

1 AN ACT relating to education.

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

3 ➔Section 1. KRS 158.645 is amended to read as follows:

4 **(1)** The General Assembly recognizes that **educating the Commonwealth's children**  
 5 **with essential knowledge and capacities is the critical goal of** public education~~]~~  
 6 ~~involves shared responsibilities].~~ **The education of the children of the**  
 7 **Commonwealth requires the shared efforts of** state **and local** government, ~~local~~  
 8 ~~communities, parents, students, **teachers**, and **other** school employees]~~ ~~must work~~  
 9 ~~together to create an efficient public school system].~~ **These parties need to work**  
 10 **cooperatively to provide quality educational services to all of the**  
 11 **Commonwealth's children. The public schools of the Commonwealth encompass**  
 12 **dynamic models and various delivery systems, but each is tasked with ensuring**  
 13 **every student acquires the knowledge and fundamental proficiencies, especially**  
 14 **in the core academic content areas, to become informed and productive citizens.**~~]~~  
 15 ~~Parents and students must assist schools with efforts to assure student attendance,~~  
 16 ~~preparation for school, and involvement in learning. The cooperation of all involved~~  
 17 ~~is necessary to assure that desired outcomes are achieved.]~~

18 **(2)** It is the intent of the General Assembly to create a system of public education  
 19 which shall allow and assist all students to acquire the following capacities:

20 **(a)**~~(1)~~ Communication skills necessary to function in a complex and changing  
 21 civilization;

22 **(b)**~~(2)~~ Knowledge to make economic, social, and political choices;

23 **(c)**~~(3)~~ Core values and qualities of good character to make moral and ethical  
 24 decisions throughout his or her life;

25 **(d)**~~(4)~~ Understanding of governmental processes as they affect the community,  
 26 the state, and the nation;

27 **(e)**~~(5)~~ Sufficient self-knowledge and knowledge of his **or her** mental and

1 physical wellness;

2 ~~(f)-(6)~~ Sufficient grounding in the arts to enable each student to appreciate his  
3 or her cultural and historical heritage;

4 ~~(g)-(7)~~ Sufficient preparation to choose and pursue his or her life's work  
5 intelligently; and

6 ~~(h)-(8)~~ Skills to enable him or her to compete favorably with students in other  
7 states.

8 **(3) (a) It is the additional and specific intent of the General Assembly to create an**  
9 **efficient system of common schools that creates a solid educational**  
10 **foundation upon which the Commonwealth's children can continue to build**  
11 **and grow. To achieve this goal, the General Assembly seeks to create a**  
12 **system of education in the lower grades based upon the following**  
13 **principles:**

14 **1. The primary focus of public education during kindergarten through**  
15 **grade five (5) shall be in the development of foundational knowledge**  
16 **and capacities in the core academic content areas of reading and**  
17 **language arts, mathematics, natural sciences, and social studies; and**

18 **2. The secondary focus of public education during kindergarten through**  
19 **grade five (5) shall be in the enrichment areas of:**

20 **a. Visual, auditory, and tactile arts; and**

21 **b. Physical education, fitness, and an understanding of personal**  
22 **health.**

23 **(b) By focusing primarily on the core academic content areas and secondarily**  
24 **on the enrichment of students during this critical time period, public**  
25 **education in the lower grades will provide students with the basic knowledge**  
26 **and capacities necessary for future education and development.**

27 **(4) As used in this section and Section 2 of this Act:**

- 1        (a) "Core academic content area" or "core academic content areas" means a  
2        course or program offered in an elementary or secondary school in the  
3        subject area of reading and language arts, mathematics, natural sciences,  
4        or social studies; and  
5        (b) "Lower grades" means kindergarten through grade five (5).

