subsection, kindergarten aides shall be provided for each twenty-four (24) full-time equivalent kindergarten students enrolled.
- (15) Effective July 1, 2001, there shall be no deduction applied against the base funding level for any pupil in average daily attendance who spends a portion of his or her school day in a program at a state-operated career and technical education or vocational facility.
- (16) During a fiscal year, a school district may request that the Department of Education recalculate its funds allocated under this section if the current year average daily attendance for the twenty (20) day school month as defined in KRS 158.060(2)~~+(1)~~ that contains the most days within the calendar month of January exceeds the prior year adjusted average daily attendance plus growth by at least one percent (1%). Any adjustments in the allotments approved under this subsection shall be proportional to the remaining days in the school year and subject to available funds under the program to support education excellence in Kentucky.
- (17) To calculate the state portion of the program to support education excellence in Kentucky for a school district, the Department of Education shall subtract the local effort required under KRS 157.390(5) from the calculated base funding under the program to support education excellence in Kentucky, as required by this section. The value of the real estate used in this calculation shall be the lesser of the current year assessment or the prior year assessment increased by four percent (4%) plus the value of current year new property. The calculation under this subsection shall be subject to available funds.
- (18) Notwithstanding any other statute or budget of the Commonwealth language to the contrary, time missed due to shortening days for emergencies may be made up by lengthening school days in the school calendar without any loss of funds under the program to support education excellence in Kentucky.

➔Section 11. KRS 156.070 is amended to read as follows:

- (1) The Kentucky Board of Education shall have the management and control of the common schools and all programs operated in these schools, including interscholastic athletics, the Kentucky School for the Deaf, the Kentucky School for the Blind, and community education programs and services.
- (2) The Kentucky Board of Education may designate an organization or agency to manage interscholastic athletics in the common schools, provided that the rules, regulations, and bylaws of any organization or agency so designated shall be approved by the board, and provided further that any administrative hearing conducted by the designated managing organization or agency shall be conducted in accordance with KRS Chapter 13B.
 - (a) The state board or its designated agency shall assure through promulgation of administrative regulations that if a secondary school sponsors or intends to sponsor an athletic activity or sport that is similar to a sport for which National Collegiate Athletic Association members offer an athletic scholarship, the school shall sponsor the athletic activity or sport for which a scholarship is offered. The administrative

regulations shall specify which athletic activities are similar to sports for which National Collegiate Athletic Association members offer scholarships.

- (b) Beginning with the 2003-2004 school year, the state board shall require any agency or organization designated by the state board to manage interscholastic athletics to adopt bylaws that establish as members of the agency's or organization's board of control one (1) representative of nonpublic member schools who is elected by the nonpublic school members of the agency or organization from regions one (1) through eight (8) and one (1) representative of nonpublic member schools who is elected by the nonpublic member schools of the agency or organization from regions nine (9) through sixteen (16). The nonpublic school representatives on the board of control shall not be from classification A1 or D1 schools. Following initial election of these nonpublic school representatives to the agency's or organization's board of control, terms of the nonpublic school representatives shall be staggered so that only one (1) nonpublic school member is elected in each even-numbered year.
- (c) The state board or any agency designated by the state board to manage interscholastic athletics shall not promulgate rules, administrative regulations, or by laws that prohibit pupils in grades seven (7) to eight (8) from participating in any high school sports except for high school varsity soccer and football, or from participating on more than one (1) school-sponsored team at the same time in the same sport. The Kentucky Board of Education, or an agency designated by the board to manage interscholastic athletics, may promulgate administrative regulations restricting, limiting, or prohibiting participation in high school varsity soccer and football for students who have not successfully completed the eighth grade.
- (d)
 1. The state board or any agency designated by the state board to manage interscholastic athletics shall allow a member school's team or students to play against students of a nonmember at-home private school, or a team of students from nonmember at-home private schools, if the nonmember at-home private schools and students comply with this subsection.
 2. A nonmember at-home private school's team and students shall comply with the rules for student-athletes, including rules concerning:
 - a. Age;
 - b. School semesters;
 - c. Scholarships;
 - d. Physical exams;
 - e. Foreign student eligibility; and
 - f. Amateurs.
 3. A coach of a nonmember at-home private school's team shall comply with the rules concerning certification of member school coaches as required by the state board or any agency designated by the state board to manage interscholastic athletics.
 4. This subsection shall not allow a nonmember at-home private school's team to participate in a sanctioned:
 - a. Conference;
 - b. Conference tournament;
 - c. District tournament;
 - d. Regional tournament; or
 - e. State tournament or event.
 5. This subsection does not allow eligibility for a recognition, award, or championship sponsored by the state board or any agency designated by the state board to manage interscholastic athletics.
 6. A nonmember at-home private school's team or students may participate in interscholastic athletics permitted, offered, or sponsored by the state board or any agency designated by the state board to manage interscholastic athletics.

