

1 AN ACT relating to average daily enrollment.

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 enrollment~~[attendance]~~" means the aggregate days ~~[attended by~~
6 ~~]pupils are enrolled in a public school[, adjusted for weather-related low attendance~~
7 ~~days if applicable,]~~ divided by the actual number of days the school is in session[,
8 ~~after the five (5) days with the 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
24 through grade eight (8) as defined in KRS 158.030, or any appropriate combination
25 of grades within this range, as determined by the plan of organization for schools
26 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 enrollment~~[attendance]~~"
4 means each kindergarten pupil counted no more than one-half (1/2) day in the
5 aggregate days ~~[attended by]~~ kindergarten pupils are enrolled in a public school
6 divided by the actual number of days school is in session~~[after the five (5) days~~
7 ~~with the lowest attendance have been deducted]~~. Kindergarten is the entry level of
8 the primary program and shall be provided no less than the equivalent of one-half
9 (1/2) day, five (5) days a week for a 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 (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 (10) "Experience" means employment as a teacher, other than as a substitute or nursery
18 school teacher, for a minimum of one hundred forty (140) days during a school year
19 in a public or nonpublic elementary or secondary school or college or university that
20 is approved by the public accrediting authority in the state in which the teaching
21 duties were performed. A teacher who is employed by a board for at least one
22 hundred forty (140) days of a school year and who performs teaching duties for the
23 equivalent of at least seventy (70) full school days during that school year,
24 regardless of the schedule on which those duties were performed, shall be credited
25 with one (1) year of experience. A teacher who is employed by a board for at least
26 one hundred forty (140) days during each of two (2) school years and who performs
27 teaching duties for the equivalent of at least seventy (70) full school days during

- 1 those years shall be credited with one (1) year of experience. No more than one (1)
2 year of experience shall be credited for the performance of teaching duties during a
3 single school year;
- 4 (11) "Secondary school" means a school consisting of grades seven (7) through twelve
5 (12), or any appropriate combination of grades within this range as determined by
6 the plan of organization for schools authorized by the district board. When grades
7 seven (7) through nine (9) or ten (10) are organized separately as a junior high
8 school, or grades ten (10) through twelve (12) are organized separately as a senior
9 high school and are conducted in separate school plant facilities, each shall be
10 considered a separate secondary school for the purposes of KRS 157.310 to
11 157.440;
- 12 (12) "Single salary schedule" means a schedule adopted by a local board from which all
13 teachers are paid for one hundred eighty-five (185) days and is based on training,
14 experience, and such other factors as the Kentucky Board of Education may approve
15 and which does not discriminate between salaries paid elementary and secondary
16 teachers. If the budget bill contains a minimum statewide salary schedule, no
17 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 (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 (14) "Percentage of enrollment~~[attendance]~~" means the aggregate days attended by
25 pupils in a public school for the school year divided by the aggregate days'
26 membership of pupils in a public school for the school year;
- 27 (15) "Middle school" means a school consisting of grades five (5) through eight (8) or

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

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

6 ~~(17) "Weather related low attendance day" means a school day on which the district's~~
7 ~~attendance falls below the average daily attendance for the prior year due to~~
8 ~~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 157.069 is amended to read as follows:

14 (1) As used in this section:

15 (a) "Secondary area technology center" or "secondary area center" means a school
16 facility dedicated to the primary purpose of offering five (5) or more technical
17 preparation programs that lead to skill development focused on specific
18 occupational areas. An area center may be called a "magnet technology
19 center" or "career center" or may be assigned another working title by the
20 parent agency. An area center may be either state or locally operated; and

21 (b) "Vocational department" means a portion of a school facility that has five (5)
22 or more technical preparation programs that lead to skill development focused
23 on specific occupational areas.

24 (2) The Kentucky Department of Education shall distribute all general funds designated
25 for locally operated secondary area centers and vocational departments, which have
26 been receiving state supplemental funds prior to June 21, 2001, by a weighted
27 formula, specified in an administrative regulation promulgated by the Kentucky

1 Board of Education. The formula shall take into account the differences in cost of
2 operating specific programs. The commissioner of education shall determine
3 programs to be assigned to categories based on the descriptions found in paragraphs
4 (a) to (c) of this subsection. Programs in Categories III and II shall be eligible for
5 funding.

6 (a) Category III--High-cost technical programs: Programs in which students
7 develop highly technical skills in specific occupational areas and that require
8 high-cost equipment, materials, and facilities. This category may include
9 selected industrial technology Level III programs as defined by the
10 Department of Education and programs in other occupational areas as deemed
11 appropriate;

12 (b) Category II--Technical skill programs: Programs in which students develop
13 technical skills focused in occupational areas and that require technical
14 equipment but high-cost equipment, facilities, or materials are not necessary
15 to operate the programs. This category may include selected industrial
16 technology Level III programs as defined by the Department of Education and
17 programs in other occupational areas as deemed appropriate; and

18 (c) Category I--Orientation and career exploration programs: Programs that
19 provide orientation and exploration of broad-based industries by giving
20 students knowledge and experience regarding careers within these industries
21 and develop some exploratory or hands-on skills used in the industry.

22 Notwithstanding paragraphs (a) and (b) of subsection (1) of this section, the
23 Department of Education shall approve the combining of eligible secondary
24 vocational programs into a single vocational department for purposes of funding for
25 a school district that has been receiving state supplemental funds and has distributed
26 its vocational programs, previously located in area centers, among magnet career
27 academies.

- 1 (3) For calculation purposes and after categorizing the programs as described in
2 subsection (2) of this section, a weight shall be applied as a percentage of the base
3 guarantee per pupil in average daily enrollment~~[attendance]~~ as defined by KRS
4 157.320 under the Support Education Excellence in Kentucky Program, which shall
5 be applied to full-time equivalent students in Categories II and III. Category I
6 programs shall receive no weight. The full-time equivalent students shall be
7 calculated on the basis of the total program enrollment divided by the length of the
8 class period divided by six (6).
- 9 (4) (a) If a school district has a locally operated secondary area center that has been
10 receiving state supplemental funds, and the district moves the center as part of
11 a collaborative project agreement between two (2) or more school districts,
12 then the Kentucky Department of Education may, subject to approval by the
13 commissioner of education, distribute the general funds designated for the
14 district's locally operated secondary area center to the district for the purpose
15 of supporting the collaborative project for the district's full-time equivalent
16 students in Category II and III programs.
- 17 (b) If the commissioner of education approves the distribution of funds under
18 paragraph (a) of this subsection:
- 19 1. For the first year of the collaborative project agreement, the department
20 shall distribute an amount equal to the final allotted amount of general
21 funds from the prior fiscal year designated for the district's locally
22 operated secondary area center; and
 - 23 2. For any successive year of the collaborative project agreement, the
24 department shall calculate the amount of general funds to distribute
25 pursuant to subsections (2) and (3) of this section. The amount
26 distributed shall not exceed the amount distributed under subparagraph
27 1. of this paragraph.

1 ➔Section 3. KRS 157.200 is amended to read as follows:

2 (1) "Exceptional children and youth" means persons under twenty-one (21) years of age
3 who differ in one (1) or more respects from same-age peers in physical, mental,
4 learning, emotional, or social characteristics and abilities to such a degree that they
5 need special educational programs or services for them to benefit from the regular
6 or usual facilities or educational programs of the public schools in the districts in
7 which they reside. The Department of Education, through administrative regulations
8 promulgated by the Kentucky Board of Education, shall interpret the statutory
9 definitions of exceptionality. An exceptionality is any trait so defined in this section
10 or by administrative regulations promulgated by the Kentucky Board of Education.
11 Requirements of average daily enrollment~~[attendance]~~ for exceptional classes shall
12 be regulated by statute, or in the absence of direction by administrative regulations
13 promulgated by the Kentucky Board of Education. Categories of exceptionalities
14 included within, but not limited by, this definition are as follows:

15 (a) "Orthopedic impairment" means a severe physical impairment of bone or
16 muscle which adversely affects educational performance to the extent that
17 specially designed instruction is required for the pupil to benefit from
18 education. The term includes physical impairments caused by congenital
19 anomaly, disease, and from other causes;

20 (b) "Other health impaired" means limited strength, vitality, or alertness,
21 including a heightened alertness to environmental stimuli, due to a chronic or
22 acute health problem which adversely affects educational performance to the
23 extent that specially designed instruction is required for the pupil to benefit
24 from education. Chronic health problems may include, but are not be limited
25 to, a heart condition, tuberculosis, sickle cell anemia, hemophilia, epilepsy,
26 rheumatic fever, nephritis, asthma, lead poisoning, leukemia, diabetes,
27 attention deficit disorder, attention deficit hyperactive disorder, or acquired

1 immune deficiency syndrome;

2 (c) "Speech or language impairment" means a communication disorder such as
3 stuttering, impaired articulation, impaired language, impaired voice, delayed
4 acquisition of language, or absence of language that adversely affects
5 educational performance to the extent that specially designed instruction is
6 required for the pupil to benefit from education;

7 (d) "Hearing impairment" means a physiological hearing loss:

- 8 1. Ranging from mild to profound, which is either permanent or
9 fluctuating, and of such a degree that the pupil is impaired in the
10 processing of linguistic information via the auditory channel either with
11 or without amplification; or
12 2. That adversely affects educational performance so that specially
13 designed instruction is required for the child or youth to benefit from
14 education.

15 The term shall include both deaf and hard of hearing children;

16 (e) "Mental disability" means a deficit or delay in intellectual and adaptive
17 behavior functioning, which adversely affects educational performance to the
18 extent that specially designed instruction is required for the pupil to benefit
19 from education, and which is typically manifested during the developmental
20 period;

21 (f) "Specific learning disability" means a disorder in one (1) or more of the
22 psychological processes primarily involved in understanding or using spoken
23 or written language, which selectively and significantly interferes with the
24 acquisition, integration, or application of listening, speaking, reading, writing,
25 reasoning, or mathematical abilities. "Specific learning disability" may include
26 conditions such as dyslexia, dyscalculia, dysgraphia, developmental aphasia,
27 or perceptual motor disabilities. The disorder is lifelong, intrinsic to the

1 individual, and adversely affects educational performance to the extent that
2 specially designed instruction is required in order for the pupil to benefit from
3 education. Determination of the existence of a specific learning disability shall
4 include documentation that a child does not make sufficient progress in
5 meeting age or grade-level content standards when provided with appropriate
6 instruction and learning experiences delivered by qualified personnel,
7 including the child's response to scientific, research-based interventions and
8 additional information derived from an individual evaluation. The term does
9 not include a learning problem which is primarily the result of:

- 10 1. A hearing impairment;
- 11 2. Visual, physical, mental, or emotional-behavioral disabilities;
- 12 3. Environmental, cultural, or economic differences; or
- 13 4. Limited English proficiency;

14 (g) "Emotional-behavioral disability" means a condition characterized by
15 behavioral excess or deficit which significantly interferes with a pupil's
16 interpersonal relationships or learning process to the extent that it adversely
17 affects educational performance so that specially designed instruction is
18 required in order for the pupil to benefit from education;

19 (h) "Multiple disability" means a combination of two (2) or more disabilities
20 resulting in significant learning, developmental, or behavioral and emotional
21 problems, which adversely affects educational performance and, therefore,
22 requires specially designed instruction in order for the pupil to benefit from
23 education. A pupil is not considered to have a multiple disability if the adverse
24 effect on educational performance is solely the result of deaf-blindness or the
25 result of speech or language disability and one (1) other disabling condition;

26 (i) "Deaf-blind" means auditory and visual impairments, the combination of
27 which creates such severe communication and other developmental and

1 learning needs that the pupil cannot be appropriately educated in special
2 education programs designed solely for pupils with hearing impairments,
3 visual impairments, or severe disabilities, unless supplementary assistance is
4 provided to address educational needs resulting from the two (2) disabilities;

5 (j) "Visually disabled" means a visual impairment, which, even with correction,
6 adversely affects educational performance to the extent that specially designed
7 instruction is required for the pupil to benefit from education. The term
8 includes both partially seeing and blind pupils;

9 (k) "Developmental delay" means a significant discrepancy between a child's
10 current level of performance in basic skills such as cognition, language or
11 communication, self-help, social-emotional, or fine or gross motor, and the
12 expected level of performance for that age. The term shall be used only with
13 children ages three (3) through eight (8);

14 (l) "Traumatic brain injury" means an acquired impairment to the neurological
15 system resulting from an insult to the brain which adversely affects
16 educational performance and causes temporary or permanent and partial or
17 complete loss of:

- 18 1. Cognitive functioning;
- 19 2. Physical ability; or
- 20 3. Communication or social-behavioral interaction.

