

1 AN ACT relating to school district calendars and declaring an emergency.

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

3 ➔Section 1. (1) For the 2024-2025 school year, a school district may revise its
4 school calendar in accordance with the requirements of this section.

5 (2) For purposes of this section, notwithstanding the requirement in KRS 158.070
6 that the student instructional year not be less than 170 student attendance days and any
7 other statute or administrative regulation to the contrary, students shall receive a
8 minimum of 1,062 instructional hours, less any waiver of instructional time provided in
9 accordance with KRS 158.070(3)(f) and 702 KAR 7:140.

10 (3) The commissioner of education may grant up to the equivalent of five disaster
11 relief student attendance days for school districts to provide instruction using alternative
12 settings when the school district is closed for health or safety reasons.

13 (4) Notwithstanding KRS 158.070(4)(b), a school district may reach the required
14 instructional hours required by adding time to student attendance days. A day shall not
15 exceed seven hours of instructional time unless the district submitted and received
16 approval from the commissioner of education for an innovative alternative calendar.

17 (5) If a local school district is unable to provide the required 1,062 hours of
18 instruction by June 4, 2025, the commissioner of education may waive up to five student
19 attendance days. The commissioner of education shall not waive instructional days for a
20 district that did not make up days by adding time to the student instructional day.
21 Notwithstanding any other statute or administrative regulation to the contrary, student
22 attendance days waived under this subsection shall be applied on a district-wide basis.

23 (6) If a local board of education seeks to revise its school calendar under this
24 section, the board shall submit a plan for approval to the Kentucky Department of
25 Education demonstrating how the required instructional hours will be completed.

26 (7) Notwithstanding any other statute, administrative regulation, or local board of
27 education policy to the contrary, each classified and certified employee of a local board

1 of education shall be considered to have completed one day of his or her employment
2 contract for each day made up in accordance with subsection (4) of this section and days
3 waived in accordance with subsection (5) of this section.

4 (8) If a local board of education used 10 or fewer nontraditional instruction days
5 during the 2024-2025 school year and chooses not to take advantage of subsections (3)
6 and (5) of this section for the 2024-2025 school year, the school district's average daily
7 attendance shall be calculated by deducting five low attendance days in addition to the
8 five days deducted under KRS 157.320(1).

9 →Section 2. KRS 157.320 is amended to read as follows:

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

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

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

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

24 (2) "Base funding level" means a guaranteed amount of revenue per pupil to be
25 provided for each school district, to be used for regular operating and capital
26 expenditures;

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

- 1 (4) "District" means any school district as defined by law;
- 2 (5) "Elementary school" means a school consisting of the primary school program
3 through grade eight (8) as defined in KRS 158.030, or any appropriate combination
4 of grades within this range, as determined by the plan of organization for schools
5 authorized by the district board;
- 6 (6) "Support Education Excellence in Kentucky" means the level of educational
7 services and facilities which is to be provided in each district from the public school
8 fund;
- 9 (7) "Kindergarten full-time equivalent pupil in average daily attendance" means each
10 kindergarten pupil counted no more than one-half (1/2) day in the aggregate days
11 attended by kindergarten pupils in a public school divided by the actual number of
12 days school is in session after the five (5) days with the lowest attendance have
13 been deducted. Kindergarten is the entry level of the primary program and shall be
14 provided no less than the equivalent of one-half (1/2) day, five (5) days a week for a
15 full school year for each kindergarten pupil;
- 16 (8) "Public school fund" means the fund created by KRS 157.330 for use in financing
17 education in public elementary and secondary schools;
- 18 (9) "Administrative regulations of the Kentucky Board of Education" means those
19 regulations which the Kentucky Board of Education may adopt upon the
20 recommendation and with the advice of the commissioner of education. The
21 commissioner of education shall recommend administrative regulations necessary
22 for carrying out the purposes of KRS 157.310 to 157.440;
- 23 (10) "Experience" means employment as a teacher, other than as a substitute or nursery
24 school teacher, for a minimum of one hundred forty (140) days during a school year
25 in a public or nonpublic elementary or secondary school or college or university
26 that is approved by the public accrediting authority in the state in which the
27 teaching duties were performed. A teacher who is employed by a board for at least

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

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

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

26 (13) "Teacher" means any regular or special teacher, principal, supervisor,
27 superintendent, assistant superintendent, librarian, director of pupil personnel, or

1 other member of the teaching or professional staff engaged in the service of the
2 public elementary and secondary school for whom certification is required as a
3 condition of employment;

4 (14) "Percentage of attendance" means the aggregate days attended by pupils in a public
5 school for the school year divided by the aggregate days' membership of pupils in a
6 public school for the school year;

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

10 (16) "National board certification salary supplement" means an annual supplement
11 added for the life of the certificate to the base salary of a teacher who attains
12 national board certification;

13 **(17) "Virtual program" means a program offered by a public school district in which**
14 **all courses in the program are virtual, do not include regular in-person**
15 **instruction, and are designed as an alternative to traditional in-person school**
16 **programs; and**

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

24 ➔Section 3. KRS 157.360 is amended to read as follows:

25 (1) (a) In determining the cost of the program to support education excellence in
26 Kentucky, the statewide guaranteed base funding level, as defined in KRS
27 157.320, shall be computed by dividing the amount appropriated for this

1 purpose by the prior year's statewide average daily attendance.