6        ➔Section 2. KRS 156.070 is amended to read as follows:

- 7        (1) The Kentucky Board of Education shall have the management and control of the  
8        common schools and all programs operated in these schools, including  
9        interscholastic athletics, the Kentucky School for the Deaf, the Kentucky School for  
10       the Blind, and community education programs and services.
- 11       (2) The Kentucky Board of Education may designate an organization or agency to  
12       manage interscholastic athletics in the common schools, provided that the rules,  
13       regulations, and bylaws of any organization or agency so designated shall be  
14       approved by the board, and provided further that any administrative hearing  
15       conducted by the designated managing organization or agency shall be conducted in  
16       accordance with KRS Chapter 13B.
- 17       (a) The state board or its designated agency shall ~~ensure~~<sup>assure</sup> through  
18       promulgation of administrative regulations that if a secondary school sponsors  
19       or intends to sponsor an athletic activity or sport that is similar to a sport for  
20       which National Collegiate Athletic Association members offer an athletic  
21       scholarship, the school shall sponsor the athletic activity or sport for which a  
22       scholarship is offered. The administrative regulations shall specify which  
23       athletic activities are similar to sports for which National Collegiate Athletic  
24       Association members offer scholarships.
- 25       (b) Beginning with the 2003-2004 school year, the state board shall require any  
26       agency or organization designated by the state board to manage interscholastic  
27       athletics to adopt bylaws that establish as members of the agency's or

1 organization's board of control one (1) representative of nonpublic member  
2 schools who is elected by the nonpublic school members of the agency or  
3 organization from regions one (1) through eight (8) and one (1) representative  
4 of nonpublic member schools who is elected by the nonpublic member  
5 schools of the agency or organization from regions nine (9) through sixteen  
6 (16). The nonpublic school representatives on the board of control shall not be  
7 from classification A1 or D1 schools. Following initial election of these  
8 nonpublic school representatives to the agency's or organization's board of  
9 control, terms of the nonpublic school representatives shall be staggered so  
10 that only one (1) nonpublic school member is elected in each even-numbered  
11 year.

12 (c) The state board or any agency designated by the state board to manage  
13 interscholastic athletics shall not promulgate rules, administrative regulations,  
14 or by laws that prohibit pupils in grades seven (7) to eight (8) from  
15 participating in any high school sports except for high school varsity soccer  
16 and football, or from participating on more than one (1) school-sponsored  
17 team at the same time in the same sport. The Kentucky Board of Education, or  
18 an agency designated by the board to manage interscholastic athletics, may  
19 promulgate administrative regulations restricting, limiting, or prohibiting  
20 participation in high school varsity soccer and football for students who have  
21 not successfully completed the eighth grade.

22 (d) 1. The state board or any agency designated by the state board to manage  
23 interscholastic athletics shall allow a member school's team or students  
24 to play against students of a nonmember at-home private school, or a  
25 team of students from nonmember at-home private schools, if the  
26 nonmember at-home private schools and students comply with this  
27 subsection.

- 1           2. A nonmember at-home private school's team and students shall comply  
2           with the rules for student-athletes, including rules concerning:
- 3           a. Age;  
4           b. School semesters;  
5           c. Scholarships;  
6           d. Physical exams;  
7           e. Foreign student eligibility; and  
8           f. Amateurs.
- 9           3. A coach of a nonmember at-home private school's team shall comply  
10          with the rules concerning certification of member school coaches as  
11          required by the state board or any agency designated by the state board  
12          to manage interscholastic athletics.
- 13          4. This subsection shall not allow a nonmember at-home private school's  
14          team to participate in a sanctioned:
- 15          a. Conference;  
16          b. Conference tournament;  
17          c. District tournament;  
18          d. Regional tournament; or  
19          e. State tournament or event.
- 20          5. This subsection does not allow eligibility for a recognition, award, or  
21          championship sponsored by the state board or any agency designated by  
22          the state board to manage interscholastic athletics.
- 23          6. A nonmember at-home private school's team or students may participate  
24          in interscholastic athletics permitted, offered, or sponsored by the state  
25          board or any agency designated by the state board to manage  
26          interscholastic athletics.
- 27          (e) Every local board of education shall require an annual medical examination

1 performed and signed by a physician, physician assistant, advanced practice  
2 registered nurse, or chiropractor, if performed within the professional's scope  
3 of practice, for each student seeking eligibility to participate in any school  
4 athletic activity or sport. The Kentucky Board of Education or any  
5 organization or agency designated by the state board to manage interscholastic  
6 athletics shall not promulgate administrative regulations or adopt any policies  
7 or bylaws that are contrary to the provisions of this paragraph.