21 The term does not include a brain injury that is congenital or degenerative, or
22 a brain injury induced by birth trauma;

23 (m) "Autism" means a developmental disability significantly affecting verbal and
24 nonverbal communication and social interaction, generally evident before age
25 three (3), that adversely affects educational performance. Characteristics of
26 autism include:

- 27 1. Engagement in repetitive activity and stereotyped movement;

- 1 2. Resistance to environmental change or change in daily routine; and
2 3. Unusual responses to sensory experience.

3 The term does not include children with characteristics of an emotional-
4 behavioral disability; and

5 (n) "Gifted and talented student" means a pupil identified as possessing
6 demonstrated or potential ability to perform at an exceptionally high level in
7 general intellectual aptitude, specific academic aptitude, creative or divergent
8 thinking, psychosocial or leadership skills, or in the visual or performing arts.

9 (2) "Special education" means specially designed instruction to meet the unique needs
10 of an exceptional child or youth.

11 (3) "Special educational facilities" means physical facilities designed or adapted to
12 meet the needs of exceptional children and youth, and approved according to
13 regulations promulgated by the Kentucky Board of Education.

14 (4) "Related services" means transportation and the developmental, corrective, and
15 other supportive services required to assist an exceptional child or youth to benefit
16 from special education, and may include, but are not limited to, speech-language
17 pathology and audiology services; psychological services; physical and occupational
18 therapy; recreation, including therapeutic recreation; early identification and
19 assessment of disabilities; counseling services, including rehabilitation counseling;
20 orientation and mobility services; medical services for diagnostic or evaluation
21 purposes; school health services; social work services in schools; and parent
22 counseling and training.

23 (5) "Transition services" means a coordinated set of activities for a pupil designed
24 within an outcome-oriented process, that promotes movement from school to
25 postschool activities. The term includes:

- 26 (a) Postsecondary education;
27 (b) Vocational training; and

1 (c) Integrated employment, including supported employment, continuing and
2 adult education, adult services, independent living, or community
3 participation.

4 The coordinated set of activities shall be based on the individual pupil's needs,
5 taking into account the pupil's preferences and interests, and shall include
6 instruction, community experience, the development of employment, and other
7 postschool adult living objectives, and, if appropriate, acquisition of daily living
8 skills and functional vocational evaluation.

9 ➔Section 4. KRS 157.350 is amended to read as follows:

10 Each district which meets the following requirements shall be eligible to share in the
11 distribution of funds from the fund to support education excellence in Kentucky:

12 (1) Employs and compensates all teachers for not less than one hundred eighty-five
13 (185) days. The Kentucky Board of Education, upon recommendation of the
14 commissioner of education, shall prescribe procedures by which this requirement
15 may be reduced during any year for any district which employs teachers for less
16 than one hundred and eighty-five (185) days, in which case the eligibility of a
17 district for participation in the public school fund shall be in proportion to the
18 length of time teachers actually are employed;

19 (2) Operates all schools for a minimum school term as provided in KRS 158.070 and
20 administrative regulations of the Kentucky Board of Education. If the school term is
21 less than one hundred eighty-five (185) days, including not less than one hundred
22 seventy (170) student attendance days as defined in KRS 158.070 or one thousand
23 sixty-two (1,062) hours of instructional time, for any reason not approved by the
24 Kentucky Board of Education on recommendation of the commissioner, the
25 eligibility of a district for participation in the public school fund shall be in
26 proportion to the length of term the schools actually operate;

27 (3) Compensates all teachers on the basis of a single salary schedule and in conformity

- 1 with the provisions of KRS 157.310 to 157.440;
- 2 (4) Includes no nonresident pupils in its average daily enrollment~~[attendance]~~, except:
- 3 (a) 1. Pupils listed under a written agreement, which may be for multiple
- 4 years, with the district of the pupils' legal residence.
- 5 2. If an agreement cannot be reached, either board may appeal to the
- 6 commissioner for settlement of the dispute.
- 7 3. The commissioner shall have thirty (30) days to resolve the dispute.
- 8 Either board may appeal the commissioner's decision to the Kentucky
- 9 Board of Education.
- 10 4. The commissioner and the Kentucky Board of Education shall consider
- 11 the factors affecting the districts, including but not limited to academic
- 12 performance and the impact on programs, school facilities,
- 13 transportation, and staffing of the districts.
- 14 5. The Kentucky Board of Education shall have sixty (60) days to approve
- 15 or amend the decision of the commissioner; and
- 16 (b) A nonresident pupil who attends a district in which a parent of the pupil is
- 17 employed. All tuition fees required of a nonresident pupil may be waived for a
- 18 pupil who meets the requirements of this paragraph.
- 19 This subsection does not apply to those pupils enrolled in an approved class
- 20 conducted in a hospital and pupils who have been expelled for behavioral reasons
- 21 who shall be counted in average daily enrollment~~[attendance]~~ under KRS 157.320;
- 22 (5) Any secondary school which maintains a basketball team for boys for other than
- 23 intramural purposes, shall maintain the same program for girls;
- 24 (6) Any school district which fails to comply with subsection (5) of this section shall be
- 25 prohibited from participating in varsity competition in any sport for one (1) year.
- 26 Determination of failure to comply shall be made by the Department of Education
- 27 after a hearing requested by any person within the school district. The hearing shall

1 be conducted in accordance with KRS Chapter 13B. A district under this subsection
2 shall, at the hearing, have an opportunity to show inability to comply.

3 ➔Section 5. 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 enrollment~~[attendance]~~.
- 8 (b) When determining the biennial appropriations for the program, the average
9 daily enrollment~~[attendance]~~ for each fiscal year shall include an estimate of
10 the number of 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 enrollment~~[attendance]~~ in the district in the previous year, except a
13 district shall receive an amount equal to one-half (1/2) of the state portion of the
14 average statewide per pupil guaranteed base funding level for each student who
15 graduated early under the provisions of KRS 158.142. Each district's base funding
16 level shall 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-four (24) in primary grades (kindergarten through third grade);
- 23 2. Twenty-eight (28) in grade four (4);
- 24 3. Twenty-nine (29) in grades five (5) and six (6);
- 25 4. Thirty-one (31) in grades seven (7) to twelve (12).

26 (b) Except for those schools which have implemented school-based decision
27 making, class size loads for middle and secondary school classroom teachers

- 1 shall not exceed the equivalent of one hundred fifty (150) pupil hours per day.
- 2 (c) The commissioner of education, upon approval of the Kentucky Board of
3 Education, shall adopt administrative regulations for enforcing this provision.
4 These administrative regulations shall include procedures for a superintendent
5 to request an exemption from the Kentucky Board of Education when unusual
6 circumstances warrant an increased class size for an individual class. A
7 request for an exemption shall include specific reasons for the increased class
8 size with a plan for reducing the class size prior to the beginning of the next
9 school year. A district shall not receive in any one (1) year exemptions for
10 more classes than enroll twenty percent (20%) of the pupils in the primary
11 grades and grades four (4) through eight (8).
- 12 (d) In all schools the commissioner of education shall enforce the special
13 education maximum class sizes set by administrative regulations adopted by
14 the Kentucky Board of Education. A superintendent may request an
15 exemption pursuant to paragraph (c) of this subsection. A local school council
16 may request a waiver pursuant to KRS 156.160(2). An exemption or waiver
17 shall not be granted if the increased class size will impede any exceptional
18 child from achieving his individual education program in the least restrictive
19 environment.
- 20 (6) In grades four (4) through six (6) with combined grades, the maximum class size
21 shall be the average daily enrollment~~attendance~~ upon which funding is
22 appropriated for the lowest assigned grade in the class. There shall be no exceptions
23 to the maximum class size for combined classes. In combined classes other than the
24 primary grades, no ungraded students shall be placed in a combined class with
25 graded students. In addition, there shall be no more than two (2) consecutive grade
26 levels combined in any one (1) class in grades four (4) through six (6). However,
27 this shall not apply to schools which have implemented school-based decision

1 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 enrollment~~[attendance]~~ in a public
7 school the time that the child is in attendance at the school or agency, contingent
8 upon approval by 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 enrollment~~[attendance]~~, be considered as in attendance in the school
12 district in which the child legally resides and which is party to the agreement. For
13 purposes of subsection (1) of this section, teachers who are actually employees of
14 the joint or cooperative action shall be considered as employees of each school
15 district which is a party to the agreement.

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

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

1 decrease in average daily enrollment~~[attendance]~~. If the average daily
2 enrollment~~[attendance]~~ remains the same or decreases in the succeeding school
3 year, the average daily enrollment~~[attendance]~~ for purposes of calculating program
4 funding for the following school year shall be increased by an amount equal to one-
5 third (1/3) of the decrease for the first year of the decline.

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

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

24 (b) Each teacher of agriculture employed shall submit an annual plan for summer
25 program to the local school superintendent for approval. The summer plan
26 shall include a list of tasks to be performed, purposes for each task, and time
27 to be spent on each task. Approval by the local school superintendent shall be

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

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

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

- 1 (14) Except for those schools which have implemented school-based decision making
2 and the school council has voted to waive this subsection, kindergarten aides shall
3 be provided for each twenty-four (24) full-time equivalent kindergarten students
4 enrolled.
- 5 (15) Effective July 1, 2001, there shall be no deduction applied against the base funding
6 level for any pupil in average daily enrollment~~[attendance]~~ who spends a portion of
7 his or her school day in a program at a state-operated career and technical education
8 or vocational facility.
- 9 (16) During a fiscal year, a school district may request that the Department of Education
10 recalculate its funds allocated under this section if the current year average daily
11 enrollment~~[attendance]~~ for the twenty (20) day school month as defined in KRS
12 158.060(1) that contains the most days within the calendar month of January
13 exceeds the prior year adjusted average daily enrollment~~[attendance]~~ plus growth
14 by at least one percent (1%). Any adjustments in the allotments approved under this
15 subsection shall be proportional to the remaining days in the school year and subject
16 to available funds under the program to support education excellence in Kentucky.
- 17 (17) To calculate the state portion of the program to support education excellence in
18 Kentucky for a school district, the Department of Education shall subtract the local
19 effort required under KRS 157.390(5) from the calculated base funding under the
20 program to support education excellence in Kentucky, as required by this section.
21 The value of the real estate used in this calculation shall be the lesser of the current
22 year assessment or the prior year assessment increased by four percent (4%) plus the
23 value of current year new property. The calculation under this subsection shall be
24 subject to available funds.
- 25 (18) Notwithstanding any other statute or budget of the Commonwealth language to the
26 contrary, time missed due to shortening days for emergencies may be made up by
27 lengthening school days in the school calendar without any loss of funds under the

1 program to support education excellence in Kentucky.

