

1 AN ACT relating to preschool and kindergarten education.

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

3 ➔Section 1. KRS 157.3175 is amended to read as follows:

4 (1) Each local school district shall ensure that a ***free and*** developmentally appropriate
5 ***full-day***~~half-day~~ preschool education program is provided for each ***eligible*** child.

6 ***(a) An eligible child is a child*** who is at risk of educational failure and who is
7 ***three (3) or*** four (4) years of age ~~[-~~

8 ~~(a) By October 1, for any year prior to 2017; or~~

9 ~~(b)]by August 1[-, for 2017 or any year thereafter].~~

10 ***(b)*** All other ***three (3) and*** four (4) year old children shall be served to the extent
11 placements are available.

12 ***(2) Children who are at risk of educational failure shall be identified:***

13 ***(a) Based on family income below two hundred percent (200%) of the National***
14 ***School Lunch Program eligibility criteria for free lunch; or***

15 ***(b) As having a disability in accordance with the Individuals with Disabilities***
16 ***Education Act, 20 U.S.C. sec. 1400 et seq.***

17 ***(3)*** The Kentucky Board of Education, upon the recommendation of the chief state
18 school officer, shall adopt administrative regulations establishing the guidelines for
19 the program. Administrative regulations shall establish eligibility criteria, program
20 guidelines, and standards for personnel.

21 ~~***(4)***~~~~*(2)*~~ "Developmentally appropriate preschool program" means a program which
22 focuses on the physical, intellectual, social, and emotional development of young
23 children. The preschool program shall help children with their interpersonal and
24 socialization skills.

25 ***(5) (a)***~~*(3)*~~ Funds appropriated by the General Assembly for ~~the~~ preschool
26 education programs ***for eligible children three (3) years of age*** shall be
27 granted to local school districts according to a grant allotment system

1 approved by the Kentucky Board of Education. ~~Children who are at risk shall~~
 2 ~~be identified based on the Federal School Lunch Program eligibility criteria~~
 3 ~~for free lunch.~~ Appropriations shall be separate from all other funds
 4 appropriated to the Department of Education and shall be administered in
 5 accordance with applicable federal and state statutes and administrative
 6 regulations.

7 **(b) For the 2023-2024 school year,** eligible local school districts shall receive
 8 funds based on the average number of preschool children being served on
 9 December 1 and March 1 of the prior academic year.

10 **(c) For the 2024-2025 school year and subsequent years, eligible local school**
 11 **districts shall receive funds based on the average number of three (3) year**
 12 **old preschool children being served on December 1 and March 1 of the**
 13 **prior academic year** ~~who are appropriately identified as:~~

14 ~~(a) Three (3) and four (4) years of age with disabilities; and~~

15 ~~(b) Four (4) years of age identified as at risk of educational failure.~~

16 **(6) Eligible four (4) year old children enrolled in a preschool education program**
 17 **shall be included in the average daily attendance of the elementary school**
 18 **providing preschool education for purposes of funding under KRS 157.310 to**
 19 **157.440.**

20 **(7)** Local school districts may develop cooperative arrangements with other school
 21 districts or organizations in accordance with KRS 157.280.

22 ~~[(4) A child shall be eligible for a free and appropriate preschool education and related~~
 23 ~~services if:~~

24 ~~(a) 1. The child has been identified as a child with a disability in accordance~~
 25 ~~with the Individuals with Disabilities Education Act, 20 U.S.C. secs.~~
 26 ~~1400 et seq.; or~~

27 ~~2. The child has been identified in accordance with the definitions and~~

1 ~~procedures for exceptional children and youth in accordance with KRS~~
2 ~~157.200(1)(a) to (m); and~~

3 ~~(b) The child is three (3) or four (4) years of age:~~

4 ~~1. By October 1, for any year before 2017; or~~

5 ~~2. By August 1, for 2017 or any year thereafter.]~~

6 ~~(8)~~~~(5)~~ The chief state school officer shall receive and review proposals from local
7 school districts for grants to operate or oversee the operation of developmentally
8 appropriate preschool education programs. Districts may submit proposals for
9 implementing new services, enhancing existing preschool education services, or
10 contracting for services. In designing a local early childhood education program,
11 each district shall work with existing preschool programs to avoid duplication of
12 programs and services, to avoid supplanting federal funds, and to maximize Head
13 Start funds in order to serve as many ***three (3) and*** four (4) year old children as
14 possible.

