

1 AN ACT relating to education mandates.

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

3 ➔Section 1. KRS 156.095 is amended to read as follows:

4 (1) (a) The Kentucky Department of Education shall establish~~[, direct,]~~ and maintain  
5 a statewide program of professional development to improve instruction in the  
6 public schools.

7 ***(b) The Kentucky Board of Education shall not impose a professional***  
8 ***development or training requirement that is not expressly required by state***  
9 ***or federal law.***

10 ***(c) The Kentucky Department of Education shall not enforce a professional***  
11 ***development or training requirement that is not expressly required by state***  
12 ***or federal law.***

13 (2) Each local school district superintendent shall appoint a certified school employee  
14 to fulfill the role and responsibilities of a professional development coordinator who  
15 shall disseminate professional development information to schools and personnel.  
16 Upon request by a school council or any employees of the district, the coordinator  
17 shall provide technical assistance to the council or the personnel that may include  
18 assisting with needs assessments, analyzing school data, planning and evaluation  
19 assistance, organizing districtwide programs requested by school councils or groups  
20 of teachers, or other coordination activities.

21 (a) The manner of appointment, qualifications, and other duties of the  
22 professional development coordinator shall be established by ***the local board***  
23 ***of education***~~[Kentucky Board of Education through promulgation of~~  
24 ~~administrative regulations].~~

25 (b) The local district professional development coordinator ***may***~~[shall]~~ participate  
26 in the Kentucky Department of Education annual training program for local  
27 school district professional development coordinators. The training program

1           may include, but not be limited to, the demonstration of various approaches to  
2           needs assessment and planning; strategies for implementing long-term,  
3           school-based professional development; strategies for strengthening teachers'  
4           roles in the planning, development, and evaluation of professional  
5           development; and demonstrations of model professional development  
6           programs. The training shall include information about teacher learning  
7           opportunities relating to the core content standards. The Kentucky Department  
8           of Education shall regularly collect and distribute this information.

9       (3) The Kentucky Department of Education shall provide or facilitate optional,  
10       professional development programs for certified personnel throughout the  
11       Commonwealth that are based on the statewide needs of teachers, administrators,  
12       and other education personnel. Programs may include classified staff and parents  
13       when appropriate. Programs offered or facilitated by the department shall be at  
14       locations and times convenient to local school personnel and shall be made  
15       accessible through the use of technology when appropriate. They shall include  
16       programs that: address the goals for Kentucky schools as stated in KRS 158.6451,  
17       including reducing the achievement gaps as determined by an equity analysis of the  
18       disaggregated student performance data from the state assessment program  
19       developed under KRS 158.6453; engage educators in effective learning processes  
20       and foster collegiality and collaboration; and provide support for staff to incorporate  
21       newly acquired skills into their work through practicing the skills, gathering  
22       information about the results, and reflecting on their efforts. Professional  
23       development programs shall be made available to teachers based on their needs  
24       which shall include but not be limited to the following areas:

- 25       (a) Strategies to reduce the achievement gaps among various groups of students  
26           and to provide continuous progress;
- 27       (b) Curriculum content and methods of instruction for each content area,

- 1 including differentiated instruction;
- 2 (c) School-based decision making;
- 3 (d) Assessment literacy;
- 4 (e) Integration of performance-based student assessment into daily classroom
- 5 instruction;
- 6 (f) Nongraded primary programs;
- 7 (g) Research-based instructional practices;
- 8 (h) Instructional uses of technology;
- 9 (i) Curriculum design to serve the needs of students with diverse learning styles
- 10 and skills and of students of diverse cultures;
- 11 (j) Instruction in reading, including phonics, phonemic awareness,
- 12 comprehension, fluency, and vocabulary;
- 13 (k) Educational leadership; and
- 14 (l) Strategies to incorporate character education throughout the curriculum.
- 15 (4) The department shall assist school personnel in assessing the impact of professional
- 16 development on their instructional practices and student learning.
- 17 (5) **Upon the request of a school district or school council,** the department shall assist ~~{~~
- 18 ~~districts and school councils}~~ with the development of long-term school and district
- 19 improvement plans that include multiple strategies for professional development
- 20 based on the assessment of needs at the school level.
- 21 (a) Professional development strategies may include but are not limited to
- 22 participation in subject matter academies, teacher networks, training institutes,
- 23 workshops, seminars, and study groups; collegial planning; action research;
- 24 mentoring programs; appropriate university courses; and other forms of
- 25 professional development.
- 26 (b) In planning the use of **up to**~~{the}~~ four (4) days for professional development
- 27 under KRS 158.070, school councils and districts **may**~~{shall}~~ give priority to

1 programs that increase teachers' understanding of curriculum content and  
2 methods of instruction appropriate for each content area based on individual  
3 school plans. The district may use up to one (1) day to provide district-wide  
4 training and training that is mandated by state or federal law. Only those  
5 employees identified in the mandate or affected by the mandate shall be  
6 required to attend the training.

7 (c) State funds allocated for professional development shall be used to support  
8 professional development initiatives that are consistent with local school  
9 improvement and professional development plans and teachers' individual  
10 growth plans. The funds may be used throughout the year for all staff,  
11 including classified and certified staff and parents on school councils or  
12 committees. A portion of the funds allocated to each school council under  
13 KRS 160.345 may be used to prepare or enhance the teachers' knowledge and  
14 teaching practices related to the content and subject matter that are required  
15 for their specific classroom assignments.

16 (6) (a) ~~[By August 1, 2010, ]~~The Kentucky Cabinet for Health and Family Services  
17 shall post on its Web page suicide prevention awareness information, to  
18 include recognizing the warning signs of a suicide crisis. The Web page shall  
19 include information related to suicide prevention training opportunities  
20 offered by the cabinet or an agency recognized by the cabinet as a training  
21 provider.

22 (b) By September 15 of each year, every public school shall provide suicide  
23 prevention awareness information in person, by live streaming, or via a video  
24 recording to all students in grades six (6) through twelve (12). The  
25 information may be obtained from the Cabinet for Health and Family Services  
26 or from a commercially developed suicide prevention training program.

27 (c) ~~[1. Beginning with the 2018-2019 school year, and every year thereafter, A~~

1           ~~minimum of~~ **The Kentucky Department of Education shall make** one (1)  
 2           hour of high-quality suicide prevention training, including the recognition of  
 3           signs and symptoms of possible mental illness, **available** ~~[shall be required]~~ for  
 4           all school district **and public charter school** employees ~~[with job duties~~  
 5           ~~requiring direct contact with students in grades six (6) through twelve (12)]~~.  
 6           The training shall be provided either in person, by live streaming, or via a  
 7           video recording and may be included in the four (4) days of professional  
 8           development **permitted** under KRS 158.070.

9           ~~[2. When a staff member subject to the training under subparagraph 1. of~~  
 10           ~~this paragraph is initially hired during a school year in which the training~~  
 11           ~~is not required, the local district shall provide suicide prevention~~  
 12           ~~materials to the staff member for review.~~

13           ~~(d) The requirements of paragraphs (b) and (c) of this subsection shall apply to~~  
 14           ~~public charter schools as a health and safety requirement under KRS~~  
 15           ~~160.1592(1).]~~

16           (7) ~~[(a) ]~~ **The Kentucky Department of Education shall make a** ~~[By November 1,~~  
 17           ~~2019, and November 1 of each year thereafter, a minimum of]~~ one (1) hour ~~[of]~~  
 18           training on how to respond to an active shooter situation **available to** ~~[shall be~~  
 19           ~~required for]~~ all school district employees ~~[with job duties requiring direct contact~~  
 20           ~~with students]~~. The training shall be provided either in person, by live streaming, or  
 21           via a video recording prepared by the Kentucky Department of Criminal Justice  
 22           Training in collaboration with the Kentucky Law Enforcement Council, the  
 23           Kentucky Department of Education, and the Center for School Safety and may be  
 24           included in the four (4) days of professional development **permitted** under KRS  
 25           158.070.

26           ~~[(b) When a staff member subject to the training requirements of this subsection is~~  
 27           ~~initially hired after the training has been provided for the school year, the local~~

1 ~~district shall provide materials on how to respond to an active shooter~~  
2 ~~situation.~~

3 ~~(c) The requirements of this subsection shall also apply to public charter schools~~  
4 ~~as a health and safety requirement under KRS 160.1592(1).]~~

5 (8) (a) The Kentucky Department of Education shall develop and maintain a list of  
6 approved comprehensive evidence-informed trainings on child abuse and  
7 neglect prevention, recognition, and reporting that encompass child physical,  
8 sexual, and emotional abuse and neglect.

9 (b) The trainings shall be Web-based or in-person and cover, at a minimum, the  
10 following topics:

- 11 1. Recognizing child physical, sexual, and emotional abuse and neglect;
- 12 2. Reporting suspected child abuse and neglect in Kentucky as required by  
13 KRS 620.030 and the appropriate documentation;
- 14 3. Responding to the child; and
- 15 4. Understanding the response of child protective services.

16 (c) The trainings shall include a questionnaire or other basic assessment tool upon  
17 completion to document basic knowledge of training components.

18 (d) Each local board of education ~~may~~<sup>shall</sup> adopt one (1) or more trainings from  
19 the list approved by the Department of Education to be implemented by  
20 schools. **The training may be included in the four (4) days of professional**  
21 **development permitted under Section 2 of this Act.**

22 ~~(e) [All current school administrators, certified personnel, office staff,~~  
23 ~~instructional assistants, and coaches and extracurricular sponsors who are~~  
24 ~~employed by the school district shall complete the implemented training or~~  
25 ~~trainings by January 31, 2017, and then every two (2) years after.~~

26 ~~(f) All school administrators, certified personnel, office staff, instructional~~  
27 ~~assistants, and coaches and extracurricular sponsors who are employed by the~~

1           ~~school district hired after January 31, 2017, shall complete the implemented~~  
2           ~~training or trainings within ninety (90) days of being hired and then every two~~  
3           ~~(2) years after.~~

4           ~~(g)~~ Every public school shall prominently display the statewide child abuse  
5           hotline number administered by the Cabinet for Health and Family Services,  
6           and the National Human Trafficking Reporting Hotline number administered  
7           by the United States Department for Health and Human Services.

8           (9) The Department of Education shall establish an electronic consumer bulletin board  
9           that posts information regarding professional development providers and programs  
10          as a service to school district central office personnel, school councils, teachers, and  
11          administrators. Participation on the electronic consumer bulletin board shall be  
12          voluntary for professional development providers or vendors, but shall include all  
13          programs sponsored by the department. Participants shall provide the following  
14          information: program title; name of provider or vendor; qualifications of the  
15          presenters or instructors; objectives of the program; program length; services  
16          provided, including follow-up support; costs for participation and costs of materials;  
17          names of previous users of the program, addresses, and telephone numbers; and  
18          arrangements required. Posting information on the bulletin board by the department  
19          shall not be viewed as an endorsement of the quality of any specific provider or  
20          program.

21          (10) The Department of Education shall provide voluntary training to address the  
22          characteristics and instructional needs of students at risk of school failure and most  
23          likely to drop out of school. The training shall be developed to meet the specific  
24          needs of all certified and classified personnel depending on their relationship with  
25          these students. The training for instructional personnel shall be designed to provide  
26          and enhance skills of personnel to:

27          (a) Identify at-risk students early in elementary schools as well as at-risk and

- 1 potential dropouts in the middle and high schools;
- 2 (b) Plan specific instructional strategies to teach at-risk students;
- 3 (c) Improve the academic achievement of students at risk of school failure by  
4 providing individualized and extra instructional support to increase  
5 expectations for targeted students;
- 6 (d) Involve parents as partners in ways to help their children and to improve their  
7 children's academic progress; and
- 8 (e) Significantly reduce the dropout rate of all students.
- 9 (11) The department shall establish teacher academies to the extent funding is available  
10 in cooperation with postsecondary education institutions for elementary, middle  
11 school, and high school faculty in core disciplines, utilizing facilities and faculty  
12 from universities and colleges, local school districts, and other appropriate agencies  
13 throughout the state. Priority for participation shall be given to those teachers who  
14 are teaching core discipline courses for which they do not have a major or minor or  
15 the equivalent. Participation of teachers shall be voluntary.
- 16 (12) The department shall annually provide to the oversight council established in KRS  
17 15A.063, the information received from local schools pursuant to KRS 158.449.
- 18 ➔Section 2. KRS 158.070 is amended to read as follows:
- 19 (1) As used in this section:
- 20 (a) "Election" has the same meaning as in KRS 121.015;
- 21 (b) "Minimum school term" or "school term" means not less than one hundred  
22 eighty-five (185) days composed of the student attendance days, teacher  
23 professional days, and holidays;
- 24 (c) "School calendar" means the document adopted by a local board of education  
25 that establishes the minimum school term, student instructional year or  
26 variable student instructional year, and days that school will not be in session;
- 27 (d) "School district calendar committee" means a committee that includes at least



- 1           the following:
- 2           1. One (1) school district principal;
- 3           2. One (1) school district office administrator other than the
- 4           superintendent;
- 5           3. One (1) member of the local board of education;
- 6           4. Two (2) parents of students attending a school in the district;
- 7           5. One (1) school district elementary school teacher;
- 8           6. One (1) school district middle or high school teacher;
- 9           7. Two (2) school district classified employees; and
- 10          8. Two (2) community members from the local chamber of commerce,
- 11          business community, or tourism commission;
- 12          (e) "Student attendance day" means any day that students are scheduled to be at
- 13          school to receive instruction, and encompasses the designated start and
- 14          dismissal time;
- 15          (f) "Student instructional year" means at least one thousand sixty-two (1,062)
- 16          hours of instructional time for students delivered on not less than one hundred
- 17          seventy (170) student attendance days;
- 18          (g) "Teacher professional day" means any day teachers are required to report to
- 19          work as determined by a local board of education, with or without the
- 20          presence of students; and
- 21          (h) "Variable student instructional year" means at least one thousand sixty-two
- 22          (1,062) hours of instructional time delivered on the number of student
- 23          attendance days adopted by a local board of education which shall be
- 24          considered proportionally equivalent to one hundred seventy (170) student
- 25          attendance days and calendar days for the purposes of a student instructional
- 26          year, employment contracts that are based on the school term, service credit
- 27          under KRS 161.500, and funding under KRS 157.350.

