

1 AN ACT relating to public schools and declaring an emergency.

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

3 ➔Section 1. KRS 160.160 is amended to read as follows:

4 (1) Each school district shall be under the management and control of a board of
5 education consisting of five (5) members, except in counties containing a city of the
6 first class wherein a merger pursuant to KRS 160.041 shall have been accomplished
7 which shall have seven (7) members elected from the divisions and in the manner
8 prescribed by KRS 160.210(5), to be known as the "Board of Education of ...,
9 Kentucky." Each board of education shall be a body politic and corporate with
10 perpetual succession. It may sue and be sued; make contracts; expend funds
11 necessary for liability insurance premiums and for the defense of any civil action
12 brought against an individual board member in his official or individual capacity, or
13 both, on account of an act made in the scope and course of his performance of legal
14 duties as a board member; purchase, receive, hold, and sell property; issue its bonds
15 to build and construct improvements; and do all things necessary to accomplish the
16 purposes for which it is created. Each board of education shall elect a chairman and
17 vice chairman from its membership in a manner and for a term prescribed by the
18 board not to exceed two (2) years.

19 (2) No board of education shall participate in any financing of school buildings, school
20 improvements, appurtenances thereto, or furnishing and equipment, including
21 education technology equipment without:

22 (a) First establishing the cost of the project in advance of financing, based on the
23 receipt of advertised, public, and competitive bids for such project, in
24 accordance with KRS Chapter 424; and

25 (b) Establishing the cost of financing in advance of the sale of any bonds,
26 certificates of participation in any leases, or other evidences of financial
27 commitments issued by or on behalf of such board. Any bonds, leases,

1 participations, or other financial arrangements shall not involve a final
2 commitment of the board until the purchaser or lender involved shall have
3 been determined by public advertising in accordance with KRS Chapter 424.

4 (3) No board of education shall make a mortgage, lien, or other encumbrance upon any
5 school building owned by the board, or transfer title to any such school building as
6 part of any financing arrangement, without the specific approval of the Department
7 of Education, and without the transaction being entered into pursuant to a detailed
8 plan or procedure specifically authorized by Kentucky statute.

9 (4) Without the approval of the Department of Education, no board may lease, as
10 lessee, a building or public facility that has been or is to be financed at the request
11 of the board or on its behalf through the issuance of bonds by another public body
12 or by a nonprofit corporation serving as an agency and instrumentality of the board,
13 or by a leasing corporation. Any lease, participation, or other financial arrangement
14 shall not involve a final commitment of the board unless and until the purchaser or
15 lender involved in same shall have been determined by public advertising in
16 accordance with KRS Chapter 424. No transaction shall be entered into by the
17 board except upon the basis of public advertising and competitive bidding in
18 accordance with KRS Chapter 424.

19 (5) Rental payments due by a board under a lease approved by the Department of
20 Education in accordance with subsection (4) of this section shall be due and payable
21 not less than ten (10) days prior to the interest due date for the bonds, notes, or
22 other debt obligations issued to finance the building or public facility. If a board
23 fails to make a rental payment when due under a lease, upon notification to the
24 Department of Education by the paying agent, bond registrar, or trustee for the
25 bonds not less than three (3) days prior to the interest due date, the Department of
26 Education shall withhold or intercept any funds then due the board to the extent of
27 the amount of the required payment on the bonds and remit the amount to the

1 paying agent, bond registrar, or trustee as appropriate. Thereafter, the Department
 2 of Education shall resolve the matter with the board and adjust remittances to the
 3 board to the extent of the amount paid by the Department of Education on the
 4 board's behalf.

5 (6) Bonds, notes or leases negotiated to provide education technology shall not be sold
 6 for longer than seven (7) years or the useful life of the equipment as established by
 7 the state technology master plan, whichever is less.

8 **(7) In the course of developing school district property, for the purpose of ensuring**
 9 **the public's access to public education services at that property, a board may**
 10 **enter into an agreement with the Transportation Cabinet or other governmental**
 11 **agency to provide for the construction of road improvements on adjoining public**
 12 **lands with district funds to be reimbursed by the cabinet. The Transportation**
 13 **Cabinet shall establish procedures for receiving and processing applications for**
 14 **reimbursement and delivering reimbursement within ninety (90) calendar days of**
 15 **the application. A board may also use its funds to ensure adequate connection**
 16 **and maintenance of the district property to those improvements.**

17 ➔Section 2. KRS 45A.352 is amended to read as follows:

