

1 AN ACT relating to school districts.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) (a) Beginning in the 2018-2019 school year, and continuing until the end of the*
6 *2020-2021 school year, a school district may establish a pilot program for*
7 *teachers to develop and implement a performance-based professional*
8 *development project, which is designed to produce measurable outcomes of*
9 *positive impact on student performance.*

10 *(b) The pilot program shall require two (2) or more teachers to design an*
11 *instructional practice or strategy project to address an identified school or*
12 *district academic or non-academic classroom problem.*

13 *(c) Successful completion of a project under this section shall satisfy up to*
14 *three (3) days of the requirement to complete four (4) days of professional*
15 *development under subsection (3)(a) of Section 2 of this Act.*

16 *(d) A local board of education may award a teacher a stipend for successful*
17 *completion of a project.*

18 *(2) The local board of education shall determine the parameters for the*
19 *performance-based professional development pilot program, including but not*
20 *limited to:*

21 *(a) A project application process;*

22 *(b) Review and approval of project proposals;*

23 *(c) Submission of completed project analysis and results;*

24 *(d) Evaluation of completed projects;*

25 *(e) The awarding of professional development credit, including the amount of*
26 *the credit and when it will be credited; and*

27 *(f) The awarding of a stipend, if applicable.*

1 (3) (a) The Kentucky Department of Education shall study the completed pilot
 2 projects for their impact on schools and districts to determine the attributes
 3 of quality performance-based professional development and the best
 4 practices for measuring its effectiveness.

5 (b) By August 1, 2022, the department shall report its findings and any
 6 recommendations for revising professional development policy to the
 7 Interim Joint Committee on Education.

8 ➔Section 2. KRS 158.070 is amended to read as follows:

9 (1) As used in this section:

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

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

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

17 (d) "School district calendar committee" means a committee that includes at least
 18 the following~~[consisting of]~~:

19 1. One (1) school district principal;

20 2. One (1) school district office administrator other than the
 21 superintendent;

22 3. One (1) member of the local board of education;

23 4. Two (2) parents of students attending a school in the district;

24 5. One (1) school district elementary school teacher;

25 6. One (1) school district middle or high school teacher;

26 7. Two (2) school district classified employees; and

27 8. Two (2) community members from the local chamber of commerce,

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

- 1 (c) Prior to adopting a school calendar, the local board of education shall hear for
2 discussion the school district calendar committee's recommendations and the
3 recommendation of the superintendent at a meeting of the local board of
4 education.
- 5 (d) During a subsequent meeting of the local board of education, the local board
6 shall adopt a school calendar for the upcoming school year that establishes the
7 opening and closing dates of the school term, beginning and ending dates of
8 each school month, student attendance days, and days on which schools shall
9 be dismissed. The local board may schedule days for breaks in the school
10 calendar that shall not be counted as a part of the minimum school term.
- 11 (e) For local board of education meetings described in paragraphs (c) and (d) of
12 this subsection, if the meeting is a regular meeting, notice shall be given to
13 media outlets that have requests on file to be notified of special meetings
14 stating the date of the regular meeting and that one (1) of the items to be
15 considered in the regular meeting will be the school calendar. The notice shall
16 be sent at least twenty-four (24) hours before the regular meeting. This
17 requirement shall not be deemed to make any requirements or limitations
18 relating to special meetings applicable to the regular meeting.
- 19 (f) Beginning with the 2018-2019 school year, and each year thereafter, a local
20 school board of education that adopts a school calendar with the first student
21 attendance day in the school term starting no earlier than the Monday closest
22 to August 26 may use a variable student instructional year. Districts may set
23 the length of individual student attendance days in a variable student
24 instructional schedule, but no student attendance day shall contain more than
25 seven (7) hours of instructional time unless the district submitted and received
26 approval from the commissioner of education for an innovative alternative
27 calendar.

- 1 (3) (a) Each local board of education shall use four (4) days of the minimum school
2 term for professional development and collegial planning activities for the
3 professional staff without the presence of students pursuant to the
4 requirements of KRS 156.095. At the discretion of the superintendent, one (1)
5 day of professional development may be used for district-wide activities and
6 for training that is mandated by federal or state law. The use of three (3) days
7 shall be planned by each school council, except that the district is encouraged
8 to provide technical assistance and leadership to school councils to maximize
9 existing resources and to encourage shared planning.
- 10 (b) In addition to the four (4) days required under paragraph (a) of this subsection,
11 a minimum of two (2) hours of self-study review of suicide prevention
12 materials shall be required for all high school and middle school principals,
13 guidance counselors, and teachers each school year.
- 14 (c) 1. A local board may approve a school's flexible professional development
15 plan that permits teachers or other certified personnel within a school to
16 participate in professional development activities outside the days
17 scheduled in the school calendar or the regularly scheduled hours in the
18 school work day and receive credit towards the four (4) day professional
19 development requirement within the minimum one hundred eighty-five
20 (185) days that a teacher shall be employed.
- 21 2.~~[1.]~~ A flexible schedule option shall be reflected in the school's professional
22 development component within the school improvement plan~~[—or~~
23 ~~consolidated plan]~~ and approved by the local board. Credit for approved
24 professional development activities may be accumulated in periods of
25 time other than full day segments.
- 26 3.~~[2.]~~ No teacher or administrator shall be permitted to count participation in a
27 professional development activity under the flexible schedule option

