

1 AN ACT relating to school funding.

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

3 ➔Section 1. KRS 157.320 is repealed, reenacted, and amended to read as follows:

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

- 5 (1) "Average daily membership~~[attendance]~~" means the aggregate days ~~[attended by~~
6 ~~]pupils are enrolled in a public school on~~[, adjusted for weather-related low]~~~~
7 attendance days~~[if applicable]~~, divided by the actual number of days the school is
8 in session~~[, after the five (5) days with the lowest attendance have been deducted]~~.
- 9 (a) Aggregate days shall include, in addition to the aggregate number of days
10 attended by a pupil who was suspended during a school year, the number of
11 days the pupil was suspended, not to exceed ten (10) days in total for the
12 school year; and
- 13 (b) Aggregate days shall include, in addition to the aggregate number of days
14 attended by a pupil who was expelled for behavioral problems, the number of
15 days the pupil was expelled up to a total of one hundred seventy-five (175)
16 days. This total may extend into the next school year and shall be counted in
17 the average daily membership~~[attendance]~~ for the next year;
- 18 (2) "Base funding level" means a guaranteed amount of revenue per pupil to be
19 provided for each school district, to be used for regular operating and capital
20 expenditures;
- 21 (3) "Board" means the board of education of any county or independent school district;
- 22 (4) "District" means any school district as defined by law;
- 23 (5) "Elementary school" means a school consisting of the primary school program
24 through grade eight (8) as defined in Section 11 of this Act~~[KRS 158.030]~~, or any
25 appropriate combination of grades within this range, as determined by the plan of
26 organization for schools authorized by the district board;
- 27 (6) "Support Education Excellence in Kentucky" means the level of educational

- 1 services and facilities which is to be provided in each district from the public school
2 fund;
- 3 (7) "Kindergarten full-time equivalent pupil in average daily membership~~[attendance]~~"
4 means each kindergarten pupil counted no more than one-half (1/2) day in the
5 aggregate days attended by kindergarten pupils in a public school divided by the
6 actual number of days school is in session~~[after the five (5) days with the lowest~~
7 ~~attendance have been deducted]~~. Kindergarten is the entry level of the primary
8 program and shall be provided no less than the equivalent of one-half (1/2) day, five
9 (5) days a week for a full school year for each kindergarten pupil;
- 10 (8) "Public school fund" means the fund created by KRS 157.330 for use in financing
11 education in public elementary and secondary schools;
- 12 (9) "Administrative regulations of the Kentucky Board of Education" means those
13 regulations which the Kentucky Board of Education may adopt upon the
14 recommendation and with the advice of the commissioner of education. The
15 commissioner of education shall recommend administrative regulations necessary
16 for carrying out the purposes of KRS 157.310 to 157.440;
- 17 (10) "Experience" means employment as a teacher, other than as a substitute or nursery
18 school teacher, for a minimum of one hundred forty (140) days during a school year
19 in a public or nonpublic elementary or secondary school or college or university
20 that is approved by the public accrediting authority in the state in which the
21 teaching duties were performed. A teacher who is employed by a board for at least
22 one hundred forty (140) days of a school year and who performs teaching duties for
23 the equivalent of at least seventy (70) full school days during that school year,
24 regardless of the schedule on which those duties were performed, shall be credited
25 with one (1) year of experience. A teacher who is employed by a board for at least
26 one hundred forty (140) days during each of two (2) school years and who performs
27 teaching duties for the equivalent of at least seventy (70) full school days during

1 those years shall be credited with one (1) year of experience. No more than one (1)
2 year of experience shall be credited for the performance of teaching duties during a
3 single school year;

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

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

20 (13) "Teacher" means any regular or special teacher, principal, supervisor,
21 superintendent, assistant superintendent, librarian, director of pupil personnel, or
22 other member of the teaching or professional staff engaged in the service of the
23 public elementary and secondary school for whom certification is required as a
24 condition of employment;

25 (14) ~~["Percentage of attendance" means the aggregate days attended by pupils in a public~~
26 ~~school for the school year divided by the aggregate days' membership of pupils in a~~
27 ~~public school for the school year;~~

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

4 ~~(15)~~~~(16)~~ "National board certification salary supplement" means an annual supplement
 5 added for the life of the certificate to the base salary of a teacher who attains
 6 national board certification~~;~~ and

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

14 ➔Section 2. KRS 157.069 is repealed, reenacted, and amended to read as follows:

15 (1) As used in this section:

16 (a) "Secondary area technology center" or "secondary area center" means a
 17 school facility dedicated to the primary purpose of offering five (5) or more
 18 technical preparation programs that lead to skill development focused on
 19 specific occupational areas. An area center may be called a "magnet
 20 technology center" or "career center" or may be assigned another working title
 21 by the parent agency. An area center may be either state or locally operated;
 22 and

23 (b) "Vocational department" means a portion of a school facility that has five (5)
 24 or more technical preparation programs that lead to skill development focused
 25 on specific occupational areas.

26 (2) (a) Except as described in subsection (5) of this section, the Kentucky
 27 Department of Education shall distribute all general funds designated for

1 locally operated secondary area centers and vocational departments which
2 received state supplemental funds in fiscal year 2020-2021 by a weighted
3 formula specified in an administrative regulation promulgated by the
4 Kentucky Board of Education. The formula shall take into account the
5 differences in cost of operating specific programs. The commissioner of
6 education shall determine programs to be assigned to categories based on the
7 descriptions found in paragraphs (b) to (d) of this subsection. Programs in
8 Categories III and II shall be eligible for funding.

9 (b) Category III--High-cost technical programs: Programs in which students
10 develop highly technical skills in specific occupational areas and that require
11 high-cost equipment, materials, and facilities. This category may include
12 selected industrial technology Level III programs as defined by the
13 Department of Education and programs in other occupational areas as deemed
14 appropriate.

15 (c) Category II--Technical skill programs: Programs in which students develop
16 technical skills focused in occupational areas and that require technical
17 equipment but high-cost equipment, facilities, or materials are not necessary
18 to operate the programs. This category may include selected industrial
19 technology Level III programs as defined by the Department of Education and
20 programs in other occupational areas as deemed appropriate.

21 (d) Category I--Orientation and career exploration programs: Programs that
22 provide orientation and exploration of broad-based industries by giving
23 students knowledge and experience regarding careers within these industries
24 and develop some exploratory or hands-on skills used in the industry.

25 (e) Notwithstanding subsection (1)(a) and (b) of this section, the Department of
26 Education shall approve the combining of eligible secondary vocational
27 programs into a single vocational department for purposes of funding for a

1 school district that has been receiving state supplemental funds and has
2 distributed its vocational programs, previously located in area centers, among
3 magnet career academies.

4 (3) For calculation purposes and after categorizing the programs as described in
5 subsection (2) of this section, a weight shall be applied as a percentage of the base
6 guarantee per pupil in average daily ~~membership~~^{attendance} as defined by Section
7 1 of this Act~~[KRS 157.320]~~ under the Support Education Excellence in Kentucky
8 Program, which shall be applied to full-time equivalent students in Categories II
9 and III. Category I programs shall receive no weight. The full-time equivalent
10 students shall be calculated on the basis of the total program enrollment multiplied
11 by the length of the class period divided by six (6).

12 (4) (a) If a school district has a locally operated secondary area center that has been
13 receiving state supplemental funds, and the district moves the center as part of
14 a collaborative project agreement between two (2) or more school districts,
15 then the Kentucky Department of Education may, subject to approval by the
16 commissioner of education, distribute the general funds designated for the
17 district's locally operated secondary area center to the district for the purpose
18 of supporting the collaborative project for the district's full-time equivalent
19 students in Category II and III programs.

20 (b) If the commissioner of education approves the distribution of funds under
21 paragraph (a) of this subsection:

22 1. For the first year of the collaborative project agreement, the department
23 shall distribute an amount equal to the final allotted amount of general
24 funds from the prior fiscal year designated for the district's locally
25 operated secondary area center; and

26 2. For any successive year of the collaborative project agreement, the
27 department shall calculate the amount of general funds to distribute

1 pursuant to subsections (2) and (3) of this section. The amount
2 distributed shall not exceed the amount distributed under subparagraph
3 1. of this paragraph.

- 4 (5) If a local board of education assumes authority for the management and control of a
5 state-operated secondary vocational education and technology center for the 2020-
6 2021, 2021-2022, or 2022-2023 academic year and notifies the Kentucky
7 Department of Education of the planned transfer on or before December 31, 2021:
- 8 (a) For the first year under the management and control of the local board of
9 education, the locally operated center shall receive funding in an amount
10 equal to one hundred percent (100%) of the annual state general fund
11 appropriation allocated to the center for on-site direct costs for the most recent
12 fiscal year under state management and control, including any amount
13 allocated directly to the local district for use of district-owned facilities;
- 14 (b) For each fiscal year thereafter, the center shall receive seventy-five percent
15 (75%) of the amount allocated to it under paragraph (a) of this subsection;
- 16 (c) The remaining twenty-five percent (25%) of funds previously allocated to a
17 center as described in paragraph (b) of this subsection shall annually be
18 allocated, in accordance with the formula described in subsection (2) of this
19 section, to locally operated secondary area centers and vocational departments
20 that did not receive state supplemental funds under subsection (2) of this
21 section and were not otherwise appropriated funds by the General Assembly
22 for the current fiscal year;
- 23 (d) If no locally operated secondary area centers and vocational departments are
24 eligible for funding under paragraph (c) of this subsection, the remaining
25 twenty-five percent (25%) of funds shall be allocated, in accordance with the
26 formula described in subsection (2) of this section, to all locally operated
27 secondary area centers and vocational departments that received funds for the

1 current fiscal year; and

2 (e) Locally operated centers described in paragraph (a) or (b) of this subsection
3 shall not receive additional funds under paragraph (d) of this subsection.

4 ➔Section 3. KRS 157.200 is repealed, reenacted, and amended to read as follows:

5 (1) "Exceptional children and youth" means persons under twenty-one (21) years of
6 age who differ in one (1) or more respects from same-age peers in physical, mental,
7 learning, emotional, or social characteristics and abilities to such a degree that they
8 need special educational programs or services for them to benefit from the regular
9 or usual facilities or educational programs of the public schools in the districts in
10 which they reside. The Department of Education, through administrative
11 regulations promulgated by the Kentucky Board of Education, shall interpret the
12 statutory definitions of exceptionality. An exceptionality is any trait so defined in
13 this section or by administrative regulations promulgated by the Kentucky Board of
14 Education. Requirements of average daily ~~attendance~~ membership for exceptional
15 classes shall be regulated by statute, or in the absence of direction by administrative
16 regulations promulgated by the Kentucky Board of Education. Categories of
17 exceptionalities included within, but not limited by, this definition are as follows:

18 (a) "Orthopedic impairment" means a severe physical impairment of bone or
19 muscle which adversely affects educational performance to the extent that
20 specially designed instruction is required for the pupil to benefit from
21 education. The term includes physical impairments caused by congenital
22 anomaly, disease, and from other causes;

23 (b) "Other health impaired" means limited strength, vitality, or alertness,
24 including a heightened alertness to environmental stimuli, due to a chronic or
25 acute health problem which adversely affects educational performance to the
26 extent that specially designed instruction is required for the pupil to benefit
27 from education. Chronic health problems may include, but are not be limited

1 to, a heart condition, tuberculosis, sickle cell anemia, hemophilia, epilepsy,
2 rheumatic fever, nephritis, asthma, lead poisoning, leukemia, diabetes,
3 attention deficit disorder, attention deficit hyperactive disorder, or acquired
4 immune deficiency syndrome;

5 (c) "Speech or language impairment" means a communication disorder such as
6 stuttering, impaired articulation, impaired language, impaired voice, delayed
7 acquisition of language, or absence of language that adversely affects
8 educational performance to the extent that specially designed instruction is
9 required for the pupil to benefit from education;

10 (d) "Hearing impairment" means a physiological hearing loss:

- 11 1. Ranging from mild to profound, which is either permanent or
12 fluctuating, and of such a degree that the pupil is impaired in the
13 processing of linguistic information via the auditory channel either with
14 or without amplification; or
- 15 2. That adversely affects educational performance so that specially
16 designed instruction is required for the child or youth to benefit from
17 education.

18 The term shall include both deaf and hard of hearing children;

19 (e) "Mental disability" means a deficit or delay in intellectual and adaptive
20 behavior functioning, which adversely affects educational performance to the
21 extent that specially designed instruction is required for the pupil to benefit
22 from education, and which is typically manifested during the developmental
23 period;

24 (f) "Specific learning disability" means a disorder in one (1) or more of the
25 psychological processes primarily involved in understanding or using spoken
26 or written language, which selectively and significantly interferes with the
27 acquisition, integration, or application of listening, speaking, reading, writing,

1 reasoning, or mathematical abilities. "Specific learning disability" may
2 include conditions such as dyslexia, dyscalculia, dysgraphia, developmental
3 aphasia, or perceptual motor disabilities. The disorder is lifelong, intrinsic to
4 the individual, and adversely affects educational performance to the extent
5 that specially designed instruction is required in order for the pupil to benefit
6 from education. Determination of the existence of a specific learning
7 disability shall include documentation that a child does not make sufficient
8 progress in meeting age or grade-level content standards when provided with
9 appropriate instruction and learning experiences delivered by qualified
10 personnel, including the child's response to scientific, research-based
11 interventions and additional information derived from an individual
12 evaluation. The term does not include a learning problem which is primarily
13 the result of:

- 14 1. A hearing impairment;
- 15 2. Visual, physical, mental, or emotional-behavioral disabilities;
- 16 3. Environmental, cultural, or economic differences; or
- 17 4. Limited English proficiency;

18 (g) "Emotional-behavioral disability" means a condition characterized by
19 behavioral excess or deficit which significantly interferes with a pupil's
20 interpersonal relationships or learning process to the extent that it adversely
21 affects educational performance so that specially designed instruction is
22 required in order for the pupil to benefit from education;

23 (h) "Multiple disability" means a combination of two (2) or more disabilities
24 resulting in significant learning, developmental, or behavioral and emotional
25 problems, which adversely affects educational performance and, therefore,
26 requires specially designed instruction in order for the pupil to benefit from
27 education. A pupil is not considered to have a multiple disability if the

1 adverse effect on educational performance is solely the result of deaf-
2 blindness or the result of speech or language disability and one (1) other
3 disabling condition;

4 (i) "Deaf-blind" means auditory and visual impairments, the combination of
5 which creates such severe communication and other developmental and
6 learning needs that the pupil cannot be appropriately educated in special
7 education programs designed solely for pupils with hearing impairments,
8 visual impairments, or severe disabilities, unless supplementary assistance is
9 provided to address educational needs resulting from the two (2) disabilities;

10 (j) "Visually disabled" means a visual impairment, which, even with correction,
11 adversely affects educational performance to the extent that specially
12 designed instruction is required for the pupil to benefit from education. The
13 term includes both partially seeing and blind pupils;

14 (k) "Developmental delay" means a significant discrepancy between a child's
15 current level of performance in basic skills such as cognition, language or
16 communication, self-help, social-emotional, or fine or gross motor, and the
17 expected level of performance for that age. The term shall be used only with
18 children ages three (3) through eight (8);

19 (l) "Traumatic brain injury" means an acquired impairment to the neurological
20 system resulting from an insult to the brain which adversely affects
21 educational performance and causes temporary or permanent and partial or
22 complete loss of:

- 23 1. Cognitive functioning;
- 24 2. Physical ability; or
- 25 3. Communication or social-behavioral interaction.

26 The term does not include a brain injury that is congenital or degenerative, or
27 a brain injury induced by birth trauma;

1 (m) "Autism" means a developmental disability significantly affecting verbal and
2 nonverbal communication and social interaction, generally evident before age
3 three (3), that adversely affects educational performance. Characteristics of
4 autism include:

- 5 1. Engagement in repetitive activity and stereotyped movement;
- 6 2. Resistance to environmental change or change in daily routine; and
- 7 3. Unusual responses to sensory experience.

8 The term does not include children with characteristics of an emotional-
9 behavioral disability; and

10 (n) "Gifted and talented student" means a pupil identified as possessing
11 demonstrated or potential ability to perform at an exceptionally high level in
12 general intellectual aptitude, specific academic aptitude, creative or divergent
13 thinking, psychosocial or leadership skills, or in the visual or performing arts.

14 (2) "Special education" means specially designed instruction to meet the unique needs
15 of an exceptional child or youth.