2 ➔Section 6. KRS 157.390 is amended to read as follows:

- 3 (1) For purposes of the state teacher salary schedule, teachers shall be placed on the
4 schedule based on certification rank as established by the Education Professional
5 Standards Board under KRS 161.1211 and by their years of experience as follows:
- 6 1. Zero (0) to three (3) years;
 - 7 2. Four (4) to nine (9) years;
 - 8 3. Ten (10) to fourteen (14) years;
 - 9 4. Fifteen (15) to nineteen (19) years; and
 - 10 5. Twenty (20) or more years.
- 11 (2) The rank and experience of the teacher shall be determined on September 15 of
12 each year.
- 13 (3) The amount to be included in the base funding level for capital outlay shall be
14 determined by multiplying the average daily enrollment~~attendance~~ by the amounts
15 set forth in the biennial budget.
- 16 (4) The amount to be included in the public school fund of each district for
17 transportation shall be determined in accordance with the provisions of KRS
18 157.370.
- 19 (5) The total amount of money distributable to each district from the public school fund
20 shall include the base funding per pupil in average daily enrollment~~attendance~~, an
21 amount for at-risk students, an amount for the types and numbers of students with
22 disabilities, an amount for students served in home and hospital settings, and the
23 allotments in subsections (3) and (4) of this section, less the amount of local tax
24 revenues generated for school purposes, up to a maximum equivalent local rate of
25 thirty cents (\$0.30) as defined by KRS 157.615(6).
- 26 (6) A classroom teacher or administrator may be provided additional compensation,
27 funds for instructional and program materials, and other related costs for serving as

1 a classroom mentor, teaching partner, or professional development leader in core
2 discipline areas including reading, and other subject areas as appropriate to other
3 education professionals in a state approved program or state approved activities.
4 The Kentucky Department of Education shall administer the funds appropriated for
5 these purposes. The Kentucky Board of Education shall promulgate administrative
6 regulations to define the guidelines for programs and activities that qualify for funds
7 including the application and approval process, the individual participant
8 requirements, the amount of compensation, the timelines, and reporting
9 requirements. The board shall solicit recommendations from the Education
10 Professional Standards Board and staff of the Kentucky Department of Education in
11 developing its administrative regulations.

12 (7) A school district may provide monetary compensation in addition to that provided
13 through the single salary schedule, as defined in KRS 157.320, to all classroom
14 teachers employed in a school that is identified by the Kentucky Department of
15 Education as being in targeted or comprehensive support and improvement status as
16 described in KRS 160.346.

17 ➔Section 7. KRS 157.420 is amended to read as follows:

18 Public school funds made available to the credit of each district during any year shall be
19 received, held, and expended by the district board, subject to the provisions of law and
20 administrative regulations of the Kentucky Board of Education. The following restrictions
21 shall govern the expenditure of funds from the public school fund:

22 (1) The salary paid any rank of teachers shall be at least equivalent to the amount set
23 forth in the biennial budget schedule for each rank and experience for a term of one
24 hundred eighty-five (185) days for full-time service during the regular school year.

25 (2) Beginning with the 2004-2006 biennium, the Kentucky Board of Education shall
26 not approve any working budget or salary schedule for local boards of education for
27 any school year unless the one hundred eighty-five (185) day salary schedule for

1 certified staff has been adjusted over the previous year's salary schedule by a
2 percentage increase at least equal to the cost-of-living adjustment that is provided
3 state government workers under the biennial budget. The base funding level in the
4 program for support education excellence in Kentucky as defined in KRS 157.320
5 shall be increased by the statewide dollar value of the annual required cost-of-living
6 percentage adjustment that shall be estimated on the sum of the previous year's
7 statewide teachers' salaries.

8 (3) A district that compensates its teachers or employees for unused sick leave at the
9 time of retirement, pursuant to KRS 161.155, may create an escrow account to
10 maintain the amount of funds necessary to pay teachers or employees who qualify
11 for receipt of the benefit. The fund is limited to not more than fifty percent (50%) of
12 the maximum liability for the current year to be determined according to the number
13 of staff employed by the district on September 15. Interest generated by the account
14 shall be calculated as part of the total amount. The funds shall not be used for any
15 purpose other than compensation for unused sick leave at the time of retirement and
16 shall not be considered as part of the general fund balance in determining available
17 local revenue for purposes of KRS 157.620.

18 (4) (a) The per pupil capital outlay allotment for each district from the public school
19 fund and from local sources shall be kept in a separate account and may be
20 used by the district only for capital outlay projects approved by the
21 commissioner of education in accordance with requirements of law, and based
22 on a survey made in accordance with administrative regulations of the
23 Kentucky Board of Education. These funds shall be used for the following
24 capital outlay purposes:

- 25 1. For direct payment of construction costs;
- 26 2. For debt service on voted and funding bonds;
- 27 3. For payment or lease-rental agreements under which the board

- 1 eventually will acquire ownership of a school plant;
- 2 4. For the retirement of any deficit resulting from overexpenditure for
3 capital construction, if such deficit resulted from an emergency declared
4 by the Kentucky Board of Education under KRS 160.550; and
- 5 5. As a reserve fund for the above-named purposes, to be carried forward
6 in ensuing budgets.
- 7 (b) A district may submit a request to the commissioner of education to use funds
8 from the per pupil capital outlay allotment to purchase land for a new school
9 or to modify an existing school if the project is included on the district facility
10 plan for completion within eight (8) years. The land shall not be included in
11 the calculation of the school district's unmet need. The commissioner may
12 grant or deny the district's request at his or her discretion.
- 13 (c) A district which has experienced an increase in adjusted average daily
14 enrollment~~[attendance]~~, as defined by administrative regulation, of twenty
15 percent (20%) or more over a five (5) year period may submit a request to the
16 commissioner of education to use capital outlay funds for the operation of a
17 new school for the first two (2) years following its opening. The commissioner
18 may grant or deny the district's request at his or her discretion.
- 19 (d) A local school district may submit a request to the commissioner of education
20 to use capital outlay funds for maintenance expenditures or for the purchase of
21 property insurance without forfeiting the district's participation in the School
22 Facilities Construction Commission program. Maintenance requests may
23 include other priorities that are not considered major renovations, such as
24 repair, renovation, or system upgrades that are necessary to maintain the
25 integrity of an existing school facility.
- 26 (5) The district may contribute capital outlay funds for energy conservation measures
27 under guaranteed energy savings contracts pursuant to KRS 45A.345, 45A.352, and

1 45A.353. Use of these funds, provided in KRS 45A.353, 56.774, and 58.600, shall
2 be based on the following:

- 3 (a) The energy conservation measures shall include facility alteration;
- 4 (b) The energy conservation measures shall be identified in the district's approved
5 facility plan;
- 6 (c) The current facility systems are consuming excess maintenance and operating
7 costs;
- 8 (d) The savings generated by the energy conservation measures are guaranteed;
- 9 (e) The capital outlay funds contributed to the energy conservation measures shall
10 be defined as capital cost avoidance as provided in KRS 45A.345(2) and shall
11 be subject to the restrictions on usage as specified in KRS 45A.352(9); and
- 12 (f) The equipment that is replaced shall have exceeded its useful life as
13 determined by a life-cycle cost analysis.

14 (6) If any district has a special levy for capital outlay or debt service that is equal to the
15 capital outlay allotment or a proportionate fraction thereof, and spends the proceeds
16 of that levy for the above-named purposes, the commissioner of education under
17 administrative regulations of the Kentucky Board of Education, may authorize the
18 district to use all or a proportionate fraction of its capital outlay allotment for
19 current expenses. However, a district which uses capital outlay funds for current
20 expenses shall not be eligible to participate in the School Facilities Construction
21 Commission funds, except when the current expenditures are approved by the
22 commissioner of education under subsection (4)(b) or (c) of this section.

23 (7) If a survey shows that a school district has no capital outlay needs as shown in
24 subsection (4)(a)1., 2., 3., and 4. of this section, upon approval of the commissioner
25 of education, these funds may be used for school plant maintenance, repair,
26 insurance on buildings, replacement of equipment, purchase of school buses, and
27 the purchase of modern technological equipment, including telecommunications

1 hardware, televisions, computers, and other technological hardware to be utilized
2 for educational purposes only.

3 (8) In surveying the schools, the Department of Education shall designate each school
4 facility as a permanent, functional, or transitional center.

5 (a) "Permanent center" means a center which meets the program standards
6 approved by the Kentucky Board of Education, is located so that students are
7 not subjected to an excessive amount of time being transported to the site, and
8 has established an attendance area which will maintain enrollment at capacity
9 but will also avoid overcrowding.

10 (b) "Functional center" means a center which does not meet all the criteria
11 established for a permanent facility, but is adequate to meet accreditation
12 program standards to insure no substantial academic or building deficiency.
13 The facility plan shall include additions and renovations necessary to meet
14 current accreditation standards for which federal, state, and local funds may be
15 used.

16 (c) "Transitional center" means a center which the local board of education has
17 determined shall no longer be designated permanent or functional. The center
18 shall be destined to be closed and shall not be eligible for new construction,
19 additions, or major renovation. However, the board of education shall
20 maintain any operating transitional center to provide a safe and healthy
21 environment for students.

22 (9) Beginning in fiscal year 2011-2012, the Kentucky Department of Education shall
23 standardize the process for evaluating the overall quality and condition of all school
24 buildings across the state. The evaluation process shall:

25 (a) Result in consistent categorization of buildings for local planning purposes
26 and for the distribution of state general fund moneys designated for capital
27 construction;

- 1 (b) Be based on measurable, objective criteria;
- 2 (c) Include numerical scoring with weights to recognize building components and
- 3 characteristics that address:
- 4 1. Life safety issues;
- 5 2. Compliance with state and federal codes;
- 6 3. Compliance with requirements under the Americans with Disabilities
- 7 Act;
- 8 4. Community spaces;
- 9 5. Instructional areas;
- 10 6. Mechanical, electrical, plumbing, and other technology systems;
- 11 7. Site and exterior building conditions;
- 12 8. Age of the buildings;
- 13 9. Feasibility of building additions or major renovations;
- 14 10. The districts' facility capacities;
- 15 11. Current use of temporary facilities; and
- 16 12. Projected enrollment growth; and
- 17 (d) Use of a third-party evaluator that utilizes an already established software-
- 18 based system to perform the first, base-line evaluation.
- 19 (10) The Kentucky Board of Education shall promulgate an administrative regulation
- 20 upon recommendation of the Kentucky Department of Education and the School
- 21 Facilities Construction Commission to implement subsection (9) of this section.
- 22 (11) If a local school board authorized elementary, middle, or secondary education
- 23 classes in a facility of a historical settlement school on January 1, 1994, the board
- 24 shall continue to use the facilities provided by the settlement school if the facilities
- 25 meet health and safety standards for education facilities as required by
- 26 administrative regulations. The local school board and the governing body of the
- 27 settlement school shall enter into a cooperative agreement that delineates the role,

1 responsibilities, and financial obligations for each party.

2 (12) Notwithstanding the provisions of subsections (4) and (6) of this section, a local
3 district that has requested a mid-year adjustment in the support education excellence
4 in Kentucky funding under KRS 157.360(16) may request permission from the
5 commissioner of education to use capital outlay funds for the purchase of school
6 buses or to use the capital outlay funds for increased operational expenses for the
7 first three (3) years following the increased growth in the district without forfeiture
8 of the district's participation in the School Facilities Construction Commission
9 Program. The commissioner may grant or deny the district's request.

