

1 AN ACT relating to early childhood education.

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

3 ➔Section 1. KRS 157.320 is amended to read as follows:

4 As used in KRS 157.310 to 157.440, unless the context otherwise requires:

- 5 (1) "Average daily attendance" means the aggregate days attended by pupils in a public
6 school, adjusted for weather-related low attendance days if applicable, divided by
7 the actual number of days the school is in session, after the five (5) days with the
8 lowest attendance have been deducted.
- 9 (a) Aggregate days shall include, in addition to the aggregate number of days
10 attended by a pupil who was suspended during a school year, the number of
11 days the pupil was suspended, not to exceed ten (10) days in total for the
12 school year; and
- 13 (b) Aggregate days shall include, in addition to the aggregate number of days
14 attended by a pupil who was expelled for behavioral problems, the number of
15 days the pupil was expelled up to a total of one hundred seventy-five (175)
16 days. This total may extend into the next school year and shall be counted in
17 the average daily attendance for the next year;
- 18 (2) "Base funding level" means a guaranteed amount of revenue per pupil to be
19 provided for each school district, to be used for regular operating and capital
20 expenditures;
- 21 (3) "Board" means the board of education of any county or independent school district;
- 22 (4) "District" means any school district as defined by law;
- 23 (5) "Elementary school" means a school consisting of the primary school program ***as***
24 ***defined in KRS 158.031*** through grade eight (8) [~~as defined in KRS 158.030~~], or
25 any appropriate combination of grades within this range, as determined by the plan
26 of organization for schools authorized by the district board;
- 27 (6) "Support Education Excellence in Kentucky" means the level of educational

1 services and facilities which is to be provided in each district from the public school
2 fund;

3 (7) [~~"Kindergarten full-time equivalent pupil in average daily attendance" means each~~
4 ~~kindergarten pupil counted no more than one half (1/2) day in the aggregate days~~
5 ~~attended by kindergarten pupils in a public school divided by the actual number of~~
6 ~~days school is in session after the five (5) days with the lowest attendance have been~~
7 ~~deducted. Kindergarten is the entry level of the primary program and shall be~~
8 ~~provided no less than the equivalent of one half (1/2) day, five (5) days a week for a~~
9 ~~full school year for each kindergarten pupil;~~

10 ~~(8)~~—"Public school fund" means the fund created by KRS 157.330 for use in financing
11 education in public elementary and secondary schools;

12 ~~(8)~~~~(9)~~ "Administrative regulations of the Kentucky Board of Education" means those
13 regulations which the Kentucky Board of Education may adopt upon the
14 recommendation and with the advice of the commissioner of education. The
15 commissioner of education shall recommend administrative regulations necessary
16 for carrying out the purposes of KRS 157.310 to 157.440;

17 ~~(9)~~~~(10)~~ "Experience" means employment as a teacher, other than as a substitute or
18 nursery school teacher, for a minimum of one hundred forty (140) days during a
19 school year in a public or nonpublic elementary or secondary school or college or
20 university that is approved by the public accrediting authority in the state in which
21 the teaching duties were performed. A teacher who is employed by a board for at
22 least one hundred forty (140) days of a school year and who performs teaching
23 duties for the equivalent of at least seventy (70) full school days during that school
24 year, regardless of the schedule on which those duties were performed, shall be
25 credited with one (1) year of experience. A teacher who is employed by a board for
26 at least one hundred forty (140) days during each of two (2) school years and who
27 performs teaching duties for the equivalent of at least seventy (70) full school days

1 during those years shall be credited with one (1) year of experience. No more than
2 one (1) year of experience shall be credited for the performance of teaching duties
3 during a single school year;

4 (10)~~(11)~~ "Secondary school" means a school consisting of grades seven (7) through
5 twelve (12), or any appropriate combination of grades within this range as
6 determined by the plan of organization for schools authorized by the district board.
7 When grades seven (7) through nine (9) or ten (10) are organized separately as a
8 junior high school, or grades ten (10) through twelve (12) are organized separately
9 as a senior high school and are conducted in separate school plant facilities, each
10 shall be considered a separate secondary school for the purposes of KRS 157.310 to
11 157.440;