15 ~~(9)~~~~(6)~~ Each program proposal shall include, at a minimum:

16 (a) A description of the process conducted by the district to ensure that the
17 parents or guardians of all eligible participants have been made aware of the
18 program and of their right to participate;

19 (b) A description of the planned educational programming and related services;

20 (c) The estimated number of children participating in the program;

21 (d) Strategies for involving children with disabilities ***and continuing their***
22 ***education if the disability is resolved;***

23 (e) Estimated ratio of staff to children with the maximum being one (1) adult for
24 each ten (10) children;

25 (f) The estimated percentage of children participating in the program who are at
26 risk of educational failure;

27 (g) Information on the training and qualifications of program staff and

- 1 documentation that the staff meet required standards;
- 2 (h) A budget and per-child expenditure estimate;
- 3 (i) A plan to facilitate active parental involvement in the preschool program,
4 including provisions for complementary parent education when appropriate;
- 5 (j) Facilities and equipment which are appropriate for young children;
- 6 (k) The days of the week and hours of a day during which the program shall
7 operate as specified by the school calendar adopted by the local school
8 board;
- 9 (l) A plan for coordinating the program with existing medical and social services,
10 including a child development and health screening component;
- 11 (m) Assurances that participants shall receive breakfast or lunch;
- 12 (n) Program sites which meet state and local licensure requirements;
- 13 (o) A plan for coordinating program philosophy and activities with the
14 school~~local~~ district's primary school program;
- 15 (p) An evaluation component; and
- 16 (q) A plan for providing transportation services to eligible students~~[Certification~~
17 ~~from the local Head Start director that the Head Start program is fully utilized~~
18 ~~pursuant to subsection (4) of this section].~~
- 19 ~~(7) If the superintendent and local Head Start director are unable to reach an agreement~~
20 ~~on whether a Head Start program is fully utilized, the superintendent or local Head~~
21 ~~Start director shall notify the chief state school officer. The local Head Start director~~
22 ~~shall provide the chief state school officer all information relevant to the utilization~~
23 ~~of the Head Start program. Within thirty (30) days of notification from the~~
24 ~~superintendent or local Head Start director, the chief state school officer shall make~~
25 ~~a determination of whether a Head Start program is fully utilized and may execute~~
26 ~~the certification required by subsection (6)(q) of this section on behalf of the local~~
27 ~~Head Start director.~~

1 ~~(8) Programs shall reflect an equitable geographic distribution representative of all~~
2 ~~areas of the Commonwealth.]~~

3 ➔Section 2. KRS 158.031 is amended to read as follows:

4 (1) In this section, "primary school program" means that part of the elementary school
5 program in which children are enrolled from the time they begin school, **including**
6 **enrollment in a preschool education program for four (4) year old children,** until
7 they are ready to enter the fourth grade. Notwithstanding any statute to the contrary,
8 successful completion of the primary school program shall be a prerequisite for a
9 child's entrance into fourth grade.

10 (2) The Kentucky Board of Education shall establish, by administrative regulation,
11 methods of verifying successful completion of the primary school program in
12 carrying out the goals of education as described in KRS 158.6451.

13 (3) The primary program shall include the following critical attributes:
14 developmentally appropriate educational practices; multiage and multiability
15 classrooms; continuous progress; authentic assessment; qualitative reporting
16 methods; professional teamwork; and positive parent involvement.

17 (4) Each school council or, if none exists, the school shall determine the organization
18 of its ungraded primary program including the extent to which multiage groups are
19 necessary to implement the critical attributes based on the critical attributes and
20 meeting individual student needs.

21 (5) The implementation of the primary program may take into consideration the
22 necessary arrangements required for students attending part-time and will allow for
23 grouping of students attending their first year of school when determined to be
24 developmentally appropriate.