16 (3) "Special educational facilities" means physical facilities designed or adapted to
17 meet the needs of exceptional children and youth, and approved according to
18 regulations promulgated by the Kentucky Board of Education.

19 (4) "Related services" means transportation and the developmental, corrective, and
20 other supportive services required to assist an exceptional child or youth to benefit
21 from special education, and may include, but are not limited to, speech-language
22 pathology and audiology services; psychological services; physical and
23 occupational therapy; recreation, including therapeutic recreation; early
24 identification and assessment of disabilities; counseling services, including
25 rehabilitation counseling; orientation and mobility services; medical services for
26 diagnostic or evaluation purposes; school health services; social work services in
27 schools; and parent counseling and training.

- 1 (5) "Transition services" means a coordinated set of activities for a pupil designed
 2 within an outcome-oriented process, that promotes movement from school to
 3 postschool activities. The term includes:
- 4 (a) Postsecondary education;
 - 5 (b) Vocational training; and
 - 6 (c) Integrated employment, including supported employment, continuing and
 7 adult education, adult services, independent living, or community
 8 participation.

9 The coordinated set of activities shall be based on the individual pupil's needs,
 10 taking into account the pupil's preferences and interests, and shall include
 11 instruction, community experience, the development of employment, and other
 12 postschool adult living objectives, and, if appropriate, acquisition of daily living
 13 skills and functional vocational evaluation.

14 ➔Section 4. KRS 157.350 is repealed, reenacted, and amended to read as follows:
 15 Each district which meets the following requirements shall be eligible to share in the
 16 distribution of funds from the fund to support education excellence in Kentucky:

- 17 (1) Employs and compensates all teachers for not less than one hundred eighty-five
 18 (185) days. The Kentucky Board of Education, upon recommendation of the
 19 commissioner of education, shall prescribe procedures by which this requirement
 20 may be reduced during any year for any district which employs teachers for less
 21 than one hundred and eighty-five (185) days, in which case the eligibility of a
 22 district for participation in the public school fund shall be in proportion to the
 23 length of time teachers actually are employed;
- 24 (2) Operates all schools for a minimum school term as provided in *Section 12 of this*
 25 *Act*~~[KRS 158.070]~~ and administrative regulations of the Kentucky Board of
 26 Education. If the school term is less than one hundred eighty-five (185) days,
 27 including not less than one hundred seventy (170) student attendance days as

1 defined in Section 12 of this Act~~[KRS 158.070]~~ or one thousand sixty-two (1,062)
2 hours of instructional time, for any reason not approved by the Kentucky Board of
3 Education on recommendation of the commissioner, the eligibility of a district for
4 participation in the public school fund shall be in proportion to the length of term
5 the schools actually operate;

6 (3) Compensates all teachers on the basis of a single salary schedule and in conformity
7 with the provisions of KRS 157.310 to 157.440;

8 (4) Includes no nonresident pupils in its average daily membership~~[attendance]~~, except:

9 (a) 1. Until July 1, 2022, pupils listed under a written agreement, which may
10 be for multiple years, with the district of the pupils' legal residence.

11 2. If an agreement cannot be reached, either board may appeal to the
12 commissioner for settlement of the dispute.

13 3. The commissioner shall have thirty (30) days to resolve the dispute.
14 Either board may appeal the commissioner's decision to the Kentucky
15 Board of Education.

16 4. The commissioner and the Kentucky Board of Education shall consider
17 the factors affecting the districts, including but not limited to academic
18 performance and the impact on programs, school facilities,
19 transportation, and staffing of the districts.

20 5. The Kentucky Board of Education shall have sixty (60) days to approve
21 or amend the decision of the commissioner;

22 (b) Beginning July 1, 2022, those nonresident pupils admitted pursuant to district
23 nonresident pupil policies adopted under KRS 158.120; and

24 (c) A nonresident pupil who attends a district in which a parent of the pupil is
25 employed. All tuition fees required of a nonresident pupil may be waived for a
26 pupil who meets the requirements of this paragraph.

27 This subsection does not apply to those pupils enrolled in an approved class

1 conducted in a hospital and pupils who have been expelled for behavioral reasons
 2 who shall be counted in average daily membership~~[attendance]~~ under Section 1 of
 3 this Act~~[KRS 157.320]~~;

4 (5) Any secondary school which maintains a basketball team for boys for other than
 5 intramural purposes, shall maintain the same program for girls;

6 (6) Any school district which fails to comply with subsection (5) of this section shall be
 7 prohibited from participating in varsity competition in any sport for one (1) year.
 8 Determination of failure to comply shall be made by the Department of Education
 9 after a hearing requested by any person within the school district. The hearing shall
 10 be conducted in accordance with KRS Chapter 13B. A district under this subsection
 11 shall, at the hearing, have an opportunity to show inability to comply.

12 ➔Section 5. KRS 157.360 is repealed, reenacted, and amended to read as follows:

13 (1) (a) In determining the cost of the program to support education excellence in
 14 Kentucky, the statewide guaranteed base funding level, as defined in Section
 15 1 of this Act~~[KRS 157.320]~~, shall be computed by dividing the amount
 16 appropriated for this purpose by the prior year's statewide average daily
 17 membership~~[attendance]~~.

18 (b) When determining the biennial appropriations for the program, the average
 19 daily membership~~[attendance]~~ for each fiscal year shall include an estimate of
 20 the number of students graduating early under the provisions of KRS 158.142.

21 (2) Each district shall receive an amount equal to the base funding level for each pupil
 22 in average daily membership~~[attendance]~~ in the district in the previous year, except
 23 a district shall receive an amount equal to one-half (1/2) of the state portion of the
 24 average statewide per pupil guaranteed base funding level for each student who
 25 graduated early under the provisions of KRS 158.142. Each district's base funding
 26 level shall be adjusted by the following factors:

27 (a) The number of at-risk students in the district. At-risk students shall be

1 identified as those approved for the free lunch program under state and federal
2 guidelines. The number of at-risk students shall be multiplied by a factor to be
3 established by the General Assembly. Funds generated under this paragraph
4 may be used to pay for:

- 5 1. Alternative programs for students who are at risk of dropping out of
6 school before achieving a diploma; and
- 7 2. A hazardous duty pay supplement as determined by the local board of
8 education to the teachers who work in alternative programs with
9 students who are violent or assaultive;

10 (b) The number and types of exceptional children in the district as defined by
11 Section 3 of this Act~~[KRS 157.200]~~. Specific weights for each category of
12 exceptionality shall be used in the calculation of the add-on factor for
13 exceptional children; and

14 (c) Transportation costs. The per-pupil cost of transportation shall be calculated
15 as provided by Section 6 of this Act~~[KRS 157.370]~~. Districts which contract
16 to furnish transportation to students attending nonpublic schools may adopt
17 any payment formula which ensures that no public school funds are used for
18 the transportation of nonpublic students.

19 (3) Beginning with the 2015-2016 school year and each year thereafter, the General
20 Assembly shall annually allocate funds equal to one-half (1/2) of the state portion
21 of the average statewide per pupil guaranteed base funding level for each student
22 who graduated early under the provisions of KRS 158.142 the previous school year
23 to the Kentucky Higher Education Assistance Authority for deposit in the early
24 graduation scholarship trust fund.

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

27 (5) (a) Except for those schools which have implemented school-based decision

1 making, the commissioner of education shall enforce maximum class sizes for
2 every academic course requirement in all grades except in vocal and
3 instrumental music, and physical education classes. Except as provided in
4 subsection (6) of this section, the maximum number of pupils enrolled in a
5 class shall be as follows:

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

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

13 (c) The commissioner of education, upon approval of the Kentucky Board of
14 Education, shall adopt administrative regulations for enforcing this provision.
15 These administrative regulations shall include procedures for a superintendent
16 to request an exemption from the Kentucky Board of Education when unusual
17 circumstances warrant an increased class size for an individual class. A
18 request for an exemption shall include specific reasons for the increased class
19 size with a plan for reducing the class size prior to the beginning of the next
20 school year. A district shall not receive in any one (1) year exemptions for
21 more classes than enroll twenty percent (20%) of the pupils in the primary
22 grades and grades four (4) through eight (8).

23 (d) In all schools the commissioner of education shall enforce the special
24 education maximum class sizes set by administrative regulations adopted by
25 the Kentucky Board of Education. A superintendent may request an
26 exemption pursuant to paragraph (c) of this subsection. A local school council
27 may request a waiver pursuant to KRS 156.160(2). An exemption or waiver

1 shall not be granted if the increased class size will impede any exceptional
2 child from achieving his or her individual education program in the least
3 restrictive environment.

4 (6) In grades four (4) through six (6) with combined grades, the maximum class size
5 shall be the average daily membership~~[attendance]~~ upon which funding is
6 appropriated for the lowest assigned grade in the class. There shall be no exceptions
7 to the maximum class size for combined classes. In combined classes other than the
8 primary grades, no ungraded students shall be placed in a combined class with
9 graded students. In addition, there shall be no more than two (2) consecutive grade
10 levels combined in any one (1) class in grades four (4) through six (6). However,
11 this shall not apply to schools which have implemented school-based decision
12 making.

13 (7) If a local school district, through its admission and release committee, determines
14 that an appropriate program in the least restrictive environment for a particular child
15 with a disability includes either part-time or full-time enrollment with a private
16 school or agency within the state or a public or private agency in another state, the
17 school district shall count as average daily membership~~[attendance]~~ in a public
18 school the time that the child is in attendance at the school or agency, contingent
19 upon approval by the commissioner of education.

20 (8) Pupils attending a center for child learning and study established under an
21 agreement pursuant to KRS 65.210 to 65.300 shall, for the purpose of calculating
22 average daily membership~~[attendance]~~, be considered as in attendance in the school
23 district in which the child legally resides and which is party to the agreement. For
24 purposes of subsection (1) of this section, teachers who are actually employees of
25 the joint or cooperative action shall be considered as employees of each school
26 district which is a party to the agreement.

27 (9) Program funding shall be increased when the average daily

1 membership~~[attendance]~~ in any district for the first two (2) months of the current
2 school year is greater than the average daily membership~~[attendance]~~ of the district
3 for the first two (2) months of the previous school year. The program funds allotted
4 the district shall be increased by the percent of increase. The average daily
5 membership~~[attendance]~~ in kindergarten is the kindergarten full-time equivalent
6 pupils in average daily membership~~[attendance]~~.

7 (10) If the average daily membership~~[attendance]~~ for the current school year in any
8 district decreases by ten percent (10%) or more than the average daily
9 membership~~[attendance]~~ for the previous school year, the average daily
10 membership~~[attendance]~~ for purposes of calculating program funding for the next
11 school year shall be increased by an amount equal to two-thirds (2/3) of the
12 decrease in average daily membership~~[attendance]~~. If the average daily
13 membership~~[attendance]~~ remains the same or decreases in the succeeding school
14 year, the average daily membership~~[attendance]~~ for purposes of calculating
15 program funding for the following school year shall be increased by an amount
16 equal to one-third (1/3) of the decrease for the first year of the decline.

17 (11) If the percentage of membership~~[attendance]~~ of any school district shall have been
18 reduced more than two percent (2%) during the previous school year, the program
19 funding allotted the district for the current school year shall be increased by the
20 difference in the percentage of membership~~[attendance]~~ for the two (2) years
21 immediately prior to the current school year less two percent (2%).

22 (12) (a) Instructional salaries for vocational agriculture classes shall be for twelve (12)
23 months per year. Vocational agriculture teachers shall be responsible for the
24 following program of instruction during the time period beyond the regular
25 school term established by the local board of education: supervision and
26 instruction of students in agriculture experience programs; group and
27 individual instruction of farmers and agribusinessmen; supervision of student

1 members of agricultural organizations who are involved in leadership training
2 or other activity required by state or federal law; or any program of vocational
3 agriculture established by the Department of Education. During extended
4 employment, no vocational agriculture teacher shall receive salary on a day
5 that the teacher is scheduled to attend an institution of higher education class
6 which could be credited toward meeting any certification requirement.

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

20 (13) (a) In allotting program funds for home and hospital instruction, statewide
21 guaranteed base funding, excluding the capital outlay, shall be allotted for
22 each child in average daily ~~membership~~^{attendance} in the prior school year
23 who has been properly identified according to Kentucky Board of Education
24 administrative regulations. ~~Membership~~^{Attendance} shall be calculated
25 pursuant to KRS 157.270 and shall be reported monthly on forms provided by
26 the Department of Education; and

27 (b) Pursuant to administrative regulations of the Kentucky Board of Education,

1 local school districts shall be reimbursed for home and hospital instruction for
2 pupils unable to attend regular school sessions because of short-term health
3 impairments. A reimbursement formula shall be established by administrative
4 regulations to include such factors as a reasonable per hour, per child
5 allotment for teacher instructional time, with a maximum number of funded
6 hours per week, a reasonable allotment for teaching supplies and equipment,
7 and a reasonable allotment for travel expenses to and from instructional
8 assignments, but the formula shall not include an allotment for capital outlay.
9 Membership~~Attendance~~ shall be calculated pursuant to KRS 157.270 and
10 shall be reported annually on forms provided by the Department of Education.

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

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

19 (16) During a fiscal year, a school district may request that the Department of Education
20 recalculate its funds allocated under this section if the current year average daily
21 membership~~attendance~~ for the twenty (20) day school month as defined in KRS
22 158.060(1) that contains the most days within the calendar month of January
23 exceeds the prior year adjusted average daily membership~~attendance~~ plus growth
24 by at least one percent (1%). Any adjustments in the allotments approved under this
25 subsection shall be proportional to the remaining days in the school year and
26 subject to available funds under the program to support education excellence in
27 Kentucky.

- 1 (17) To calculate the state portion of the program to support education excellence in
2 Kentucky for a school district, the Department of Education shall subtract the local
3 effort required under subsection (5) of Section 7 of this Act~~[KRS 157.390(5)]~~ from
4 the calculated base funding under the program to support education excellence in
5 Kentucky, as required by this section. The value of the real estate used in this
6 calculation shall be the lesser of the current year assessment or the prior year
7 assessment increased by four percent (4%) plus the value of current year new
8 property. The calculation under this subsection shall be subject to available funds.
- 9 (18) Notwithstanding any other statute or budget of the Commonwealth language to the
10 contrary, time missed due to shortening days for emergencies may be made up by
11 lengthening school days in the school calendar without any loss of funds under the
12 program to support education excellence in Kentucky.
- 13 ➔Section 6. KRS 157.370 is repealed, reenacted, and amended to read as follows:
- 14 (1) In determining the cost of transportation for each district, the chief state school
15 officer shall determine the average cost per pupil per day of transporting pupils in
16 districts having a similar density of transported pupils per square mile of area
17 served by not less than nine (9) different density groups.
- 18 (2) The annual cost of transportation shall include all current costs for each district plus
19 annual depreciation of pupil transportation vehicles calculated in accordance with
20 the administrative regulations of the Kentucky Board of Education for such districts
21 that operate district-owned vehicles.
- 22 (3) The aggregate and average daily membership~~[attendance]~~ of transported pupils
23 shall include all public school pupils transported at public expense who live one (1)
24 mile or more from school. Children with disabilities may be included who live less
25 than this distance from school. The aggregate and average daily
26 membership~~[attendance]~~ referred to in this subsection shall be the aggregate and
27 average daily membership~~[attendance]~~ of transported pupils the prior year adjusted

1 for current year increases in accordance with Kentucky Board of Education
2 administrative regulations.

3 (4) The square miles of area served by transportation shall be determined by
4 subtracting from the total area in square miles of the district the area not served by
5 transportation in accordance with administrative regulations of the Kentucky Board
6 of Education. However, if one (1) district authorizes another district to provide
7 transportation services for a part of its area, this area shall be deducted from the
8 area served by the authorizing district and added to the area served by the district
9 actually providing the transportation.

10 (5) The density of transported pupils per square mile of area served for each district
11 shall be determined by dividing the average daily ~~membership~~^{attendance} of
12 transported pupils by the number of square miles of area served by transportation.

13 (6) The chief state school officer shall determine the average cost per pupil per day of
14 transporting pupils in districts having a similar density by constructing a smoothed
15 graph of cost for the density groups required by subsection (1). This graph shall be
16 used to construct a scale showing the average costs of transportation for districts
17 having a similar density of transported pupils. Costs shall be determined separately
18 for county school districts and independent school districts. No independent school
19 district will receive an average cost per pupil per day in excess of the minimum
20 received by any county district or districts. These costs shall be the costs per pupil
21 per day of transported pupils included in the public school fund and these costs
22 shall be recalculated each biennium.