18 (1) A local public agency may enter into a guaranteed energy savings contract for
 19 innovative solutions for energy conservation measures. The local public agency
 20 shall submit a request for proposals. The request for proposals for competitive
 21 procurement of guaranteed energy savings contracts shall include the following:

- 22 (a) The name and address of the governmental unit;
- 23 (b) The name, address, title, and phone number of a contact person;
- 24 (c) Notice indicating that the local public agency is requesting qualified providers
 25 to propose energy conservation measures through a guaranteed energy savings
 26 contract;
- 27 (d) The following evaluation criteria for assessing the proposals:

- 1 1. Construction management capabilities;
- 2 2. Technical approach to facilities included;
- 3 3. Financial attributes, as defined by total cost of contract and guaranteed
- 4 savings and provider's financial strength demonstrating ability to fulfill
- 5 the guarantee term; and
- 6 4. Provider's capability, personnel, track record, and demonstrated ability
- 7 to accomplish the contract;
- 8 (e) The date, time, and place where proposals must be received;
- 9 (f) Any other stipulations and clarifications the local public agency may require;
- 10 and
- 11 (g) An overview prepared by the local public agency stating goals or objectives
- 12 specific to facility needs to be considered by the qualified providers who are
- 13 responding to the request. Detailed scope of construction is not required.
- 14 (2) Respondents to the request for proposal shall provide the following:
- 15 (a) A detailed list of the proposed energy conservation measures and the
- 16 guaranteed savings which shall be supported with calculations. Any
- 17 guaranteed energy and operational savings shall be determined by using one
- 18 of the measurement and verification methodologies listed in the United States
- 19 Department of Energy's "Measurement and Verification Guideline for Federal
- 20 Energy Projects" or in the "North American Energy Measurement and
- 21 Verification Protocol." If due to existing data limitations or the
- 22 nonconformance of specific project characteristics, none of the methods listed
- 23 in either the United States Department of Energy's "Measurement and
- 24 Verification Guideline for Federal Energy Projects" or in the "North
- 25 American Energy Measurement and Verification Protocol" is sufficient for
- 26 measuring guaranteed savings, the qualified provider shall develop an
- 27 alternate method that is compatible with one (1) of the two (2);

- 1 (b) The estimated cost of the proposed energy conservation measures, including
2 engineering, construction, commissioning, measurement and verification,
3 annual reconciliation statements, and required on-going services; and
- 4 (c) Proposed method and costs of financing.
- 5 (3) The value for total cost of the contract minus the calculated savings from the energy
6 conservation measures listed in the qualified provider's proposal, shall be within
7 fifteen percent (15%) of the value for the total cost of the contract minus the
8 calculated savings after the final contract has been negotiated. If the difference
9 between the proposed and the final contract is not within fifteen percent (15%) and
10 the local public agency and the qualified provider are unable to renegotiate the final
11 contract to reconcile the difference between the proposed and final contract values,
12 then the local public agency may:
- 13 (a) Stop negotiations with the current qualified provider; and
14 (b) Select an alternate provider.
- 15 (4) The local public agency may, as a component of the request for proposal, solicit and
16 negotiate additional maintenance services for the affected proposed energy
17 conservation measures. Additional services shall be subject to budget
18 appropriations on an annual basis and may be discontinued at any time over the
19 guarantee period with no negative impact to the guaranteed savings contract.
- 20 (5) The local public agency shall utilize the request for proposal process to enter into a
21 guaranteed energy savings contract. The local public agency may, at its discretion,
22 utilize a request for qualifications, provided that the local public agency solicits
23 qualification statements from multiple potentially qualified providers. The local
24 public agency shall use the qualification statements to select no fewer than two (2)
25 providers and each provider shall then be subject to the request-for-proposal
26 requirement provided in subsections (1) to (4) of this section.
- 27 (6) The local public agency shall select the provider best qualified to meet its needs.

1 The local public agency shall provide public notice of the meeting at which it
2 proposes to award a guaranteed energy savings contract, the name of the parties to
3 the proposed contract, and the purpose of the contract. The public notice shall be
4 made at least ten (10) days prior to the meeting. After reviewing the proposals, a
5 local public agency may enter into a guaranteed energy savings contract with a
6 qualified provider if it finds that the amount it would spend on the energy
7 conservation measures recommended in the proposal would not exceed the amount
8 to be saved in either energy or operational costs plus capital cost avoidance within
9 the term of the contract from the date of installation, if the recommendations in the
10 proposal are followed.

