

1 AN ACT relating to public charter schools.

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

3 ➔Section 1. KRS 18A.225 is amended to read as follows:

- 4 (1) (a) The term "employee" for purposes of this section means:
- 5 1. Any person, including an elected public official, who is regularly
6 employed by any department, office, board, agency, or branch of state
7 government; or by a public postsecondary educational institution; or by
8 any city, urban-county, charter county, county, or consolidated local
9 government, whose legislative body has opted to participate in the state-
10 sponsored health insurance program pursuant to KRS 79.080; and who
11 is either a contributing member to any one (1) of the retirement systems
12 administered by the state, including but not limited to the Kentucky
13 Retirement Systems, County Employees Retirement System, Kentucky
14 Teachers' Retirement System, the Legislators' Retirement Plan, or the
15 Judicial Retirement Plan; or is receiving a contractual contribution from
16 the state toward a retirement plan; or, in the case of a public
17 postsecondary education institution, is an individual participating in an
18 optional retirement plan authorized by KRS 161.567; or is eligible to
19 participate in a retirement plan established by an employer who ceases
20 participating in the Kentucky Employees Retirement System pursuant to
21 KRS 61.522 whose employees participated in the health insurance plans
22 administered by the Personnel Cabinet prior to the employer's effective
23 cessation date in the Kentucky Employees Retirement System;
 - 24 2. Any certified or classified employee of a local board of education ~~or a~~
25 ~~public charter school as defined in KRS 160.1590];~~
 - 26 3. Any elected member of a local board of education;
 - 27 4. Any person who is a present or future recipient of a retirement

- 1 allowance from the Kentucky Retirement Systems, County Employees
2 Retirement System, Kentucky Teachers' Retirement System, the
3 Legislators' Retirement Plan, the Judicial Retirement Plan, or the
4 Kentucky Community and Technical College System's optional
5 retirement plan authorized by KRS 161.567, except that a person who is
6 receiving a retirement allowance and who is age sixty-five (65) or older
7 shall not be included, with the exception of persons covered under KRS
8 61.702(2)(b)3. and 78.5536(2)(b)3., unless he or she is actively
9 employed pursuant to subparagraph 1. of this paragraph; and
- 10 5. Any eligible dependents and beneficiaries of participating employees
11 and retirees who are entitled to participate in the state-sponsored health
12 insurance program;
- 13 (b) The term "health benefit plan" for the purposes of this section means a health
14 benefit plan as defined in KRS 304.17A-005;
- 15 (c) The term "insurer" for the purposes of this section means an insurer as defined
16 in KRS 304.17A-005; and
- 17 (d) The term "managed care plan" for the purposes of this section means a
18 managed care plan as defined in KRS 304.17A-500.
- 19 (2) (a) The secretary of the Finance and Administration Cabinet, upon the
20 recommendation of the secretary of the Personnel Cabinet, shall procure, in
21 compliance with the provisions of KRS 45A.080, 45A.085, and 45A.090,
22 from one (1) or more insurers authorized to do business in this state, a group
23 health benefit plan that may include but not be limited to health maintenance
24 organization (HMO), preferred provider organization (PPO), point of service
25 (POS), and exclusive provider organization (EPO) benefit plans
26 encompassing all or any class or classes of employees. With the exception of
27 employers governed by the provisions of KRS Chapters 16, 18A, and 151B,

1 all employers of any class of employees or former employees shall enter into
2 a contract with the Personnel Cabinet prior to including that group in the state
3 health insurance group. The contracts shall include but not be limited to
4 designating the entity responsible for filing any federal forms, adoption of
5 policies required for proper plan administration, acceptance of the contractual
6 provisions with health insurance carriers or third-party administrators, and
7 adoption of the payment and reimbursement methods necessary for efficient
8 administration of the health insurance program. Health insurance coverage
9 provided to state employees under this section shall, at a minimum, contain
10 the same benefits as provided under Kentucky Kare Standard as of January 1,
11 1994, and shall include a mail-order drug option as provided in subsection
12 (13) of this section. All employees and other persons for whom the health care
13 coverage is provided or made available shall annually be given an option to
14 elect health care coverage through a self-funded plan offered by the
15 Commonwealth or, if a self-funded plan is not available, from a list of
16 coverage options determined by the competitive bid process under the
17 provisions of KRS 45A.080, 45A.085, and 45A.090 and made available
18 during annual open enrollment.

19 (b) The policy or policies shall be approved by the commissioner of insurance
20 and may contain the provisions the commissioner of insurance approves,
21 whether or not otherwise permitted by the insurance laws.

22 (c) Any carrier bidding to offer health care coverage to employees shall agree to
23 provide coverage to all members of the state group, including active
24 employees and retirees and their eligible covered dependents and
25 beneficiaries, within the county or counties specified in its bid. Except as
26 provided in subsection (20) of this section, any carrier bidding to offer health
27 care coverage to employees shall also agree to rate all employees as a single

1 entity, except for those retirees whose former employers insure their active
2 employees outside the state-sponsored health insurance program and as
3 otherwise provided in KRS 61.702(2)(b)3.b. and 78.5536(2)(b)3.b.

4 (d) Any carrier bidding to offer health care coverage to employees shall agree to
5 provide enrollment, claims, and utilization data to the Commonwealth in a
6 format specified by the Personnel Cabinet with the understanding that the data
7 shall be owned by the Commonwealth; to provide data in an electronic form
8 and within a time frame specified by the Personnel Cabinet; and to be subject
9 to penalties for noncompliance with data reporting requirements as specified
10 by the Personnel Cabinet. The Personnel Cabinet shall take strict precautions
11 to protect the confidentiality of each individual employee; however,
12 confidentiality assertions shall not relieve a carrier from the requirement of
13 providing stipulated data to the Commonwealth.

14 (e) The Personnel Cabinet shall develop the necessary techniques and capabilities
15 for timely analysis of data received from carriers and, to the extent possible,
16 provide in the request-for-proposal specifics relating to data requirements,
17 electronic reporting, and penalties for noncompliance. The Commonwealth
18 shall own the enrollment, claims, and utilization data provided by each carrier
19 and shall develop methods to protect the confidentiality of the individual. The
20 Personnel Cabinet shall include in the October annual report submitted
21 pursuant to the provisions of KRS 18A.226 to the Governor, the General
22 Assembly, and the Chief Justice of the Supreme Court, an analysis of the
23 financial stability of the program, which shall include but not be limited to
24 loss ratios, methods of risk adjustment, measurements of carrier quality of
25 service, prescription coverage and cost management, and statutorily required
26 mandates. If state self-insurance was available as a carrier option, the report
27 also shall provide a detailed financial analysis of the self-insurance fund

- 1 including but not limited to loss ratios, reserves, and reinsurance agreements.
- 2 (f) If any agency participating in the state-sponsored employee health insurance
3 program for its active employees terminates participation and there is a state
4 appropriation for the employer's contribution for active employees' health
5 insurance coverage, then neither the agency nor the employees shall receive
6 the state-funded contribution after termination from the state-sponsored
7 employee health insurance program.
- 8 (g) Any funds in flexible spending accounts that remain after all reimbursements
9 have been processed shall be transferred to the credit of the state-sponsored
10 health insurance plan's appropriation account.
- 11 (h) Each entity participating in the state-sponsored health insurance program shall
12 provide an amount at least equal to the state contribution rate for the employer
13 portion of the health insurance premium. For any participating entity that used
14 the state payroll system, the employer contribution amount shall be equal to
15 but not greater than the state contribution rate.
- 16 (3) The premiums may be paid by the policyholder:
- 17 (a) Wholly from funds contributed by the employee, by payroll deduction or
18 otherwise;
- 19 (b) Wholly from funds contributed by any department, board, agency, public
20 postsecondary education institution, or branch of state, city, urban-county,
21 charter county, county, or consolidated local government; or
- 22 (c) Partly from each, except that any premium due for health care coverage or
23 dental coverage, if any, in excess of the premium amount contributed by any
24 department, board, agency, postsecondary education institution, or branch of
25 state, city, urban-county, charter county, county, or consolidated local
26 government for any other health care coverage shall be paid by the employee.
- 27 (4) If an employee moves his or her place of residence or employment out of the

1 service area of an insurer offering a managed health care plan, under which he or
2 she has elected coverage, into either the service area of another managed health care
3 plan or into an area of the Commonwealth not within a managed health care plan
4 service area, the employee shall be given an option, at the time of the move or
5 transfer, to change his or her coverage to another health benefit plan.

6 (5) No payment of premium by any department, board, agency, public postsecondary
7 educational institution, or branch of state, city, urban-county, charter county,
8 county, or consolidated local government shall constitute compensation to an
9 insured employee for the purposes of any statute fixing or limiting the
10 compensation of such an employee. Any premium or other expense incurred by any
11 department, board, agency, public postsecondary educational institution, or branch
12 of state, city, urban-county, charter county, county, or consolidated local
13 government shall be considered a proper cost of administration.

14 (6) The policy or policies may contain the provisions with respect to the class or classes
15 of employees covered, amounts of insurance or coverage for designated classes or
16 groups of employees, policy options, terms of eligibility, and continuation of
17 insurance or coverage after retirement.

18 (7) Group rates under this section shall be made available to the disabled child of an
19 employee regardless of the child's age if the entire premium for the disabled child's
20 coverage is paid by the state employee. A child shall be considered disabled if he or
21 she has been determined to be eligible for federal Social Security disability benefits.

22 (8) The health care contract or contracts for employees shall be entered into for a
23 period of not less than one (1) year.

24 (9) The secretary shall appoint thirty-two (32) persons to an Advisory Committee of
25 State Health Insurance Subscribers to advise the secretary or the secretary's
26 designee regarding the state-sponsored health insurance program for employees.
27 The secretary shall appoint, from a list of names submitted by appointing

1 authorities, members representing school districts from each of the seven (7)
2 Supreme Court districts, members representing state government from each of the
3 seven (7) Supreme Court districts, two (2) members representing retirees under age
4 sixty-five (65), one (1) member representing local health departments, two (2)
5 members representing the Kentucky Teachers' Retirement System, and three (3)
6 members at large. The secretary shall also appoint two (2) members from a list of
7 five (5) names submitted by the Kentucky Education Association, two (2) members
8 from a list of five (5) names submitted by the largest state employee organization of
9 nonschool state employees, two (2) members from a list of five (5) names submitted
10 by the Kentucky Association of Counties, two (2) members from a list of five (5)
11 names submitted by the Kentucky League of Cities, and two (2) members from a
12 list of names consisting of five (5) names submitted by each state employee
13 organization that has two thousand (2,000) or more members on state payroll
14 deduction. The advisory committee shall be appointed in January of each year and
15 shall meet quarterly.

16 (10) Notwithstanding any other provision of law to the contrary, the policy or policies
17 provided to employees pursuant to this section shall not provide coverage for
18 obtaining or performing an abortion, nor shall any state funds be used for the
19 purpose of obtaining or performing an abortion on behalf of employees or their
20 dependents.

21 (11) Interruption of an established treatment regime with maintenance drugs shall be
22 grounds for an insured to appeal a formulary change through the established appeal
23 procedures approved by the Department of Insurance, if the physician supervising
24 the treatment certifies that the change is not in the best interests of the patient.

25 (12) Any employee who is eligible for and elects to participate in the state health
26 insurance program as a retiree, or the spouse or beneficiary of a retiree, under any
27 one (1) of the state-sponsored retirement systems shall not be eligible to receive the

1 state health insurance contribution toward health care coverage as a result of any
2 other employment for which there is a public employer contribution. This does not
3 preclude a retiree and an active employee spouse from using both contributions to
4 the extent needed for purchase of one (1) state sponsored health insurance policy
5 for that plan year.

6 (13) (a) The policies of health insurance coverage procured under subsection (2) of
7 this section shall include a mail-order drug option for maintenance drugs for
8 state employees. Maintenance drugs may be dispensed by mail order in
9 accordance with Kentucky law.

10 (b) A health insurer shall not discriminate against any retail pharmacy located
11 within the geographic coverage area of the health benefit plan and that meets
12 the terms and conditions for participation established by the insurer, including
13 price, dispensing fee, and copay requirements of a mail-order option. The
14 retail pharmacy shall not be required to dispense by mail.

15 (c) The mail-order option shall not permit the dispensing of a controlled
16 substance classified in Schedule II.

17 (14) The policy or policies provided to state employees or their dependents pursuant to
18 this section shall provide coverage for obtaining a hearing aid and acquiring hearing
19 aid-related services for insured individuals under eighteen (18) years of age, subject
20 to a cap of one thousand four hundred dollars (\$1,400) every thirty-six (36) months
21 pursuant to KRS 304.17A-132.

22 (15) Any policy provided to state employees or their dependents pursuant to this section
23 shall provide coverage for the diagnosis and treatment of autism spectrum disorders
24 consistent with KRS 304.17A-142.

25 (16) Any policy provided to state employees or their dependents pursuant to this section
26 shall provide coverage for obtaining amino acid-based elemental formula pursuant
27 to KRS 304.17A-258.