25 (6) A school district may advance a student through the primary program when it is
26 determined that it is in the best educational interest of the student. A student who is
27 at least five (5) years of age, but less than six (6) years of age, and is advanced in

1 the primary program may be classified as other than a kindergarten student for
2 purposes of funding under KRS 157.310 to 157.440 if the student is determined to
3 have acquired the academic and social skills taught in kindergarten as determined
4 by local board policy in accordance with the process established by Kentucky
5 Board of Education administrative regulation.

6 (7) Data shall be collected by each school district on the number of students, in each
7 school having a primary program, who take five (5) years to complete the primary
8 program *if original enrollment was in kindergarten, or six (6) years to complete*
9 *the primary program if original enrollment was in a preschool education*
10 *program for four (4) year old children.* The data shall be reported in the annual
11 performance report described in KRS 158.6453.

12 ➔Section 3. KRS 157.320 is amended to read as follows:

13 As used in KRS 157.310 to 157.440, unless the context otherwise requires:

14 (1) "Average daily attendance" means the aggregate days attended by pupils in a public
15 school, adjusted for weather-related low attendance days if applicable, divided by
16 the actual number of days the school is in session, after the five (5) days with the
17 lowest attendance have been deducted.

18 (a) Aggregate days shall include, in addition to the aggregate number of days
19 attended by a pupil who was suspended during a school year, the number of
20 days the pupil was suspended, not to exceed ten (10) days in total for the
21 school year; and

22 (b) Aggregate days shall include, in addition to the aggregate number of days
23 attended by a pupil who was expelled for behavioral problems, the number of
24 days the pupil was expelled up to a total of one hundred seventy-five (175)
25 days. This total may extend into the next school year and shall be counted in
26 the average daily attendance for the next year;

27 (2) "Base funding level" means a guaranteed amount of revenue per pupil to be

1 provided for each school district, to be used for regular operating and capital
2 expenditures;

3 (3) "Board" means the board of education of any county or independent school district;

4 (4) "District" means any school district as defined by law;

5 (5) "Elementary school" means a school consisting of the primary school program
6 through grade eight (8) as defined in Section 2 of this Act~~[KRS 158.030]~~, or any
7 appropriate combination of grades within this range, as determined by the plan of
8 organization for schools authorized by the district board;

9 (6) "Support Education Excellence in Kentucky" means the level of educational
10 services and facilities which is to be provided in each district from the public school
11 fund;

12 ~~(7) ["Kindergarten full-time equivalent pupil in average daily attendance" means each
13 kindergarten pupil counted no more than one half (1/2) day in the aggregate days
14 attended by kindergarten pupils in a public school divided by the actual number of
15 days school is in session after the five (5) days with the lowest attendance have
16 been deducted. Kindergarten is the entry level of the primary program and shall be
17 provided no less than the equivalent of one half (1/2) day, five (5) days a week for a
18 full school year for each kindergarten pupil;~~

19 ~~(8)~~ "Public school fund" means the fund created by KRS 157.330 for use in financing
20 education in public elementary and secondary schools;

21 ~~(8)~~(9) "Administrative regulations of the Kentucky Board of Education" means
22 those regulations which the Kentucky Board of Education may adopt upon the
23 recommendation and with the advice of the commissioner of education. The
24 commissioner of education shall recommend administrative regulations necessary
25 for carrying out the purposes of KRS 157.310 to 157.440;

26 ~~(9)~~(10) "Experience" means employment as a teacher, other than as a substitute or
27 nursery school teacher, for a minimum of one hundred forty (140) days during a

1 school year in a public or nonpublic elementary or secondary school or college or
2 university that is approved by the public accrediting authority in the state in which
3 the teaching duties were performed. A teacher who is employed by a board for at
4 least one hundred forty (140) days of a school year and who performs teaching
5 duties for the equivalent of at least seventy (70) full school days during that school
6 year, regardless of the schedule on which those duties were performed, shall be
7 credited with one (1) year of experience. A teacher who is employed by a board for
8 at least one hundred forty (140) days during each of two (2) school years and who
9 performs teaching duties for the equivalent of at least seventy (70) full school days
10 during those years shall be credited with one (1) year of experience. No more than
11 one (1) year of experience shall be credited for the performance of teaching duties
12 during a single school year;

