

1 AN ACT relating to school counselors.

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

3 ➔Section 1. KRS 151B.133 is amended to read as follows:

4 The duties of the Office for Education and Workforce Statistics shall be to:

- 5 (1) Oversee and maintain the warehouse of education data and workforce data in the
6 Kentucky Longitudinal Data System;
- 7 (2) Develop de-identification standards and processes using modern statistical methods;
- 8 (3) Conduct research and evaluation regarding federal, state, and local education and
9 training programs at all levels;
- 10 (4) Audit and ensure compliance of education and training programs with applicable
11 federal and state requirements as authorized by federal and state law;
- 12 (5) Work with public agencies and other entities to define statewide education,
13 workforce development, and employment metrics and ensure the integrity and
14 quality of data being collected;
- 15 (6) Link education data and workforce data from multiple sources for consideration in
16 developing broad public policy initiatives;
- 17 (7) Develop requirements and definitions for data to be provided by any public agency,
18 private institution of higher education, private school, or parochial school, as
19 directed by the Board of the Kentucky Center for Education and Workforce
20 Statistics;
- 21 (8) Develop a reasonable fee schedule for services provided;
- 22 (9) Establish data quality standards;
- 23 (10) Promulgate administrative regulations necessary for the proper administration of the
24 Kentucky Longitudinal Data System;
- 25 (11) Ensure compliance with the federal Family Educational Rights and Privacy Act, 20
26 U.S.C. sec 1232g, and all other relevant federal and state privacy laws;
- 27 (12) Respond to approved research data requests in accordance with the data access and

1 use policy established by the board;

2 (13) Develop and disseminate, in cooperation with the Council on Postsecondary
3 Education and the Department of Education, information on the employment and
4 earnings of the public postsecondary institution graduates in Kentucky. This
5 information shall be updated at least every three (3) years and shall be:

6 (a) Posted on the Web site of the Office for Education and Workforce Statistics;

7 (b) Posted on the Web site of the Council on Postsecondary Education;

8 (c) Posted on the Web site of each public postsecondary institution, with the Web
9 site address published in each institution's catalogue; and

10 (d) Made available to every high school ~~guidance and career~~ counselor, who
11 shall be notified of its availability for the purpose of informing all high school
12 students preparing for postsecondary education; and

13 (14) Enter into contracts or other agreements with appropriate entities, including but not
14 limited to federal, state, and local agencies, to the extent necessary to carry out its
15 duties and responsibilities only if such contracts or agreements incorporate adequate
16 protections with respect to the confidentiality of any information to be shared.

17 ➔Section 2. KRS 156.101 is amended to read as follows:

18 (1) The purpose of this section is to encourage and require the maintenance and
19 development of effective instructional leadership in the public schools of the
20 Commonwealth and to recognize that principals, with the assistance of assistant
21 principals, supervisors of instruction, school~~guidance~~ counselors, and directors of
22 special education, have the primary responsibility for instructional leadership in the
23 schools to which they are assigned.

24 (2) For the purpose of this section, "instructional leader" shall be defined as an
25 employee of the public schools of the Commonwealth employed as a principal,
26 assistant principal, supervisor of instruction, school~~guidance~~ counselor, director of
27 special education, or other administrative position deemed by the Education

1 Professional Standards Board to require an administrative certificate.

2 (3) In order to carry out the purpose of this section, the Kentucky Board of Education
3 shall establish a statewide program to improve and maintain the quality and
4 effectiveness of instructional leadership in the public schools of the
5 Commonwealth.

6 (4) The instructional leader improvement program shall contain the following
7 provisions:

8 (a) Each instructional leader employed by the public schools of the
9 Commonwealth shall participate in a continuing intensive training program
10 designed especially for instructional leaders;

11 (b) 1. Effective until June 30, 2006, every two (2) years each instructional
12 leader shall complete an intensive training program approved by the
13 Kentucky Board of Education to include no fewer than forty-two (42)
14 participant hours of instruction;

15 2. Effective July 1, 2006, each instructional leader shall annually complete
16 an intensive training program approved by the Kentucky Board of
17 Education to include no fewer than twenty-one (21) participant hours of
18 instruction;