- 1 (17) If a state employee's residence and place of employment are in the same county,
2 and if the hospital located within that county does not offer surgical services,
3 intensive care services, obstetrical services, level II neonatal services, diagnostic
4 cardiac catheterization services, and magnetic resonance imaging services, the
5 employee may select a plan available in a contiguous county that does provide
6 those services, and the state contribution for the plan shall be the amount available
7 in the county where the plan selected is located.
- 8 (18) If a state employee's residence and place of employment are each located in
9 counties in which the hospitals do not offer surgical services, intensive care
10 services, obstetrical services, level II neonatal services, diagnostic cardiac
11 catheterization services, and magnetic resonance imaging services, the employee
12 may select a plan available in a county contiguous to the county of residence that
13 does provide those services, and the state contribution for the plan shall be the
14 amount available in the county where the plan selected is located.
- 15 (19) The Personnel Cabinet is encouraged to study whether it is fair and reasonable and
16 in the best interests of the state group to allow any carrier bidding to offer health
17 care coverage under this section to submit bids that may vary county by county or
18 by larger geographic areas.
- 19 (20) Notwithstanding any other provision of this section, the bid for proposals for health
20 insurance coverage for calendar year 2004 shall include a bid scenario that reflects
21 the statewide rating structure provided in calendar year 2003 and a bid scenario that
22 allows for a regional rating structure that allows carriers to submit bids that may
23 vary by region for a given product offering as described in this subsection:
- 24 (a) The regional rating bid scenario shall not include a request for bid on a
25 statewide option;
- 26 (b) The Personnel Cabinet shall divide the state into geographical regions which
27 shall be the same as the partnership regions designated by the Department for

- 1 Medicaid Services for purposes of the Kentucky Health Care Partnership
2 Program established pursuant to 907 KAR 1:705;
- 3 (c) The request for proposal shall require a carrier's bid to include every county
4 within the region or regions for which the bid is submitted and include but not
5 be restricted to a preferred provider organization (PPO) option;
- 6 (d) If the Personnel Cabinet accepts a carrier's bid, the cabinet shall award the
7 carrier all of the counties included in its bid within the region. If the Personnel
8 Cabinet deems the bids submitted in accordance with this subsection to be in
9 the best interests of state employees in a region, the cabinet may award the
10 contract for that region to no more than two (2) carriers; and
- 11 (e) Nothing in this subsection shall prohibit the Personnel Cabinet from including
12 other requirements or criteria in the request for proposal.
- 13 (21) Any fully insured health benefit plan or self-insured plan issued or renewed on or
14 after July 12, 2006, to public employees pursuant to this section which provides
15 coverage for services rendered by a physician or osteopath duly licensed under KRS
16 Chapter 311 that are within the scope of practice of an optometrist duly licensed
17 under the provisions of KRS Chapter 320 shall provide the same payment of
18 coverage to optometrists as allowed for those services rendered by physicians or
19 osteopaths.
- 20 (22) Any fully insured health benefit plan or self-insured plan issued or renewed to
21 public employees pursuant to this section shall comply with:
- 22 (a) KRS 304.12-237;
- 23 (b) KRS 304.17A-270 and 304.17A-525;
- 24 (c) KRS 304.17A-600 to 304.17A-633;
- 25 (d) KRS 205.593;
- 26 (e) KRS 304.17A-700 to 304.17A-730;
- 27 (f) KRS 304.14-135;

- 1 (g) KRS 304.17A-580 and 304.17A-641;
- 2 (h) KRS 304.99-123;
- 3 (i) KRS 304.17A-138;
- 4 (j) KRS 304.17A-148;
- 5 (k) KRS 304.17A-163 and 304.17A-1631;
- 6 (l) KRS 304.17A-265;
- 7 (m) KRS 304.17A-261;
- 8 (n) KRS 304.17A-262;
- 9 (o) KRS 304.17A-145;
- 10 (p) KRS 304.17A-129;
- 11 (q) KRS 304.17A-133;
- 12 (r) KRS 304.17A-264; and
- 13 (s) Administrative regulations promulgated pursuant to statutes listed in this
- 14 subsection.
- 15 (23) (a) Any fully insured health benefit plan or self-insured plan issued or renewed to
- 16 public employees pursuant to this section shall provide a special enrollment
- 17 period to pregnant women who are eligible for coverage in accordance with
- 18 the requirements set forth in KRS 304.17-182.
- 19 (b) The Department of Employee Insurance shall, at or before the time a public
- 20 employee is initially offered the opportunity to enroll in the plan or coverage,
- 21 provide the employee a notice of the special enrollment rights under this
- 22 subsection.

23 ➔Section 2. KRS 78.510 is amended to read as follows:

24 As used in KRS 78.510 to 78.852, unless the context otherwise requires:

- 25 (1) "System" means the County Employees Retirement System created by KRS 78.510
- 26 to 78.852;
- 27 (2) "Board" means the board of trustees of the system as provided in KRS 78.782;

- 1 (3) "County" means any county, or nonprofit organization created and governed by a
2 county, counties, or elected county officers, sheriff and his or her employees,
3 county clerk and his or her employees, circuit clerk and his or her deputies, former
4 circuit clerks or former circuit clerk deputies, or political subdivision or
5 instrumentality, including school boards, cities, charter county governments, urban-
6 county governments, consolidated local governments, or unified local governments
7 participating in the system by order appropriate to its governmental structure, as
8 provided in KRS 78.530, and if the board is willing to accept the agency,
9 organization, or corporation, the board being hereby granted the authority to
10 determine the eligibility of the agency to participate;
- 11 (4) "School board" means:
12 ~~(a)~~] any board of education participating in the system by order appropriate to
13 its governmental structure, as provided in KRS 78.530, and if the board is
14 willing to accept the agency or corporation, the board being hereby granted
15 the authority to determine the eligibility of the agency to participate; ~~or~~
16 ~~(b) A public charter school as defined in KRS 160.1590 if the public charter~~
17 ~~school satisfies the criteria set by the Internal Revenue Service to participate~~
18 ~~in a governmental retirement plan;]~~
- 19 (5) "Examiner" means the medical examiners as provided in KRS 61.665;
- 20 (6) "Employee" means every regular full-time appointed or elective officer or
21 employee of a participating county and the coroner of a participating county,
22 whether or not he or she qualifies as a regular full-time officer. The term shall not
23 include persons engaged as independent contractors, seasonal, emergency,
24 temporary, and part-time workers. In case of any doubt, the board shall determine if
25 a person is an employee within the meaning of KRS 78.510 to 78.852;
- 26 (7) "Employer" means a county, as defined in subsection (3) of this section, the elected
27 officials of a county, or any authority of the county having the power to appoint or

- 1 elect an employee to office or employment in the county;
- 2 (8) "Member" means any employee who is included in the membership of the system
3 or any former employee whose membership has not ceased under KRS 78.535;
- 4 (9) "Service" means the total of current service and prior service as defined in this
5 section;
- 6 (10) "Current service" means the number of years and months of employment as an
7 employee, on and after July 1, 1958, for which creditable compensation is paid and
8 employee contributions deducted, except as otherwise provided;
- 9 (11) "Prior service" means the number of years and completed months, expressed as a
10 fraction of a year, of employment as an employee, prior to July 1, 1958, for which
11 creditable compensation was paid. An employee shall be credited with one (1)
12 month of prior service only in those months he or she received compensation for at
13 least one hundred (100) hours of work. Twelve (12) months of current service in the
14 system shall be required to validate prior service;
- 15 (12) "Accumulated contributions" means the sum of all amounts deducted from the
16 compensation of a member and credited to his or her individual account in the
17 members' account, including employee contributions picked up after August 1,
18 1982, pursuant to KRS 78.610(4), together with interest credited, on the amounts,
19 and any other amounts the member shall have contributed thereto, including interest
20 credited thereon. "Accumulated contributions" shall not include employee
21 contributions that are deposited into accounts established pursuant to 26 U.S.C. sec.
22 401(h) within the fund established in KRS 78.520, as prescribed by KRS
23 78.5536(3)(b);
- 24 (13) "Creditable compensation":
- 25 (a) Except as limited by paragraph (c) of this subsection, means all salary, wages,
26 and fees, including payments for compensatory time, paid to the employee as
27 a result of services performed for the employer or for time during which the

1 member is on paid leave, which are includable on the member's federal form
2 W-2 wage and tax statement under the heading "wages, tips, other
3 compensation", including employee contributions picked up after August 1,
4 1982, pursuant to KRS 78.610(4). The creditable compensation of fee officers
5 who receive salary, fees, maintenance, or other perquisites as a result of their
6 official duties is the gross amount received decreased by the cost of salary
7 paid deputies and clerks and the cost of office supplies and other official
8 expenses;

9 (b) Includes:

- 10 1. Lump-sum bonuses, severance pay, or employer-provided payments for
11 purchase of service credit, which shall be averaged over the employee's
12 service with the system in which it is recorded if it is equal to or greater
13 than one thousand dollars (\$1,000);
- 14 2. Cases where compensation includes maintenance and other perquisites,
15 but the board shall fix the value of that part of the compensation not paid
16 in money;
- 17 3. Lump-sum payments for creditable compensation paid as a result of an
18 order of a court of competent jurisdiction, the Personnel Board, or the
19 Kentucky Commission on Human Rights, or for any creditable
20 compensation paid in anticipation of settlement of an action before a
21 court of competent jurisdiction, the Personnel Board, or the Kentucky
22 Commission on Human Rights, including notices of violations of state
23 or federal wage and hour statutes or violations of state or federal
24 discrimination statutes, which shall be credited to the fiscal year during
25 which the wages were earned or should have been paid by the employer.
26 This subparagraph shall also include lump-sum payments for reinstated
27 wages pursuant to KRS 61.569, which shall be credited to the period

1 during which the wages were earned or should have been paid by the
2 employer;

3 4. Amounts which are not includable in the member's gross income by
4 virtue of the member having taken a voluntary salary reduction provided
5 for under applicable provisions of the Internal Revenue Code; and

6 5. Elective amounts for qualified transportation fringes paid or made
7 available on or after January 1, 2001, for calendar years on or after
8 January 1, 2001, that are not includable in the gross income of the
9 employee by reason of 26 U.S.C. sec. 132(f)(4); and

10 (c) Excludes:

11 1. Living allowances, expense reimbursements, lump-sum payments for
12 accrued vacation leave, sick leave except as provided in KRS 78.616(5),
13 and other items determined by the board;

14 2. For employees who begin participating on or after September 1, 2008,
15 lump-sum payments for compensatory time;

16 3. Training incentive payments for city officers paid as set out in KRS
17 64.5277 to 64.5279;

18 4. For employees who begin participating on or after August 1, 2016,
19 nominal fees paid for services as a volunteer; and

20 5. Any salary or wages paid to an employee for services as a Kentucky
21 State Police school resource officer as defined by KRS 158.441;

22 (14) "Final compensation" means:

23 (a) For a member who begins participating before September 1, 2008, who is
24 employed in a nonhazardous position, the creditable compensation of the
25 member during the five (5) fiscal years he or she was paid at the highest
26 average monthly rate divided by the number of months of service credit
27 during that five (5) year period multiplied by twelve (12). The five (5) years

- 1 may be fractional and need not be consecutive. If the number of months of
2 service credit during the five (5) year period is less than forty-eight (48), one
3 (1) or more additional fiscal years shall be used;
- 4 (b) For a member who is employed in a nonhazardous position, whose effective
5 retirement date is between August 1, 2001, and January 1, 2009, and whose
6 total service credit is at least twenty-seven (27) years and whose age and years
7 of service total at least seventy-five (75), final compensation means the
8 creditable compensation of the member during the three (3) fiscal years the
9 member was paid at the highest average monthly rate divided by the number
10 of months of service credit during that three (3) year period multiplied by
11 twelve (12). The three (3) years may be fractional and need not be
12 consecutive. If the number of months of service credit during the three (3)
13 year period is less than twenty-four (24), one (1) or more additional fiscal
14 years shall be used;
- 15 (c) For a member who begins participating before September 1, 2008, who is
16 employed in a hazardous position, as provided in KRS 78.5520, the creditable
17 compensation of the member during the three (3) fiscal years he or she was
18 paid at the highest average monthly rate divided by the number of months of
19 service credit during that three (3) year period multiplied by twelve (12). The
20 three (3) years may be fractional and need not be consecutive. If the number
21 of months of service credit during the three (3) year period is less than twenty-
22 four (24), one (1) or more additional fiscal years, which may contain less than
23 twelve (12) months of service credit, shall be used;
- 24 (d) For a member who begins participating on or after September 1, 2008, but
25 prior to January 1, 2014, who is employed in a nonhazardous position, the
26 creditable compensation of the member during the five (5) complete fiscal
27 years immediately preceding retirement divided by five (5). Each fiscal year

1 used to determine final compensation must contain twelve (12) months of
2 service credit. If the member does not have five (5) complete fiscal years that
3 each contain twelve (12) months of service credit, then one (1) or more
4 additional fiscal years, which may contain less than twelve (12) months of
5 service credit, shall be added until the number of months in the final
6 compensation calculation is at least sixty (60) months; or

7 (e) For a member who begins participating on or after September 1, 2008, but
8 prior to January 1, 2014, who is employed in a hazardous position as provided
9 in KRS 78.5520, the creditable compensation of the member during the three
10 (3) complete fiscal years he or she was paid at the highest average monthly
11 rate divided by three (3). Each fiscal year used to determine final
12 compensation must contain twelve (12) months of service credit. If the
13 member does not have three (3) complete fiscal years that each contain twelve
14 (12) months of service credit, then one (1) or more additional fiscal years,
15 which may contain less than twelve (12) months of service credit, shall be
16 added until the number of months in the final compensation calculation is at
17 least thirty-six (36) months;

18 (15) "Final rate of pay" means the actual rate upon which earnings of an employee were
19 calculated during the twelve (12) month period immediately preceding the
20 member's effective retirement date, and shall include employee contributions
21 picked up after August 1, 1982, pursuant to KRS 78.610(4). The rate shall be
22 certified to the system by the employer and the following equivalents shall be used
23 to convert the rate to an annual rate: two thousand eighty (2,080) hours for eight (8)
24 hour workdays, one thousand nine hundred fifty (1,950) hours for seven and one-
25 half (7.5) hour workdays, two hundred sixty (260) days, fifty-two (52) weeks,
26 twelve (12) months, one (1) year;

27 (16) "Retirement allowance" means the retirement payments to which a member is

1 entitled;

2 (17) "Actuarial equivalent" means a benefit of equal value when computed upon the
3 basis of the actuarial tables adopted by the board. In cases of disability retirement,
4 the options authorized by KRS 61.635 shall be computed by adding ten (10) years
5 to the age of the member, unless the member has chosen the Social Security
6 adjustment option as provided for in KRS 61.635(8), in which case the member's
7 actual age shall be used. For members who begin participating in the system prior
8 to January 1, 2014, no disability retirement option shall be less than the same option
9 computed under early retirement;

10 (18) "Normal retirement date", unless otherwise provided in KRS 78.510 to 78.852,
11 means:

12 (a) For a member with service in a nonhazardous position, the sixty-fifth birthday
13 of a member;

14 (b) For a member with service in a hazardous position who begins participating
15 before September 1, 2008, the first day of the month following a member's
16 fifty-fifth birthday; or

17 (c) For a member with service in a hazardous position who begins participating
18 on or after September 1, 2008, the first day of the month following a
19 member's sixtieth birthday;

20 (19) "Fiscal year" of the system means the twelve (12) months from July 1 through the
21 following June 30, which shall also be the plan year. The "fiscal year" shall be the
22 limitation year used to determine contribution and benefits limits as set out in 26
23 U.S.C. sec. 415;

24 (20) "Agency reporting official" means the person designated by the participating
25 employer who shall be responsible for forwarding all employer and employee
26 contributions and a record of the contributions to the system and for performing
27 other administrative duties pursuant to KRS 78.510 to 78.852;

1 (21) "Regular full-time positions," as used in subsection (6) of this section, shall mean
2 all positions that average one hundred (100) or more hours per month, determined
3 by using the number of hours actually worked in a calendar or fiscal year, or eighty
4 (80) or more hours per month in the case of noncertified employees of school
5 boards, determined by using the number of hours actually worked in a calendar or
6 school year, unless otherwise specified, except:

7 (a) Seasonal positions, which although temporary in duration, are positions which
8 coincide in duration with a particular season or seasons of the year and that
9 may recur regularly from year to year, in which case the period of time shall
10 not exceed nine (9) months, except for employees of school boards, in which
11 case the period of time shall not exceed six (6) months;

12 (b) Emergency positions which are positions utilized by the employer during:

13 1. An emergency as determined by the employer for a period not
14 exceeding thirty (30) working days and are nonrenewable; or

15 2. A state of emergency declared by the President of the United States or
16 the Governor of the Commonwealth of Kentucky that are created or
17 filled specifically for addressing the employer's needs during and as a
18 result of the declared emergency;

19 (c) Temporary positions that are positions of employment with a participating
20 agency for a period of time not to exceed twelve (12) months and not
21 renewable;

22 (d) Probationary positions which are positions of employment with a participating
23 employer that do not exceed twelve (12) months and that are used uniformly
24 by the participating agency on new employees who would otherwise be
25 eligible for participation in the system. Probationary positions shall not be
26 renewable by the participating employer for the same employee, unless the
27 employee has not been employed with the participating employer for a period