11 (7) The guaranteed energy savings contract shall include a written guarantee of the
12 qualified provider that either the energy or operational costs savings plus capital
13 cost avoidance will meet or exceed the costs of the energy conservation measures
14 within the term of the contract. The qualified provider shall, on an annual basis,
15 reimburse the local public agency for any shortfall in guaranteed energy savings
16 projected in the contract. A qualified provider shall provide a sufficient bond to the
17 local public agency for the installation and the faithful performance of all the
18 measures included in the contract. The guaranteed energy savings contract may
19 provide for payments over a period of time, not to exceed the term of the contract.

20 (8) The qualified provider shall provide the local public agency with an annual
21 reconciliation statement. The statement shall disclose any shortfalls or surplus
22 between guaranteed energy and operational savings specified in the guaranteed
23 energy savings contract and actual energy and operational savings incurred during a
24 given guarantee year. The guarantee year shall consist of a twelve (12) month term
25 commencing from the time that the energy conservation measures became fully
26 operational. The qualified provider shall pay the local public agency any short fall
27 in the guaranteed energy and operation savings within thirty (30) days after the total

1 year savings have been determined. If there is a surplus in the actual guaranteed
2 energy and operational savings in a given year, that surplus savings may be carried
3 forward and applied against any possible savings shortfall in the following
4 guarantee year, except that the surplus carried forward is limited to a period not to
5 exceed one (1) year. If the qualified provider pays the local public agency for a
6 short fall in energy or operational savings incurred during a given guarantee year
7 and there is a surplus in energy or operational savings in future guarantee years, the
8 qualified provider shall bill the local public agency for an amount not to exceed the
9 amount of the short fall in the given guarantee year.

10 (9) The use of capital cost avoidance shall be subject to the following restrictions:

11 (a) The amount expended shall not exceed fifty percent (50%) of the project cost;
12 and

13 (b) Capital cost avoidance shall be restricted to payment for permanent equipment
14 replacement as follows:

15 1. Storm windows or doors, multiglazed windows or doors, additional
16 glazing, and reduction in glass area;

17 2. Replacement of heating, ventilating, or air conditioning major
18 components or systems;

19 3. New lighting fixtures where required to achieve Illuminating
20 Engineering Society of North America (IES) standards, provided the
21 existing light fixtures shall have been determined to be obsolete and
22 incapable of achieving IES standards; and

23 4. Life safety system replacements or upgrades which shall have been
24 determined to be necessary to conform with existing state and local
25 codes and standards.

26 (10) The commissioner of education shall review, and approve or disapprove projects
27 from local school districts relating to energy conservation measures under a

1 guaranteed energy savings contract, on the basis of the following guidelines:

2 (a) The project design's compliance with technical, health, and safety standards as
3 required by administrative regulation;

4 (b) The availability of general funds, capital outlay allotments under KRS
5 157.420 or local and state funds from the Facilities Support Program of
6 Kentucky as provided by KRS 157.440, for projects that will use capital cost
7 avoidance;

8 (c) The appropriate use of capital outlay allotments under KRS 157.420, local
9 and state funds from the Facilities Support Program of Kentucky as provided
10 by KRS 157.440, for projects using capital cost avoidance, based on the
11 project's compliance with the district's approved facility plan;

12 (d) The funding capability of the school district; and

13 (e) The financing mechanism and proper financing documentation.

14 (11) The request for proposal as provided in subsections (1) to (4) of this section shall be
15 deemed to satisfy the requirements set out in KRS 162.070, and shall not be subject
16 to an award determination based on the lowest competitive bid or a separate bidding
17 process for each energy conservation measure listed in the proposal.

18 (12) A guaranteed energy savings contract that does not involve construction or the
19 installation of physical improvements shall not require the approval of the
20 commissioner of education and shall not be subject to other requirements of this
21 section.

22 **(13) The provisions of this section to the contrary notwithstanding, a local school**
23 **district may submit a request for proposals for competitive procurement of**
24 **guaranteed energy savings contracts based on the decommissioning and sale or**
25 **transfer of inefficient district buildings and property and the construction,**
26 **renovation, or modification of new, energy-efficient district buildings and**
27 **properties.**

