AN ACT relating to the Kentucky Guard Youth Challenge Program.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 36 IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky Guard Youth Challenge Program is hereby established within the Department of Military Affairs to serve as the state's program for participation in the National Guard Youth Challenge Program established in 32 U.S.C. sec. 509 or any successor program. The program shall be designed to improve life skills and employment potential of participants by providing military-based training and supervised work experience, together with core program components of assisting participants to receive a high school diploma or its equivalent, leadership development, promoting fellowship and community service, developing life coping skills and job skills, and improving physical fitness and health and hygiene. The program shall establish at least one (1) campus for program operations and may establish additional campuses as funding and demand allow. For educational components, the program shall establish at each campus a high school operating as an alternative education program to serve students at the campus.

(2) The Kentucky Guard Youth Challenge Program shall be designed to align and comply with federal statute and administrative regulations for the National Guard Youth Challenge Program and associated guidance provided by the United States Department of Defense.

(3) The Kentucky Guard Youth Challenge Program shall be under the direction of the adjutant general or designee. The adjutant general or designee shall:

(a) Appoint a director of the Kentucky Guard Youth Challenge Program to oversee the daily management of the program; and

(b) Adopt a strategic plan for the program's schools to ensure continuous

improvement.

(4) The Kentucky Guard Youth Challenge Program shall:

(a) Serve as a local education agency for the purposes of federal programming for each high school established by the program; and

(b) Be subject to the same statutes requiring and authorizing criminal background checks and clear CA/N checks as specified in KRS 160.380 and 161.148 in the same manner as a school district. However, these requirements shall apply to the entire program and not solely the high school.

(5) The high school operated by the Kentucky Guard Youth Challenge Program shall:

(a) Not participate in or receive any funds from the support education excellence in Kentucky fund established in KRS Chapter 157 but shall be funded through general fund appropriations and federal funds designated for the program;

(b) Only enroll students, regardless of residence within the Commonwealth, who are participating in the program;

(c) Be separate and distinct from any school district in the Commonwealth;

(d) Be subject to all statutes and regulations identified in this section and all of those relating to health, safety, and civil rights that are applicable to school districts;

(e) Ensure students meet compulsory attendance requirements under KRS 158.030 and 158.100;

(f) Provide high school course offerings that meet or exceed the minimum graduation requirements established in KRS 156.160;

(g) Participate in the assessment and accountability system provided in KRS Chapter 158 and the Elementary and Secondary Education Act of 1965 or

1 ***its successors in the same manner as any other school within the local***
2 ***education agency of the program and be rated and reported in the same***
3 ***manner as any other school or local education agency;***
4 ***(h) Use the same statewide student information system for recording student***
5 ***information data utilized by local school districts across the state in the***
6 ***same manner as a district;***
7 ***(i) Provide instruction time that is at least equivalent to the student***
8 ***instructional year and student attendance day specified in KRS 158.070;***
9 ***(j) Provide data as requested by the Kentucky Department of Education***
10 ***necessary to generate school report cards for the program and schools as***
11 ***required by KRS 158.6453 and the Elementary and Secondary Education***
12 ***Act of 1965 or its successors;***
13 ***(k) Unless otherwise prohibited by state or federal law, be eligible to apply for***
14 ***or participate in any grant programs offered to school districts or schools;***
15 ***and***
16 ***(l) Be eligible to participate in state-sponsored interscholastic athletics,***
17 ***academic programs, competitions, awards, scholarships, and recognition***
18 ***programs for students, educators, administrators, and schools to the same***
19 ***extent, and subject to the same conditions, as any other public school or***
20 ***individual.***
21 ***(6) The adjutant general or designee, after consulting with the advisory council***
22 ***established in subsection (7) of this section and the commissioner of education,***
23 ***shall adopt policies governing the program's high schools to:***
24 ***(a) Provide for the operation and management of the schools, which shall***
25 ***include establishing the guidelines for the selection, implementation, and***
26 ***procurement of instructional programs, resources, materials, technology,***
27 ***and textbooks; and***