- (e) Every local board of education shall require an annual medical examination performed and signed by a physician, physician assistant, advanced practice registered nurse, or chiropractor, if performed within the professional's scope of practice, for each student seeking eligibility to participate in any school athletic activity or sport. The Kentucky Board of Education or any organization or agency designated by the state board to manage interscholastic athletics shall not promulgate administrative regulations or adopt any policies or bylaws that are contrary to the provisions of this paragraph.
- (f) Any student who turns nineteen (19) years of age prior to August 1 shall not be eligible for high school athletics in Kentucky. Any student who turns nineteen (19) years of age on or after August 1 shall remain eligible for that school year only. An exception to the provisions of this paragraph shall be made, and the student shall be eligible for high school athletics in Kentucky if the student:
 - 1. Qualified for exceptional children services and had an individual education program developed by an admissions and release committee (ARC) while the student was enrolled in the primary school program;
 - 2. Was retained in the primary school program because of an ARC committee recommendation; and
 - 3. Has not completed four (4) consecutive years or eight (8) consecutive semesters of eligibility following initial promotion from grade eight (8) to grade nine (9).
- (g) The state board or any agency designated by the state board to manage interscholastic athletics shall promulgate administrative regulations or bylaws that provide that:
 - 1. A member school shall designate all athletic teams, activities, and sports for students in grades six (6) through twelve (12) as one (1) of the following categories:
 - a. "Boys";
 - b. "Coed"; or
 - c. "Girls";
 - 2. The sex of a student for the purpose of determining eligibility to participate in an athletic activity or sport shall be determined by:
 - a. A student's biological sex as indicated on the student's original, unedited birth certificate issued at the time of birth; or
 - b. An affidavit signed and sworn to by the physician, physician assistant, advanced practice registered nurse, or chiropractor that conducted the annual medical examination required by paragraph (e) of this subsection under penalty of perjury establishing the student's biological sex at the time of birth;
 - 3.
 - a. An athletic activity or sport designated as "girls" for students in grades six (6) through twelve (12) shall not be open to members of the male sex.
 - b. Nothing in this section shall be construed to restrict the eligibility of any student to participate in an athletic activity or sport designated as "boys" or "coed"; and
 - 4. Neither the state board, any agency designated by the state board to manage interscholastic athletics, any school district, nor any member school shall entertain a complaint, open an investigation, or take any other adverse action against a school for maintaining separate interscholastic or intramural athletic teams, activities, or sports for students of the female sex.
- (h)
 - 1. The state board or any agency designated by the state board to manage interscholastic athletics shall promulgate administrative regulations that permit a school district to employ or assign nonteaching or noncertified personnel or personnel without postsecondary education credit hours to serve in a coaching position. The administrative regulations shall give preference to the hiring or assignment of certified personnel in coaching positions.
 - 2. A person employed in a coaching position shall be a high school graduate and at least twenty-one (21) years of age and shall submit to a criminal background check in accordance with KRS 160.380.
 - 3. The administrative regulations shall specify post-hire requirements for persons employed in coaching positions.