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

- 2 (1) The Kentucky Department of Education shall establish, direct, and maintain a
3 statewide program of professional development to improve instruction in the public
4 schools.
- 5 (2) Each local school district superintendent shall appoint a certified school employee
6 to fulfill the role and responsibilities of a professional development coordinator
7 who shall disseminate professional development information to schools and
8 personnel. Upon request by a school council or any employees of the district, the
9 coordinator shall provide technical assistance to the council or the personnel that
10 may include assisting with needs assessments, analyzing school data, planning and
11 evaluation assistance, organizing districtwide programs requested by school
12 councils or groups of teachers, or other coordination activities.
- 13 (a) The manner of appointment, qualifications, and other duties of the
14 professional development coordinator shall be established by Kentucky Board
15 of Education through promulgation of administrative regulations.
- 16 (b) The local district professional development coordinator shall participate in the
17 Kentucky Department of Education annual training program for local school
18 district professional development coordinators. The training program may
19 include~~[]~~ but not be limited to~~[]~~ the demonstration of various approaches to
20 needs assessment and planning; strategies for implementing long-term,
21 school-based professional development; strategies for strengthening teachers'
22 roles in the planning, development, and evaluation of professional
23 development; and demonstrations of model professional development
24 programs. The training shall include information about teacher learning
25 opportunities relating to the core content standards. The Kentucky Department
26 of Education shall regularly collect and distribute this information.
- 27 (3) The Kentucky Department of Education shall provide or facilitate optional,

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

- 16 (a) Strategies to reduce the achievement gaps among various groups of students
17 and to provide continuous progress;
- 18 (b) Curriculum content and methods of instruction for each content area,
19 including differentiated instruction;
- 20 (c) School-based decision making;
- 21 (d) Assessment literacy;
- 22 (e) Integration of performance-based student assessment into daily classroom
23 instruction;
- 24 (f) Nongraded primary programs;
- 25 (g) Research-based instructional practices;
- 26 (h) Instructional uses of technology;
- 27 (i) Curriculum design to serve the needs of students with diverse learning styles

- 1 and skills and of students of diverse cultures;
- 2 (j) Instruction in reading, including phonics, phonemic awareness,
3 comprehension, fluency, and vocabulary;
- 4 (k) Educational leadership; and
- 5 (l) Strategies to incorporate character education throughout the curriculum.
- 6 (4) The department shall assist school personnel in assessing the impact of professional
7 development on their instructional practices and student learning.
- 8 (5) The department shall assist districts and school councils with the development of
9 long-term school and district improvement plans that include multiple strategies for
10 professional development based on the assessment of needs at the school level.
- 11 (a) Professional development strategies may include but are not limited to
12 participation in subject matter academies, teacher networks, training institutes,
13 workshops, seminars, and study groups; collegial planning; action research;
14 mentoring programs; appropriate university courses; and other forms of
15 professional development.
- 16 (b) In planning the use of the four (4) days for professional development under
17 KRS 158.070, school councils and districts shall give priority to programs that
18 increase teachers' understanding of curriculum content and methods of
19 instruction appropriate for each content area based on individual school plans.
20 The district may use up to one (1) day to provide district-wide training and
21 training that is mandated by state or federal law. Only those employees
22 identified in the mandate or affected by the mandate shall be required to
23 attend the training.
- 24 (c) State funds allocated for professional development shall be used to support
25 professional development initiatives that are consistent with local school
26 improvement and professional development plans and teachers' individual
27 growth plans. The funds may be used throughout the year for all staff,

1 including classified and certified staff and parents on school councils or
2 committees. A portion of the funds allocated to each school council under
3 KRS 160.345 may be used to prepare or enhance the teachers' knowledge and
4 teaching practices related to the content and subject matter that are required
5 for their specific classroom assignments.

6 (6) (a) ~~[By August 1, 2010,]~~The Kentucky Cabinet for Health and Family Services
7 shall post on its web page suicide prevention awareness information, to
8 include recognizing the warning signs of a suicide crisis. The web page shall
9 include information related to suicide prevention training opportunities
10 offered by the cabinet or an agency recognized by the cabinet as a training
11 provider.

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

17 (c) 1. Each~~[Beginning with the 2018-2019]~~ school year~~[, and every year~~
18 ~~thereafter]~~, a minimum of one (1) hour of high-quality suicide
19 prevention training, including the recognition of signs and symptoms of
20 possible mental illness, shall be required for all school district
21 employees with job duties requiring direct contact with students in
22 grades six (6) through twelve (12). The training shall be provided either
23 in person, by live streaming, or via a video recording and may be
24 included in the four (4) days of professional development under KRS
25 158.070.

26 2. When a staff member subject to the training under subparagraph 1. of
27 this paragraph is initially hired during a school year in which the

1 training is not required, the local district shall provide suicide prevention
2 materials to the staff member for review.

3 (d) The requirements of paragraphs (b) and (c) of this subsection shall apply to
4 public charter schools as a health and safety requirement under KRS
5 160.1592(1).