19 (c) The Kentucky Board of Education shall prescribe specific criteria for the
20 training program, which shall include a provision to allow an instructional
21 leader to annually receive three (3) participant hours credit for duties
22 performed as part of a beginning teacher committee pursuant to KRS
23 161.030(6). A maximum of six (6) participant hours credit shall be awarded
24 annually for serving on multiple beginning teacher committees. The Kentucky
25 Department of Education may contract for specific training with qualified
26 agencies or institutions or approve programs offered by training providers,
27 including local district training programs, except that the department shall

1 ensure the requirements of paragraph (d) of this subsection are met; and

2 (d) Annually, each local district superintendent shall report to the Kentucky
3 Department of Education any instructional leader who fails to complete the
4 training requirements of paragraph (b) of this subsection and shall place the
5 leader on probation for one (1) year. The Department of Education shall verify
6 completion of the required training. If the required training for the prior year
7 and the current year is not completed during the probationary period, the
8 Department of Education shall forward the information to the Education
9 Professional Standards Board, which shall revoke the instructional leader's
10 certificate.

11 (5) The Kentucky Department of Education shall ensure that training options in human
12 resource management and conflict resolution techniques are available to education
13 leaders throughout the state.

14 (6) This section shall be known as the "Effective Instructional Leadership Act."

15 ➔Section 3. KRS 158.070 is amended to read as follows:

16 (1) As used in this section:

17 (a) "Election" has the same meaning as in KRS 121.015;

18 (b) "Minimum school term" or "school term" means not less than one hundred
19 eighty-five (185) days composed of the student attendance days, teacher
20 professional days, and holidays;

21 (c) "School calendar" means the document adopted by a local board of education
22 that establishes the minimum school term, student instructional year or
23 variable student instructional year, and days that school will not be in session;

24 (d) "School district calendar committee" means a committee consisting of:

25 1. One (1) school district principal;

26 2. One (1) school district office administrator other than the
27 superintendent;

- 1 3. One (1) member of the local board of education;
- 2 4. Two (2) parents of students attending a school in the district;
- 3 5. One (1) school district elementary school teacher;
- 4 6. One (1) school district middle or high school teacher;
- 5 7. Two (2) school district classified employees; and
- 6 8. Two (2) community members from the local chamber of commerce,
7 business community, or tourism commission;
- 8 (e) "Student attendance day" means any day that students are scheduled to be at
9 school to receive instruction, and encompasses the designated start and
10 dismissal time;
- 11 (f) "Student instructional year" means at least one thousand sixty-two (1,062)
12 hours of instructional time for students delivered on not less than one hundred
13 seventy (170) student attendance days;
- 14 (g) "Teacher professional day" means any day teachers are required to report to
15 work as determined by a local board of education, with or without the
16 presence of students; and
- 17 (h) "Variable student instructional year" means at least one thousand sixty-two
18 (1,062) hours of instructional time delivered on the number of student
19 attendance days adopted by a local board of education which shall be
20 considered proportionally equivalent to one hundred seventy (170) student
21 attendance days and calendar days for the purposes of a student instructional
22 year, employment contracts that are based on the school term, service credit
23 under KRS 161.500, and funding under KRS 157.350.
- 24 (2) (a) Beginning with the 2018-2019 school year, and each year thereafter, the local
25 board of education, upon recommendation of the local school district
26 superintendent, shall annually appoint a school district calendar committee to
27 review, develop, and recommend school calendar options.

- 1 (b) The school district calendar committee, after seeking feedback from school
2 district employees, parents, and community members, shall recommend
3 school calendar options to the local school district superintendent for
4 presentation to the local board of education. The committee's
5 recommendations shall comply with state laws and regulations and consider
6 the economic impact of the school calendar on the community and the state.
- 7 (c) Prior to adopting a school calendar, the local board of education shall hear for
8 discussion the school district calendar committee's recommendations and the
9 recommendation of the superintendent at a meeting of the local board of
10 education.
- 11 (d) During a subsequent meeting of the local board of education, the local board
12 shall adopt a school calendar for the upcoming school year that establishes the
13 opening and closing dates of the school term, beginning and ending dates of
14 each school month, student attendance days, and days on which schools shall
15 be dismissed. The local board may schedule days for breaks in the school
16 calendar that shall not be counted as a part of the minimum school term.
- 17 (e) For local board of education meetings described in paragraphs (c) and (d) of
18 this subsection, if the meeting is a regular meeting, notice shall be given to
19 media outlets that have requests on file to be notified of special meetings
20 stating the date of the regular meeting and that one (1) of the items to be
21 considered in the regular meeting will be the school calendar. The notice shall
22 be sent at least twenty-four (24) hours before the regular meeting. This
23 requirement shall not be deemed to make any requirements or limitations
24 relating to special meetings applicable to the regular meeting.
- 25 (f) Beginning with the 2018-2019 school year, and each year thereafter, a local
26 school board of education that adopts a school calendar with the first student
27 attendance day in the school term starting no earlier than the Monday closest