23 (7) The scale of transportation costs included in the fund to support education
24 excellence in Kentucky for county and independent districts is determined in
25 accordance with the provisions of KRS 157.310 to 157.440 for the biennium
26 beginning July 1, 1990.

27 (8) The cost of transporting a district's pupils from the parent school to a state

1 vocational-technical school or to a vocational educational center shall be calculated
2 separately from the calculation required by subsections (1) through (7) of this
3 section. The amount calculated shall be paid separately to each district from
4 program funds budgeted for vocational pupil transportation, as a reimbursement
5 based on the district's cost for providing this service. The amount of reimbursement
6 shall be calculated in accordance with Kentucky Board of Education administrative
7 regulations. In the event that the appropriation for vocational pupil transportation in
8 the biennial budget is insufficient to meet the total calculated cost of this service for
9 all districts, the amount paid to each district shall be ratably reduced. For the
10 purpose of this subsection, the parent school shall be interpreted to mean that school
11 in which the pupil is officially enrolled in a district's public common school system.

12 (9) The Kentucky Board of Education shall determine the type of pupil with a disability
13 that qualifies for special type transportation to and from school. Those qualified
14 pupils for which the district provides special type transportation shall have their
15 aggregate days' ~~membership~~^{attendance} multiplied by five (5.0) and added to that
16 part of the district's aggregate days' ~~membership~~^{attendance} that is multiplied by
17 the district's adjusted cost per pupil per day in determining the district's pupil
18 transportation program cost for allotment purposes.

19 ➔Section 7. KRS 157.390 is repealed, reenacted, and amended to read as follows:

20 (1) For purposes of the state teacher salary schedule, teachers shall be placed on the
21 schedule based on certification rank as established by the Education Professional
22 Standards Board under KRS 161.1211 and by their years of experience as follows:

- 23 1. Zero (0) to three (3) years;
- 24 2. Four (4) to nine (9) years;
- 25 3. Ten (10) to fourteen (14) years;
- 26 4. Fifteen (15) to nineteen (19) years; and
- 27 5. Twenty (20) or more years.

- 1 (2) The rank and experience of the teacher shall be determined on September 15 of
2 each year.
- 3 (3) The amount to be included in the base funding level for capital outlay shall be
4 determined by multiplying the average daily ~~membership~~^{attendance} by the
5 amounts set forth in the biennial budget.
- 6 (4) The amount to be included in the public school fund of each district for
7 transportation shall be determined in accordance with the provisions of Section 6 of
8 this Act~~[KRS 157.370]~~.
- 9 (5) The total amount of money distributable to each district from the public school fund
10 shall include the base funding per pupil in average daily ~~membership~~^{attendance},
11 an amount for at-risk students, an amount for the types and numbers of students
12 with disabilities, an amount for students served in home and hospital settings, and
13 the allotments in subsections (3) and (4) of this section, less the amount of local tax
14 revenues generated for school purposes, up to a maximum equivalent local rate of
15 thirty cents (\$0.30) as defined by KRS 157.615(6).
- 16 (6) A classroom teacher or administrator may be provided additional compensation,
17 funds for instructional and program materials, and other related costs for serving as
18 a classroom mentor, teaching partner, or professional development leader in core
19 discipline areas including reading, and other subject areas as appropriate to other
20 education professionals in a state approved program or state approved activities.
21 The Kentucky Department of Education shall administer the funds appropriated for
22 these purposes. The Kentucky Board of Education shall promulgate administrative
23 regulations to define the guidelines for programs and activities that qualify for
24 funds including the application and approval process, the individual participant
25 requirements, the amount of compensation, the timelines, and reporting
26 requirements. The board shall solicit recommendations from the Education
27 Professional Standards Board and staff of the Kentucky Department of Education in

1 developing its administrative regulations.

2 (7) A school district may provide monetary compensation in addition to that provided
3 through the single salary schedule, as defined in Section 1 of this Act~~[KRS~~
4 ~~157.320]~~, to all classroom teachers employed in a school that is identified by the
5 Kentucky Department of Education as being in targeted or comprehensive support
6 and improvement status as described in KRS 160.346.

7 ➔Section 8. KRS 157.420 is repealed, reenacted, and amended to read as follows:
8 Public school funds made available to the credit of each district during any year shall be
9 received, held, and expended by the district board, subject to the provisions of law and
10 administrative regulations of the Kentucky Board of Education. The following
11 restrictions shall govern the expenditure of funds from the public school fund:

12 (1) The salary paid any rank of teachers shall be at least equivalent to the amount set
13 forth in the biennial budget schedule for each rank and experience for a term of one
14 hundred eighty-five (185) days for full-time service during the regular school year.

15 (2) Beginning with the 2004-2006 biennium, the Kentucky Board of Education shall
16 not approve any working budget or salary schedule for local boards of education for
17 any school year unless the one hundred eighty-five (185) day salary schedule for
18 certified staff has been adjusted over the previous year's salary schedule by a
19 percentage increase at least equal to the cost-of-living adjustment that is provided
20 state government workers under the biennial budget. The base funding level in the
21 program for support education excellence in Kentucky as defined in Section 1 of
22 this Act~~[KRS 157.320]~~ shall be increased by the statewide dollar value of the
23 annual required cost-of-living percentage adjustment that shall be estimated on the
24 sum of the previous year's statewide teachers' salaries.

25 (3) A district that compensates its teachers or employees for unused sick leave at the
26 time of retirement, pursuant to KRS 161.155, may create an escrow account to
27 maintain the amount of funds necessary to pay teachers or employees who qualify

1 for receipt of the benefit. The fund is limited to not more than fifty percent (50%) of
2 the maximum liability for the current year to be determined according to the
3 number of staff employed by the district on September 15. Interest generated by the
4 account shall be calculated as part of the total amount. The funds shall not be used
5 for any purpose other than compensation for unused sick leave at the time of
6 retirement and shall not be considered as part of the general fund balance in
7 determining available local revenue for purposes of KRS 157.620.

8 (4) (a) The per pupil capital outlay allotment for each district from the public school
9 fund and from local sources shall be kept in a separate account and may be
10 used by the district only for capital outlay projects approved by the
11 commissioner of education in accordance with requirements of law, and based
12 on a survey made in accordance with administrative regulations of the
13 Kentucky Board of Education. These funds shall be used for the following
14 capital outlay purposes:

- 15 1. For direct payment of construction costs;
- 16 2. For debt service on voted and funding bonds;
- 17 3. For payment or lease-rental agreements under which the board
18 eventually will acquire ownership of a school plant;
- 19 4. For the retirement of any deficit resulting from overexpenditure for
20 capital construction, if such deficit resulted from an emergency declared
21 by the Kentucky Board of Education under KRS 160.550; and
- 22 5. As a reserve fund for the above-named purposes, to be carried forward
23 in ensuing budgets.

24 (b) A district may submit a request to the commissioner of education to use funds
25 from the per pupil capital outlay allotment to purchase land for a new school
26 or to modify an existing school if the project is included on the district facility
27 plan for completion within eight (8) years. The land shall not be included in

1 the calculation of the school district's unmet need. The commissioner may
2 grant or deny the district's request at his or her discretion.

3 (c) A district which has experienced an increase in adjusted average daily
4 membership~~[attendance]~~, as defined by administrative regulation, of twenty
5 percent (20%) or more over a five (5) year period may submit a request to the
6 commissioner of education to use capital outlay funds for the operation of a
7 new school for the first two (2) years following its opening. The
8 commissioner may grant or deny the district's request at his or her discretion.

9 (d) A local school district may submit a request to the commissioner of education
10 to use capital outlay funds for maintenance expenditures or for the purchase of
11 property insurance without forfeiting the district's participation in the School
12 Facilities Construction Commission program. Maintenance requests may
13 include other priorities that are not considered major renovations, such as
14 repair, renovation, or system upgrades that are necessary to maintain the
15 integrity of an existing school facility.

16 (5) The district may contribute capital outlay funds for energy conservation measures
17 under guaranteed energy savings contracts pursuant to KRS 45A.345, 45A.352, and
18 45A.353. Use of these funds, provided in KRS 45A.353, 56.774, and 58.600, shall
19 be based on the following:

- 20 (a) The energy conservation measures shall include facility alteration;
- 21 (b) The energy conservation measures shall be identified in the district's approved
22 facility plan;
- 23 (c) The current facility systems are consuming excess maintenance and operating
24 costs;
- 25 (d) The savings generated by the energy conservation measures are guaranteed;
- 26 (e) The capital outlay funds contributed to the energy conservation measures shall
27 be defined as capital cost avoidance as provided in KRS 45A.345(2) and shall

- 1 be subject to the restrictions on usage as specified in KRS 45A.352(9); and
- 2 (f) The equipment that is replaced shall have exceeded its useful life as
- 3 determined by a life-cycle cost analysis.
- 4 (6) If any district has a special levy for capital outlay or debt service that is equal to the
- 5 capital outlay allotment or a proportionate fraction thereof, and spends the proceeds
- 6 of that levy for the above-named purposes, the commissioner of education under
- 7 administrative regulations of the Kentucky Board of Education, may authorize the
- 8 district to use all or a proportionate fraction of its capital outlay allotment for
- 9 current expenses. However, a district which uses capital outlay funds for current
- 10 expenses shall not be eligible to participate in the School Facilities Construction
- 11 Commission funds, except when the current expenditures are approved by the
- 12 commissioner of education under subsection (4)(b) or (c) of this section.
- 13 (7) If a survey shows that a school district has no capital outlay needs as shown in
- 14 subsection (4)(a)1., 2., 3., and 4. of this section, upon approval of the commissioner
- 15 of education, these funds may be used for school plant maintenance, repair,
- 16 insurance on buildings, replacement of equipment, purchase of school buses, and
- 17 the purchase of modern technological equipment, including telecommunications
- 18 hardware, televisions, computers, and other technological hardware to be utilized
- 19 for educational purposes only.
- 20 (8) In surveying the schools, the Department of Education shall designate each school
- 21 facility as a permanent, functional, or transitional center.
- 22 (a) "Permanent center" means a center which meets the program standards
- 23 approved by the Kentucky Board of Education, is located so that students are
- 24 not subjected to an excessive amount of time being transported to the site, and
- 25 has established an attendance area which will maintain enrollment at capacity
- 26 but will also avoid overcrowding.
- 27 (b) "Functional center" means a center which does not meet all the criteria

1 established for a permanent facility, but is adequate to meet accreditation
2 program standards to insure no substantial academic or building deficiency.
3 The facility plan shall include additions and renovations necessary to meet
4 current accreditation standards for which federal, state, and local funds may
5 be used.

6 (c) "Transitional center" means a center which the local board of education has
7 determined shall no longer be designated permanent or functional. The center
8 shall be destined to be closed and shall not be eligible for new construction,
9 additions, or major renovation. However, the board of education shall
10 maintain any operating transitional center to provide a safe and healthy
11 environment for students.

12 (9) Beginning in fiscal year 2011-2012, the Kentucky Department of Education shall
13 standardize the process for evaluating the overall quality and condition of all school
14 buildings across the state. The evaluation process shall:

15 (a) Result in consistent categorization of buildings for local planning purposes
16 and for the distribution of state general fund moneys designated for capital
17 construction;

18 (b) Be based on measurable, objective criteria;

19 (c) Include numerical scoring with weights to recognize building components and
20 characteristics that address:

21 1. Life safety issues;

22 2. Compliance with state and federal codes;

23 3. Compliance with requirements under the Americans with Disabilities
24 Act;

25 4. Community spaces;

26 5. Instructional areas;

27 6. Mechanical, electrical, plumbing, and other technology systems;

- 1 7. Site and exterior building conditions;
- 2 8. Age of the buildings;
- 3 9. Feasibility of building additions or major renovations;
- 4 10. The districts' facility capacities;
- 5 11. Current use of temporary facilities; and
- 6 12. Projected enrollment growth; and
- 7 (d) Use of a third-party evaluator that utilizes an already established software-
- 8 based system to perform the first, base-line evaluation.
- 9 (10) The Kentucky Board of Education shall promulgate an administrative regulation
- 10 upon recommendation of the Kentucky Department of Education and the School
- 11 Facilities Construction Commission to implement subsection (9) of this section.
- 12 (11) If a local school board authorized elementary, middle, or secondary education
- 13 classes in a facility of a historical settlement school on January 1, 1994, the board
- 14 shall continue to use the facilities provided by the settlement school if the facilities
- 15 meet health and safety standards for education facilities as required by
- 16 administrative regulations. The local school board and the governing body of the
- 17 settlement school shall enter into a cooperative agreement that delineates the role,
- 18 responsibilities, and financial obligations for each party.
- 19 (12) Notwithstanding the provisions of subsections (4) and (6) of this section, a local
- 20 district that has requested a mid-year adjustment in the support education
- 21 excellence in Kentucky funding under subsection (16) of Section 5 of this Act ~~KRS~~
- 22 ~~157.360(16)~~ may request permission from the commissioner of education to use
- 23 capital outlay funds for the purchase of school buses or to use the capital outlay
- 24 funds for increased operational expenses for the first three (3) years following the
- 25 increased growth in the district without forfeiture of the district's participation in the
- 26 School Facilities Construction Commission Program. The commissioner may grant
- 27 or deny the district's request.

1 ➔Section 9. KRS 157.621 is repealed, reenacted, and amended to read as follows:

2 (1) In addition to the levy required by KRS 157.440(1)(b) to participate in the Facilities
3 Support Program of Kentucky, local school districts that have made the levy
4 required by KRS 157.440(1)(b) are authorized to levy the following additional
5 equivalent rates to support debt service, new facilities, or major renovations of
6 existing school facilities, which levies shall not be subject to recall under any
7 provision of the Kentucky Revised Statutes, or to voter approval under the
8 provisions of KRS 157.440(2):

9 (a) 1. Prior to April 24, 2008, local school districts that have experienced
10 student population growth during a five (5) year period may levy an
11 additional five cents (\$0.05) equivalent rate for debt service and new
12 facilities. The tax rate levied by the district under this provision shall not
13 be equalized by state funding, except as provided in paragraph (b) of
14 this subsection. Any levy imposed under this paragraph prior to April
15 24, 2008, by a local school district shall continue until removed by the
16 local school district.

17 2. A local school district shall meet the following criteria in order to levy
18 the tax provided in subparagraph 1. of this paragraph:

19 a. Growth of at least one hundred fifty (150) students in average
20 daily ~~membership~~^{attendance} and three percent (3%) overall
21 growth for the five (5) preceding years;

22 b. Bonded debt to the maximum capability of at least eighty percent
23 (80%) of capital outlay from the Support Education Excellence in
24 Kentucky funding program, all revenue from the local facility tax,
25 and all receipts from state equalization on the local facility tax;

26 c. Current student enrollment in excess of available classroom space;
27 and

- 1 d. A local school facility plan that has been approved by the
2 Kentucky Board of Education and certified to the School Facilities
3 Construction Commission;
- 4 (b) 1. In addition to the levy authorized by paragraph (a) of this subsection, a
5 local school district may levy an additional five cents (\$0.05) equivalent
6 rate under the same terms and conditions established by paragraph (a) of
7 this subsection beginning in fiscal year 2003-2004 if the levy was made
8 prior to April 24, 2008, and if the local school district:
- 9 a. Levied the five cents (\$0.05) equivalent rate authorized by
10 paragraph (a) of this subsection; and
- 11 b. Still meets the requirements established by paragraph (a)2. of this
12 subsection.
- 13 2. Any school district that imposes both the levy authorized by paragraph
14 (a) of this subsection and the additional levy authorized by subparagraph
15 1. of this paragraph shall receive equalization funding from the state for
16 the levy imposed by paragraph (a) of this subsection beginning in fiscal
17 year 2003-2004. Equalization shall be provided at one hundred fifty
18 percent (150%) of the statewide average per pupil assessment, subject to
19 the provision of funding by the General Assembly. Equalization funds
20 shall be used as provided in KRS 157.440(1)(b).
- 21 3. Any levy imposed under this paragraph prior to April 24, 2008, by a
22 local school district shall continue until removed by the local school
23 district; and
- 24 (c) 1. A local school district that meets the following conditions may levy an
25 additional five cents (\$0.05) equivalent rate on and after April 24, 2008:
- 26 a. The local school district is located in a county that will have more
27 students as a direct result of the new mission established for Fort

1 Knox by the Base Realignment and Closure (BRAC) 2005 issued
2 by the United States Department of Defense pursuant to the
3 Defense Base Closure and Realignment Act of 1990, Pub. L. No.
4 100-526, Part A of Title XXIX of 104 Stat. 1808, 10 U.S.C. sec.
5 2687 note; and

6 b. The commissioner of education has determined, based upon the
7 presentation of credible data, that the projected increased number
8 of students is sufficient to require new facilities or the major
9 renovation of existing facilities to accommodate the new students,
10 and has approved the imposition of the additional levy.

