

1 AN ACT relating to school calendars.

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

3 ➔Section 1. KRS 158.070 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Election" has the same meaning as in KRS 121.015;

6 (b) "Minimum school term" or "school term" means not less than one hundred  
7 eighty-five (185) days composed of the student attendance days, teacher  
8 professional days, and holidays;

9 (c) "School calendar" means the document adopted by a local board of education  
10 that establishes the minimum school term, student instructional year~~[or~~  
11 ~~variable student instructional year]~~, and days that school will not be in  
12 session;

13 (d) "School district calendar committee" means a committee that includes at least  
14 the following:

15 1. One (1) school district principal;

16 2. One (1) school district office administrator other than the  
17 superintendent;

18 3. One (1) member of the local board of education;

19 4. Two (2) parents of students attending a school in the district;

20 5. One (1) school district elementary school teacher;

21 6. One (1) school district middle or high school teacher;

22 7. Two (2) school district classified employees; and

23 8. Two (2) community members from the local chamber of commerce,  
24 business community, or tourism commission;

25 (e) "Student attendance day" means any day that students are scheduled to be at  
26 school to receive instruction, and encompasses the designated start and  
27 dismissal time;

- 1 (f) "Student instructional year" means at least one thousand sixty-two (1,062)  
 2 hours of instructional time for students delivered on not less than the number  
 3 of one hundred seventy (170) student attendance days adopted by the local  
 4 board of education; and
- 5 (g) "Teacher professional day" means any day teachers are required to report to  
 6 work as determined by a local board of education, with or without the  
 7 presence of students~~;~~ and
- 8 ~~(h) "Variable student instructional year" means at least one thousand sixty two~~  
 9 ~~(1,062) hours of instructional time delivered on the number of student~~  
 10 ~~attendance days adopted by a local board of education which shall be~~  
 11 ~~considered proportionally equivalent to one hundred seventy (170) student~~  
 12 ~~attendance days and calendar days for the purposes of a student instructional~~  
 13 ~~year, employment contracts that are based on the school term, service credit~~  
 14 ~~under KRS 161.500, and funding under KRS 157.350].~~
- 15 (2) (a) The local board of education, upon recommendation of the local school  
 16 district superintendent, shall annually appoint a school district calendar  
 17 committee to review, develop, and recommend school calendar options.
- 18 (b) The school district calendar committee, after seeking feedback from school  
 19 district employees, parents, and community members, shall recommend  
 20 school calendar options to the local school district superintendent for  
 21 presentation to the local board of education. The committee's  
 22 recommendations shall comply with state laws and regulations and consider  
 23 the economic impact of the school calendar on the community and the state.
- 24 (c) Prior to adopting a school calendar, the local board of education shall hear for  
 25 discussion the school district calendar committee's recommendations and the  
 26 recommendation of the superintendent at a meeting of the local board of  
 27 education.

1 (d) During a subsequent meeting of the local board of education, the local board  
2 shall adopt a school calendar for the upcoming school year that establishes the  
3 opening and closing dates of the school term, beginning and ending dates of  
4 each school month, the number of student attendance days, and days on  
5 which schools shall be dismissed. The school calendar shall not have the  
6 first student attendance day of the school year scheduled prior to September  
7 1. The local board shall set the length of student attendance days, but a  
8 student attendance day shall not contain more than seven (7) hours of  
9 instructional time unless the local board submitted and received approval  
10 from the commissioner of education. The local board may schedule days for  
11 breaks in the school calendar that shall not be counted as a part of the  
12 minimum school term.

13 (e) For local board of education meetings described in paragraphs (c) and (d) of  
14 this subsection, if the meeting is a regular meeting, notice shall be given to  
15 media outlets that have requests on file to be notified of special meetings  
16 stating the date of the regular meeting and that one (1) of the items to be  
17 considered in the regular meeting will be the school calendar. The notice shall  
18 be sent at least twenty-four (24) hours before the regular meeting. This  
19 requirement shall not be deemed to make any requirements or limitations  
20 relating to special meetings applicable to the regular meeting.

21 ~~{(f) A local school board of education that adopts a school calendar with the first~~  
22 ~~student attendance day in the school term starting no earlier than the Monday~~  
23 ~~closest to August 26 may use a variable student instructional year. Districts~~  
24 ~~may set the length of individual student attendance days in a variable student~~  
25 ~~instructional schedule, but no student attendance day shall contain more than~~  
26 ~~seven (7) hours of instructional time unless the district submitted and received~~  
27 ~~approval from the commissioner of education for an innovative alternative~~

1 ~~calendar.]~~

2 (3) (a) Each local board of education shall use four (4) days of the minimum school  
3 term for professional development and collegial planning activities for the  
4 professional staff without the presence of students pursuant to the  
5 requirements of KRS 156.095. At the discretion of the superintendent, one (1)  
6 day of professional development may be used for district-wide activities and  
7 for training that is mandated by federal or state law. The use of three (3) days  
8 shall be planned by each school council, except that the district is encouraged  
9 to provide technical assistance and leadership to school councils to maximize  
10 existing resources and to encourage shared planning.