12 (11)~~(12)~~ "Single salary schedule" means a schedule adopted by a local board from
13 which all teachers are paid for one hundred eighty-five (185) days and is based on
14 training, experience, and such other factors as the Kentucky Board of Education
15 may approve and which does not discriminate between salaries paid elementary and
16 secondary teachers. If the budget bill contains a minimum statewide salary schedule,
17 no teacher shall be paid less than the amount specified in the biennial budget salary
18 schedule for the individual teacher's educational qualifications and experience;

19 (12)~~(13)~~ "Teacher" means any regular or special teacher, principal, supervisor,
20 superintendent, assistant superintendent, librarian, director of pupil personnel, or
21 other member of the teaching or professional staff engaged in the service of the
22 public elementary and secondary school for whom certification is required as a
23 condition of employment;

24 (13)~~(14)~~ "Percentage of attendance" means the aggregate days attended by pupils in a
25 public school for the school year divided by the aggregate days' membership of
26 pupils in a public school for the school year;

27 (14)~~(15)~~ "Middle school" means a school consisting of grades five (5) through eight (8)

1 or any appropriate combination of grades as determined by the plan of organization
2 for schools authorized by the district board;

3 ~~(15)~~~~(16)~~ "National board certification salary supplement" means an annual supplement
4 added for the life of the certificate to the base salary of a teacher who attains
5 national board certification; and

6 ~~(16)~~~~(17)~~ "Weather-related low attendance day" means a school day on which the
7 district's attendance falls below the average daily attendance for the prior year due
8 to inclement weather. The district shall submit a request to substitute the prior year's
9 average daily attendance for its attendance on up to ten (10) designated days, along
10 with documentation that the low attendance was due to inclement weather, for
11 approval by the commissioner of education in accordance with Kentucky Board of
12 Education administrative regulations.

13 ➔Section 2. KRS 157.360 is amended to read as follows:

14 (1) (a) In determining the cost of the program to support education excellence in
15 Kentucky, the statewide guaranteed base funding level, as defined in KRS
16 157.320, shall be computed by dividing the amount appropriated for this
17 purpose by the prior year's statewide average daily attendance.

18 (b) When determining the biennial appropriations for the program, the average
19 daily attendance for each fiscal year shall include an estimate of the number of
20 students graduating early under the provisions of KRS 158.142.

21 (2) Each district shall receive an amount equal to the base funding level for each pupil
22 in average daily attendance in the district in the previous year, except a district shall
23 receive an amount equal to one-half (1/2) of the state portion of the average
24 statewide per pupil guaranteed base funding level for each student who graduated
25 early under the provisions of KRS 158.142. Each district's base funding level shall
26 be adjusted by the following factors:

27 (a) The number of at-risk students in the district. At-risk students shall be

1 identified as those approved for the free lunch program under state and federal
2 guidelines. The number of at-risk students shall be multiplied by a factor to be
3 established by the General Assembly. Funds generated under this paragraph
4 may be used to pay for:

- 5 1. Alternative programs for students who are at risk of dropping out of
6 school before achieving a diploma; and
- 7 2. A hazardous duty pay supplement as determined by the local board of
8 education to the teachers who work in alternative programs with
9 students who are violent or assaultive;

10 (b) The number and types of exceptional children in the district as defined by
11 KRS 157.200. Specific weights for each category of exceptionality shall be
12 used in the calculation of the add-on factor for exceptional children; and

13 (c) Transportation costs. The per-pupil cost of transportation shall be calculated
14 as provided by KRS 157.370. Districts which contract to furnish
15 transportation to students attending nonpublic schools may adopt any payment
16 formula which assures that no public school funds are used for the
17 transportation of nonpublic students.

18 (3) Beginning with the 2015-2016 school year and each year thereafter, the General
19 Assembly shall annually allocate funds equal to one-half (1/2) of the state portion of
20 the average statewide per pupil guaranteed base funding level for each student who
21 graduated early under the provisions of KRS 158.142 the previous school year to
22 the Kentucky Higher Education Assistance Authority for deposit in the early
23 graduation scholarship trust fund.

24 (4) The program to support education excellence in Kentucky shall be fully
25 implemented by the 1994-95 school year.

