

1 AN ACT relating to education.

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

3 ➔Section 1. KRS 157.360 is amended to read as follows:

- 4 (1) (a) In determining the cost of the program to support education excellence in
5 Kentucky, the statewide guaranteed base funding level, as defined in KRS
6 157.320, shall be computed by dividing the amount appropriated for this
7 purpose by the prior year's statewide average daily attendance.
- 8 (b) When determining the biennial appropriations for the program, the average
9 daily attendance for each fiscal year shall include an estimate of the number of
10 students graduating early under the provisions of KRS 158.142.
- 11 (2) Each district shall receive an amount equal to the base funding level for each pupil
12 in average daily attendance in the district in the previous year, except a district shall
13 receive an amount equal to one-half (1/2) of the state portion of the average
14 statewide per pupil guaranteed base funding level for each student who graduated
15 early under the provisions of KRS 158.142. Each district's base funding level shall
16 be adjusted by the following factors:
- 17 (a) The number of at-risk students in the district. At-risk students shall be
18 identified as those approved for the free lunch program under state and federal
19 guidelines. The number of at-risk students shall be multiplied by a factor to be
20 established by the General Assembly. Funds generated under this paragraph
21 may be used to pay for:
- 22 1. Alternative programs for students who are at risk of dropping out of
23 school before achieving a diploma; and
 - 24 2. A hazardous duty pay supplement as determined by the local board of
25 education to the teachers who work in alternative programs with
26 students who are violent or assaultive;
- 27 (b) The number and types of exceptional children in the district as defined by

1 KRS 157.200. Specific weights for each category of exceptionality shall be
2 used in the calculation of the add-on factor for exceptional children; and

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

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

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

16 (5) (a) Except for those schools which have implemented school-based decision
17 making, the commissioner of education shall enforce maximum class sizes for
18 every academic course requirement in all grades except in vocal and
19 instrumental music, and physical education classes. Except as provided in
20 subsection (6) of this section, the maximum number of pupils enrolled in a
21 class shall be as follows:

- 22 1. Twenty-*one (21)*~~four (24)~~ in primary grades (kindergarten through
23 third grade);
- 24 2. Twenty-*five (25)*~~eight (28)~~ in grade four (4);
- 25 3. Twenty-*six (26)*~~nine (29)~~ in grades five (5) and six (6);
- 26 4. *Twenty-eight (28)*~~Thirty-one (31)~~ in grades seven (7) to twelve (12).

27 (b) Except for those schools which have implemented school-based decision

1 making, class size loads for middle and secondary school classroom teachers
2 shall not exceed the equivalent of one hundred fifty (150) pupil hours per day.

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

13 (d) In all schools the commissioner of education shall enforce the special
14 education maximum class sizes set by administrative regulations adopted by
15 the Kentucky Board of Education. A superintendent may request an
16 exemption pursuant to paragraph (c) of this subsection. A local school council
17 may request a waiver pursuant to KRS 156.160(2). An exemption or waiver
18 shall not be granted if the increased class size will impede any exceptional
19 child from achieving his individual education program in the least restrictive
20 environment.

21 (6) In grades four (4) through six (6) with combined grades, the maximum class size
22 shall be the average daily attendance upon which funding is appropriated for the
23 lowest assigned grade in the class. There shall be no exceptions to the maximum
24 class size for combined classes. In combined classes other than the primary grades,
25 no ungraded students shall be placed in a combined class with graded students. In
26 addition, there shall be no more than two (2) consecutive grade levels combined in
27 any one (1) class in grades four (4) through six (6). However, this shall not apply to

1 schools which have implemented school-based decision making.

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

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

16 (9) Program funding shall be increased when the average daily attendance in any
17 district for the first two (2) months of the current school year is greater than the
18 average daily attendance of the district for the first two (2) months of the previous
19 school year. The program funds allotted the district shall be increased by the percent
20 of increase. The average daily attendance in kindergarten is the kindergarten full-
21 time equivalent pupils in average daily attendance.

22 (10) If the average daily attendance for the current school year in any district decreases
23 by ten percent (10%) or more than the average daily attendance for the previous
24 school year, the average daily attendance for purposes of calculating program
25 funding for the next school year shall be increased by an amount equal to two-thirds
26 (2/3) of the decrease in average daily attendance. If the average daily attendance
27 remains the same or decreases in the succeeding school year, the average daily

1 attendance for purposes of calculating program funding for the following school
2 year shall be increased by an amount equal to one-third (1/3) of the decrease for the
3 first year of the decline.

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

9 (12) (a) Instructional salaries for vocational agriculture classes shall be for twelve (12)
10 months per year. Vocational agriculture teachers shall be responsible for the
11 following program of instruction during the time period beyond the regular
12 school term established by the local board of education: supervision and
13 instruction of students in agriculture experience programs; group and
14 individual instruction of farmers and agribusinessmen; supervision of student
15 members of agricultural organizations who are involved in leadership training
16 or other activity required by state or federal law; or any program of vocational
17 agriculture established by the Division of Career and Technical Education in
18 the Department of Education. During extended employment, no vocational
19 agriculture teacher shall receive salary on a day that the teacher is scheduled to
20 attend an institution of higher education class which could be credited toward
21 meeting any certification requirement.

22 (b) Each teacher of agriculture employed shall submit an annual plan for summer
23 program to the local school superintendent for approval. The summer plan
24 shall include a list of tasks to be performed, purposes for each task, and time
25 to be spent on each task. Approval by the local school superintendent shall be
26 in compliance with the guidelines developed by the Department of Education.
27 The supervision and accountability of teachers of vocational agriculture's

1 summer programs shall be the responsibility of the local school
2 superintendent. The local school superintendent shall submit to the
3 commissioner of education a completed report of summer tasks for each
4 vocational agriculture teacher. Twenty percent (20%) of the approved
5 vocational agriculture programs shall be audited annually by the State
6 Department of Education to determine that the summer plan has been properly
7 executed.

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

14 (b) Pursuant to administrative regulations of the Kentucky Board of Education,
15 local school districts shall be reimbursed for home and hospital instruction for
16 pupils unable to attend regular school sessions because of short term health
17 impairments. A reimbursement formula shall be established by administrative
18 regulations to include such factors as a reasonable per hour, per child
19 allotment for teacher instructional time, with a maximum number of funded
20 hours per week, a reasonable allotment for teaching supplies and equipment,
21 and a reasonable allotment for travel expenses to and from instructional
22 assignments, but the formula shall not include an allotment for capital outlay.
23 Attendance shall be calculated pursuant to KRS 157.270 and shall be reported
24 annually on forms provided by the Department of Education.

25 (14) Except for those schools which have implemented school-based decision making
26 and the school council has voted to waive this subsection, kindergarten aides shall
27 be provided for each twenty-four (24) full-time equivalent kindergarten students

1 enrolled.

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

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

14 (17) To calculate the state portion of the program to support education excellence in
15 Kentucky for a school district, the Department of Education shall subtract the local
16 effort required under KRS 157.390(5) from the calculated base funding under the
17 program to support education excellence in Kentucky, as required by this section.
18 The value of the real estate used in this calculation shall be the lesser of the current
19 year assessment or the prior year assessment increased by four percent (4%) plus the
20 value of current year new property. The calculation under this subsection shall be
21 subject to available funds.

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