11 (b) At least one (1) hour of self-study review of seizure disorder materials shall  
12 be required for all principals, guidance counselors, and teachers hired after  
13 July 1, 2019.

14 (c) 1. A local board may approve a school's flexible professional development  
15 plan that permits teachers or other certified personnel within a school to  
16 participate in professional development activities outside the days  
17 scheduled in the school calendar or the regularly scheduled hours in the  
18 school work day and receive credit towards the four (4) day professional  
19 development requirement within the minimum one hundred eighty-five  
20 (185) days that a teacher shall be employed.

21 2. A flexible schedule option shall be reflected in the school's professional  
22 development component within the school improvement plan and  
23 approved by the local board. Credit for approved professional  
24 development activities may be accumulated in periods of time other than  
25 full day segments.

26 3. No teacher or administrator shall be permitted to count participation in a  
27 professional development activity under the flexible schedule option

1            unless the activity is related to the teacher's classroom assignment and  
2            content area, or the administrator's job requirements, or is required by  
3            the school improvement plan, or is tied to the teacher's or the  
4            administrator's individual growth plan. The supervisor shall give prior  
5            approval and shall monitor compliance with the requirements of this  
6            paragraph. In the case of teachers, a professional development  
7            committee or the school council by council policy may be responsible  
8            for reviewing requests for approval.

9            (d) The local board of each school district may use up to a maximum of four (4)  
10            days of the minimum school term for holidays; provided, however, any  
11            holiday which occurs on Saturday may be observed on the preceding Friday.

12            (e) Each local board may use two (2) days for planning activities without the  
13            presence of students.

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

16            1. National or state emergency or mourning when proclaimed by the  
17            President of the United States or the Governor of the Commonwealth of  
18            Kentucky;

19            2. Local emergency which would endanger the health or safety of children;  
20            and

21            3. Mourning when so designated by the local board of education and  
22            approved by the Kentucky Board of Education upon recommendation of  
23            the commissioner of education.

24            (4) (a) The Kentucky Board of Education, upon recommendation of the  
25            commissioner of education, shall adopt administrative regulations governing  
26            the use of student attendance days as a result of a local emergency, as  
27            described in subsection (3)(f)2. of this section, and regulations setting forth

1 the guidelines and procedures to be observed for the approval of waivers from  
2 the requirements of a student instructional year in subsection (1)(f) of this  
3 section for districts that wish to adopt innovative instructional calendars, or  
4 for circumstances that would create extreme hardship.

5 (b) If a local board of education amends its school calendar after its adoption due  
6 to an emergency, it may lengthen or shorten any remaining student attendance  
7 days by thirty (30) minutes or more, as it deems necessary, provided the  
8 amended calendar complies with the requirements of a student instructional  
9 year in subsection (1)(f) of this section~~[or a variable student instructional year~~  
10 ~~in subsection (1)(h) of this section]~~. No student attendance day shall contain  
11 more than seven (7) hours of instructional time unless the district submitted  
12 and received approval from the commissioner of education~~[for an innovative~~  
13 ~~alternative calendar]~~.

14 (5) (a) 1. In setting the school calendar, school may be closed for two (2)  
15 consecutive days for the purpose of permitting professional school  
16 employees to attend statewide professional meetings.  
17 2. These two (2) days for statewide professional meetings may be  
18 scheduled to begin with the first Thursday after Easter, or upon request  
19 of the statewide professional education association having the largest  
20 paid membership, the commissioner of education may designate  
21 alternate dates.  
22 3. If schools are scheduled to operate during days designated for the  
23 statewide professional meeting, the school district shall permit  
24 employees who are delegates to attend as compensated professional  
25 leave time and shall employ substitute teachers in their absence.  
26 4. The commissioner of education shall designate one (1) additional day  
27 during the school year when schools may be closed to permit

1 professional school employees to participate in regional or district  
2 professional meetings.

3 5. These three (3) days so designated for attendance at professional  
4 meetings may be counted as a part of the minimum school term.

5 (b) 1. If any school in a district is used as a polling place, the school district  
6 shall be closed on the day of the election, and those days may be used  
7 for professional development activities, professional meetings, or  
8 parent-teacher conferences.

9 2. A district may be open on the day of an election if no school in the  
10 district is used as a polling place.

11 (c) All schools shall be closed on the third Monday of January in observance of  
12 the birthday of Martin Luther King, Jr. Districts may:

13 1. Designate the day as one (1) of the four (4) holidays permitted under  
14 subsection (3)(d) of this section; or

15 2. Not include the day in the minimum school term specified in subsection  
16 (1) of this section.

17 (6) (a) The Kentucky Board of Education, or the organization or agency designated  
18 by the board to manage interscholastic athletics, shall be encouraged to  
19 schedule athletic competitions outside the regularly scheduled student  
20 attendance day.