2 (b) When determining the biennial appropriations for the program, the average
3 daily attendance for each fiscal year shall include an estimate of the number
4 of students graduating early under the provisions of KRS 158.142.

5 (2) Each district shall receive an amount equal to the base funding level for each pupil
6 in average daily attendance in the district in the previous year, except a district shall
7 receive an amount equal to one-half (1/2) of the state portion of the average
8 statewide per pupil guaranteed base funding level for each student who graduated
9 early under the provisions of KRS 158.142. Each district's base funding level shall
10 be adjusted by the following factors:

11 (a) The number of at-risk students in the district. At-risk students shall be
12 identified as those approved for the free lunch program under state and federal
13 guidelines. The number of at-risk students shall be multiplied by a factor to be
14 established by the General Assembly. Funds generated under this paragraph
15 may be used to pay for:

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

21 (b) The number and types of exceptional children in the district as defined by
22 KRS 157.200. Specific weights for each category of exceptionality shall be
23 used in the calculation of the add-on factor for exceptional children; and

24 (c) Transportation costs. The per-pupil cost of transportation shall be calculated
25 as provided by KRS 157.370. Districts which contract to furnish
26 transportation to students attending nonpublic schools may adopt any payment
27 formula which ensures that no public school funds are used for the

1 transportation of nonpublic students.

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

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

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

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

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

24 (c) The commissioner of education, upon approval of the Kentucky Board of
25 Education, shall adopt administrative regulations for enforcing this provision.
26 These administrative regulations shall include procedures for a superintendent
27 to request an exemption from the Kentucky Board of Education when unusual

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

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

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

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

1 that the child is in attendance at the school or agency, contingent upon approval by
2 the commissioner of education.

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

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

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

25 (11) If the percentage of attendance of any school district shall have been reduced more
26 than two percent (2%) during the previous school year, the program funding
27 allotted the district for the current school year shall be increased by the difference in

1 the percentage of attendance for the two (2) years immediately prior to the current
2 school year less two percent (2%).

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

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

- 1 (13) (a) In allotting program funds for home and hospital instruction, statewide
2 guaranteed base funding, excluding the capital outlay, shall be allotted for
3 each child in average daily attendance in the prior school year who has been
4 properly identified according to Kentucky Board of Education administrative
5 regulations. Attendance shall be calculated pursuant to KRS 157.270 and shall
6 be reported monthly on forms provided by the Department of Education; and
- 7 (b) Pursuant to administrative regulations of the Kentucky Board of Education,
8 local school districts shall be reimbursed for home and hospital instruction for
9 pupils unable to attend regular school sessions because of short-term health
10 impairments. A reimbursement formula shall be established by administrative
11 regulations to include such factors as a reasonable per hour, per child
12 allotment for teacher instructional time, with a maximum number of funded
13 hours per week, a reasonable allotment for teaching supplies and equipment,
14 and a reasonable allotment for travel expenses to and from instructional
15 assignments, but the formula shall not include an allotment for capital outlay.
16 Attendance shall be calculated pursuant to KRS 157.270 and shall be reported
17 annually on forms provided by the Department of Education.
- 18 (14) Except for those schools which have implemented school-based decision making
19 and the school council has voted to waive this subsection ***and for virtual programs,***
20 kindergarten aides shall be provided for each twenty-four (24) full-time equivalent
21 kindergarten students enrolled.
- 22 (15) Effective July 1, 2001, there shall be no deduction applied against the base funding
23 level for any pupil in average daily attendance who spends a portion of his or her
24 school day in a program at a state-operated career and technical education or
25 vocational facility.
- 26 (16) During a fiscal year, a school district may request that the Department of Education
27 recalculate its funds allocated under this section if the current year average daily

1 attendance for the twenty (20) day school month as defined in KRS 158.060(1) that
2 contains the most days within the calendar month of January exceeds the prior year
3 adjusted average daily attendance plus growth by at least one percent (1%). Any
4 adjustments in the allotments approved under this subsection shall be proportional
5 to the remaining days in the school year and subject to available funds under the
6 program to support education excellence in Kentucky.