6 (7) (a) By ~~November 1, 2019, and~~ November 1 of each year ~~thereafter~~, a
7 minimum of one (1) hour of training on how to respond to an active shooter
8 situation shall be required for all school district employees with job duties
9 requiring direct contact with students. The training shall be provided either in
10 person, by live streaming, or via a video recording prepared by the Kentucky
11 Department of Criminal Justice Training in collaboration with the Kentucky
12 Law Enforcement Council, the Kentucky Department of Education, and the
13 Center for School Safety and may be included in the four (4) days of
14 professional development under KRS 158.070.

15 (b) When a staff member subject to the training requirements of this subsection is
16 initially hired after the training has been provided for the school year, the
17 local district shall provide materials on how to respond to an active shooter
18 situation.

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

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

25 (b) The trainings shall be web-based ~~Web-based~~ or in-person and cover, at a
26 minimum, the following topics:

27 1. Recognizing child physical, sexual, and emotional abuse and neglect;

- 1 2. Reporting suspected child abuse and neglect in Kentucky as required by
- 2 KRS 620.030 and the appropriate documentation;
- 3 3. Responding to the child; and
- 4 4. Understanding the response of child protective services.
- 5 (c) The trainings shall include a questionnaire or other basic assessment tool upon
- 6 completion to document basic knowledge of training components.
- 7 (d) Each local board of education shall adopt one (1) or more trainings from the
- 8 list approved by the Department of Education to be implemented by schools.
- 9 (e) All current school administrators, certified personnel, office staff,
- 10 instructional assistants, and coaches and extracurricular sponsors who are
- 11 employed by the school district shall complete the implemented training or
- 12 trainings~~[by January 31, 2017, and then]~~ every two (2) years~~[after]~~.
- 13 (f) All school administrators, certified personnel, office staff, instructional
- 14 assistants, and coaches and extracurricular sponsors who are employed by the
- 15 school district~~[hired after January 31, 2017,]~~ shall complete the implemented
- 16 training or trainings within ninety (90) days of being hired and then every two
- 17 (2) years after.
- 18 (g) Every public school shall prominently display the statewide child abuse
- 19 hotline number administered by the Cabinet for Health and Family Services,
- 20 and the National Human Trafficking Reporting Hotline number administered
- 21 by the United States Department for Health and Human Services.
- 22 (9) The Department of Education shall establish an electronic consumer bulletin board
- 23 that posts information regarding professional development providers and programs
- 24 as a service to school district central office personnel, school councils, teachers, and
- 25 administrators. Participation on the electronic consumer bulletin board shall be
- 26 voluntary for professional development providers or vendors, but shall include all
- 27 programs sponsored by the department. Participants shall provide the following

1 information: program title; name of provider or vendor; qualifications of the
2 presenters or instructors; objectives of the program; program length; services
3 provided, including follow-up support; costs for participation and costs of
4 materials; names of previous users of the program, addresses, and telephone
5 numbers; and arrangements required. Posting information on the bulletin board by
6 the department shall not be viewed as an endorsement of the quality of any specific
7 provider or program.

8 (10) The Department of Education shall provide training to address the characteristics
9 and instructional needs of students at risk of school failure and most likely to drop
10 out of school. The training shall be developed to meet the specific needs of all
11 certified and classified personnel depending on their relationship with these
12 students. The training for instructional personnel shall be designed to provide and
13 enhance skills of personnel to:

14 (a) Identify at-risk students early in elementary schools as well as at-risk and
15 potential dropouts in the middle and high schools;

16 (b) Plan specific instructional strategies to teach at-risk students;

17 (c) Improve the academic achievement of students at risk of school failure by
18 providing individualized and extra instructional support to increase
19 expectations for targeted students;

20 (d) Involve parents as partners in ways to help their children and to improve their
21 children's academic progress; and

22 (e) Significantly reduce the dropout rate of all students.

23 (11) The department shall establish teacher academies to the extent funding is available
24 in cooperation with postsecondary education institutions for elementary, middle
25 school, and high school faculty in core disciplines, utilizing facilities and faculty
26 from universities and colleges, local school districts, and other appropriate agencies
27 throughout the state. Priority for participation shall be given to those teachers who

1 are teaching core discipline courses for which they do not have a major or minor or
2 the equivalent. Participation of teachers shall be voluntary.

3 (12) The department shall annually provide to the oversight council established in KRS
4 15A.063, the information received from local schools pursuant to KRS 158.449.

