

1 AN ACT relating to student COVID-19 vaccine requirements.

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

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

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

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

14 The administrative regulations shall provide that:

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

- 1 (b) Courses of study or educational experiences available to students in all middle  
2 and high schools to fulfill the prerequisites for courses in advanced science  
3 and mathematics as defined in KRS 158.845;
- 4 (c) The acquisition and use of educational equipment for the schools as  
5 recommended by the Council for Education Technology;
- 6 (d) The minimum requirements for high school graduation in light of the  
7 expected outcomes for students and schools set forth in KRS 158.6451. The  
8 minimum requirements shall not include achieving any postsecondary  
9 readiness indicator as described in KRS 158.6455 or any minimum score on a  
10 statewide assessment administered under KRS 158.6453. Student scores from  
11 any assessment administered under KRS 158.6453 that are determined by the  
12 department's technical advisory committee to be valid and reliable at the  
13 individual level shall be included on the student transcript. The department's  
14 technical advisory committee shall submit its determination to the  
15 commissioner of education and the Legislative Research Commission;
- 16 (e) The requirements for an alternative high school diploma for students with  
17 disabilities whose individualized education program indicates that, in  
18 accordance with 20 U.S.C. sec. 1414(d)(1)(A):
- 19 1. The student cannot participate in the regular statewide assessment; and
  - 20 2. An appropriate alternate assessment has been selected for the student  
21 based upon a modified curriculum and an individualized course of  
22 study;
- 23 (f) Taking and keeping a school census, and the forms, blanks, and software to be  
24 used in taking and keeping the census and in compiling the required reports.  
25 The board shall create a statewide student identification numbering system  
26 based on students' Social Security numbers. The system shall provide a  
27 student identification number similar to, but distinct from, the Social Security

1 number, for each student who does not have a Social Security number or  
2 whose parents or guardians choose not to disclose the Social Security number  
3 for the student;

4 (g) Sanitary and protective construction of public school buildings, toilets,  
5 physical equipment of school grounds, school buildings, and classrooms. With  
6 respect to physical standards of sanitary and protective construction for school  
7 buildings, the Kentucky Board of Education shall adopt the Uniform State  
8 Building Code;

9 (h) Medical inspection, physical and health education and recreation, and other  
10 regulations necessary or advisable for the protection of the physical welfare  
11 and safety of the public school children. The administrative regulations shall  
12 set requirements for student health standards to be met by all students in  
13 grades four (4), eight (8), and twelve (12) pursuant to the outcomes described  
14 in KRS 158.6451. **The administrative regulations shall not require students**  
15 **to receive a COVID-19 vaccine in order to attend school.** The administrative  
16 regulations shall permit a student who received a physical examination no  
17 more than six (6) months prior to his or her initial admission to Head Start to  
18 substitute that physical examination for the physical examination required by  
19 the Kentucky Board of Education of all students upon initial admission to the  
20 public schools, if the physical examination given in the Head Start program  
21 meets all the requirements of the physical examinations prescribed by the  
22 Kentucky Board of Education;

23 (i) A vision examination by an optometrist or ophthalmologist that shall be  
24 required by the Kentucky Board of Education. The administrative regulations  
25 shall require evidence that a vision examination that meets the criteria  
26 prescribed by the Kentucky Board of Education has been performed. This  
27 evidence shall be submitted to the school no later than January 1 of the first