- 1 (2) (a) ~~[Beginning with the 2018-2019 school year, and each year thereafter,]~~The  
2 local board of education, upon recommendation of the local school district  
3 superintendent, shall annually appoint a school district calendar committee to  
4 review, develop, and recommend school calendar options.
- 5 (b) The school district calendar committee, after seeking feedback from school  
6 district employees, parents, and community members, shall recommend  
7 school calendar options to the local school district superintendent for  
8 presentation to the local board of education. The committee's  
9 recommendations shall comply with state laws and regulations and consider  
10 the economic impact of the school calendar on the community and the state.
- 11 (c) Prior to adopting a school calendar, the local board of education shall hear for  
12 discussion the school district calendar committee's recommendations and the  
13 recommendation of the superintendent at a meeting of the local board of  
14 education.
- 15 (d) During a subsequent meeting of the local board of education, the local board  
16 shall adopt a school calendar for the upcoming school year that establishes the  
17 opening and closing dates of the school term, beginning and ending dates of  
18 each school month, student attendance days, and days on which schools shall  
19 be dismissed. The local board may schedule days for breaks in the school  
20 calendar that shall not be counted as a part of the minimum school term.
- 21 (e) For local board of education meetings described in paragraphs (c) and (d) of  
22 this subsection, if the meeting is a regular meeting, notice shall be given to  
23 media outlets that have requests on file to be notified of special meetings  
24 stating the date of the regular meeting and that one (1) of the items to be  
25 considered in the regular meeting will be the school calendar. The notice shall  
26 be sent at least twenty-four (24) hours before the regular meeting. This  
27 requirement shall not be deemed to make any requirements or limitations

1 relating to special meetings applicable to the regular meeting.

2 (f) ~~[Beginning with the 2018-2019 school year, and each year thereafter,]~~A local  
3 school board of education that adopts a school calendar with the first student  
4 attendance day in the school term starting no earlier than the Monday closest  
5 to August 26 may use a variable student instructional year. Districts may set  
6 the length of individual student attendance days in a variable student  
7 instructional schedule, but no student attendance day shall contain more than  
8 seven (7) hours of instructional time unless the district submitted and received  
9 approval from the commissioner of education for an innovative alternative  
10 calendar.

11 (3) (a) Each local board of education ~~may~~shall use up to four (4) days of the  
12 minimum school term for professional development and collegial planning  
13 activities for the professional staff without the presence of students pursuant  
14 to the requirements of KRS 156.095. At the discretion of the superintendent,  
15 up to one (1) day of professional development may be used for district-wide  
16 activities and for training that is mandated by federal or state law. The use of  
17 up to three (3) days ~~may~~shall be planned by each school council, except that  
18 the district is encouraged to provide technical assistance and leadership to  
19 school councils to maximize existing resources and to encourage shared  
20 planning.

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

24 (e)—]1. A local board may approve a school's flexible professional development  
25 plan that permits teachers or other certified personnel within a school to  
26 participate in professional development activities outside the days  
27 scheduled in the school calendar or the regularly scheduled hours in the

1 school work day and receive credit towards the four (4) day professional  
2 development requirement within the minimum one hundred eighty-five  
3 (185) days that a teacher shall be employed.

4 2. A flexible schedule option shall be reflected in the school's professional  
5 development component within the school improvement plan and  
6 approved by the local board. Credit for approved professional  
7 development activities may be accumulated in periods of time other than  
8 full day segments.

9 3. No teacher or administrator shall be permitted to count participation in a  
10 professional development activity under the flexible schedule option  
11 unless the activity is related to the teacher's classroom assignment and  
12 content area, or the administrator's job requirements, or is required by  
13 the school improvement plan, or is tied to the teacher's or the  
14 administrator's individual growth plan. The supervisor shall give prior  
15 approval and shall monitor compliance with the requirements of this  
16 paragraph. In the case of teachers, a professional development  
17 committee or the school council by council policy may be responsible  
18 for reviewing requests for approval.

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

22 ~~(d)~~~~(e)~~ Each local board may use two (2) days for planning activities without  
23 the presence of students.

24 ~~(e)~~~~(f)~~ Each local board may close schools for the number of days deemed  
25 necessary for:

26 1. National or state emergency or mourning when proclaimed by the  
27 President of the United States or the Governor of the Commonwealth of

1 Kentucky;

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

4 3. Mourning when so designated by the local board of education and  
5 approved by the Kentucky Board of Education upon recommendation of  
6 the commissioner of education.

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

15 (b) If a local board of education amends its school calendar after its adoption due  
16 to an emergency, it may lengthen or shorten any remaining student attendance  
17 days by thirty (30) minutes or more, as it deems necessary, provided the  
18 amended calendar complies with the requirements of a student instructional  
19 year in subsection (1)(f) of this section or a variable student instructional year  
20 in subsection (1)(h) of this section. No student attendance day shall contain  
21 more than seven (7) hours of instructional time unless the district submitted  
22 and received approval from the commissioner of education for an innovative  
23 alternative calendar.

24 (5) (a) 1. In setting the school calendar, school may be closed for two (2)  
25 consecutive days for the purpose of permitting professional school  
26 employees to attend statewide professional meetings.

27 2. These two (2) days for statewide professional meetings may be

- 1 scheduled to begin with the first Thursday after Easter, or upon request  
2 of the statewide professional education association having the largest  
3 paid membership, the commissioner of education may designate  
4 alternate dates.
- 5 3. If schools are scheduled to operate during days designated for the  
6 statewide professional meeting, the school district shall permit  
7 employees who are delegates to attend as compensated professional  
8 leave time and shall employ substitute teachers in their absence.
- 9 4. The commissioner of education shall designate one (1) additional day  
10 during the school year when schools may be closed to permit  
11 professional school employees to participate in regional or district  
12 professional meetings.
- 13 5. These three (3) days so designated for attendance at professional  
14 meetings may be counted as a part of the minimum school term.
- 15 (b) 1. If any school in a district is used as a polling place, the school district  
16 shall be closed on the day of the election, and those days may be used  
17 for professional development activities, professional meetings, or  
18 parent-teacher conferences.
- 19 2. A district may be open on the day of an election if no school in the  
20 district is used as a polling place.
- 21 (c) All schools shall be closed on the third Monday of January in observance of  
22 the birthday of Martin Luther King, Jr. Districts may:
- 23 1. Designate the day as one (1) of the four (4) holidays permitted under  
24 subsection (3)(d) of this section; or
- 25 2. Not include the day in the minimum school term specified in subsection  
26 (1) of this section.
- 27 (6) (a) The Kentucky Board of Education, or the organization or agency designated

1 by the board to manage interscholastic athletics, shall be encouraged to  
2 schedule athletic competitions outside the regularly scheduled student  
3 attendance day.

4 (b) ~~[Beginning with the 2009-2010 school year, ]~~Any member of a school-  
5 sponsored interscholastic athletic team who competes in a regional  
6 tournament or state tournament sanctioned by the Kentucky Board of  
7 Education, or the organization or agency designated by the board to manage  
8 interscholastic athletics, and occurring on a regularly scheduled student  
9 attendance day may be counted present at school on the date or dates of the  
10 competition, as determined by local board policy, for a maximum of two (2)  
11 days per student per year. The student shall be expected to complete any  
12 assignments missed on the date or dates of the competition.

13 (c) The school attendance record of any student for whom paragraph (b) of this  
14 subsection applies shall indicate that the student was in attendance on the date  
15 or dates of competition.

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

18 (8) Schools shall provide continuing education for those students who are determined  
19 to need additional time to achieve the outcomes defined in KRS 158.6451, and  
20 schools shall not be limited to the minimum school term in providing this  
21 education. Continuing education time may include extended days, extended weeks,  
22 or extended years. A local board of education may adopt a policy requiring its  
23 students to participate in continuing education. The local policy shall set out the  
24 conditions under which attendance will be required and any exceptions which are  
25 provided. The Kentucky Board of Education shall promulgate administrative  
26 regulations establishing criteria for the allotment of grants to local school districts  
27 and shall include criteria by which the commissioner of education may approve a

1 district's request for a waiver to use an alternative service delivery option, including  
2 providing services during the student attendance day on a limited basis. These  
3 grants shall be allotted to school districts to provide instructional programs for  
4 pupils who are identified as needing additional time to achieve the outcomes  
5 defined in KRS 158.6451. A school district that has a school operating a model  
6 early reading program under KRS 158.792 may use a portion of its grant money as  
7 part of the matching funds to provide individualized or small group reading  
8 instruction to qualified students outside of the regular classroom during the student  
9 attendance day.

10 (9) Notwithstanding any other statute, each school term shall include no less than the  
11 equivalent of the student instructional year in subsection (1)(f) of this section, or a  
12 variable student instructional year in subsection (1)(h) of this section, except that  
13 the commissioner of education may grant up to the equivalent of ten (10) student  
14 attendance days for school districts that have a nontraditional instruction plan  
15 approved by the commissioner of education on days when the school district is  
16 closed for health or safety reasons. The district's plan shall indicate how the  
17 nontraditional instruction process shall be a continuation of learning that is  
18 occurring on regular student attendance days. Instructional delivery methods,  
19 including the use of technology, shall be clearly delineated in the plan. Average  
20 daily attendance for purposes of Support Education Excellence in Kentucky  
21 program funding during the student attendance days granted shall be calculated in  
22 compliance with administrative regulations promulgated by the Kentucky Board of  
23 Education.

24 (10) ~~{By December 31, 2018, }~~The Kentucky Board of Education shall promulgate  
25 administrative regulations~~[ to be effective beginning with the 2019-2020 school~~  
26 ~~year]~~ to prescribe the conditions and procedures for districts to be approved for the  
27 nontraditional instruction program. Administrative regulations promulgated by the



1 board under this section shall specify:

2 (a) The application, plan review, approval, and amendment process;

3 (b) Reporting requirements for districts approved for the program, which may  
4 include but are not limited to examples of student work, lesson plans, teacher  
5 work logs, and student and teacher participation on nontraditional instruction  
6 days. Documentation to support the use of nontraditional instruction days  
7 shall include clear evidence of learning continuation;

8 (c) Timelines for initial approval as a nontraditional instruction district, length of  
9 approval, the renewal process, and ongoing evaluative procedures required of  
10 the district;

11 (d) Reporting and oversight responsibilities of the district and the Kentucky  
12 Department of Education, including the documentation required to show clear  
13 evidence of learning continuation during nontraditional instruction days; and

14 (e) Other components deemed necessary to implement this section.

15 (11) Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection  
16 (2) of this section, a school district shall arrange bus schedules so that all buses  
17 arrive in sufficient time to provide breakfast prior to the beginning of the student  
18 attendance day. In the event of an unforeseen bus delay, the administrator of a  
19 school that participates in the Federal School Breakfast Program may authorize up  
20 to fifteen (15) minutes of the student attendance day if necessary to provide the  
21 opportunity for children to eat breakfast not to exceed eight (8) times during the  
22 school year within a school building.