1 to August 26 may use a variable student instructional year. Districts may set
2 the length of individual student attendance days in a variable student
3 instructional schedule, but no student attendance day shall contain more than
4 seven (7) hours of instructional time unless the district submitted and received
5 approval from the commissioner of education for an innovative alternative
6 calendar.

7 (3) (a) Each local board of education shall use four (4) days of the minimum school
8 term for professional development and collegial planning activities for the
9 professional staff without the presence of students pursuant to the
10 requirements of KRS 156.095. At the discretion of the superintendent, one (1)
11 day of professional development may be used for district-wide activities and
12 for training that is mandated by federal or state law. The use of three (3) days
13 shall be planned by each school council, except that the district is encouraged
14 to provide technical assistance and leadership to school councils to maximize
15 existing resources and to encourage shared planning.

16 (b) In addition to the four (4) days required under paragraph (a) of this subsection,
17 a minimum of two (2) hours of self-study review of suicide prevention
18 materials shall be required for all high school and middle school principals,
19 school~~[guidance]~~ counselors, and teachers each school year.

20 (c) A local board may approve a school's flexible professional development plan
21 that permits teachers or other certified personnel within a school to participate
22 in professional development activities outside the days scheduled in the school
23 calendar or the regularly scheduled hours in the school work day and receive
24 credit towards the four (4) day professional development requirement within
25 the minimum one hundred eighty-five (185) days that a teacher shall be
26 employed.

27 1. A flexible schedule option shall be reflected in the school's professional

1 development component within the school improvement plan or
2 consolidated plan and approved by the local board. Credit for approved
3 professional development activities may be accumulated in periods of
4 time other than full day segments.

5 2. No teacher or administrator shall be permitted to count participation in a
6 professional development activity under the flexible schedule option
7 unless the activity is related to the teacher's classroom assignment and
8 content area, or the administrator's job requirements, or is required by
9 the school improvement or consolidated plan, or is tied to the teacher's
10 or the administrator's individual growth plan. The supervisor shall give
11 prior approval and shall monitor compliance with the requirements of
12 this paragraph. In the case of teachers, a professional development
13 committee or the school council by council policy may be responsible
14 for reviewing requests for approval.

15 (d) The local board of each school district may use up to a maximum of four (4)
16 days of the minimum school term for holidays; provided, however, any
17 holiday which occurs on Saturday may be observed on the preceding Friday.

18 (e) Each local board may use two (2) days for planning activities without the
19 presence of students.

20 (f) Each local board may close schools for the number of days deemed necessary
21 for:

22 1. National or state emergency or mourning when proclaimed by the
23 President of the United States or the Governor of the Commonwealth of
24 Kentucky;

25 2. Local emergency which would endanger the health or safety of children;
26 and

27 3. Mourning when so designated by the local board of education and

1 approved by the Kentucky Board of Education upon recommendation of
2 the commissioner of education.

3 (4) (a) The Kentucky Board of Education, upon recommendation of the
4 commissioner of education, shall adopt administrative regulations governing
5 the use of student attendance days as a result of a local emergency, as
6 described in subsection (3)(f)2. of this section, and regulations setting forth
7 the guidelines and procedures to be observed for the approval of waivers from
8 the requirements of a student instructional year in subsection (1)(f) of this
9 section for districts that wish to adopt innovative instructional calendars, or
10 for circumstances that would create extreme hardship.