5 **(13) The department shall establish a program of professional development, and**
6 **maintain a list of other entities that have notified the department of available**
7 **similar professional development offerings, for district personnel to receive**
8 **training on facilities management, facilities construction and renovation project**
9 **management, and district property acquisition, management, and disposition. The**
10 **program shall be optional and available to districts to help develop the**
11 **professional capacities of personnel as the district determines.**

12 ➔Section 4. KRS 161.155 is amended to read as follows:

13 (1) As used in this section:

14 (a) "Teacher" shall mean any person for whom certification is required as a basis
15 of employment in the common schools of the state;

16 (b) "Employee" shall mean any person, other than a teacher, employed in the
17 public schools, whether on a full or part-time basis;

18 (c) "Immediate family" shall mean the teacher's or employee's spouse, children
19 including stepchildren and foster children, grandchildren, daughters-in-law
20 and sons-in law, brothers and sisters, parents and spouse's parents, and
21 grandparents and spouse's grandparents, without reference to the location or
22 residence of said relative, and any other blood relative who resides in the
23 teacher's or employee's home;

24 (d) "Sick leave bank" shall mean an aggregation of sick leave days contributed by
25 teachers or employees for use by teachers or employees who have exhausted
26 all sick leave and other available paid leave days; and

27 (e) "Assault" shall mean an act that intentionally causes injury so significant that

1 the victim is determined to be, by certification of a physician or surgeon duly
2 qualified under KRS Chapter 342, incapable of performing the duties of his or
3 her job.

4 (2) Each district board of education shall allow to each teacher and full-time employee
5 in its common school system not less than ten (10) days of sick leave during each
6 school year, without deduction of salary. Sick leave shall be granted to a teacher or
7 employee if he or she presents a personal statement~~[affidavit]~~ or a certificate of a
8 physician stating that the teacher or employee was ill, that the teacher or employee
9 was absent for the purpose of attending to a member of his or her immediate family
10 who was ill, or for the purpose of mourning a member of his or her immediate
11 family. The ten (10) days of sick leave granted in this subsection may be taken by a
12 teacher or employee on any ten (10) days of the school year and shall be granted in
13 addition to accumulated sick leave days that have been credited to the teacher or
14 employee under the provisions of subsection (4) of this section.

15 (3) A school district shall coordinate among the income and benefits from workers'
16 compensation, temporary disability retirement, and district payroll and benefits so
17 that there is no loss of income or benefits to a teacher or employee for work time
18 lost because of an assault while performing the teacher's or employee's assigned
19 duties for a period of up to one (1) year after the assault. In the event a teacher or
20 employee suffers an assault while performing his or her assigned duties that results
21 in injuries that qualify the teacher or employee for workers' compensation benefits,
22 the district shall provide leave to the teacher or employee for up to one (1) year
23 after the assault with no loss of income or benefits under the following conditions:

24 (a) The district shall pay the salary of the teacher or employee between the time
25 of the assault and the time the teacher's or employee's workers' compensation
26 income benefits take effect, or the time the teacher or employee is certified to
27 return to work by a physician or surgeon duly qualified under KRS Chapter

1 342, whichever is sooner;

2 (b) The district shall pay, for up to one (1) year from the time of the assault, the
3 difference between the salary of the teacher or employee and any workers'
4 compensation income benefits received by the teacher or employee resulting
5 from the assault. Payments by the district shall include payments for
6 intermittent work time missed as a result of the assault during the one (1) year
7 period. If the teacher's or employee's workers' compensation income benefits
8 cease during the one (1) year period after the assault, the district shall also
9 cease to make payments under this paragraph;

10 (c) The Commonwealth, through the Kentucky Department of Education, shall
11 make the employer's health insurance contribution during the period that the
12 district makes payments under paragraphs (a) and (b) of this subsection;

13 (d) The Commonwealth, through the Kentucky Department of Education, shall
14 make the employer's contribution to the retirement system in which the
15 teacher or employee is a member during the period that the district makes
16 payments under paragraphs (a) and (b) of this subsection; and

17 (e) Payments to a teacher or employee under paragraphs (a) and (b) of this
18 subsection shall be coordinated with workers' compensation benefits under
19 KRS Chapter 342, disability retirement benefits for teachers under KRS
20 161.661 to 161.663, and disability retirement benefits for employees under
21 KRS 61.600 to 61.621 and 78.5522, 78.5524, 78.5526, 78.5528, and 78.5530
22 so that the teacher or employee receives income equivalent to his or her full
23 contracted salary, but in no event shall the combined payments exceed one
24 hundred percent (100%) of the teacher's or employee's full contracted salary.

