

1 AN ACT relating to drug education.

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

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

4 (1) With the advice of the Local Superintendents Advisory Council, the Kentucky Board  
5 of Education shall promulgate administrative regulations establishing standards  
6 which school districts shall meet in student, program, service, and operational  
7 performance. These regulations shall comply with the expected outcomes for  
8 students and schools set forth in KRS 158.6451. Administrative regulations shall be  
9 promulgated for the following:

10 (a) Courses of study for the different grades and kinds of common schools  
11 identifying the common curriculum content directly tied to the goals,  
12 outcomes, and assessment strategies developed under KRS 158.645,  
13 158.6451, and 158.6453 and distributed to local school districts and schools.

14 The administrative regulations shall provide that:

15 1. If a school offers American sign language, the course shall be accepted as  
16 meeting the foreign language requirements in common schools  
17 notwithstanding other provisions of law; and

18 2. If a school offers the Reserve Officers Training Corps program, the  
19 course shall be accepted as meeting the physical education requirement  
20 for high school graduation notwithstanding other provisions of law;

21 (b) Courses of study or educational experiences available to students in all middle  
22 and high schools to fulfill the prerequisites for courses in advanced science and  
23 mathematics as defined in KRS 158.845;

24 (c) The acquisition and use of educational equipment for the schools as  
25 recommended by the Council for Education Technology;

26 (d) The minimum requirements for high school graduation in light of the expected  
27 outcomes for students and schools set forth in KRS 158.6451. Student scores

1 from any assessment administered under KRS 158.6453 that are determined by  
2 the National Technical Advisory Panel to be valid and reliable at the individual  
3 level shall be included on the student transcript. The National Technical  
4 Advisory Panel shall submit its determination to the commissioner of education  
5 and the Legislative Research Commission;

6 (e) The requirements for an alternative high school diploma for students with  
7 disabilities whose individualized education program indicates that, in  
8 accordance with 20 U.S.C. sec. 1414(d)(1)(A):

- 9 1. The student cannot participate in the regular statewide assessment; and
- 10 2. An appropriate alternate assessment has been selected for the student  
11 based upon a modified curriculum and an individualized course of study;

12 (f) Taking and keeping a school census, and the forms, blanks, and software to be  
13 used in taking and keeping the census and in compiling the required reports.  
14 The board shall create a statewide student identification numbering system  
15 based on students' Social Security numbers. The system shall provide a student  
16 identification number similar to, but distinct from, the Social Security number,  
17 for each student who does not have a Social Security number or whose parents  
18 or guardians choose not to disclose the Social Security number for the student;

19 (g) Sanitary and protective construction of public school buildings, toilets, physical  
20 equipment of school grounds, school buildings, and classrooms. With respect  
21 to physical standards of sanitary and protective construction for school  
22 buildings, the Kentucky Board of Education shall adopt the Uniform State  
23 Building Code;

24 (h) Medical inspection, physical and health education and recreation, and other  
25 regulations necessary or advisable for the protection of the physical welfare  
26 and safety of the public school children. The administrative regulations shall:

27 1. Set requirements for student health standards to be met by all students in

1 grades four (4), eight (8), and twelve (12) pursuant to the outcomes  
2 described in KRS 158.6451; ~~[-]~~

3 2. ~~[- The administrative regulations shall -]~~ Permit a student who received a  
4 physical examination no more than six (6) months prior to his initial  
5 admission to Head Start to substitute that physical examination for the  
6 physical examination required by the Kentucky Board of Education of all  
7 students upon initial admission to the public schools, if the physical  
8 examination given in the Head Start program meets all the requirements  
9 of the physical examinations prescribed by the Kentucky Board of  
10 Education; and

11 3. *Require appropriate physical and health education instruction*  
12 *throughout elementary, middle, and high school levels in drug abuse*  
13 *prevention, with an emphasis on the prescription drug epidemic and*  
14 *the connection between prescription opioid abuse and addiction to*  
15 *other drugs, such as heroin and synthetic drugs;*

16 (i) A vision examination by an optometrist or ophthalmologist that shall be  
17 required by the Kentucky Board of Education. The administrative regulations  
18 shall require evidence that a vision examination that meets the criteria  
19 prescribed by the Kentucky Board of Education has been performed. This  
20 evidence shall be submitted to the school no later than January 1 of the first  
21 year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a  
22 public school, public preschool, or Head Start program;