26 (5) (a) Except for those schools which have implemented school-based decision
27 making, the commissioner of education shall enforce maximum class sizes for

1 every academic course requirement in all grades except in vocal and
2 instrumental music, and physical education classes. Except as provided in
3 subsection (6) of this section, the maximum number of pupils enrolled in a
4 class shall be as follows:

- 5 1. Twenty-four (24) in primary grades (kindergarten through third grade);
- 6 2. Twenty-eight (28) in grade four (4);
- 7 3. Twenty-nine (29) in grades five (5) and six (6);
- 8 4. Thirty-one (31) in grades seven (7) to twelve (12).

9 (b) Except for those schools which have implemented school-based decision
10 making, class size loads for middle and secondary school classroom teachers
11 shall not exceed the equivalent of one hundred fifty (150) pupil hours per day.

12 (c) The commissioner of education, upon approval of the Kentucky Board of
13 Education, shall adopt administrative regulations for enforcing this provision.
14 These administrative regulations shall include procedures for a superintendent
15 to request an exemption from the Kentucky Board of Education when unusual
16 circumstances warrant an increased class size for an individual class. A
17 request for an exemption shall include specific reasons for the increased class
18 size with a plan for reducing the class size prior to the beginning of the next
19 school year. A district shall not receive in any one (1) year exemptions for
20 more classes than enroll twenty percent (20%) of the pupils in the primary
21 grades and grades four (4) through eight (8).

22 (d) In all schools the commissioner of education shall enforce the special
23 education maximum class sizes set by administrative regulations adopted by
24 the Kentucky Board of Education. A superintendent may request an
25 exemption pursuant to paragraph (c) of this subsection. A local school council
26 may request a waiver pursuant to KRS 156.160(2). An exemption or waiver
27 shall not be granted if the increased class size will impede any exceptional

1 child from achieving his individual education program in the least restrictive
2 environment.

3 (6) In grades four (4) through six (6) with combined grades, the maximum class size
4 shall be the average daily attendance upon which funding is appropriated for the
5 lowest assigned grade in the class. There shall be no exceptions to the maximum
6 class size for combined classes. In combined classes other than the primary grades,
7 no ungraded students shall be placed in a combined class with graded students. In
8 addition, there shall be no more than two (2) consecutive grade levels combined in
9 any one (1) class in grades four (4) through six (6). However, this shall not apply to
10 schools which have implemented school-based decision making.

11 (7) If a local school district, through its admission and release committee, determines
12 that an appropriate program in the least restrictive environment for a particular child
13 with a disability includes either part-time or full-time enrollment with a private
14 school or agency within the state or a public or private agency in another state, the
15 school district shall count as average daily attendance in a public school the time
16 that the child is in attendance at the school or agency, contingent upon approval by
17 the commissioner of education.

18 (8) Pupils attending a center for child learning and study established under an
19 agreement pursuant to KRS 65.210 to 65.300 shall, for the purpose of calculating
20 average daily attendance, be considered as in attendance in the school district in
21 which the child legally resides and which is party to the agreement. For purposes of
22 subsection (1) of this section, teachers who are actually employees of the joint or
23 cooperative action shall be considered as employees of each school district which is
24 a party to the agreement.

25 (9) Program funding shall be increased when the average daily attendance in any
26 district for the first two (2) months of the current school year is greater than the
27 average daily attendance of the district for the first two (2) months of the previous

1 school year. The program funds allotted the district shall be increased by the percent
2 of increase.~~[The average daily attendance in kindergarten is the kindergarten full-~~
3 ~~time equivalent pupils in average daily attendance.]~~

4 (10) If the average daily attendance for the current school year in any district decreases
5 by ten percent (10%) or more than the average daily attendance for the previous
6 school year, the average daily attendance for purposes of calculating program
7 funding for the next school year shall be increased by an amount equal to two-thirds
8 ($\frac{2}{3}$) of the decrease in average daily attendance. If the average daily attendance
9 remains the same or decreases in the succeeding school year, the average daily
10 attendance for purposes of calculating program funding for the following school
11 year shall be increased by an amount equal to one-third ($\frac{1}{3}$) of the decrease for the
12 first year of the decline.

13 (11) If the percentage of attendance of any school district shall have been reduced more
14 than two percent (2%) during the previous school year, the program funding allotted
15 the district for the current school year shall be increased by the difference in the
16 percentage of attendance for the two (2) years immediately prior to the current
17 school year less two percent (2%).

