

1 AN ACT relating to vision examinations.

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
5 Board of Education shall promulgate administrative regulations establishing
6 standards which school districts shall meet in student, program, service, and
7 operational performance. These regulations shall comply with the expected
8 outcomes for students and schools set forth in KRS 158.6451. Administrative
9 regulations shall be 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
16 as meeting the foreign language requirements in common schools
17 notwithstanding other provisions of law;
- 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; and
- 21 3. Every public middle and high school's curriculum shall include
22 instruction on the Holocaust and other cases of genocide, as defined by
23 the United Nations Convention on the Prevention and Punishment of the
24 Crime of Genocide, that a court of competent jurisdiction, whether a
25 court in the United States or the International Court of Justice, has
26 determined to have been committed by applying rigorous standards of
27 due process;

- 1 (b) Courses of study or educational experiences available to students in all middle
2 and high schools to fulfill the prerequisites for courses in advanced science
3 and mathematics as defined in KRS 158.845;
- 4 (c) The acquisition and use of educational equipment for the schools as
5 recommended by the Council for Education Technology;
- 6 (d) The minimum requirements for high school graduation in light of the expected
7 outcomes for students and schools set forth in KRS 158.6451. Student scores
8 from any assessment administered under KRS 158.6453 that are determined
9 by the National Technical Advisory Panel to be valid and reliable at the
10 individual level shall be included on the student transcript. The National
11 Technical Advisory Panel shall submit its determination to the commissioner
12 of education and the Legislative Research Commission;
- 13 (e) The requirements for an alternative high school diploma for students with
14 disabilities whose individualized education program indicates that, in
15 accordance with 20 U.S.C. sec. 1414(d)(1)(A):
- 16 1. The student cannot participate in the regular statewide assessment; and
 - 17 2. An appropriate alternate assessment has been selected for the student
18 based upon a modified curriculum and an individualized course of study;
- 19 (f) Taking and keeping a school census, and the forms, blanks, and software to be
20 used in taking and keeping the census and in compiling the required reports.
21 The board shall create a statewide student identification numbering system
22 based on students' Social Security numbers. The system shall provide a
23 student identification number similar to, but distinct from, the Social Security
24 number, for each student who does not have a Social Security number or
25 whose parents or guardians choose not to disclose the Social Security number
26 for the student;
- 27 (g) Sanitary and protective construction of public school buildings, toilets,

1 regulations shall require that evidence of a vision examination that
 2 has been conducted within the past year be submitted to the school. If
 3 the vision examination is conclusive, then the evidence shall satisfy
 4 the enrollment requirement. If evidence of an inconclusive vision
 5 examination is submitted to the school, then the administrative
 6 regulations shall allow for the student's enrollment, but require
 7 subsequent annual vision examinations until evidence of a conclusive
 8 vision examination is submitted.

9 4. The same vision examination may be submitted to satisfy the
 10 requirements of both subparagraphs 2. and 3. of this paragraph if all
 11 other requirements are met.

12 5. For a child's initial enrollment into grade six (6), the administrative
 13 regulations shall also require that evidence of a vision examination
 14 that has been conducted within the past year be submitted to the
 15 school;

- 16 (j) 1. Beginning with the 2010-2011 school year, a dental screening or
 17 examination by a dentist, dental hygienist, physician, registered nurse,
 18 advanced practice registered nurse, or physician assistant that shall be
 19 required by the Kentucky Board of Education. The administrative
 20 regulations shall require evidence that a dental screening or examination
 21 that meets the criteria prescribed by the Kentucky Board of Education
 22 has been performed. This evidence shall be submitted to the school no
 23 later than January 1 of the first year that a five (5) or six (6) year-old
 24 child is enrolled in a public school.
- 25 2. A child shall be referred to a licensed dentist if a dental screening or
 26 examination performed by anyone other than a licensed dentist identifies
 27 the possibility of dental disease;

