

1 AN ACT relating to hearing screenings for students.

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

3 ➔Section 1. KRS 156.160 is amended to read as follows:

4 (1) With the advice of the Local Superintendents Advisory Council, the Kentucky
5 Board of Education shall promulgate administrative regulations establishing
6 standards which school districts shall meet in student, program, service, and
7 operational performance. These regulations shall comply with the expected
8 outcomes for students and schools set forth in KRS 158.6451. Administrative
9 regulations shall be promulgated for the following:

10 (a) Courses of study for the different grades and kinds of common schools
11 identifying the common curriculum content directly tied to the goals,
12 outcomes, and assessment strategies developed under KRS 158.645,
13 158.6451, and 158.6453 and distributed to local school districts and schools.

14 The administrative regulations shall provide that:

- 15 1. If a school offers American sign language, the course shall be accepted
16 as meeting the foreign language requirements in common schools
17 notwithstanding other provisions of law;
- 18 2. If a school offers the Reserve Officers Training Corps program, the
19 course shall be accepted as meeting the physical education requirement
20 for high school graduation notwithstanding other provisions of law; and
- 21 3. Every public middle and high school's curriculum shall include
22 instruction on the Holocaust and other cases of genocide, as defined by
23 the United Nations Convention on the Prevention and Punishment of the
24 Crime of Genocide, that a court of competent jurisdiction, whether a
25 court in the United States or the International Court of Justice, has
26 determined to have been committed by applying rigorous standards of
27 due process;

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

1 physical equipment of school grounds, school buildings, and classrooms. With
2 respect to physical standards of sanitary and protective construction for school
3 buildings, the Kentucky Board of Education shall adopt the Uniform State
4 Building Code;

5 (h) Medical inspection, physical and health education and recreation, and other
6 regulations necessary or advisable for the protection of the physical welfare
7 and safety of the public school children. The administrative regulations shall
8 set requirements for student health standards to be met by all students in
9 grades four (4), eight (8), and twelve (12) pursuant to the outcomes described
10 in KRS 158.6451. The administrative regulations shall permit a student who
11 received a physical examination no more than six (6) months prior to his
12 initial admission to Head Start to substitute that physical examination for the
13 physical examination required by the Kentucky Board of Education of all
14 students upon initial admission to the public schools, if the physical
15 examination given in the Head Start program meets all the requirements of the
16 physical examinations prescribed by the Kentucky Board of Education;

17 (i) A vision examination by an optometrist or ophthalmologist that shall be
18 required by the Kentucky Board of Education. The administrative regulations
19 shall require evidence that a vision examination that meets the criteria
20 prescribed by the Kentucky Board of Education has been performed. This
21 evidence shall be submitted to the school no later than January 1 of the first
22 year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a
23 public school, public preschool, or Head Start program;

24 (j) 1. Beginning with the 2010-2011 school year, a dental screening or
25 examination by a dentist, dental hygienist, physician, registered nurse,
26 advanced practice registered nurse, or physician assistant that shall be
27 required by the Kentucky Board of Education. The administrative

1 regulations shall require evidence that a dental screening or examination
2 that meets the criteria prescribed by the Kentucky Board of Education
3 has been performed. This evidence shall be submitted to the school no
4 later than January 1 of the first year that a five (5) or six (6) year-old
5 child is enrolled in a public school.

6 2. A child shall be referred to a licensed dentist if a dental screening or
7 examination performed by anyone other than a licensed dentist identifies
8 the possibility of dental disease;

9 (k) 1. Beginning with the 2021-2022 school year, a hearing screening or
10 examination using an audiometer or an otoacoustic emissions device
11 to be administered by an audiologist, physician, registered nurse,
12 advanced practice registered nurse, or physician assistant that shall be
13 required by the Kentucky Board of Education. The administrative
14 regulations shall require evidence that a hearing screening or
15 examination that meets the criteria prescribed by the Kentucky Board
16 of Education has been performed. This evidence shall be submitted to
17 the school no later than January 1 of the first year that a three (3),
18 four (4), five (5), or six (6) year-old child is enrolled in a public school,
19 public preschool, or Head Start program.

20 2. If a child does not pass the screening or examination, the child's
21 parent or legal guardian shall be notified in writing and be provided a
22 recommendation for further evaluation by a licensed audiologist to
23 determine the degree of hearing loss;

24 (l) The transportation of children to and from school;

25 (m) ~~(+)~~ The fixing of holidays on which schools may be closed and special days
26 to be observed, and the pay of teachers during absence because of sickness or
27 quarantine or when the schools are closed because of quarantine;

1 ~~(n)~~~~(m)~~ The preparation of budgets and salary schedules for the several school
2 districts under the management and control of the Kentucky Board of
3 Education;

4 ~~(o)~~~~(n)~~ A uniform series of forms and blanks, educational and financial,
5 including forms of contracts, for use in the several school districts;

6 ~~(p)~~~~(o)~~ The disposal of real and personal property owned by local boards of
7 education; and

8 ~~(q)~~~~(p)~~ The development and implementation of procedures, for all students
9 who are homeless children and youths as defined in 42 U.S.C. sec. 11434a(2),
10 to do the following:

- 11 1. Awarding and accepting of credit, including partial credit, for all
12 coursework satisfactorily completed by a student while enrolled at
13 another school;
- 14 2. Allowing a student who was previously enrolled in a course required for
15 graduation the opportunity, to the extent practicable, to complete the
16 course, at no cost to the student, before the beginning of the next school
17 year;
- 18 3. Awarding a diploma, at the student's request, by a district from which
19 the student transferred, if the student transfers schools at any time after
20 the completion of the student's second year of high school and the
21 student is ineligible to graduate from the district to which the student
22 transfers, but meets the graduation requirements of the district from
23 which the student transferred; and
- 24 4. Exempting the student from all coursework and other requirements
25 imposed by the local board of education that are in addition to the
26 minimum requirements for high school graduation established by the
27 Kentucky Board of Education pursuant to paragraph (d) of this

1 subsection in the district to which the student transfers, if the student
2 transfers schools at any time after the completion of the student's second
3 year of high school and the student is ineligible to graduate both from
4 the district to which the student transfers and the district from which the
5 student transferred.

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

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

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

- 21 1. Administrative regulations relating to health and safety;
- 22 2. Administrative regulations relating to civil rights;
- 23 3. Administrative regulations required by federal law; and
- 24 4. Administrative regulations promulgated in accordance with KRS
25 158.6451, 158.6453, 158.6455, and this section, relating to measurement
26 of performance outcomes and determination of successful districts or
27 schools, except upon issues relating to the grade configuration of

1 schools.

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

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

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

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

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

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

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