- 1 of at least twelve (12) months; or
- 2 (e) Part-time positions that are positions that may be permanent in duration, but
- 3 that require less than a calendar or fiscal year average of one hundred (100)
- 4 hours of work per month, determined by using the number of months actually
- 5 worked within a calendar or fiscal year, in the performance of duty, except in
- 6 case of noncertified employees of school boards, the school term average shall
- 7 be eighty (80) hours of work per month, determined by using the number of
- 8 months actually worked in a calendar or school year, in the performance of
- 9 duty;
- 10 (22) "Alternate participation plan" means a method of participation in the system as
- 11 provided for by KRS 78.530(3);
- 12 (23) "Retired member" means any former member receiving a retirement allowance or
- 13 any former member who has on file at the retirement office the necessary
- 14 documents for retirement benefits and is no longer contributing to the system;
- 15 (24) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly,
- 16 monthly, or yearly rate of pay converted to an annual rate as defined in final rate of
- 17 pay. The rate shall be certified by the employer;
- 18 (25) "Beneficiary" means the person, persons, estate, trust, or trustee designated by the
- 19 member in accordance with KRS 61.542 or 61.705 to receive any available benefits
- 20 in the event of the member's death. As used in KRS 78.5536, beneficiary shall not
- 21 mean an estate, trust, or trustee;
- 22 (26) "Recipient" means the retired member, the person or persons designated as
- 23 beneficiary by the member and drawing a retirement allowance as a result of the
- 24 member's death, or a dependent child drawing a retirement allowance. An alternate
- 25 payee of a qualified domestic relations order shall not be considered a recipient,
- 26 except for purposes of KRS 61.623;
- 27 (27) "Person" means a natural person;

- 1 (28) "School term or year" means the twelve (12) months from July 1 through the
2 following June 30;
- 3 (29) "Retirement office" means the Kentucky Public Pensions Authority office building
4 in Frankfort, unless otherwise designated by the Kentucky Public Pensions
5 Authority;
- 6 (30) "Vested" for purposes of determining eligibility for purchasing service credit under
7 KRS 61.552 means the employee has at least forty-eight (48) months of service if
8 age sixty-five (65) or older or at least sixty (60) months of service if under the age
9 of sixty-five (65). For purposes of this subsection, "service" means service in the
10 systems administered by the Kentucky Retirement Systems and County Employees
11 Retirement System;
- 12 (31) "Participating" means an employee is currently earning service credit in the system
13 as provided in KRS 78.615;
- 14 (32) "Month" means a calendar month;
- 15 (33) "Membership date" means the date upon which the member began participating in
16 the system as provided in KRS 78.615;
- 17 (34) "Participant" means a member, as defined by subsection (8) of this section, or a
18 retired member, as defined by subsection (23) of this section;
- 19 (35) "Qualified domestic relations order" means any judgment, decree, or order,
20 including approval of a property settlement agreement, that:
- 21 (a) Is issued by a court or administrative agency; and
- 22 (b) Relates to the provision of child support, alimony payments, or marital
23 property rights to an alternate payee;
- 24 (36) "Alternate payee" means a spouse, former spouse, child, or other dependent of a
25 participant, who is designated to be paid retirement benefits in a qualified domestic
26 relations order;
- 27 (37) "Accumulated employer credit" means the employer pay credit deposited to the

1 member's account and interest credited on such amounts as provided by KRS
2 78.5512 and 78.5516;

3 (38) "Accumulated account balance" means:

4 (a) For members who began participating in the system prior to January 1, 2014,
5 the member's accumulated contributions; or

6 (b) For members who began participating in the system on or after January 1,
7 2014, in the hybrid cash balance plan as provided by KRS 78.5512 and
8 78.5516, the combined sum of the member's accumulated contributions and
9 the member's accumulated employer credit;

10 (39) "Volunteer" means an individual who:

11 (a) Freely and without pressure or coercion performs hours of service for an
12 employer participating in one (1) of the systems administered by Kentucky
13 Retirement Systems or the County Employees Retirement System without
14 receipt of compensation for services rendered, except for reimbursement of
15 actual expenses, payment of a nominal fee to offset the costs of performing
16 the voluntary services, or both; and

17 (b) If a retired member, does not become an employee, leased employee, or
18 independent contractor of the employer for which he or she is performing
19 volunteer services for a period of at least twelve (12) months following the
20 retired member's most recent retirement date;

21 (40) "Nominal fee" means compensation earned for services as a volunteer that does not
22 exceed five hundred dollars (\$500) per month with each participating employer.
23 Compensation earned for services as a volunteer from more than one (1)
24 participating employer during a month shall not be aggregated to determine whether
25 the compensation exceeds the five hundred dollars (\$500) per month maximum
26 provided by this subsection;

27 (41) "Nonhazardous position" means a position that does not meet the requirements of

- 1 KRS 78.5520 or has not been approved by the board as a hazardous position;
- 2 (42) "Hazardous position" means a position that meets the requirements of KRS 78.5520
3 and has been approved by the board as hazardous;
- 4 (43) "Level-percentage-of-payroll amortization method" means a method of determining
5 the annual amortization payment on the unfunded actuarial accrued liability as
6 expressed as a percentage of payroll over a set period of years. Under this method,
7 the percentage of payroll shall be projected to remain constant for all years
8 remaining in the set period and the unfunded actuarially accrued liability shall be
9 projected to be fully amortized at the conclusion of the set period;
- 10 (44) "Increment" means twelve (12) months of service credit which are purchased. The
11 twelve (12) months need not be consecutive. The final increment may be less than
12 twelve (12) months;
- 13 (45) "Last day of paid employment" means the last date employer and employee
14 contributions are required to be reported in accordance with KRS 16.543, 61.543, or
15 78.615 to the retirement office in order for the employee to receive current service
16 credit for the month. Last day of paid employment does not mean a date the
17 employee receives payment for accrued leave, whether by lump sum or otherwise,
18 if that date occurs twenty-four (24) or more months after previous contributions;
- 19 (46) "Objective medical evidence" means reports of examinations or treatments; medical
20 signs which are anatomical, physiological, or psychological abnormalities that can
21 be observed; psychiatric signs which are medically demonstrable phenomena
22 indicating specific abnormalities of behavior, affect, thought, memory, orientation,
23 or contact with reality; or laboratory findings which are anatomical, physiological,
24 or psychological phenomena that can be shown by medically acceptable laboratory
25 diagnostic techniques, including but not limited to chemical tests,
26 electrocardiograms, electroencephalograms, X-rays, and psychological tests;
- 27 (47) "Hazardous disability" as used in KRS 78.510 to 78.852 means a disability which

1 results in an employee's total incapacity to continue as an employee in a hazardous
2 position, but the employee is not necessarily deemed to be totally and permanently
3 disabled to engage in other occupations for remuneration or profit;

4 (48) "Act in line of duty" means, for employees in hazardous positions under KRS
5 78.5520:

6 (a) A single act occurring which was required in the performance of the principal
7 duties of the hazardous position as defined by the job description; or

8 (b) A single act of violence committed against the employee that is found to be
9 related to his or her job duties, whether or not it occurs at his or her job site;

10 (49) "Dependent child" means a child in the womb and a natural or legally adopted child
11 of the member who has neither attained age eighteen (18) nor married or who is an
12 unmarried full-time student who has not attained age twenty-two (22). Solely in the
13 case of a member who dies as a direct result of an act in line of duty as defined in
14 this section, dies as a result of a duty-related injury as defined in KRS 61.621,
15 becomes totally and permanently disabled as a direct result of an act in the line of
16 duty as defined in this section, or becomes disabled as a result of a duty-related
17 injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS
18 61.621(5)(a), "dependent child" also means a naturally or legally adopted disabled
19 child of the member, regardless of the child's age, if the child has been determined
20 to be eligible for federal Social Security disability benefits or is being claimed as a
21 qualifying child for tax purposes due to the child's total and permanent disability;

22 (50) "Normal retirement age" means the age at which the member meets the
23 requirements for his or her normal retirement date as provided by subsection (18) of
24 this section;

25 (51) "Disability retirement date" means the first day of the month following the last day
26 of paid employment;

27 (52) "Monthly average pay" means:

- 1 (a) In the case of a member who dies as a direct result of an act in line of duty as
2 defined in KRS 16.505 or who dies as a result of a duty-related injury as
3 defined in KRS 61.621, the higher of the member's monthly final rate of pay
4 or the average monthly creditable compensation earned by the deceased
5 member during his or her last twelve (12) months of employment; or
- 6 (b) In the case where a member becomes totally and permanently disabled as a
7 direct result of an act in line of duty as defined in KRS 16.505 or becomes
8 disabled as a result of a duty-related injury as defined in KRS 61.621 and is
9 eligible for the benefits provided by KRS 61.621(5)(a), the higher of the
10 member's monthly final rate of pay or the average monthly creditable
11 compensation earned by the disabled member during his or her last twelve
12 (12) months of employment prior to the date the act in line of duty or duty-
13 related injury occurred;
- 14 (53) "Authority" means the Kentucky Public Pensions Authority as provided by KRS
15 61.505;
- 16 (54) "Executive director" means the executive director of the Kentucky Public Pensions
17 Authority; and
- 18 (55) "Gainful employment" means work in any capacity that is or may be performed
19 with regularity and is or may be usually done for pay, whether pay is received or
20 not received, including seasonal, volunteer, part-time, and on-call work.
- 21 ➔Section 3. KRS 156.095 is amended to read as follows:
- 22 (1) The Kentucky Department of Education shall establish, direct, and maintain a
23 statewide program of professional development to improve instruction in the public
24 schools.
- 25 (2) Each local school district superintendent shall appoint a certified school employee
26 to fulfill the role and responsibilities of a professional development coordinator
27 who shall disseminate professional development information to schools and

1 personnel. Upon request by a school council or any employees of the district, the
2 coordinator shall provide technical assistance to the council or the personnel that
3 may include assisting with needs assessments, analyzing school data, planning and
4 evaluation assistance, organizing districtwide programs requested by school
5 councils or groups of teachers, or other coordination activities.

6 (a) The manner of appointment, qualifications, and other duties of the
7 professional development coordinator shall be established by Kentucky Board
8 of Education through promulgation of administrative regulations.

9 (b) The local district professional development coordinator shall participate in the
10 Kentucky Department of Education annual training program for local school
11 district professional development coordinators. The training program may
12 include, but not be limited to, the demonstration of various approaches to
13 needs assessment and planning; strategies for implementing long-term,
14 school-based professional development; strategies for strengthening teachers'
15 roles in the planning, development, and evaluation of professional
16 development; and demonstrations of model professional development
17 programs. The training shall include information about teacher learning
18 opportunities relating to the core content standards. The Kentucky Department
19 of Education shall regularly collect and distribute this information.

20 (3) The Kentucky Department of Education shall provide or facilitate optional,
21 professional development programs for certified personnel throughout the
22 Commonwealth that are based on the statewide needs of teachers, administrators,
23 and other education personnel. Programs may include classified staff and parents
24 when appropriate. Programs offered or facilitated by the department shall be at
25 locations and times convenient to local school personnel and shall be made
26 accessible through the use of technology when appropriate. They shall include
27 programs that: address the goals for Kentucky schools as stated in KRS 158.6451,

1 including reducing the achievement gaps as determined by an equity analysis of the
2 disaggregated student performance data from the state assessment program
3 developed under KRS 158.6453; engage educators in effective learning processes
4 and foster collegiality and collaboration; and provide support for staff to
5 incorporate newly acquired skills into their work through practicing the skills,
6 gathering information about the results, and reflecting on their efforts. Professional
7 development programs shall be made available to teachers based on their needs
8 which shall include but not be limited to the following areas:

- 9 (a) Strategies to reduce the achievement gaps among various groups of students
10 and to provide continuous progress;
 - 11 (b) Curriculum content and methods of instruction for each content area,
12 including differentiated instruction;
 - 13 (c) School-based decision making;
 - 14 (d) Assessment literacy;
 - 15 (e) Integration of performance-based student assessment into daily classroom
16 instruction;
 - 17 (f) Nongraded primary programs;
 - 18 (g) Research-based instructional practices;
 - 19 (h) Instructional uses of technology;
 - 20 (i) Curriculum design to serve the needs of students with diverse learning styles
21 and skills and of students of diverse cultures;
 - 22 (j) Instruction in reading, including phonics, phonemic awareness,
23 comprehension, fluency, and vocabulary;
 - 24 (k) Educational leadership; and
 - 25 (l) Strategies to incorporate character education throughout the curriculum.
- 26 (4) The department shall assist school personnel in assessing the impact of professional
27 development on their instructional practices and student learning.

- 1 (5) The department shall assist districts and school councils with the development of
2 long-term school and district improvement plans that include multiple strategies for
3 professional development based on the assessment of needs at the school level.
- 4 (a) Professional development strategies may include but are not limited to
5 participation in subject matter academies, teacher networks, training institutes,
6 workshops, seminars, and study groups; collegial planning; action research;
7 mentoring programs; appropriate university courses; and other forms of
8 professional development.
- 9 (b) In planning the use of the four (4) days for professional development under
10 KRS 158.070, school councils and districts shall give priority to programs that
11 increase teachers' understanding of curriculum content and methods of
12 instruction appropriate for each content area based on individual school plans.
13 The district may use up to one (1) day to provide district-wide training and
14 training that is mandated by state or federal law. Only those employees
15 identified in the mandate or affected by the mandate shall be required to
16 attend the training.
- 17 (c) State funds allocated for professional development shall be used to support
18 professional development initiatives that are consistent with local school
19 improvement and professional development plans and teachers' individual
20 growth plans. The funds may be used throughout the year for all staff,
21 including classified and certified staff and parents on school councils or
22 committees. A portion of the funds allocated to each school council under
23 KRS 160.345 may be used to prepare or enhance the teachers' knowledge and
24 teaching practices related to the content and subject matter that are required
25 for their specific classroom assignments.
- 26 (6) (a) The Kentucky Cabinet for Health and Family Services shall post on its web
27 page evidence-based suicide prevention awareness information, to include

1 recognizing the warning signs of a suicide crisis. The web page shall include
2 information related to suicide prevention training opportunities offered by the
3 cabinet or an agency recognized by the cabinet as a training provider.

4 (b) Every public school ~~[and public charter school]~~ shall provide two (2)
5 evidence-based suicide prevention awareness lessons each school year, the
6 first by September 15 and the second by January 15, either in person, by live
7 streaming, or via a video recording to all students in grades six (6) through
8 twelve (12). Every public school shall provide an opportunity for any student
9 absent on the day the evidence-based suicide prevention awareness lesson was
10 initially presented to receive the lesson at a later time. The information may
11 be obtained from the Cabinet for Health and Family Services or from a
12 commercially developed suicide prevention training program.

13 (c) 1. Each school year, a minimum of one (1) hour of high-quality evidence-
14 based suicide prevention training, including risk factors, warning signs,
15 protective factors, response procedures, referral, postvention, and the
16 recognition of signs and symptoms of possible mental illness, shall be
17 required for all school district employees with job duties requiring direct
18 contact with students in grades four (4) through twelve (12). The
19 training shall be provided either in person, by live streaming, or via a
20 video recording and may be included in the four (4) days of professional
21 development under KRS 158.070. As used in this subparagraph,
22 "postvention" means a series of planned supports and interventions with
23 persons affected by a suicide for the purpose of facilitating the grieving
24 or adjustment process, stabilizing the environment, reducing the risk of
25 negative behaviors, and limiting the risk of further suicides through
26 contagion.

