

1 AN ACT relating to kindergarten and making an appropriation therefor.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) The full-day kindergarten grant fund is created to be administered by the*
6 *Kentucky Department of Education. The grant fund shall consist of funds from*
7 *grants, contributions, appropriations, or other moneys made available for the*
8 *purposes of the grant fund.*

9 *(2) Notwithstanding KRS 45.229, grant fund amounts not expended at the close of*
10 *the fiscal year through June 30, 2025, shall not lapse but shall be carried forward*
11 *to the next fiscal year. On June 30, 2026, any funds remaining in the grant fund*
12 *shall lapse.*

13 *(3) Any interest earned on moneys in the grant fund shall become a part of the grant*
14 *fund and shall not lapse until June 30, 2026.*

15 *(4) Grant fund moneys shall be used for full-day kindergarten grant awards as*
16 *described in Section 2 of this Act. Funds shall be distributed by the Kentucky*
17 *Department of Education in accordance with Section 2 of this Act.*

18 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO
19 READ AS FOLLOWS:

20 *The Kentucky Department of Education shall administer the full-day kindergarten*
21 *grant fund created in Section 1 of this Act and award grants to school districts as*
22 *follows:*

23 *(1) All school districts shall be eligible for the grant award if the district:*

24 *(a) Provides a full-day kindergarten program to each eligible student in the*
25 *district during the year of the grant award; and*

26 *(b) Provides documentation to the Kentucky Department of Education annually*
27 *showing that the district spent an amount not less than twenty-five percent*

- 1 *(25%) of each year's grant award in each of the following areas:*
 2 *1. Early childhood education;*
 3 *2. Early intervention for literacy and numeracy in kindergarten through*
 4 *grade five (5);*
 5 *3. School safety; and*
 6 *4. At the discretion of the local board of education.*

- 7 *(2) School districts eligible for the grant award shall receive the following:*
 8 *(a) Twelve and one-half percent (12.5%) of the district's final per pupil SEEK*
 9 *allotment for each kindergarten student included in average daily*
 10 *attendance for the 2022-2023 school year;*
 11 *(b) Twenty-five percent (25%) of the district's final per pupil SEEK allotment*
 12 *for each kindergarten student included in average daily attendance for the*
 13 *2023-2024 school year;*
 14 *(c) Thirty-seven percent (37%) of the district's final per pupil SEEK allotment*
 15 *for each kindergarten student included in average daily attendance for the*
 16 *2024-2025 school year; and*
 17 *(d) Fifty percent (50%) of the district's final per pupil SEEK allotment for each*
 18 *kindergarten student included in average daily attendance for the 2025-*
 19 *2026 school year.*

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

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

- 22 (1) "Average daily attendance" means the aggregate days attended by pupils in a public
 23 school, adjusted for weather-related low attendance days if applicable, divided by
 24 the actual number of days the school is in session, after the five (5) days with the
 25 lowest attendance have been deducted.
 26 (a) Aggregate days shall include, in addition to the aggregate number of days
 27 attended by a pupil who was suspended during a school year, the number of

1 days the pupil was suspended, not to exceed ten (10) days in total for the
2 school year; and

3 (b) Aggregate days shall include, in addition to the aggregate number of days
4 attended by a pupil who was expelled for behavioral problems, the number of
5 days the pupil was expelled up to a total of one hundred seventy-five (175)
6 days. This total may extend into the next school year and shall be counted in
7 the average daily attendance for the next year;

8 (2) "Base funding level" means a guaranteed amount of revenue per pupil to be
9 provided for each school district, to be used for regular operating and capital
10 expenditures;

11 (3) "Board" means the board of education of any county or independent school district;

12 (4) "District" means any school district as defined by law;

13 (5) "Elementary school" means a school consisting of the primary school program
14 through grade eight (8) as defined in KRS 158.030, or any appropriate combination
15 of grades within this range, as determined by the plan of organization for schools
16 authorized by the district board;