- 1 (k) The transportation of children to and from school;
- 2 (l) The fixing of holidays on which schools may be closed and special days to be
3 observed, and the pay of teachers during absence because of sickness or
4 quarantine or when the schools are closed because of quarantine;
- 5 (m) The preparation of budgets and salary schedules for the several school districts
6 under the management and control of the Kentucky Board of Education;
- 7 (n) A uniform series of forms and blanks, educational and financial, including
8 forms of contracts, for use in the several school districts;
- 9 (o) The disposal of real and personal property owned by local boards of
10 education; and
- 11 (p) The development and implementation of procedures, for all students who are
12 homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do
13 the following:
- 14 1. Awarding and accepting of credit, including partial credit, for all
15 coursework satisfactorily completed by a student while enrolled at
16 another school;
- 17 2. Allowing a student who was previously enrolled in a course required for
18 graduation the opportunity, to the extent practicable, to complete the
19 course, at no cost to the student, before the beginning of the next school
20 year;
- 21 3. Awarding a diploma, at the student's request, by a district from which
22 the student transferred, if the student transfers schools at any time after
23 the completion of the student's second year of high school and the
24 student is ineligible to graduate from the district to which the student
25 transfers, but meets the graduation requirements of the district from
26 which the student transferred; and
- 27 4. Exempting the student from all coursework and other requirements

1 imposed by the local board of education that are in addition to the
2 minimum requirements for high school graduation established by the
3 Kentucky Board of Education pursuant to paragraph (d) of this
4 subsection in the district to which the student transfers, if the student
5 transfers schools at any time after the completion of the student's second
6 year of high school and the student is ineligible to graduate both from
7 the district to which the student transfers and the district from which the
8 student transferred.

9 (2) (a) At the request of a local board of education or a school council, a local school
10 district superintendent shall request that the Kentucky Board of Education
11 waive any administrative regulation promulgated by that board. Beginning in
12 the 1996-97 school year, a request for waiver of any administrative regulation
13 shall be submitted to the Kentucky Board of Education in writing with
14 appropriate justification for the waiver. The Kentucky Board of Education
15 may approve the request when the school district or school has demonstrated
16 circumstances that may include but are not limited to the following:

- 17 1. An alternative approach will achieve the same result required by the
18 administrative regulation;
- 19 2. Implementation of the administrative regulation will cause a hardship on
20 the school district or school or jeopardize the continuation or
21 development of programs; or
- 22 3. There is a finding of good cause for the waiver.

23 (b) The following shall not be subject to waiver:

- 24 1. Administrative regulations relating to health and safety;
- 25 2. Administrative regulations relating to civil rights;
- 26 3. Administrative regulations required by federal law; and
- 27 4. Administrative regulations promulgated in accordance with KRS

1 158.6451, 158.6453, 158.6455, and this section, relating to measurement
2 of performance outcomes and determination of successful districts or
3 schools, except upon issues relating to the grade configuration of
4 schools.

5 (c) Any waiver granted under this subsection shall be subject to revocation upon a
6 determination by the Kentucky Board of Education that the school district or
7 school holding the waiver has subsequently failed to meet the intent of the
8 waiver.

9 (3) Any private, parochial, or church school may voluntarily comply with curriculum,
10 certification, and textbook standards established by the Kentucky Board of
11 Education and be certified upon application to the board by such schools.

12 (4) Any public school that violates the provisions of KRS 158.854 shall be subject to a
13 penalty to be assessed by the commissioner of education as follows:

14 (a) The first violation shall result in a fine of no less than one (1) week's revenue
15 from the sale of the competitive food;

16 (b) Subsequent violations shall result in a fine of no less than one (1) month's
17 revenue from the sale of the competitive food;

18 (c) "Habitual violations," which means five (5) or more violations within a six (6)
19 month period, shall result in a six (6) month ban on competitive food sales for
20 the violating school; and

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