1 ***(b) Issue diplomas indicating graduation from high school under the authority***
2 ***of the Kentucky Guard Youth Challenge Program to students who meet the***
3 ***minimum graduation requirements established pursuant to KRS 156.160.***
4 ***(7) The adjutant general or designee shall establish an advisory council to provide***
5 ***general oversight and guidance of the operation of the program's schools.***
6 ***(a) The advisory council shall be composed of:***
7 ***1. The director of the program, who shall serve as chair;***
8 ***2. One (1) member who is a superintendent providing services at a school***
9 ***operated by the program;***
10 ***3. One (1) member who shall be a certified educator working at a school***
11 ***operated by the program;***
12 ***4. Two (2) members who shall be certified educators working in public***
13 ***high schools outside of the program;***
14 ***5. Two (2) members who shall be non-educator employees of the***
15 ***program;***
16 ***6. Two (2) members who shall be parents of students attending the***
17 ***program's schools within twelve (12) months of appointment; and***
18 ***7. One (1) member who shall be a student enrolled in one (1) of the***
19 ***program's schools.***
20 ***(b) Other than the director, who shall serve as ex officio member, all members***
21 ***of the advisory council shall be appointed by the adjutant general or***
22 ***designee for two (2) year terms beginning on July 1, and any vacancy shall***
23 ***be filled in the same manner for the balance of the unexpired term.***
24 ***(c) The advisory council shall annually elect a vice chair at the first meeting of***
25 ***the school year.***
26 ***(d) Council members shall not receive a per diem for their service but may be***
27 ***reimbursed for travel-related expenses according to policies adopted by the***

1 ***adjutant general or designee.***
2 ***(e) The council shall provide advice to the program director, the Department of***
3 ***Military Affairs, and the adjutant general or designee on matters relating to***
4 ***the function of the program's schools and shall:***
5 ***1. Meet at least quarterly;***
6 ***2. Review and provide feedback to the adjutant general or designee on***
7 ***the strategic plan for the continuous improvement of the program's***
8 ***schools;***
9 ***3. Review and provide feedback on the results of the student***
10 ***performance, programs, and initiatives, and the implementation of the***
11 ***strategic plan;***
12 ***4. Provide recommendations on programming and research;***
13 ***5. Provide feedback to the adjutant general or designee on the***
14 ***performance of administrative employees of the program's schools;***
15 ***and***
16 ***6. Provide any additional feedback requested by the adjutant general or***
17 ***designee or the program's director.***
18 ***(8) The adjutant general or designee may seek the advice of the Kentucky***
19 ***Department of Education on the operation of the Kentucky Guard Youth***
20 ***Challenge Program and associated schools. The department shall provide***
21 ***assistance and guidance to the program in the same manner that assistance and***
22 ***guidance would be provided to a local school district.***
23 ***(9) Nothing in this section shall prohibit the personnel of the Kentucky Guard Youth***
24 ***Challenge Program from serving in other roles within the Department of Military***
25 ***Affairs.***
26 ***(10) All school personnel serving the program's schools shall possess appropriate***
27 ***certifications and licenses as determined by the Education Professional***

Standards Board pursuant to KRS 161.020.

(11) The adjutant general or designee shall annually enter into a memorandum of agreement with a local board of education to provide all educational services at a school of the Kentucky Guard Youth Challenge Program for a school year. The memorandum shall comply with the provisions of this section and include the scope of services to be provided, including the number of employees to be stationed on-campus. Any school district providing services through a memorandum of agreement shall be paid solely through funds appropriated for the program. The students served by the memorandum of agreement shall not be included in the district's calculations for purposes of the support education excellence in Kentucky fund.

➔Section 2. KRS 164.7874 is amended to read as follows:

As used in KRS 164.7871 to 164.7885:

(1) "Academic term" means a semester or other time period specified in an administrative regulation promulgated by the authority;

(2) "Academic year" means a period consisting of at least the minimum school term, as defined in KRS 158.070;

(3) "ACT score" means the composite score achieved on the American College Test at a national test site on a national test date or the college admissions examination administered statewide under KRS 158.6453(5)(b)5. if the exam is the ACT, or an equivalent score, as determined by the authority, on the SAT administered by the College Board, Inc.;

(4) "Authority" means the Kentucky Higher Education Assistance Authority;

(5) "Award period" means the fall and spring consecutive academic terms within one (1) academic year;

(6) "Council" means the Council on Postsecondary Education created under KRS 164.011;