11 (b) If a local board of education amends its school calendar after its adoption due
12 to an emergency, it may lengthen or shorten any remaining student attendance
13 days by thirty (30) minutes or more, as it deems necessary, provided the
14 amended calendar complies with the requirements of a student instructional
15 year in subsection (1)(f) of this section or a variable student instructional year
16 in subsection (1)(h) of this section. No student attendance day shall contain
17 more than seven (7) hours of instructional time unless the district submitted
18 and received approval from the commissioner of education for an innovative
19 alternative calendar.

20 (5) (a) 1. In setting the school calendar, school may be closed for two (2)
21 consecutive days for the purpose of permitting professional school
22 employees to attend statewide professional meetings.

23 2. These two (2) days for statewide professional meetings may be
24 scheduled to begin with the first Thursday after Easter, or upon request
25 of the statewide professional education association having the largest
26 paid membership, the commissioner of education may designate
27 alternate dates.

- 1 3. If schools are scheduled to operate during days designated for the
2 statewide professional meeting, the school district shall permit
3 employees who are delegates to attend as compensated professional
4 leave time and shall employ substitute teachers in their absence.
- 5 4. The commissioner of education shall designate one (1) additional day
6 during the school year when schools may be closed to permit
7 professional school employees to participate in regional or district
8 professional meetings.
- 9 5. These three (3) days so designated for attendance at professional
10 meetings may be counted as a part of the minimum school term.
- 11 (b) 1. If any school in a district is used as a polling place, the school district
12 shall be closed on the day of the election, and those days may be used
13 for professional development activities, professional meetings, or
14 parent-teacher conferences.
- 15 2. A district may be open on the day of an election if no school in the
16 district is used as a polling place.
- 17 (c) All schools shall be closed on the third Monday of January in observance of
18 the birthday of Martin Luther King, Jr. Districts may:
- 19 1. Designate the day as one (1) of the four (4) holidays permitted under
20 subsection (3)(d) of this section; or
- 21 2. Not include the day in the minimum school term specified in subsection
22 (1) of this section.
- 23 (6) (a) The Kentucky Board of Education, or the organization or agency designated
24 by the board to manage interscholastic athletics, shall be encouraged to
25 schedule athletic competitions outside the regularly scheduled student
26 attendance day.
- 27 (b) Beginning with the 2009-2010 school year, any member of a school-

1 sponsored interscholastic athletic team who competes in a regional
2 tournament or state tournament sanctioned by the Kentucky Board of
3 Education, or the organization or agency designated by the board to manage
4 interscholastic athletics, and occurring on a regularly scheduled student
5 attendance day may be counted present at school on the date or dates of the
6 competition, as determined by local board policy, for a maximum of two (2)
7 days per student per year. The student shall be expected to complete any
8 assignments missed on the date or dates of the competition.

9 (c) The school attendance record of any student for whom paragraph (b) of this
10 subsection applies shall indicate that the student was in attendance on the date
11 or dates of competition.

12 (7) Students applying for excused absence for attendance at the Kentucky State Fair
13 shall be granted one (1) day of excused absence.

14 (8) Schools shall provide continuing education for those students who are determined
15 to need additional time to achieve the outcomes defined in KRS 158.6451, and
16 schools shall not be limited to the minimum school term in providing this
17 education. Continuing education time may include extended days, extended weeks,
18 or extended years. A local board of education may adopt a policy requiring its
19 students to participate in continuing education. The local policy shall set out the
20 conditions under which attendance will be required and any exceptions which are
21 provided. The Kentucky Board of Education shall promulgate administrative
22 regulations establishing criteria for the allotment of grants to local school districts
23 and shall include criteria by which the commissioner of education may approve a
24 district's request for a waiver to use an alternative service delivery option, including
25 providing services during the student attendance day on a limited basis. These
26 grants shall be allotted to school districts to provide instructional programs for
27 pupils who are identified as needing additional time to achieve the outcomes

1 defined in KRS 158.6451. A school district that has a school operating a model
2 early reading program under KRS 158.792 may use a portion of its grant money as
3 part of the matching funds to provide individualized or small group reading
4 instruction to qualified students outside of the regular classroom during the student
5 attendance day.