11 2. Any local school district that imposes both the levy authorized by
12 paragraph (a) of this subsection and the additional levy authorized by
13 subparagraph 1. of this paragraph, and that has not received equalization
14 funding under subsection (2) or (3) of this section, shall receive
15 equalization funding from the state for the levy imposed by paragraph
16 (a) of this subsection beginning in the fiscal year following the fiscal
17 year in which the levy authorized by subparagraph 1. of this paragraph
18 is imposed. Equalization shall be provided at one hundred fifty percent
19 (150%) of the statewide average per pupil assessment, subject to the
20 provision of funding by the General Assembly. Equalization funds shall
21 be used as provided in KRS 157.440(1)(b).

22 3. Any levy imposed under this paragraph by a local school district shall
23 continue until removed by the local school district.

24 (2) (a) Any local school district that, prior to April 27, 2016, levied an equivalent rate
25 that:

26 1. Was subject to recall at the time it was levied; and

27 2. Included a rate of at least five cents (\$0.05) equivalent rate for the

1 purpose of debt service for school construction or major renovation of
2 existing school facilities;

3 shall be eligible for retroactive equalization from the state for that levy at one
4 hundred fifty percent (150%) of the statewide average per pupil assessment
5 beginning in fiscal year 2003-2004, subject to the fiscal condition of the
6 Commonwealth and the provision of funding by the General Assembly.
7 Equalization funds shall be used as provided in KRS 157.440(1)(b).

8 (b) It is the intent of the General Assembly that for levies described in this
9 subsection that are imposed on or after April 27, 2016, equalization funds, if
10 provided by the General Assembly, shall terminate upon the earlier of June
11 30, 2038, or the date the bonds for the local school district supported by this
12 equalization funding are retired. Equalization shall be subject to the fiscal
13 condition of the Commonwealth and the provision of funding by the General
14 Assembly.

15 (3) Any local school district that:

16 (a) Levied an equivalent tax rate as of April 24, 2008, that included at least ten
17 cents (\$0.10) that was devoted to building purposes, or that had debt service
18 corresponding to a ten cents (\$0.10) equivalent rate;

19 (b) Did not receive equalized growth funding pursuant to subsection (1)(b)2. of
20 this section; and

21 (c) Has been approved by the commissioner of education;

22 shall be eligible for equalization from the state for that levy at one hundred fifty
23 percent (150%) of the statewide average per pupil assessment beginning in fiscal
24 year 2005-2006, subject to the provision of funding by the General Assembly.
25 Equalization funds shall be used as provided in KRS 157.440(1)(b). Equalization
26 funds shall be available to a local school district pursuant to this subsection until the
27 earlier of June 30, 2038, or the date the bonds for the local school district supported

1 by this equalization funding are retired.

2 (4) (a) Notwithstanding any other provision of this section, any local school district
3 receiving equalization funding prior to April 27, 2016, related to an equivalent
4 rate levy described in subsection (1), (2), (3), or (5) of this section shall
5 continue to receive the equalization funding related to the applicable
6 equivalent rate levy, subject to the limitations established by subsections (1),
7 (2), (3), and (5) of this section, and subject to the fiscal condition of the
8 Commonwealth and the provision of funding by the General Assembly, until
9 amended by subsequent action of the General Assembly. A local school
10 district described in this paragraph shall not be eligible to receive equalization
11 for any additional equivalent rate levies made by it on or after April 27, 2016.

12 (b) Notwithstanding any other provision of this section, any local school district
13 that has imposed an equivalent rate levy described in subsection (1)(a) or (b)
14 or (2) of this section prior to April 27, 2016, that qualifies for equalization but
15 that has not yet received equalization funding shall be eligible for equalization
16 funding as provided in subsection (1)(a) or (b) or (2) of this section, subject to
17 the provision of funding by the General Assembly.

18 (c) On and after April 24, 2008, a local school district not included in paragraph
19 (a) or (b) of this subsection shall be prohibited from imposing an equivalent
20 rate levy under the provisions of subsection (1)(a) or (b) of this section, and
21 shall not be eligible for equalization funding under the provisions of this
22 section.

23 (d) On and after April 24, 2008, a local school district meeting the requirements
24 of subsection (1)(c) of this section may impose the levy authorized by
25 subsection (1)(c) of this section, and shall qualify for equalization as provided
26 in subsection (1)(c) of this section, subject to the provision of funding by the
27 General Assembly.

- 1 (5) (a) Any local school district that:
- 2 1. Had school facilities classified as Category 5 on May 18, 2010, by the
- 3 Kentucky Department of Education; and
- 4 2. Levied an additional five cents (\$0.05) equivalent tax rate prior to April
- 5 27, 2016, for debt service, new construction, and major renovation
- 6 beyond the five cents (\$0.05) equivalent tax rate required by KRS
- 7 157.440(1)(b), except as provided in paragraph (b) of this subsection;
- 8 shall be eligible for equalization from the state for that levy at one hundred
- 9 fifty percent (150%) of the statewide average per pupil assessment beginning
- 10 in the fiscal year following the fiscal year in which the levy was imposed.
- 11 This levy shall be subject to the recall provisions of KRS 132.017.
- 12 (b) School districts that levied a five cents (\$0.05) equivalent tax rate for debt
- 13 service, new construction, and major renovation, beyond the rate required by
- 14 KRS 157.440(1)(b) prior to May 18, 2010, shall not be required to levy an
- 15 additional tax to receive the equalization funds provided in paragraph (a) of
- 16 this subsection.
- 17 (c) If the school district utilizes the equalization funds to support a bond issue for
- 18 construction purposes, equalization funds shall be provided until the earlier of
- 19 twenty (20) years or date the bonds are retired.
- 20 (d) In the event that a school district receives funding pursuant to this subsection
- 21 to support construction of a new school facility and subsequently, as a result
- 22 of litigation, receives funding for the same facility for which state funds were
- 23 provided, that school district shall reimburse the Commonwealth an amount
- 24 equal to the amount provided under paragraph (a) of this subsection. Any
- 25 funds received in this manner shall be deposited in the budget reserve trust
- 26 fund account established in KRS 48.705.
- 27 ➔Section 10. KRS 157.660 is repealed, reenacted, and amended to read as

1 follows:

2 The School Facilities Construction Commission shall be governed by the following
3 procedures in making an offer of assistance to local public school districts for providing
4 education technology:

5 (1) The base level of assistance to each eligible district shall be determined by dividing
6 the total amount available for education technology by the total of the prior year's
7 statewide average daily ~~membership~~^{attendance} of the eligible districts times the
8 district's prior year's average daily ~~membership~~^{attendance}.

9 (2) The funds shall be applied to the projects listed in the district's technology plan, and
10 the funds shall be applied to projects in the priority order listed on the plan except
11 as provided in KRS 157.655(2). The first priority for the expenditure of each new
12 offer of assistance shall be to meet the previous obligations of bonds, leases, or
13 other financial agreements made for education technology by the district.

14 (3) The commission shall establish administrative regulations by which a district that
15 receives an offer of assistance but does not have the local match shall be able to
16 accumulate a credit for the state offer of assistance for a period not to exceed three
17 (3) years.

18 (4) All unused state funds allocated according to the provisions of subsection (1) of this
19 section shall be reallocated by the commission. The reallocation shall follow the
20 process and intent as set forth in this section with eligible districts being those
21 districts which have the available local matching funds and have not completely
22 implemented the Kentucky Education Technology System.

23 ➔Section 11. KRS 158.030 is repealed, reenacted, and amended to read as
24 follows:

25 (1) "Common school" means an elementary or secondary school of the state supported
26 in whole or in part by public taxation. No school shall be deemed a "common
27 school" or receive support from public taxation unless the school is taught by a

1 certified teacher for a minimum school term as defined by Section 12 of this
2 Act~~[KRS 158.070]~~ and every child residing in the district who satisfies the age
3 requirements of this section has had the privilege of attending it. Provided,
4 however, that any child who is six (6) years of age, or who may become six (6)
5 years of age by October 1, shall attend public school or qualify for an exemption as
6 provided by KRS 159.030. Any child who is five (5) years of age, or who may
7 become five (5) years of age by October 1, may enter a primary school program, as
8 defined in KRS 158.031, and may advance through the primary program without
9 regard to age in accordance with KRS 158.031(6).

10 (2) Beginning with the 2017-2018 school year, any child who is six (6) years of age, or
11 who may become six (6) years of age by August 1, shall attend public school or
12 qualify for an exemption as provided by KRS 159.030. Any child who is five (5)
13 years of age, or who may become five (5) years of age by August 1, may enter a
14 primary school program, as defined in KRS 158.031, and may advance through the
15 primary program without regard to age in accordance with KRS 158.031(6).

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

25 ➔Section 12. KRS 158.070 is repealed, reenacted, and amended to read as
26 follows:

27 (1) As used in this section:

- 1 (a) "Election" has the same meaning as in KRS 121.015;
- 2 (b) "Minimum school term" or "school term" means not less than one hundred
3 eighty-five (185) days composed of the student attendance days, teacher
4 professional days, and holidays;
- 5 (c) "School calendar" means the document adopted by a local board of education
6 that establishes the minimum school term, student instructional year or
7 variable student instructional year, and days that school will not be in session;
- 8 (d) "School district calendar committee" means a committee that includes at least
9 the following:
- 10 1. One (1) school district principal;
- 11 2. One (1) school district office administrator other than the
12 superintendent;
- 13 3. One (1) member of the local board of education;
- 14 4. Two (2) parents of students attending a school in the district;
- 15 5. One (1) school district elementary school teacher;
- 16 6. One (1) school district middle or high school teacher;
- 17 7. Two (2) school district classified employees; and
- 18 8. Two (2) community members from the local chamber of commerce,
19 business community, or tourism commission;
- 20 (e) "Student attendance day" means any day that students are scheduled to be at
21 school to receive instruction, and encompasses the designated start and
22 dismissal time;
- 23 (f) "Student instructional year" means at least one thousand sixty-two (1,062)
24 hours of instructional time for students delivered on not less than one hundred
25 seventy (170) student attendance days;
- 26 (g) "Teacher professional day" means any day teachers are required to report to
27 work as determined by a local board of education, with or without the

1 presence of students; and

2 (h) "Variable student instructional year" means at least one thousand sixty-two
3 (1,062) hours of instructional time delivered on the number of student
4 attendance days adopted by a local board of education which shall be
5 considered proportionally equivalent to one hundred seventy (170) student
6 attendance days and calendar days for the purposes of a student instructional
7 year, employment contracts that are based on the school term, service credit
8 under KRS 161.500, and funding under Section 4 of this Act ~~[KRS 157.350]~~.

9 (2) (a) The local board of education, upon recommendation of the local school
10 district superintendent, shall annually appoint a school district calendar
11 committee to review, develop, and recommend school calendar options.

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

18 (c) Prior to adopting a school calendar, the local board of education shall hear for
19 discussion the school district calendar committee's recommendations and the
20 recommendation of the superintendent at a meeting of the local board of
21 education.

22 (d) During a subsequent meeting of the local board of education, the local board
23 shall adopt a school calendar for the upcoming school year that establishes the
24 opening and closing dates of the school term, beginning and ending dates of
25 each school month, student attendance days, and days on which schools shall
26 be dismissed. The local board may schedule days for breaks in the school
27 calendar that shall not be counted as a part of the minimum school term.

- 1 (e) For local board of education meetings described in paragraphs (c) and (d) of
2 this subsection, if the meeting is a regular meeting, notice shall be given to
3 media outlets that have requests on file to be notified of special meetings
4 stating the date of the regular meeting and that one (1) of the items to be
5 considered in the regular meeting will be the school calendar. The notice shall
6 be sent at least twenty-four (24) hours before the regular meeting. This
7 requirement shall not be deemed to make any requirements or limitations
8 relating to special meetings applicable to the regular meeting.
- 9 (f) A local school board of education that adopts a school calendar with the first
10 student attendance day in the school term starting no earlier than the Monday
11 closest to August 26 may use a variable student instructional year. Districts
12 may set the length of individual student attendance days in a variable student
13 instructional schedule, but no student attendance day shall contain more than
14 seven (7) hours of instructional time unless the district submitted and received
15 approval from the commissioner of education for an innovative alternative
16 calendar.
- 17 (3) (a) Each local board of education shall use four (4) days of the minimum school
18 term for professional development and collegial planning activities for the
19 professional staff without the presence of students pursuant to the
20 requirements of KRS 156.095. At the discretion of the superintendent, one (1)
21 day of professional development may be used for district-wide activities and
22 for training that is mandated by federal or state law. The use of three (3) days
23 shall be planned by each school council, except that the district is encouraged
24 to provide technical assistance and leadership to school councils to maximize
25 existing resources and to encourage shared planning.
- 26 (b) At least one (1) hour of self-study review of seizure disorder materials shall
27 be required for all principals, guidance counselors, and teachers hired after

1 July 1, 2019.

- 2 (c) 1. A local board may approve a school's flexible professional development
3 plan that permits teachers or other certified personnel within a school to
4 participate in professional development activities outside the days
5 scheduled in the school calendar or the regularly scheduled hours in the
6 school work day and receive credit towards the four (4) day professional
7 development requirement within the minimum one hundred eighty-five
8 (185) days that a teacher shall be employed.
- 9 2. A flexible schedule option shall be reflected in the school's professional
10 development component within the school improvement plan and
11 approved by the local board. Credit for approved professional
12 development activities may be accumulated in periods of time other than
13 full day segments.
- 14 3. No teacher or administrator shall be permitted to count participation in a
15 professional development activity under the flexible schedule option
16 unless the activity is related to the teacher's classroom assignment and
17 content area, or the administrator's job requirements, or is required by
18 the school improvement plan, or is tied to the teacher's or the
19 administrator's individual growth plan. The supervisor shall give prior
20 approval and shall monitor compliance with the requirements of this
21 paragraph. In the case of teachers, a professional development
22 committee or the school council by council policy may be responsible
23 for reviewing requests for approval.
- 24 (d) The local board of each school district may use up to a maximum of four (4)
25 days of the minimum school term for holidays; provided, however, any
26 holiday which occurs on Saturday may be observed on the preceding Friday.
- 27 (e) Each local board may use two (2) days for planning activities without the

1 presence of students.

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

4 1. National or state emergency or mourning when proclaimed by the
5 President of the United States or the Governor of the Commonwealth of
6 Kentucky;

7 2. Local emergency which would endanger the health or safety of children;
8 and

9 3. Mourning when so designated by the local board of education and
10 approved by the Kentucky Board of Education upon recommendation of
11 the commissioner of education.

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

20 (b) If a local board of education amends its school calendar after its adoption due
21 to an emergency, it may lengthen or shorten any remaining student attendance
22 days by thirty (30) minutes or more, as it deems necessary, provided the
23 amended calendar complies with the requirements of a student instructional
24 year in subsection (1)(f) of this section or a variable student instructional year
25 in subsection (1)(h) of this section. No student attendance day shall contain
26 more than seven (7) hours of instructional time unless the district submitted
27 and received approval from the commissioner of education for an innovative

1 alternative calendar.