23 (12) Notwithstanding any other statute to the contrary, the following provisions shall  
24 apply to a school district that misses student attendance days due to emergencies,  
25 including weather-related emergencies:

26 (a) A certified school employee shall be considered to have fulfilled the minimum  
27 one hundred eighty-five (185) day contract with a school district under KRS

1 157.350 and shall be given credit for the purpose of calculating service credit  
2 for retirement under KRS 161.500 for certified school personnel if:

- 3 1. State and local requirements under this section are met regarding the  
4 equivalent of the number and length of student attendance days, teacher  
5 professional days, professional development days, holidays, and days for  
6 planning activities without the presence of students; and
- 7 2. The provisions of the district's school calendar to make up student  
8 attendance days missed due to any emergency, as approved by the  
9 Kentucky Department of Education when required, including but not  
10 limited to a provision for additional instructional time per day, are met.

11 (b) Additional time worked by a classified school employee shall be considered as  
12 equivalent time to be applied toward the employee's contract and calculation  
13 of service credit for classified employees under KRS 78.615 if:

- 14 1. The employee works for a school district with a school calendar  
15 approved by the Kentucky Department of Education that contains a  
16 provision that additional instructional time per day shall be used to make  
17 up full days missed due to an emergency;
- 18 2. The employee's contract requires a minimum six (6) hour work day; and
- 19 3. The employee's job responsibilities and work day are extended when the  
20 instructional time is extended for the purposes of making up time.

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

27 ➔Section 3. KRS 158.649 is amended to read as follows:

- 1 (1) "Achievement gap" means the difference between performance goals and actual  
2 performance on each of the tested areas by grade level of the state assessment  
3 program for each of the various subgroups of students as described in the Every  
4 Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, including male  
5 and female students, students with and without disabilities, students with and  
6 without English proficiency, minority and nonminority students, and students who  
7 are eligible for free and reduced lunch and those who are not eligible for free and  
8 reduced lunch.
- 9 (2) By October 1 of each year, the Department of Education shall provide each school  
10 council, or the principal if a school council does not exist, data on its students'  
11 performance as shown by the state assessment program described in KRS 158.6453.  
12 The data shall include but not be limited to information on performance levels of all  
13 students tested, and information on the performance of students disaggregated by  
14 race, gender, disability, English proficiency, and participation in the federal free and  
15 reduced price lunch program, and any other subgroups as described in the Every  
16 Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor. The  
17 information from the department shall include an equity analysis that shall identify  
18 the substantive differences among the various groups of students identified in  
19 subsection (1) of this section. Beginning with the 2012-2013 school year, the  
20 reporting requirement in this subsection shall be no later than seventy-five (75) days  
21 following the first day the assessment can be administered.
- 22 (3) Each local board of education upon the recommendation of the local district  
23 superintendent shall adopt a policy for reviewing the academic performance on the  
24 state assessments required under KRS 158.6453 for various groups of students,  
25 including major racial groups, gender, disability, free and reduced price school  
26 lunch eligibility, and limited English proficiency. The local board policy shall be  
27 consistent with Kentucky Board of Education administrative regulations. Upon

1 agreement of the school-based decision making council, or the principal if there is  
 2 not a council, and the superintendent, the local board shall establish an annual target  
 3 for each school for reducing identified gaps in achievement as set out in subsection  
 4 (4) of this section.

5 (4) By February 1 of each year, the school-based decision making council, or the  
 6 principal if there is not a council, with the involvement of parents, faculty, and staff  
 7 shall set the school's targets for eliminating any achievement gap and submit them  
 8 to the superintendent for consideration. The superintendent and the school-based  
 9 decision making council, or the principal if there is not a council, shall agree on the  
 10 targets before they are submitted to the local board of education for adoption.

11 (5) By January 1 of each year, the school council, or the principal if a school council  
 12 does not exist, with the involvement of parents, faculty, and staff, shall review the  
 13 data and revise the school improvement plan to include the targets, strategies,  
 14 activities, and a time schedule calculated to eliminate the achievement gap among  
 15 various groups of students to the extent it may exist. The plan shall include but not  
 16 be limited to activities designed to address the following areas:

17 (a) Curriculum alignment within the school and with schools that send or receive  
 18 the school's students;

19 (b) Evaluation and assessment strategies to continuously monitor and modify  
 20 instruction to meet student needs and support proficient student work;

21 (c) ~~Professional development to address the goals of the plan;~~

22 ~~(d) Parental communication and involvement;~~

23 (d)~~(e)~~ Attendance improvement and dropout prevention; and

24 (e)~~(f)~~ Technical assistance that will be accessed.

25 (6) The principal shall convene a public meeting at the school to present and discuss the  
 26 plan prior to submitting it to the superintendent and the local board of education for  
 27 review, in the public meeting required under KRS 160.340.

- 1 (7) Based on the disaggregated assessment results, the local board shall determine if  
2 each school achieved its targets for each group of students. Only data for a group of  
3 students including ten (10) or more students shall be considered.
- 4 (8) Notwithstanding KRS 160.345(8) and 158.070(8), if a local board determines that a  
5 school has not met its target to reduce the identified gap in student achievement for  
6 a group of students, the local board shall require the council, or the principal if no  
7 council exists, to submit its revisions to the school improvement plan describing the  
8 use of professional development funds and funds allocated for continuing education  
9 to reduce the school's achievement gap for review and approval by the  
10 superintendent. The plan shall address how the school will meet the academic needs  
11 of the students in the various groups identified in subsection (1) of this section.
- 12 (9) The superintendent shall report to the local school board and the commissioner of  
13 education if a school fails to meet its targets in any academic content area to reduce  
14 the gap in student achievement for any student group for two (2) consecutive years.  
15 The school's improvement plan shall be subject to review and approval by the  
16 Kentucky Department of Education and the school shall submit an annual status  
17 report. The Department of Education may provide assistance as defined in KRS  
18 160.346 to schools as it deems necessary to assist the school in meeting its goals.
- 19 (10) The school-based decision making council, or the principal if there is not a council,  
20 shall no longer be required to seek approval of the plan under subsections (8) and  
21 (9) of this section when it meets its target for reducing the gap in student  
22 achievement for the various groups of students identified in subsection (1) of this  
23 section.
- 24 ➔Section 4. KRS 158.148 is amended to read as follows:
- 25 (1) (a) As used in this section, "bullying" means any unwanted verbal, physical, or  
26 social behavior among students that involves a real or perceived power  
27 imbalance and is repeated or has the potential to be repeated:

1           1. That occurs on school premises, on school-sponsored transportation, or  
2           at a school-sponsored event; or

3           2. That disrupts the education process.

4           (b) This definition shall not be interpreted to prohibit civil exchange of opinions  
5           or debate or cultural practices protected under the state or federal Constitution  
6           where the opinion expressed does not otherwise materially or substantially  
7           disrupt the education process.

8           (2) In cooperation with the Kentucky Education Association, the Kentucky School  
9           Boards Association, the Kentucky Association of School Administrators, the  
10          Kentucky Association of Professional Educators, the Kentucky Association of  
11          School Superintendents, the Parent-Teachers Association, the Kentucky Chamber of  
12          Commerce, the Farm Bureau, members of the Interim Joint Committee on  
13          Education, and other interested groups, and in collaboration with the Center for  
14          School Safety, the Department of Education shall develop or update as needed and  
15          distribute to all districts by August 31 of each even-numbered year, beginning  
16          August 31, 2008:

17          (a) Statewide student discipline guidelines to ensure safe schools, including the  
18          definition of serious incident for the reporting purposes as identified in KRS  
19          158.444;

20          (b) Recommendations designed to improve the learning environment and school  
21          climate, parental and community involvement in the schools, and student  
22          achievement; and

23          (c) A model policy to implement the provisions of this section and KRS 158.156,  
24          158.444, 525.070, and 525.080.

25          (3) The department shall obtain statewide data on major discipline problems and  
26          reasons why students drop out of school. In addition, the department, in  
27          collaboration with the Center for School Safety, shall identify successful strategies

1 currently being used in programs in Kentucky and in other states and shall  
2 incorporate those strategies into the statewide guidelines and the recommendations  
3 under subsection (2) of this section.

4 (4) Copies of the discipline guidelines shall be distributed to all school districts. The  
5 statewide guidelines shall contain broad principles and legal requirements to guide  
6 local districts in developing their own discipline code and school councils in the  
7 selection of discipline and classroom management techniques under KRS 158.154;  
8 and in the development of the district-wide safety plan.

9 (5) (a) Each local board of education shall be responsible for formulating a code of  
10 acceptable behavior and discipline to apply to the students in each school  
11 operated by the board. The code shall be updated no less frequently than every  
12 two (2) years, with the first update being completed by November 30, 2008.

13 (b) The superintendent, or designee, shall be responsible for overall  
14 implementation and supervision, and each school principal shall be  
15 responsible for administration and implementation within each school. Each  
16 school council shall select and implement the appropriate discipline and  
17 classroom management techniques necessary to carry out the code. The board  
18 shall establish a process for a two-way communication system for teachers  
19 and other employees to notify a principal, supervisor, or other administrator of  
20 an existing emergency.

21 (c) The code shall prohibit bullying.

22 (d) The code shall contain the type of behavior expected from each student, the  
23 consequences of failure to obey the standards, and the importance of the  
24 standards to the maintenance of a safe learning environment where orderly  
25 learning is possible and encouraged.

26 (e) The code shall contain:

27 1. Procedures for identifying, documenting, and reporting incidents of

- 1 bullying, incidents of violations of the code, and incidents for which  
2 reporting is required under KRS 158.156;
- 3 2. Procedures for investigating and responding to a complaint or a report of  
4 bullying or a violation of the code, or of an incident for which reporting  
5 is required under KRS 158.156, including reporting incidents to the  
6 parents, legal guardians, or other persons exercising custodial control or  
7 supervision of the students involved;
- 8 3. A strategy or method of protecting from retaliation a complainant or  
9 person reporting an incident of bullying, a violation of the code, or an  
10 incident for which reporting is required under KRS 158.156;
- 11 4. A process for informing students, parents, legal guardians, or other  
12 persons exercising custodial control or supervision, and school  
13 employees of the requirements of the code and the provisions of this  
14 section and KRS 158.156, 158.444, 525.070, and 525.080~~], including~~  
15 ~~training for school employees];~~ and
- 16 5. Information regarding the consequences of bullying and violating the  
17 code and violations reportable under KRS 158.154, 158.156, or 158.444.
- 18 (f) The principal of each school shall apply the code of behavior and discipline  
19 uniformly and fairly to each student at the school without partiality or  
20 discrimination.
- 21 (g) A copy of the code of behavior and discipline adopted by the board of  
22 education shall be posted at each school. Guidance counselors shall be  
23 provided copies for discussion with students. The code shall be referenced in  
24 all school handbooks. All school employees and parents, legal guardians, or  
25 other persons exercising custodial control or supervision shall be provided  
26 copies of the code.

27 ➔Section 5. KRS 158.6453 is amended to read as follows:



- 1 (1) As used in this section:
- 2 (a) "Accelerated learning" means an organized way of helping students meet  
3 individual academic goals by providing direct instruction to eliminate student  
4 performance deficiencies or enable students to move more quickly through  
5 course requirements and pursue higher level skill development;
- 6 (b) "Constructed-response items" or "performance-based items" means individual  
7 test items that require the student to create an answer rather than select a  
8 response and may include fill-in-the-blank, short-answer, extended-answer,  
9 open-response, and writing-on-demand formats;
- 10 (c) "Criterion-referenced test" means a test that is aligned with defined academic  
11 content standards and measures an individual student's level of performance  
12 against the standards;
- 13 (d) "End-of-course examination" means the same as defined in KRS 158.860;
- 14 (e) "Formative assessment" means a process used by teachers and students during  
15 instruction to adjust ongoing teaching and learning to improve students'  
16 achievement of intended instructional outcomes. Formative assessments may  
17 include the use of commercial assessments, classroom observations, teacher-  
18 designed classroom tests and assessments, and other processes and  
19 assignments to gain information about individual student learning;
- 20 (f) "Interim assessments" means assessments that are given periodically  
21 throughout the year to provide diagnostic information and to show individual  
22 student performance against content standards;
- 23 (g) "Summative assessment" means an assessment given at the end of the school  
24 year, semester, or other period of time to evaluate students' performance  
25 against content standards within a unit of instruction or a course; and
- 26 (h) "Writing" means a purposeful act of thinking and expression that uses  
27 language to explore ideas and communicate meaning to others. Writing is a

1 complex, multifaceted act of communication.

2 (2) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the  
3 Kentucky Department of Education shall implement a process for reviewing  
4 Kentucky's academic standards and the alignment of corresponding  
5 assessments for possible revision or replacement to ensure alignment with  
6 transition readiness standards necessary for global competitiveness and with  
7 state career and technical education standards.