18 (12) (a) Instructional salaries for vocational agriculture classes shall be for twelve (12)
19 months per year. Vocational agriculture teachers shall be responsible for the
20 following program of instruction during the time period beyond the regular
21 school term established by the local board of education: supervision and
22 instruction of students in agriculture experience programs; group and
23 individual instruction of farmers and agribusinessmen; supervision of student
24 members of agricultural organizations who are involved in leadership training
25 or other activity required by state or federal law; or any program of vocational
26 agriculture established by the Division of Career and Technical Education in
27 the Department of Education. During extended employment, no vocational

1 agriculture teacher shall receive salary on a day that the teacher is scheduled to
2 attend an institution of higher education class which could be credited toward
3 meeting any certification requirement.

4 (b) Each teacher of agriculture employed shall submit an annual plan for summer
5 program to the local school superintendent for approval. The summer plan
6 shall include a list of tasks to be performed, purposes for each task, and time
7 to be spent on each task. Approval by the local school superintendent shall be
8 in compliance with the guidelines developed by the Department of Education.
9 The supervision and accountability of teachers of vocational agriculture's
10 summer programs shall be the responsibility of the local school
11 superintendent. The local school superintendent shall submit to the
12 commissioner of education a completed report of summer tasks for each
13 vocational agriculture teacher. Twenty percent (20%) of the approved
14 vocational agriculture programs shall be audited annually by the State
15 Department of Education to determine that the summer plan has been properly
16 executed.

17 (13) (a) In allotting program funds for home and hospital instruction, statewide
18 guaranteed base funding, excluding the capital outlay, shall be allotted for
19 each child in average daily attendance in the prior school year who has been
20 properly identified according to Kentucky Board of Education administrative
21 regulations. Attendance shall be calculated pursuant to KRS 157.270 and shall
22 be reported monthly on forms provided by the Department of Education; and

23 (b) Pursuant to administrative regulations of the Kentucky Board of Education,
24 local school districts shall be reimbursed for home and hospital instruction for
25 pupils unable to attend regular school sessions because of short term health
26 impairments. A reimbursement formula shall be established by administrative
27 regulations to include such factors as a reasonable per hour, per child

1 allotment for teacher instructional time, with a maximum number of funded
2 hours per week, a reasonable allotment for teaching supplies and equipment,
3 and a reasonable allotment for travel expenses to and from instructional
4 assignments, but the formula shall not include an allotment for capital outlay.
5 Attendance shall be calculated pursuant to KRS 157.270 and shall be reported
6 annually on forms provided by the Department of Education.

7 (14) Except for those schools which have implemented school-based decision making
8 and the school council has voted to waive this subsection, kindergarten aides shall
9 be provided for each twenty-four (24) ~~full-time equivalent~~ kindergarten students
10 enrolled.

11 (15) Effective July 1, 2001, there shall be no deduction applied against the base funding
12 level for any pupil in average daily attendance who spends a portion of his or her
13 school day in a program at a state-operated career and technical education or
14 vocational facility.

15 (16) During a fiscal year, a school district may request that the Department of Education
16 recalculate its funds allocated under this section if the current year average daily
17 attendance for the twenty (20) day school month as defined in KRS 158.060(1) that
18 contains the most days within the calendar month of January exceeds the prior year
19 adjusted average daily attendance plus growth by at least one percent (1%). Any
20 adjustments in the allotments approved under this subsection shall be proportional
21 to the remaining days in the school year and subject to available funds under the
22 program to support education excellence in Kentucky.

23 (17) To calculate the state portion of the program to support education excellence in
24 Kentucky for a school district, the Department of Education shall subtract the local
25 effort required under KRS 157.390(5) from the calculated base funding under the
26 program to support education excellence in Kentucky, as required by this section.
27 The value of the real estate used in this calculation shall be the lesser of the current

1 year assessment or the prior year assessment increased by four percent (4%) plus the
2 value of current year new property. The calculation under this subsection shall be
3 subject to available funds.

4 (18) Notwithstanding any other statute or budget of the Commonwealth language to the
5 contrary, time missed due to shortening days for emergencies may be made up by
6 lengthening school days in the school calendar without any loss of funds under the
7 program to support education excellence in Kentucky.