8 (f) Any student who turns nineteen (19) years of age prior to August 1 shall not  
9 be eligible for high school athletics in Kentucky. Any student who turns  
10 nineteen (19) years of age on or after August 1 shall remain eligible for that  
11 school year only. An exception to the provisions of this paragraph shall be  
12 made, and the student shall be eligible for high school athletics in Kentucky if  
13 the student:

- 14 1. Qualified for exceptional children services and had an individual  
15 education program developed by an admissions and release committee  
16 (ARC) while the student was enrolled in the primary school program;
- 17 2. Was retained in the primary school program because of an ARC  
18 committee recommendation; and
- 19 3. Has not completed four (4) consecutive years or eight (8) consecutive  
20 semesters of eligibility following initial promotion from grade eight (8)  
21 to grade nine (9).

22 (g) The state board or any agency designated by the state board to manage  
23 interscholastic athletics shall promulgate administrative regulations or bylaws  
24 that provide that:

- 25 1. A member school shall designate all athletic teams, activities, and sports  
26 for students in grades six (6) through twelve (12) as one (1) of the  
27 following categories:

- 1 a. "Boys";
- 2 b. "Coed"; or
- 3 c. "Girls";
- 4 2. The sex of a student for the purpose of determining eligibility to
- 5 participate in an athletic activity or sport shall be determined by:
- 6 a. A student's biological sex as indicated on the student's original,
- 7 unedited birth certificate issued at the time of birth; or
- 8 b. An affidavit signed and sworn to by the physician, physician
- 9 assistant, advanced practice registered nurse, or chiropractor that
- 10 conducted the annual medical examination required by paragraph
- 11 (e) of this subsection under penalty of perjury establishing the
- 12 student's biological sex at the time of birth;
- 13 3. a. An athletic activity or sport designated as "girls" for students in
- 14 grades six (6) through twelve (12) shall not be open to members of
- 15 the male sex.
- 16 b. Nothing in this section shall be construed to restrict the eligibility
- 17 of any student to participate in an athletic activity or sport
- 18 designated as "boys" or "coed"; and
- 19 4. Neither the state board, any agency designated by the state board to
- 20 manage interscholastic athletics, any school district, nor any member
- 21 school shall entertain a complaint, open an investigation, or take any
- 22 other adverse action against a school for maintaining separate
- 23 interscholastic or intramural athletic teams, activities, or sports for
- 24 students of the female sex.
- 25 (h) 1. The state board or any agency designated by the state board to manage
- 26 interscholastic athletics shall promulgate administrative regulations that
- 27 permit a school district to employ or assign nonteaching or noncertified

- 1                    personnel or personnel without postsecondary education credit hours to  
2                    serve in a coaching position. The administrative regulations shall give  
3                    preference to the hiring or assignment of certified personnel in coaching  
4                    positions.
- 5                    2. A person employed in a coaching position shall be a high school  
6                    graduate and at least twenty-one (21) years of age and shall submit to a  
7                    criminal background check in accordance with KRS 160.380.
- 8                    3. The administrative regulations shall specify post-hire requirements for  
9                    persons employed in coaching positions.
- 10                    4. The regulations shall permit a predetermined number of hours of  
11                    professional development training approved by the state board or its  
12                    designated agency to be used in lieu of postsecondary education credit  
13                    hour requirements.
- 14                    5. A local school board may specify post-hire requirements for personnel  
15                    employed in coaching positions in addition to those specified in  
16                    subparagraph 3. of this paragraph.
- 17                    (i) Unless permitted to be eligible for varsity athletics by any transfer rule,  
18                    policy, or administrative regulation promulgated by the state board or any  
19                    agency designated by the state board to manage interscholastic athletics, any  
20                    student who transfers enrollment from a district of residence to a nonresident  
21                    district under KRS 157.350(4)(b) after enrolling in grade nine (9) and  
22                    participating in a varsity sport shall be ineligible to participate in  
23                    interscholastic athletics for one (1) calendar year from the date of the transfer.  
24                    The state board or any agency designated by the state board to manage  
25                    interscholastic athletics may adopt rules, policies, and bylaws and promulgate  
26                    administrative regulations necessary to carry out this paragraph.
- 27                    (j) No member school shall grant a student-athlete the right to use the member