4. The regulations shall permit a predetermined number of hours of professional development training approved by the state board or its designated agency to be used in lieu of postsecondary education credit hour requirements.
 5. A local school board may specify post-hire requirements for personnel employed in coaching positions in addition to those specified in subparagraph 3. of this paragraph.
- (i) Unless permitted to be eligible for varsity athletics by any transfer rule, policy, or administrative regulation promulgated by the state board or any agency designated by the state board to manage interscholastic athletics, any student who transfers enrollment from a district of residence to a nonresident district under KRS 157.350(4)(b) after enrolling in grade nine (9) and participating in a varsity sport shall be ineligible to participate in interscholastic athletics for one (1) calendar year from the date of the transfer. The state board or any agency designated by the state board to manage interscholastic athletics may adopt rules, policies, and bylaws and promulgate administrative regulations necessary to carry out this paragraph.
 - (j) No member school shall grant a student-athlete the right to use the member school's intellectual property, such as trademarks, school uniforms, and copyrights, in the student's earning of compensation through name, image, and likeness activities. No student-athlete shall use such intellectual property in earning compensation through name, image, and likeness activities. The state board or any agency designated by the state board to manage interscholastic athletics shall promulgate administrative regulations to govern and enforce this paragraph.
- (3) (a) The Kentucky Board of Education is hereby authorized to lease from the State Property and Buildings Commission or others, whether public or private, any lands, buildings, structures, installations, and facilities suitable for use in establishing and furthering television and related facilities as an aid or supplement to classroom instruction throughout the Commonwealth and for incidental use in any other proper public functions. The lease may be for any initial term commencing with the date of the lease and ending with the next ensuing June 30, which is the close of the then-current fiscal biennium of the Commonwealth, with exclusive options in favor of the board to renew the same for successive ensuing bienniums, July 1 in each even year to June 30 in the next ensuing even year; and the rentals may be fixed at the sums in each biennium, if renewed, sufficient to enable the State Property and Buildings Commission to pay therefrom the maturing principal of and interest on, and provide reserves for, any revenue bonds which the State Property and Buildings Commission may determine to be necessary and sufficient, in agreement with the board, to provide the cost of acquiring the television and related facilities with appurtenances and costs as may be incident to the issuance of the bonds.
 - (b) Each option of the Kentucky Board of Education to renew the lease for a succeeding biennial term may be exercised at any time after the adjournment of the session of the General Assembly at which appropriations shall have been made for the operation of the state government for such succeeding biennial term, by notifying the State Property and Buildings Commission in writing, signed by the chief state school officer, and delivered to the secretary of the Finance and Administration Cabinet as a member of the commission. The option shall be deemed automatically exercised, and the lease automatically renewed for the succeeding biennium, effective on the first day thereof, unless a written notice of the board's election not to renew shall have been delivered in the office of the secretary of the Finance and Administration Cabinet before the close of business on the last working day in April immediately preceding the beginning of the succeeding biennium.
 - (c) The Kentucky Board of Education shall not itself operate leased television facilities, or undertake the preparation of the educational presentations or films to be transmitted thereby, but may enter into one (1) or more contracts to provide therefor, with any public agency and instrumentality of the Commonwealth having, or able to provide, a staff with proper technical qualifications, upon which agency and instrumentality the board, through the chief state school officer and the Department of Education, is represented in such manner as to coordinate matters of curriculum with the curricula prescribed for the public schools of the Commonwealth. Any contract for the operation of the leased television or related facilities may permit limited and special uses of the television or related facilities for other programs in the public interest, subject to the reasonable terms and conditions as the board and the operating agency and instrumentality may agree upon; but any contract shall affirmatively forbid the use of the television or related facilities, at any time or in any manner, in the dissemination of political propaganda or in furtherance of the interest of any political party or candidate for public office, or for commercial advertising. No lease between the board and the State Property and Buildings Commission

shall bind the board to pay rentals for more than one (1) fiscal biennium at a time, subject to the aforesaid renewal options. The board may receive and may apply to rental payments under any lease and to the cost of providing for the operation of the television or related facilities not only appropriations which may be made to it from state funds, from time to time, but also contributions, gifts, matching funds, devises, and bequests from any source, whether federal or state, and whether public or private, so long as the same are not conditioned upon any improper use of the television or related facilities in a manner inconsistent with the provisions of this subsection.