10 ➔Section 8. KRS 157.621 is amended to read as follows:

11 (1) In addition to the levy required by KRS 157.440(1)(b) to participate in the Facilities
12 Support Program of Kentucky, local school districts that have made the levy
13 required by KRS 157.440(1)(b) are authorized to levy the following additional
14 equivalent rates to support debt service, new facilities, or major renovations of
15 existing school facilities, which levies shall not be subject to recall under any
16 provision of the Kentucky Revised Statutes, or to voter approval under the
17 provisions of KRS 157.440(2):

18 (a) 1. Prior to April 24, 2008, local school districts that have experienced
19 student population growth during a five (5) year period may levy an
20 additional five cents (\$0.05) equivalent rate for debt service and new
21 facilities. The tax rate levied by the district under this provision shall not
22 be equalized by state funding, except as provided in paragraph (b) of this
23 subsection. Any levy imposed under this paragraph prior to April 24,
24 2008, by a local school district shall continue until removed by the local
25 school district.

26 2. A local school district shall meet the following criteria in order to levy
27 the tax provided in subparagraph 1. of this paragraph:

- 1 a. Growth of at least one hundred fifty (150) students in average daily
2 enrollment~~[attendance]~~ and three percent (3%) overall growth for
3 the five (5) preceding years;
- 4 b. Bonded debt to the maximum capability of at least eighty percent
5 (80%) of capital outlay from the Support Education Excellence in
6 Kentucky funding program, all revenue from the local facility tax,
7 and all receipts from state equalization on the local facility tax;
- 8 c. Current student enrollment in excess of available classroom space;
9 and
- 10 d. A local school facility plan that has been approved by the
11 Kentucky Board of Education and certified to the School Facilities
12 Construction Commission;
- 13 (b) 1. In addition to the levy authorized by paragraph (a) of this subsection, a
14 local school district may levy an additional five cents (\$0.05) equivalent
15 rate under the same terms and conditions established by paragraph (a) of
16 this subsection beginning in fiscal year 2003-2004 if the levy was made
17 prior to April 24, 2008, and if the local school district:
- 18 a. Levied the five cents (\$0.05) equivalent rate authorized by
19 paragraph (a) of this subsection; and
- 20 b. Still meets the requirements established by paragraph (a)2. of this
21 subsection.
- 22 2. Any school district that imposes both the levy authorized by paragraph
23 (a) of this subsection and the additional levy authorized by subparagraph
24 1. of this paragraph shall receive equalization funding from the state for
25 the levy imposed by paragraph (a) of this subsection beginning in fiscal
26 year 2003-2004. Equalization shall be provided at one hundred fifty
27 percent (150%) of the statewide average per pupil assessment, subject to

1 the provision of funding by the General Assembly. Equalization funds
2 shall be used as provided in KRS 157.440(1)(b).

3 3. Any levy imposed under this paragraph prior to April 24, 2008, by a
4 local school district shall continue until removed by the local school
5 district; and

6 (c) 1. A local school district that meets the following conditions may levy an
7 additional five cents (\$0.05) equivalent rate on and after April 24, 2008:

8 a. The local school district is located in a county that will have more
9 students as a direct result of the new mission established for Fort
10 Knox by the Base Realignment and Closure (BRAC) 2005 issued
11 by the United States Department of Defense pursuant to the
12 Defense Base Closure and Realignment Act of 1990, Pub. L. No.
13 100-526, Part A of Title XXIX of 104 Stat. 1808, 10 U.S.C. sec.
14 2687 note; and

15 b. The commissioner of education has determined, based upon the
16 presentation of credible data, that the projected increased number
17 of students is sufficient to require new facilities or the major
18 renovation of existing facilities to accommodate the new students,
19 and has approved the imposition of the additional levy.

20 2. Any local school district that imposes both the levy authorized by
21 paragraph (a) of this subsection and the additional levy authorized by
22 subparagraph 1. of this paragraph, and that has not received equalization
23 funding under subsection (2) or (3) of this section, shall receive
24 equalization funding from the state for the levy imposed by paragraph
25 (a) of this subsection beginning in the fiscal year following the fiscal
26 year in which the levy authorized by subparagraph 1. of this paragraph is
27 imposed. Equalization shall be provided at one hundred fifty percent

1 (150%) of the statewide average per pupil assessment, subject to the
2 provision of funding by the General Assembly. Equalization funds shall
3 be used as provided in KRS 157.440(1)(b).

4 3. Any levy imposed under this paragraph by a local school district shall
5 continue until removed by the local school district.

6 (2) (a) Any local school district that, prior to April 27, 2016, levied an equivalent rate
7 that:

8 1. Was subject to recall at the time it was levied; and

9 2. Included a rate of at least five cents (\$0.05) equivalent rate for the
10 purpose of debt service for school construction or major renovation of
11 existing school facilities;

12 shall be eligible for retroactive equalization from the state for that levy at one
13 hundred fifty percent (150%) of the statewide average per pupil assessment
14 beginning in fiscal year 2003-2004, subject to the fiscal condition of the
15 Commonwealth and the provision of funding by the General Assembly.
16 Equalization funds shall be used as provided in KRS 157.440(1)(b).

17 (b) It is the intent of the General Assembly that for levies described in this
18 subsection that are imposed on or after April 27, 2016, equalization funds, if
19 provided by the General Assembly, shall terminate upon the earlier of June
20 30, 2038, or the date the bonds for the local school district supported by this
21 equalization funding are retired. Equalization shall be subject to the fiscal
22 condition of the Commonwealth and the provision of funding by the General
23 Assembly.

24 (3) Any local school district that:

25 (a) Levied an equivalent tax rate as of April 24, 2008, that included at least ten
26 cents (\$0.10) that was devoted to building purposes, or that had debt service
27 corresponding to a ten cents (\$0.10) equivalent rate;

- 1 (b) Did not receive equalized growth funding pursuant to subsection (1)(b)2. of
2 this section; and
- 3 (c) Has been approved by the commissioner of education;
4 shall be eligible for equalization from the state for that levy at one hundred fifty
5 percent (150%) of the statewide average per pupil assessment beginning in fiscal
6 year 2005-2006, subject to the provision of funding by the General Assembly.
7 Equalization funds shall be used as provided in KRS 157.440(1)(b). Equalization
8 funds shall be available to a local school district pursuant to this subsection until the
9 earlier of June 30, 2038, or the date the bonds for the local school district supported
10 by this equalization funding are retired.
- 11 (4) (a) Notwithstanding any other provision of this section, any local school district
12 receiving equalization funding prior to April 27, 2016, related to an equivalent
13 rate levy described in subsection (1), (2), (3), or (5) of this section shall
14 continue to receive the equalization funding related to the applicable
15 equivalent rate levy, subject to the limitations established by subsections (1),
16 (2), (3), and (5) of this section, and subject to the fiscal condition of the
17 Commonwealth and the provision of funding by the General Assembly, until
18 amended by subsequent action of the General Assembly. A local school
19 district described in this paragraph shall not be eligible to receive equalization
20 for any additional equivalent rate levies made by it on or after April 27, 2016.
- 21 (b) Notwithstanding any other provision of this section, any local school district
22 that has imposed an equivalent rate levy described in subsection (1)(a) or (b)
23 or (2) of this section prior to April 27, 2016, that qualifies for equalization but
24 that has not yet received equalization funding shall be eligible for equalization
25 funding as provided in subsection (1)(a) or (b) or (2) of this section, subject to
26 the provision of funding by the General Assembly.
- 27 (c) On and after April 24, 2008, a local school district not included in paragraph

1 (a) or (b) of this subsection shall be prohibited from imposing an equivalent
2 rate levy under the provisions of subsection (1)(a) or (b) of this section, and
3 shall not be eligible for equalization funding under the provisions of this
4 section.

5 (d) On and after April 24, 2008, a local school district meeting the requirements
6 of subsection (1)(c) of this section may impose the levy authorized by
7 subsection (1)(c) of this section, and shall qualify for equalization as provided
8 in subsection (1)(c) of this section, subject to the provision of funding by the
9 General Assembly.

10 (5) (a) Any local school district that:

11 1. Had school facilities classified as Category 5 on May 18, 2010, by the
12 Kentucky Department of Education; and
13 2. Levied an additional five cents (\$0.05) equivalent tax rate prior to April
14 27, 2016, for debt service, new construction, and major renovation
15 beyond the five cents (\$0.05) equivalent tax rate required by KRS
16 157.440(1)(b), except as provided in paragraph (b) of this subsection;
17 shall be eligible for equalization from the state for that levy at one hundred
18 fifty percent (150%) of the statewide average per pupil assessment beginning
19 in the fiscal year following the fiscal year in which the levy was imposed. This
20 levy shall be subject to the recall provisions of KRS 132.017.

21 (b) School districts that levied a five cents (\$0.05) equivalent tax rate for debt
22 service, new construction, and major renovation, beyond the rate required by
23 KRS 157.440(1)(b) prior to May 18, 2010, shall not be required to levy an
24 additional tax to receive the equalization funds provided in paragraph (a) of
25 this subsection.

26 (c) If the school district utilizes the equalization funds to support a bond issue for
27 construction purposes, equalization funds shall be provided until the earlier of

1 twenty (20) years or date the bonds are retired.

2 (d) In the event that a school district receives funding pursuant to this subsection
3 to support construction of a new school facility and subsequently, as a result
4 of litigation, receives funding for the same facility for which state funds were
5 provided, that school district shall reimburse the Commonwealth an amount
6 equal to the amount provided under paragraph (a) of this subsection. Any
7 funds received in this manner shall be deposited in the budget reserve trust
8 fund account established in KRS 48.705.

9 ➔Section 9. KRS 157.660 is amended to read as follows:

10 The School Facilities Construction Commission shall be governed by the following
11 procedures in making an offer of assistance to local public school districts for providing
12 education technology:

13 (1) The base level of assistance to each eligible district shall be determined by dividing
14 the total amount available for education technology by the total of the prior year's
15 statewide average daily enrollment~~[attendance]~~ of the eligible districts times the
16 district's prior year's average daily enrollment~~[attendance]~~.

17 (2) The funds shall be applied to the projects listed in the district's technology plan, and
18 the funds shall be applied to projects in the priority order listed on the plan except
19 as provided in KRS 157.655(2). The first priority for the expenditure of each new
20 offer of assistance shall be to meet the previous obligations of bonds, leases, or
21 other financial agreements made for education technology by the district.

22 (3) The commission shall establish administrative regulations by which a district that
23 receives an offer of assistance but does not have the local match shall be able to
24 accumulate a credit for the state offer of assistance for a period not to exceed three
25 (3) years.

26 (4) All unused state funds allocated according to the provisions of subsection (1) of this
27 section shall be reallocated by the commission. The reallocation shall follow the

1 process and intent as set forth in this section with eligible districts being those
2 districts which have the available local matching funds and have not completely
3 implemented the Kentucky Education Technology System.

4 ➔Section 10. KRS 158.030 is amended to read as follows:

- 5 (1) "Common school" means an elementary or secondary school of the state supported
6 in whole or in part by public taxation. No school shall be deemed a "common
7 school" or receive support from public taxation unless the school is taught by a
8 certified teacher for a minimum school term as defined by KRS 158.070 and every
9 child residing in the district who satisfies the age requirements of this section has
10 had the privilege of attending it. Provided, however, that any child who is six (6)
11 years of age, or who may become six (6) years of age by October 1, shall attend
12 public school or qualify for an exemption as provided by KRS 159.030. Any child
13 who is five (5) years of age, or who may become five (5) years of age by October 1,
14 may enter a primary school program, as defined in KRS 158.031, and may advance
15 through the primary program without regard to age in accordance with KRS
16 158.031(6).
- 17 (2) Beginning with the 2017-2018 school year, any child who is six (6) years of age, or
18 who may become six (6) years of age by August 1, shall attend public school or
19 qualify for an exemption as provided by KRS 159.030. Any child who is five (5)
20 years of age, or who may become five (5) years of age by August 1, may enter a
21 primary school program, as defined in KRS 158.031, and may advance through the
22 primary program without regard to age in accordance with KRS 158.031(6).
- 23 (3) Each local school board shall adopt a policy to permit a parent or guardian to
24 petition the board to allow a student to attend public school who does not meet the
25 age requirements of subsection (1) or (2) of this section. The policy shall include an
26 evaluation process that will help determine a student's readiness for school and shall
27 ensure that any tuition amount charged under this policy is the same amount

1 charged to a student who meets the age requirements of subsection (1) or (2) of this
2 section. Students enrolled under this policy shall be included in a school's average
3 daily enrollment~~[attendance]~~ for purposes of funding as provided in KRS 157.310
4 to 157.440.