13 (10)~~(11)~~ "Secondary school" means a school consisting of grades seven (7) through
14 twelve (12), or any appropriate combination of grades within this range as
15 determined by the plan of organization for schools authorized by the district board.
16 When grades seven (7) through nine (9) or ten (10) are organized separately as a
17 junior high school, or grades ten (10) through twelve (12) are organized separately
18 as a senior high school and are conducted in separate school plant facilities, each
19 shall be considered a separate secondary school for the purposes of KRS 157.310 to
20 157.440;

21 (11)~~(12)~~ "Single salary schedule" means a schedule adopted by a local board from
22 which all teachers are paid for one hundred eighty-five (185) days and is based on
23 training, experience, and such other factors as the Kentucky Board of Education
24 may approve and which does not discriminate between salaries paid elementary and
25 secondary teachers. If the budget bill contains a minimum statewide salary
26 schedule, no teacher shall be paid less than the amount specified in the biennial
27 budget salary schedule for the individual teacher's educational qualifications and

1 experience;

2 (12)~~((13))~~ "Teacher" means any regular or special teacher, principal, supervisor,
3 superintendent, assistant superintendent, librarian, director of pupil personnel, or
4 other member of the teaching or professional staff engaged in the service of the
5 public elementary and secondary school for whom certification is required as a
6 condition of employment;

7 (13)~~((14))~~ "Percentage of attendance" means the aggregate days attended by pupils in a
8 public school for the school year divided by the aggregate days' membership of
9 pupils in a public school for the school year;

10 (14)~~((15))~~ "Middle school" means a school consisting of grades five (5) through eight (8)
11 or any appropriate combination of grades as determined by the plan of organization
12 for schools authorized by the district board;

13 (15)~~((16))~~ "National board certification salary supplement" means an annual supplement
14 added for the life of the certificate to the base salary of a teacher who attains
15 national board certification; and

16 (16)~~((17))~~ "Weather-related low attendance day" means a school day on which the
17 district's attendance falls below the average daily attendance for the prior year due
18 to inclement weather. The district shall submit a request to substitute the prior
19 year's average daily attendance for its attendance on up to ten (10) designated days,
20 along with documentation that the low attendance was due to inclement weather,
21 for approval by the commissioner of education in accordance with Kentucky Board
22 of Education administrative regulations.

23 ➔Section 4. KRS 157.360 is amended to read as follows:

24 (1) (a) In determining the cost of the program to support education excellence in
25 Kentucky, the statewide guaranteed base funding level, as defined in KRS
26 157.320, shall be computed by dividing the amount appropriated for this
27 purpose by the prior year's statewide average daily attendance.

- 1 (b) When determining the biennial appropriations for the program, the average
2 daily attendance for each fiscal year shall include an estimate of the number
3 of students graduating early under the provisions of KRS 158.142.
- 4 (2) Each district shall receive an amount equal to the base funding level for each pupil
5 in average daily attendance in the district in the previous year, except a district shall
6 receive an amount equal to one-half (1/2) of the state portion of the average
7 statewide per pupil guaranteed base funding level for each student who graduated
8 early under the provisions of KRS 158.142. Each district's base funding level shall
9 be adjusted by the following factors:
- 10 (a) The number of at-risk students in the district. At-risk students shall be
11 identified as those approved for the free lunch program under state and federal
12 guidelines. The number of at-risk students shall be multiplied by a factor to be
13 established by the General Assembly. Funds generated under this paragraph
14 may be used to pay for:
- 15 1. Alternative programs for students who are at risk of dropping out of
16 school before achieving a diploma; and
 - 17 2. A hazardous duty pay supplement as determined by the local board of
18 education to the teachers who work in alternative programs with
19 students who are violent or assaultive;
- 20 (b) The number and types of exceptional children in the district as defined by
21 KRS 157.200. Specific weights for each category of exceptionality shall be
22 used in the calculation of the add-on factor for exceptional children;~~and~~
- 23 (c) **The number of eligible four (4) year old children enrolled in a preschool**
24 **education program. The number of eligible four (4) year old children shall**
25 **be multiplied by a factor to be established by the General Assembly; and**
- 26 (d) Transportation costs. The per-pupil cost of transportation shall be calculated
27 as provided by KRS 157.370. Districts which contract to furnish

1 transportation to students attending nonpublic schools may adopt any payment
2 formula which ensures that no public school funds are used for the
3 transportation of nonpublic students.