- (4) The state board may, on the recommendation and with the advice of the chief state school officer, prescribe, print, publish, and distribute at public expense such administrative regulations, courses of study, curriculums, bulletins, programs, outlines, reports, and placards as each deems necessary for the efficient management, control, and operation of the schools and programs under its jurisdiction. All administrative regulations published or distributed by the board shall be enclosed in a booklet or binder on which the words "informational copy" shall be clearly stamped or printed.
- (5) Upon the recommendation of the chief state school officer or his or her designee, the state board shall establish policy or act on all matters relating to programs, services, publications, capital construction and facility renovation, equipment, litigation, contracts, budgets, and all other matters which are the administrative responsibility of the Department of Education.
- (6) ***On or after the effective date of this Act, the state board shall not impose any new reporting requirement upon public schools or public school districts that is not expressly authorized by state statute or federal law.***

➔Section 12. (1) No later than August 1, 2025, the Kentucky Department of Education shall submit a report to the Legislative Research Commission for referral to the Education Assessment and Accountability Review Subcommittee on continuous school and district improvement plans. The report shall identify each submission request contained in the Cognia software interface used by public schools to complete continuous school improvement plans and school districts to complete continuous district improvement plans. For each submission request, the report shall:

- (a) Include a screenshot of the full submission request;
- (b) Identify the specific federal law or state statute that directly requires the submission request. If no federal law or state statute directly requires a specific submission request, the report shall clearly indicate that fact;
- (c) Identify the criteria used by the department to evaluate a school or school district's response to the submission request; and
- (d) If the federal law or state statutory requirement for a specific submission request does not apply equally to all schools:
 - 1. Identify the criteria used to identify schools and districts subject to that submission request;
 - 2. State the number and percentage of schools and districts that met the criteria used to identify schools and districts subject to each specific submission request during the 2024-2025 school year; and
 - 3. State whether the Cognia software permits schools and districts not subject to the submission request a clear opportunity to bypass the submission request. If so, the report shall provide screenshots of the instructions provided to the software user on the procedure to bypass a submission request not required from a particular school or district.

(2) No later than October 1, 2025, the department shall submit report to the Legislative Research Commission for referral to the Education Assessment and Accountability Review Subcommittee that lists each submission request that is not directly required by a specific federal law or state statute that the department recommends the General Assembly to authorize in statute during the 2026 Regular Session.

(3) No later than August 1, 2026, each submission request that is not directly required by a specific federal law or state statute on that date shall be eliminated from the school and district planning process and removed from the designated school planning software interface.

(4) No later than August 1, 2026, the designated school planning software interface shall be replaced or updated to provide schools or districts not subject to a specific federal law or state statutory requirement a clear opportunity to bypass the submission request. The department, in their role as the designated state education agency responsible for the oversight and management of school assessment and accountability, shall be responsible for auditing school and school district compliance with federal reporting requirements and ensure that each school and district has satisfied the reporting requirements of federal law and state statute.

➔Section 13. (1) The Kentucky Department of Education shall conduct a review of the reporting requirements imposed upon public schools and school districts. No later than October 1, 2025, the department shall submit a written report to the to the Legislative Research Commission for referral to the appropriate Interim Joint Committee on Education which describes each reporting requirement imposed upon public schools and school districts. The report shall include:

- (a) The nature and purpose of each reporting requirement;
- (b) The specific legal authority of each reporting requirement;
- (c) The required contents of each required report;
- (d) The function or purpose of each required report;
- (e) The frequency of each required report;
- (f) The year the reporting requirement was implemented;
- (g) Whether and how each required report is leveraged to improve the quality of public education in the Commonwealth; and
- (h) An analysis of whether the reporting requirement is conducive to an efficient and effective system of common schools.

(2) The report required by subsection (1) of this section shall be organized by the specific legal source of authority of each reporting requirement. The report shall clearly distinguish between reporting requirements expressly required pursuant to federal law, state statute, and all other reporting requirements.

(3) All reporting requirements identified under this section imposed upon public schools and school districts that are not expressly required by state statute or federal law shall have no force and effect after June 30, 2026, unless preserved in statute by an act of the General Assembly. No later than July 1, 2026, the Kentucky Department of Education shall eliminate all reporting requirements not expressly required by state statute or federal law. The department shall promptly notify each public school, school district, and the Legislative Research Commission of the reporting requirements eliminated in accordance with this section.

➔Section 14. This Act may be cited as the Red Tape Reduction Act.

Signed by Governor April 1, 2025.