5 ➔Section 11. KRS 158.070 is amended to read as follows:

6 (1) As used in this section:

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

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

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

14 (d) "School district calendar committee" means a committee that includes at least
15 the following:

16 1. One (1) school district principal;

17 2. One (1) school district office administrator other than the
18 superintendent;

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

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

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

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

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

24 8. Two (2) community members from the local chamber of commerce,
25 business community, or tourism commission;

26 (e) "Student attendance day" means any day that students are scheduled to be at
27 school to receive instruction, and encompasses the designated start and

1 dismissal time;

2 (f) "Student instructional year" means at least one thousand sixty-two (1,062)
3 hours of instructional time for students delivered on not less than one hundred
4 seventy (170) student attendance days;

5 (g) "Teacher professional day" means any day teachers are required to report to
6 work as determined by a local board of education, with or without the
7 presence of students; and

8 (h) "Variable student instructional year" means at least one thousand sixty-two
9 (1,062) hours of instructional time delivered on the number of student
10 attendance days adopted by a local board of education which shall be
11 considered proportionally equivalent to one hundred seventy (170) student
12 attendance days and calendar days for the purposes of a student instructional
13 year, employment contracts that are based on the school term, service credit
14 under KRS 161.500, and funding under KRS 157.350.

15 (2) (a) Beginning with the 2018-2019 school year, and each year thereafter, the local
16 board of education, upon recommendation of the local school district
17 superintendent, shall annually appoint a school district calendar committee to
18 review, develop, and recommend school calendar options.

19 (b) The school district calendar committee, after seeking feedback from school
20 district employees, parents, and community members, shall recommend
21 school calendar options to the local school district superintendent for
22 presentation to the local board of education. The committee's
23 recommendations shall comply with state laws and regulations and consider
24 the economic impact of the school calendar on the community and the state.

25 (c) Prior to adopting a school calendar, the local board of education shall hear for
26 discussion the school district calendar committee's recommendations and the
27 recommendation of the superintendent at a meeting of the local board of

1 education.

2 (d) During a subsequent meeting of the local board of education, the local board
3 shall adopt a school calendar for the upcoming school year that establishes the
4 opening and closing dates of the school term, beginning and ending dates of
5 each school month, student attendance days, and days on which schools shall
6 be dismissed. The local board may schedule days for breaks in the school
7 calendar that shall not be counted as a part of the minimum school term.

8 (e) For local board of education meetings described in paragraphs (c) and (d) of
9 this subsection, if the meeting is a regular meeting, notice shall be given to
10 media outlets that have requests on file to be notified of special meetings
11 stating the date of the regular meeting and that one (1) of the items to be
12 considered in the regular meeting will be the school calendar. The notice shall
13 be sent at least twenty-four (24) hours before the regular meeting. This
14 requirement shall not be deemed to make any requirements or limitations
15 relating to special meetings applicable to the regular meeting.

16 (f) Beginning with the 2018-2019 school year, and each year thereafter, a local
17 school board of education that adopts a school calendar with the first student
18 attendance day in the school term starting no earlier than the Monday closest
19 to August 26 may use a variable student instructional year. Districts may set
20 the length of individual student attendance days in a variable student
21 instructional schedule, but no student attendance day shall contain more than
22 seven (7) hours of instructional time unless the district submitted and received
23 approval from the commissioner of education for an innovative alternative
24 calendar.

25 (3) (a) Each local board of education shall use four (4) days of the minimum school
26 term for professional development and collegial planning activities for the
27 professional staff without the presence of students pursuant to the

1 requirements of KRS 156.095. At the discretion of the superintendent, one (1)
2 day of professional development may be used for district-wide activities and
3 for training that is mandated by federal or state law. The use of three (3) days
4 shall be planned by each school council, except that the district is encouraged
5 to provide technical assistance and leadership to school councils to maximize
6 existing resources and to encourage shared planning.

7 (b) At least one (1) hour of self-study review of seizure disorder materials shall be
8 required for all principals, guidance counselors, and teachers hired after July
9 1, 2019.

10 (c) 1. A local board may approve a school's flexible professional development
11 plan that permits teachers or other certified personnel within a school to
12 participate in professional development activities outside the days
13 scheduled in the school calendar or the regularly scheduled hours in the
14 school work day and receive credit towards the four (4) day professional
15 development requirement within the minimum one hundred eighty-five
16 (185) days that a teacher shall be employed.

17 2. A flexible schedule option shall be reflected in the school's professional
18 development component within the school improvement plan and
19 approved by the local board. Credit for approved professional
20 development activities may be accumulated in periods of time other than
21 full day segments.

22 3. No teacher or administrator shall be permitted to count participation in a
23 professional development activity under the flexible schedule option
24 unless the activity is related to the teacher's classroom assignment and
25 content area, or the administrator's job requirements, or is required by
26 the school improvement plan, or is tied to the teacher's or the
27 administrator's individual growth plan. The supervisor shall give prior

1 approval and shall monitor compliance with the requirements of this
2 paragraph. In the case of teachers, a professional development
3 committee or the school council by council policy may be responsible
4 for reviewing requests for approval.

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

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

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

12 1. National or state emergency or mourning when proclaimed by the
13 President of the United States or the Governor of the Commonwealth of
14 Kentucky;

15 2. Local emergency which would endanger the health or safety of children;
16 and

17 3. Mourning when so designated by the local board of education and
18 approved by the Kentucky Board of Education upon recommendation of
19 the commissioner of education.

20 (4) (a) The Kentucky Board of Education, upon recommendation of the
21 commissioner of education, shall adopt administrative regulations governing
22 the use of student attendance days as a result of a local emergency, as
23 described in subsection (3)(f)2. of this section, and regulations setting forth
24 the guidelines and procedures to be observed for the approval of waivers from
25 the requirements of a student instructional year in subsection (1)(f) of this
26 section for districts that wish to adopt innovative instructional calendars, or
27 for circumstances that would create extreme hardship.

- 1 (b) If a local board of education amends its school calendar after its adoption due
2 to an emergency, it may lengthen or shorten any remaining student attendance
3 days by thirty (30) minutes or more, as it deems necessary, provided the
4 amended calendar complies with the requirements of a student instructional
5 year in subsection (1)(f) of this section or a variable student instructional year
6 in subsection (1)(h) of this section. No student attendance day shall contain
7 more than seven (7) hours of instructional time unless the district submitted
8 and received approval from the commissioner of education for an innovative
9 alternative calendar.
- 10 (5) (a) 1. In setting the school calendar, school may be closed for two (2)
11 consecutive days for the purpose of permitting professional school
12 employees to attend statewide professional meetings.
- 13 2. These two (2) days for statewide professional meetings may be
14 scheduled to begin with the first Thursday after Easter, or upon request
15 of the statewide professional education association having the largest
16 paid membership, the commissioner of education may designate
17 alternate dates.
- 18 3. If schools are scheduled to operate during days designated for the
19 statewide professional meeting, the school district shall permit
20 employees who are delegates to attend as compensated professional
21 leave time and shall employ substitute teachers in their absence.
- 22 4. The commissioner of education shall designate one (1) additional day
23 during the school year when schools may be closed to permit
24 professional school employees to participate in regional or district
25 professional meetings.
- 26 5. These three (3) days so designated for attendance at professional
27 meetings may be counted as a part of the minimum school term.

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

1 or dates of competition.

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

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

23 (9) Notwithstanding any other statute, each school term shall include no less than the
24 equivalent of the student instructional year in subsection (1)(f) of this section, or a
25 variable student instructional year in subsection (1)(h) of this section, except that
26 the commissioner of education may grant up to the equivalent of ten (10) student
27 attendance days for school districts that have a nontraditional instruction plan

1 approved by the commissioner of education on days when the school district is
2 closed for health or safety reasons. The district's plan shall indicate how the
3 nontraditional instruction process shall be a continuation of learning that is
4 occurring on regular student attendance days. Instructional delivery methods,
5 including the use of technology, shall be clearly delineated in the plan. Average
6 daily enrollment~~[attendance]~~ for purposes of Support Education Excellence in
7 Kentucky program funding during the student attendance days granted shall be
8 calculated in compliance with administrative regulations promulgated by the
9 Kentucky Board of Education.

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

- 15 (a) The application, plan review, approval, and amendment process;
- 16 (b) Reporting requirements for districts approved for the program, which may
17 include but are not limited to examples of student work, lesson plans, teacher
18 work logs, and student and teacher participation on nontraditional instruction
19 days. Documentation to support the use of nontraditional instruction days
20 shall include clear evidence of learning continuation;
- 21 (c) Timelines for initial approval as a nontraditional instruction district, length of
22 approval, the renewal process, and ongoing evaluative procedures required of
23 the district;
- 24 (d) Reporting and oversight responsibilities of the district and the Kentucky
25 Department of Education, including the documentation required to show clear
26 evidence of learning continuation during nontraditional instruction days; and
27 (e) Other components deemed necessary to implement this section.

- 1 (11) Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection
2 (2) of this section, a school district shall arrange bus schedules so that all buses
3 arrive in sufficient time to provide breakfast prior to the beginning of the student
4 attendance day. In the event of an unforeseen bus delay, the administrator of a
5 school that participates in the Federal School Breakfast Program may authorize up
6 to fifteen (15) minutes of the student attendance day if necessary to provide the
7 opportunity for children to eat breakfast not to exceed eight (8) times during the
8 school year within a school building.
- 9 (12) Notwithstanding any other statute to the contrary, the following provisions shall
10 apply to a school district that misses student attendance days due to emergencies,
11 including weather-related emergencies:
- 12 (a) A certified school employee shall be considered to have fulfilled the minimum
13 one hundred eighty-five (185) day contract with a school district under KRS
14 157.350 and shall be given credit for the purpose of calculating service credit
15 for retirement under KRS 161.500 for certified school personnel if:
- 16 1. State and local requirements under this section are met regarding the
17 equivalent of the number and length of student attendance days, teacher
18 professional days, professional development days, holidays, and days for
19 planning activities without the presence of students; and
- 20 2. The provisions of the district's school calendar to make up student
21 attendance days missed due to any emergency, as approved by the
22 Kentucky Department of Education when required, including but not
23 limited to a provision for additional instructional time per day, are met.
- 24 (b) Additional time worked by a classified school employee shall be considered as
25 equivalent time to be applied toward the employee's contract and calculation
26 of service credit for classified employees under KRS 78.615 if:
- 27 1. The employee works for a school district with a school calendar

1 approved by the Kentucky Department of Education that contains a
2 provision that additional instructional time per day shall be used to make
3 up full days missed due to an emergency;

4 2. The employee's contract requires a minimum six (6) hour work day; and

5 3. The employee's job responsibilities and work day are extended when the
6 instructional time is extended for the purposes of making up time.

7 (c) Classified employees who are regularly scheduled to work less than six (6)
8 hours per day and who do not have additional work responsibilities as a result
9 of lengthened student attendance days shall be excluded from the provisions
10 of this subsection. These employees may be assigned additional work
11 responsibilities to make up service credit under KRS 78.615 that would be
12 lost due to lengthened student attendance days.