21 (b) Any member of a school-sponsored interscholastic athletic team who  
22 competes in a regional tournament or state tournament sanctioned by the  
23 Kentucky Board of Education, or the organization or agency designated by the  
24 board to manage interscholastic athletics, and occurring on a regularly  
25 scheduled student attendance day may be counted present at school on the  
26 date or dates of the competition, as determined by local board policy, for a  
27 maximum of two (2) days per student per year. The student shall be expected

1 to complete any assignments missed on the date or dates of the competition.

2 (c) The school attendance record of any student for whom paragraph (b) of this  
3 subsection applies shall indicate that the student was in attendance on the date  
4 or dates of competition.

5 (7) Schools shall provide continuing education for those students who are determined  
6 to need additional time to achieve the outcomes defined in KRS 158.6451, and  
7 schools shall not be limited to the minimum school term in providing this  
8 education. Continuing education time may include extended days, extended weeks,  
9 or extended years. A local board of education may adopt a policy requiring its  
10 students to participate in continuing education. The local policy shall set out the  
11 conditions under which attendance will be required and any exceptions which are  
12 provided. The Kentucky Board of Education shall promulgate administrative  
13 regulations establishing criteria for the allotment of grants to local school districts  
14 and shall include criteria by which the commissioner of education may approve a  
15 district's request for a waiver to use an alternative service delivery option, including  
16 providing services during the student attendance day on a limited basis. These  
17 grants shall be allotted to school districts to provide instructional programs for  
18 pupils who are identified as needing additional time to achieve the outcomes  
19 defined in KRS 158.6451. A school district that has a school operating a model  
20 early reading program under KRS 158.792 may use a portion of its grant money as  
21 part of the matching funds to provide individualized or small group reading  
22 instruction to qualified students outside of the regular classroom during the student  
23 attendance day.

24 (8) Notwithstanding any other statute, each school term shall include no less than the  
25 equivalent of the student instructional year in subsection (1)(f) of this section~~], or a~~  
26 ~~variable student instructional year in subsection (1)(h) of this section,]~~ except that  
27 the commissioner of education may grant up to the equivalent of ten (10) student



1 attendance days for school districts that have a nontraditional instruction plan  
2 approved by the commissioner of education on days when the school district is  
3 closed for health or safety reasons. The district's plan shall indicate how the  
4 nontraditional instruction process shall be a continuation of learning that is  
5 occurring on regular student attendance days. Instructional delivery methods,  
6 including the use of technology, shall be clearly delineated in the plan. Average  
7 daily attendance for purposes of Support Education Excellence in Kentucky  
8 program funding during the student attendance days granted shall be calculated in  
9 compliance with administrative regulations promulgated by the Kentucky Board of  
10 Education.

11 (9) The Kentucky Board of Education shall promulgate administrative regulations to  
12 prescribe the conditions and procedures for districts to be approved for the  
13 nontraditional instruction program. Administrative regulations promulgated by the  
14 board under this section shall specify:

- 15 (a) The application, plan review, approval, and amendment process;
- 16 (b) Reporting requirements for districts approved for the program, which may  
17 include but are not limited to examples of student work, lesson plans, teacher  
18 work logs, and student and teacher participation on nontraditional instruction  
19 days. Documentation to support the use of nontraditional instruction days  
20 shall include clear evidence of learning continuation;
- 21 (c) Timelines for initial approval as a nontraditional instruction district, length of  
22 approval, the renewal process, and ongoing evaluative procedures required of  
23 the district;
- 24 (d) Reporting and oversight responsibilities of the district and the Kentucky  
25 Department of Education, including the documentation required to show clear  
26 evidence of learning continuation during nontraditional instruction days; and  
27 (e) Other components deemed necessary to implement this section.

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

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

11 (a) A certified school employee shall be considered to have fulfilled the  
12 minimum one hundred eighty-five (185) day contract with a school district  
13 under KRS 157.350 and shall be given credit for the purpose of calculating  
14 service credit for retirement under KRS 161.500 for certified school personnel  
15 if:

16 1. State and local requirements under this section are met regarding the  
17 equivalent of the number and length of student attendance days, teacher  
18 professional days, professional development days, holidays, and days  
19 for planning activities without the presence of students; and

20 2. The provisions of the district's school calendar to make up student  
21 attendance days missed due to any emergency, as approved by the  
22 Kentucky Department of Education when required, including but not  
23 limited to a provision for additional instructional time per day, are met.

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

27 1. The employee works for a school district with a school calendar

1 approved by the Kentucky Department of Education that contains a  
2 provision that additional instructional time per day shall be used to make  
3 up full days missed due to an emergency;

4 2. The employee's contract requires a minimum six (6) hour work day; and

5 3. The employee's job responsibilities and work day are extended when the  
6 instructional time is extended for the purposes of making up time.

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

13 **(12) If a district adopts a calendar with less than one hundred seventy (170) student**  
14 **attendance days, those days shall be considered proportionally equivalent to the**  
15 **one hundred seventy (170) student attendance days and calendar days for the**  
16 **purposes of employment contracts that are based on the school term, service**  
17 **credit under KRS 161.500, and funding under KRS 157.350.**