8 (b) The revisions to the content standards shall:

- 9 1. Focus on critical knowledge, skills, and capacities needed for success in  
10 the global economy;
- 11 2. Result in fewer but more in-depth standards to facilitate mastery  
12 learning;
- 13 3. Communicate expectations more clearly and concisely to teachers,  
14 parents, students, and citizens;
- 15 4. Be based on evidence-based research;
- 16 5. Consider international benchmarks; and
- 17 6. Ensure that the standards are aligned from elementary to high school to  
18 postsecondary education so that students can be successful at each  
19 education level.

20 (c) 1. The department shall establish four (4) standards and assessments  
21 review committees, with each committee composed of a minimum of six  
22 (6) Kentucky public school teachers and a minimum of two (2)  
23 representatives from Kentucky institutions of higher education,  
24 including at least one (1) representative from a public institution of  
25 higher education. Each committee member shall teach in the subject area  
26 that his or her committee is assigned to review and have no prior or  
27 current affiliation with a curriculum or assessment resources vendor.

- 1           2. One (1) of the four (4) committees shall be assigned to focus on the  
2           review of language arts and writing academic standards and  
3           assessments, one (1) on the review of mathematics academic standards  
4           and assessments, one (1) on the review of science academic standards  
5           and assessments, and one (1) on the review of social studies academic  
6           standards and assessments.
- 7           (d) 1. The department shall establish twelve (12) advisory panels to advise and  
8           assist each of the four (4) standards and assessments review committees.
- 9           2. Three (3) advisory panels shall be assigned to each standards and  
10          assessments review committee. One (1) panel shall review the standards  
11          and assessments for kindergarten through grade five (5), one (1) shall  
12          review the standards and assessments for grades six (6) through eight  
13          (8), and one (1) shall review the standards and assessments for grades  
14          nine (9) through twelve (12).
- 15          3. Each advisory panel shall be composed of at least one (1) representative  
16          from a Kentucky institution of higher education and a minimum of six  
17          (6) Kentucky public school teachers who teach in the grade level and  
18          subject reviewed by the advisory panel to which they are assigned and  
19          have no prior or current affiliation with a curriculum or assessment  
20          resources vendor.
- 21          (e) The commissioner of education and the president of the Council on  
22          Postsecondary Education shall also provide consultants for the standards and  
23          assessments review committees and the advisory panels who are business and  
24          industry professionals actively engaged in career fields that depend on the  
25          various content areas.
- 26          (f) 1. The standards and assessments process review committee is hereby  
27          established and shall be composed of the commissioner of education or

- 1 designee as a nonvoting member and nine (9) voting representatives of  
2 public schools, of whom at least two (2) shall be parents of public  
3 school students, appointed by the Governor and confirmed by the Senate  
4 in accordance with KRS 11.160 as follows:
- 5 a. One (1) language arts teacher;
  - 6 b. One (1) math teacher;
  - 7 c. One (1) science teacher;
  - 8 d. One (1) social studies teacher;
  - 9 e. Two (2) school principals;
  - 10 f. Two (2) school superintendents; and
  - 11 g. One (1) school board member.
- 12 2. On making appointments to the committee, the Governor shall ensure  
13 broad geographical urban and rural representation and representation of  
14 elementary, middle, and high school levels; ensure equal representation  
15 of the two (2) sexes, inasmuch as possible; and ensure that appointments  
16 reflect the minority racial composition of the Commonwealth.
  - 17 3. The review of the committee shall be limited to the procedural aspects  
18 of the review process undertaken prior to its consideration.
  - 19 4. Notwithstanding KRS 12.028, the committee shall not be subject to  
20 reorganization by the Governor.
- 21 (g) 1. The review process implemented under this subsection shall be an open,  
22 transparent process that allows all Kentuckians an opportunity to  
23 participate. The department shall ensure the public's assistance in  
24 reviewing and suggesting changes to the standards and alignment  
25 adjustments to corresponding state assessments by establishing a Web  
26 site dedicated to collecting comments by the public and educators. An  
27 independent third party, which has no prior or current affiliation with a

- 1 curriculum or assessment resources vendor, shall be selected by the  
2 department to collect and transmit the comments to the department for  
3 dissemination to the appropriate advisory panel for review and  
4 consideration.
- 5 2. Each advisory panel shall review the standards and assessments for its  
6 assigned subject matter and grade level and the suggestions made by the  
7 public and educators. After completing its review, each advisory panel  
8 shall make recommendations for changes to the standards and alignment  
9 adjustments for assessments to the appropriate standards and  
10 assessments review committee.
- 11 3. Each standards and assessments review committee shall review the  
12 findings and make recommendations to revise or replace existing  
13 standards and to adjust alignment of assessments.
- 14 4. The recommendations shall be published on the Web site established in  
15 this subsection for the purpose of gathering additional feedback from the  
16 public. The commissioner shall subsequently present the  
17 recommendations and the public feedback to the Interim Joint  
18 Committee on Education.
- 19 5. The commissioner shall subsequently provide a report to the standards  
20 and assessments process review committee summarizing the process  
21 conducted under this subsection and the resulting recommendations. The  
22 report shall include but not be limited to the timeline of the review  
23 process, public feedback, and responses from the Interim Joint  
24 Committee on Education.
- 25 6. After receiving the commissioner's report, the standards and assessments  
26 process review committee shall either concur that stakeholders have had  
27 adequate opportunity to provide input on standards and the

1                   corresponding alignment of state assessments or find the input process  
2                   deficient. If the process is found deficient, the recommendations may be  
3                   returned to the appropriate standards and assessments review committee  
4                   for review as described in subparagraph 3. of this paragraph. If the  
5                   process is found sufficient, the recommendations shall be forwarded  
6                   without amendment to the Kentucky Board of Education.

7           (h) The Kentucky Board of Education shall promulgate administrative regulations  
8           in accordance with KRS Chapter 13A as may be needed for the administration  
9           of the review process, including staggering the timing and sequence of the  
10          review process by subject area and remuneration of the review committees  
11          and advisory panels described in paragraphs (c) and (d) of this subsection.

12          (i) 1. The Kentucky Board of Education shall consider for approval the  
13               revisions to academic standards for a content area and the alignment of  
14               the corresponding state assessment once recommendations are received  
15               from the standards and assessments process review committee. Existing  
16               state academic standards shall remain in place until the board approves  
17               new standards.

18               2. Any revision to, or replacement of, the academic standards and  
19               assessments as a result of the review process conducted under this  
20               subsection shall be implemented in Kentucky public schools no later  
21               than the second academic year following the review process. Existing  
22               academic standards shall be used until new standards are implemented.

23               3. The Department of Education shall disseminate the academic content  
24               standards to the schools and teacher preparation programs.

25          (j) The Department of Education shall provide or facilitate ***voluntary*** statewide  
26          training sessions for existing teachers and administrators on how to:

27               1. Integrate the revised content standards into classroom instruction;

- 1           2. Better integrate performance assessment of students within their  
2           instructional practices; and
- 3           3. Help all students use higher-order thinking and communication skills.
- 4           (k) The Education Professional Standards Board in cooperation with the  
5           Kentucky Board of Education and the Council on Postsecondary Education  
6           shall coordinate information and training sessions for faculty and staff in all of  
7           the teacher preparation programs in the use of the revised academic content  
8           standards. The Education Professional Standards Board shall ensure that each  
9           teacher preparation program includes use of the academic standards in the pre-  
10          service education programs and that all teacher interns will have experience  
11          planning classroom instruction based on the revised standards.
- 12          (l) The Council on Postsecondary Education in cooperation with the Kentucky  
13          Department of Education and the postsecondary education institutions in the  
14          state shall coordinate information sessions regarding the academic content  
15          standards for faculty who teach in the various content areas.
- 16          (3) (a) The Kentucky Board of Education shall be responsible for creating and  
17          implementing a balanced statewide assessment program that measures the  
18          students', schools', and districts' achievement of the goals set forth in KRS  
19          158.645 and 158.6451, to ensure compliance with the federal Every Student  
20          Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure  
21          school accountability.
- 22          (b) The board shall revise the annual statewide assessment program as needed in  
23          accordance with revised academic standards and corresponding assessment  
24          alignment adjustments approved by the board under subsection (2) of this  
25          section.
- 26          (c) The statewide assessments shall not include any academic standards not  
27          approved by the board under subsection (2) of this section.

- 1 (d) The board shall seek the advice of the Office of Education Accountability; the  
2 School Curriculum, Assessment, and Accountability Council; the Education  
3 Assessment and Accountability Review Subcommittee, and the department's  
4 technical advisory committee in the development of the assessment program.  
5 The statewide assessment program shall not include measurement of a  
6 student's ability to become a self-sufficient individual or to become a  
7 responsible member of a family, work group, or community.
- 8 (4) (a) The academic components of the statewide assessment program shall be  
9 composed of annual student summative tests, which may include a  
10 combination of multiple competency-based assessment and performance  
11 measures approved by the Kentucky Board of Education.
- 12 (b) The annual student summative tests shall:
- 13 1. Measure individual student achievement in language, reading, English,  
14 mathematics, science, and social studies at designated grades;
  - 15 2. Provide teachers and parents a valid and reliable comprehensive analysis  
16 of skills mastered by individual students;
  - 17 3. Provide diagnostic information that identifies strengths and academic  
18 deficiencies of individual students in the content areas;
  - 19 4. Provide information to teachers that can enable them to improve  
20 instruction for current and future students;
  - 21 5. Provide longitudinal profiles for students; and
  - 22 6. Ensure school and district accountability for student achievement of the  
23 goals set forth in KRS 158.645 and 158.6451, except the statewide  
24 assessment program shall not include measurement of a student's ability  
25 to become a self-sufficient individual or to become a responsible  
26 member of a family, work group, or community.
- 27 (5) The state student assessments shall include the following components:



- 1 (a) Elementary and middle grades requirements are:
- 2 1. A criterion-referenced test each in mathematics and reading in grades
- 3 three (3) through eight (8) that is valid and reliable for an individual
- 4 student and that measures the depth and breadth of Kentucky's academic
- 5 content standards;
- 6 2. A criterion-referenced test each in science and social studies that is valid
- 7 and reliable for an individual student as necessary to measure the depth
- 8 and breadth of Kentucky's academic content standards to be
- 9 administered one (1) time within the elementary and middle grades,
- 10 respectively;
- 11 3. An on-demand assessment of student writing to be administered one (1)
- 12 time within the elementary grades and one (1) time within the middle
- 13 grades; and
- 14 4. An editing and mechanics test relating to writing, using multiple choice
- 15 and constructed response items, to be administered one (1) time within
- 16 the elementary and the middle grades, respectively;
- 17 (b) High school requirements are:
- 18 1. A criterion-referenced test in mathematics, reading, and science that is
- 19 valid and reliable for an individual student and that measures the depth
- 20 and breadth of Kentucky's academic content standards to be
- 21 administered one (1) time within the high school grades;
- 22 2. A criterion-referenced test in social studies that is valid and reliable for
- 23 an individual student as necessary to measure the depth and breadth of
- 24 Kentucky's academic content standards to be administered one (1) time
- 25 within the high school grades;
- 26 3. An on-demand assessment of student writing to be administered one (1)
- 27 time within the high school grades;

- 1           4. An editing and mechanics test relating to writing, using multiple choice  
2           and constructed response items, to be administered one (1) time within  
3           the high school grades; and
- 4           5. A college admissions examination to assess English, reading,  
5           mathematics, and science in the spring of grade ten (10) and the spring  
6           of grade eleven (11);
- 7           (c) The Kentucky Board of Education shall add any other component necessary to  
8           comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or  
9           its successor, as determined by the United States Department of Education;
- 10          (d) The criterion-referenced components required in this subsection shall be  
11          composed of constructed response items and multiple choice items;
- 12          (e) The Kentucky Board of Education may incorporate end-of-course  
13          examinations into the assessment program to be used in lieu of requirements  
14          for criterion-referenced tests required under paragraph (b) of this subsection;  
15          and
- 16          (f) The results of the assessment program developed under this subsection shall  
17          be used by schools and districts to determine appropriate instructional  
18          modifications for all students in order for students to make continuous  
19          progress, including that needed by advanced learners.
- 20          (6) Each school district shall administer the statewide student assessment during the  
21          last fourteen (14) days of school in the district's instructional calendar. The  
22          Kentucky Board of Education may change the testing window to allow for  
23          innovative assessment systems or other online test administration and shall  
24          promulgate administrative regulations that minimize the number of days of testing  
25          and outline the procedures to be used during the testing process to ensure test  
26          security, including procedures for testing makeup days, and to comply with federal  
27          assessment requirements.