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

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

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

- 18 1. Twenty-four (24) in primary grades (kindergarten through third grade);
- 19 2. Twenty-eight (28) in grade four (4);
- 20 3. Twenty-nine (29) in grades five (5) and six (6);
- 21 4. Thirty-one (31) in grades seven (7) to twelve (12).

22 (b) Except for those schools which have implemented school-based decision
23 making, class size loads for middle and secondary school classroom teachers
24 shall not exceed the equivalent of one hundred fifty (150) pupil hours per day.

25 (c) The commissioner of education, upon approval of the Kentucky Board of
26 Education, shall adopt administrative regulations for enforcing this provision.

27 These administrative regulations shall include procedures for a superintendent

1 to request an exemption from the Kentucky Board of Education when unusual
2 circumstances warrant an increased class size for an individual class. A
3 request for an exemption shall include specific reasons for the increased class
4 size with a plan for reducing the class size prior to the beginning of the next
5 school year. A district shall not receive in any one (1) year exemptions for
6 more classes than enroll twenty percent (20%) of the pupils in the primary
7 grades and grades four (4) through eight (8).

8 (d) In all schools the commissioner of education shall enforce the special
9 education maximum class sizes set by administrative regulations adopted by
10 the Kentucky Board of Education. A superintendent may request an
11 exemption pursuant to paragraph (c) of this subsection. A local school council
12 may request a waiver pursuant to KRS 156.160(2). An exemption or waiver
13 shall not be granted if the increased class size will impede any exceptional
14 child from achieving his or her individual education program in the least
15 restrictive environment.

16 (6) In grades four (4) through six (6) with combined grades, the maximum class size
17 shall be the average daily attendance upon which funding is appropriated for the
18 lowest assigned grade in the class. There shall be no exceptions to the maximum
19 class size for combined classes. In combined classes other than the primary grades,
20 no ungraded students shall be placed in a combined class with graded students. In
21 addition, there shall be no more than two (2) consecutive grade levels combined in
22 any one (1) class in grades four (4) through six (6). However, this shall not apply to
23 schools which have implemented school-based decision making.

24 (7) If a local school district, through its admission and release committee, determines
25 that an appropriate program in the least restrictive environment for a particular child
26 with a disability includes either part-time or full-time enrollment with a private
27 school or agency within the state or a public or private agency in another state, the

1 school district shall count as average daily attendance in a public school the time
2 that the child is in attendance at the school or agency, contingent upon approval by
3 the commissioner of education.

4 (8) Pupils attending a center for child learning and study established under an
5 agreement pursuant to KRS 65.210 to 65.300 shall, for the purpose of calculating
6 average daily attendance, be considered as in attendance in the school district in
7 which the child legally resides and which is party to the agreement. For purposes of
8 subsection (1) of this section, teachers who are actually employees of the joint or
9 cooperative action shall be considered as employees of each school district which is
10 a party to the agreement.

11 (9) Program funding shall be increased when the average daily attendance in any
12 district for the first two (2) months of the current school year is greater than the
13 average daily attendance of the district for the first two (2) months of the previous
14 school year. The program funds allotted the district shall be increased by the
15 percent of increase.~~[The average daily attendance in kindergarten is the~~
16 ~~kindergarten full-time equivalent pupils in average daily attendance.]~~

17 (10) If the average daily attendance for the current school year in any district decreases
18 by ten percent (10%) or more than the average daily attendance for the previous
19 school year, the average daily attendance for purposes of calculating program
20 funding for the next school year shall be increased by an amount equal to two-thirds
21 (2/3) of the decrease in average daily attendance. If the average daily attendance
22 remains the same or decreases in the succeeding school year, the average daily
23 attendance for purposes of calculating program funding for the following school
24 year shall be increased by an amount equal to one-third (1/3) of the decrease for the
25 first year of the decline.

26 (11) If the percentage of attendance of any school district shall have been reduced more
27 than two percent (2%) during the previous school year, the program funding

1 allotted the district for the current school year shall be increased by the difference in
2 the percentage of attendance for the two (2) years immediately prior to the current
3 school year less two percent (2%).

