

1 AN ACT relating to the program to support education excellence in Kentucky.

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

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

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

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

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

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

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

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

- 22 1. Twenty-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. The average daily attendance in kindergarten is the kindergarten full-
20 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) (a) To calculate the state portion of the program to support education excellence
14 in Kentucky for a school district, the Department of Education shall subtract
15 the local effort required under KRS 157.390(5) from the calculated base
16 funding under the program to support education excellence in Kentucky, as
17 required by this section. The value of the real estate used in this calculation
18 shall be the lesser of the current year assessment or the prior year assessment
19 increased by four percent (4%) plus the value of current year new property.
20 The calculation under this subsection shall be subject to available funds.
- 21 (b) When the calculation of the per pupil state portion of the program to
22 support education excellence in Kentucky for a school district is less than
23 the amount of the school district's per pupil state portion for the 1991-1992
24 fiscal year, the per pupil state portion shall be increased by the difference
25 between the 1991-1992 per pupil amount and the current per pupil
26 calculation or by \$300 per pupil, whichever is more.
- 27 (18) Notwithstanding any other statute or budget of the Commonwealth language to the

1 contrary, time missed due to shortening days for emergencies may be made up by
2 lengthening school days in the school calendar without any loss of funds under the
3 program to support education excellence in Kentucky.

4 ➔Section 2. KRS 157.430 is amended to read as follows:

5 If, when the apportionments are being determined under the provisions of KRS 157.310
6 to 157.440, funds appropriated by the General Assembly to the public school fund are
7 insufficient to provide the amount of money required under KRS 157.390, the chief state
8 school officer, unless otherwise provided by the General Assembly in a budget bill, shall
9 make a percentage reduction in the allotments to reduce the total of these allotments to
10 funds available, **except a reduction shall not be made to the allotment calculated under**
11 **subsection (17)(b) of Section 1 of this Act.**

12 ➔Section 3. KRS 157.390 is amended to read as follows:

13 (1) For purposes of the state teacher salary schedule, teachers shall be placed on the
14 schedule based on certification rank as established by the Education Professional
15 Standards Board under KRS 161.1211 and by their years of experience as follows:

- 16 1. Zero (0) to three (3) years;
- 17 2. Four (4) to nine (9) years;
- 18 3. Ten (10) to fourteen (14) years;
- 19 4. Fifteen (15) to nineteen (19) years; and
- 20 5. Twenty (20) or more years.

21 (2) The rank and experience of the teacher shall be determined on September 15 of
22 each year.

23 (3) The amount to be included in the base funding level for capital outlay shall be
24 determined by multiplying the average daily attendance by the amounts set forth in
25 the biennial budget.

26 (4) The amount to be included in the public school fund of each district for
27 transportation shall be determined in accordance with the provisions of KRS

1 157.370.

2 (5) Except as provided in subsection (17)(b) of Section 1 of this Act, the total amount
3 of money distributable to each district from the public school fund shall include the
4 base funding per pupil in average daily attendance, an amount for at-risk students,
5 an amount for the types and numbers of students with disabilities, an amount for
6 students served in home and hospital settings, and the allotments in subsections (3)
7 and (4) of this section, less the amount of local tax revenues generated for school
8 purposes, up to a maximum equivalent local rate of thirty cents (\$0.30) as defined
9 by KRS 157.615(6).

10 (6) A classroom teacher or administrator may be provided additional compensation,
11 funds for instructional and program materials, and other related costs for serving as
12 a classroom mentor, teaching partner, or professional development leader in core
13 discipline areas including reading, and other subject areas as appropriate to other
14 education professionals in a state approved program or state approved activities.
15 The Kentucky Department of Education shall administer the funds appropriated for
16 these purposes. The Kentucky Board of Education shall promulgate administrative
17 regulations to define the guidelines for programs and activities that qualify for funds
18 including the application and approval process, the individual participant
19 requirements, the amount of compensation, the timelines, and reporting
20 requirements. The board shall solicit recommendations from the Education
21 Professional Standards Board and staff of the Kentucky Department of Education in
22 developing its administrative regulations.

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