(7) "Eligible high school student" means any person who:

(a) Is a citizen, national, or permanent resident of the United States and Kentucky resident;

(b) Was enrolled after July 1, 1998:

1. In a Kentucky high school for at least one hundred forty (140) days of the minimum school term unless exempted by the authority's executive director upon documentation of extreme hardship, while meeting the KEES curriculum requirements, and was enrolled in a Kentucky high school at the end of the academic year;

2. In a Kentucky high school for the fall academic term of the senior year and who:

a. Was enrolled during the entire academic term;

b. Completed the high school's graduation requirements during the fall academic term; and

c. Was not enrolled in a secondary school during any other academic term of that academic year; or

3. In the Gatton Academy of Mathematics and Science in Kentucky, the Craft Academy for Excellence in Science and Mathematics, or in high school at a model and practice school under KRS 164.380 ***or a high school established under Section 1 of this Act*** while meeting the Kentucky educational excellence scholarship curriculum requirements;

(c) Has a grade point average of 2.5 or above at the end of any academic year beginning after July 1, 1998, or at the end of the fall academic term for a student eligible under paragraph (b) 2. of this subsection; and

(d) Is not a convicted felon;

(8) "Eligible postsecondary student" means a citizen, national, or permanent resident of the United States and Kentucky resident, as determined by the participating

institution in accordance with criteria established by the council for the purposes of admission and tuition assessment, who:

(a) Earned a KEES award;

(b) Has the required postsecondary GPA and credit hours required under KRS 164.7881;

(c) Has remaining semesters of eligibility under KRS 164.7881;

(d) Is enrolled in a participating institution as a part-time or full-time student; and

(e) Is not a convicted felon;

(9) "Full-time student" means a student enrolled in a postsecondary program of study that meets the full-time student requirements of the participating institution in which the student is enrolled;

(10) "Grade point average" or "GPA" means the grade point average earned by an eligible student and reported by the high school or participating institution in which the student was enrolled based on a scale of 4.0 or its equivalent if the high school or participating institution that the student attends does not use the 4.0 grade scale;

(11) "High school" means any Kentucky public high school, the Gatton Academy of Mathematics and Science in Kentucky, the Craft Academy for Excellence in Science and Mathematics, a high school of a model and practice school under KRS 164.380, ***a high school established under Section 1 of this Act,*** and any private, parochial, or church school located in Kentucky that has been certified by the Kentucky Board of Education as voluntarily complying with curriculum, certification, and textbook standards established by the Kentucky Board of Education under KRS 156.160;

(12) "KEES" or "Kentucky educational excellence scholarship" means a scholarship provided under KRS 164.7871 to 164.7885;

(13) "KEES award" means:

(a) For an eligible high school student, the sum of the KEES base amount for

each academic year of high school plus any KEES supplemental amount, as adjusted pursuant to KRS 164.7881; and

(b) For a student eligible under KRS 164.7879(3)(e), the KEES supplemental amount as adjusted pursuant to KRS 164.7881;

(14) "KEES award maximum" means the sum of the KEES base amount earned in each academic year of high school plus any KEES supplemental amount earned;

(15) "KEES base amount" or "base amount" means the amount earned by an eligible high school student based on the student's GPA pursuant to KRS 164.7879;

(16) "KEES curriculum" means five (5) courses of study, except for students who meet the criteria of subsection (7)(b)2. of this section, in an academic year as determined in accordance with an administrative regulation promulgated by the authority;

(17) "KEES supplemental amount" means the amount earned by an eligible student based on the student's ACT score pursuant to KRS 164.7879;

(18) "KEES trust fund" means the Wallace G. Wilkinson Kentucky educational excellence scholarship trust fund;

(19) "On track to graduate" means the number of cumulative credit hours earned as compared to the number of hours determined by the postsecondary education institution as necessary to complete a bachelor's degree by the end of eight (8) academic terms or ten (10) academic terms if a student is enrolled in an undergraduate program that requires five (5) years of study;

(20) "Participating institution" means an "institution" as defined in KRS 164.001 that is eligible to participate in the federal Pell Grant program, executes a contract with the authority on terms the authority deems necessary or appropriate for the administration of its programs, and:

(a) 1. Is publicly operated;