- 2 (5) (a) 1. In setting the school calendar, school may be closed for two (2)
3 consecutive days for the purpose of permitting professional school
4 employees to attend statewide professional meetings.
- 5 2. These two (2) days for statewide professional meetings may be
6 scheduled to begin with the first Thursday after Easter, or upon request
7 of the statewide professional education association having the largest
8 paid membership, the commissioner of education may designate
9 alternate dates.
- 10 3. If schools are scheduled to operate during days designated for the
11 statewide professional meeting, the school district shall permit
12 employees who are delegates to attend as compensated professional
13 leave time and shall employ substitute teachers in their absence.
- 14 4. The commissioner of education shall designate one (1) additional day
15 during the school year when schools may be closed to permit
16 professional school employees to participate in regional or district
17 professional meetings.
- 18 5. These three (3) days so designated for attendance at professional
19 meetings may be counted as a part of the minimum school term.
- 20 (b) 1. If any school in a district is used as a polling place, the school district
21 shall be closed on the day of the election, and those days may be used
22 for professional development activities, professional meetings, or
23 parent-teacher conferences.
- 24 2. A district may be open on the day of an election if no school in the
25 district is used as a polling place.
- 26 (c) All schools shall be closed on the third Monday of January in observance of
27 the birthday of Martin Luther King, Jr. Districts may:

- 1 1. Designate the day as one (1) of the four (4) holidays permitted under
2 subsection (3)(d) of this section; or
- 3 2. Not include the day in the minimum school term specified in subsection
4 (1) of this section.
- 5 (6) (a) The Kentucky Board of Education, or the organization or agency designated
6 by the board to manage interscholastic athletics, shall be encouraged to
7 schedule athletic competitions outside the regularly scheduled student
8 attendance day.
- 9 (b) Any member of a school-sponsored interscholastic athletic team who
10 competes in a regional tournament or state tournament sanctioned by the
11 Kentucky Board of Education, or the organization or agency designated by the
12 board to manage interscholastic athletics, and occurring on a regularly
13 scheduled student attendance day may be counted present at school on the
14 date or dates of the competition, as determined by local board policy, for a
15 maximum of two (2) days per student per year. The student shall be expected
16 to complete any assignments missed on the date or dates of the competition.
- 17 (c) The school attendance record of any student for whom paragraph (b) of this
18 subsection applies shall indicate that the student was in attendance on the date
19 or dates of competition.
- 20 (7) Schools shall provide continuing education for those students who are determined
21 to need additional time to achieve the outcomes defined in KRS 158.6451, and
22 schools shall not be limited to the minimum school term in providing this
23 education. Continuing education time may include extended days, extended weeks,
24 or extended years. A local board of education may adopt a policy requiring its
25 students to participate in continuing education. The local policy shall set out the
26 conditions under which attendance will be required and any exceptions which are
27 provided. The Kentucky Board of Education shall promulgate administrative

1 regulations establishing criteria for the allotment of grants to local school districts
2 and shall include criteria by which the commissioner of education may approve a
3 district's request for a waiver to use an alternative service delivery option, including
4 providing services during the student attendance day on a limited basis. These
5 grants shall be allotted to school districts to provide instructional programs for
6 pupils who are identified as needing additional time to achieve the outcomes
7 defined in KRS 158.6451. A school district that has a school operating a model
8 early reading program under KRS 158.792 may use a portion of its grant money as
9 part of the matching funds to provide individualized or small group reading
10 instruction to qualified students outside of the regular classroom during the student
11 attendance day.

12 (8) Notwithstanding any other statute, each school term shall include no less than the
13 equivalent of the student instructional year in subsection (1)(f) of this section, or a
14 variable student instructional year in subsection (1)(h) of this section, except that
15 the commissioner of education may grant up to the equivalent of ten (10) student
16 attendance days for school districts that have a nontraditional instruction plan
17 approved by the commissioner of education on days when the school district is
18 closed for health or safety reasons. The district's plan shall indicate how the
19 nontraditional instruction process shall be a continuation of learning that is
20 occurring on regular student attendance days. Instructional delivery methods,
21 including the use of technology, shall be clearly delineated in the plan. Average
22 daily ~~membership~~^{attendance} for purposes of Support Education Excellence in
23 Kentucky program funding during the student attendance days granted shall be
24 calculated in compliance with administrative regulations promulgated by the
25 Kentucky Board of Education.

26 (9) The Kentucky Board of Education shall promulgate administrative regulations to
27 prescribe the conditions and procedures for districts to be approved for the

1 nontraditional instruction program. Administrative regulations promulgated by the
2 board under this section shall specify:

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

16 (10) Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection
17 (2) of this section, a school district shall arrange bus schedules so that all buses
18 arrive in sufficient time to provide breakfast prior to the beginning of the student
19 attendance day. The superintendent of a school district that participates in the
20 Federal School Breakfast Program may also authorize up to fifteen (15) minutes of
21 the student attendance day to provide the opportunity for children to eat breakfast
22 during instructional time.

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

- 26 (a) A certified school employee shall be considered to have fulfilled the
27 minimum one hundred eighty-five (185) day contract with a school district

1 under Section 4 of this Act~~[KRS 157.350]~~ and shall be given credit for the
2 purpose of calculating service credit for retirement under KRS 161.500 for
3 certified school personnel if:

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

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

- 15 1. The employee works for a school district with a school calendar
16 approved by the Kentucky Department of Education that contains a
17 provision that additional instructional time per day shall be used to make
18 up full days missed due to an emergency;
- 19 2. The employee's contract requires a minimum six (6) hour work day; and
- 20 3. The employee's job responsibilities and work day are extended when the
21 instructional time is extended for the purposes of making up time.

22 (c) Classified employees who are regularly scheduled to work less than six (6)
23 hours per day and who do not have additional work responsibilities as a result
24 of lengthened student attendance days shall be excluded from the provisions
25 of this subsection. These employees may be assigned additional work
26 responsibilities to make up service credit under KRS 78.615 that would be
27 lost due to lengthened student attendance days.

1 ➔Section 13. KRS 159.035 is repealed, reenacted, and amended to read as
2 follows:

- 3 (1) Notwithstanding the provisions of any other statute, any student in a public school
4 who is enrolled in a properly organized 4-H club shall be considered present at
5 school for all purposes when participating in regularly scheduled 4-H club
6 educational activities, provided, the student is accompanied by or under the
7 supervision of a county extension agent or the designated 4-H club leader for the 4-
8 H club educational activity participated in.
- 9 (2) Notwithstanding the provisions of any other statute, any student in a public school
10 shall be considered present for all purposes for up to ten (10) days while attending
11 basic training required by a branch of the United States Armed Forces.
- 12 (3) Beginning with the 2021-2022 school year, notwithstanding the provisions of any
13 other statute, any student enrolled in a public school shall not have his or her perfect
14 attendance record negatively affected by participating in any of the page programs
15 of the General Assembly.
- 16 (4) Students applying for excused absence for attendance at the Kentucky State Fair
17 shall be granted one (1) day of excused absence.
- 18 (5) Except as provided in paragraph (e) of this subsection, a public school principal
19 shall give a student an excused absence of up to ten (10) school days to pursue an
20 educational enhancement opportunity determined by the principal to be of
21 significant educational value, including but not limited to participation in an
22 educational foreign exchange program or an intensive instructional, experiential, or
23 performance program in one (1) of the core curriculum subjects of English, science,
24 mathematics, social studies, foreign language, and the arts.
- 25 (a) A student receiving an excused absence under this subsection shall have the
26 opportunity to make up school work missed and shall not have his or her class
27 grades adversely affected for lack of class attendance or class participation

- 1 due to the excused absence.
- 2 (b) Educational enhancement opportunities under this subsection shall not include
3 nonacademic extracurricular activities, but may include programs not
4 sponsored by the school district.
- 5 (c) If a request for an excused absence to pursue an educational enhancement
6 opportunity is denied by a school principal, a student may appeal the decision
7 to the district superintendent, who shall make a determination whether to
8 uphold or alter the decision of the principal. If a superintendent upholds a
9 principal's denial, a student may appeal the decision to the local board of
10 education, which shall make a final determination. A principal,
11 superintendent, and local board of education shall make their determinations
12 based on the provisions of this subsection and the district's school attendance
13 policies adopted in accordance with Section 12 of this Act~~[KRS 158.070]~~ and
14 KRS 159.150.
- 15 (d) A student receiving an excused absence under the provisions of this
16 subsection shall be considered present in school during the excused absence
17 for the purposes of calculating average daily membership~~[attendance]~~ as
18 defined by Section 1 of this Act~~[KRS 157.320]~~ under the Support Education
19 Excellence in Kentucky program.
- 20 (e) A student shall not be eligible to receive an excused absence under the
21 provisions of this subsection for an absence during a school's testing window
22 established for assessments of the state assessment developed under KRS
23 158.6453 or during a testing period established for the administration of
24 additional district-wide assessments at the school, except if a principal
25 determines that extenuating circumstances make an excused absence to pursue
26 an educational enhancement opportunity appropriate.
- 27 (6) (a) If a student's parent, de facto custodian, or other person with legal custody or

1 control of the student is a member of the United States Armed Forces,
2 including a member of a state National Guard or a Reserve component called
3 to federal active duty, a public school principal shall give the student:

- 4 1. An excused absence for one (1) day when the member is deployed;
- 5 2. An additional excused absence for one (1) day when the service member
6 returns from deployment; and
- 7 3. Excused absences for up to ten (10) days for visitation when the member
8 is stationed out of the country and is granted rest and recuperation leave.

9 (b) A student receiving an excused absence under this subsection shall have the
10 opportunity to make up school work missed and shall not have his or her class
11 grades adversely affected for lack of class attendance or class participation
12 due to the excused absence.

13 (c) A student receiving an excused absence under this subsection shall be
14 considered present in school during the excused absence for the purposes of
15 calculating average daily membership~~[attendance]~~ as defined by Section 1 of
16 this Act~~[KRS 157.320]~~ under the Support Education Excellence in Kentucky
17 program.

18 (7) A local school board may include provisions in its student attendance policy for
19 excused absences due to a student's mental or behavioral health status.

20 ➔Section 14. KRS 159.075 is repealed, reenacted, and amended to read as
21 follows:

22 (1) A child of a military family may pre-enroll or participate in preadmission in a
23 school district if the parent or guardian of the child:

24 (a) Is transferred to or is pending transfer to a military installation or to a reserve
25 component within the state while on active military duty pursuant to an
26 official military order; or

27 (b) Is returning to the state within one (1) year of being separated from the

1 military with an honorable discharge, discharge under honorable conditions,
2 or a general discharge under honorable conditions.

3 (2) A school district shall accept an application for enrollment and course registration
4 by electronic means for a child who meets the requirements set forth in subsection
5 (1) of this section, including enrollment in a specific school or program within the
6 school district.

7 (3) The parent or guardian of a child who meets the requirements set forth in subsection
8 (1) of this section shall provide proof of residence to the school district within ten
9 (10) days after the arrival date provided on official documentation. The parent or
10 guardian may use, as proof of residence, the address of:

11 (a) A temporary on-post billeting facility;

12 (b) A purchased or leased home or apartment;

13 (c) Any federal government housing or off-post military housing, including off-
14 post military housing that may be provided through a public-private venture;
15 or

16 (d) A home under contract to be built.

17 (4) A child who utilizes this section shall not, until actual attendance or enrollment in
18 the school district:

19 (a) Count for the purposes of average daily ~~membership~~^{attendance} as defined in
20 Sections 1 or 4 of this Act~~[KRS 157.320 or 157.350]~~; or

21 (b) Be included in the state assessment and system pursuant to KRS 158.6453 or
22 158.6455.

23 (5) To accommodate for temporary housing, if a child utilizes this section to enroll in a
24 district, but the residence identified in subsection (3) of this section has not yet
25 become available, then the district shall allow the child to enroll and begin
26 attending the district regardless of the child's temporary residence and subsequently
27 be included in the district's calculation of average daily ~~membership~~^{attendance}

1 under *Section 1 of this Act*~~[KRS 157.320]~~, for a period of up to one (1) year from
 2 the parent's or guardian's reporting-for-duty date or separation date before being
 3 considered a resident of another district.

4 ➔Section 15. KRS 159.090 is repealed, reenacted, and amended to read as
 5 follows:

6 Two (2) or more contiguous school districts may unite to form one (1)
 7 *membership*~~[attendance]~~ district and the superintendent of schools of the districts shall
 8 appoint directors of pupil personnel as are necessary. The salary of directors of pupil
 9 personnel in united districts shall be borne by the employing boards in the proportion that
 10 the average daily *membership*~~[attendance]~~ of each district bears to the total average daily
 11 *membership*~~[attendance]~~ of the united district.

12 ➔Section 16. KRS 160.107 is repealed, reenacted, and amended to read as
 13 follows:

14 (1) A district which is an applicant to be designated as a district of innovation under
 15 KRS 156.108 shall:

16 (a) Establish goals and performance targets for the district of innovation proposal,
 17 which may include:

- 18 1. Reducing achievement gaps for groups of public school students by
 19 expanding learning experiences for students who are identified as
 20 academically low-achieving;
- 21 2. Increasing pupil learning through the implementation of high, rigorous
 22 standards for pupil performance;
- 23 3. Increasing the participation of students in various curriculum
 24 components and instructional components within selected schools to
 25 enhance students' preparation at each grade level;
- 26 4. Increasing the number of students who are postsecondary-ready; and
- 27 5. Motivating students at different grade levels by offering more

- 1 curriculum choices and student learning opportunities to parents and
2 students within the district;
- 3 (b) Identify changes needed in the district and schools to lead to better-prepared
4 students for success in life and work;
- 5 (c) Have a district-wide plan of innovation that describes and justifies which
6 schools and innovative practices will be incorporated;
- 7 (d) Provide documentation of community, educator, parental, and the local
8 board's support of the proposed innovations;
- 9 (e) Provide detailed information regarding the rationale of requests for waivers
10 from Kentucky Revised Statutes and administrative regulations, and
11 exemptions for selected schools regarding waivers of local board of education
12 policies;
- 13 (f) Document the fiscal and human resources the board will provide throughout
14 the term of the implementation of the innovations within its plan; and
- 15 (g) Provide other materials as required by the Kentucky Department of Education
16 in compliance with the state board's administrative regulations and application
17 procedures.
- 18 (2) The district and all schools participating in a district's innovation plan shall:
- 19 (a) Ensure the same health, safety, civil rights, and disability rights requirements
20 as are applied to all public schools;
- 21 (b) Ensure students meet compulsory attendance requirements under **Section 11**
22 **of this Act and** KRS ~~[158.030 and]~~ 158.100;
- 23 (c) Ensure that high school course offerings meet or exceed the minimum
24 required under KRS 156.160 for high school graduation or meet early
25 graduation requirements that may be enacted by the General Assembly;
- 26 (d) Ensure the student performance standards meet or exceed those adopted by
27 the Kentucky Board of Education, including compliance with the statewide

- 1 assessment system specified in KRS 158.6453;
- 2 (e) Adhere to the same financial audits, audit procedures, and audit requirements
3 as are applied under KRS 156.265;
- 4 (f) Require state and criminal background checks for staff and volunteers as
5 required of all public school employees and volunteers within the public
6 schools and specified in KRS 160.380 and 161.148;
- 7 (g) Comply with open records and open meeting requirements under KRS
8 Chapter 61;
- 9 (h) Comply with purchasing requirements and limitations under KRS Chapter
10 45A and KRS 156.074 and 156.480;
- 11 (i) Provide overall instructional time that is equivalent to or greater than that
12 required under Section 12 of this Act [~~KRS 158.070~~], but which may include
13 on-site instruction, distance or virtual learning, and work-based learning on
14 nontraditional school days or hours; and
- 15 (j) Provide data to the Kentucky Department of Education as deemed necessary
16 to generate school and district reports.
- 17 (3) (a) Only schools that choose to be designated as schools of innovation shall be
18 included in a district's application.
- 19 (b) 1. As used in this paragraph, "eligible employees" means employees that
20 are regularly employed at the school and those employees whose
21 primary job duties will be affected by the plan.
- 22 2. A vote shall be taken among eligible employees in a school to determine
23 if the school shall be an applicant as a school of innovation in a district's
24 proposal and to approve the school's plan of innovation before it is
25 submitted to the district. At least seventy percent (70%) of those casting
26 votes shall vote in the affirmative in order for the school to request
27 inclusion in the district's plan and to approve the school's plan of

1 innovation.

2 3. The school-based decision making council shall be responsible for
3 conducting the vote provided for in subparagraph 2. of this paragraph,
4 which shall be by secret ballot.

5 (c) Notwithstanding the provisions of paragraph (a) of this subsection, a local
6 board of education may require a school that has been identified for
7 comprehensive support and improvement under KRS 160.346 to participate in
8 the district's plan of innovation.

9 (4) (a) With approval of the state board, a school of innovation may request and be
10 granted waivers from all or selected provisions of Section 19 of this Act~~[KRS~~
11 ~~160.345]~~ relating to school-based decision making.