- 1 (7) A student enrolled in a district-operated or district-contracted alternative program  
2 shall participate in the appropriate assessments required by this section.
- 3 (8) A local school district may select and use commercial interim or formative  
4 assessments or develop and use its own formative assessments to provide data on  
5 how well its students are growing toward mastery of Kentucky academic standards,  
6 so long as the district's local school board develops a policy minimizing the  
7 reduction in instructional time related to the administration of the interim  
8 assessments. Nothing in this section precludes teachers from using ongoing teacher-  
9 developed formative processes.
- 10 (9) Each school that enrolls primary students shall use diagnostic assessments and  
11 prompts that measure readiness in reading and mathematics for its primary students  
12 as determined by the school to be developmentally appropriate. The schools may  
13 use commercial products, use products and procedures developed by the district, or  
14 develop their own diagnostic procedures. The results shall be used to inform the  
15 teachers and parents or guardians of each student's skill level.
- 16 (10) The state board shall ensure that a technically sound longitudinal comparison of the  
17 assessment results for the same students shall be made available.
- 18 (11) The following provisions shall apply to the college admissions examinations  
19 described in subsection (5)(b)5. of this section:
- 20 (a) The cost of both college admissions examinations administered to students in  
21 high school shall be paid for by the Kentucky Department of Education. The  
22 costs of additional college admissions examinations shall be the responsibility  
23 of the student;
- 24 (b) If funds are available, the Kentucky Department of Education shall provide a  
25 college admissions examination preparation program to all public high school  
26 juniors. The department may contract for necessary services; and
- 27 (c) Accommodations provided to a student with a disability taking the college

1 admissions assessments under this subsection shall consist of:

- 2 1. Accommodations provided in a manner allowed by the college  
3 admissions assessment provider when results in test scores are  
4 reportable to a postsecondary institution for admissions and placement  
5 purposes, except as provided in subparagraph 2. of this paragraph; or
- 6 2. Accommodations provided in a manner allowed by a student's  
7 individualized education program as defined in KRS 158.281 for a  
8 student whose disability precludes valid assessment of his or her  
9 academic abilities using the accommodations provided under  
10 subparagraph 1. of this paragraph when the student's scores are not  
11 reportable to a postsecondary institution for admissions and placement  
12 purposes.

13 (12) Kentucky teachers shall have a significant role in providing feedback about the  
14 design of the assessments, except for the college admissions exams described in  
15 subsection (5)(b)5. of this section. The assessments shall be designed to:

- 16 (a) Measure grade appropriate core academic content, basic skills, and higher-  
17 order thinking skills and their application;
- 18 (b) Provide valid and reliable scores for schools. If scores are reported for  
19 students individually, they shall be valid and reliable;
- 20 (c) Minimize the time spent by teachers and students on assessment; and
- 21 (d) Assess Kentucky academic standards only.

22 (13) The results from assessment under subsections (3) and (5) of this section shall be  
23 reported to the school districts and schools no later than seventy-five (75) days  
24 following the last day the assessment can be administered. Assessment reports  
25 provided to the school districts and schools shall include an electronic copy of an  
26 operational subset of test items from each assessment administered to their students  
27 and the results for each of those test items by student and by school.

- 1 (14) The Department of Education shall gather information to establish the validity of  
2 the assessment and accountability program. It shall develop a biennial plan for  
3 validation studies that shall include but not be limited to the consistency of student  
4 results across multiple measures, the congruence of school scores with documented  
5 improvements in instructional practice and the school learning environment, and the  
6 potential for all scores to yield fair, consistent, and accurate student performance  
7 level and school accountability decisions. Validation activities shall take place in a  
8 timely manner and shall include a review of the accuracy of scores assigned to  
9 students and schools, as well as of the testing materials. The plan shall be submitted  
10 to the Commission by July 1 of the first year of each biennium. A summary of the  
11 findings shall be submitted to the Legislative Research Commission by September 1  
12 of the second year of the biennium.
- 13 (15) The Department of Education and the state board shall offer optional assistance to  
14 local school districts and schools in developing and using continuous assessment  
15 strategies needed to assure student progress. The continuous assessment shall  
16 provide diagnostic information to improve instruction to meet the needs of  
17 individual students.
- 18 (16) The Administration Code for Kentucky's Assessment Program shall include  
19 prohibitions of inappropriate test preparation activities by school district employees  
20 charged with test administration and oversight, including but not limited to the issue  
21 of teachers being required to do test practice in lieu of regular classroom instruction  
22 and test practice outside the normal work day. The code shall include disciplinary  
23 sanctions that may be taken toward a school or individuals.
- 24 (17) The Kentucky Board of Education, after the Department of Education has received  
25 advice from the Office of Education Accountability; the School Curriculum,  
26 Assessment, and Accountability Council; and the department's technical advisory  
27 committee, shall promulgate an administrative regulation under KRS Chapter 13A

1 to establish the components of a reporting structure for assessments administered  
2 under this section. The reporting structure shall include the following components:

3 (a) A school report card that clearly communicates with parents and the public  
4 about school performance. The school report card shall be sent to the parents  
5 of the students of the districts, and information on electronic access to a  
6 summary of the results for the district shall be published in the newspaper  
7 with the largest circulation in the county. It shall include but not be limited to  
8 the following components reported by race, gender, and disability when  
9 appropriate:

- 10 1. Student academic achievement, including the results from each of the  
11 assessments administered under this section;
- 12 2. For Advanced Placement, Cambridge Advanced International, and  
13 International Baccalaureate, the courses offered, the number of students  
14 enrolled, completing, and taking the examination for each course, and  
15 the percentage of examinees receiving a score of three (3) or better on  
16 AP examinations, a score of "e" or better on Cambridge Advanced  
17 International examinations, or a score of four (4) or better on IB  
18 examinations. The data shall be disaggregated by gender, race, students  
19 with disabilities, and economic status;
- 20 3. Nonacademic achievement, including the school's attendance, retention,  
21 graduation rates, and student transition to postsecondary;
- 22 4. School learning environment, including measures of parental  
23 involvement; and
- 24 5. Any other school performance data required by the Every Student  
25 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;

26 (b) An individual student report to parents for each student in grades three (3)  
27 through eight (8) summarizing the student's skills in reading, science, social

1 studies, and mathematics. The school's staff shall develop a plan for  
2 accelerated learning for any student with identified deficiencies or strengths;  
3 and

4 (c) A student's highest scores on the college admissions assessments administered  
5 under subsection (5)(b)5. of this section.

6 (18) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the  
7 Kentucky Department of Education shall implement a comprehensive process  
8 for reviewing and revising the academic standards in visual and performing  
9 arts and practical living skills and career studies for all levels and in foreign  
10 language for middle and high schools. The department shall develop review  
11 committees for the standards for each of the content areas that include  
12 representation from certified specialist public school teachers and  
13 postsecondary teachers in those subject areas.

14 (b) The academic standards in practical living skills for elementary, middle, and  
15 high school levels shall include a focus on drug abuse prevention, with an  
16 emphasis on the prescription drug epidemic and the connection between  
17 prescription opioid abuse and addiction to other drugs, such as heroin and  
18 synthetic drugs.

19 (c) The department shall provide to all schools guidelines for programs that  
20 incorporate the adopted academic standards in visual and performing arts and  
21 practical living and career studies. The department shall provide to middle and  
22 high schools guidelines for including a foreign language program. The  
23 guidelines shall address program length and time, courses offered, staffing,  
24 resources, and facilities.

25 (d) The Kentucky Department of Education, in consultation with certified public  
26 school teachers of visual and performing arts, may develop program standards  
27 for the visual and performing arts.

1 (19) The Kentucky Department of Education shall provide to all schools guidelines for  
2 including an effective writing program within the curriculum. Each school-based  
3 decision making council or, if there is no school council, a committee appointed by  
4 the principal, shall adopt policies that determine the writing program for its school  
5 and submit it to the Department of Education for review and comment. The writing  
6 program shall incorporate a variety of language resources, technological tools, and  
7 multiple opportunities for students to develop complex communication skills for a  
8 variety of purposes.

9 (20) (a) The Kentucky Department of Education, in consultation with the review  
10 committees described in subsection (18) of this section, shall develop a school  
11 profile report to be used by all schools to document how they will address the  
12 adopted academic standards in their implementation of the programs as  
13 described in subsection (18) of this section, which may include student  
14 opportunities and experiences in extracurricular activities. The department  
15 shall include the essential workplace ethics program on the school profile  
16 report.

17 (b) By October 1 of each year, each school principal shall complete the school  
18 profile report, which shall be signed by the members of the school council, or  
19 the principal if no school council exists, and the superintendent. The report  
20 shall be electronically transmitted to the Kentucky Department of Education,  
21 and the original shall be maintained on file at the local board office and made  
22 available to the public upon request. The department shall include a link to  
23 each school's profile report on its Web site.

24 (c) If a school staff member, student, or a student's parent has concerns regarding  
25 deficiencies in a school's implementation of the programs described in  
26 subsection (18) of this section, he or she may submit a written inquiry to the  
27 school council.



1       ➔Section 6. KRS 161.044 is amended to read as follows:

- 2       (1) The Kentucky Board of Education shall promulgate administrative regulations  
3       governing the qualifications of teachers' aides in the common schools. All teachers'  
4       aides working in kindergarten or with entry level students in primary classes and all  
5       instructional teachers' aides initially employed after July 1, 1986, except those with  
6       current teacher certification, shall have a high school diploma or a High School  
7       Equivalency Diploma.
- 8       (2) "Noninstructional teacher's aide" means an adult who works under the direct  
9       supervision of the teaching staff in performing noninstructional functions such as  
10      clerical duties, lunch room duties, leading pupils in recreational activities, aiding the  
11      school librarian, preparing and organizing instructional material and equipment and  
12      monitoring children during a noninstructional period. Noninstructional teachers'  
13      aides employed on a full-time basis shall possess skills necessary to perform their  
14      duties and shall meet the requirements established in KRS 161.011 and 160.380.
- 15      (3) Within the administrative regulations established by the Kentucky Board of  
16      Education, a local district may employ teachers' aides in supplementary  
17      instructional and noninstructional activities with pupils. While engaged in an  
18      assignment as authorized under the administrative regulations, and as directed by  
19      the professional administrative and teaching staff, these personnel shall have the  
20      same legal status and protection as a certified teacher in the performance of the  
21      same or similar duties.
- 22      (4) Local districts shall give preference to applicants for the position of teacher's aide  
23      who have regular or emergency teacher certification.
- 24      (5) Local districts ***may require***~~[shall provide]~~ training of the instructional teacher's aide  
25      with the certified employee to whom he is assigned.

26      ➔Section 7. KRS 160.445 is amended to read as follows:

- 27      (1) (a) The Kentucky Board of Education or organization or agency designated by the

1 board to manage interscholastic athletics shall offer, and a local school  
 2 district may require each interscholastic coach to complete a sports safety  
 3 course consisting of training on how to prevent common injuries. The content  
 4 of the course shall include but not be limited to emergency planning, heat and  
 5 cold illnesses, emergency recognition, head injuries including concussions,  
 6 neck injuries, facial injuries, and principles of first aid. The course shall also  
 7 be focused on safety education and shall not include coaching principles.

8 (b) The state board or its agency shall:

9 1. ~~Establish a minimum timeline for a coach to complete the course;~~

10 2. ~~Approve providers of a sports safety course;~~ and

11 Be responsible for ensuring that an approved course is taught by  
 12 qualified professionals who shall either be athletic trainers, registered  
 13 nurses, physicians, or physician's assistants licensed to practice in  
 14 Kentucky; ~~and~~

15 4. ~~Establish the minimum qualifying score for successful course~~  
 16 ~~completion}.~~

17 (c) A course shall be reviewed for updates at least once every thirty (30) months  
 18 and revised if needed.

19 (d) A course shall be able to be completed through hands-on or online teaching  
 20 methods in ten (10) clock hours or less.

21 ~~{(e) 1. A course shall include an end-of-course examination with a minimum~~  
 22 ~~qualifying score for successful course completion established by the~~  
 23 ~~board or its agency.~~

24 2. ~~All coaches shall be required to take the end-of-course examination and~~  
 25 ~~shall obtain at least the minimum qualifying score.~~

26 ~~(f) Beginning with the 2009-2010 school year, and each year thereafter, at least~~  
 27 ~~one (1) person who has completed the course shall be at every interscholastic~~

1 ~~athletic practice and competition.]~~

2 (2) (a) ~~Beginning with the 2012-2013 school year, and each year thereafter, ]~~The  
3 state board or its agency shall ***offer, and a local school district may*** require  
4 each interscholastic coach to complete training on how to recognize the  
5 symptoms of a concussion and how to seek proper medical treatment for a  
6 person suspected of having a concussion. The training shall be approved by  
7 the state board or its agency and may be included in the sports safety course  
8 ***offered in accordance with*** ~~required under~~ subsection (1)(a) of this section.

9 (b) The board or its agency shall develop guidelines and other pertinent  
10 information or adopt materials produced by other agencies to inform and  
11 educate student athletes and their parents or legal guardians of the nature and  
12 risk of concussion and head injury, including the continuance of play after  
13 concussion or head injury. Any required physical examination and parental  
14 authorization shall include acknowledgement of the education information  
15 required under this paragraph.