2. Is licensed by the Commonwealth of Kentucky and has operated for at least ten (10) years, offers an associate or baccalaureate degree program

of study not comprised solely of sectarian instruction, and admits as regular students only high school graduates, recipients of a High School Equivalency Diploma, or students transferring from another accredited degree granting institution; or

3. Is designated by the authority as an approved out-of-state institution that offers a degree program in a field of study that is not offered at any institution in the Commonwealth; and

(b) Continues to commit financial resources to student financial assistance programs; and

(21) "Part-time student" means a student enrolled in a postsecondary program of study who does not meet the full-time student requirements of the participating institution in which the student is enrolled and who is enrolled for at least six (6) credit hours, or the equivalent for an institution that does not use credit hours.

➔Section 3. KRS 164.7885 is amended to read as follows:

(1) Not later than August 1, 1999, and each June 30 thereafter, each Kentucky high school shall submit to the authority, a compiled list of all high school students during the academic year. A high school shall report the grade point average of an eligible high school student pursuant to KRS 164.7874 by January 15 following the end of the fall academic term in which the student completed the high school graduation requirements. The list shall identify the high school and shall contain each high school student's name, Social Security number, address, grade point average for the academic year, expected or actual graduation date, highest ACT score, family eligibility status for free or reduced-price lunch, and each AP, Cambridge Advanced International, or IB examination score. The Gatton Academy of Mathematics and Science in Kentucky, the Craft Academy for Excellence in Science and Mathematics, ***a high school established under Section 1 of this Act,*** and the high school of a model and practice school under KRS 164.380 shall report

the data on its students to the authority. The list need not contain the ACT, AP, Cambridge Advanced International, or IB if the authority receives the scores directly from the testing services. The authority shall notify each eligible high school student of his or her Kentucky educational excellence scholarship award earned each academic year. The authority shall determine the final Kentucky educational excellence scholarship and supplemental award based upon the actual final grade point average, highest ACT score, and qualifying AP, Cambridge Advanced International, or IB scores and shall notify each eligible twelfth-grade high school student of the final determination. The authority shall make available a list of eligible high school and postsecondary students to participating institutions.

(2) The authority shall provide data access only to the Kentucky Longitudinal Data System and to those participating institutions that have either received an admission application from an eligible high school or postsecondary student or have been listed by the eligible high school or postsecondary student on the Free Application For Federal Student Aid.

(3) For each eligible postsecondary student enrolling in a participating institution after July 1, 1999, the participating institution shall verify to the authority:

(a) The student's initial eligibility for a Kentucky educational excellence scholarship, Kentucky educational excellence scholarship and supplemental award, or supplemental award only pursuant to KRS 164.7879(3)(d) through the comprehensive list compiled by the authority or an alternative source satisfactory to the authority;

(b) The student's highest ACT score attained by the date of graduation from high school, provided that the participating institution need not report the ACT score if the authority receives the ACT score directly from the testing services;

(c) The eligible postsecondary student's full-time or part-time enrollment status at

the beginning of each academic term; and

(d) The eligible postsecondary student's cumulative grade point average after the completion of each award period.

(4) Each participating institution shall submit to the authority a report, in a form satisfactory to the authority, of all eligible postsecondary students enrolled for that academic term. Kentucky educational excellence scholarships and supplemental awards shall be disbursed by the authority to each eligible postsecondary student attending a participating institution during the academic term within thirty (30) days after receiving a satisfactory report.

(5) The Kentucky educational excellence scholarship and the supplemental award shall not be reduced, except as provided in KRS 164.7881(4).

(6) Kentucky educational excellence scholarships and supplemental awards shall not be awarded or disbursed to any eligible postsecondary students who are:

(a) In default on any loan under Title IV of the federal act; or

(b) Liable for any amounts that exceed annual or aggregate limits on any loan under Title IV of the federal act; or

(c) Liable for overpayment of any grant or loan under Title IV of the federal act; or

(d) In default on any obligation to the authority under any programs administered by the authority until financial obligations to the authority are satisfied, except that ineligibility may be waived by the authority for cause.

(7) Notwithstanding the provisions of KRS 164.753, the authority may promulgate administrative regulations for the administration of Kentucky educational excellence scholarships and supplemental awards under the provisions of KRS 164.7871 to 164.7885 and KRS 164.7889.