27 2. When a staff member subject to the training under subparagraph 1. of

1 this paragraph is initially hired during a school year in which the
 2 training is not required, the local district shall provide suicide prevention
 3 materials to the staff member for review.

4 ~~[(d) The requirements of paragraphs (b) and (c) of this subsection shall apply to
 5 public charter schools as a health and safety requirement under KRS
 6 160.1592(1).]~~

7 (7) (a) By November 1 of each year, a minimum of one (1) hour of training on how
 8 to respond to an active shooter situation shall be required for all school district
 9 employees with job duties requiring direct contact with students. The training
 10 shall be provided either in person, by live streaming, or via a video recording
 11 prepared by the Kentucky Department of Criminal Justice Training in
 12 collaboration with the Kentucky Law Enforcement Council, the Kentucky
 13 Department of Education, and the Center for School Safety and may be
 14 included in the four (4) days of professional development under KRS
 15 158.070.

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

20 ~~[(e) The requirements of this subsection shall also apply to public charter schools
 21 as a health and safety requirement under KRS 160.1592(1).]~~

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

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

- 1 1. Recognizing child physical, sexual, and emotional abuse and neglect;
- 2 2. Reporting suspected child abuse and neglect in Kentucky as required by
- 3 KRS 620.030 and the appropriate documentation;
- 4 3. Responding to the child; and
- 5 4. Understanding the response of child protective services.
- 6 (c) The trainings shall include a questionnaire or other basic assessment tool upon
- 7 completion to document basic knowledge of training components.
- 8 (d) Each local board of education shall adopt one (1) or more trainings from the
- 9 list approved by the Department of Education to be implemented by schools.
- 10 (e) All school administrators, certified personnel, office staff, instructional
- 11 assistants, and coaches and extracurricular sponsors who are employed by the
- 12 school district shall complete the implemented training or trainings within
- 13 ninety (90) days of being hired and then every two (2) years after.
- 14 (f) Every public school shall prominently display the statewide child abuse
- 15 hotline number administered by the Cabinet for Health and Family Services,
- 16 the National Human Trafficking Reporting Hotline number administered by
- 17 the United States Department for Health and Human Services, and the Safe
- 18 Haven Baby Boxes Crisis Line number administered by the Safe Haven Baby
- 19 Boxes national organization or any equivalent successor entity.
- 20 ~~[(g) The requirements of this subsection shall also apply to public charter schools~~
- 21 ~~as a health and safety requirement under KRS 160.1592(1).]~~
- 22 (9) The Department of Education shall establish an electronic consumer bulletin board
- 23 that posts information regarding professional development providers and programs
- 24 as a service to school district central office personnel, school councils, teachers, and
- 25 administrators. Participation on the electronic consumer bulletin board shall be
- 26 voluntary for professional development providers or vendors, but shall include all
- 27 programs sponsored by the department. Participants shall provide the following

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

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

- 14 (a) Identify at-risk students early in elementary schools as well as at-risk and
15 potential dropouts in the middle and high schools;
- 16 (b) Plan specific instructional strategies to teach at-risk students;
- 17 (c) Improve the academic achievement of students at risk of school failure by
18 providing individualized and extra instructional support to increase
19 expectations for targeted students;
- 20 (d) Involve parents as partners in ways to help their children and to improve their
21 children's academic progress; and
- 22 (e) Significantly reduce the dropout rate of all students.

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

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

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

5 ➔Section 4. KRS 157.063 is amended to read as follows:

6 (1) The General Assembly hereby finds and declares that:

7 (a) During the first five (5) years of life, children experience rapid learning and
8 development that have effects that endure their lifetimes;

9 (b) A key milestone in children's development is their transition into and
10 readiness for kindergarten;

11 (c) High quality early childhood literacy programs can significantly improve a
12 child's readiness for kindergarten and future academic success;

13 (d) Children in Kentucky would benefit from access to varied and effective early
14 literacy services; and

15 (e) Developing new and innovative services for the children of the
16 Commonwealth can expand access to early literacy services and improve
17 kindergarten readiness.

18 (2) As used in this section:

19 (a) "Child-care center" has the same meaning as in KRS 199.894;

20 (b) "Contractor" means the educational technology provider selected pursuant to
21 subsection (4) of this section;

22 (c) "Department" means the Kentucky Department of Education; and

23 (d) "Eligible child" means a child who is four (4) or five (5) years old and is not
24 currently enrolled in kindergarten in a public school district, but is eligible to
25 enroll during the following school year.

26 (3) The Adaptive Kindergarten Readiness Pilot Project is hereby established to provide
27 preschool children with access to educational technology programs that use family

- 1 engagement to improve kindergarten readiness. The pilot project shall:
- 2 (a) During the 2024-2025 and 2025-2026 school years, provide a cohort of
- 3 eligible children during each school year with access to an educational
- 4 technology program that:
- 5 1. Utilizes family engagement to deliver age-appropriate instruction in
- 6 reading that may be implemented in homes or in child-care centers;
- 7 2. Offers optional instruction in mathematics and science;
- 8 3. Aligns with relevant state standards for preschool under KRS 157.3175;
- 9 4. Assists with the objectives of the Head Start Act, 42 U.S.C. sec. 9801 et
- 10 seq.;
- 11 5. Assists children with disabilities in preparing for kindergarten; and
- 12 6. Meets the benchmarks for evidence-based programs established by the
- 13 United States Department of Education;
- 14 (b) Operate under the oversight of the Kentucky Department of Education;
- 15 (c) Solicit families to encourage their eligible child's participation in the pilot
- 16 project through public information campaigns, outreach programs, and
- 17 referrals from other educational entities that are partially focused on
- 18 communities and areas of the state encountering persistent poverty;
- 19 (d) Reserve forty percent (40%) of a cohort's membership for eligible students
- 20 with a household income of no more than two hundred percent (200%) of the
- 21 federal poverty level. However, if a seat reserved under this paragraph
- 22 remains vacant for more than two (2) months, the seat in that cohort may be
- 23 given to any eligible child. The pilot project shall enroll eligible children as
- 24 students in both the reserved and unreserved membership in the order the
- 25 completed applications were submitted. The maximum enrollment for each
- 26 cohort shall be established by the department and provider based on the funds
- 27 available;

- 1 (e) Use:
- 2 1. A multisensory reading tutoring program; and
- 3 2. A validated adaptive reading test that does not require the presence of
- 4 trained adults to administer and that has been demonstrated as an
- 5 accurate indicator of a child's reading readiness; and
- 6 (f) As needed and at no cost for the student's family, for the duration of the
- 7 student's participation in the pilot project, provide a student with a household
- 8 income of no more than four hundred percent (400%) of the federal poverty
- 9 level with:
- 10 1. A computer or tablet; and
- 11 2. Access to internet service.
- 12 (4) The Kentucky Department of Education shall select a provider to implement the
- 13 pilot project under the department's oversight. In evaluating provider applicants, the
- 14 department shall require an applicant to have:
- 15 (a) At least three (3) years of experience in implementing similar services;
- 16 (b) Conducted a randomized controlled trial or other external evaluation that
- 17 support the efficacy of the educational technology program the provider
- 18 implements; and
- 19 (c) Capabilities to:
- 20 1. Partner with preschool, head start, and child-care centers to serve
- 21 participating students;
- 22 2. Communicate with parents and other education professionals involved
- 23 in the pilot project;
- 24 3. Update the instructional software as needed;
- 25 4. Validate user access;
- 26 5. Collect user data;
- 27 6. Store research data;

- 1 7. Produce reports for parents, schools, the department, and the Legislative
2 Research Commission; and
- 3 8. Comply with state and federal education and digital privacy laws.
- 4 (5) The selected provider shall:
- 5 (a) Develop a recruitment plan to solicit families to participate in the pilot
6 project;
- 7 (b) Implement the pilot project in compliance with subsection (3) of this section;
- 8 (c) Provide administrative and technical support to students, families, and any
9 other involved education professionals for the installation and operation of the
10 instructional software;
- 11 (d) Seek the advice and expertise of local stakeholders, such as public and private
12 early childhood education professionals, the department, local school board
13 members, kindergarten teachers, and parents, on the implementation of the
14 pilot project in areas such as:
- 15 1. Soliciting families to participate in the pilot project;
- 16 2. Providing training to families and education professionals; and
- 17 3. Motivating families to regularly use the instructional software; and
- 18 (e) At the conclusion of each school year, report any data required by the
19 department to conduct an evaluation of the pilot project's effectiveness.
- 20 (6) By December 1, 2025, the department shall submit a report to the Legislative
21 Research Commission for referral to the appropriate Interim Joint Committee on
22 Education, that contains the following:
- 23 (a) The extent to which the pilot project is accomplishing the objectives identified
24 in this section;
- 25 (b) The number of families:
- 26 1. Participating in the project;
- 27 2. Who have received technology devices or internet service in the project;

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3. Who have household incomes of no more than two hundred percent (200%) of the federal poverty level or who reside in areas of persistent poverty;

(c) The number of private and public educational entities the provider has partnered with during the pilot project;

(d) The frequency of use of the instructional software;

(e) Obstacles encountered with software usage, hardware, internet access, or providing technical assistance; and

(f) Student performance on any kindergarten entry or exit assessments conducted by school districts~~[or public charter schools]~~ that compare students who have participated in the project and students who have not.

(7) The Kentucky Department of Education shall implement this section to the extent that federal funds are available.

➔Section 5. KRS 158.038 is amended to read as follows:

(1) ~~[Beginning August 1, 2020,]~~ Any student identification badge issued to a student in grades six (6) through twelve (12) by a public school shall contain the contact information for:

(a) A national domestic violence hotline;

(b) A national sexual assault hotline; and

(c) A national suicide prevention hotline.

~~(2) [The requirements of subsection (1) of this section shall apply to public charter schools as a health and safety requirement under KRS 160.1592(1).]~~

~~(3) [By July 20, 2020,]~~ The Cabinet for Health and Family Services shall publish recommendations for at least one (1) national hotline accessible twenty-four (24) hours a day, seven (7) days a week, and three hundred sixty-five (365) days a year that specializes in each of the hotline categories required by subsection (1) of this

1 section.

2 ➔Section 6. KRS 158.189 is amended to read as follows:

3 (1) As used in this section:

4 (a) "Biological sex" means the physical condition of being male or female, which
5 is determined by a person's chromosomes, and is identified at birth by a
6 person's anatomy; and

7 (b) "School" means a school under the control of a local board of education ~~or a~~
8 ~~charter school board of directors~~.

9 (2) The General Assembly finds that:

10 (a) School personnel have a duty to protect the dignity, health, welfare, and
11 privacy rights of students in their care;

12 (b) Children and young adults have natural and normal concerns about privacy
13 while in various states of undress, and most wish for members of the opposite
14 biological sex not to be present in those circumstances;

15 (c) Allowing students to use restrooms, locker rooms, or shower rooms that are
16 reserved for students of a different biological sex:

17 1. Will create a significant potential for disruption of school activities and
18 unsafe conditions; and

19 2. Will create potential embarrassment, shame, and psychological injury to
20 students;

21 (d) Parents have a reasonable expectation that schools will not allow minor
22 children to be viewed in various states of undress by members of the opposite
23 biological sex, nor allow minor children to view members of the opposite sex
24 in various states of undress; and

25 (e) Schools have a duty to respect and protect the privacy rights of students,
26 including the right not to be compelled to undress or be unclothed in the
27 presence of members of the opposite biological sex.

1 (3) Each local board of education~~[or charter school board of directors]~~ shall, after
 2 allowing public comment on the issue at an open meeting, adopt policies necessary
 3 to protect the privacy rights outlined in subsection (2) of this section and enforce
 4 this subsection. Those policies shall, at a minimum, not allow students to use
 5 restrooms, locker rooms, or shower rooms that are reserved for students of a
 6 different biological sex.

7 (4) (a) A student who asserts to school officials that his or her gender is different
 8 from his or her biological sex and whose parent or legal guardian provides
 9 written consent to school officials shall be provided with the best available
 10 accommodation, but that accommodation shall not include the use of school
 11 restrooms, locker rooms, or shower rooms designated for use by students of
 12 the opposite biological sex while students of the opposite biological sex are
 13 present or could be present.

14 (b) Acceptable accommodations may include but are not limited to access to
 15 single-stall restrooms or controlled use of faculty bathrooms, locker rooms, or
 16 shower rooms.

17 ➔Section 7. KRS 158.196 is amended to read as follows:

18 (1) A public school~~[or public charter school]~~ shall provide instruction and instructional
 19 materials that are aligned with the social studies academic standards adopted in
 20 accordance with KRS 158.6453 and consistent with the following concepts:

- 21 (a) All individuals are created equal;
- 22 (b) Americans are entitled to equal protection under the law;
- 23 (c) An individual deserves to be treated on the basis of the individual's character;
- 24 (d) An individual, by virtue of the individual's race or sex, does not bear
 25 responsibility for actions committed by other members of the same race or
 26 sex;
- 27 (e) The understanding that the institution of slavery and post-Civil War laws

1 enforcing racial segregation and discrimination were contrary to the
2 fundamental American promise of life, liberty, and the pursuit of happiness,
3 as expressed in the Declaration of Independence, but that defining racial
4 disparities solely on the legacy of this institution is destructive to the
5 unification of our nation;

6 (f) The future of America's success is dependent upon cooperation among all its
7 citizens;

8 (g) Personal agency and the understanding that, regardless of one's circumstances,
9 an American has the ability to succeed when he or she is given sufficient
10 opportunity and is committed to seizing that opportunity through hard work,
11 pursuit of education, and good citizenship; and

12 (h) The significant value of the American principles of equality, freedom,
13 inalienable rights, respect for individual rights, liberty, and the consent of the
14 governed.

15 (2) Nothing in subsection (1) of this section shall be construed to restrict a public
16 school ~~or public charter school~~ from providing instruction or using instructional
17 materials that include:

18 (a) The history of an ethnic group, as described in textbooks and instructional
19 materials adopted by a school district;

20 (b) The discussion of controversial aspects of history; or

21 (c) The instruction and instructional materials on the historical oppression of a
22 particular group of people.