25 (4) Days of sick leave not taken by an employee or a teacher during any school year
26 shall accumulate without limitation and be credited to that employee or teacher.
27 Accumulated sick leave may be taken in any school year. Any district board of

1 education may, in its discretion, allow employees or teachers in its common school
2 system sick leave in excess of the number of days prescribed in this section and
3 may allow school district employees and teachers to use up to three (3) days' sick
4 leave per school year for emergency leave pursuant to KRS 161.152(3). Any
5 accumulated sick leave days credited to an employee or a teacher shall remain so
6 credited in the event he or she transfers his or her place of employment from one (1)
7 school district to another within the state or to the Kentucky Department of
8 Education or transfers from the Department of Education to a school district.

9 (5) Accumulated days of sick leave shall be granted to a teacher or employee if, prior to
10 the opening day of the school year, a statement~~[an affidavit]~~ or a certificate of a
11 physician is presented to the district board of education, stating that the teacher or
12 employee is unable to commence his or her duties on the opening day of the school
13 year, but will be able to assume his or her duties within a period of time that the
14 board determines to be reasonable.

15 (6) Any school teacher or employee may repurchase previously used sick leave days
16 with the concurrence of the local school board by paying to the district an amount
17 equal to the total of all costs associated with the used sick leave.

18 (7) A district board of education may adopt a plan for a sick leave bank. The plan may
19 include limitations upon the number of days a teacher or employee may annually
20 contribute to the bank and limitations upon the number of days a teacher or
21 employee may annually draw from the bank. Only those teachers or employees who
22 contribute to the bank may draw upon the bank. Days contributed will be deducted
23 from the days available to the contributing teacher or employee. The sick leave
24 bank shall be administered in accordance with a policy adopted by the board of
25 education.

26 (8) (a) A district board of education shall establish a sick leave donation program to
27 permit teachers or employees to voluntarily contribute sick leave to teachers

1 or employees in the same school district who are in need of an extended
2 absence from school. A teacher or employee who has accrued more than
3 fifteen (15) days' sick leave may request the board of education to transfer a
4 designated amount of sick leave to another teacher or employee who is
5 authorized to receive the sick leave donated. A teacher or employee may not
6 request an amount of sick leave be donated that reduces his or her sick leave
7 balance to less than fifteen (15) days.

8 (b) A teacher or employee may receive donations of sick leave if:

- 9 1. a. The teacher or employee or a member of his or her immediate
10 family suffers from a medically certified illness, injury,
11 impairment, or physical or mental condition that has caused or is
12 likely to cause the teacher or employee to be absent for at least ten
13 (10) days; or
- 14 b. The teacher or employee suffers from a catastrophic loss to his or
15 her personal or real property, due to either a natural disaster or fire,
16 that either has caused or will likely cause the employee to be
17 absent for at least ten (10) consecutive working days;
- 18 2. The teacher's or employee's need for the absence and use of leave are
19 certified by a licensed physician for leave requested under subparagraph
20 1.a. of this subsection;
- 21 3. The teacher or employee has exhausted his or her accumulated sick
22 leave, personal leave, and any other leave granted by the school district;
23 and
- 24 4. The teacher or employee has complied with the school district's policies
25 governing the use of sick leave.

26 (c) While a teacher or employee is on sick leave provided by this section, he or
27 she shall be considered a school district employee, and his or her salary,

1 wages, and other employee benefits shall not be affected.

2 (d) Any sick leave that remains unused, is not needed by a teacher or employee,
3 and will not be needed in the future shall be returned to the teacher or
4 employee donating the sick leave.

5 (e) The board of education shall adopt policies and procedures necessary to
6 implement the sick leave donation program.

7 (9) A teacher or employee may use up to thirty (30) days of sick leave following the
8 birth or adoption of a child or children. Additional days may be used when the need
9 is verified by a physician's statement.

10 (10) (a) ~~[After July 1, 1982,]~~A district board of education may compensate, at the
11 time of retirement or upon the death of a member in active contributing status
12 at the time of death who was eligible to retire by reason of service, an
13 employee or a teacher, or the estate of an employee or teacher, for each
14 unused sick leave day. The rate of compensation for each unused sick leave
15 day shall be based on a percentage of the daily salary rate calculated from the
16 employee's or teacher's last annual salary, not to exceed thirty percent (30%).

17 (b) Except as provided in paragraph (c) of this subsection, payment for unused
18 sick leave days under this subsection shall be incorporated into the annual
19 salary of the final year of service for inclusion in the calculation of the
20 employee's or teacher's retirement allowance only at the time of his or her
21 initial retirement, provided that the member makes the regular retirement
22 contribution for members on the sick leave payment. The accumulation of
23 these days includes unused sick leave days held by the employee or teacher at
24 the time of implementation of the program.