8 ➔Section 3. KRS 158.030 is amended to read as follows:

9 (1) "Common school" means an elementary or secondary school of the state supported
10 in whole or in part by public taxation. No school shall be deemed a "common
11 school" or receive support from public taxation unless the school is taught by a
12 certified teacher for a minimum school term as defined by KRS 158.070 and every
13 child residing in the district who satisfies the age requirements of this section has
14 had the privilege of attending it. Provided, however, that ~~any child who is six (6)~~
15 ~~years of age, or who may become six (6) years of age by October 1, shall attend~~
16 ~~public school or qualify for an exemption as provided by KRS 159.030. Any child~~
17 ~~who is five (5) years of age, or who may become five (5) years of age by October 1,~~
18 ~~may enter a primary school program, as defined in KRS 158.031, and may advance~~
19 ~~through the primary program without regard to age in accordance with KRS~~
20 ~~158.031(6).~~

21 ~~(2) Beginning with the 2017-2018 school year, any child who is six (6) years of age, or~~
22 ~~who may become six (6) years of age by August 1, shall attend public school or~~
23 ~~qualify for an exemption as provided by KRS 159.030. Any child who is five (5)~~
24 ~~years of age, or who may become five (5) years of age by August 1, may enter a~~
25 ~~primary school program, as defined in KRS 158.031, and may advance through the~~
26 ~~primary program without regard to age in accordance with KRS 158.031(6).~~

27 ~~(2)(3)~~ Each local school board shall adopt a policy to permit a parent or guardian to

1 petition the board to allow a student to attend public school who does not meet the
2 age requirements of subsection (1) ~~or (2)~~ of this section. The policy shall include
3 an evaluation process that will help determine a student's readiness for school and
4 shall ensure that any tuition amount charged under this policy is the same amount
5 charged to a student who meets the age requirements of subsection (1) ~~or (2)~~ of
6 this section. Students enrolled under this policy shall be included in a school's
7 average daily attendance for purposes of funding as provided in KRS 157.310 to
8 157.440.

9 ➔Section 4. KRS 158.060 is amended to read as follows:

- 10 (1) Twenty (20) school days, or days in which teachers are actually employed in the
11 schoolroom, shall constitute a school month in the common schools.
- 12 (2) Each full-time teacher shall be provided with a duty-free lunch period each day
13 during the regularly scheduled student lunch period. The duty-free lunch period
14 shall be not less than the length of the lunch period specified in the school calendar
15 approved by the chief state school officer. A full-time teacher may be assigned to
16 lunch room duty during the regularly scheduled student lunch period only for an
17 amount of time equal to the noninstructional time in excess of fifty-five (55)
18 minutes included in the teacher's daily schedule. The calculation of noninstructional
19 time shall not include the teacher's duty-free lunch period, the time teachers are
20 required to be at school prior to the start of the student's instructional day, or the
21 time teachers are required to remain at school after the students are dismissed.
- 22 (3) Except for children with disabilities and children attending the primary school
23 program who may attend a program of less than six (6) hours per day under policy
24 adopted by the local school district board of education and approved by the
25 commissioner of education and children attending a school district where the local
26 board has approved a schedule that provides at least the equivalent of six (6) hours
27 of daily instruction during the school year, a minimum of six (6) hours of actual

1 school work shall constitute a school day. ~~[Kindergarten programs may be operated~~
2 ~~for less than six (6) hours without state board approval.]~~The Kentucky Board of
3 Education, upon recommendation of the chief state school officer, shall develop and
4 approve regulations governing make up by school districts of whole days missed
5 due to emergencies, or partial days missed as a result of shortening regularly
6 scheduled school days due to emergencies.

7 (4) Teachers shall be provided additional time for nonteaching activities. The
8 nonteaching time shall be used to provide teachers opportunities for professional
9 development activities as provided in KRS 156.095, instructional planning, school-
10 based decision making as provided in KRS 160.345, curriculum development, and
11 outreach activities involving their students' families and the community.

12 (5) Character education programs and activities shall be considered valuable and
13 legitimate components of the actual school work constituting a school day under
14 subsection (3) of this section.