- 1 year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a  
2 public school, public preschool, or Head Start program;
- 3 (j) 1. Beginning with the 2010-2011 school year, a dental screening or  
4 examination by a dentist, dental hygienist, physician, registered nurse,  
5 advanced practice registered nurse, or physician assistant that shall be  
6 required by the Kentucky Board of Education. The administrative  
7 regulations shall require evidence that a dental screening or examination  
8 that meets the criteria prescribed by the Kentucky Board of Education  
9 has been performed. This evidence shall be submitted to the school no  
10 later than January 1 of the first year that a five (5) or six (6) year-old  
11 child is enrolled in a public school.
- 12 2. A child shall be referred to a licensed dentist if a dental screening or  
13 examination performed by anyone other than a licensed dentist identifies  
14 the possibility of dental disease;
- 15 (k) The transportation of children to and from school;
- 16 (l) The fixing of holidays on which schools may be closed and special days to be  
17 observed, and the pay of teachers during absence because of sickness or  
18 quarantine or when the schools are closed because of quarantine;
- 19 (m) The preparation of budgets and salary schedules for the several school  
20 districts under the management and control of the Kentucky Board of  
21 Education;
- 22 (n) A uniform series of forms and blanks, educational and financial, including  
23 forms of contracts, for use in the several school districts;
- 24 (o) The disposal of real and personal property owned by local boards of  
25 education; and
- 26 (p) The development and implementation of procedures, for all students who are  
27 homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do

1 the following:

- 2 1. Awarding and accepting of credit, including partial credit, for all  
3 coursework satisfactorily completed by a student while enrolled at  
4 another school;
  - 5 2. Allowing a student who was previously enrolled in a course required for  
6 graduation the opportunity, to the extent practicable, to complete the  
7 course, at no cost to the student, before the beginning of the next school  
8 year;
  - 9 3. Awarding a diploma, at the student's request, by a district from which  
10 the student transferred, if the student transfers schools at any time after  
11 the completion of the student's second year of high school and the  
12 student is ineligible to graduate from the district to which the student  
13 transfers, but meets the graduation requirements of the district from  
14 which the student transferred; and
  - 15 4. Exempting the student from all coursework and other requirements  
16 imposed by the local board of education that are in addition to the  
17 minimum requirements for high school graduation established by the  
18 Kentucky Board of Education pursuant to paragraph (d) of this  
19 subsection in the district to which the student transfers, if the student  
20 transfers schools at any time after the completion of the student's second  
21 year of high school and the student is ineligible to graduate both from  
22 the district to which the student transfers and the district from which the  
23 student transferred.
- 24 (2) (a) At the request of a local board of education or a school council, a local school  
25 district superintendent shall request that the Kentucky Board of Education  
26 waive any administrative regulation promulgated by that board. Beginning in  
27 the 1996-97 school year, a request for waiver of any administrative regulation

1 shall be submitted to the Kentucky Board of Education in writing with  
2 appropriate justification for the waiver. The Kentucky Board of Education  
3 may approve the request when the school district or school has demonstrated  
4 circumstances that may include but are not limited to the following:

- 5 1. An alternative approach will achieve the same result required by the  
6 administrative regulation;
- 7 2. Implementation of the administrative regulation will cause a hardship on  
8 the school district or school or jeopardize the continuation or  
9 development of programs; or
- 10 3. There is a finding of good cause for the waiver.

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

- 12 1. Administrative regulations relating to health and safety;
- 13 2. Administrative regulations relating to civil rights;
- 14 3. Administrative regulations required by federal law; and
- 15 4. Administrative regulations promulgated in accordance with KRS  
16 158.6451, 158.6453, 158.6455, and this section, relating to measurement  
17 of performance outcomes and determination of successful districts or  
18 schools, except upon issues relating to the grade configuration of  
19 schools.

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

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

27 (4) Any public school that violates the provisions of KRS 158.854 shall be subject to a

- 1 penalty to be assessed by the commissioner of education as follows:
- 2 (a) The first violation shall result in a fine of no less than one (1) week's revenue
- 3 from the sale of the competitive food;
- 4 (b) Subsequent violations shall result in a fine of no less than one (1) month's
- 5 revenue from the sale of the competitive food;
- 6 (c) "Habitual violations," which means five (5) or more violations within a six (6)
- 7 month period, shall result in a six (6) month ban on competitive food sales for
- 8 the violating school; and
- 9 (d) Revenue collected as a result of the fines in this subsection shall be
- 10 transferred to the food service fund of the local school district.