17 (6) "Support Education Excellence in Kentucky" means the level of educational
18 services and facilities which is to be provided in each district from the public school
19 fund;

20 (7) Until June 30, 2026, "kindergarten full-time equivalent pupil in average daily
21 attendance" means each kindergarten pupil counted no more than one-half (1/2) day
22 in the aggregate days attended by kindergarten pupils in a public school divided by
23 the actual number of days school is in session after the five (5) days with the lowest
24 attendance have been deducted. Kindergarten is the entry level of the primary
25 program and shall be provided no less than the equivalent of one-half (1/2) day, five
26 (5) days a week for a full school year for each kindergarten pupil;

27 (8) "Public school fund" means the fund created by KRS 157.330 for use in financing

- 1 education in public elementary and secondary schools;
- 2 (9) "Administrative regulations of the Kentucky Board of Education" means those
3 regulations which the Kentucky Board of Education may adopt upon the
4 recommendation and with the advice of the commissioner of education. The
5 commissioner of education shall recommend administrative regulations necessary
6 for carrying out the purposes of KRS 157.310 to 157.440;
- 7 (10) "Experience" means employment as a teacher, other than as a substitute or nursery
8 school teacher, for a minimum of one hundred forty (140) days during a school year
9 in a public or nonpublic elementary or secondary school or college or university that
10 is approved by the public accrediting authority in the state in which the teaching
11 duties were performed. A teacher who is employed by a board for at least one
12 hundred forty (140) days of a school year and who performs teaching duties for the
13 equivalent of at least seventy (70) full school days during that school year,
14 regardless of the schedule on which those duties were performed, shall be credited
15 with one (1) year of experience. A teacher who is employed by a board for at least
16 one hundred forty (140) days during each of two (2) school years and who performs
17 teaching duties for the equivalent of at least seventy (70) full school days during
18 those years shall be credited with one (1) year of experience. No more than one (1)
19 year of experience shall be credited for the performance of teaching duties during a
20 single school year;
- 21 (11) "Secondary school" means a school consisting of grades seven (7) through twelve
22 (12), or any appropriate combination of grades within this range as determined by
23 the plan of organization for schools authorized by the district board. When grades
24 seven (7) through nine (9) or ten (10) are organized separately as a junior high
25 school, or grades ten (10) through twelve (12) are organized separately as a senior
26 high school and are conducted in separate school plant facilities, each shall be
27 considered a separate secondary school for the purposes of KRS 157.310 to

1 157.440;

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

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

14 (14) "Percentage of attendance" means the aggregate days attended by pupils in a public
15 school for the school year divided by the aggregate days' membership of pupils in a
16 public school for the school year;

17 (15) "Middle school" means a school consisting of grades five (5) through eight (8) or
18 any appropriate combination of grades as determined by the plan of organization for
19 schools authorized by the district board;

20 (16) "National board certification salary supplement" means an annual supplement added
21 for the life of the certificate to the base salary of a teacher who attains national
22 board certification; and

23 (17) "Weather-related low attendance day" means a school day on which the district's
24 attendance falls below the average daily attendance for the prior year due to
25 inclement weather. The district shall submit a request to substitute the prior year's
26 average daily attendance for its attendance on up to ten (10) designated days, along
27 with documentation that the low attendance was due to inclement weather, for

1 approval by the commissioner of education in accordance with Kentucky Board of
2 Education administrative regulations.

3 ➔Section 4. KRS 157.360 is amended to read as follows:

4 (1) (a) In determining the cost of the program to support education excellence in
5 Kentucky, the statewide guaranteed base funding level, as defined in KRS
6 157.320, shall be computed by dividing the amount appropriated for this
7 purpose by the prior year's statewide average daily attendance.