4 (12) (a) Instructional salaries for vocational agriculture classes shall be for twelve (12)
5 months per year. Vocational agriculture teachers shall be responsible for the
6 following program of instruction during the time period beyond the regular
7 school term established by the local board of education: supervision and
8 instruction of students in agriculture experience programs; group and
9 individual instruction of farmers and agribusinessmen; supervision of student
10 members of agricultural organizations who are involved in leadership training
11 or other activity required by state or federal law; or any program of vocational
12 agriculture established by the Department of Education. During extended
13 employment, no vocational agriculture teacher shall receive salary on a day
14 that the teacher is scheduled to attend an institution of higher education class
15 which could be credited toward meeting any certification requirement.

16 (b) Each teacher of agriculture employed shall submit an annual plan for summer
17 program to the local school superintendent for approval. The summer plan
18 shall include a list of tasks to be performed, purposes for each task, and time
19 to be spent on each task. Approval by the local school superintendent shall be
20 in compliance with the guidelines developed by the Department of Education.
21 The supervision and accountability of teachers of vocational agriculture's
22 summer programs shall be the responsibility of the local school
23 superintendent. The local school superintendent shall submit to the
24 commissioner of education a completed report of summer tasks for each
25 vocational agriculture teacher. Twenty percent (20%) of the approved
26 vocational agriculture programs shall be audited annually by the State
27 Department of Education to determine that the summer plan has been properly

1 executed.

2 (13) (a) In allotting program funds for home and hospital instruction, statewide
3 guaranteed base funding, excluding the capital outlay, shall be allotted for
4 each child in average daily attendance in the prior school year who has been
5 properly identified according to Kentucky Board of Education administrative
6 regulations. Attendance shall be calculated pursuant to KRS
7 158.033~~[157.270]~~ and shall be reported monthly on forms provided by the
8 Department of Education; and

9 (b) Pursuant to administrative regulations of the Kentucky Board of Education,
10 local school districts shall be reimbursed for home and hospital instruction for
11 pupils unable to attend regular school sessions because of short-term health
12 impairments. A reimbursement formula shall be established by administrative
13 regulations to include such factors as a reasonable per hour, per child
14 allotment for teacher instructional time, with a maximum number of funded
15 hours per week, a reasonable allotment for teaching supplies and equipment,
16 and a reasonable allotment for travel expenses to and from instructional
17 assignments, but the formula shall not include an allotment for capital outlay.
18 Attendance shall be calculated pursuant to KRS 158.033~~[157.270]~~ and shall
19 be reported annually on forms provided by the Department of Education.

20 (14) Except for those schools which have implemented school-based decision making
21 and the school council has voted to waive this subsection, kindergarten aides shall
22 be provided for each twenty-four (24) ~~[full-time equivalent]~~ kindergarten students
23 enrolled.

24 (15) ~~[Effective July 1, 2001,]~~There shall be no deduction applied against the base
25 funding level for any pupil in average daily attendance who spends a portion of his
26 or her school day in a program at a state-operated career and technical education or
27 vocational facility.

- 1 (16) During a fiscal year, a school district may request that the Department of Education
2 recalculate its funds allocated under this section if the current year average daily
3 attendance for the twenty (20) day school month as defined in KRS 158.060(1) that
4 contains the most days within the calendar month of January exceeds the prior year
5 adjusted average daily attendance plus growth by at least one percent (1%). Any
6 adjustments in the allotments approved under this subsection shall be proportional
7 to the remaining days in the school year and subject to available funds under the
8 program to support education excellence in Kentucky.
- 9 (17) To calculate the state portion of the program to support education excellence in
10 Kentucky for a school district, the Department of Education shall subtract the local
11 effort required under KRS 157.390(5) from the calculated base funding under the
12 program to support education excellence in Kentucky, as required by this section.
13 The value of the real estate used in this calculation shall be the lesser of the current
14 year assessment or the prior year assessment increased by four percent (4%) plus
15 the value of current year new property. The calculation under this subsection shall
16 be subject to available funds.
- 17 (18) Notwithstanding any other statute or budget of the Commonwealth language to the
18 contrary, time missed due to shortening days for emergencies may be made up by
19 lengthening school days in the school calendar without any loss of funds under the
20 program to support education excellence in Kentucky.
- 21 ➔Section 5. KRS 158.030 is amended to read as follows:
- 22 (1) "Common school" means an elementary or secondary school of the state supported
23 in whole or in part by public taxation. No school shall be deemed a "common
24 school" or receive support from public taxation unless the school is taught by a
25 certified teacher for a minimum school term as defined by KRS 158.070 and every
26 child residing in the district who satisfies the age requirements of this section has
27 had the privilege of attending it. Provided, however, that: ~~if any child who is six (6)~~