13 ➔Section 12. KRS 159.035 is amended to read as follows:

14 (1) Notwithstanding the provisions of any other statute, any student in a public school
15 who is enrolled in a properly organized 4-H club shall be considered present at
16 school for all purposes when participating in regularly scheduled 4-H club
17 educational activities, provided, the student is accompanied by or under the
18 supervision of a county extension agent or the designated 4-H club leader for the 4-
19 H club educational activity participated in.

20 (2) Notwithstanding the provisions of any other statute, any student in a public school
21 shall be considered present for all purposes for up to ten (10) days while attending
22 basic training required by a branch of the United States Armed Forces.

23 (3) Except as provided in paragraph (d)~~[(e)]~~ of this subsection, a public school principal
24 shall give a student an excused absence of up to ten (10) school days to pursue an
25 educational enhancement opportunity determined by the principal to be of
26 significant educational value, including but not limited to participation in an
27 educational foreign exchange program or an intensive instructional, experiential, or

1 performance program in one (1) of the core curriculum subjects of English, science,
2 mathematics, social studies, foreign language, and the arts.

3 (a) A student receiving an excused absence under this subsection shall have the
4 opportunity to make up school work missed and shall not have his or her class
5 grades adversely affected for lack of class attendance or class participation due
6 to the excused absence.

7 (b) Educational enhancement opportunities under this subsection shall not include
8 nonacademic extracurricular activities, but may include programs not
9 sponsored by the school district.

10 (c) If a request for an excused absence to pursue an educational enhancement
11 opportunity is denied by a school principal, a student may appeal the decision
12 to the district superintendent, who shall make a determination whether to
13 uphold or alter the decision of the principal. If a superintendent upholds a
14 principal's denial, a student may appeal the decision to the local board of
15 education, which shall make a final determination. A principal,
16 superintendent, and local board of education shall make their determinations
17 based on the provisions of this subsection and the district's school attendance
18 policies adopted in accordance with KRS 158.070 and KRS 159.150.

19 ~~(d) [A student receiving an excused absence under the provisions of this~~
20 ~~subsection shall be considered present in school during the excused absence~~
21 ~~for the purposes of calculating average daily attendance as defined by KRS~~
22 ~~157.320 under the Support Education Excellence in Kentucky program.~~

23 ~~(e)~~—]A student shall not be eligible to receive an excused absence under the
24 provisions of this subsection for an absence during a school's testing window
25 established for assessments of the state assessment developed under KRS
26 158.6453 or during a testing period established for the administration of
27 additional district-wide assessments at the school, except if a principal

1 determines that extenuating circumstances make an excused absence to pursue
2 an educational enhancement opportunity appropriate.

- 3 (4) (a) If a student's parent, de facto custodian, or other person with legal custody or
4 control of the student is a member of the United States Armed Forces,
5 including a member of a state National Guard or a Reserve component called
6 to federal active duty, a public school principal shall give the student:
- 7 1. An excused absence for one (1) day when the member is deployed;
 - 8 2. An additional excused absence for one (1) day when the service member
9 returns from deployment; and
 - 10 3. Excused absences for up to ten (10) days for visitation when the member
11 is stationed out of the country and is granted rest and recuperation leave.

12 (b) A student receiving an excused absence under this subsection shall have the
13 opportunity to make up school work missed and shall not have his or her class
14 grades adversely affected for lack of class attendance or class participation due
15 to the excused absence.

16 ~~{(c) A student receiving an excused absence under this subsection shall be
17 considered present in school during the excused absence for the purposes of
18 calculating average daily attendance as defined by KRS 157.320 under the
19 Support Education Excellence in Kentucky program.}~~

20 ➔Section 13. KRS 159.075 is amended to read as follows:

21 (1) A child of a military family may pre-enroll or participate in preadmission in a
22 school district if the parent or guardian of the child is transferred to or is pending
23 transfer to a military installation within the state while on active military duty
24 pursuant to an official military order.

25 (2) A school district shall accept an application for enrollment and course registration
26 by electronic means for a child who meets the requirements set forth in subsection
27 (1) of this section, including enrollment in a specific school or program within the

1 school district.

- 2 (3) The parent or guardian of a child who meets the requirements set forth in subsection
 3 (1) of this section shall provide proof of residence to the school district within ten
 4 (10) days after the arrival date provided on official documentation. The parent or
 5 guardian may use, as proof of residence, the address of:
- 6 (a) A temporary on-post billeting facility;
 - 7 (b) A purchased or leased home or apartment; or
 - 8 (c) Any federal government housing or off-post military housing, including off-
 9 post military housing that may be provided through a public-private venture.
- 10 (4) A child who utilizes this section shall not, until actual attendance or enrollment in
 11 the school district:
- 12 (a) Count for the purposes of average daily enrollment~~[attendance]~~ as defined in
 13 KRS 157.320 or 157.350;
 - 14 (b) Be charged tuition pursuant to KRS 158.120; or
 - 15 (c) Be included in the state assessment and system pursuant to KRS 158.6453 or
 16 158.6455.

17 ➔Section 14. KRS 159.090 is amended to read as follows:

18 Two (2) or more contiguous school districts may unite to form one (1)
 19 enrollment~~[attendance]~~ district and the superintendent of schools of the districts shall
 20 appoint directors of pupil personnel as are necessary. The salary of directors of pupil
 21 personnel in united districts shall be borne by the employing boards in the proportion that
 22 the average daily enrollment~~[attendance]~~ of each district bears to the total average daily
 23 enrollment~~[attendance]~~ of the united district.

24 ➔Section 15. KRS 160.107 is amended to read as follows:

- 25 (1) A district which is an applicant to be designated as a district of innovation under
 26 KRS 156.108 shall:
- 27 (a) Establish goals and performance targets for the district of innovation proposal,

1 which may include:

- 2 1. Reducing achievement gaps among groups of public school students by
3 expanding learning experiences for students who are identified as
4 academically low-achieving;
 - 5 2. Increasing pupil learning through the implementation of high, rigorous
6 standards for pupil performance;
 - 7 3. Increasing the participation of students in various curriculum
8 components and instructional components within selected schools to
9 enhance students' preparation at each grade level;
 - 10 4. Increasing the number of students who are postsecondary-ready; and
 - 11 5. Motivating students at different grade levels by offering more
12 curriculum choices and student learning opportunities to parents and
13 students within the district;
- 14 (b) Identify changes needed in the district and schools to lead to better-prepared
15 students for success in life and work;
 - 16 (c) Have a district-wide plan of innovation that describes and justifies which
17 schools and innovative practices will be incorporated;
 - 18 (d) Provide documentation of community, educator, parental, and the local
19 board's support of the proposed innovations;
 - 20 (e) Provide detailed information regarding the rationale of requests for waivers
21 from Kentucky Revised Statutes and administrative regulations, and
22 exemptions for selected schools regarding waivers of local board of education
23 policies;
 - 24 (f) Document the fiscal and human resources the board will provide throughout
25 the term of the implementation of the innovations within its plan; and
 - 26 (g) Provide other materials as required by the Kentucky Department of Education
27 in compliance with the state board's administrative regulations and application

1 procedures.

- 2 (2) The district and all schools participating in a district's innovation plan shall:
- 3 (a) Ensure the same health, safety, civil rights, and disability rights requirements
- 4 as are applied to all public schools;
- 5 (b) Ensure students meet compulsory attendance requirements under KRS
- 6 158.030 and 158.100;
- 7 (c) Ensure that high school course offerings meet or exceed the minimum
- 8 required under KRS 156.160 for high school graduation or meet early
- 9 graduation requirements that may be enacted by the General Assembly;
- 10 (d) Ensure the student performance standards meet or exceed those adopted by the
- 11 Kentucky Board of Education, including compliance with the statewide
- 12 assessment system specified in KRS 158.6453;
- 13 (e) Adhere to the same financial audits, audit procedures, and audit requirements
- 14 as are applied under KRS 156.265;
- 15 (f) Require state and criminal background checks for staff and volunteers as
- 16 required of all public school employees and volunteers within the public
- 17 schools and specified in KRS 160.380 and 161.148;
- 18 (g) Comply with open records and open meeting requirements under KRS
- 19 Chapter 61;
- 20 (h) Comply with purchasing requirements and limitations under KRS Chapter
- 21 45A and KRS 156.074 and 156.480;
- 22 (i) Provide overall instructional time that is equivalent to or greater than that
- 23 required under KRS 158.070, but which may include on-site instruction,
- 24 distance or virtual learning, and work-based learning on nontraditional school
- 25 days or hours; and
- 26 (j) Provide data to the Kentucky Department of Education as deemed necessary
- 27 to generate school and district reports.

- 1 (3) (a) Only schools that choose to be designated as schools of innovation shall be
2 included in a district's application.
- 3 (b) 1. As used in this paragraph, "eligible employees" means employees that
4 are regularly employed at the school and those employees whose
5 primary job duties will be affected by the plan.
- 6 2. A vote shall be taken among eligible employees in a school to determine
7 if the school shall be an applicant as a school of innovation in a district's
8 proposal and to approve the school's plan of innovation before it is
9 submitted to the district. At least seventy percent (70%) of those casting
10 votes shall vote in the affirmative in order for the school to request
11 inclusion in the district's plan and to approve the school's plan of
12 innovation.
- 13 3. The school-based decision making council shall be responsible for
14 conducting the vote provided for in subparagraph 2. of this paragraph,
15 which shall be by secret ballot.
- 16 (c) Notwithstanding the provisions of paragraph (a) of this subsection, a local
17 board of education may require a school that has been identified for
18 comprehensive support and improvement under KRS 160.346 to participate in
19 the district's plan of innovation.
- 20 (4) (a) With approval of the state board, a school of innovation may request and be
21 granted waivers from all or selected provisions of KRS 160.345 relating to
22 school-based decision making.
- 23 (b) To be exempt from KRS 160.345, a school-based decision making council
24 shall vote by secret ballot to determine if it wishes to request a waiver from
25 KRS 160.345 or specific provisions within that statute. Only a school that has
26 seventy percent (70%) or more of the teachers and staff in the school voting to
27 waive its rights and responsibilities under KRS 160.345 shall be eligible.

- 1 (c) No local board of education or superintendent nor the Kentucky Board of
2 Education may compel a school to waive its rights under KRS 160.345, except
3 as provided in KRS 160.346.
- 4 (d) Before the provisions of KRS 160.345 are waived by the Kentucky Board of
5 Education for a specific school, there shall be assurances that teachers,
6 parents, and staff in the affected school will be actively involved in the
7 management and decision-making operations of the schools, including input
8 into employment matters and selection of personnel.
- 9 (5) Notwithstanding any statutes to the contrary, the Kentucky Board of Education may
10 approve the requests of districts of innovation to:
- 11 (a) Use capital outlay funds for operational costs;
- 12 (b) Hire persons for classified positions in nontraditional school and district
13 assignments who have bachelor's and advanced degrees from postsecondary
14 education institutions accredited by a regional accrediting association as
15 defined in KRS 164.740;
- 16 (c) Employ teachers on extended employment contracts or extra duty contracts
17 and compensate them on a salary schedule other than the single salary
18 schedule;
- 19 (d) Extend the school days as is appropriate within the district with compensation
20 for the employees as determined locally;
- 21 (e) Establish alternative education programs and services that are delivered in
22 nontraditional hours and which may be jointly provided in cooperation with
23 another school district or consortia of districts;
- 24 (f) Establish a virtual school within the district for delivering alternative classes
25 to meet high school graduation requirements;
- 26 (g) Use a flexible school calendar;
- 27 (h) Convert existing schools into schools of innovation; and

1 (i) Modify the formula under KRS 157.360(2) for distributing support education
2 excellence in Kentucky funds for students in average daily
3 enrollment~~[attendance]~~ in nontraditional programming time, including
4 alternative programs and virtual programs. Funds granted to a district shall not
5 exceed those that would have otherwise been distributed based on average
6 daily enrollment~~[attendance]~~ during regular instructional days.