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

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

17 (a) The number of at-risk students in the district. At-risk students shall be
18 identified as those approved for the free lunch program under state and federal
19 guidelines. The number of at-risk students shall be multiplied by a factor to be
20 established by the General Assembly. Funds generated under this paragraph
21 may be used to pay for:

22 1. Alternative programs for students who are at risk of dropping out of
23 school before achieving a diploma; and

24 2. A hazardous duty pay supplement as determined by the local board of
25 education to the teachers who work in alternative programs with
26 students who are violent or assaultive;

27 (b) The number and types of exceptional children in the district as defined by

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

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

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

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

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

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

- 1 (7) If a local school district, through its admission and release committee, determines
2 that an appropriate program in the least restrictive environment for a particular child
3 with a disability includes either part-time or full-time enrollment with a private
4 school or agency within the state or a public or private agency in another state, the
5 school district shall count as average daily attendance in a public school the time
6 that the child is in attendance at the school or agency, contingent upon approval by
7 the commissioner of education.
- 8 (8) Pupils attending a center for child learning and study established under an
9 agreement pursuant to KRS 65.210 to 65.300 shall, for the purpose of calculating
10 average daily attendance, be considered as in attendance in the school district in
11 which the child legally resides and which is party to the agreement. For purposes of
12 subsection (1) of this section, teachers who are actually employees of the joint or
13 cooperative action shall be considered as employees of each school district which is
14 a party to the agreement.
- 15 (9) Program funding shall be increased when the average daily attendance in any
16 district for the first two (2) months of the current school year is greater than the
17 average daily attendance of the district for the first two (2) months of the previous
18 school year. The program funds allotted the district shall be increased by the percent
19 of increase. **Until June 30, 2026,** the average daily attendance in kindergarten is the
20 kindergarten full-time equivalent pupils in average daily attendance.
- 21 (10) If the average daily attendance for the current school year in any district decreases
22 by ten percent (10%) or more than the average daily attendance for the previous
23 school year, the average daily attendance for purposes of calculating program
24 funding for the next school year shall be increased by an amount equal to two-thirds
25 (2/3) of the decrease in average daily attendance. If the average daily attendance
26 remains the same or decreases in the succeeding school year, the average daily
27 attendance for purposes of calculating program funding for the following school

1 year shall be increased by an amount equal to one-third (1/3) of the decrease for the
2 first year of the decline.

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

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

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

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

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

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

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

- 1 (15) Effective July 1, 2001, there shall be no deduction applied against the base funding
2 level for any pupil in average daily attendance who spends a portion of his or her
3 school day in a program at a state-operated career and technical education or
4 vocational facility.
- 5 (16) During a fiscal year, a school district may request that the Department of Education
6 recalculate its funds allocated under this section if the current year average daily
7 attendance for the twenty (20) day school month as defined in KRS 158.060(1) that
8 contains the most days within the calendar month of January exceeds the prior year
9 adjusted average daily attendance plus growth by at least one percent (1%). Any
10 adjustments in the allotments approved under this subsection shall be proportional
11 to the remaining days in the school year and subject to available funds under the
12 program to support education excellence in Kentucky.
- 13 (17) To calculate the state portion of the program to support education excellence in
14 Kentucky for a school district, the Department of Education shall subtract the local
15 effort required under KRS 157.390(5) from the calculated base funding under the
16 program to support education excellence in Kentucky, as required by this section.
17 The value of the real estate used in this calculation shall be the lesser of the current
18 year assessment or the prior year assessment increased by four percent (4%) plus the
19 value of current year new property. The calculation under this subsection shall be
20 subject to available funds.
- 21 (18) Notwithstanding any other statute or budget of the Commonwealth language to the
22 contrary, time missed due to shortening days for emergencies may be made up by
23 lengthening school days in the school calendar without any loss of funds under the
24 program to support education excellence in Kentucky.
- 25 ➔Section 5. KRS 158.031 is amended to read as follows:
- 26 (1) In this section, "primary school program" means that part of the elementary school
27 program in which children are enrolled from the time they begin school until they

1 are ready to enter the fourth grade. Notwithstanding any statute to the contrary,
2 successful completion of the primary school program shall be a prerequisite for a
3 child's entrance into fourth grade.