6 (9) Notwithstanding any other statute, each school term shall include no less than the
7 equivalent of the student instructional year in subsection (1)(f) of this section, or a
8 variable student instructional year in subsection (1)(h) of this section, except that
9 the commissioner of education may grant up to the equivalent of ten (10) student
10 attendance days for school districts that have an alternative instruction plan
11 approved by the commissioner of education for the use of alternative methods of
12 instruction, including virtual learning, on days when the school district is closed for
13 health or safety reasons, on nontraditional days, or on nontraditional time. The
14 district's plan shall demonstrate how teaching and learning in the district will not be
15 negatively impacted. Average daily attendance for purposes of Support Education
16 Excellence in Kentucky program funding during the student attendance days
17 granted shall be calculated in compliance with administrative regulations
18 promulgated by the Kentucky Board of Education.

19 (10) Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection
20 (2) of this section, a school district shall arrange bus schedules so that all buses
21 arrive in sufficient time to provide breakfast prior to the beginning of the student
22 attendance day. In the event of an unforeseen bus delay, the administrator of a
23 school that participates in the Federal School Breakfast Program may authorize up
24 to fifteen (15) minutes of the student attendance day if necessary to provide the
25 opportunity for children to eat breakfast not to exceed eight (8) times during the
26 school year within a school building.

27 (11) Notwithstanding any other statute to the contrary, the following provisions shall

1 apply to a school district that misses student attendance days due to emergencies,
2 including weather-related emergencies:

3 (a) A certified school employee shall be considered to have fulfilled the minimum
4 one hundred eighty-five (185) day contract with a school district under KRS
5 157.350 and shall be given credit for the purpose of calculating service credit
6 for retirement under KRS 161.500 for certified school personnel if:

- 7 1. State and local requirements under this section are met regarding the
8 equivalent of the number and length of student attendance days, teacher
9 professional days, professional development days, holidays, and days for
10 planning activities without the presence of students; and
- 11 2. The provisions of the district's school calendar to make up student
12 attendance days missed due to any emergency, as approved by the
13 Kentucky Department of Education when required, including but not
14 limited to a provision for additional instructional time per day, are met.

15 (b) Additional time worked by a classified school employee shall be considered as
16 equivalent time to be applied toward the employee's contract and calculation
17 of service credit for classified employees under KRS 78.615 if:

- 18 1. The employee works for a school district with a school calendar
19 approved by the Kentucky Department of Education that contains a
20 provision that additional instructional time per day shall be used to make
21 up full days missed due to an emergency;
- 22 2. The employee's contract requires a minimum six (6) hour work day; and
- 23 3. The employee's job responsibilities and work day are extended when the
24 instructional time is extended for the purposes of making up time.

25 (c) Classified employees who are regularly scheduled to work less than six (6)
26 hours per day and who do not have additional work responsibilities as a result
27 of lengthened student attendance days shall be excluded from the provisions

1 of this subsection. These employees may be assigned additional work
2 responsibilities to make up service credit under KRS 78.615 that would be
3 lost due to lengthened student attendance days.

4 ➔Section 4. KRS 158.148 is amended to read as follows:

- 5 (1) (a) As used in this section, "bullying" means any unwanted verbal, physical, or
6 social behavior among students that involves a real or perceived power
7 imbalance and is repeated or has the potential to be repeated:
- 8 1. That occurs on school premises, on school-sponsored transportation, or
9 at a school-sponsored event; or
 - 10 2. That disrupts the education process.
- 11 (b) This definition shall not be interpreted to prohibit civil exchange of opinions
12 or debate or cultural practices protected under the state or federal Constitution
13 where the opinion expressed does not otherwise materially or substantially
14 disrupt the education process.
- 15 (2) In cooperation with the Kentucky Education Association, the Kentucky School
16 Boards Association, the Kentucky Association of School Administrators, the
17 Kentucky Association of Professional Educators, the Kentucky Association of
18 School Superintendents, the Parent-Teachers Association, the Kentucky Chamber of
19 Commerce, the Farm Bureau, members of the Interim Joint Committee on
20 Education, and other interested groups, and in collaboration with the Center for
21 School Safety, the Department of Education shall develop or update as needed and
22 distribute to all districts by August 31 of each even-numbered year, beginning
23 August 31, 2008:
- 24 (a) Statewide student discipline guidelines to ensure safe schools, including the
25 definition of serious incident for the reporting purposes as identified in KRS
26 158.444;
 - 27 (b) Recommendations designed to improve the learning environment and school

1 climate, parental and community involvement in the schools, and student
2 achievement; and

3 (c) A model policy to implement the provisions of this section and KRS 158.156,
4 158.444, 525.070, and 525.080.