12 (b) To be exempt from Section 19 of this Act~~[KRS 160.345]~~, a school-based
13 decision making council shall vote by secret ballot to determine if it wishes to
14 request a waiver from Section 19 of this Act~~[KRS 160.345]~~ or specific
15 provisions within that statute. Only a school that has seventy percent (70%) or
16 more of the teachers and staff in the school voting to waive its rights and
17 responsibilities under Section 19 of this Act~~[KRS 160.345]~~ shall be eligible.

18 (c) No local board of education or superintendent nor the Kentucky Board of
19 Education may compel a school to waive its rights under Section 19 of this
20 Act~~[KRS 160.345]~~, except as provided in KRS 160.346.

21 (d) Before the provisions of Section 19 of this Act~~[KRS 160.345]~~ are waived by
22 the Kentucky Board of Education for a specific school, there shall be
23 assurances that teachers, parents, and staff in the affected school will be
24 actively involved in the management and decision-making operations of the
25 schools, including input into employment matters and selection of personnel.

26 (5) Notwithstanding any statutes to the contrary, the Kentucky Board of Education may
27 approve the requests of districts of innovation to:

- 1 (a) Use capital outlay funds for operational costs;
- 2 (b) Hire persons for classified positions in nontraditional school and district
3 assignments who have bachelor's and advanced degrees from postsecondary
4 education institutions accredited by a regional accrediting association as
5 defined in KRS 164.740;
- 6 (c) Employ teachers on extended employment contracts or extra duty contracts
7 and compensate them on a salary schedule other than the single salary
8 schedule;
- 9 (d) Extend the school days as is appropriate within the district with compensation
10 for the employees as determined locally;
- 11 (e) Establish alternative education programs and services that are delivered in
12 nontraditional hours and which may be jointly provided in cooperation with
13 another school district or consortia of districts;
- 14 (f) Establish a virtual school within the district for delivering alternative classes
15 to meet high school graduation requirements;
- 16 (g) Use a flexible school calendar;
- 17 (h) Convert existing schools into schools of innovation; and
- 18 (i) Modify the formula under subsection (2) of Section 5 of this Act~~KRS~~
19 ~~157.360(2)~~ for distributing support education excellence in Kentucky funds
20 for students in average daily membership~~[attendance]~~ in nontraditional
21 programming time, including alternative programs and virtual programs.
22 Funds granted to a district shall not exceed those that would have otherwise
23 been distributed based on average daily membership~~[attendance]~~ during
24 regular instructional days.

25 ➔Section 17. KRS 160.1590 is amended to read as follows:

26 As used in KRS 160.1590 to 160.1599:

- 27 (1) "Achievement gap" means the difference between performance goals and actual

- 1 performance on state standardized examinations and other academic performance
2 measures for subgroups of students, especially groups defined by socioeconomic
3 status, race, and ethnicity;
- 4 (2) "Applicant" means an eligible person or persons, organization, or entity that seeks
5 approval from a charter school authorizer to establish a public charter school;
- 6 (3) "Charter application" means a proposal from an applicant to an authorizer to enter
7 into a charter contract whereby the proposed school obtains public charter school
8 status;
- 9 (4) "Charter contract" or "contract" means a fixed-term, renewable contract between a
10 charter school and an authorizer that identifies the roles, powers, responsibilities,
11 and performance expectations for each party to the contract pursuant to KRS
12 160.1596;
- 13 (5) "Charter school board of directors" means the independent board of a public charter
14 school that is party to the charter contract with the authorizer and whose members
15 have been elected or selected pursuant to the school's application;
- 16 (6) "Conversion public charter school" means a public charter school that existed as a
17 noncharter public school prior to becoming a public charter school;
- 18 (7) "District of location" means the public school district in which a public charter
19 school is physically located;
- 20 (8) "Education service provider" means an education management organization, school
21 design provider, or any other partner entity with which a public charter school
22 contracts for educational design, implementation, or comprehensive management;
- 23 (9) "Local school board" or "local board" means a school board exercising management
24 and control of a local school district;
- 25 (10) "Local school district" means a county or independent school district as identified
26 in KRS 160.010 and 160.020;
- 27 (11) "Parent" means a parent, guardian, or other person or entity having legal custody of

- 1 a child;
- 2 (12) "Proportionate per pupil basis" means multiplying an amount of funds by a fraction,
3 with the numerator being the average daily membership~~[attendance]~~ of the public
4 charter school, and the denominator being the average daily
5 membership~~[attendance]~~ of the school district of location;
- 6 (13) "Proportionate per pupil transported basis" means multiplying an amount of funds
7 by a fraction, with the numerator being the aggregate daily attendance of students
8 transported by a public charter school, and the denominator being the aggregate
9 daily attendance of students transported by the school district of location;
- 10 (14) "Public charter school" means a public school that:
- 11 (a) Is a public body corporate and politic, exercising public power, including the
12 power in name to contract and be contracted with, sue and be sued, and adopt
13 bylaws not inconsistent with this section;
- 14 (b) Has autonomy over decisions, including but not limited to matters concerning
15 finance, personnel, scheduling, curriculum, and instruction;
- 16 (c) Is governed by an independent board of directors;
- 17 (d) Is established and operating under the terms of a charter contract between the
18 public charter school's board of directors and its authorizer;
- 19 (e) Is a public school to which parents choose to send their children;
- 20 (f) Is a public school that admits students on the basis of a random and open
21 lottery if more students apply for admission than can be accommodated;
- 22 (g) Offers a comprehensive instructional program to enrolled students;
- 23 (h) Operates in pursuit of a specific set of educational objectives as defined in its
24 charter contract; and
- 25 (i) Operates under the oversight of its authorizer in accordance with its charter
26 contract;
- 27 (15) "Public charter school authorizer" or "authorizer" means an entity or body that

1 reviews, approves, or denies charter applications, enters into charter contracts with
2 applicants, oversees public charter schools, and renews, does not renew, or revokes
3 charter contracts. Authorizers shall include:

4 (a) A local school board of a local school district, which shall only have authority
5 to approve charter applications within the boundaries of its district;

6 (b) A collaborative among local school boards that forms to set up a regional
7 public charter school to be located within the area managed and controlled by
8 those local school boards;

9 (c) The mayor of a consolidated local government, who shall be considered an
10 authorizer governing board for the purposes of KRS 160.1590 to 160.1599
11 and who may only authorize public charter schools to be physically located
12 within the county in which the city is located and who has submitted a written
13 notice to the state board that he or she intends to serve as an authorizer; and

14 (d) The chief executive officer of an urban-county government, who shall be
15 considered an authorizer governing board for the purposes of KRS 160.1590
16 to 160.1599 and who may only authorize public charter schools to be
17 physically located within the county in which the city is located and who has
18 submitted a written notice to the state board that he or she intends to serve as
19 an authorizer;

20 (16) "Qualified teacher" means a person certified by the Education Professional
21 Standards Board pursuant to KRS 161.028, 161.030, 161.046, or 161.048;

22 (17) "State board" means the Kentucky Board of Education;

23 (18) "Student" means any child who is eligible for attendance in a public school in
24 Kentucky;

25 (19) "Urban academy" means a public charter school that includes an enrollment
26 preference for students who live in close proximity to the school as defined in the
27 charter contract; and

1 (20) "Virtual public charter school" means a public charter school that offers educational
2 services primarily or completely through an online program.

3 ➔Section 18. KRS 160.1596 is amended to read as follows:

4 (1) (a) For purposes of this section, a member of the board of directors of a public
5 charter school shall be considered an officer under KRS 61.040 and shall,
6 within sixty (60) days of final approval of an application, take an oath of
7 office as required under KRS 62.010.

8 (b) Within seventy-five (75) days of the final approval of an application, the
9 board of directors and the authorizer shall enter into a binding charter contract
10 that establishes the academic and operational performance expectations and
11 measures by which the public charter school will be evaluated.

12 (c) The executed charter contract shall become the final authorization for the
13 public charter school. The charter contract shall include:

- 14 1. The term of the contract;
- 15 2. The agreements relating to each item required under KRS 160.1592(3)
16 and 160.1593(3), as modified or supplemented during the approval
17 process;
- 18 3. The rights and duties of each party;
- 19 4. The administrative relationship between the authorizer and the public
20 charter school;
- 21 5. The allocation of state, local, and federal funds, and the schedule to
22 disburse funds to the public charter school by the authorizer;
- 23 6. The process the authorizer will use to provide ongoing oversight,
24 including a process to conduct annual site visits;
- 25 7. The specific commitments of the public charter school authorizer
26 relating to its obligations to oversee, monitor the progress of, and
27 supervise the public charter school;

- 1 8. The process and criteria the authorizer will use to annually monitor and
2 evaluate the overall academic, operating, and fiscal conditions of the
3 public charter school, including the process the authorizer will use to
4 oversee the correction of any deficiencies found in the annual review;
- 5 9. The process for revision or amendment to the terms of the charter
6 contract agreed to by the authorizer and the board of directors of the
7 public charter school;
- 8 10. The process agreed to by the authorizer and the board of directors of the
9 public charter school that identifies how disputes between the authorizer
10 and the board will be handled; and
- 11 11. Any other terms and conditions agreed to by the authorizer and the
12 board of directors, including pre-opening conditions. Reasonable
13 conditions shall not include enrollment caps or operational requirements
14 that place undue constraints on a public charter school or are
15 contradictory to the provisions of KRS 160.1590 to 160.1599 and
16 161.141. Such conditions, even when incorporated in a charter contract,
17 shall be considered unilaterally imposed conditions.
- 18 (d) 1. The performance provisions within a charter contract shall be based on a
19 performance framework that sets forth the academic and operational
20 performance indicators, measures, and metrics to be used by the
21 authorizer to evaluate each public charter school. The performance
22 framework shall include at a minimum indicators, measures, and metrics
23 for:
- 24 a. Student academic proficiency;
- 25 b. Student academic growth;
- 26 c. Achievement gaps in both student proficiency and student growth
27 for student subgroups, including race, sex, socioeconomic status,

- 1 and areas of exceptionality;
- 2 d. Student attendance;
- 3 e. Student suspensions;
- 4 f. Student withdrawals;
- 5 g. Student exits;
- 6 h. Recurrent enrollment from year to year;
- 7 i. College or career readiness at the end of grade twelve (12);
- 8 j. Financial performance and sustainability; and
- 9 k. Board of directors' performance and stewardship, including
- 10 compliance with all applicable statutes, administrative regulations,
- 11 and terms of the charter contract.
- 12 2. The performance framework shall allow the inclusion of additional
- 13 rigorous, valid, and reliable indicators proposed by a public charter
- 14 school to augment external evaluations of its performance. The proposed
- 15 indicators shall be consistent with the purposes of KRS 160.1590 to
- 16 160.1599 and 161.141 and shall be negotiated with the authorizer.
- 17 3. The performance framework shall require the disaggregation of student
- 18 performance data by subgroups, including race, sex, socioeconomic
- 19 status, and areas of exceptionality.
- 20 4. The authorizer shall be responsible for collecting, analyzing, and
- 21 reporting to the state board all state-required assessment and
- 22 achievement data for each public charter school it oversees.
- 23 (e) Annual student achievement performance targets shall be set, in accordance
- 24 with the state accountability system, by each public charter school in
- 25 conjunction with its authorizer, and those measures shall be designed to help
- 26 each school meet applicable federal, state, and authorizer goals.
- 27 (f) The charter contract shall be signed by the chair of the governing board of the

1 authorizer and the chair of the board of directors of the public charter school.

2 An approved charter application shall serve as a charter contract for the public
3 charter school.

4 (g) No public charter school may commence operations without a charter contract
5 executed according to this section and approved in an open meeting of the
6 governing board of the authorizer.

7 (2) Within five (5) days after entering into a charter contract, a copy of the executed
8 contract shall be submitted by the authorizer to the commissioner of education.

9 (3) For the purposes of local and state funding, a public charter school shall serve as a
10 school of the district of location.

11 (4) For the purposes of federal funding, a public charter school shall serve as a local
12 education agency.

13 (5) All students enrolled in a public charter school shall be included in the average
14 daily ~~membership~~^{attendance} calculation under KRS 157.360 and the aggregate
15 and average daily ~~membership~~^{attendance} of transported pupils calculation under
16 KRS 157.370 of the district of location in the same manner as any other public
17 schools in the district and shall be reported by the public charter schools to the
18 school district and state Department of Education for purposes of calculating the
19 state and local share of funding for each public charter school.

20 (6) Notwithstanding the formula for allocating district funds under KRS 160.345(8)
21 and any other statute governing a district's funding of schools, unless an authorizing
22 district agrees to provide a larger sum of funding in the charter contract, after local
23 capital outlay funds that are restricted in use pursuant to KRS 157.420(4) and funds
24 under KRS 157.440(1)(b) and 157.621 necessary to meet debt service obligations
25 on bonds or other financing mechanisms for new construction and renovation
26 projects for school facilities are excluded, and before any other funds are budgeted
27 for district use, a district shall transfer to each of the public charter schools located

1 within the district:

2 (a) The amount that is proportional to the public charter school's enrollment or
3 average daily ~~membership~~^{attendance} in comparison with the overall district
4 qualifying numbers for:

- 5 1. Funds that are related to students' attendance and enrollment and
6 allocated to the district of location pursuant to KRS 157.360;
- 7 2. Any add-on or funding factors provided for in the state budget;
- 8 3. Any add-on or funding factors provided for by the Kentucky
9 Department of Education; and
- 10 4. Funds pursuant to KRS 157.360(2)(a) and (b) and (13)(a).

11 For each funding source identified in this paragraph, the transfer amount shall
12 be based on the public charter school's qualifying student enrollment or
13 average daily ~~membership~~^{attendance}, depending on the method used in the
14 funding source's calculation;

15 (b) On a proportionate per pupil basis:

- 16 1. Education funds allocated to the school district pursuant to KRS
17 157.440(1)(a) and (2)(a), or pursuant to any applicable federal statute;
18 and
- 19 2. All taxes and payments in lieu of taxes transferred to the district of
20 location or levied and collected by the district of location; and

21 (c) On a proportionate per pupil transported basis, transportation funds calculated
22 pursuant to KRS 157.360(2)(c) and 157.370 and distributed to the district of
23 location, unless the school district provides transportation to students
24 attending the public charter school under written terms agreed upon by the
25 district and the public charter school in either the charter contract or, if the
26 district is not the public charter school's authorizer, a separate agreement.

27 (7) (a) If transportation funds are transferred under this section to a public charter

1 school, then the public charter school receiving those funds shall provide
2 transportation services to the enrolled students residing within the district of
3 location.

4 (b) If funds designated for providing additional services to specific students are
5 transferred under this section, then the public charter school receiving those
6 funds shall provide those services in the same manner as the district of
7 location.

8 (c) If transportation services are not provided by the public charter school and no
9 written agreement to provide transportation services with the district of
10 location exists, then no transportation funds shall be transferred and the
11 district of location shall not be responsible for providing transportation to the
12 public charter school's students.

13 (8) Notwithstanding the identification of funds to be transferred in this section, a
14 collaborative among local school boards authorizing a public charter school may
15 negotiate among the local boards and a charter applicant to identify the amount of
16 funds to be transferred to the public charter school. The agreement shall be detailed
17 in the charter contract.

18 (9) (a) For the calculation of amounts under subsections (6) and (7) of this section
19 during the first school year of operation of a public charter school in a school
20 district, beginning with the start of instruction:

21 1. The public charter school's average daily ~~membership~~^{attendance} shall
22 be calculated based on a projection of the public charter school's
23 enrollment and the district's overall average daily
24 ~~membership~~^{attendance};

25 2. The public charter school's aggregate daily attendance of students
26 transported shall be calculated based on a projection of the public
27 charter school's enrollment and transportation plan and the district's

- 1 overall aggregate daily attendance of students transported; and
- 2 3. The amounts attributable to each individual student's attendance at the
- 3 public charter school shall be calculated based on a projection of the
- 4 public charter school's enrollment and demographics and the district's
- 5 overall enrollment and demographics.
- 6 (b) The calculations shall be adjusted in January of the first school year of
- 7 operation to reflect the first semester's actual data. Subsequent years of
- 8 operation shall be calculated using actual data from the prior school year.
- 9 (10) (a) Funds identified for transfer under this section shall be transferred by a district
- 10 of location to each of the public charter schools located within the district.
- 11 However, up to three percent (3%) of the funds identified under this section
- 12 for transfer to a public charter school may be retained by an authorizer as an
- 13 authorizer fee.
- 14 (b) If the authorizer of a public charter school does not include the local board of
- 15 education of the district of location, then the district of location shall transfer
- 16 the authorizer fee to the public charter school's authorizer.
- 17 (c) If the Kentucky Board of Education requires the authorization of a public
- 18 charter school on appeal from an authorizer, the board shall receive twenty-
- 19 five percent (25%) of the authorizing fee for the duration of joint oversight
- 20 required by KRS 160.1595.
- 21 (11) Funds identified for transfer by a district of location to a public charter school under
- 22 this section shall be transferred throughout the school year according to a schedule
- 23 determined by the state board. The scheduled dates shall be within thirty (30) days
- 24 of the dates of state disbursement of funds to school districts. Failure to transfer
- 25 required funds shall, for every five (5) days late, result in a fine to the violator of
- 26 not less than five percent (5%) of the total funds per funding period to be
- 27 transferred. Fines imposed shall be transferred to the public charter school affected

1 by the delay.