1 school's intellectual property, such as trademarks, school uniforms, and  
2 copyrights, in the student's earning of compensation through name, image,  
3 and likeness activities. No student-athlete shall use such intellectual property  
4 in earning compensation through name, image, and likeness activities. The  
5 state board or any agency designated by the state board to manage  
6 interscholastic athletics shall promulgate administrative regulations to govern  
7 and enforce this paragraph.

8 (3) (a) The Kentucky Board of Education is hereby authorized to lease from the State  
9 Property and Buildings Commission or others, whether public or private, any  
10 lands, buildings, structures, installations, and facilities suitable for use in  
11 establishing and furthering television and related facilities as an aid or  
12 supplement to classroom instruction throughout the Commonwealth and for  
13 incidental use in any other proper public functions. The lease may be for any  
14 initial term commencing with the date of the lease and ending with the next  
15 ensuing June 30, which is the close of the then-current fiscal biennium of the  
16 Commonwealth, with exclusive options in favor of the board to renew the  
17 same for successive ensuing bienniums, July 1 in each even year to June 30 in  
18 the next ensuing even year; and the rentals may be fixed at the sums in each  
19 biennium, if renewed, sufficient to enable the State Property and Buildings  
20 Commission to pay therefrom the maturing principal of and interest on, and  
21 provide reserves for, any revenue bonds which the State Property and  
22 Buildings Commission may determine to be necessary and sufficient, in  
23 agreement with the board, to provide the cost of acquiring the television and  
24 related facilities with appurtenances and costs as may be incident to the  
25 issuance of the bonds.

26 (b) Each option of the Kentucky Board of Education to renew the lease for a  
27 succeeding biennial term may be exercised at any time after the adjournment

1 of the session of the General Assembly at which appropriations shall have  
2 been made for the operation of the state government for such succeeding  
3 biennial term, by notifying the State Property and Buildings Commission in  
4 writing, signed by the commissioner of education~~[chief state school officer]~~,  
5 and delivered to the secretary of the Finance and Administration Cabinet as a  
6 member of the commission. The option shall be deemed automatically  
7 exercised, and the lease automatically renewed for the succeeding biennium,  
8 effective on the first day thereof, unless a written notice of the board's election  
9 not to renew shall have been delivered in the office of the secretary of the  
10 Finance and Administration Cabinet before the close of business on the last  
11 working day in April immediately preceding the beginning of the succeeding  
12 biennium.

13 (c) The Kentucky Board of Education shall not itself operate leased television  
14 facilities, or undertake the preparation of the educational presentations or  
15 films to be transmitted thereby, but may enter into one (1) or more contracts  
16 to provide therefor, with any public agency and instrumentality of the  
17 Commonwealth having, or able to provide, a staff with proper technical  
18 qualifications, upon which agency and instrumentality the board, through the  
19 commissioner of education~~[chief state school officer]~~ and the Department of  
20 Education, is represented in such manner as to coordinate matters of  
21 curriculum with the curricula prescribed for the public schools of the  
22 Commonwealth. Any contract for the operation of the leased television or  
23 related facilities may permit limited and special uses of the television or  
24 related facilities for other programs in the public interest, subject to the  
25 reasonable terms and conditions as the board and the operating agency and  
26 instrumentality may agree upon; but any contract shall affirmatively forbid the  
27 use of the television or related facilities, at any time or in any manner, in the

1 dissemination of political propaganda or in furtherance of the interest of any  
 2 political party or candidate for public office, or for commercial advertising.  
 3 No lease between the board and the State Property and Buildings Commission  
 4 shall bind the board to pay rentals for more than one (1) fiscal biennium at a  
 5 time, subject to the aforesaid renewal options. The board may receive and  
 6 may apply to rental payments under any lease and to the cost of providing for  
 7 the operation of the television or related facilities not only appropriations  
 8 which may be made to it from state funds, from time to time, but also  
 9 contributions, gifts, matching funds, devises, and bequests from any source,  
 10 whether federal or state, and whether public or private, so long as the same are  
 11 not conditioned upon any improper use of the television or related facilities in  
 12 a manner inconsistent with the provisions of this subsection.