5 (3) The department shall obtain statewide data on major discipline problems and
6 reasons why students drop out of school. In addition, the department, in
7 collaboration with the Center for School Safety, shall identify successful strategies
8 currently being used in programs in Kentucky and in other states and shall
9 incorporate those strategies into the statewide guidelines and the recommendations
10 under subsection (2) of this section.

11 (4) Copies of the discipline guidelines shall be distributed to all school districts. The
12 statewide guidelines shall contain broad principles and legal requirements to guide
13 local districts in developing their own discipline code and school councils in the
14 selection of discipline and classroom management techniques under KRS 158.154;
15 and in the development of the district-wide safety plan.

16 (5) (a) Each local board of education shall be responsible for formulating a code of
17 acceptable behavior and discipline to apply to the students in each school
18 operated by the board. The code shall be updated no less frequently than every
19 two (2) years, with the first update being completed by November 30, 2008.

20 (b) The superintendent, or designee, shall be responsible for overall
21 implementation and supervision, and each school principal shall be
22 responsible for administration and implementation within each school. Each
23 school council shall select and implement the appropriate discipline and
24 classroom management techniques necessary to carry out the code. The board
25 shall establish a process for a two-way communication system for teachers
26 and other employees to notify a principal, supervisor, or other administrator of
27 an existing emergency.

- 1 (c) The code shall prohibit bullying.
- 2 (d) The code shall contain the type of behavior expected from each student, the
3 consequences of failure to obey the standards, and the importance of the
4 standards to the maintenance of a safe learning environment where orderly
5 learning is possible and encouraged.
- 6 (e) The code shall contain:
- 7 1. Procedures for identifying, documenting, and reporting incidents of
8 bullying, incidents of violations of the code, and incidents for which
9 reporting is required under KRS 158.156;
- 10 2. Procedures for investigating and responding to a complaint or a report of
11 bullying or a violation of the code, or of an incident for which reporting
12 is required under KRS 158.156, including reporting incidents to the
13 parents, legal guardians, or other persons exercising custodial control or
14 supervision of the students involved;
- 15 3. A strategy or method of protecting from retaliation a complainant or
16 person reporting an incident of bullying, a violation of the code, or an
17 incident for which reporting is required under KRS 158.156;
- 18 4. A process for informing students, parents, legal guardians, or other
19 persons exercising custodial control or supervision, and school
20 employees of the requirements of the code and the provisions of this
21 section and KRS 158.156, 158.444, 525.070, and 525.080, including
22 training for school employees; and
- 23 5. Information regarding the consequences of bullying and violating the
24 code and violations reportable under KRS 158.154, 158.156, or 158.444.
- 25 (f) The principal of each school shall apply the code of behavior and discipline
26 uniformly and fairly to each student at the school without partiality or
27 discrimination.

1 (g) A copy of the code of behavior and discipline adopted by the board of
2 education shall be posted at each school. ~~School~~~~Guidance~~ counselors shall
3 be provided copies for discussion with students. The code shall be referenced
4 in all school handbooks. All school employees and parents, legal guardians, or
5 other persons exercising custodial control or supervision shall be provided
6 copies of the code.

7 ➔Section 5. KRS 158.160 is amended to read as follows:

8 (1) A parent, legal guardian, or other person or agency responsible for a student shall
9 notify the student's school if the student has any medical condition which is defined
10 by the Cabinet for Health and Family Services in administrative regulation as
11 threatening the safety of the student or others in the school. The notification shall be
12 given as soon as the medical condition becomes known and upon each subsequent
13 enrollment by the student in a school. The principal, ~~school~~~~guidance~~ counselor, or
14 other school official who has knowledge of the medical condition shall notify the
15 student's teachers in writing of the nature of the medical condition.

16 (2) If any student is known or suspected to have or be infected with a communicable
17 disease or condition for which a reasonable probability for transmission exists in a
18 school setting, the superintendent of the district may order the student excluded
19 from school. The time period the student is excluded from school shall be in
20 accordance with generally accepted medical standards which the superintendent
21 shall obtain from consultation with the student's physician or the local health officer
22 for the county in which the school district is located. During the presence in any
23 district of dangerous epidemics, the board of education of the school district may
24 order the school closed.