1 unless the activity is related to the teacher's classroom assignment and
2 content area, or the administrator's job requirements, or is required by
3 the school improvement~~[or consolidated]~~ plan, or is tied to the teacher's
4 or the administrator's individual growth plan. The supervisor shall give
5 prior approval and shall monitor compliance with the requirements of
6 this paragraph. In the case of teachers, a professional development
7 committee or the school council by council policy may be responsible
8 for reviewing requests for approval.

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

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

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

16 1. National or state emergency or mourning when proclaimed by the
17 President of the United States or the Governor of the Commonwealth of
18 Kentucky;

19 2. Local emergency which would endanger the health or safety of children;
20 and

21 3. Mourning when so designated by the local board of education and
22 approved by the Kentucky Board of Education upon recommendation of
23 the commissioner of education.

24 (4) (a) The Kentucky Board of Education, upon recommendation of the
25 commissioner of education, shall adopt administrative regulations governing
26 the use of student attendance days as a result of a local emergency, as
27 described in subsection (3)(f)2. of this section, and regulations setting forth

1 the guidelines and procedures to be observed for the approval of waivers from
2 the requirements of a student instructional year in subsection (1)(f) of this
3 section for districts that wish to adopt innovative instructional calendars, or
4 for circumstances that would create extreme hardship.

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

14 (5) (a) 1. In setting the school calendar, school may be closed for two (2)
15 consecutive days for the purpose of permitting professional school
16 employees to attend statewide professional meetings.
17 2. These two (2) days for statewide professional meetings may be
18 scheduled to begin with the first Thursday after Easter, or upon request
19 of the statewide professional education association having the largest
20 paid membership, the commissioner of education may designate
21 alternate dates.
22 3. If schools are scheduled to operate during days designated for the
23 statewide professional meeting, the school district shall permit
24 employees who are delegates to attend as compensated professional
25 leave time and shall employ substitute teachers in their absence.
26 4. The commissioner of education shall designate one (1) additional day
27 during the school year when schools may be closed to permit

- 1 professional school employees to participate in regional or district
2 professional meetings.
- 3 5. These three (3) days so designated for attendance at professional
4 meetings may be counted as a part of the minimum school term.
- 5 (b) 1. If any school in a district is used as a polling place, the school district
6 shall be closed on the day of the election, and those days may be used
7 for professional development activities, professional meetings, or
8 parent-teacher conferences.
- 9 2. A district may be open on the day of an election if no school in the
10 district is used as a polling place.
- 11 (c) All schools shall be closed on the third Monday of January in observance of
12 the birthday of Martin Luther King, Jr. Districts may:
- 13 1. Designate the day as one (1) of the four (4) holidays permitted under
14 subsection (3)(d) of this section; or
- 15 2. Not include the day in the minimum school term specified in subsection
16 (1) of this section.
- 17 (6) (a) The Kentucky Board of Education, or the organization or agency designated
18 by the board to manage interscholastic athletics, shall be encouraged to
19 schedule athletic competitions outside the regularly scheduled student
20 attendance day.
- 21 (b) Beginning with the 2009-2010 school year, any member of a school-
22 sponsored interscholastic athletic team who competes in a regional
23 tournament or state tournament sanctioned by the Kentucky Board of
24 Education, or the organization or agency designated by the board to manage
25 interscholastic athletics, and occurring on a regularly scheduled student
26 attendance day may be counted present at school on the date or dates of the
27 competition, as determined by local board policy, for a maximum of two (2)

1 days per student per year. The student shall be expected to complete any
2 assignments missed on the date or dates of the competition.