1 years of age, or who may become six (6) years of age by October 1, shall attend
2 public school or qualify for an exemption as provided by KRS 159.030. Any child
3 who is five (5) years of age, or who may become five (5) years of age by October 1,
4 may enter a primary school program, as defined in KRS 158.031, and may advance
5 through the primary program without regard to age in accordance with KRS
6 158.031(6).

7 ~~(2) Beginning with the 2017-2018 school year, }~~

8 **(a)** Any child who is six (6) years of age, or who may become six (6) years of age
9 by August 1, shall attend public school or qualify for an exemption as
10 provided by KRS 159.030; ~~{ }~~

11 **(b)** Any child who is five (5) years of age, or who may become five (5) years of
12 age by August 1, may enter a primary school program, as defined in KRS
13 158.031, and may advance through the primary program without regard to age
14 in accordance with KRS 158.031(6); **and**

15 **(c) Any eligible child as described in Section 1 of this Act who is four (4) years**
16 **of age may enter a preschool education program for four (4) year old**
17 **children.**

18 ~~(2){(3)}~~ Each local school board shall adopt a policy to permit a parent or guardian to
19 petition the board to allow a student to attend public school who does not meet the
20 ~~{age}~~ requirements of subsection (1) ~~{or (2)}~~ of this section. The policy shall include
21 an evaluation process that will help determine a student's readiness for school and
22 shall ensure that any tuition amount charged under this policy is the same amount
23 charged to a student who meets the ~~{age}~~ requirements of subsection (1) ~~{or (2)}~~ of
24 this section. Students enrolled under this policy shall be included in a school's
25 average daily attendance for purposes of funding as provided in KRS 157.310 to
26 157.440.

27 ➔Section 6. KRS 158.060 is amended to read as follows:

- 1 (1) Twenty (20) school days, or days in which teachers are actually employed in the
2 schoolroom, shall constitute a school month in the common schools.
- 3 (2) Each full-time teacher shall be provided with a duty-free lunch period each day
4 during the regularly scheduled student lunch period. The duty-free lunch period
5 shall be not less than the length of the lunch period specified in the school calendar
6 approved by the chief state school officer. A full-time teacher may be assigned to
7 lunch room duty during the regularly scheduled student lunch period only for an
8 amount of time equal to the noninstructional time in excess of fifty-five (55)
9 minutes included in the teacher's daily schedule. The calculation of noninstructional
10 time shall not include the teacher's duty-free lunch period, the time teachers are
11 required to be at school prior to the start of the student's instructional day, or the
12 time teachers are required to remain at school after the students are dismissed.
- 13 (3) Except for children with disabilities and children attending the primary school
14 program who may attend a program of less than six (6) hours per day under policy
15 adopted by the local school district board of education and approved by the
16 commissioner of education and children attending a school district where the local
17 board has approved a schedule that provides at least the equivalent of six (6) hours
18 of daily instruction during the school year, a minimum of six (6) hours of actual
19 school work shall constitute a school day. ~~[Kindergarten programs may be operated
20 for less than six (6) hours without state board approval.]~~ The Kentucky Board of
21 Education, upon recommendation of the chief state school officer, shall develop and
22 approve regulations governing make up by school districts of whole days missed
23 due to emergencies, or partial days missed as a result of shortening regularly
24 scheduled school days due to emergencies.
- 25 (4) Teachers shall be provided additional time for nonteaching activities. The
26 nonteaching time shall be used to provide teachers opportunities for professional
27 development activities as provided in KRS 156.095, instructional planning, school-

1 based decision making as provided in KRS 160.345, curriculum development, and
2 outreach activities involving their students' families and the community.

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