23 (3) (a) Notwithstanding the every six (6) year schedule set forth in KRS
24 158.6453(2)(a), no later than July 1, 2023, the Kentucky Department of
25 Education shall incorporate fundamental American documents and speeches
26 into the grade-level appropriate middle and high school social studies
27 academic standards and align corresponding assessments, including but not

- 1 limited to:
- 2 1. The Mayflower Compact;
 - 3 2. The Declaration of Independence;
 - 4 3. The Constitution of the United States;
 - 5 4. The Federalist No. 1 (Alexander Hamilton);
 - 6 5. The Federalist Nos. 10 and 51 (James Madison);
 - 7 6. The June 8, 1789, speech on amendments to the Constitution of the
 - 8 United States by James Madison;
 - 9 7. The first ten (10) amendments to the Constitution of the United States,
 - 10 also known as the Bill of Rights;
 - 11 8. The 1796 Farewell Address by George Washington;
 - 12 9. The United States Supreme Court opinion in *Marbury v. Madison*, 5
 - 13 U.S. 137 (1803);
 - 14 10. The Monroe Doctrine by James Monroe;
 - 15 11. What to the Slave is the Fourth of July? speech by Frederick Douglass;
 - 16 12. The United States Supreme Court opinion in *Dred Scott v. Sandford*, 60
 - 17 U.S. 393 (1857);
 - 18 13. Final Emancipation Proclamation by Abraham Lincoln;
 - 19 14. The Gettysburg Address by Abraham Lincoln;
 - 20 15. Declaration of Rights of the Women of the United States by Susan B.
 - 21 Anthony, Matilda Joslyn Gage, and Elizabeth Cady Stanton;
 - 22 16. The September 18, 1895, Atlanta Exposition Address by Booker T.
 - 23 Washington;
 - 24 17. Of Booker T. Washington and Others by W.E.B. Du Bois;
 - 25 18. The United States Supreme Court opinion in *Plessy v. Ferguson*, 163
 - 26 U.S. 537 (1896);
 - 27 19. The August 31, 1910, New Nationalism speech by Theodore Roosevelt;

- 1 20. The January 11, 1944, State of the Union Address by Franklin D.
2 Roosevelt;
- 3 21. The United States Supreme Court opinions in *Brown v. Board of*
4 *Education of Topeka*, 347 U.S. 483 (1954) and *Brown v. Board of*
5 *Education of Topeka*, 349 U.S. 294 (1955);
- 6 22. Letter from Birmingham Jail by Martin Luther King, Jr.;
- 7 23. The August 28, 1963, I Have a Dream speech by Martin Luther King,
8 Jr.; and
- 9 24. A Time for Choosing by Ronald Reagan.

10 (b) This revision shall not delay or otherwise impact the existing schedule as set
11 forth in KRS 158.6453(2).

12 ➔Section 8. KRS 158.305 is amended to read as follows:

13 (1) As used in this section:

14 (a) "Aphasia" means a condition characterized by either partial or total loss of the
15 ability to communicate verbally or through written words. A person with
16 aphasia may have difficulty speaking, reading, writing, recognizing the names
17 of objects, or understanding what other people have said. The condition may
18 be temporary or permanent and does not include speech problems caused by
19 loss of muscle control;

20 (b) "Dyscalculia" means the inability to understand the meaning of numbers, the
21 basic operations of addition and subtraction, the complex operations of
22 multiplication and division, or to apply math principles to solve practical or
23 abstract problems;

24 (c) "Dysgraphia" means difficulty in automatically remembering and mastering
25 the sequence of muscle motor movements needed to accurately write letters or
26 numbers;

27 (d) "Dyslexia" has the same meaning as in KRS 158.307;

- 1 (e) "Enrichment program" means accelerated intervention within the school day
2 or outside of the school day or school calendar led by individuals most
3 qualified to provide the intervention that includes evidence-based reading
4 instructional programming related to reading instruction in the areas of
5 phonemic awareness, phonics, fluency, vocabulary, and comprehension, and
6 other instructional strategies aligned to reading and writing standards required
7 by KRS 158.6453 and outlined in administrative regulation promulgated by
8 the Kentucky Board of Education;
- 9 (f) "Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21);
- 10 (g) "Phonemic awareness" has the same meaning as in KRS 158.307;
- 11 (h) "Reading diagnostic assessment" has the same meaning as in KRS 158.792;
- 12 (i) "Reading improvement plan" means an accelerated intervention plan for a
13 student in kindergarten through grade four (4) that is developed to increase a
14 student's rate of progress toward proficient performance in reading that is
15 identified as necessary based on the student's results on an approved reading
16 diagnostic assessment. This plan should be developed in collaboration and
17 accordance with any existing program services plan, individualized education
18 program, or Section 504 Plan unless the program services plan, individualized
19 education program, or Section 504 Plan already addresses improving reading;
- 20 (j) "Reading improvement team" means a team that develops and oversees the
21 progress of a reading improvement plan and includes:
- 22 1. The parent or guardian of the student that is the subject of the reading
23 improvement plan;
 - 24 2. No less than one (1) regular education teacher of the student to provide
25 information about the general curriculum for same-aged peers;
 - 26 3. A representative of the local education agency who is knowledgeable
27 about the reading curriculum and the availability of the evidence-based

- 1 literacy resources of the local education agency; and
- 2 4. Any specialized certified school employees for students receiving
- 3 language instruction educational programming or special education
- 4 services; and
- 5 (k) "Universal screener" means a process of providing a brief assessment to all
- 6 students within a grade level to assess the students' performance on the
- 7 essential components of reading.
- 8 (2) Notwithstanding any other statute or administrative regulation to the contrary, the
- 9 Kentucky Board of Education shall promulgate administrative regulations to further
- 10 define a multitiered system of supports for district-wide use of a system for students
- 11 in kindergarten through grade three (3), that includes a tiered continuum of
- 12 interventions with varying levels of intensity and duration and which connects
- 13 general, compensatory, and special education programs to provide interventions
- 14 implemented with fidelity to evidence-based research and matched to individual
- 15 student strengths and needs. At a minimum, evidence of implementation shall be
- 16 submitted by the district to the department by October 1 of each year and shall
- 17 include but not be limited to the activities required under KRS 158.649.
- 18 (3) The Department of Education shall provide technical assistance and training, if
- 19 requested by a local district, to assist in the implementation of the district-wide,
- 20 multitiered system of supports as a means to identify and assist any student
- 21 experiencing difficulty in reading, writing, mathematics, or behavior and to
- 22 determine appropriate instructional modifications needed by advanced learners to
- 23 make continuous progress.
- 24 (4) The technical assistance and training shall be designed to improve:
- 25 (a) The use of specific screening processes and programs to identify student
- 26 strengths and needs;
- 27 (b) The use of screening data for designing instructional interventions;

- 1 (c) The use of multisensory instructional strategies and other interventions
2 validated for effectiveness by evidence-based research;
- 3 (d) Progress monitoring of student performance; and
- 4 (e) Accelerated, intensive, direct instruction that addresses students' individual
5 differences, including advanced learners, and enables students that are
6 experiencing difficulty to catch up with typically performing peers.
- 7 (5) (a) ~~[By January 1, 2023,]~~Each superintendent~~[or public charter school board of~~
8 ~~directors]~~ shall select:
- 9 1. At least one (1) universal screener for reading that is determined by the
10 department to be reliable and valid to be administered to all students in
11 kindergarten through grade three (3); and
- 12 2. At least one (1) reading diagnostic assessment for reading that is
13 determined by the department to be reliable and valid to be administered
14 as part of a multitiered system of supports for students in kindergarten
15 through grade three (3).
- 16 (b) Notwithstanding KRS 158.6453(19) and 160.345, each superintendent~~[or~~
17 ~~public charter school board]~~ shall adopt a common comprehensive reading
18 program that is determined by the department to be reliable, valid, and aligned
19 to reading and writing standards required by KRS 158.6453 and outlined in
20 administrative regulation promulgated by the Kentucky Board of Education
21 for kindergarten through grade three (3) for all schools or a subset of schools,
22 with consultation of all affected elementary school councils.
- 23 (c) All teachers of students in kindergarten through grade three (3)~~[, including~~
24 ~~public charter school teachers,]~~ shall be trained on any reading diagnostic
25 assessment and universal screener selected by the superintendent~~[or public~~
26 ~~charter school board]~~ prior to administration of the assessment. The training
27 shall address:

- 1 1. How to properly administer the reading diagnostic assessment;
- 2 2. How to interpret the results of the reading diagnostic assessment to
- 3 identify students needing interventions;
- 4 3. How to use the assessment results to design instruction and
- 5 interventions;
- 6 4. The use of the assessment to monitor the progress of student
- 7 performance; and
- 8 5. The use of accelerated, intensive, and direct instruction that addresses
- 9 students' individual differences and enables students to achieve
- 10 proficiency in reading, including but not limited to daily, one-on-one
- 11 instruction.

12 (6) ~~Beginning with the 2023-2024 school year,~~ A universal screener determined by

13 the Department of Education to be reliable and valid shall be:

- 14 (a) Given in the first forty-five (45) days of the school year for all kindergarten
- 15 students at a public school ~~or public charter school~~; and
- 16 (b) Given in the first thirty (30) days of the school year for grades one (1) through
- 17 three (3) at a public school ~~or public charter school~~.

18 (7) A reading improvement plan shall be developed and implemented by a reading

19 improvement team for any student in kindergarten through grade three (3) identified

20 as needing accelerated interventions to progress toward proficient performance in

21 reading. The reading improvement plan shall require:

- 22 (a) Intensive intervention that includes effective instructional strategies and
- 23 appropriate instructional materials necessary to help the student make
- 24 accelerated progress toward proficient performance in reading and become
- 25 ready for the next grade, including but not limited to daily, one-on-one
- 26 instruction with students the most in need provided by certified teachers
- 27 specifically trained to provide one-on-one instruction;

- 1 (b) A school to provide a written quarterly progress report containing the
2 information required by paragraph (a) of this subsection to a parent or
3 guardian of any student subject to a reading improvement plan. The written
4 quarterly progress report for the reading improvement plan may be included
5 in the school's existing quarterly progress report; and
- 6 (c) Individual placement decisions for children who are eligible for special
7 education and related services to be determined by the appropriate admissions
8 and release committee in accordance with administrative regulations
9 promulgated by the Kentucky Board of Education.
- 10 (8) ~~Beginning in the 2023-2024 school year,~~ If a student's rate of progress toward
11 proficient performance in reading needs accelerated interventions as demonstrated
12 by the results of an approved reading diagnostic assessment, the local school district
13 shall provide:
- 14 (a) Enrichment programs through grade three (3) using evidence-based reading
15 instruction and other strategies;
- 16 (b) Intensive instructional services, progress monitoring measures, and supports
17 to students through grade three (3); and
- 18 (c) Parents and legal guardians of students identified for accelerated interventions
19 in reading in kindergarten through grade three (3) with a "Read at Home"
20 plan, including information on how to participate in regular parent-guided
21 home reading.
- 22 (9) ~~Beginning in the 2024-2025 school year,~~ If a student does not score in the
23 proficient performance level or higher in reading, as defined in KRS 158.791(2), on
24 the state annually required grade three (3) assessment, the local school district shall
25 provide:
- 26 (a) 1. Enrichment programs in grade four (4) using evidence-based reading
27 instruction and other strategies; or

- 1 2. Intensive instructional services, progress monitoring measures, and
2 supports to students in grade four (4); and
- 3 (b) Written notification of the interventions and supports described in paragraph
4 (a) of this subsection to the parent or legal guardian of the student, including a
5 description of proposed interventions and supports to be provided.
- 6 (10) ~~[By September 1, 2023,]~~If funds are appropriated, the department shall establish
7 required teacher academies or coaching models for teachers of students in
8 prekindergarten through grade three (3). The teacher academies or coaching models
9 shall be related to evidence-based practices in instruction, instructional materials,
10 and assessment in reading.
- 11 (11) The department shall develop and maintain a web-based resource providing
12 teachers access to:
- 13 (a) Information on the use of specific screening processes and programs to
14 identify student strengths and needs, including those for advanced learners;
- 15 (b) Current, evidence-based research and age-appropriate instructional tools that
16 may be used for substantial, steady improvement in:
- 17 1. Reading when a student is experiencing difficulty with phonemic
18 awareness, phonics, vocabulary, fluency, general reading
19 comprehension, or reading in specific content areas, or is exhibiting
20 characteristics of dyslexia, aphasia, or other reading difficulties;
- 21 2. Writing when a student is experiencing difficulty with consistently
22 producing letters or numbers with accuracy or is exhibiting
23 characteristics of dysgraphia;
- 24 3. Mathematics when a student is experiencing difficulty with basic math
25 facts, calculations, or application through problem solving, or is
26 exhibiting characteristics of dyscalculia or other mathematical
27 difficulties; or

- 1 4. Behavior when a student is exhibiting behaviors that interfere with his
2 or her learning or the learning of other students; and
- 3 (c) Current, evidence-based research and age-appropriate instructional tools that
4 may be used for continuous progress of advanced learners.
- 5 (12) The department shall encourage districts to utilize both state and federal funds as
6 appropriate to implement a district-wide multitiered system of supports.
- 7 (13) The department is encouraged to coordinate technical assistance and training on
8 current best practice interventions with state postsecondary education institutions.
- 9 (14) The department shall collaborate with the statewide reading research center
10 established under KRS 164.0207, the Kentucky Center for Mathematics, the
11 Kentucky Center for Instructional Discipline, the Education Professional Standards
12 Board, the Council on Postsecondary Education, postsecondary teacher education
13 programs, and other agencies and organizations as deemed appropriate to ensure
14 that teachers are prepared to utilize evidence-based interventions in reading,
15 writing, mathematics, and behavior.
- 16 (15) In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to
17 determine appropriate instructional strategies for curriculum implementation shall
18 not be considered to be an evaluation for eligibility for special education and related
19 services and nothing in this section shall limit a school district from completing an
20 initial evaluation of a student suspected of having a disability.
- 21 ➔Section 9. KRS 158.4416 is amended to read as follows:
- 22 (1) For purposes of this section:
- 23 (a) "Direct services" means in-person or virtual services provided directly to a
24 student by a school counselor, including but not limited to individual
25 counseling, group counseling, and individual student planning, scheduling,
26 and registration;
- 27 (b) "Indirect services" means services provided on behalf of a student as a result

- 1 of interactions with others, including but not limited to consultation and
2 collaboration with parents, teachers, and other educators;
- 3 (c) "School counselor" means an individual who holds a valid school counselor
4 certificate issued in accordance with the administrative regulations of the
5 Education Professional Standards Board;
- 6 (d) "School psychologist" means an individual who holds a valid school
7 psychology certificate issued in accordance with the administrative
8 regulations of the Education Professional Standards Board;
- 9 (e) "School social worker" means an individual who holds a valid school social
10 work certificate issued in accordance with the administrative regulations of
11 the Education Professional Standards Board;
- 12 (f) "School-based mental health services provider" means a certified school
13 counselor, school psychologist, school social worker, or other qualified
14 mental health professional as defined in KRS 202A.011;
- 15 (g) "Trauma" means physical, emotional, or life-threatening harm; and
- 16 (h) "Trauma-informed approach" means incorporating principles of trauma
17 awareness and trauma-informed practices in a school in order to foster a safe,
18 stable, and understanding learning environment for all students and staff and
19 ensuring that all students are known well by at least one (1) adult in the school
20 setting.
- 21 (2) The General Assembly recognizes that all schools must provide a place for students
22 to feel safe and supported to learn throughout the school day, and that any trauma a
23 student may have experienced can have a significant impact on the ability of a
24 student to learn. The General Assembly directs all public schools to adopt a trauma-
25 informed approach to education in order to better recognize, understand, and
26 address the learning needs of students impacted by trauma and to foster a learning
27 environment where all students, including those who have been traumatized, can be