16 (c) Upon request, the board or its agency shall make available to the public any  
17 training materials developed by the board or agency used to satisfy the  
18 requirements of paragraph (a) of this subsection. The board or its agency shall  
19 not be held liable for the use of any training materials so disseminated.

20 (3) (a) A student athlete suspected by an interscholastic coach, school athletic  
21 personnel, or contest official of sustaining a concussion during an athletic  
22 practice or competition shall be removed from play at that time and shall not  
23 return to play prior to the ending of the practice or competition until the  
24 athlete is evaluated to determine if a concussion has occurred. The evaluation  
25 shall be completed by a physician or a licensed health care provider whose  
26 scope of practice and training includes the evaluation and management of  
27 concussions and other brain injuries. A student athlete shall not return to play

1 on the date of a suspected concussion absent the required evaluation.

2 (b) 1. Upon completion of the required evaluation, a coach:

3 a. May return a student athlete to play if the physician or licensed  
4 health care provider determines that no concussion has occurred;  
5 or

6 b. Shall not return a student athlete to play if the physician or  
7 licensed health care provider determines that a concussion has  
8 occurred.

9 2. If no physician or licensed health care provider described in paragraph  
10 (a) of this subsection is present at the practice or competition to perform  
11 the required evaluation, a coach shall not return a student athlete to play  
12 who is suspected of sustaining a concussion. The student athlete shall  
13 not be allowed to participate in any subsequent practice or athletic  
14 competition unless written clearance from a physician is provided.

15 (c) A student athlete deemed to be concussed shall not return to participate in any  
16 athletic practice or competition occurring on the day of the injury. The injured  
17 student athlete shall not be allowed to participate in any subsequent practice or  
18 athletic competition unless written clearance from a physician is provided.

19 (4) (a) The state board or its agency shall adopt rules governing interscholastic  
20 athletics conducted by local boards of education to require each school that  
21 participates in interscholastic athletics to develop a venue-specific emergency  
22 action plan to deal with serious injuries and acute medical conditions in which  
23 the condition of the patient may deteriorate rapidly. The plan shall:

24 1. Include a delineation of role, methods of communication, available  
25 emergency equipment, and access to and plan for emergency transport;  
26 and

27 2. Be in writing, reviewed by the principal of the school, distributed to all

1 appropriate personnel, posted conspicuously at all venues, and reviewed  
2 and rehearsed annually by all licensed athletic trainers, first responders,  
3 coaches, school nurses, athletic directors, and volunteers for  
4 interscholastic athletics.

5 (b) Each school shall submit annual written verification of the existence of a  
6 venue-specific emergency action plan to the state board or its agency.

7 (5) Each school shall maintain complete and accurate records of its compliance with  
8 this section and shall make the records available for review by the state board or its  
9 agency upon request.

10 ➔Section 8. KRS 161.185 is amended to read as follows:

11 (1) Except as provided in subsection (2), boards of education shall require a certified or  
12 classified staff member who is at least twenty-one (21) years of age to accompany  
13 students on all school-sponsored or school-endorsed trips. Local boards of  
14 education may adopt a policy that specifies the job classifications of staff members  
15 who may accompany students on trips under this section.

16 (2) Boards of education may permit a nonfaculty coach or nonfaculty assistant, as  
17 defined by administrative regulation promulgated by the Kentucky Board of  
18 Education under KRS 156.070(2), to accompany students on all school-sponsored  
19 or school-endorsed athletic trips. A nonfaculty coach or nonfaculty assistant shall be  
20 at least twenty-one (21) years of age, shall not be a violent offender or convicted of  
21 a sex crime as defined by KRS 17.165 which is classified as a felony, and shall  
22 submit to a criminal record check under KRS 160.380.

23 (3) Prior to assuming his or her duties, a nonfaculty coach or nonfaculty assistant shall  
24 successfully complete **any** training **required**~~provided~~ by the local school district.  
25 The training **may**~~shall~~ include~~[,]~~ but not be limited to~~[,]~~ information on the  
26 physical and emotional development of students of the age with whom the  
27 nonfaculty coach and nonfaculty assistant will be working, the district's and school's

1 discipline policies, procedures for dealing with discipline problems, and safety and  
 2 first aid training.~~[Follow-up training shall be provided annually.]~~

3 ➔Section 9. KRS 156.101 is amended to read as follows:

4 (1) The purpose of this section is to encourage ~~[and require]~~ the maintenance and  
 5 development of effective instructional leadership in the public schools of the  
 6 Commonwealth and to recognize that principals, with the assistance of assistant  
 7 principals, supervisors of instruction, guidance counselors, and directors of special  
 8 education, have the primary responsibility for instructional leadership in the schools  
 9 to which they are assigned.

10 (2) For the purpose of this section, "instructional leader" shall be defined as an  
 11 employee of the public schools of the Commonwealth employed as a principal,  
 12 assistant principal, supervisor of instruction, guidance counselor, director of special  
 13 education, or other administrative position deemed by the Education Professional  
 14 Standards Board to require an administrative certificate.

15 (3) In order to carry out the purpose of this section, the Kentucky Board of Education  
 16 shall establish a statewide program to improve and maintain the quality and  
 17 effectiveness of instructional leadership in the public schools of the  
 18 Commonwealth.

19 (4) ~~[The instructional leader improvement program shall contain the following~~  
 20 ~~provisions:~~

21 ~~(a)~~ A school district may require each instructional leader employed by the school  
 22 district to~~[public schools of the Commonwealth shall]~~ participate in a continuing  
 23 intensive training program designed especially for instructional leaders~~;~~

24 ~~(b) 1. Effective until June 30, 2006, every two (2) years each instructional~~  
 25 ~~leader shall complete an intensive training program]~~ approved by the  
 26 Kentucky Board of Education~~[to include no fewer than forty two (42)~~  
 27 ~~participant hours of instruction;~~

- 1 ~~2. Effective July 1, 2006, each instructional leader shall annually complete an~~  
2 ~~intensive training program approved by the Kentucky Board of Education to include~~  
3 ~~no fewer than twenty one (21) participant hours of instruction;~~
- 4 ~~(c) The Kentucky Board of Education shall prescribe specific criteria for the training~~  
5 ~~program, which shall include a provision to allow an instructional leader to annually~~  
6 ~~receive three (3) participant hours credit for duties performed as part of a beginning~~  
7 ~~teacher committee pursuant to KRS 161.030(6). A maximum of six (6) participant~~  
8 ~~hours credit shall be awarded annually for serving on multiple beginning teacher~~  
9 ~~committees]. The Kentucky Department of Education may contract for specific~~  
10 ~~training with qualified agencies or institutions or approve programs offered by~~  
11 ~~training providers, including local district training programs[, except that the~~  
12 ~~department shall ensure the requirements of paragraph (d) of this subsection are~~  
13 ~~met; and~~
- 14 ~~(d) Annually, each local district superintendent shall report to the Kentucky Department~~  
15 ~~of Education any instructional leader who fails to complete the training~~  
16 ~~requirements of paragraph (b) of this subsection and shall place the leader on~~  
17 ~~probation for one (1) year. The Department of Education shall verify completion of~~  
18 ~~the required training. If the required training for the prior year and the current year~~  
19 ~~is not completed during the probationary period, the Department of Education shall~~  
20 ~~forward the information to the Education Professional Standards Board, which shall~~  
21 ~~revoke the instructional leader's certificate].~~
- 22 (5) The Kentucky Department of Education shall ensure that training options in human  
23 resource management and conflict resolution techniques are available to education  
24 leaders throughout the state.
- 25 (6) This section shall be known as the "Effective Instructional Leadership Act."  
26 ➔Section 10. KRS 158.818 is amended to read as follows:
- 27 (1) If funds are appropriated for the purposes of funding evidence-based instructional

1 models or if internal state or federal funds are available, the Kentucky Department  
2 of Education, in collaboration with the Kentucky Community and Technical  
3 College System, the Education Professional Standards Board, and other appropriate  
4 educational entities, shall recommend evidence-based models for addressing the  
5 needs of at-risk students.

- 6 (2) The evidence-based models shall include a variety of programs and curricula proven  
7 to be effective for at-risk students, and shall focus on:
- 8 (a) Identification of students at risk for inadequate academic preparation for the  
9 next grade level or at risk for dropping out of school;
  - 10 (b) Reduction in the number of students retained in grade nine (9) and reduction  
11 of high school failure rates;
  - 12 (c) Improvement of student performance through grade-level standards in reading  
13 and mathematics with an emphasis on grade nine (9);
  - 14 (d) Assistance to students and their parents or legal guardians in identifying  
15 students' career and educational goals, developing individual learning plans,  
16 and the appropriate programs of study to achieve these goals; and
  - 17 (e) Assistance to adult students in obtaining a high school diploma or a  
18 recognized postsecondary education credential that has value in the  
19 workplace.
- 20 (3) The evidence-based models shall include the following components designed to  
21 facilitate more students having a successful start in high school and successfully  
22 completing grade nine (9) requirements:
- 23 (a) The use of flexible scheduling as appropriate to increase students' time in the  
24 study of core language arts and mathematics;
  - 25 (b) The assignment of the most effective teachers as leaders for instructional  
26 teams in grade nine (9) to improve instructional planning, delivery of  
27 instruction, and the use of reteaching strategies;



1 (c) The assignment of mentors to teach students study skills and habits necessary  
 2 to become independent learners and, when possible, the use of career guidance  
 3 coaches to advise students; and

4 (d) Career courses, including career exploration, in grade nine (9) to incorporate  
 5 project-based instruction that requires the application of grade nine (9) level  
 6 reading, mathematics, and science skills and that uses a wide variety of  
 7 technology.

8 (4) ~~[(a) If state or federal funds are available, all ]~~***A school district may provide*** career  
 9 and technical education teachers who teach high school students ~~[shall receive]~~  
 10 training in how to embed reading, mathematics, and science knowledge and skills in  
 11 specific career and technical education courses.

12 ~~[(b) Training required under paragraph (a) of this subsection may be provided by~~  
 13 ~~local school districts or postsecondary education institutions, including~~  
 14 ~~community and technical colleges, and outside providers that have a record of~~  
 15 ~~working effectively with schools in redesigning the ninth grade.]~~

16 (5) Career and technical education teachers shall provide evidence through the courses  
 17 they teach that the students' academic achievement is increased as defined by  
 18 administrative regulations promulgated by the Kentucky Board of Education and  
 19 developed in collaboration with the Kentucky Community and Technical College  
 20 System.

21 (6) The evidence-based models shall be incorporated into career and technical  
 22 education programs, career academies, and career pathway programs of study  
 23 developed under KRS 157.072.

24 ➔Section 11. KRS 156.557 is amended to read as follows:

25 (1) As used in this section:

26 (a) "Formative evaluation" means a continuous cycle of collecting evaluation  
 27 information and providing feedback with suggestions regarding the certified

- 1 employee's professional growth and performance; and
- 2 (b) "Summative evaluation" means the summary of, and conclusions from, the
- 3 evaluation data, including formative evaluation data that:
- 4 1. Occur at the end of an evaluation cycle; and
- 5 2. Include a conference between the evaluator and the evaluated certified
- 6 employee and a written evaluation report.
- 7 (2) The Kentucky Department of Education, in consultation with the Kentucky teacher
- 8 and principal steering committees and other groups deemed appropriate by the
- 9 commissioner of education, shall develop a statewide framework for teaching that
- 10 shall promote the continuous professional growth and development of skills needed
- 11 to be a highly effective teacher or a highly effective administrator in a school or
- 12 district.
- 13 (3) Each district shall develop and implement a personnel evaluation system aligned
- 14 with the statewide framework for teaching established in subsection (2) of this
- 15 section that shall:
- 16 (a) Use multiple measures of effectiveness;
- 17 (b) Include both formative and summative evaluation components;
- 18 (c) Measure professional effectiveness;
- 19 (d) Support professional growth;
- 20 (e) Have at least four (4) performance levels;
- 21 (f) Be used to inform personnel decisions;
- 22 (g) Be considerate of the time requirements of evaluators at the local level and
- 23 shall not require that all certified school personnel have a formal summative
- 24 evaluation each year; and
- 25 (h) Rate teachers or administrators by multiple measures instead of a single
- 26 measure.
- 27 (4) The performance criteria by which teachers and administrators shall be evaluated

1 shall include but not be limited to:

- 2 (a) Performance of professional responsibilities related to his or her assignment,  
3 including attendance and punctuality and evaluating results;
- 4 (b) Demonstration of effective planning of curricula, classroom instruction, and  
5 classroom management, based on research-based instructional practices, or  
6 school management skills based on validated managerial practices;
- 7 (c) Demonstration of knowledge and understanding of subject matter content or  
8 administrative functions and effective leadership techniques;
- 9 (d) Promotion and incorporation of instructional strategies or management  
10 techniques that are fair and respect diversity and individual differences;
- 11 (e) Demonstration of effective interpersonal, communication, and collaboration  
12 skills among peers, students, parents, and others;
- 13 (f) Performance of duties consistent with the goals for Kentucky students and  
14 mission of the school, the local community, laws, and administrative  
15 regulations;
- 16 (g) Demonstration of the effective use of resources, including technology;
- 17 (h) Demonstration of professional growth;
- 18 (i) Adherence to the professional code of ethics; and
- 19 (j) Attainment of the teacher standards or the administrator standards as  
20 established by the Education Professional Standards Board that are not  
21 referenced in paragraphs (a) to (i) of this subsection.
- 22 (5) The following provisions shall apply to each school district's personnel evaluation  
23 system:
- 24 (a) Certified school personnel, below the level of superintendent, shall be  
25 evaluated;
- 26 (b) The evaluation system shall include formative evaluation and summative  
27 evaluation components; and

- 1 (c) The Kentucky Board of Education shall adopt administrative regulations  
2 incorporating written guidelines for a local school district to follow in  
3 implementing the personnel evaluation system and shall require the following:
- 4 1. All evaluations of certified school personnel below the level of the  
5 district superintendent shall be in writing on evaluation forms and under  
6 evaluation procedures developed by a committee composed of an equal  
7 number of teachers and administrators;
  - 8 2. The immediate supervisor of the certified school personnel member  
9 shall be designated as the primary evaluator. At the request of a teacher,  
10 observations by other teachers trained in the teacher's content area or  
11 curriculum content specialists may be incorporated into the formative  
12 process for evaluating teachers;
  - 13 3. All monitoring or observation of performance of a certified school  
14 personnel member shall be conducted openly and with full knowledge of  
15 the personnel member;
  - 16 4. ~~Evaluators shall be trained, tested, and approved in accordance with~~  
17 ~~administrative regulations adopted by~~ The Kentucky Board of  
18 Education **shall promulgate model trainings and tests that a local**  
19 **school district may require an evaluator to complete on**~~in~~ the proper  
20 techniques for effectively evaluating certified school personnel.  
21 Evaluators shall receive support and resources necessary to ensure  
22 consistent and reliable ratings;
  - 23 5. The personnel evaluation system shall include a plan whereby the person  
24 evaluated is given assistance for professional growth as a teacher or  
25 administrator. The system shall also specify the processes to be used  
26 when corrective actions are necessary in relation to the performance of  
27 one's assignment; **and**

- 1           6. The system shall require annual summative evaluations for each teacher  
2           or other professional who has not attained continuing service status  
3           under KRS 161.740 or continuing status under KRS 156.800(7). The  
4           system shall require summative evaluations at least once every three (3)  
5           years for a teacher or other professional who has attained continuing  
6           service status under KRS 161.740 or continuing status under KRS  
7           156.800(7), principals, assistant principals, and other certified  
8           administrators~~]; and~~
- 9           ~~7. The training requirement for evaluators contained in subparagraph 4. of~~  
10           ~~this paragraph shall not apply to district board of education members].~~
- 11       (6) (a) Each superintendent shall be evaluated according to a policy and procedures  
12           developed by the local board of education and approved by the department.
- 13       (b) The summative evaluation of the superintendent shall be in writing, discussed  
14           and adopted in an open meeting of the board and reflected in the minutes, and  
15           made available to the public upon request.
- 16       (c) Any preliminary discussions relating to the evaluation of the superintendent  
17           by the board or between the board and the superintendent prior to the  
18           summative evaluation shall be conducted in closed session.
- 19       (7) The Kentucky Board of Education shall establish an appeals procedure for certified  
20           school personnel who believe that the local school district failed to properly  
21           implement the evaluation system. The appeals procedure shall not involve requests  
22           from individual certified school personnel members for review of the judgmental  
23           conclusions of their personnel evaluations.
- 24       (8) The local board of education shall establish an evaluation appeals panel for certified  
25           school personnel that shall consist of two (2) members elected by the certified  
26           employees of the local district and one (1) member appointed by the board of  
27           education who is a certified employee of the local board of education. Certified

1 school personnel who think they were not fairly evaluated may submit an appeal to  
2 the panel for a timely review of their evaluation.

3 (9) The Kentucky Department of Education may annually provide for on-site visits by  
4 trained personnel to review and ensure appropriate implementation of the evaluation  
5 system by the local school district. The department shall provide technical  
6 assistance to local districts to eliminate deficiencies and to improve the  
7 effectiveness of the evaluation system.

8 (10) The disclosure, pursuant to KRS Chapter 61, of any data or information, including  
9 student growth data, that local school districts or the Department of Education  
10 collect on individual classroom teachers under this section is prohibited.

11 (11) The results of evaluations conducted under this section shall not be included in the  
12 accountability system described in KRS 158.6455 and no reporting requirements  
13 related to these results shall be imposed upon the local school districts by the  
14 Department of Education.

15 ➔Section 12. KRS 160.350 is amended to read as follows:

16 (1) After considering the recommendations of a screening committee, as provided in  
17 KRS 160.352, each board of education shall appoint a superintendent of schools  
18 whose term of office shall begin on July 1, following the individual's appointment.  
19 The appointment may be for a term of no more than four (4) years. In the event a  
20 vacancy occurs in the office of superintendent prior to the expiration of the term set  
21 by the board, the term shall expire on the date the vacancy occurs. Therefore, the  
22 board may appoint a superintendent for a new term as provided in this subsection,  
23 which shall begin on the date of the superintendent's appointment, except when the  
24 vacancy occurs after a school board election and before the newly elected members  
25 take office. When a vacancy occurs during this period, the position shall not be  
26 filled until the new members take office, but the board may appoint an acting  
27 superintendent to serve a term not to exceed six (6) months. This appointment may

1 be renewed once for a period not to exceed three (3) months. If a vacancy occurs, a  
2 local board may also appoint an acting superintendent during the period the  
3 screening committee pursuant to KRS 160.352 conducts its business and prior to the  
4 actual appointment of the new superintendent. No superintendent shall resign  
5 during a term and accept a new term from the same board of education prior to the  
6 expiration date of the present term. In the case of a vacancy in the office for an  
7 unexpired term, the board of education shall make the appointment so that the term  
8 will end on June 30. The board shall set the salary of the superintendent to be paid  
9 in regular installments.

10 (2) An individual shall not assume the duties of superintendent in a district until he or  
11 she provides the board of education with a copy of a certificate for school  
12 superintendent issued by the Education Professional Standards Board or its legal  
13 predecessor. A superintendent shall hold a valid certificate throughout the period of  
14 employment. A board of education may require a superintendent ~~to~~<sup>shall</sup>  
15 successfully complete the training program and assessment center process ~~within~~  
16 ~~two (2) years of assuming the duties of superintendent~~. A superintendent shall not  
17 serve as director or officer of a bank, trust company, or savings or loan association  
18 that has the school district's funds on deposit. Following appointment, the  
19 superintendent shall establish residency in Kentucky.

20 (3) A superintendent of schools may be removed for cause by a vote of four-fifths (4/5)  
21 of the membership of a board of education and upon approval by the commissioner  
22 of education. However, if the dismissal of the superintendent has been  
23 recommended by a highly skilled certified educator pursuant to KRS 158.6455 and  
24 the action is approved by the commissioner of education, the board shall terminate  
25 the superintendent's contract. Written notice setting out the charges for removal  
26 shall be spread on the minutes of the board and given to the superintendent. The  
27 board shall seek approval by the commissioner of education for removing the

1 superintendent. The commissioner of education shall investigate the accuracy of the  
2 charges made, evaluate the superintendent's overall performance during the  
3 superintendent's appointment, and consider the educational performance of the  
4 students in the district. Within thirty (30) days of notification, the commissioner of  
5 education shall either approve or reject the board's request.

6 (4) After the completion of a superintendent's first contract or after four (4) years,  
7 whichever comes last, the board of education may, no later than June 30, extend the  
8 contract of the superintendent for one (1) additional year beyond the current term of  
9 employment.

10 ➔Section 13. KRS 160.345 is amended to read as follows:

11 (1) For the purpose of this section:

12 (a) "Minority" means American Indian; Alaskan native; African-American;  
13 Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or  
14 South American origin; Pacific islander; or other ethnic group  
15 underrepresented in the school;

16 (b) "School" means an elementary or secondary educational institution that is  
17 under the administrative control of a principal and is not a program or part of  
18 another school. The term "school" does not include district-operated schools  
19 that are:

20 1. Exclusively vocational-technical, special education, or preschool  
21 programs;

22 2. Instructional programs operated in institutions or schools outside of the  
23 district; or

24 3. Alternative schools designed to provide services to at-risk populations  
25 with unique needs;

26 (c) "Teacher" means any person for whom certification is required as a basis of  
27 employment in the public schools of the state, with the exception of principals



1           and assistant principals; and

2           (d) "Parent" means:

3           1. A parent, stepparent, or foster parent of a student; or

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

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

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

27 (b) 1. The teacher representatives shall be elected for one (1) year terms by a

1 majority of the teachers. A teacher elected to a school council shall not  
2 be involuntarily transferred during his or her term of office. The parent  
3 representatives shall be elected for one (1) year terms. The parent  
4 members shall be elected by the parents of students preregistered to  
5 attend the school during the term of office in an election conducted by  
6 the parent and teacher organization of the school or, if none exists, the  
7 largest organization of parents formed for this purpose. A school  
8 council, once elected, may adopt a policy setting different terms of  
9 office for parent and teacher members subsequently elected. The  
10 principal shall be the chair of the school council.

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

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

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

27 (c) 1. The school council shall have the responsibility to set school policy

1 consistent with district board policy which shall provide an environment  
2 to enhance the students' achievement and help the school meet the goals  
3 established by KRS 158.645 and 158.6451. The principal shall be the  
4 primary administrator and the instructional leader of the school, and  
5 with the assistance of the total school staff shall administer the policies  
6 established by the school council and the local board.

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

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

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

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

25 (g) The school council shall determine which textbooks, instructional materials,  
26 and student support services shall be provided in the school. Subject to  
27 available resources, the local board shall allocate an appropriation to each

1 school that is adequate to meet the school's needs related to instructional  
2 materials and school-based student support services, as determined by the  
3 school council. The school council shall consult with the school media  
4 librarian on the maintenance of the school library media center, including the  
5 purchase of instructional materials, information technology, and equipment;

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

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

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

25 ii. Except as provided in subdivision b. of this subparagraph,  
26 the council shall have access to the applications of all  
27 persons certified for the position. The principal shall be

1 elected on a majority vote of the membership of the council[  
2 ~~The school council shall receive training in recruitment and~~  
3 ~~interviewing techniques prior to carrying out the process of~~  
4 ~~selecting a principal. The council shall select the trainer to~~  
5 ~~deliver the training];~~

6 b. An alternative principal selection process may be used by the  
7 school council as follows:

8 i. Prior to a meeting called to select a principal, all school  
9 council members shall receive informational materials  
10 regarding Kentucky open records and open meetings laws  
11 and sign a nondisclosure agreement forbidding the sharing of  
12 information shared and discussions held in the closed  
13 session;

14 ii. The superintendent shall convene the school council and  
15 move into closed session as provided in KRS 61.810(1)(f) to  
16 confidentially recommend a candidate;

17 iii. The council shall have the option to interview the  
18 recommended candidate while in closed session; and

19 iv. After any discussion, at the conclusion of the closed session,  
20 the council shall decide, in a public meeting by majority vote  
21 of the membership of the council, whether to accept or reject  
22 the recommended principal candidate;

23 c. If the recommended candidate is selected, and the recommended  
24 candidate accepts the offer, the name of the candidate shall be  
25 made public during the next meeting in open session;

26 d. i. If the recommended candidate is not accepted by the school  
27 council under subdivision b. of this subparagraph, then the

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

- 1 employed upon the recommendation of the principal and the approval of  
2 a majority vote of the school council; and
- 3 7. Beginning June 27, 2019, notwithstanding the requirement that a  
4 principal be elected on a majority vote of the council in subparagraph 2.  
5 of this paragraph, if the school council is in a county school district in a  
6 county with a consolidated local government adopted under KRS  
7 Chapter 67C, then the selection of a principal shall be subject to  
8 approval by the superintendent. If the superintendent does not approve  
9 the principal selected by the council, then the superintendent may select  
10 the principal;
- 11 (i) The school council shall adopt a policy to be implemented by the principal in  
12 the following additional areas:
- 13 1. Determination of curriculum, including needs assessment, curriculum  
14 development and responsibilities under KRS 158.6453(19);
- 15 2. Assignment of all instructional and noninstructional staff time;
- 16 3. Assignment of students to classes and programs within the school;
- 17 4. Determination of the schedule of the school day and week, subject to the  
18 beginning and ending times of the school day and school calendar year  
19 as established by the local board;
- 20 5. Determination of use of school space during the school day related to  
21 improving classroom teaching and learning;
- 22 6. Planning and resolution of issues regarding instructional practices;
- 23 7. Selection and implementation of discipline and classroom management  
24 techniques as a part of a comprehensive school safety plan, including  
25 responsibilities of the student, parent, teacher, counselor, and principal;
- 26 8. Selection of extracurricular programs and determination of policies  
27 relating to student participation based on academic qualifications and