25 (c) For a teacher or employee who becomes a nonuniversity member of the
26 Teachers' Retirement System on or after January 1, 2022, as provided by KRS
27 161.220, payment for unused sick leave days under this subsection shall not

1 be incorporated into the annual compensation used to calculate the teacher's or
2 employee's retirement allowance in the foundational benefit component as
3 described by KRS 161.633 but may be deposited into the nonuniversity
4 member's supplemental benefit component as provided by KRS 161.635.

5 (d) For a teacher or employee who begins employment with a local school district
6 on or after July 1, 2008, the maximum amount of unused sick leave days a
7 district board of education may recognize in calculating the payment of
8 compensation to the teacher or employee under this subsection shall not
9 exceed three hundred (300) days.

10 (11) Any statute to the contrary notwithstanding, employees and teachers who
11 transferred from the Department of Education to a school district, from a school
12 district to the Department of Education, or from one (1) school district to another
13 school district after July 15, 1981, shall receive credit for any unused sick leave to
14 which the employee or teacher was entitled on the date of transfer. This credit shall
15 be for the purposes set forth in subsection (10) of this section.

16 (12) The death benefit provided in subsection (10) of this section may be cited as the
17 Baughn Benefit.

18 ➔Section 5. KRS 161.154 is amended to read as follows:

19 (1) For the purpose of this section, "school employees" shall mean any person for
20 whom certification is required as a basis of employment in the public schools.

21 (2) Each district board of education may provide up to three (3) personal leave days per
22 school year to school employees, without loss of salary to the employee and without
23 affecting any other type of leave granted by law, regulation, or school board policy.
24 Local boards of education may establish policy regarding the number of teachers
25 who may take personal leave on any one (1) day.

26 (3) Personal leave granted under this section shall not be treated as having effect on the
27 provisions of KRS 161.152 to 161.155 and shall be supported by personal

1 ~~statement~~^{affidavit} of the school employee stating that the leave taken is personal
2 in nature; no other reason for or verification of the leave shall be required.

3 (4) Payments to school employees made by a district board of education under the
4 provisions of this section are presumed to be for services rendered and for the
5 benefit of the common schools and such payments do not affect the eligibility of
6 any school district to share in the distribution of funds from the public school
7 foundation program fund as established in KRS Chapter 157.

8 ➔Section 6. (1) Until June 30, 2024, a local board of education of a district
9 may provide for and commence the purchase, condemnation, or sale of land for school
10 purposes in a manner required by statute or administrative regulation, notwithstanding
11 any requirements for:

12 (a) Prior approval from the chief state school officer;

13 (b) Minimum sizes of school sites; or

14 (c) Any limitations on the cost of land in relation to the cost of any construction
15 project.

16 (2) Prior to the purchasing, condemnation, or sale of land under subsection (1) of
17 this section, the superintendent of the district shall submit to the local board a
18 recommendation as to whether that the action is in compliance with all applicable statutes
19 and administrative regulations in effect. The local board shall review the recommendation
20 and shall only approve the action if the board makes a finding that the action is in
21 compliance with all applicable statutes and administrative regulations in effect. The board
22 shall provide notice of the finding to the commissioner of education for informational
23 purposes.

24 ➔Section 7. The review and report required under 2022 Ky. Acts 185, sec. 7,
25 shall also include administrative regulations, incorporated materials, other guidance the
26 department provides, and procedures the department uses concerning the acquisition,
27 disposition, or modification of property to identify inefficiencies in the review and

1 approval process. During the review, the department shall also identify updates that are
2 needed to the administrative regulations and materials due to the changing trends in the
3 economy, as well as the most commonly granted waivers from administrative regulations
4 and the changes required to reduce or eliminate the need for those waivers. The report
5 shall include any statutory changes the department may recommend to improve
6 administrative efficiency.

7 ➔Section 8. At least one month prior to the submission to the Interim Joint
8 Committee on Appropriations and Revenue and the Interim Joint Committee on
9 Education of the report required under 2022 Ky. Acts ch. 185, sec. 7, as modified by
10 Section 7 of this Act, the Kentucky Department of Education shall submit preliminary
11 findings of the report to the Local Superintendents Advisory Council to solicit written
12 feedback from the council. The department may incorporate the recommendations of the
13 council in finalizing the department's report, but shall submit all the council's written
14 feedback as an addendum to the report.

15 ➔Section 9. Whereas school districts developing new school sites are
16 encountering rising prices of property and construction, and time is of the essence in
17 minimizing costs, an emergency is declared to exist, and this Act takes effect upon its
18 passage and approval by the Governor or upon its otherwise becoming a law.