1 safe, successful, and known well by at least one (1) adult in the school setting. ~~[The~~
2 ~~requirements of this subsection shall apply to public charter schools as a health and~~
3 ~~safety requirement under KRS 160.1592(1).]~~

- 4 (3) (a) As funds and qualified personnel become available:
- 5 1. Each school district ~~[and each public charter school]~~ shall employ at
6 least one (1) school counselor in each school with the goal of the school
7 counselor spending at least sixty percent (60%) or more of his or her
8 time providing direct services to students and no more than forty percent
9 (40%) of his or her time providing indirect services to students; and
 - 10 2. It shall be the goal that each school district ~~[and each public charter~~
11 ~~school]~~ shall provide at least one (1) school counselor or school-based
12 mental health services provider who is employed by the school district
13 for every two hundred fifty (250) students, including but not limited to
14 the school counselor required in subparagraph 1. of this paragraph.
- 15 (b) A school counselor or school-based mental health services provider at each
16 school shall be the facilitator of a trauma-informed team to identify and assist
17 students whose learning, behavior, and relationships have been impacted by
18 trauma. The trauma-informed team may consist of school administrators,
19 school counselors, school psychologists, school social workers, school-based
20 mental health services providers, community-based mental health services
21 providers hired by the district, family resource and youth services
22 coordinators, school nurses, school resource officers, and any other school or
23 district personnel.
- 24 (c) The trauma-informed team shall:
- 25 1. Provide assistance to school personnel to enable them to support
26 students whose learning, behavior, and relationships have been impacted
27 by trauma;

- 1 2. Identify ways to recognize and respond to mental health issues in all
- 2 students;
- 3 3. Identify ways to build resiliency and wellness in all students;
- 4 4. Compile an annual record of its activities during the course of the school
- 5 year to be used in the annual comprehensive school improvement plan
- 6 process required by 703 KAR 5:225; and
- 7 5. Submit the record created in accordance with subparagraph 4. of this
- 8 paragraph to the department.
- 9 (d) Each school counselor or school-based mental health services provider
- 10 providing services pursuant to this section, and the trauma-informed team
- 11 members described in paragraph (b) of this subsection, shall provide training,
- 12 guidance, and assistance to other administrators, teachers, and staff on:
- 13 1. Recognizing symptoms of trauma in students;
- 14 2. Utilizing interventions and strategies to support the learning needs of
- 15 those students; and
- 16 3. Implementing the plan for a trauma-informed approach as described in
- 17 subsection (5) of this section.
- 18 (e) 1. School districts may employ or contract for the services of school-based
- 19 mental health services providers to assist with the development and
- 20 implementation of a trauma-informed approach and the development of
- 21 a trauma-informed team pursuant to this subsection and to enhance or
- 22 expand student mental health support services as funds and qualified
- 23 personnel become available.
- 24 2. School-based mental health services providers may provide services
- 25 through a collaboration between two (2) or more school districts or
- 26 between school districts and educational cooperatives or any other
- 27 public or private entities, including but not limited to local or regional

1 mental health day treatment programs.

2 (f) No later than November 1 of each year, the local school district
3 superintendent shall report to the department the number of school-based
4 mental health service providers, the position held, placement in the district,
5 certification or licensure held, the source of funding for each position, a
6 summary of the job duties and work undertaken by each school-based mental
7 health service provider, and the approximate percent of time devoted to each
8 duty over the course of the year.

9 (g) The department shall annually compile and maintain a list of school-based
10 mental health service providers by district which shall include the information
11 required in paragraph (f) of this subsection.

12 (h) No later than June 1 of each year, the department shall provide the
13 appropriate Interim Joint Committee on Education with the information
14 reported by local school district superintendents and compiled in accordance
15 with paragraph (g) of this subsection.

16 (4) The Department shall make available a toolkit that includes guidance, strategies,
17 behavioral interventions, practices, and techniques to assist school districts ~~and~~
18 ~~public charter schools~~ in developing a trauma-informed approach in schools.

19 (5) Each local board of education ~~and board of a public charter school~~ shall develop a
20 plan for implementing a trauma-informed approach in its schools. The plan shall
21 include but not be limited to strategies for:

22 (a) Enhancing trauma awareness throughout the school community;

23 (b) Conducting an assessment of the school climate, including but not limited to
24 inclusiveness and respect for diversity;

25 (c) Developing trauma-informed discipline policies;

26 (d) Collaborating with the Department of Kentucky State Police, the local sheriff,
27 and the local chief of police to create procedures for notification of trauma-

1 exposed students; and

2 (e) Providing services and programs designed to reduce the negative impact of
3 trauma, support critical learning, and foster a positive and safe school
4 environment for every student.

5 (6) The trauma-informed approach plan developed in accordance with subsection (5) of
6 this section shall be reviewed and updated annually, incorporated into the annual
7 comprehensive district improvement plan required by 703 KAR 5:225, and
8 submitted to the department. The department shall annually provide a summary of
9 the trauma-informed approach strategies being used in districts to the board and the
10 Legislative Research Commission for referral to the appropriate Interim Joint
11 Committee on Education.

12 ➔Section 10. KRS 158.4433 is amended to read as follows:

13 (1) As used in this section, "school mapping data" means mapping information
14 provided in an electronic or a digital format to assist first responders in responding
15 to emergencies at schools.

16 (2) (a) The General Assembly does hereby establish the School Mapping Data
17 Program to be administered by the Center for School Safety. The Center for
18 School Safety shall utilize available funds to develop school mapping data for
19 each public school~~[, public charter school,]~~ and any private school that
20 requests to participate in the program. The program shall be administered by
21 the Center for School Safety pursuant to this section, which may include
22 contracting for services pursuant to the relevant provisions of the Kentucky
23 Model Procurement Code in KRS Chapter 45A. The Center for School Safety
24 shall be responsible for ensuring that all funds received for and expended
25 related to the School Mapping Data Program are utilized for the purposes of
26 school mapping.

27 (b) The Center for School Safety shall provide the data developed by the program

1 to the state school security marshal, participating schools, participating
2 districts, and local law enforcement and public safety agencies for use in
3 response to emergencies and for conducting drills required under KRS
4 158.162(5). The school mapping data shall be excluded from the application
5 of KRS 61.870 to 61.884.

6 (c) The Center for School Safety shall apply for any federal grant funds that may
7 be used to accomplish the purposes of the program. The Center for School
8 Safety may also solicit private funds to support the program.

9 (3) The School Mapping Data Program shall establish a single verified source of
10 mapping data for each participating school campus in the state that is standardized,
11 accurate, and accessible to public safety agencies to ensure efficient response to any
12 emergency on a school campus. The school mapping data provided shall:

13 (a) Be compatible with software platforms used by local, county, state, and
14 federal public safety agencies that provide emergency services to the specific
15 school for which the data is provided without requiring such agencies to
16 purchase additional software or requiring a fee to view or access the data;

17 (b) Be compatible with security software platforms in use by the participating
18 school or district for which the data is provided without requiring the school
19 or district to purchase additional software or requiring a fee to view or access
20 the data;

21 (c) Be in a printable format and, if requested by a law enforcement or public
22 safety agency or participating school or district in addition to those described
23 in paragraph (a) of this subsection, be in a digital file format that can be
24 integrated into interactive mobile platforms in use;

25 (d) Be verified by the Center for School Safety for accuracy by a walk-through of
26 school buildings and grounds;

27 (e) Be oriented to true north;

- 1 (f) Include accurate floor plans overlaid on current, verified aerial imagery of
2 campus;
- 3 (g) Contain site-specific labeling that matches the structure of school buildings
4 that includes:
- 5 1. Room labels;
 - 6 2. Hallway names or identifiers;
 - 7 3. External door or stairwell numbers;
 - 8 4. Locations of hazards;
 - 9 5. Critical utility locations;
 - 10 6. Key boxes;
 - 11 7. Automated external defibrillators; and
 - 12 8. Trauma kits;
- 13 (h) Contain site-specific labeling that matches the school grounds that includes:
- 14 1. Parking areas;
 - 15 2. Athletic fields;
 - 16 3. Surrounding roads; and
 - 17 4. Neighboring properties;
- 18 (i) Be overlaid with a gridded coordinate system;
- 19 (j) Not be modified or updated independently without corresponding updates to
20 school mapping data within software platforms used by local, county, state,
21 and federal public safety agencies that provide emergency services to the
22 specific school; and
- 23 (k) Provide to public safety agencies and participating schools or districts the
24 school mapping data developed pursuant to the program perpetually and at no
25 cost to the public safety agencies or participating schools or districts.
- 26 (4) A participating school district or campus shall not be required to adopt new school
27 mapping data if, as of July 1, 2024, the school district or campus previously

1 implemented school mapping data with capabilities that meet the requirements of
2 subsection (3)(a) to (k) of this section.

3 ➔Section 11. KRS 158.8402 is amended to read as follows:

- 4 (1) Notwithstanding any other statute or administrative regulation to the contrary, the
5 Kentucky Board of Education shall promulgate administrative regulations in
6 accordance with KRS Chapter 13A to define and establish a multitiered system of
7 supports that shall include evidence-based mathematics instruction, intervention,
8 and instructional strategies for district-wide use for students in kindergarten through
9 grade three (3).
- 10 (2) By November 1, 2027, and each year thereafter, the department shall submit the
11 implementation status of the multitiered system of supports required pursuant to
12 subsection (1) of this section for all school districts to the Legislative Research
13 Commission for referral to the appropriate Interim Joint Committee on Education.
- 14 (3) The department shall provide technical assistance and training to local districts to
15 assist in the implementation of the district-wide, multitiered system of supports as a
16 means to identify and assist any student experiencing difficulty in mathematics.
- 17 (4) The technical assistance and training shall be designed to improve:
- 18 (a) The use of specific screening processes and diagnostic assessments to identify
19 student strengths and needs;
- 20 (b) The use of universal screening and diagnostic data for implementing
21 instruction and intervention, as needed;
- 22 (c) The use of valid and reliable evidence-based instructional strategies and
23 interventions for mathematics education;
- 24 (d) Progress monitoring of student performance; and
- 25 (e) Accelerated, intensive, direct instruction that addresses students' individual
26 differences, including advanced learners, and enables students that are
27 experiencing difficulty to catch up with typically performing peers.

- 1 (5) (a) By January 1, 2026, each superintendent~~[or public charter school board of~~
2 ~~directors]~~ shall select:
- 3 1. At least one (1) universal screener for mathematics that is determined by
4 the department to be valid and reliable to be administered to all students
5 in kindergarten through grade three (3); and
 - 6 2. At least one (1) diagnostic assessment for mathematics that is
7 determined by the department to be reliable and valid to be administered
8 as part of a multitiered system of supports for students in kindergarten
9 through grade three (3).
- 10 (b) Each superintendent~~[or public charter school board of directors]~~ shall adopt
11 an evidence-based curriculum along with high-quality instructional resources
12 for mathematics that is determined by the department to be reliable, valid, and
13 aligned to Kentucky academic standards for mathematics required by KRS
14 158.6453 for kindergarten through grade three (3).
- 15 (c) All teachers of students in kindergarten through grade three (3)~~[, including~~
16 ~~public charter school teachers,]~~ shall be trained on any mathematics universal
17 screener and diagnostic assessment selected by the superintendent~~[or public~~
18 ~~charter school board]~~ prior to administration of the assessment. The training
19 shall address:
- 20 1. How to properly administer the mathematics universal screener and
21 diagnostic assessment;
 - 22 2. How to interpret the results of the mathematics universal screener and
23 diagnostic assessment to identify students needing interventions;
 - 24 3. How to use the assessment results to design instruction and
25 interventions;
 - 26 4. The use of the assessment to monitor the progress of student
27 performance; and

- 1 5. The use of accelerated, intensive, and direct instruction that addresses
2 students' individual differences and enables students to achieve
3 proficiency in mathematics, including but not limited to daily, one-on-
4 one instruction.
- 5 (6) Beginning with the 2026-2027 school year, a universal screener determined by the
6 department to be valid and reliable shall be given in the first thirty (30) calendar
7 days of the school year to each student in kindergarten through grade three (3) at a
8 public school ~~or public charter school~~.
- 9 (7) Those students determined to be at risk for not meeting grade-level benchmarks in
10 mathematics for kindergarten through grade three (3) based on the universal
11 screener shall be given a mathematics diagnostic assessment determined by the
12 department to be valid and reliable to identify the individual student deficits in
13 numeracy and other mathematical content and practices as listed in subsection (1)
14 of this section in the first forty-five (45) calendar days of the school year.
- 15 (8) A mathematics improvement plan shall be developed and implemented in the first
16 sixty (60) calendar days of the school year by a mathematics improvement team for
17 any student in kindergarten through grade three (3) identified as needing
18 accelerated interventions to progress toward proficient performance in mathematics.
19 The mathematics improvement plan shall require:
- 20 (a) Intensive intervention that includes effective instructional strategies and high-
21 quality instructional resources necessary to help the student make accelerated
22 progress toward proficient performance in mathematics and become ready for
23 the next grade, including but not limited to daily, one-on-one instruction with
24 students the most in need provided by certified teachers specifically trained
25 and most qualified to provide one-on-one instruction in numeracy; and
- 26 (b) Written quarterly progress reports provided by the school to a parent or
27 guardian of any student subject to a mathematics improvement plan. The

1 written quarterly progress report for the mathematics improvement plan may
2 be included in the school's existing quarterly student progress report.

3 (9) Beginning in the 2026-2027 school year, if a student's rate of progress toward
4 proficient performance in mathematics needs accelerated interventions as
5 demonstrated by the results of an approved universal screener and mathematics
6 diagnostic assessment, the local school district shall provide:

7 (a) Enrichment programs using evidence-based mathematics instruction and other
8 strategies;

9 (b) Intensive instructional services, progress monitoring measures, and supports;
10 and

11 (c) Parents and legal guardians of students identified for accelerated interventions
12 in mathematics with information on how to encourage mathematics success at
13 home.

14 (10) By September 1, 2025, if funds are available, the department shall establish teacher
15 academies or coaching models for teachers of students in kindergarten through
16 grade eight (8). The teacher academies or coaching models shall be related to
17 evidence-based practices in instruction, instructional materials, and assessment in
18 mathematics.

19 (11) The department shall develop and maintain a web-based resource providing
20 teachers access to:

21 (a) Screening and diagnostic tools, universal screeners, screening processes, and
22 diagnostic assessments;

23 (b) Evidence-based curriculum;

24 (c) High quality instructional resources; and

25 (d) General supports and lesson plans.

26 (12) The department shall encourage districts to utilize both state and federal funds, as
27 appropriate, to implement a district-wide multitiered system of supports, including

1 high-quality mathematics instruction and instructional resources, evidence-based
2 intervention strategies and materials, aligned curriculum-based professional
3 learning, and ongoing, job-embedded coaching supports.

4 (13) In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to
5 determine appropriate instructional strategies for curriculum implementation shall
6 not be considered an evaluation for eligibility for special education and related
7 services, and nothing in this section shall limit a school district from completing an
8 initial evaluation of a student suspected of having a disability.