13 (4) The state board may, on the recommendation and with the advice of the  
 14 commissioner of education~~[chief state school officer]~~, prescribe, print, publish, and  
 15 distribute at public expense such administrative regulations, courses of study,  
 16 curriculums, bulletins, programs, outlines, reports, and placards as each deems  
 17 necessary for the efficient management, control, and operation of the schools and  
 18 programs under its jurisdiction. All administrative regulations published or  
 19 distributed by the board shall be enclosed in a booklet or binder on which the words  
 20 "informational copy" shall be clearly stamped or printed.

21 (5) Upon the recommendation of the commissioner of education~~[chief state school~~  
 22 ~~officer]~~ or his or her designee, the state board shall establish policy or act on all  
 23 matters relating to programs, services, publications, capital construction and facility  
 24 renovation, equipment, litigation, contracts, budgets, and all other matters which are  
 25 the administrative responsibility of the Department of Education.

26 **(6) The state board shall be responsible for:**

27 **(a) Adopting or rejecting the state academic standards as recommended by the**

1           School Curriculum, Assessment, and Accountability Council pursuant to  
 2           Section 24 of this Act;

3           **(b) Adopting or rejecting instructional materials collections as recommended by**  
 4           **the State Instructional Materials Council pursuant to Section 5 of this Act**  
 5           **and in accordance with the following:**

6           **1. By December 31, 2025, the state board shall adopt no more than three**  
 7           **(3) instructional materials collections for each of the core academic**  
 8           **content areas in each grade level in the lower grades as recommended**  
 9           **by the State Instructional Materials Council;**

10          **2. By December 31, 2026, the state board shall adopt no more than three**  
 11          **(3) instructional materials collections for each of the core academic**  
 12          **content areas in each grade level in grades six (6) through grade eight**  
 13          **(8) as recommended by the State Instructional Materials Council; and**

14          **3. By December 31, 2027, the state board shall adopt no more than three**  
 15          **(3) instructional materials collections for each course, program, or**  
 16          **credit required or available to satisfy a nonelective credit within the**  
 17          **minimum high school graduation requirements; and**

18          **(c) Ensuring alignment and continuity by establishing procedures and a**  
 19          **timeline for the development of recommendations and adoption of state**  
 20          **academic standards and instructional materials collections that create**  
 21          **alignment, continuity, and a cohesive academic plan for students in all**  
 22          **grades and in all districts across the Commonwealth consistent with the**  
 23          **goals and core competencies identified in Section 1 of this Act.**

24          ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO  
 25 READ AS FOLLOWS:

26          **(1) The Kentucky Department of Education, in supporting school district adoption of**  
 27          **instructional materials and implementation of curriculum, shall develop, for each**

1 *instructional materials collection adopted by the Kentucky Board of Education*  
 2 *pursuant to Section 2 of this Act, a guide for educators that details:*

3 *(a) The state academic standards addressed by the instructional materials;*

4 *(b) How the instructional materials are connected to specific learning targets*  
 5 *that are aligned to those state academic standards;*

6 *(c) Questions students should be able to answer, skills students should be able*  
 7 *to demonstrate, and products students should be able to produce in*  
 8 *connection with the instructional materials, achieving learning targets, and*  
 9 *meeting the state academic standard; and*

10 *(d) A curriculum guide for using the instructional materials with sample*  
 11 *instructional plans that provide a realistic instructional schedule for using*  
 12 *the materials over the school year.*

13 *(2) The guides shall be made available at no cost to all public school teachers and*  
 14 *administrators.*

15 *(3) The department shall consult with the School Curriculum, Assessment, and*  
 16 *Accountability Council in the development of the guides required under this*  
 17 *section.*