4 (2) The Kentucky Board of Education shall establish, by administrative regulation,
5 methods of verifying successful completion of the primary school program in
6 carrying out the goals of education as described in KRS 158.6451.

7 (3) The primary program shall include the following critical attributes: developmentally
8 appropriate educational practices; multiage and multiability classrooms; continuous
9 progress; authentic assessment; qualitative reporting methods; professional
10 teamwork; and positive parent involvement.

11 (4) Each school council or, if none exists, the school shall determine the organization of
12 its ungraded primary program including the extent to which multiage groups are
13 necessary to implement the critical attributes based on the critical attributes and
14 meeting individual student needs.

15 (5) The implementation of the primary program may take into consideration the
16 necessary arrangements required for students attending part-time and will allow for
17 grouping of students attending their first year of school when determined to be
18 developmentally appropriate.

19 (6) A school district may advance a student through the primary program when it is
20 determined that it is in the best educational interest of the student. Until June 30,
21 2026, a student who is at least five (5) years of age, but less than six (6) years of
22 age, and is advanced in the primary program may be classified as other than a
23 kindergarten student for purposes of funding under KRS 157.310 to 157.440 if the
24 student is determined to have acquired the academic and social skills taught in
25 kindergarten as determined by local board policy in accordance with the process
26 established by Kentucky Board of Education administrative regulation.

27 (7) Data shall be collected by each school district on the number of students, in each

1 school having a primary program, who take five (5) years to complete the primary
2 program. The data shall be reported in the annual performance report described in
3 KRS 158.6453.

4 ➔Section 6. KRS 158.060 is amended to read as follows:

- 5 (1) Twenty (20) school days, or days in which teachers are actually employed in the
6 schoolroom, shall constitute a school month in the common schools.
- 7 (2) Each full-time teacher shall be provided with a duty-free lunch period each day
8 during the regularly scheduled student lunch period. The duty-free lunch period
9 shall be not less than the length of the lunch period specified in the school calendar
10 approved by the chief state school officer. A full-time teacher may be assigned to
11 lunch room duty during the regularly scheduled student lunch period only for an
12 amount of time equal to the noninstructional time in excess of fifty-five (55)
13 minutes included in the teacher's daily schedule. The calculation of noninstructional
14 time shall not include the teacher's duty-free lunch period, the time teachers are
15 required to be at school prior to the start of the student's instructional day, or the
16 time teachers are required to remain at school after the students are dismissed.
- 17 (3) Except for children with disabilities ~~and children attending the primary school~~
18 ~~program who may attend a program of less than six (6) hours per day under policy~~
19 ~~adopted by the local school district board of education and approved by the~~
20 ~~commissioner of education] and children attending a school district where the local~~
21 board has approved a schedule that provides at least the equivalent of six (6) hours
22 of daily instruction during the school year, a minimum of six (6) hours of actual
23 school work shall constitute a school day. **Until June 30, 2026,** kindergarten
24 programs may be operated for less than six (6) hours without state board approval.
25 The Kentucky Board of Education, upon recommendation of the chief state school
26 officer, shall develop and approve regulations governing make up by school districts
27 of whole days missed due to emergencies, or partial days missed as a result of

- 1 shortening regularly scheduled school days due to emergencies.
- 2 (4) Teachers shall be provided additional time for nonteaching activities. The
3 nonteaching time shall be used to provide teachers opportunities for professional
4 development activities as provided in KRS 156.095, instructional planning, school-
5 based decision making as provided in KRS 160.345, curriculum development, and
6 outreach activities involving their students' families and the community.
- 7 (5) Character education programs and activities shall be considered valuable and
8 legitimate components of the actual school work constituting a school day under
9 subsection (3) of this section.