9 ➔Section 12. KRS 158.843 is amended to read as follows:

10 (1) The Kentucky numeracy counts fund is hereby created for the purpose of training
11 and supporting teachers to improve the mathematics content and practices of
12 students in kindergarten through grade eight (8), as set forth in subsection (2) of this
13 section and KRS 158.8402(12). The fund shall consist of all moneys received from
14 state appropriations, gifts, grants, and federal funds for this purpose. The
15 department shall administer the fund.

16 (2) The department shall implement teacher professional learning academies related to
17 evidence-based practices in instruction, instructional materials, and assessment in
18 mathematics using moneys appropriated to or otherwise received by the Kentucky
19 numeracy counts fund.

20 (3) The department shall create a mathematics coaching program using moneys
21 appropriated to or otherwise received by the Kentucky numeracy counts fund. The
22 program shall:

23 (a) Use data coaches to improve mathematics instruction and intervention;

24 (b) Determine the effectiveness of intensive data-focused professional
25 development; and

26 (c) Provide expert support in mathematics instruction and intervention.

27 (4) (a) The department shall provide grants to local school districts ~~and public~~

1 ~~charter schools~~. The grant shall only be used to purchase approved high-
2 quality research and evidence-based curriculum aligned to kindergarten
3 through grade three (3) academic standards in mathematics and expenditures
4 for curriculum-based professional learning to implement new curriculum.

5 (b) To be eligible to receive a grant, a local school district~~[or public charter~~
6 ~~school]~~ shall:

- 7 1. Submit an application in accordance with paragraph (c) of this
8 subsection; and
- 9 2. Agree to adopt a common comprehensive mathematics program that is
10 determined by the department to be reliable, valid, and aligned to
11 mathematics standards required by KRS 158.6453 and outlined in an
12 administrative regulation promulgated by the Kentucky Board of
13 Education.

14 (c) Local school districts shall submit applications that include a district-wide
15 plan~~[and public charter schools shall submit applications that include a~~
16 ~~school plan]~~ for implementation of mathematics curriculum that includes:

- 17 1. How the district~~[or public charter school]~~ will implement the new
18 curriculum by school and by grade level; and
- 19 2. The timeline for the rollout of upgraded curriculum materials for core
20 instruction in classrooms.

21 (d) Available grant funding shall be distributed to eligible applicants based on a
22 rubric developed by the department. The rubric shall consider the information
23 provided in accordance with paragraphs (b) and (c) of this subsection and
24 prioritize applications from local school districts~~[or public charter schools]~~:

- 25 1. In which more than fifty percent (50%) of the enrolled students scored
26 below the statewide average on the statewide assessments in
27 mathematics administered for the preceding school year;

- 1 2. With the greatest need for financial assistance; and
- 2 3. That propose comprehensive plans most likely to increase student
- 3 achievement in mathematics.

4 ~~[(e) The department shall distribute the awarded grant money to a public charter~~
5 ~~school authorizer, and the authorizer shall distribute one hundred percent~~
6 ~~(100%) of the grant money to the charter school.]~~

7 (5) Notwithstanding the provisions of KRS 45.229, unexpended funds in the Kentucky
8 numeracy counts fund shall not lapse but shall carry forward to the next fiscal year
9 and shall be used for the purposes established in this section.

10 (6) Any interest earned on moneys in the fund shall become part of the fund and shall
11 not lapse.

12 ➔Section 13. KRS 160.152 is amended to read as follows:

13 (1) For purposes of this section, "Kentucky Educator Placement Service System" or
14 "system" means the online statewide job posting system operated by the Kentucky
15 Department of Education for vacancies at local school districts~~[and public charter~~
16 ~~schools]~~.

17 (2) The Kentucky Department of Education shall ensure that the Kentucky Educator
18 Placement Service System:

- 19 (a) Is accessible through the department's website;
- 20 (b) Includes a mechanism for local school districts~~[and public charter schools]~~ to
- 21 electronically submit job openings for posting on the system as provided in
- 22 subsection (4) of this section;
- 23 (c) Allows the public to review job postings;
- 24 (d) Allows potential applicants to electronically submit applications and relevant
- 25 application materials; and
- 26 (e) Permits school districts~~[and public charter schools]~~ to access, review, and
- 27 download applications and application materials.

- 1 (3) Each job posting for a vacancy at a school district~~[or public charter school]~~ shall
2 include the school district's~~[or public charter school's]~~ policy against discrimination
3 in employment.
- 4 (4) School districts~~[and public charter schools]~~ shall electronically submit all job
5 postings to the system. All postings must include an opening and closing date for
6 each position posted.
- 7 (5) The Kentucky Department of Education shall operate and maintain the system to
8 ensure that job postings are current, including tracking each unique position posted,
9 monitoring for repeated position postings, and removing outdated postings, and to
10 collect accurate data about employment in public schools.
- 11 (6) Nothing in this section shall:
- 12 (a) Prohibit a school district~~[or public charter school]~~ from advertising job
13 openings and recruiting employees independently from the system;
- 14 (b) Prohibit a school district~~[or public charter school]~~ from using another method
15 of advertising job openings or another applicant tracking system in addition to
16 the system;
- 17 (c) Require all job applications for posted vacancies to be submitted digitally or
18 only be submitted through the system; or
- 19 (d) Provide the Kentucky Department of Education with any regulatory authority
20 in the hiring process or hiring decisions of any school district~~[or public
21 charter school]~~.
- 22 (7) The Kentucky Department of Education shall prepare a report detailing data from
23 the system and its implication for the status of employment in public schools,
24 including but not limited to the number and type of unique and duplicated job
25 postings, how often postings are viewed by the public, and positions that are
26 remaining vacant by type, certification requirement, and location. The report shall
27 be submitted to the appropriate Interim Joint Committee on Education by October

1 ~~1[, 2023, and]~~ annually~~[thereafter]~~.

2 ➔Section 14. KRS 160.153 is amended to read as follows:

3 (1) As used in this section:

4 (a) "Military-connected student" means a child enrolled in a Kentucky public
5 school who is a dependent of a current or former member of the Armed
6 Forces of the United States, the Kentucky National Guard, or any reserve
7 component thereof; and

8 (b) "Purple star school" means any public or~~[,] private[, or public charter]~~ school
9 serving any grades of kindergarten through twelfth grade that has committed
10 to supporting the educational and social-emotional needs of military-
11 connected students, as identified by the Kentucky Commission on Military
12 Affairs.

13 (2) The Kentucky Commission on Military Affairs shall establish the Purple Star
14 School Program and establish an application, review, and designation process for
15 eligible schools.

16 (3) To qualify as a purple star school, the school shall:

17 (a) Designate a staff member as a military liaison to serve as the point of contact
18 between the school and military-connected students and their families, whose
19 duties shall include:

20 1. Identifying military-connected students enrolled in the school;

21 2. Determining appropriate services available to military-connected
22 students;

23 3. Coordinating programs relevant to military-connected students;

24 4. Assisting military-connected students in transitioning into or out of the
25 school;

26 5. Facilitating optional professional development for staff members on
27 issues related to military-connected students;

- 1 6. Completing a Kentucky Commission on Military Affairs purple star
2 school questionnaire to provide feedback for program improvements;
3 and
4 7. Completing Kentucky purple star school self-paced online training
5 events, including military youth in Kentucky;
- 6 (b) Maintain a web page on the school's website that includes a prominent display
7 of the Kentucky purple star logo provided by the Kentucky Commission on
8 Military Affairs, resources for military-connected students and their families,
9 and information regarding:
 - 10 1. Relocation, enrollment, registration, and transferring records in the
11 school;
 - 12 2. Academic planning, course sequences, and advanced classes available;
 - 13 3. Counseling and other support services available for military-connected
14 students enrolled in the school; and
 - 15 4. Contact information for the military liaison designated in this
16 subsection;
- 17 (c) Host at least one (1) military recognition event annually that connects the
18 school with the military community; and
- 19 (d) Submit an application for designation as a purple star school with the
20 Kentucky Commission on Military Affairs.

21 ➔Section 15. KRS 161.164 is amended to read as follows:

- 22 (1) No employee of the local school district shall take part in the management or
23 activities of any political campaign for school board.
- 24 (2) No candidate for school board shall solicit or accept any political assessment,
25 subscription, contribution, or service of any employee of the school district.
- 26 (3) No person shall use or promise to use, directly or indirectly, any official authority
27 or influence, whether possessed or anticipated, to secure or attempt to secure for

1 any person an appointment or advantage in appointment to a position as teacher or
 2 employee of any district board of education, or an increase in pay or other
 3 advantage in employment in any such position, for the purpose of influencing the
 4 vote or political action of any person.

5 (4) No teacher or employee of any district board of education shall be appointed or
 6 promoted to, or demoted or dismissed from, any position or in any way favored or
 7 discriminated against with respect to employment because of his ***or her*** political or
 8 religious opinions or affiliations or ethnic origin or race or color or sex or age or
 9 disabling condition.

10 (5) Any instruction or instructional materials on current, controversial topics related to
 11 public policy or social affairs provided to public school ~~or public charter school~~
 12 students, regardless of whether the individual that provides the instruction is
 13 employed by the local school district ~~or public charter school~~, shall be:

14 (a) Within the range of knowledge, understanding, age, and maturity of the
 15 students receiving the instruction; and

16 (b) Relevant, objective, nondiscriminatory, and respectful to the differing
 17 perspectives of students.

18 (6) An employee of a public school district ~~or public charter school~~ shall not violate a
 19 student's First Amendment rights by requiring or incentivizing a student to advocate
 20 in a civic space on behalf of a perspective with which the student or the parent or
 21 guardian of a minor student does not agree.

22 (7) An employee of a local school district ~~or public charter school~~ shall not be
 23 required to engage in training, orientation, or therapy that coerces the employee to
 24 stereotype any group.

25 (8) The local superintendent shall inform all school employees of the provisions of this
 26 section.

27 ➔Section 16. KRS 161.220 is amended to read as follows:

1 As used in KRS 161.220 to 161.716 and 161.990:

- 2 (1) "Retirement system" means the arrangement provided for in KRS 161.220 to
3 161.716 and 161.990 for payment of allowances to members;
- 4 (2) "Retirement allowance" means the amount annually payable during the course of
5 his or her natural life to a member who has been retired by reason of service;
- 6 (3) "Disability allowance" means the amount annually payable to a member retired by
7 reason of disability;
- 8 (4) "Member" means the commissioner of education, deputy commissioners, associate
9 commissioners, and all division directors in the State Department of Education,
10 employees participating in the system pursuant to KRS 196.167(3)(b)1., and any
11 full-time teacher or professional occupying a position requiring certification or
12 graduation from a four (4) year college or university, as a condition of employment,
13 and who is employed by public boards, institutions, or agencies as follows:
- 14 (a) Local boards of education~~[and public charter schools if the public charter~~
15 ~~school satisfies the criteria set by the Internal Revenue Service to participate~~
16 ~~in a governmental retirement plan];~~
- 17 (b) Eastern Kentucky University, Kentucky State University, Morehead State
18 University, Murray State University, Western Kentucky University, and any
19 community colleges established under the control of these universities;
- 20 (c) State-operated secondary area vocational education or area technology
21 centers, Kentucky School for the Blind, and Kentucky School for the Deaf;
- 22 (d) Other public education agencies as created by the General Assembly and
23 those members of the administrative staff of the Teachers' Retirement System
24 of the State of Kentucky whom the board of trustees may designate by
25 administrative regulation;
- 26 (e) Regional cooperative organizations formed by local boards of education or
27 other public educational institutions listed in this subsection, for the purpose

- 1 of providing educational services to the participating organizations;
- 2 (f) All full-time members of the staffs of the Kentucky Association of School
3 Administrators, Kentucky Education Association, Kentucky Vocational
4 Association, Kentucky High School Athletic Association, Kentucky
5 Academic Association, and the Kentucky School Boards Association who
6 were members of the Kentucky Teachers' Retirement System or were
7 qualified for a position covered by the system at the time of employment by
8 the association in the event that the board of directors of the respective
9 association petitions to be included. The board of trustees of the Kentucky
10 Teachers' Retirement System may designate by resolution whether part-time
11 employees of the petitioning association are to be included. The state shall
12 make no contributions on account of these employees, either full-time or part-
13 time. The association shall make the employer's contributions, including any
14 contribution that is specified under KRS 161.550. The provisions of this
15 paragraph shall be applicable to persons in the employ of the associations on
16 or subsequent to July 1, 1972;
- 17 (g) Employees of the Council on Postsecondary Education who were employees
18 of the Department for Adult Education and Literacy and who were members
19 of the Kentucky Teachers' Retirement System at the time the department was
20 transferred to the council pursuant to Executive Order 2003-600;
- 21 (h) The Office of Career and Technical Education;
- 22 (i) The Office of Vocational Rehabilitation;
- 23 (j) The Kentucky Educational Collaborative for State Agency Children;
- 24 (k) The Governor's Scholars Program;
- 25 (l) Any person who is retired for service from the retirement system and is
26 reemployed by an employer identified in this subsection in a position that the
27 board of trustees deems to be a member, except that any person who becomes

1 a member on or after January 1, 2022, and subsequently draws a monthly
2 lifetime retirement allowance, shall upon reemployment after retirement not
3 earn a second retirement account;

4 (m) Employees of the former Cabinet for Workforce Development who are
5 transferred to the Kentucky Community and Technical College System and
6 who occupy positions covered by the Kentucky Teachers' Retirement System
7 shall remain in the Teachers' Retirement System. New employees occupying
8 these positions, as well as newly created positions qualifying for Teachers'
9 Retirement System coverage that would have previously been included in the
10 former Cabinet for Workforce Development, shall be members of the
11 Teachers' Retirement System;

12 (n) Effective January 1, 1998, employees of state community colleges who are
13 transferred to the Kentucky Community and Technical College System shall
14 continue to participate in federal old age, survivors, disability, and hospital
15 insurance, and a retirement plan other than the Kentucky Teachers' Retirement
16 System offered by Kentucky Community and Technical College System. New
17 employees occupying positions in the Kentucky Community and Technical
18 College System as referenced in KRS 164.5807(5) that would not have
19 previously been included in the former Cabinet for Workforce Development,
20 shall participate in federal old age, survivors, disability, and hospital
21 insurance and have a choice at the time of employment of participating in a
22 retirement plan provided by the Kentucky Community and Technical College
23 System, including participation in the Kentucky Teachers' Retirement System,
24 on the same basis as faculty of the state universities as provided in KRS
25 161.540 and 161.620;

26 (o) Employees of the Office of General Counsel, the Office of Budget and
27 Administrative Services, and the Office of Quality and Human Resources

1 within the Office of the Secretary of the former Cabinet for Workforce
2 Development and the commissioners of the former Department for Adult
3 Education and Literacy and the former Department for Technical Education
4 who were contributing to the Kentucky Teachers' Retirement System as of
5 July 15, 2000;

6 (p) Employees of the Kentucky Department of Education only who are graduates
7 of a four (4) year college or university, notwithstanding a substitution clause
8 within a job classification, and who are serving in a professional job
9 classification as defined by the department;

10 (q) The Governor's School for Entrepreneurs Program;

11 (r) Employees of the Office of Adult Education within the Department of
12 Workforce Development in the Education and Labor Cabinet who were
13 employees of the Council on Postsecondary Education, Kentucky Adult
14 Education Program and who were members of the Kentucky Teachers'
15 Retirement System at the time the Program was transferred to the cabinet
16 pursuant to Executive Orders 2019-0026 and 2019-0027; and