2 (12) A public charter school shall be eligible for federal and state competitive grants and
3 shall not be excluded from an opportunity to apply or participate so long as the
4 public charter school meets the criteria established for the respective grants. Each
5 public charter school that receives grant aid shall comply with all requirements to
6 receive such aid.

7 (13) A public charter school shall receive a proportionate per pupil share of any state
8 moneys not otherwise identified in this section that is received by the school district
9 of location. The public charter school shall also receive, according to federal law,
10 moneys generated under federal categorical aid programs for students that are
11 eligible for the aid and attending the public charter school. Each public charter
12 school that receives such aid shall comply with all requirements to receive such aid.

13 (14) The commissioner of education shall apply for all federal funding that supports
14 charter school initiatives for which a state must be the applicant and shall cooperate
15 with any public charter school in its efforts to seek federal funding.

16 (15) If a public charter school closes for any reason, the assets of the school shall be
17 distributed first to satisfy outstanding payroll obligations for employees of the
18 school, then to the creditors of the school, then to the district of location or
19 authorizing districts if authorized by a collaborative of local boards of education. If
20 the assets are insufficient to satisfy outstanding obligations, the authorizer shall
21 petition to Circuit Court of the county in which the public charter school is located
22 to prioritize the distribution of assets.

23 (16) The state board shall promulgate administrative regulations to:

24 (a) Establish the process to be used to evaluate the performance of a charter
25 school authorizer, based upon the requirements of KRS 160.1590 to 160.1599
26 and 161.141, and the actions to be taken in response to failures in
27 performance; and

1 (b) Govern the calculation and distribution of funds due to public charter schools
2 from school districts, the schedule of distribution of funds, and the imposition
3 of fines for late distribution of funds.

4 (17) By August 31, 2023, and annually thereafter, each public charter school authorizer
5 shall submit to the commissioner of education, the secretary of the Education and
6 Labor Cabinet, and the Interim Joint Committee on Education a report to include:

7 (a) The names of each public charter school operating under contract with the
8 authorizer during the previous academic year that:

- 9 1. Closed during or after the academic year; or
- 10 2. Had the contract nonrenewed or revoked;

11 (b) The names of each public charter school operating under contract with the
12 authorizer during the previous academic year that have not yet begun to
13 operate;

14 (c) The number of applications received, the number reviewed, and the number
15 approved;

16 (d) A summary of the academic and financial performance of each public charter
17 school operated under contract with the authorizer during the previous
18 academic year; and

19 (e) The authorizing duties and functions performed by the authorizer during the
20 previous academic year.

21 ➔Section 19. KRS 160.345 is repealed, reenacted, and amended to read as
22 follows:

23 (1) For the purpose of this section:

24 (a) "Minority" means American Indian; Alaskan native; African-American;
25 Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or
26 South American origin; Pacific islander; or other ethnic group
27 underrepresented in the school;

- 1 (b) "School" means an elementary or secondary educational institution that is
2 under the administrative control of a principal and is not a program or part of
3 another school. The term "school" does not include district-operated schools
4 that are:
- 5 1. Exclusively vocational-technical, special education, or preschool
6 programs;
 - 7 2. Instructional programs operated in institutions or schools outside of the
8 district; or
 - 9 3. Alternative schools designed to provide services to at-risk populations
10 with unique needs;
- 11 (c) "Teacher" means any person for whom certification is required as a basis of
12 employment in the public schools of the state, with the exception of principals
13 and assistant principals; and
- 14 (d) "Parent" means:
- 15 1. A parent, stepparent, or foster parent of a student; or
 - 16 2. A person who has legal custody of a student pursuant to a court order
17 and with whom the student resides.
- 18 (2) Each local board of education shall adopt a policy for implementing school-based
19 decision making in the district which shall include but not be limited to a
20 description of how the district's policies, including those developed pursuant to
21 KRS 160.340, have been amended to allow the professional staff members of a
22 school to be involved in the decision-making process as they work to meet
23 educational goals established in KRS 158.645 and 158.6451. The policy may
24 include a requirement that each school council make an annual report at a public
25 meeting of the board describing the school's progress in meeting the educational
26 goals set forth in KRS 158.6451 and district goals established by the board. The
27 policy shall also address and comply with the following:

1 (a) Except as provided in paragraph (b)2. of this subsection, each participating
2 school shall form a school council composed of two (2) parents, three (3)
3 teachers, and the principal or administrator. The membership of the council
4 may be increased, but it may only be increased proportionately. A parent
5 representative on the council shall not be an employee or a relative of an
6 employee of the school in which that parent serves, nor shall the parent
7 representative be an employee or a relative of an employee in the district
8 administrative offices. A parent representative shall not be a local board
9 member or a board member's spouse. None of the members shall have a
10 conflict of interest pursuant to KRS Chapter 45A, except the salary paid to
11 district employees;

12 (b) 1. The teacher representatives shall be elected for one (1) year terms by a
13 majority of the teachers. A teacher elected to a school council shall not
14 be involuntarily transferred during his or her term of office. The parent
15 representatives shall be elected for one (1) year terms. The parent
16 members shall be elected by the parents of students preregistered to
17 attend the school during the term of office in an election conducted by
18 the parent and teacher organization of the school or, if none exists, the
19 largest organization of parents formed for this purpose. Council
20 elections may allow voting to occur over multiple days and via
21 electronic means. A school council, once elected, may adopt a policy
22 setting different terms of office for parent and teacher members
23 subsequently elected. The principal shall be the chair of the school
24 council.

25 2. School councils in schools having eight percent (8%) or more minority
26 students enrolled, as determined by the enrollment on the preceding
27 October 1, shall have at least one (1) minority member. If the council

1 formed under paragraph (a) of this subsection does not have a minority
2 member, the principal, in a timely manner, shall be responsible for
3 carrying out the following:

4 a. Organizing a special election to elect an additional member. The
5 principal shall call for nominations and shall notify the parents of
6 the students of the date, time, and location of the election to elect a
7 minority parent to the council by ballot; and

8 b. Allowing the teachers in the building to select one (1) minority
9 teacher to serve as a teacher member on the council. If there are no
10 minority teachers who are members of the faculty, an additional
11 teacher member shall be elected by a majority of all teachers.
12 Term limitations shall not apply for a minority teacher member
13 who is the only minority on faculty;

14 (c) 1. The school council shall have the responsibility to set school policy that
15 shall be consistent with district board policy and which shall provide an
16 environment to enhance the students' achievement and help the school
17 meet the goals established by KRS 158.645 and 158.6451 and goals for
18 the district established by the board. The principal shall be the primary
19 administrator and the instructional leader of the school, and with the
20 assistance of the total school staff shall administer the policies
21 established by the school council and the local board.

22 2. If a school council establishes committees, it shall adopt a policy to
23 facilitate the participation of interested persons, including, but not
24 limited to, classified employees and parents. The policy shall include the
25 number of committees, their jurisdiction, composition, and the process
26 for membership selection;

27 (d) The school council and each of its committees shall determine the frequency

1 of and agenda for their meetings. Matters relating to formation of school
2 councils that are not provided for by this section shall be addressed by local
3 board policy;

4 (e) The meetings of the school council shall be open to the public and all
5 interested persons may attend. However, the exceptions to open meetings
6 provided in KRS 61.810 shall apply;

7 (f) After receiving notification of the funds available for the school from the local
8 board, the school council shall determine, within the parameters of the total
9 available funds, the number of persons to be employed in each job
10 classification at the school. The council may make personnel decisions on
11 vacancies occurring after the school council is formed but shall not have the
12 authority to recommend transfers or dismissals;

13 (g) The local superintendent shall determine which curriculum, textbooks,
14 instructional materials, and student support services shall be provided in the
15 school after consulting with the local board of education, the school principal,
16 and the school council and after a reasonable review and response period for
17 stakeholders in accordance with local board of education policy. Subject to
18 available resources, the local board shall allocate an appropriation to each
19 school that is adequate to meet the school's needs related to instructional
20 materials and school-based student support services, as determined by the
21 school principal after consultation with the school council. The school council
22 shall consult with the school media librarian on the maintenance of the school
23 library media center, including the purchase of instructional materials,
24 information technology, and equipment;

25 (h) Personnel decisions at the school level shall be as follows:

26 1. From a list of qualified applicants submitted by the local superintendent,
27 the principal at the participating school shall select personnel to fill

1 vacancies, after consultation with the school council, consistent with
 2 paragraph (i)11. of this subsection. The superintendent shall provide
 3 additional applicants to the principal upon request when qualified
 4 applicants are available. The superintendent may forward to the school
 5 principal the names of qualified applicants who have pending
 6 certification from the Education Professional Standards Board based on
 7 recent completion of preparation requirements, out-of-state preparation,
 8 or alternative routes to certification pursuant to KRS 161.028 and
 9 161.048. Requests for transfer shall conform to any employer-employee
 10 bargained contract which is in effect;

- 11 2. If the vacancy to be filled is the position of principal:
- 12 a. The superintendent shall fill the vacancy after consultation with
 - 13 the school council consistent with paragraph (i)11. of this
 - 14 subsection;
 - 15 b. Prior to consultation with the school council, each member shall
 - 16 sign a nondisclosure agreement forbidding the disclosure of
 - 17 information shared and discussions held during consultation;
 - 18 c. A person who believes a violation of the nondisclosure agreement
 - 19 referred to in subdivision b. of this subparagraph has occurred may
 - 20 file a written complaint with the Kentucky Board of Education;
 - 21 and
 - 22 d. A school council member found to have violated the nondisclosure
 - 23 agreement referred to in subdivision b. of this subparagraph may
 - 24 be subject to removal from the school council by the Kentucky
 - 25 Board of Education under subsection (9)(e) of this section;
- 26 3. Notwithstanding subparagraph 2. of this paragraph, if the vacancy to be
- 27 filled is the position of principal in a county school district in a county

1 with a consolidated local government adopted under KRS Chapter 67C,
2 then:

- 3 a. The outgoing principal shall not serve on the council during the
4 principal selection process. The superintendent or the
5 superintendent's designee shall serve as the chair of the council for
6 the purpose of the hiring process and shall have voting rights
7 during the selection process;
- 8 b. The council shall have access to the applications of all persons
9 certified for the position. The principal shall be elected on a
10 majority vote of the membership of the council. The school
11 council shall receive training in recruitment and interviewing
12 techniques prior to carrying out the process of selecting a
13 principal. The council shall select the trainer to deliver the
14 training; and
- 15 c. Notwithstanding the requirement that a principal be elected by a
16 majority vote of the council, the selection of a principal shall be
17 subject to approval by the superintendent. If the superintendent
18 does not approve the principal selected by the council, then the
19 superintendent may select the principal;
- 20 4. No principal who has been previously removed from a position in the
21 district for cause may be considered for appointment as principal in that
22 district;
- 23 5. Personnel decisions made at the school level under the authority of
24 subparagraph 1. of this paragraph shall be binding on the superintendent
25 who completes the hiring process;
- 26 6. Applicants subsequently employed shall provide evidence that they are
27 certified prior to assuming the duties of a position in accordance with

1 KRS 161.020; and

2 7. Notwithstanding other provisions of this paragraph, if the applicant is
3 the spouse of the superintendent and the applicant meets the service
4 requirements of KRS 160.380(3)(a), the applicant shall only be
5 employed upon the recommendation of the principal and the approval of
6 a majority vote of the school council;

7 (i) The school council shall adopt a policy that shall be consistent with local
8 board policy and shall be implemented by the principal in the following
9 additional areas:

- 10 1. Curriculum responsibilities under KRS 158.6453(19);
- 11 2. Assignment of all instructional and noninstructional staff time;
- 12 3. Assignment of students to classes and programs within the school;
- 13 4. Determination of the schedule of the school day and week, subject to the
14 beginning and ending times of the school day and school calendar year
15 as established by the local board;
- 16 5. Determination of use of school space during the school day related to
17 improving classroom teaching and learning;
- 18 6. Planning and resolution of issues regarding instructional practices;
- 19 7. Selection and implementation of discipline and classroom management
20 techniques as a part of a comprehensive school safety plan, including
21 responsibilities of the student, parent, teacher, counselor, and principal;
- 22 8. Selection of extracurricular programs and determination of policies
23 relating to student participation based on academic qualifications and
24 attendance requirements, program evaluation, and supervision;
- 25 9. Adoption of an emergency plan as required in KRS 158.162;
- 26 10. Procedures, consistent with local school board policy, for determining
27 alignment with state standards, technology utilization, and program

1 appraisal; and

2 11. Procedures to assist the council with consultation in the selection of the
3 principal by the superintendent, and the selection of personnel by the
4 principal, including but not limited to meetings, timelines, interviews,
5 review of written applications, and review of references. Procedures
6 shall address situations in which members of the council are not
7 available for consultation; and

8 (j) Each school council shall annually review data as shown on state and local
9 student assessments required under KRS 158.6453. The data shall include but
10 not be limited to information on performance levels of all students tested, and
11 information on the performance of students disaggregated by race, gender,
12 disability, and participation in the federal free and reduced price lunch
13 program. After completing the review of data, each school council, with the
14 involvement of parents, faculty, and staff, shall develop and adopt a plan to
15 ensure that each student makes progress toward meeting the goals set forth in
16 KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan
17 to the superintendent and local board of education for review as described in
18 KRS 160.340. The Kentucky Department of Education shall provide each
19 school council the data needed to complete the review required by this
20 paragraph no later than October 1 of each year. If a school does not have a
21 council, the review shall be completed by the principal with the involvement
22 of parents, faculty, and staff.

23 (3) The policies adopted by the local board to implement school-based decision making
24 shall also address the following:

25 (a) School budget and administration, including: discretionary funds; activity and
26 other school funds; funds for maintenance, supplies, and equipment; and
27 procedures for authorizing reimbursement for training and other expenses;

- 1 (b) Assessment of individual student progress, including testing and reporting of
2 student progress to students, parents, the school district, the community, and
3 the state;
- 4 (c) School improvement plans, including the form and function of strategic
5 planning and its relationship to district planning, as well as the school safety
6 plan and requests for funding from the Center for School Safety under KRS
7 158.446;
- 8 (d) Professional development plans developed pursuant to KRS 156.095;
- 9 (e) Parent, citizen, and community participation including the relationship of the
10 council with other groups;
- 11 (f) Cooperation and collaboration within the district, with other districts, and with
12 other public and private agencies;
- 13 (g) Requirements for waiver of district policies;
- 14 (h) Requirements for record keeping by the school council; and
- 15 (i) A process for appealing a decision made by a school council.
- 16 (4) In addition to the authority granted to the school council in this section, the local
17 board may grant to the school council any other authority permitted by law. The
18 board shall make available liability insurance coverage for the protection of all
19 members of the school council from liability arising in the course of pursuing their
20 duties as members of the council.
- 21 (5) All schools shall implement school-based decision making in accordance with this
22 section and with the policy adopted by the local board pursuant to this section.
23 Upon favorable vote of a majority of the faculty at the school and a majority of at
24 least twenty-five (25) voting parents of students enrolled in the school, a school
25 meeting its goal as determined by the Department of Education pursuant to KRS
26 158.6455 may apply to the Kentucky Board of Education for exemption from the
27 requirement to implement school-based decision making, and the state board shall

1 grant the exemption. The voting by the parents on the matter of exemption from
2 implementing school-based decision making shall be in an election conducted by
3 the parent and teacher organization of the school or, if none exists, the largest
4 organization of parents formed for this purpose. Notwithstanding the provisions of
5 this section, a local school district shall not be required to implement school-based
6 decision making if the local school district contains only one (1) school.