- 1 attendance requirements, program evaluation, and supervision;
- 2 9. Adoption of an emergency plan as required in KRS 158.162;
- 3 10. Procedures, consistent with local school board policy, for determining  
4 alignment with state standards, technology utilization, and program  
5 appraisal; and
- 6 11. Procedures to assist the council with consultation in the selection of  
7 personnel by the principal, including but not limited to meetings,  
8 timelines, interviews, review of written applications, and review of  
9 references. Procedures shall address situations in which members of the  
10 council are not available for consultation; and
- 11 (j) Each school council shall annually review data as shown on state and local  
12 student assessments required under KRS 158.6453. The data shall include but  
13 not be limited to information on performance levels of all students tested, and  
14 information on the performance of students disaggregated by race, gender,  
15 disability, and participation in the federal free and reduced price lunch  
16 program. After completing the review of data, each school council, with the  
17 involvement of parents, faculty, and staff, shall develop and adopt a plan to  
18 ensure that each student makes progress toward meeting the goals set forth in  
19 KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan  
20 to the superintendent and local board of education for review as described in  
21 KRS 160.340. The Kentucky Department of Education shall provide each  
22 school council the data needed to complete the review required by this  
23 paragraph no later than October 1 of each year. If a school does not have a  
24 council, the review shall be completed by the principal with the involvement  
25 of parents, faculty, and staff.
- 26 (3) The policies adopted by the local board to implement school-based decision making  
27 shall also address the following:



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

1 meeting its goal as determined by the Department of Education pursuant to KRS  
2 158.6455 may apply to the Kentucky Board of Education for exemption from the  
3 requirement to implement school-based decision making, and the state board shall  
4 grant the exemption. The voting by the parents on the matter of exemption from  
5 implementing school-based decision making shall be in an election conducted by  
6 the parent and teacher organization of the school or, if none exists, the largest  
7 organization of parents formed for this purpose. Notwithstanding the provisions of  
8 this section, a local school district shall not be required to implement school-based  
9 decision making if the local school district contains only one (1) school.

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

27 (7) A school that chooses to have school-based decision making but would like to be

1 exempt from the administrative structure set forth by this section may develop a  
2 model for implementing school-based decision making, including but not limited to  
3 a description of the membership, organization, duties, and responsibilities of a  
4 school council. The school shall submit the model through the local board of  
5 education to the commissioner of education and the Kentucky Board of Education,  
6 which shall have final authority for approval. The application for approval of the  
7 model shall show evidence that it has been developed by representatives of the  
8 parents, students, certified personnel, and the administrators of the school and that  
9 two-thirds (2/3) of the faculty have agreed to the model.

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

20 (9) (a) No board member, superintendent of schools, district employee, or member of  
21 a school council shall intentionally engage in a pattern of practice which is  
22 detrimental to the successful implementation of or circumvents the intent of  
23 school-based decision making to allow the professional staff members of a  
24 school and parents to be involved in the decision making process in working  
25 toward meeting the educational goals established in KRS 158.645 and  
26 158.6451 or to make decisions in areas of policy assigned to a school council  
27 pursuant to paragraph (i) of subsection (2) of this section.

- 1 (b) An affected party who believes a violation of this subsection has occurred may  
2 file a written complaint with the Office of Education Accountability. The  
3 office shall investigate the complaint and resolve the conflict, if possible, or  
4 forward the matter to the Kentucky Board of Education.
- 5 (c) The Kentucky Board of Education shall conduct a hearing in accordance with  
6 KRS Chapter 13B for complaints referred by the Office of Education  
7 Accountability.
- 8 (d) If the state board determines a violation has occurred, the party shall be  
9 subject to reprimand. A second violation of this subsection may be grounds  
10 for removing a superintendent or a member of a school council from office or  
11 grounds for dismissal of an employee for misconduct in office or willful  
12 neglect of duty.
- 13 (e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the  
14 state board determines a violation of the confidentiality requirements set forth  
15 in subsection (2)(h)2. of this section by a school council member has  
16 occurred, the state board shall remove the member from the school council,  
17 and the member shall be permanently prohibited from serving on any school  
18 council in the district.
- 19 (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or  
20 maintain a school-based decision making council and the powers, duties, and  
21 authority granted to a school council may be rescinded or the school council's role  
22 may be advisory if the commissioner of education or the Kentucky Board of  
23 Education takes action under KRS 160.346.
- 24 (11) Each school council of a school containing grades K-5 or any combination thereof,  
25 or if there is no school council, the principal, shall develop and implement a  
26 wellness policy that includes moderate to vigorous physical activity each day and  
27 encourages healthy choices among students. The policy may permit physical activity

1 to be considered part of the instructional day, not to exceed thirty (30) minutes per  
2 day, or one hundred and fifty (150) minutes per week. Each school council, or if  
3 there is no school council, the principal, shall adopt an assessment tool to determine  
4 each child's level of physical activity on an annual basis. The council or principal  
5 may utilize an existing assessment program. The Kentucky Department of  
6 Education shall make available a list of available resources to carry out the  
7 provisions of this subsection. The department shall report to the Legislative  
8 Research Commission no later than November 1 of each year on how the schools  
9 are providing physical activity under this subsection and on the types of physical  
10 activity being provided. The policy developed by the school council or principal  
11 shall comply with provisions required by federal law, state law, or local board  
12 policy.

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

16 ➔Section 14. KRS 160.180 is amended to read as follows:

17 (1) As used in this section, "relative" means father, mother, brother, sister, husband,  
18 wife, son, and daughter.

19 (2) No person shall be eligible for membership on a board of education:

20 (a) Unless he has attained the age of twenty-four (24) years; and

21 (b) Unless he has been a citizen of Kentucky for at least three (3) years preceding  
22 his election and is a voter of the district for which he is elected; and

23 (c) Unless he has completed at least the twelfth grade or has been issued a High  
24 School Equivalency Diploma; and

25 (d) Unless an affidavit signed under penalty of perjury certifying completion of  
26 the twelfth grade or the equivalent as determined by passage of the twelfth  
27 grade equivalency examination held under regulations adopted by the

1 Kentucky Board of Education has been filed with the nominating petition  
2 required by KRS 118.315; and

3 (e) For a candidate who files a nominating petition as required by KRS 118.315  
4 on or after April 4, 2018, unless a transcript evidencing completion of the  
5 twelfth grade or results of a twelfth grade equivalency examination has been  
6 filed with the nominating petition; or

7 (f) Who holds any elective federal, state, county, or city office; or

8 (g) Who, at the time of his election, is directly or indirectly interested in the sale  
9 to the board of books, stationery, or any other property, materials, supplies,  
10 equipment, or services for which school funds are expended; or

11 (h) Who has been removed from membership on a board of education for cause;  
12 or

13 (i) Who has a relative as defined in subsection (1) of this section employed by the  
14 school district and is elected after July 13, 1990. However, this shall not apply  
15 to a board member holding office on July 13, 1990, whose relative was not  
16 initially hired by the district during the tenure of the board member.

17 (3) If, after the election of any member of the board, he becomes interested in any  
18 contract with or claims against the board, of the kind mentioned in paragraph (g) of  
19 subsection (2) of this section, or if he moves his residence from the district for  
20 which he was chosen, or if he attempts to influence the hiring of any school  
21 employee, except the superintendent of schools or school board attorney, or if he  
22 does anything that would render him ineligible for reelection, he shall be subject to  
23 removal from office pursuant to KRS 415.050 and 415.060.

24 (4) A board member shall be eligible for reelection unless he becomes disqualified.

25 ~~{(5) The annual in-service training requirements for all school board members in office~~  
26 ~~as of December 31, 2014, shall be as follows:~~

27 ~~(a) Twelve (12) hours for school board members with zero to three (3) years of~~

1           experience;

2           ~~(b) Eight (8) hours for school board members with four (4) to seven (7) years of~~  
3           ~~experience; and~~

4           ~~(c) Four (4) hours for school board members with eight (8) or more years of~~  
5           ~~experience.~~

6       ~~— The Kentucky Board of Education shall identify the criteria for fulfilling this~~  
7       ~~requirement.~~

8       ~~(6) (a) For all board members who begin their initial service on or after January 1,~~  
9           ~~2015, the annual in-service training requirements shall be twelve (12) hours~~  
10          ~~for school board members with zero to eight (8) years of experience and eight~~  
11          ~~(8) hours for school board members with more than eight (8) years of~~  
12          ~~experience.~~

13       ~~(b) Training topics for school board members shall include:~~

14           ~~1. Three (3) hours of finance, one (1) hour of ethics, and one (1) hour of~~  
15           ~~superintendent evaluation annually for members with zero to three (3)~~  
16           ~~years' experience;~~

17           ~~2. Two (2) hours of finance, one (1) hour of ethics, and one (1) hour of~~  
18           ~~superintendent evaluation annually for members with four (4) to seven~~  
19           ~~(7) years' experience; and~~

20           ~~3. One (1) hour of finance, one (1) hour of ethics, and one (1) hour of~~  
21           ~~superintendent evaluation biennially for members with eight (8) or more~~  
22           ~~years' experience.~~

23       ~~— The Kentucky Board of Education shall identify criteria for fulfilling this~~  
24       ~~requirement.]~~

25       ➔ Section 15. KRS 158.060 is amended to read as follows:

26       (1) Twenty (20) school days, or days in which teachers are actually employed in the  
27       schoolroom, shall constitute a school month in the common schools.

1 (2) Each full-time teacher shall be provided with a duty-free lunch period each day  
2 during the regularly scheduled student lunch period. The duty-free lunch period  
3 shall be not less than the length of the lunch period specified in the school calendar  
4 approved by the chief state school officer. A full-time teacher may be assigned to  
5 lunch room duty during the regularly scheduled student lunch period only for an  
6 amount of time equal to the noninstructional time in excess of fifty-five (55)  
7 minutes included in the teacher's daily schedule. The calculation of noninstructional  
8 time shall not include the teacher's duty-free lunch period, the time teachers are  
9 required to be at school prior to the start of the student's instructional day, or the  
10 time teachers are required to remain at school after the students are dismissed.

11 (3) Except for children with disabilities and children attending the primary school  
12 program who may attend a program of less than six (6) hours per day under policy  
13 adopted by the local school district board of education and approved by the  
14 commissioner of education and children attending a school district where the local  
15 board has approved a schedule that provides at least the equivalent of six (6) hours  
16 of daily instruction during the school year, a minimum of six (6) hours of actual  
17 school work shall constitute a school day. Kindergarten programs may be operated  
18 for less than six (6) hours without state board approval. The Kentucky Board of  
19 Education, upon recommendation of the chief state school officer, shall develop and  
20 approve regulations governing make up by school districts of whole days missed  
21 due to emergencies, or partial days missed as a result of shortening regularly  
22 scheduled school days due to emergencies.

23 (4) (a) In addition to the duty-free lunch period required by subsection (2) of this  
24 section, each full-time teacher<sup>[teachers]</sup> shall be provided a minimum of two  
25 hundred and fifty (250) minutes each school week<sup>[additional time]</sup> for  
26 nonteaching activities. If a school week does not contain five (5)  
27 instructional days, the required minimum number of minutes may be



1            reduced proportionally. The nonteaching time shall be used at the discretion  
2            of the teacher [to provide teachers opportunities] for professional  
3            development [activities as provided in KRS 156.095], instructional planning,  
4            evaluation of student work and performance, school-based decision making [as  
5            as provided in KRS 160.345], curriculum development, [and] outreach  
6            activities involving their students' families and the community, and other  
7            professional duties.

8            (b) A teacher may forgo nonteaching time required by paragraph (a) of this  
9            subsection to cover a substitute teacher or staff shortage in the school. A  
10           teacher that does so shall be compensated at the teacher's hourly rate for  
11           the portion of the nonteaching time spent providing instruction or other  
12           student services.

13           (c) The provisions of this subsection shall not reduce any rights of school  
14           district employees as set forth in an existing employer-employee bargained  
15           contract.

16           (5) Character education programs and activities shall be considered valuable and  
17           legitimate components of the actual school work constituting a school day under  
18           subsection (3) of this section.