7 (17) To calculate the state portion of the program to support education excellence in
8 Kentucky for a school district, the Department of Education shall subtract the local
9 effort required under KRS 157.390(5) from the calculated base funding under the
10 program to support education excellence in Kentucky, as required by this section.
11 The value of the real estate used in this calculation shall be the lesser of the current
12 year assessment or the prior year assessment increased by four percent (4%) plus
13 the value of current year new property. The calculation under this subsection shall
14 be subject to available funds.

15 (18) Notwithstanding any other statute or budget of the Commonwealth language to the
16 contrary, time missed due to shortening days for emergencies may be made up by
17 lengthening school days in the school calendar without any loss of funds under the
18 program to support education excellence in Kentucky.

19 ➔Section 4. KRS 158.120 is amended to read as follows:

20 (1) ~~By July 1, 2022,~~ A board of education shall adopt a nonresident pupil policy to
21 govern the terms under which the district shall allow enrollment of nonresident
22 pupils. Upon allowing nonresident pupil enrollment, the policy shall allow
23 nonresident children to be eligible to enroll in any public school located within the
24 district. The policy shall not discriminate between nonresident pupils, but may
25 recognize enrollment capacity, as determined by the local school district. The
26 nonresident pupil policy and any subsequent changes adopted by a board of
27 education shall be filed with the Kentucky Department of Education no later than

1 thirty (30) days following their adoption.

2 (2) Any board of education may charge a reasonable tuition fee per month for each
3 child attending its schools whose parent, guardian, or other legal custodian is not a
4 bona fide resident of the district. Any controversy as to the fee shall be submitted to
5 the Kentucky Board of Education for final settlement. The fee shall be paid by the
6 board of education of the school district in which the pupil resides, except in cases
7 where the board makes provision for the child's education within his or her district.
8 If a board of education is required to pay a pupil's tuition fee, the pupil shall be
9 admitted to a school only upon proper certificate of the board of education of the
10 district in which he or she resides.

11 (3) When it appears to the board of education of any school district that it is convenient
12 for a pupil of any grade residing in that district to attend an approved public school
13 in another district, the board of education may enter into a tuition contract with the
14 public school authorities of the other school district for that purpose, but before a
15 contract is entered into with public school authorities in another state the school
16 shall have been approved by the state school authorities of that state through the
17 grades in which the pupil belongs. When a district undertakes, under operation of a
18 tuition contract or of law, to provide in its school for pupils residing in another
19 district, the district of their residence shall share the total cost of the school,
20 including transportation when furnished at public expense, in proportion to the
21 number of pupils or in accordance with contract agreement between the two (2)
22 boards.

23 **(4) (a) For the purposes of this subsection, "virtual program" has the same**
24 **meaning as in Section 2 of this Act.**

25 **(b) A school district may enroll nonresident pupils on a full-time basis in**
26 **kindergarten through grade twelve (12) in a virtual program offered by that**
27 **district.**

1 (c) On a district-by-district basis, the maximum number of nonresident pupils a
2 school district may enroll in the district's virtual program from another
3 school district shall be two percent (2%) of the residing school district's
4 average daily attendance from the previous school year.

5 (d) If a school district wishes to enroll more than the two percent (2%) limit
6 established in paragraph (c) of this subsection, then the school district shall
7 submit a request to the local board of education of the residing school
8 district to waive the limitation. A waiver granted under this paragraph shall
9 be for one (1) school year.

10 (e) A school district operating a virtual program that enrolls nonresident pupils
11 shall no longer continue the enrollment of nonresident pupils in the
12 program after June 30, 2028, unless explicit permission to do so is provided
13 by the General Assembly.

14 ➔Section 5. For the purposes of this section, "virtual program" means a program
15 offered by a public school district in which all courses in the program are virtual, do not
16 include regular in-person instruction, and are designed as an alternative to traditional in-
17 person school programs. Until June 30, 2028, the commissioner of the Kentucky
18 Department of Education, the Kentucky Board of Education, and the Kentucky
19 Department of Education shall not establish or implement, or require a school district to
20 implement, any cap, limitation, or restriction on enrollment for a virtual program.
21 Additionally, the Kentucky Department of Education and the Kentucky Board of
22 Education shall not reduce or withhold any funds due to a school district from the fund to
23 Support Education Excellence in Kentucky based on the district's operation of a virtual
24 program.

25 ➔Section 6. Whereas support and relief for school districts, virtual programs, and
26 the students enrolled therein is imperative, an emergency is declared to exist, and this Act
27 takes effect upon its passage and approval by the Governor or upon its otherwise

1 becoming a law.