7 (6) The Department of Education shall provide professional development activities to
8 assist schools in implementing school-based decision making. School council
9 members elected for the first time shall complete a minimum of six (6) clock hours
10 of training in the process of school-based decision making, no later than thirty (30)
11 days after the beginning of the service year for which they are elected to serve.
12 School council members who have served on a school council at least one (1) year
13 shall complete a minimum of three (3) clock hours of training in the process of
14 school-based decision making no later than one hundred twenty (120) days after the
15 beginning of the service year for which they are elected to serve. Experienced
16 members may participate in the training for new members to fulfill their training
17 requirement. School council training required under this subsection shall be
18 conducted by trainers endorsed by the Department of Education. By November 1 of
19 each year, the principal through the local superintendent shall forward to the
20 Department of Education the names and addresses of each council member and
21 verify that the required training has been completed. School council members
22 elected to fill a vacancy shall complete the applicable training within thirty (30)
23 days of their election.

24 (7) A school that chooses to have school-based decision making but would like to be
25 exempt from the administrative structure set forth by this section may develop a
26 model for implementing school-based decision making, including but not limited to
27 a description of the membership, organization, duties, and responsibilities of a

1 school council. The school shall submit the model through the local board of
2 education to the commissioner of education and the Kentucky Board of Education,
3 which shall have final authority for approval. The application for approval of the
4 model shall show evidence that it has been developed by representatives of the
5 parents, students, certified personnel, and the administrators of the school and that
6 two-thirds (2/3) of the faculty have agreed to the model.

7 (8) The Kentucky Board of Education, upon recommendation of the commissioner of
8 education, shall adopt by administrative regulation a formula by which school
9 district funds shall be allocated to each school council. Included in the school
10 council formula shall be an allocation for professional development that is at least
11 sixty-five percent (65%) of the district's per pupil state allocation for professional
12 development for each student in average daily ~~membership~~^{attendance} in the
13 school. The school council shall plan professional development in compliance with
14 requirements specified in KRS 156.095, except as provided in KRS 158.649.
15 School councils of small schools shall be encouraged to work with other school
16 councils to maximize professional development opportunities.

17 (9) (a) No board member, superintendent of schools, district employee, or member of
18 a school council shall intentionally engage in a pattern of practice which is
19 detrimental to the successful implementation of or circumvents the intent of
20 school-based decision making to allow the professional staff members of a
21 school and parents to be involved in the decision making process in working
22 toward meeting the educational goals established in KRS 158.645 and
23 158.6451 or to make decisions in areas of policy assigned to a school council
24 pursuant to paragraph (i) of subsection (2) of this section.

25 (b) An affected party who believes a violation of this subsection has occurred
26 may file a written complaint with the Office of Education Accountability. The
27 office shall investigate the complaint and resolve the conflict, if possible, or

- 1 forward the matter to the Kentucky Board of Education.
- 2 (c) The Kentucky Board of Education shall conduct a hearing in accordance with
3 KRS Chapter 13B for complaints referred by the Office of Education
4 Accountability.
- 5 (d) If the state board determines a violation has occurred, the party shall be
6 subject to reprimand. A second violation of this subsection may be grounds
7 for removing a superintendent or a member of a school council from office or
8 grounds for dismissal of an employee for misconduct in office or willful
9 neglect of duty.
- 10 (e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the
11 state board determines a violation of the nondisclosure agreement required by
12 subsection (2)(h)2.b. of this section by a school council member has occurred,
13 the state board shall remove the member from the school council, and the
14 member shall be permanently prohibited from serving on any school council
15 in the district.
- 16 (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or
17 maintain a school-based decision making council and the powers, duties, and
18 authority granted to a school council may be rescinded or the school council's role
19 may be advisory if the commissioner of education or the Kentucky Board of
20 Education takes action under KRS 160.346.
- 21 (11) Each school council of a school containing grades K-5 or any combination thereof,
22 or if there is no school council, the principal, shall develop and implement a
23 wellness policy that includes moderate to vigorous physical activity each day and
24 encourages healthy choices among students. The policy may permit physical
25 activity to be considered part of the instructional day, not to exceed thirty (30)
26 minutes per day, or one hundred and fifty (150) minutes per week. Each school
27 council, or if there is no school council, the principal, shall adopt an assessment tool

1 to determine each child's level of physical activity on an annual basis. The council
2 or principal may utilize an existing assessment program. The Kentucky Department
3 of Education shall make available a list of available resources to carry out the
4 provisions of this subsection. The department shall report to the Legislative
5 Research Commission no later than November 1 of each year on how the schools
6 are providing physical activity under this subsection and on the types of physical
7 activity being provided. The policy developed by the school council or principal
8 shall comply with provisions required by federal law, state law, or local board
9 policy.

10 ➔Section 20. KRS 160.486 is repealed, reenacted, and amended to read as
11 follows:

12 The license fees imposed by authority of KRS 160.482 to 160.488 shall be collected by
13 the fiscal court or its agent, and the proceeds thereof shall be promptly divided and
14 distributed to each school district within the county in proportion to the number of pupils
15 in average daily ~~membership~~^[attendance] in each school district as shown by the most
16 recent statistics certified by the chief state school officer pursuant to KRS 157.310 to
17 157.440. The fees shall be used for any purpose for which other common school funds
18 may be used.

19 ➔Section 21. KRS 160.593 is repealed, reenacted, and amended to read as
20 follows:

21 (1) Any board of education of a school district may, after compliance with the public
22 hearing requirement contained in KRS 160.603, levy school taxes authorized by
23 KRS 160.593 to 160.597, 160.601 to 160.633, and 160.635 to 160.648. The
24 imposition of any tax levied under the provisions of KRS 160.593 to 160.597,
25 160.601 to 160.633, and 160.635 to 160.648 shall be limited to the territory of the
26 school district except as provided in subsection (2) of this section.

27 (2) Two (2) or more boards of education may agree in writing to levy identical school

1 taxes authorized by KRS 160.605 to 160.611, 160.613 to 160.617, and 160.621 to
2 160.633. After the levying in each district so agreeing of a tax under the terms of
3 such agreement, the receipts from said tax shall be held in a common fund and
4 disbursed therefrom to each district on the basis of average daily
5 membership~~[attendance]~~, as set forth in Section 23 of this Act~~[KRS 160.644]~~. Any
6 districts levying taxes under the terms of such an agreement shall be deemed to
7 constitute a combined taxing district for the purposes of reference in KRS Chapter
8 160.

9 ➔Section 22. KRS 160.6152 is repealed, reenacted, and amended to read as
10 follows:

- 11 (1) The superintendent of schools in each school district levying the tax permitted by
12 Section 21 of this Act~~[KRS 160.593]~~ shall, on or before March 31, 2005, provide to
13 the department and to each entity providing utility services within the school
14 district, the boundaries of the school district.
- 15 (2) If the boundaries reported to the department and to each entity providing utility
16 services within the school district change, the superintendent of schools shall report
17 the boundary changes to the department and to each entity providing utility services
18 within the school district.
- 19 (3) The department and entities providing utility services within the school district shall
20 allocate tax payments among the various school districts imposing the taxes
21 authorized by KRS 160.613 and 160.614 in accordance with the most recent
22 boundary information provided by the superintendents, as adjusted by any
23 agreements entered into pursuant to KRS 160.6153. The department and entities
24 providing utility services within a school district shall not be responsible for nor
25 subject to the imposition of penalties or interest relating to, distribution errors
26 resulting from incorrect boundary information provided pursuant to this section,
27 and may rely upon the most recent boundary information and any agreements

1 entered into pursuant to KRS 160.6153 and provided by each superintendent as
2 accurate.

3 (4) If more than one (1) school district board of education within a county levies the
4 taxes permitted under KRS 160.613 or 160.614, the participating districts may
5 choose to allocate the taxes collected and distributed by the department in
6 proportion to the number of pupils in average daily membership~~[attendance]~~ in the
7 participating districts that levy the tax as shown by the final certification by the
8 chief state school officer for the previous school year pursuant to the provisions of
9 KRS 157.310 to 157.440. Implementation of this allocation shall be based on the
10 following provisions:

11 (a) The participating districts shall provide a jointly executed agreement to the
12 department thirty (30) days prior to the first distribution to be so allocated;

13 (b) The agreement shall remain in effect until one (1) of the participating districts
14 notifies the department and any other participating districts by certified mail
15 thirty (30) days prior to the effective date of any change in allocation that the
16 agreement is dissolved; and

17 (c) The department shall make annual adjustments to allocations made pursuant
18 to an agreement entered into under this subsection based upon changes in the
19 number of pupils in average daily membership~~[attendance]~~ in the
20 participating districts as shown by the final certification by the chief state
21 school officer for the previous school year pursuant to the provisions of KRS
22 157.310 to 157.440.

23 (5) If there is a conflict regarding school district boundaries, the department may, until
24 the conflict is resolved, distribute the total tax revenues collected for the districts
25 involved in the conflict proportionately to the districts based upon the average daily
26 membership~~[attendance]~~ in the districts for the previous school year.

27 ➔Section 23. KRS 160.644 is repealed, reenacted, and amended to read as

1 follows:

2 The school taxes and penalties collected under KRS 160.593 to 160.597, 160.601 to
3 160.633, 160.635 to 160.648 shall be distributed to the treasurer of the board of education
4 of the school district. In the event that more than one (1) board of education within the
5 county is participating in one (1) of these tax levies, the funds collected shall be
6 distributed in proportion to the tax rate levied and the number of pupils in average daily
7 membership~~attendance~~ in the participating districts as shown by the final certification
8 by the chief state school officer for the previous school year pursuant to the provisions of
9 KRS 157.310 to 157.440.

10 ➔Section 24. KRS 164.380 is repealed, reenacted, and amended to read as
11 follows:

12 (1) The board of regents of Eastern Kentucky University shall operate, maintain, and
13 serve as the fiscal agent for a model and practice school which shall be an
14 educational laboratory school under the supervision of thoroughly trained and
15 certified education professionals for the purpose of piloting and testing kindergarten
16 through high school educational pedagogies, practices, programs, assessments, and
17 innovations to further the educational mission of the Commonwealth.

18 (2) The model and practice school shall:

19 (a) Be a university-operated public school under the governance of the Eastern
20 Kentucky University board of regents that is separate from any school district;

21 (b) If confirmed by the board of regents, serve as a local education agency for the
22 purposes of federal programs;

23 (c) Be subject to all statutes and regulations applicable to any other subdivision of
24 the university, and to those statutes and regulations identified in this section or
25 those relating to health, safety, and civil rights that are applicable to school
26 districts;

27 (d) Enroll students in grades kindergarten through twelve (12), from any district

- 1 in the Commonwealth, in compliance with the university's nondiscrimination
2 policy and in alignment with the school's research objectives;
- 3 (e) Ensure students meet compulsory attendance requirements under **Section 11**
4 **of this Act and KRS**~~[KRS 158.030 and]~~158.100;
- 5 (f) Ensure high school course offerings meet or exceed the minimum high school
6 requirements established pursuant to KRS 156.160;
- 7 (g) Participate in the assessment and accountability system under KRS Chapter
8 158 in the same manner as a school district and be rated and reported in the
9 same manner as a school district;
- 10 (h) Use the same system for recording student information data as utilized by
11 local school districts across the state in the same manner as a school district;
- 12 (i) Be subject to the same statutes requiring or authorizing criminal background
13 checks and clear CA/N checks as specified in KRS 160.380 and 161.148 in
14 the same manner as a school district;
- 15 (j) Provide instructional time that is at least equivalent to the student instructional
16 year specified in **Section 12 of this Act**~~[KRS 158.070]~~;
- 17 (k) Be eligible to participate in the education technology funding program under
18 the same conditions as a district under KRS 157.655 and 157.665;
- 19 (l) Provide sufficient data to the Department of Education to generate school
20 report cards under KRS 158.6453;
- 21 (m) Unless otherwise prevented by state or federal law, be eligible to apply for or
22 participate in any state grant programs offered to school districts;
- 23 (n) Be eligible to participate in alternative educator certification, educator rank
24 change, and educator internship programs in the same manner as a school
25 district; and
- 26 (o) Be eligible to participate in state-sponsored interscholastic athletics, academic
27 programs, competitions, awards, scholarships, and recognition programs for

1 students, educators, administrators, and schools to the same extent, and
2 subject to the same conditions, as any other public school or individual.

3 (3) The board of regents shall adopt model and practice school policies to:

4 (a) Develop and identify the research objectives to be conducted in the school
5 that shall respond to the education needs within the Commonwealth and may
6 be coordinated with the Department of Education, the Education Professional
7 Standards Board, other academic colleges at Eastern Kentucky University,
8 other universities or state agencies, or as directed by the General Assembly;

9 (b) Govern the conduct of research at the school by the university and other
10 research partners;

11 (c) Establish tuition and fees, if any, for student enrollment. The policy shall
12 include that no student who would qualify under federal law for free or
13 reduced-price lunch shall be required to pay fees and no student shall be
14 required to pay additional tuition or fees for exceptional education services;

15 (d) Establish enrollment guidelines that reflect the school's research objectives
16 and may include a maximum enrollment cap of students residing in a local
17 school district through an agreement entered into with the district's local board
18 of education;

19 (e) Provide for the operation and management of the school, which shall include
20 establishing the guidelines for the selection, implementation, and procurement
21 of instructional programs, resources, materials, technology, and textbooks;
22 and

23 (f) Issue high school diplomas to students who meet the state graduation
24 requirements established pursuant to KRS 156.160.

25 (4) The Eastern Kentucky University board of regents shall establish a model and
26 practice school advisory council to provide general oversight and guidance for the
27 operation of the school.

- 1 (a) The advisory council shall be composed of:
- 2 1. The superintendent of the school, who shall serve as chair;
- 3 2. One (1) member who shall be a faculty member working at the school;
- 4 3. Two (2) members who shall be faculty working outside of the school;
- 5 4. Two (2) members who shall be residing in counties in which students
- 6 attending the school reside;
- 7 5. Two (2) members who shall be parents of students attending the school;
- 8 and
- 9 6. One (1) member who shall be a secondary student at the school.
- 10 (b) Other than the superintendent, all members of the advisory council shall be
- 11 appointed by the president of the university for two (2) year terms beginning
- 12 on July 1 and any vacancy shall be filled in the same manner for the balance
- 13 of the unexpired term.
- 14 (c) The council shall annually elect a vice chair at the first meeting of the school
- 15 year.
- 16 (d) Council members shall not receive a per diem for their service but may be
- 17 reimbursed for travel related expenses according to policies adopted by the
- 18 board of regents.
- 19 (e) The council shall advise the superintendent, president, and board of regents on
- 20 matters relating to the function of the school and shall:
- 21 1. Meet at least quarterly;
- 22 2. Review and provide feedback on the strategic plan of the school;
- 23 3. Review and provide feedback on the results of student performance,
- 24 programs and initiatives, and the implementation of the strategic plan;
- 25 4. Provide recommendations on programming and research; and
- 26 5. Provide feedback to the president on the performance of administrative
- 27 team members of the school.

- 1 (5) The average daily membership~~[attendance]~~ of the students attending the model and
2 practice school shall be included in the average daily membership~~[attendance]~~ of
3 the students' districts of residence for the purpose of determining equalization under
4 KRS 157.440(1)(a) and (b) and Section 9 of this Act~~[KRS 157.621]~~. The
5 Department of Education shall also grant a district of residence a deduction for each
6 of the district's students attending the model and practice school that adjusts the
7 calculation under subsection (5) of Section 7 of this Act~~[KRS 157.390(5)]~~ of the
8 district's amount of local tax revenues generated for school purposes.
- 9 (6) The superintendent of the model and practice school and the commissioner of
10 education shall collaborate on the identification of research initiatives for the model
11 and practice school that may be relevant to the Commonwealth.
- 12 (7) All personnel of the model and practice school shall be university employees and
13 shall be hired and employed subject to the university's policies and procedures.
- 14 (8) Nothing in this section shall prohibit the superintendent or other model and practice
15 school personnel from serving in other roles within the university. School personnel
16 shall possess appropriate certifications and licenses as determined by the Education
17 Professional Standards Board. However, school personnel shall be subject to the
18 university's promotion, compensation, and tenure policies and other personnel
19 policies adopted by the board of regents.
- 20 ➔Section 25. This Act takes effect July 1, 2024.