23 (j) 1. Beginning with the 2010-2011 school year, a dental screening or  
24 examination by a dentist, dental hygienist, physician, registered nurse,  
25 advanced practice registered nurse, or physician assistant that shall be  
26 required by the Kentucky Board of Education. The administrative  
27 regulations shall require evidence that a dental screening or examination

1           that meets the criteria prescribed by the Kentucky Board of Education  
2           has been performed. This evidence shall be submitted to the school no  
3           later than January 1 of the first year that a five (5) or six (6) year-old  
4           child is enrolled in a public school.

5           2. A child shall be referred to a licensed dentist if a dental screening or  
6           examination performed by anyone other than a licensed dentist identifies  
7           the possibility of dental disease;

8           (k) The transportation of children to and from school;

9           (l) The fixing of holidays on which schools may be closed and special days to be  
10          observed, and the pay of teachers during absence because of sickness or  
11          quarantine or when the schools are closed because of quarantine;

12          (m) The preparation of budgets and salary schedules for the several school districts  
13          under the management and control of the Kentucky Board of Education;

14          (n) A uniform series of forms and blanks, educational and financial, including  
15          forms of contracts, for use in the several school districts; and

16          (o) The disposal of real and personal property owned by local boards of education.

17       (2) (a) At the request of a local board of education or a school council, a local school  
18          district superintendent shall request that the Kentucky Board of Education  
19          waive any administrative regulation promulgated by that board. Beginning in  
20          the 1996-97 school year, a request for waiver of any administrative regulation  
21          shall be submitted to the Kentucky Board of Education in writing with  
22          appropriate justification for the waiver. The Kentucky Board of Education may  
23          approve the request when the school district or school has demonstrated  
24          circumstances that may include but are not limited to the following:

25               1. An alternative approach will achieve the same result required by the  
26               administrative regulation;

27               2. Implementation of the administrative regulation will cause a hardship on

- 1           the school district or school or jeopardize the continuation or  
2           development of programs; or
- 3           3. There is a finding of good cause for the waiver.
- 4       (b) The following shall not be subject to waiver:
- 5           1. Administrative regulations relating to health and safety;
- 6           2. Administrative regulations relating to civil rights;
- 7           3. Administrative regulations required by federal law; and
- 8           4. Administrative regulations promulgated in accordance with KRS  
9           158.6451, 158.6453, 158.6455, and this section, relating to measurement  
10          of performance outcomes and determination of successful districts or  
11          schools, except upon issues relating to the grade configuration of  
12          schools.
- 13       (c) Any waiver granted under this subsection shall be subject to revocation upon a  
14          determination by the Kentucky Board of Education that the school district or  
15          school holding the waiver has subsequently failed to meet the intent of the  
16          waiver.
- 17       (3) Any private, parochial, or church school may voluntarily comply with curriculum,  
18          certification, and textbook standards established by the Kentucky Board of  
19          Education and be certified upon application to the board by such schools.
- 20       (4) Any public school that violates the provisions of KRS 158.854 shall be subject to a  
21          penalty to be assessed by the commissioner of education as follows:
- 22           (a) The first violation shall result in a fine of no less than one (1) week's revenue  
23           from the sale of the competitive food;
- 24           (b) Subsequent violations shall result in a fine of no less than one (1) month's  
25           revenue from the sale of the competitive food;
- 26           (c) "Habitual violations," which means five (5) or more violations within a six (6)  
27          month period, shall result in a six (6) month ban on competitive food sales for

1           the violating school; and

2           (d) Revenue collected as a result of the fines in this subsection shall be transferred  
3           to the food service fund of the local school district.

4           ➔Section 2. No later than December 31, 2018, the Office of Drug Control Policy  
5 shall develop recommendations for the instruction in drug abuse prevention that is  
6 required for physical and health education under subsection (1)(h)3. of Section 1 of this  
7 Act, and submit them to the Department of Education. Upon receiving the  
8 recommendations, the Department shall publish them in a prominent location on the  
9 Department's Web site for use by school districts in developing their health curriculum.