18 ➔Section 4. KRS 156.395 is amended to read as follows:

19 For purposes of KRS 156.400 to 156.476, unless the context requires otherwise:⌋

20 *(1) "Instructional materials" means tools used to assist in student learning, as defined in*  
 21 *administrative regulations promulgated by the Kentucky Board of Education; and*

22 *(2) "Instructional materials collection" means a system of interrelated instructional*  
 23 *materials offered by a publisher or developer to support learning of a specific*  
 24 *content area or grade level.*

25 ➔Section 5. KRS 156.405 is amended to read as follows:

26 (1) The purpose of the State *Instructional Materials Council*⌋~~Textbook Commission~~  
 27 is to *be the sole recommending party to the Kentucky Board of Education of*

1 ~~a~~~~[provide a recommended]~~ list of current and high quality ~~[textbooks and~~  
 2 ~~]instructional materials [to local school districts]~~ that complement the educational  
 3 program in Kentucky schools; to provide a consumer guide to schools to aid with  
 4 the selection of materials; and to provide for public participation in the evaluation  
 5 process. **The State Instructional Materials Council shall be attached to the**  
 6 **Kentucky Department of Education for administrative and support purposes.**

7 (2) The State **Instructional Materials Council**~~[Textbook Commission]~~ shall consist of  
 8 the **commissioner of education**~~[chief state school officer]~~ and ten (10) appointive  
 9 members. The ten (10) members shall be appointed by the Kentucky Board of  
 10 Education upon the recommendation of the **commissioner of education**~~[chief state~~  
 11 ~~school officer]~~ for terms of four (4) years with two (2) appointments each year,  
 12 except that every fourth year there shall be four (4) appointments. No member shall  
 13 be eligible to serve more than two (2) full terms consecutively. All vacancies that  
 14 occur on the State **Instructional Materials Council**~~[Textbook Commission]~~ shall be  
 15 filled in like manner for the remainder of the unexpired terms. The Department of  
 16 Education and the State **Instructional Materials Council**~~[Textbook Commission]~~  
 17 shall receive assistance in the **instructional materials**~~[textbook]~~ evaluation process  
 18 from professionals and lay citizens who will be referred to in this chapter as the  
 19 ~~["textbook ]reviewers.["]~~

20 (3) The State **Instructional Materials Council**~~[Textbook Commission]~~ shall:  
 21 (a) Select and direct the activities of the ~~[textbook ]~~reviewers who develop  
 22 selection criteria and review **instructional materials**~~[textbooks and~~  
 23 ~~programs];~~  
 24 (b) Develop selection criteria and evaluation forms with the help of the ~~[textbook~~  
 25 ~~]reviewers and Kentucky Department of Education staff to be used in the state~~  
 26 level review process;  
 27 (c) Approve the evaluative criteria and forms used by the **council**~~[commission]~~

- 1 and ~~textbook~~ reviewers;
- 2 (d) Review the ~~textbook~~ reviewers' evaluations, and ***instructional***  
 3 ***materials***~~textbooks or programs~~ as it deems necessary, in order to select  
 4 from them a ~~recommended~~ list of high quality materials ***for***  
 5 ***recommendation to the state board***;
- 6 (e) Provide notice of and the opportunity for public inspection of ***instructional***  
 7 ***materials collections***~~textbooks and programs~~ offered for adoption and use in  
 8 the public schools;
- 9 (f) Conduct a public hearing for the purpose of receiving public comment  
 10 concerning ***instructional materials collections***~~textbooks and programs~~  
 11 under consideration;
- 12 (g) Select ***and***~~,~~ recommend~~, and publish~~ a list of high quality ***instructional***  
 13 ***materials collections for adoption or rejection by the Kentucky Board of***  
 14 ***Education pursuant to Section 2 of this Act***~~textbooks and programs~~; and
- 15 (h) Publish ***the list of instructional materials collections approved by the***  
 16 ***Kentucky Board of Education, as well as*** a consumer guide and distribute  
 17 ***these***~~it~~ to Kentucky public schools.
- 18 (4) The ~~textbook~~ reviewers shall be comprised of twelve (12) individuals for the area  
 19 or areas being considered for adoption. The ~~textbook~~ reviewers shall be approved  
 20 by the State ***Instructional Materials Council***~~Textbook Commission~~ based on the  
 21 recommendation of the ***commissioner of education***~~chief state school officer~~.
- 22 (5) The ~~textbook~~ reviewers shall:
- 23 (a) Develop and submit to the ***council***~~commission~~ subject specific evaluative  
 24 criteria to be used in reviewing ***instructional materials***~~textbooks and~~  
 25 ~~programs~~;
- 26 (b) Review ***instructional materials collections***~~textbooks and programs~~ to  
 27 determine those of high quality, using evaluative criteria and forms approved