25 ➔Section 6. KRS 161.165 is amended to read as follows:

26 (1) The Kentucky Department of Education in cooperation with the Education
27 Professional Standards Board, the Kentucky Board of Education, local school

1 districts, universities, and colleges, and the Council on Postsecondary Education
2 shall review and revise as needed the strategic plan for increasing the number of
3 minority teachers and administrators in the Commonwealth. The plan shall include,
4 but not be limited to, recommendations on ways to:

- 5 (a) Identify methods for increasing the percentage of minority educators in
6 proportion to the number of minority students;
- 7 (b) Establish programs to identify, recruit, and prepare as teachers minority
8 persons who have already earned college degrees in other job fields;
- 9 (c) Create awareness among secondary school ~~guidance~~ counselors of the need
10 for minority teachers.

11 (2) The Kentucky Department of Education and the Education Professional Standards
12 Board shall promote programs that increase the percentage of minorities who enter
13 and successfully complete a four (4) year teacher preparation program and provide
14 support to minority students in meeting qualifying requirements for students
15 entering a teacher preparation program at institutions of higher education.

16 (3) The Kentucky Department of Education with input from the Education Professional
17 Standards Board shall periodically submit a report to the Interim Joint Committee
18 on Education that evaluates the results of these efforts and includes accompanying
19 recommendations to establish a continuing program for increasing the number of
20 minorities in teacher education.

21 ➔Section 7. KRS 161.195 is amended to read as follows:

22 Before a student with a documented history of physical abuse of a school employee or of
23 carrying a concealed weapon on school property or at a school function is assigned to
24 work directly with or comes in contact with a teacher, that teacher shall be notified in
25 writing by the principal, school ~~guidance~~ counselor, or other school official who has
26 knowledge of the student's behavior. The notice shall describe the nature of the student
27 behavior.

1 ➔Section 8. KRS 161.720 is amended to read as follows:

- 2 (1) The term "teacher" for the purpose of KRS 161.730 to 161.810 shall mean any
3 person for whom certification is required as a basis of employment in the public
4 schools of the state, with the exception of the superintendent.
- 5 (2) The term "year" as applied to terms of service means actual service of not less than
6 seven (7) school months within a school year; provided, however, that any board of
7 education may grant a leave of absence for professional advancement or military
8 leave for active duty service with full credit for service.
- 9 (3) The term "limited contract" shall mean a contract for the employment of a teacher
10 for a term of one (1) year only or for that portion of the school year that remains at
11 the time of employment.
- 12 (4) The term "continuing service contract" shall mean a contract for the employment of
13 a teacher which shall remain in full force and effect until the teacher resigns or
14 retires, or until it is terminated or suspended as provided in KRS 161.790 and
15 161.800.
- 16 (5) The term "continuing status" means employment of a teacher under a continuing
17 contract.
- 18 (6) The term "standard" or "college" certificate for the purpose of KRS 161.730 to
19 161.810 shall mean any certificate issued upon the basis of graduation from a
20 standard four (4) year college or completion of a local district alternative
21 certification training program.
- 22 (7) The term "superintendent" for the purpose of KRS 161.765 shall mean the school
23 officer appointed by a board of education under the authority of KRS 160.350 or
24 any person authorized by law to perform the duties of that officer.
- 25 (8) The term "administrator" for the purpose of KRS 161.765 shall mean a certified
26 employee, below the rank of superintendent, who devotes the majority of his
27 employed time to service as a principal, assistant principal, supervisor, coordinator,

1 director, assistant director, administrative assistant, finance officer, pupil personnel
2 worker, ~~school guidance~~ counselor, school psychologist, or school business
3 administrator. The term "administrator" shall also include those assistant, associate,
4 or deputy superintendents who do not fall within the definition of "superintendent"
5 as set forth in subsection (7) of this section.

6 (9) The terms "demote" or "demotion" for the purpose of KRS 161.765 shall mean a
7 reduction in rank from one position on the school district salary schedule to a
8 different position on that schedule for which a lower salary is paid. The terms shall
9 not include lateral transfers to positions of similar rank and pay or minor alterations
10 in pay increments required by the salary schedule.