7 ➔Section 16. KRS 160.345 is amended to read as follows:

- 8 (1) For the purpose of this section:
- 9 (a) "Minority" means American Indian; Alaskan native; African-American;
10 Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or
11 South American origin; Pacific islander; or other ethnic group
12 underrepresented in the school;
- 13 (b) "School" means an elementary or secondary educational institution that is
14 under the administrative control of a principal and is not a program or part of
15 another school. The term "school" does not include district-operated schools
16 that are:
- 17 1. Exclusively vocational-technical, special education, or preschool
18 programs;
 - 19 2. Instructional programs operated in institutions or schools outside of the
20 district; or
 - 21 3. Alternative schools designed to provide services to at-risk populations
22 with unique needs;
- 23 (c) "Teacher" means any person for whom certification is required as a basis of
24 employment in the public schools of the state, with the exception of principals
25 and assistant principals; and
- 26 (d) "Parent" means:
- 27 1. A parent, stepparent, or foster parent of a student; or

1 2. A person who has legal custody of a student pursuant to a court order
2 and with whom the student resides.

3 (2) Each local board of education shall adopt a policy for implementing school-based
4 decision making in the district which shall include but not be limited to a
5 description of how the district's policies, including those developed pursuant to
6 KRS 160.340, have been amended to allow the professional staff members of a
7 school to be involved in the decision-making process as they work to meet
8 educational goals established in KRS 158.645 and 158.6451. The policy may
9 include a requirement that each school council make an annual report at a public
10 meeting of the board describing the school's progress in meeting the educational
11 goals set forth in KRS 158.6451 and district goals established by the board. The
12 policy shall also address and comply with the following:

13 (a) Except as provided in paragraph (b)2. of this subsection, each participating
14 school shall form a school council composed of two (2) parents, three (3)
15 teachers, and the principal or administrator. The membership of the council
16 may be increased, but it may only be increased proportionately. A parent
17 representative on the council shall not be an employee or a relative of an
18 employee of the school in which that parent serves, nor shall the parent
19 representative be an employee or a relative of an employee in the district
20 administrative offices. A parent representative shall not be a local board
21 member or a board member's spouse. None of the members shall have a
22 conflict of interest pursuant to KRS Chapter 45A, except the salary paid to
23 district employees;

24 (b) 1. The teacher representatives shall be elected for one (1) year terms by a
25 majority of the teachers. A teacher elected to a school council shall not
26 be involuntarily transferred during his or her term of office. The parent
27 representatives shall be elected for one (1) year terms. The parent

1 members shall be elected by the parents of students preregistered to
2 attend the school during the term of office in an election conducted by
3 the parent and teacher organization of the school or, if none exists, the
4 largest organization of parents formed for this purpose. A school
5 council, once elected, may adopt a policy setting different terms of
6 office for parent and teacher members subsequently elected. The
7 principal shall be the chair of the school council.

8 2. School councils in schools having eight percent (8%) or more minority
9 students enrolled, as determined by the enrollment on the preceding
10 October 1, shall have at least one (1) minority member. If the council
11 formed under paragraph (a) of this subsection does not have a minority
12 member, the principal, in a timely manner, shall be responsible for
13 carrying out the following:

14 a. Organizing a special election to elect an additional member. The
15 principal shall call for nominations and shall notify the parents of
16 the students of the date, time, and location of the election to elect a
17 minority parent to the council by ballot; and

18 b. Allowing the teachers in the building to select one (1) minority
19 teacher to serve as a teacher member on the council. If there are no
20 minority teachers who are members of the faculty, an additional
21 teacher member shall be elected by a majority of all teachers. Term
22 limitations shall not apply for a minority teacher member who is
23 the only minority on faculty;

24 (c) 1. The school council shall have the responsibility to set school policy
25 consistent with district board policy which shall provide an environment
26 to enhance the students' achievement and help the school meet the goals
27 established by KRS 158.645 and 158.6451. The principal shall be the

1 primary administrator and the instructional leader of the school, and
2 with the assistance of the total school staff shall administer the policies
3 established by the school council and the local board.

4 2. If a school council establishes committees, it shall adopt a policy to
5 facilitate the participation of interested persons, including, but not
6 limited to, classified employees and parents. The policy shall include the
7 number of committees, their jurisdiction, composition, and the process
8 for membership selection;

9 (d) The school council and each of its committees shall determine the frequency
10 of and agenda for their meetings. Matters relating to formation of school
11 councils that are not provided for by this section shall be addressed by local
12 board policy;

13 (e) The meetings of the school council shall be open to the public and all
14 interested persons may attend. However, the exceptions to open meetings
15 provided in KRS 61.810 shall apply;

16 (f) After receiving notification of the funds available for the school from the local
17 board, the school council shall determine, within the parameters of the total
18 available funds, the number of persons to be employed in each job
19 classification at the school. The council may make personnel decisions on
20 vacancies occurring after the school council is formed but shall not have the
21 authority to recommend transfers or dismissals;

22 (g) The school council shall determine which textbooks, instructional materials,
23 and student support services shall be provided in the school. Subject to
24 available resources, the local board shall allocate an appropriation to each
25 school that is adequate to meet the school's needs related to instructional
26 materials and school-based student support services, as determined by the
27 school council. The school council shall consult with the school media

1 librarian on the maintenance of the school library media center, including the
2 purchase of instructional materials, information technology, and equipment;

3 (h) Personnel decisions at the school level shall be as follows:

4 1. From a list of qualified applicants submitted by the local superintendent,
5 the principal at the participating school shall select personnel to fill
6 vacancies, after consultation with the school council, consistent with
7 paragraph (i)11. of this subsection. The superintendent shall provide
8 additional applicants to the principal upon request when qualified
9 applicants are available. The superintendent may forward to the school
10 council the names of qualified applicants who have pending certification
11 from the Education Professional Standards Board based on recent
12 completion of preparation requirements, out-of-state preparation, or
13 alternative routes to certification pursuant to KRS 161.028 and 161.048.
14 Requests for transfer shall conform to any employer-employee bargained
15 contract which is in effect;

16 2. a. i. If the vacancy to be filled is the position of principal, the
17 outgoing principal shall not serve on the council during the
18 principal selection process. The superintendent or the
19 superintendent's designee shall serve as the chair of the
20 council for the purpose of the hiring process and shall have
21 voting rights during the selection process.

22 ii. Except as provided in subdivision b. of this subparagraph,
23 the council shall have access to the applications of all
24 persons certified for the position. The principal shall be
25 elected on a majority vote of the membership of the council.
26 The school council shall receive training in recruitment and
27 interviewing techniques prior to carrying out the process of

- 1 selecting a principal. The council shall select the trainer to
2 deliver the training;
- 3 b. An alternative principal selection process may be used by the
4 school council as follows:
- 5 i. Prior to a meeting called to select a principal, all school
6 council members shall receive informational materials
7 regarding Kentucky open records and open meetings laws
8 and sign a nondisclosure agreement forbidding the sharing of
9 information shared and discussions held in the closed
10 session;
- 11 ii. The superintendent shall convene the school council and
12 move into closed session as provided in KRS 61.810(1)(f) to
13 confidentially recommend a candidate;
- 14 iii. The council shall have the option to interview the
15 recommended candidate while in closed session; and
- 16 iv. After any discussion, at the conclusion of the closed session,
17 the council shall decide, in a public meeting by majority vote
18 of the membership of the council, whether to accept or reject
19 the recommended principal candidate;
- 20 c. If the recommended candidate is selected, and the recommended
21 candidate accepts the offer, the name of the candidate shall be
22 made public during the next meeting in open session;
- 23 d. i. If the recommended candidate is not accepted by the school
24 council under subdivision b. of this subparagraph, then the
25 process set forth in subdivision a. of this subparagraph shall
26 apply.
- 27 ii. The confidentially recommended candidate's name and the

- 1 discussions of the closed session shall remain confidential
2 under KRS 61.810(1)(f), and any documents used or
3 generated during the closed meeting shall not be subject to an
4 open records request as provided in KRS 61.878(1)(i) and (j).
- 5 iii. A recommended candidate who believes a violation of this
6 subdivision has occurred may file a written complaint with
7 the Kentucky Board of Education.
- 8 iv. A school council member who is found to have disclosed
9 confidential information regarding the proceeding of the
10 closed session shall be subject to removal from the school
11 council by the Kentucky Board of Education under
12 subsection (9)(e) of this section;
- 13 3. No principal who has been previously removed from a position in the
14 district for cause may be considered for appointment as principal in that
15 district;
- 16 4. Personnel decisions made at the school level under the authority of
17 subparagraphs 1. and 2. of this paragraph shall be binding on the
18 superintendent who completes the hiring process;
- 19 5. Applicants subsequently employed shall provide evidence that they are
20 certified prior to assuming the duties of a position in accordance with
21 KRS 161.020;
- 22 6. Notwithstanding other provisions of this paragraph, if the applicant is
23 the spouse of the superintendent and the applicant meets the service
24 requirements of KRS 160.380(3)(a), the applicant shall only be
25 employed upon the recommendation of the principal and the approval of
26 a majority vote of the school council; and
- 27 7. Beginning June 27, 2019, notwithstanding the requirement that a

1 principal be elected on a majority vote of the council in subparagraph 2.
2 of this paragraph, if the school council is in a county school district in a
3 county with a consolidated local government adopted under KRS
4 Chapter 67C, then the selection of a principal shall be subject to
5 approval by the superintendent. If the superintendent does not approve
6 the principal selected by the council, then the superintendent may select
7 the principal;

8 (i) The school council shall adopt a policy to be implemented by the principal in
9 the following additional areas:

- 10 1. Determination of curriculum, including needs assessment, curriculum
11 development and responsibilities under KRS 158.6453(19);
- 12 2. Assignment of all instructional and noninstructional staff time;
- 13 3. Assignment of students to classes and programs within the school;
- 14 4. Determination of the schedule of the school day and week, subject to the
15 beginning and ending times of the school day and school calendar year
16 as established by the local board;
- 17 5. Determination of use of school space during the school day related to
18 improving classroom teaching and learning;
- 19 6. Planning and resolution of issues regarding instructional practices;
- 20 7. Selection and implementation of discipline and classroom management
21 techniques as a part of a comprehensive school safety plan, including
22 responsibilities of the student, parent, teacher, counselor, and principal;
- 23 8. Selection of extracurricular programs and determination of policies
24 relating to student participation based on academic qualifications and
25 attendance requirements, program evaluation, and supervision;
- 26 9. Adoption of an emergency plan as required in KRS 158.162;
- 27 10. Procedures, consistent with local school board policy, for determining

1 alignment with state standards, technology utilization, and program
2 appraisal; and

3 11. Procedures to assist the council with consultation in the selection of
4 personnel by the principal, including but not limited to meetings,
5 timelines, interviews, review of written applications, and review of
6 references. Procedures shall address situations in which members of the
7 council are not available for consultation; and

8 (j) Each school council shall annually review data as shown on state and local
9 student assessments required under KRS 158.6453. The data shall include but
10 not be limited to information on performance levels of all students tested, and
11 information on the performance of students disaggregated by race, gender,
12 disability, and participation in the federal free and reduced price lunch
13 program. After completing the review of data, each school council, with the
14 involvement of parents, faculty, and staff, shall develop and adopt a plan to
15 ensure that each student makes progress toward meeting the goals set forth in
16 KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan
17 to the superintendent and local board of education for review as described in
18 KRS 160.340. The Kentucky Department of Education shall provide each
19 school council the data needed to complete the review required by this
20 paragraph no later than October 1 of each year. If a school does not have a
21 council, the review shall be completed by the principal with the involvement
22 of parents, faculty, and staff.

