

1 AN ACT relating to school breakfasts.

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

3 ➔Section 1. KRS 158.070 is amended to read as follows:

4 (1) As used in this section:

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

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

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

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

14 1. One (1) school district principal;

15 2. One (1) school district office administrator other than the  
16 superintendent;

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

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

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

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

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

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

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

27 (f) "Student instructional year" means at least one thousand sixty-two (1,062)

1 hours of instructional time for students delivered on not less than one hundred  
2 seventy (170) student attendance days;

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

6 (h) "Variable student instructional year" means at least one thousand sixty-two  
7 (1,062) hours of instructional time delivered on the number of student  
8 attendance days adopted by a local board of education which shall be  
9 considered proportionally equivalent to one hundred seventy (170) student  
10 attendance days and calendar days for the purposes of a student instructional  
11 year, employment contracts that are based on the school term, service credit  
12 under KRS 161.500, and funding under KRS 157.350.

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

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

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

27 (d) During a subsequent meeting of the local board of education, the local board

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

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

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

23 (3) (a) Each local board of education shall use four (4) days of the minimum school  
24 term for professional development and collegial planning activities for the  
25 professional staff without the presence of students pursuant to the  
26 requirements of KRS 156.095. At the discretion of the superintendent, one (1)  
27 day of professional development may be used for district-wide activities and

1 for training that is mandated by federal or state law. The use of three (3) days  
2 shall be planned by each school council, except that the district is encouraged  
3 to provide technical assistance and leadership to school councils to maximize  
4 existing resources and to encourage shared planning.

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

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

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

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

1                   committee or the school council by council policy may be responsible  
2                   for reviewing requests for approval.

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

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

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

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

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

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

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

26           (b) If a local board of education amends its school calendar after its adoption due  
27           to an emergency, it may lengthen or shorten any remaining student attendance

1 days by thirty (30) minutes or more, as it deems necessary, provided the  
2 amended calendar complies with the requirements of a student instructional  
3 year in subsection (1)(f) of this section or a variable student instructional year  
4 in subsection (1)(h) of this section. No student attendance day shall contain  
5 more than seven (7) hours of instructional time unless the district submitted  
6 and received approval from the commissioner of education for an innovative  
7 alternative calendar.

- 8 (5) (a) 1. In setting the school calendar, school may be closed for two (2)  
9 consecutive days for the purpose of permitting professional school  
10 employees to attend statewide professional meetings.
- 11 2. These two (2) days for statewide professional meetings may be  
12 scheduled to begin with the first Thursday after Easter, or upon request  
13 of the statewide professional education association having the largest  
14 paid membership, the commissioner of education may designate  
15 alternate dates.
- 16 3. If schools are scheduled to operate during days designated for the  
17 statewide professional meeting, the school district shall permit  
18 employees who are delegates to attend as compensated professional  
19 leave time and shall employ substitute teachers in their absence.
- 20 4. The commissioner of education shall designate one (1) additional day  
21 during the school year when schools may be closed to permit  
22 professional school employees to participate in regional or district  
23 professional meetings.
- 24 5. These three (3) days so designated for attendance at professional  
25 meetings may be counted as a part of the minimum school term.
- 26 (b) 1. If any school in a district is used as a polling place, the school district  
27 shall be closed on the day of the election, and those days may be used

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

1 shall be granted one (1) day of excused absence.

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

21 (9) Notwithstanding any other statute, each school term shall include no less than the  
22 equivalent of the student instructional year in subsection (1)(f) of this section, or a  
23 variable student instructional year in subsection (1)(h) of this section, except that  
24 the commissioner of education may grant up to the equivalent of ten (10) student  
25 attendance days for school districts that have a nontraditional instruction plan  
26 approved by the commissioner of education on days when the school district is  
27 closed for health or safety reasons. The district's plan shall indicate how the



1 nontraditional instruction process shall be a continuation of learning that is  
2 occurring on regular student attendance days. Instructional delivery methods,  
3 including the use of technology, shall be clearly delineated in the plan. Average  
4 daily attendance for purposes of Support Education Excellence in Kentucky  
5 program funding during the student attendance days granted shall be calculated in  
6 compliance with administrative regulations promulgated by the Kentucky Board of  
7 Education.

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

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

26 (11) Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection  
27 (2) of this section, a school district shall arrange bus schedules so that all buses

1 arrive in sufficient time to provide breakfast prior to the beginning of the student  
2 attendance day. ~~[In the event of an unforeseen bus delay, ]~~The **school-based**  
3 **decision making council, or the principal if there is not a council,**~~[administrator]~~  
4 of a school that participates in the Federal School Breakfast Program may **also**  
5 authorize up to fifteen (15) minutes of the student attendance day~~[if necessary]~~ to  
6 provide the opportunity for children to eat breakfast **in the classroom during**  
7 **instructional time**~~[not to exceed eight (8) times during the school year within a~~  
8 ~~school building]~~.

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

12 (a) A certified school employee shall be considered to have fulfilled the minimum  
13 one hundred eighty-five (185) day contract with a school district under KRS  
14 157.350 and shall be given credit for the purpose of calculating service credit  
15 for retirement under KRS 161.500 for certified school personnel if:

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

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

- 27 1. The employee works for a school district with a school calendar

- 1 approved by the Kentucky Department of Education that contains a  
2 provision that additional instructional time per day shall be used to make  
3 up full days missed due to an emergency;
- 4 2. The employee's contract requires a minimum six (6) hour work day; and  
5 3. The employee's job responsibilities and work day are extended when the  
6 instructional time is extended for the purposes of making up time.
- 7 (c) Classified employees who are regularly scheduled to work less than six (6)  
8 hours per day and who do not have additional work responsibilities as a result  
9 of lengthened student attendance days shall be excluded from the provisions  
10 of this subsection. These employees may be assigned additional work  
11 responsibilities to make up service credit under KRS 78.615 that would be  
12 lost due to lengthened student attendance days.