11 ➔Section 9. KRS 319.015 is amended to read as follows:

12 Nothing in this chapter shall be construed to limit:

13 (1) The activities, services, and use of title on the part of a person in the employ of the
14 federal government;

15 (2) Persons from engaging in the teaching of psychology, the conduct of psychological
16 research, the provision of consultation services to organizations or institutions, or
17 the provision of expert testimony, provided that such activities do not involve the
18 delivery or supervision of direct psychological services to individuals or groups;

19 (3) Persons licensed, certified, or registered under any other provision of the Kentucky
20 Revised Statutes from rendering services consistent with the laws regulating their
21 professional practice and the ethics of their profession. The use of written or
22 computerized interpretations of any psychological testing or the administration and
23 use of symptomatic and behavioral assessments by a practitioner of the healing arts
24 as defined in KRS 311.271(2), clinical social worker, marriage and family therapist,
25 professional art therapist, advanced practice registered nurse, physician, physical
26 therapist, or occupational therapist who uses these interpretations or administers and
27 uses these assessments shall not be limited. They shall not represent themselves to

- 1 be psychologists or use the term "psychological" in describing their services;
- 2 (4) The activities of a student, intern, or resident in psychology, pursuing a course of
3 study approved by the department of psychology of an educational institution rated
4 acceptable by the board for qualifying training and experience, provided such
5 activities are recognized by transcript as a part of his or her supervised course of
6 study;
- 7 (5) The recognized educational activities of teachers in accredited public and private
8 schools, the authorized duties of ~~school guidance~~ counselors who are certified by
9 the Education Professional Standards Board, or the activities of persons using
10 psychological techniques in business and industrial organizations for employment
11 placement, promotion, or job adjustment of their own officers and employees;
- 12 (6) Persons who are credentialed as school psychologists by the Education Professional
13 Standards Board from using the title "school psychologist" and practicing
14 psychology as defined in KRS 319.010, if their practice is restricted to regular
15 employment within a setting under the purview of the Education Professional
16 Standards Board. These individuals shall be employees of the educational
17 institution and not independent contractors providing psychological services to
18 educational institutions;
- 19 (7) A duly ordained minister, priest, rabbi, Christian Science practitioner, or other
20 clergyman from carrying out his or her responsibilities while functioning in a
21 ministerial capacity within a recognized religious organization serving the spiritual
22 needs of its constituency, if he or she does not hold himself or herself out as a
23 psychologist; or
- 24 (8) Any nonresident temporarily employed in this state from rendering psychological
25 services for not more than thirty (30) days every two (2) years, if he or she holds a
26 valid current license or certificate as a psychologist in his or her home state or
27 country and registers with the board prior to commencing practice in the

1 Commonwealth or if he or she holds a valid current IPC.

2 ➔Section 10. KRS 620.146 is amended to read as follows:

3 (1) If, as a result of dependency, neglect, or abuse, custody of a child is granted to the
4 cabinet through an emergency, temporary, or permanent court order, the cabinet
5 shall notify the principal, assistant principal, or school~~guidance~~ counselor of the
6 school in which the child is enrolled of the names of persons authorized to contact
7 the child at school, in accordance with school visitation or communication policy,
8 or remove the child from school grounds.

9 (2) The notification required by this section shall be provided to the school:

10 (a) Verbally and documented in writing by the principal, assistant principal, or
11 school~~guidance~~ counselor on the day that a court order is entered and again
12 on any day that a change is made with regard to persons authorized to contact
13 or remove the child from school. The verbal notification shall occur on the
14 next school day immediately following the day a court order is entered or a
15 change is made if the court order or change occurs after the end of the current
16 school day; and

17 (b) By written document within ten (10) calendar days following a change of
18 custody or change in contact or removal authority.

19 (3) The cabinet's mandate to provide the information required by this section shall
20 cease when the court order under which the cabinet acts is rescinded or otherwise
21 expires.

22 ➔Section 11. To effectuate the purposes of this Act, the Education Professional
23 Standards Board, in establishing standards and requirements for obtaining and
24 maintaining certificates related to guidance counselors, shall henceforth refer to guidance
25 counselors as school counselors and shall amend related administrative regulations
26 promulgated by the board accordingly.