17 (s) Employees of the Education Professional Standards Board who were
18 members of the Kentucky Teachers' Retirement System at the time the
19 employees were transferred to the Kentucky Department of Education
20 pursuant to Executive Order 2020-590;

21 (5) "Present teacher" means any teacher who was a teacher on or before July 1, 1940,
22 and became a member of the retirement system created by 1938 (1st Extra. Sess.)
23 Ky. Acts ch. 1, on the date of the inauguration of the system or within one (1) year
24 after that date, and any teacher who was a member of a local teacher retirement
25 system in the public elementary or secondary schools of the state on or before July
26 1, 1940, and continued to be a member of the system until he or she, with the
27 membership of the local retirement system, became a member of the state Teachers'

1 Retirement System or who becomes a member under the provisions of KRS
2 161.470(4);

3 (6) "New teacher" means any member not a present teacher;

4 (7) "Prior service" means the number of years during which the member was a teacher
5 in Kentucky prior to July 1, 1941, except that not more than thirty (30) years' prior
6 service shall be allowed or credited to any teacher;

7 (8) "Subsequent service" means the number of years during which the teacher is a
8 member of the Teachers' Retirement System after July 1, 1941;

9 (9) "Final average salary" means the average of the five (5) highest annual salaries
10 which the member has received for service in a covered position and on which the
11 member has made contributions, or on which the public board, institution, or
12 agency has picked-up member contributions pursuant to KRS 161.540(2), or the
13 average of the five (5) years of highest salaries as defined in KRS 61.680(2)(a),
14 which shall include picked-up member contributions. Additionally, the board of
15 trustees may approve a final average salary based upon the average of the three (3)
16 highest salaries for individuals who become members prior to January 1, 2022, who
17 are at least fifty-five (55) years of age and have a minimum of twenty-seven (27)
18 years of Kentucky service credit. However, if any of the five (5) or three (3) highest
19 annual salaries used to calculate the final average salary was paid within the three
20 (3) years immediately prior to the date of the member's retirement for individuals
21 who become members prior to January 1, 2022, or within the five (5) years
22 immediately prior to the date of the member's retirement for individuals who
23 become members on or after January 1, 2022, the amount of salary to be included
24 for each of those three (3) years or five (5) years, as applicable, for the purpose of
25 calculating the final average salary shall be limited to the lesser of:

26 (a) The member's actual salary; or

27 (b) The member's annual salary that was used for retirement purposes during each

1 of the prior three (3) years or five (5) years, as applicable, plus a percentage
2 increase equal to the percentage increase received by all other members
3 employed by the public board, institution, or agency, or for members of
4 school districts, the highest percentage increase received by members on any
5 one (1) rank and step of the salary schedule of the school district. The increase
6 shall be computed on the salary that was used for retirement purposes. The
7 board of trustees may promulgate an administrative regulation in accordance
8 with KRS Chapter 13A to establish a methodology for measuring the
9 limitation so that the combined increases in salary for each of the last three (3)
10 full years of salary prior to retirement shall not exceed the total permissible
11 percentage increase received by other members of the employer for the same
12 three (3) year period.

13 For individuals who became members of the retirement system prior to July 1,
14 2021, this limitation shall not apply if the member receives an increase in salary in a
15 percentage exceeding that received by the other members, and this increase was
16 accompanied by a corresponding change in position or in length of employment.
17 The board of trustees may promulgate an administrative regulation in accordance
18 with KRS Chapter 13A to provide definitions for a corresponding change in
19 position or in length of employment. This limitation shall also not apply to the
20 payment to a member for accrued annual leave if the individual becomes a member
21 before July 1, 2008, or accrued sick leave which is authorized by statute and which
22 shall, for individuals subject to KRS 161.155(10) who became nonuniversity
23 members of the system prior to January 1, 2022, be included as part of a retiring
24 member's annual compensation for the member's last year of active service;

25 (10) "Annual compensation" means the total salary received by a member as
26 compensation for all services performed in employment covered by the retirement
27 system during a fiscal year. Annual compensation shall not include payment for any

1 benefit or salary adjustments made by the public board, institution, or agency to the
2 member or on behalf of the member which is not available as a benefit or salary
3 adjustment to other members employed by that public board, institution, or agency.
4 Annual compensation shall not include the salary supplement received by a member
5 under KRS 157.197(2)(c), 158.6455, or 158.782 on or after July 1, 1996. Under no
6 circumstances shall annual compensation include compensation that is earned by a
7 member while on assignment to an organization or agency that is not a public
8 board, institution, or agency listed in subsection (4) of this section. In the event that
9 federal law requires that a member continue membership in the retirement system
10 even though the member is on assignment to an organization or agency that is not a
11 public board, institution, or agency listed in subsection (4) of this section, the
12 member's annual compensation for retirement purposes shall be deemed to be the
13 annual compensation, as limited by subsection (9) of this section, last earned by the
14 member while still employed solely by and providing services directly to a public
15 board, institution, or agency listed in subsection (4) of this section. The board of
16 trustees shall determine if any benefit or salary adjustment qualifies as annual
17 compensation. For an individual who becomes a member on or after July 1, 2008,
18 annual compensation shall not include lump-sum payments upon termination of
19 employment for accumulated annual or compensatory leave;

20 (11) "Age of member" means the age attained on the first day of the month immediately
21 following the birthdate of the member. This definition is limited to retirement
22 eligibility and does not apply to tenure of members;

23 (12) "Employ," and derivatives thereof, means relationships under which an individual
24 provides services to an employer as an employee, as an independent contractor, as
25 an employee of a third party, or under any other arrangement as long as the services
26 provided to the employer are provided in a position that would otherwise be
27 covered by the Kentucky Teachers' Retirement System and as long as the services

1 are being provided to a public board, institution, or agency listed in subsection (4)
2 of this section;

3 (13) "Regular interest" means:

4 (a) For an individual who becomes a member prior to July 1, 2008, interest at
5 three percent (3%) per annum;~~[-]~~

6 (b) For an individual who becomes a member on or after July 1, 2008, but prior to
7 January 1, 2022, interest at two and one-half percent (2.5%) per annum for
8 purposes of crediting interest to the teacher savings account or any other
9 contributions made by the employee that are refundable to the employee upon
10 termination of employment; and

11 (c) For an individual who becomes a member on or after January 1, 2022, the
12 rolling five (5) year yield on a thirty (30) year United States Treasury bond as
13 of the end of May prior to the most recently completed fiscal year, except
14 that:

15 1. Once the member has at least sixty (60) months of service in the system
16 it shall mean interest at two and one-half percent (2.5%) per annum for
17 purposes of crediting interest to employee contributions in the
18 foundational benefit component or any other contributions made by the
19 employee to the foundational benefit component that are refundable to
20 the employee upon termination of employment; and

21 2. The board shall have the authority to adjust the regular interest rate for
22 individuals who become members on or after January 1, 2022, in
23 accordance with KRS 161.633 and 161.634;

24 (14) "Accumulated contributions" means the contributions of a member to the teachers'
25 savings fund, including picked-up member contributions as described in KRS
26 161.540(2), plus accrued regular interest;

27 (15) "Annuitant" means a person who receives a retirement allowance or a disability

- 1 allowance;
- 2 (16) "Local retirement system" means any teacher retirement or annuity system created
3 in any public school district in Kentucky in accordance with the laws of Kentucky;
- 4 (17) "Fiscal year" means the twelve (12) month period from July 1 to June 30. The
5 retirement plan year is concurrent with this fiscal year. A contract for a member
6 employed by a local board of education may not exceed two hundred sixty-one
7 (261) days in the fiscal year;
- 8 (18) "Public schools" means the schools and other institutions mentioned in subsection
9 (4) of this section;
- 10 (19) "Dependent" as used in KRS 161.520 and 161.525 means a person who was
11 receiving, at the time of death of the member, at least one-half (1/2) of the support
12 from the member for maintenance, including board, lodging, medical care, and
13 related costs;
- 14 (20) "Active contributing member" means a member currently making contributions to
15 the Teachers' Retirement System, who made contributions in the next preceding
16 fiscal year, for whom picked-up member contributions are currently being made, or
17 for whom these contributions were made in the next preceding fiscal year;
- 18 (21) "Full-time" means employment in a position that requires services on a continuing
19 basis equal to at least seven-tenths (7/10) of normal full-time service on a fiscal
20 year basis;
- 21 (22) "Full actuarial cost," when used to determine the payment that a member must pay
22 for service credit means the actuarial value of all costs associated with the
23 enhancement of a member's benefits or eligibility for benefit enhancements,
24 including health insurance supplement payments made by the retirement system.
25 The actuary for the retirement system shall determine the full actuarial value costs
26 and actuarial cost factor tables as provided in KRS 161.400;
- 27 (23) "Last annual compensation" means the annual compensation, as defined by

1 subsection (10) of this section and as limited by subsection (9) of this section,
2 earned by the member during the most recent period of contributing service, either
3 consecutive or nonconsecutive, that is sufficient to provide the member with one (1)
4 full year of service credit in the Kentucky Teachers' Retirement System, and which
5 compensation is used in calculating the member's initial retirement allowance,
6 excluding bonuses, retirement incentives, payments for accumulated sick leave,
7 annual, personal, and compensatory leave, and any other lump-sum payment. For
8 an individual who becomes a member on or after July 1, 2008, payments for annual
9 or compensatory leave shall not be included in determining the member's last
10 annual compensation;

11 (24) "Participant" means a member, as defined by subsection (4) of this section, or an
12 annuitant, as defined by subsection (15) of this section;

13 (25) "Qualified domestic relations order" means any judgment, decree, or order,
14 including approval of a property settlement agreement, that:

15 (a) Is issued by a court or administrative agency; and

16 (b) Relates to the provision of child support, alimony payments, or marital
17 property rights to an alternate payee;

18 (26) "Alternate payee" means a spouse, former spouse, child, or other dependent of a
19 participant, who is designated to be paid retirement benefits in a qualified domestic
20 relations order;

21 (27) "University member" means an individual who becomes a member through
22 employment with an employer specified in subsection (4)(b) and (n) of this section;

23 (28) "Nonuniversity member" means an individual who becomes a member through
24 employment with an employer specified under subsection (4) of this section, except
25 for those members employed by an employer specified in subsection (4)(b) and (n)
26 of this section;

27 (29) "Accumulated employer contribution" means the employer contribution deposited

1 to a member's account through the supplemental benefit component and regular
2 interest credited on such amounts as provided by KRS 161.635 for nonuniversity
3 members and KRS 161.636 for university members;

4 (30) "Accumulated account balance" means:

5 (a) For members who began participating in the system prior to January 1, 2022,
6 the member's accumulated contributions; or

7 (b) For members who began participating in the system on or after January 1,
8 2022, the combined sum of the member's accumulated contributions and the
9 member's accumulated employer contributions;

10 (31) "Foundational benefit component" means the benefits provided by KRS 161.220 to
11 161.716 to individuals who become members on or after January 1, 2022, except
12 for the supplemental benefit component and retiree health benefits set forth in KRS
13 161.675; and

14 (32) "Supplemental benefit component" means:

15 (a) The benefit established pursuant to KRS 161.635 for individuals who become
16 nonuniversity members on or after January 1, 2022; or

17 (b) The benefit established pursuant to KRS 161.636 for individuals who become
18 university members on or after January 1, 2022.

19 ➔Section 17. KRS 218B.045 is amended to read as follows:

20 (1) A registered qualified patient or visiting qualified patient who uses medicinal
21 cannabis shall be afforded all the same rights under state and local law, including
22 those guaranteed under KRS Chapter 344, as the individual would have been
23 afforded if he or she were solely prescribed pharmaceutical medications as they
24 pertain to drug testing required by any state or local law.

25 (2) A cardholder otherwise entitled to custody of, or visitation time or parenting time
26 with, a minor child shall not be denied that right, and there shall be no presumption
27 of abuse, neglect, or dependency for conduct permitted under this chapter unless the

1 person's actions in relation to medicinal cannabis created an unreasonable danger to
2 the safety of the minor child as established by clear and convincing evidence.

3 (3) (a) For the purposes of medical care, including organ transplants, a patient's
4 authorized use of medicinal cannabis is the equivalent of the authorized use of
5 any other medication used at the direction of a practitioner.

6 (b) A health facility as defined in KRS 216B.015 may develop policies to allow a
7 patient who is a registered qualified patient or visiting qualified patient to use
8 medicinal cannabis on the premises of the health facility.

9 (4) (a) A school shall not refuse to enroll, or otherwise penalize, a person solely for
10 his or her status as a cardholder, unless failing to do so would violate federal
11 law or regulations and cause the school to lose a monetary or licensing-related
12 benefit under federal law or regulations.

13 (b) A school shall not be penalized or denied any benefit under state law for
14 enrolling a cardholder.

15 (c) Each local board of education~~[, each board of directors of a public charter~~
16 ~~school,]~~ and the governing body of each certified nonpublic school shall~~[, no~~
17 ~~later than December 1, 2024,]~~ establish policies related to the use of medicinal
18 cannabis by a pupil who is a registered qualified patient on school property.
19 Policies enacted pursuant to this paragraph shall either prohibit the use of
20 medicinal cannabis on school property or permit the use of medicinal
21 cannabis on school property by a pupil who is a registered qualified patient as
22 deemed necessary by the pupil's parent or legal guardian. If a local board of
23 education~~[, the board of directors of a public charter school,]~~ or the governing
24 body of a certified nonpublic school enacts a policy to permit the use of
25 medicinal cannabis by a pupil who is a registered qualified patient, that policy
26 shall:

27 1. Require medicinal cannabis be administered:

- 1 Education -- School board member charter authorization training.
- 2 160.1595 Request for technical assistance -- Appeal of approval or denial to state board
3 -- Judicial review -- Joint oversight.
- 4 160.1596 Board of directors of public charter schools -- Required elements of charter
5 contract with authorizer -- Calculation of daily average attendance -- Proportional
6 transfer of funds -- Services -- Negotiation by collaborative -- Calculations for first
7 year -- Authorizer fee -- Schedule for funds transfer -- Grants -- Share of state and
8 federal funds -- Distribution of closed school's assets -- Administrative regulations -
9 - Annual report by authorizer.
- 10 160.1597 Term of approved charter school contract -- Contract between board of
11 directors and authorizer's governing body -- Corporate powers -- Prohibition against
12 tax levies and use of eminent domain -- Immunity from liability.
- 13 160.1598 Renewal or nonrenewal of charter contract -- School performance report --
14 Reasons for nonrenewal or revocation -- Administrative regulations -- Report of
15 action taken and reason for decision -- School closure protocol.
- 16 160.1599 Conversion of public noncharter school to public charter school --
17 Establishment requirements -- Administrative regulations -- Governance --
18 Enrollment requirements -- Employees -- Collective bargaining -- School
19 facilities.
- 20 161.141 Participation in retirement systems -- State-sponsored insurance program --
21 Appropriations for retirement and insurance -- Sick leave credit -- Requirements
22 and prohibitions concerning public charter school employees and local school
23 boards -- Employees of education service provider.