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

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

8 (8) Schools shall provide continuing education for those students who are determined
9 to need additional time to achieve the outcomes defined in KRS 158.6451, and
10 schools shall not be limited to the minimum school term in providing this
11 education. Continuing education time may include extended days, extended weeks,
12 or extended years. A local board of education may adopt a policy requiring its
13 students to participate in continuing education. The local policy shall set out the
14 conditions under which attendance will be required and any exceptions which are
15 provided. The Kentucky Board of Education shall promulgate administrative
16 regulations establishing criteria for the allotment of grants to local school districts
17 and shall include criteria by which the commissioner of education may approve a
18 district's request for a waiver to use an alternative service delivery option, including
19 providing services during the student attendance day on a limited basis. These
20 grants shall be allotted to school districts to provide instructional programs for
21 pupils who are identified as needing additional time to achieve the outcomes
22 defined in KRS 158.6451. A school district that has a school operating a model
23 early reading program under KRS 158.792 may use a portion of its grant money as
24 part of the matching funds to provide individualized or small group reading
25 instruction to qualified students outside of the regular classroom during the student
26 attendance day.

27 (9) Notwithstanding any other statute, each school term shall include no less than the

1 equivalent of the student instructional year in subsection (1)(f) of this section, or a
 2 variable student instructional year in subsection (1)(h) of this section, except that
 3 the commissioner of education may grant up to the equivalent of ten (10) student
 4 attendance days for school districts that have a nontraditional~~[an alternative]~~
 5 instruction plan approved by the commissioner of education~~[for the use of~~
 6 ~~alternative methods of instruction, including virtual learning,]~~ on days when the
 7 school district is closed for health or safety reasons~~[, on nontraditional days, or on~~
 8 ~~nontraditional time]~~. The district's plan shall indicate how the nontraditional
 9 instruction process shall be a continuation of learning that is occurring on
 10 regular student attendance days. Instructional delivery methods, including the
 11 use of technology, shall be clearly delineated in the plan~~[demonstrate how~~
 12 ~~teaching and learning in the district will not be negatively impacted]~~. Average daily
 13 attendance for purposes of Support Education Excellence in Kentucky program
 14 funding during the student attendance days granted shall be calculated in
 15 compliance with administrative regulations promulgated by the Kentucky Board of
 16 Education.

17 (10) By December 31, 2018, the Kentucky Board of Education shall promulgate
 18 administrative regulations to be effective beginning with the 2019-2020 school
 19 year to prescribe the conditions and procedures for districts to be approved for the
 20 nontraditional instruction program. Administrative regulations promulgated by
 21 the board under this section shall specify:

22 (a) The application, plan review, approval, and amendment process;

23 (b) Reporting requirements for districts approved for the program, which may
 24 include but are not limited to examples of student work, lesson plans,
 25 teacher work logs, and student and teacher participation on nontraditional
 26 instruction days. Documentation to support the use of nontraditional
 27 instruction days shall include clear evidence of learning continuation;

1 (c) Timelines for initial approval as a nontraditional instruction district, length
 2 of approval, the renewal process, and ongoing evaluative procedures
 3 required of the district;

4 (d) Reporting and oversight responsibilities of the district and the Kentucky
 5 Department of Education, including the documentation required to show
 6 clear evidence of learning continuation during nontraditional instruction
 7 days; and

8 (e) Other components deemed necessary to implement this section.

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

17 (12)~~(11)~~ Notwithstanding any other statute to the contrary, the following provisions
 18 shall apply to a school district that misses student attendance days due to
 19 emergencies, including weather-related emergencies:

20 (a) A certified school employee shall be considered to have fulfilled the minimum
 21 one hundred eighty-five (185) day contract with a school district under KRS
 22 157.350 and shall be given credit for the purpose of calculating service credit
 23 for retirement under KRS 161.500 for certified school personnel if:

- 24 1. State and local requirements under this section are met regarding the
 25 equivalent of the number and length of student attendance days, teacher
 26 professional days, professional development days, holidays, and days for
 27 planning activities without the presence of students; and

- 1 2. The provisions of the district's school calendar to make up student
2 attendance days missed due to any emergency, as approved by the
3 Kentucky Department of Education when required, including but not
4 limited to a provision for additional instructional time per day, are met.
- 5 (b) Additional time worked by a classified school employee shall be considered as
6 equivalent time to be applied toward the employee's contract and calculation
7 of service credit for classified employees under KRS 78.615 if:
- 8 1. The employee works for a school district with a school calendar
9 approved by the Kentucky Department of Education that contains a
10 provision that additional instructional time per day shall be used to make
11 up full days missed due to an emergency;
- 12 2. The employee's contract requires a minimum six (6) hour work day; and
13 3. The employee's job responsibilities and work day are extended when the
14 instructional time is extended for the purposes of making up time.
- 15 (c) Classified employees who are regularly scheduled to work less than six (6)
16 hours per day and who do not have additional work responsibilities as a result
17 of lengthened student attendance days shall be excluded from the provisions
18 of this subsection. These employees may be assigned additional work
19 responsibilities to make up service credit under KRS 78.615 that would be
20 lost due to lengthened student attendance days.