23 (3) The policies adopted by the local board to implement school-based decision making
24 shall also address the following:

25 (a) School budget and administration, including: discretionary funds; activity and
26 other school funds; funds for maintenance, supplies, and equipment; and
27 procedures for authorizing reimbursement for training and other expenses;

- 1 (b) Assessment of individual student progress, including testing and reporting of
2 student progress to students, parents, the school district, the community, and
3 the state;
- 4 (c) School improvement plans, including the form and function of strategic
5 planning and its relationship to district planning, as well as the school safety
6 plan and requests for funding from the Center for School Safety under KRS
7 158.446;
- 8 (d) Professional development plans developed pursuant to KRS 156.095;
- 9 (e) Parent, citizen, and community participation including the relationship of the
10 council with other groups;
- 11 (f) Cooperation and collaboration within the district, with other districts, and with
12 other public and private agencies;
- 13 (g) Requirements for waiver of district policies;
- 14 (h) Requirements for record keeping by the school council; and
- 15 (i) A process for appealing a decision made by a school council.
- 16 (4) In addition to the authority granted to the school council in this section, the local
17 board may grant to the school council any other authority permitted by law. The
18 board shall make available liability insurance coverage for the protection of all
19 members of the school council from liability arising in the course of pursuing their
20 duties as members of the council.
- 21 (5) All schools shall implement school-based decision making in accordance with this
22 section and with the policy adopted by the local board pursuant to this section.
23 Upon favorable vote of a majority of the faculty at the school and a majority of at
24 least twenty-five (25) voting parents of students enrolled in the school, a school
25 meeting its goal as determined by the Department of Education pursuant to KRS
26 158.6455 may apply to the Kentucky Board of Education for exemption from the
27 requirement to implement school-based decision making, and the state board shall

1 grant the exemption. The voting by the parents on the matter of exemption from
2 implementing school-based decision making shall be in an election conducted by
3 the parent and teacher organization of the school or, if none exists, the largest
4 organization of parents formed for this purpose. Notwithstanding the provisions of
5 this section, a local school district shall not be required to implement school-based
6 decision making if the local school district contains only one (1) school.

7 (6) The Department of Education shall provide professional development activities to
8 assist schools in implementing school-based decision making. School council
9 members elected for the first time shall complete a minimum of six (6) clock hours
10 of training in the process of school-based decision making, no later than thirty (30)
11 days after the beginning of the service year for which they are elected to serve.
12 School council members who have served on a school council at least one (1) year
13 shall complete a minimum of three (3) clock hours of training in the process of
14 school-based decision making no later than one hundred twenty (120) days after the
15 beginning of the service year for which they are elected to serve. Experienced
16 members may participate in the training for new members to fulfill their training
17 requirement. School council training required under this subsection shall be
18 conducted by trainers endorsed by the Department of Education. By November 1 of
19 each year, the principal through the local superintendent shall forward to the
20 Department of Education the names and addresses of each council member and
21 verify that the required training has been completed. School council members
22 elected to fill a vacancy shall complete the applicable training within thirty (30)
23 days of their election.

24 (7) A school that chooses to have school-based decision making but would like to be
25 exempt from the administrative structure set forth by this section may develop a
26 model for implementing school-based decision making, including but not limited to
27 a description of the membership, organization, duties, and responsibilities of a

1 school council. The school shall submit the model through the local board of
2 education to the commissioner of education and the Kentucky Board of Education,
3 which shall have final authority for approval. The application for approval of the
4 model shall show evidence that it has been developed by representatives of the
5 parents, students, certified personnel, and the administrators of the school and that
6 two-thirds (2/3) of the faculty have agreed to the model.

7 (8) The Kentucky Board of Education, upon recommendation of the commissioner of
8 education, shall adopt by administrative regulation a formula by which school
9 district funds shall be allocated to each school council. Included in the school
10 council formula shall be an allocation for professional development that is at least
11 sixty-five percent (65%) of the district's per pupil state allocation for professional
12 development for each student in average daily enrollment~~[attendance]~~ in the school.
13 The school council shall plan professional development in compliance with
14 requirements specified in KRS 156.095, except as provided in KRS 158.649.
15 School councils of small schools shall be encouraged to work with other school
16 councils to maximize professional development opportunities.

17 (9) (a) No board member, superintendent of schools, district employee, or member of
18 a school council shall intentionally engage in a pattern of practice which is
19 detrimental to the successful implementation of or circumvents the intent of
20 school-based decision making to allow the professional staff members of a
21 school and parents to be involved in the decision making process in working
22 toward meeting the educational goals established in KRS 158.645 and
23 158.6451 or to make decisions in areas of policy assigned to a school council
24 pursuant to paragraph (i) of subsection (2) of this section.

25 (b) An affected party who believes a violation of this subsection has occurred may
26 file a written complaint with the Office of Education Accountability. The
27 office shall investigate the complaint and resolve the conflict, if possible, or

- 1 forward the matter to the Kentucky Board of Education.
- 2 (c) The Kentucky Board of Education shall conduct a hearing in accordance with
3 KRS Chapter 13B for complaints referred by the Office of Education
4 Accountability.
- 5 (d) If the state board determines a violation has occurred, the party shall be
6 subject to reprimand. A second violation of this subsection may be grounds
7 for removing a superintendent, a member of a school council, or school board
8 member from office or grounds for dismissal of an employee for misconduct
9 in office or willful neglect of duty.
- 10 (e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the
11 state board determines a violation of the confidentiality requirements set forth
12 in subsection (2)(h)2. of this section by a school council member has
13 occurred, the state board shall remove the member from the school council,
14 and the member shall be permanently prohibited from serving on any school
15 council in the district.
- 16 (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or
17 maintain a school-based decision making council and the powers, duties, and
18 authority granted to a school council may be rescinded or the school council's role
19 may be advisory if the commissioner of education or the Kentucky Board of
20 Education takes action under KRS 160.346.
- 21 (11) Each school council of a school containing grades K-5 or any combination thereof,
22 or if there is no school council, the principal, shall develop and implement a
23 wellness policy that includes moderate to vigorous physical activity each day and
24 encourages healthy choices among students. The policy may permit physical activity
25 to be considered part of the instructional day, not to exceed thirty (30) minutes per
26 day, or one hundred and fifty (150) minutes per week. Each school council, or if
27 there is no school council, the principal, shall adopt an assessment tool to determine

1 each child's level of physical activity on an annual basis. The council or principal
2 may utilize an existing assessment program. The Kentucky Department of
3 Education shall make available a list of available resources to carry out the
4 provisions of this subsection. The department shall report to the Legislative
5 Research Commission no later than November 1 of each year on how the schools
6 are providing physical activity under this subsection and on the types of physical
7 activity being provided. The policy developed by the school council or principal
8 shall comply with provisions required by federal law, state law, or local board
9 policy.

10 (12) Discretionary authority exercised under subsection (2)(h)2.b. of this section shall
11 not violate provisions of any employer-employee bargained contract existing
12 between the district and its employees.

13 ➔Section 17. KRS 160.486 is amended to read as follows:

14 The license fees imposed by authority of KRS 160.482 to 160.488 shall be collected by
15 the fiscal court or its agent, and the proceeds thereof shall be promptly divided and
16 distributed to each school district within the county in proportion to the number of pupils
17 in average daily enrollment~~[attendance]~~ in each school district as shown by the most
18 recent statistics certified by the chief state school officer pursuant to KRS 157.310 to
19 157.440. The fees shall be used for any purpose for which other common school funds
20 may be used.

21 ➔Section 18. KRS 160.593 is amended to read as follows:

22 (1) Any board of education of a school district may, after compliance with the public
23 hearing requirement contained in KRS 160.603, levy school taxes authorized by
24 KRS 160.593 to 160.597, 160.601 to 160.633, and 160.635 to 160.648. The
25 imposition of any tax levied under the provisions of 160.593 to 160.597, 160.601 to
26 160.633, and 160.635 to 160.648 shall be limited to the territory of the school
27 district except as provided in subsection (2) of this section.

1 (2) Two (2) or more boards of education may agree in writing to levy identical school
2 taxes authorized by KRS 160.605 to 160.611, 160.613 to 160.617, and 160.621 to
3 160.633. After the levying in each district so agreeing of a tax under the terms of
4 such agreement, the receipts from said tax shall be held in a common fund and
5 disbursed therefrom to each district on the basis of average daily
6 enrollment~~attendance~~, as set forth in KRS 160.644. Any districts levying taxes
7 under the terms of such an agreement shall be deemed to constitute a combined
8 taxing district for the purposes of reference in KRS Chapter 160.

9 ➔Section 19. KRS 160.6152 is amended to read as follows:

10 (1) The superintendent of schools in each school district levying the tax permitted by
11 KRS 160.593 shall, on or before March 31, 2005, provide to the department and to
12 each entity providing utility services within the school district, the boundaries of the
13 school district.

14 (2) If the boundaries reported to the department and to each entity providing utility
15 services within the school district change, the superintendent of schools shall report
16 the boundary changes to the department and to each entity providing utility services
17 within the school district.

18 (3) The department and entities providing utility services within the school district shall
19 allocate tax payments among the various school districts imposing the taxes
20 authorized by KRS 160.613 and 160.614 in accordance with the most recent
21 boundary information provided by the superintendents, as adjusted by any
22 agreements entered into pursuant to KRS 160.6153. The department and entities
23 providing utility services within a school district shall not be responsible for nor
24 subject to the imposition of penalties or interest relating to, distribution errors
25 resulting from incorrect boundary information provided pursuant to this section, and
26 may rely upon the most recent boundary information and any agreements entered
27 into pursuant to KRS 160.6153 and provided by each superintendent as accurate.

1 (4) If more than one (1) school district board of education within a county levies the
2 taxes permitted under KRS 160.613 or 160.614, the participating districts may
3 choose to allocate the taxes collected and distributed by the department in
4 proportion to the number of pupils in average daily enrollment~~[attendance]~~ in the
5 participating districts that levy the tax as shown by the final certification by the
6 chief state school officer for the previous school year pursuant to the provisions of
7 KRS 157.310 to 157.440. Implementation of this allocation shall be based on the
8 following provisions:

9 (a) The participating districts shall provide a jointly executed agreement to the
10 department thirty (30) days prior to the first distribution to be so allocated;

11 (b) The agreement shall remain in effect until one (1) of the participating districts
12 notifies the department and any other participating districts by certified mail
13 thirty (30) days prior to the effective date of any change in allocation that the
14 agreement is dissolved; and

15 (c) The department shall make annual adjustments to allocations made pursuant
16 to an agreement entered into under this subsection based upon changes in the
17 number of pupils in average daily enrollment~~[attendance]~~ in the participating
18 districts as shown by the final certification by the chief state school officer for
19 the previous school year pursuant to the provisions of KRS 157.310 to
20 157.440.

21 (5) If there is a conflict regarding school district boundaries, the department may, until
22 the conflict is resolved, distribute the total tax revenues collected for the districts
23 involved in the conflict proportionately to the districts based upon the average daily
24 attendance in the districts for the previous school year.

25 ➔Section 20. KRS 160.644 is amended to read as follows:

26 The school taxes and penalties collected under KRS 160.593 to 160.597, 160.601 to
27 160.633, 160.635 to 160.648 shall be distributed to the treasurer of the board of education

1 of the school district. In the event that more than one (1) board of education within the
2 county is participating in one (1) of these tax levies, the funds collected shall be
3 distributed in proportion to the tax rate levied and the number of pupils in average daily
4 enrollment~~attendance~~ in the participating districts as shown by the final certification by
5 the chief state school officer for the previous school year pursuant to the provisions of
6 KRS 157.310 to 157.440.