- 1 by the council~~[commission]~~;
- 2 (c) Submit to the council~~[commission]~~ reviews and evaluative forms regarding
- 3 reviewed instructional materials collections~~[textbooks and programs]~~;
- 4 (d) Attend meetings and training sessions as requested by the
- 5 council~~[commission]~~ and the Department of Education; and
- 6 (e) Ensure that instructional materials~~[textbooks]~~ are free from factual error.
- 7 (6) (a) 1. Eight (8) of the appointive members of the State Instructional
- 8 Materials Council~~[Textbook Commission]~~ shall have had not less than
- 9 five (5) years teaching or supervising experience in the public schools of
- 10 Kentucky and shall have had at the time of their appointment at least
- 11 four (4) years of college training in a recognized institution of higher
- 12 education.
- 13 2. Five (5) members of the council~~[commission]~~ shall be classroom
- 14 teachers actively employed in the public schools of Kentucky as
- 15 teachers in subject field or fields for which the council~~[commission]~~
- 16 will select books.
- 17 3. Two (2) members shall be principals, supervisors, or superintendents of
- 18 public schools or public school systems.
- 19 4. One (1) member shall be a member of the faculty of a public institution
- 20 of higher education engaged in teacher preparation.
- 21 5. Two (2) members shall be lay citizens, one (1) of whom shall have a
- 22 child enrolled in a public school at the time of appointment.
- 23 (b) In recommending the members of the State Instructional Materials
- 24 Council~~[Textbook Commission]~~ the commissioner of education~~[chief state~~
- 25 ~~school officer]~~ shall give due regard to representation from rural and urban
- 26 areas and from the elementary, middle, and high school levels when the
- 27 educational levels are included in the subject field or fields for which



1 adoptions are to be made.

2 (7) ~~Textbook~~ Reviewers shall have the following qualifications: Six (6) of the  
3 textbook reviewers shall be instructional supervisors and classroom teachers in  
4 various and appropriate grade levels primary through grade twelve (12), with  
5 experience and training in the subject areas to be reviewed. One (1) reviewer shall  
6 have expertise and training in learning theory as applied to the classroom situation.  
7 One (1) reviewer shall be a current or former university faculty member with  
8 expertise in the content area of the textbooks to be reviewed. One (1) reviewer shall  
9 have experience and training in development of instructional materials~~readability~~  
10 ~~and formatting of textbooks~~. Three (3) reviewers shall be parents, two (2) of whom  
11 shall have a child currently enrolled in public schools in Kentucky.

12 (8) Members of the State Instructional Materials Council~~Textbook Commission~~  
13 shall receive ~~fifty (\$50) dollars per day and~~ reimbursement for their actual  
14 expenses while attending council~~commission~~ meetings. ~~Textbook~~ Reviewers  
15 shall receive remuneration based on the amount of textbooks and programs to be  
16 reviewed and criteria to be developed as determined by the commissioner of  
17 education~~chief state school officer~~. ~~Textbook reviewers shall be paid one~~  
18 ~~hundred dollars (\$100) per day, not to exceed one thousand dollars (\$1,000)~~  
19 ~~annually. Textbook~~ Reviewers shall also receive reimbursement for actual  
20 expenses while attending reviewer or council~~commission~~ meetings.

21 (9) The meetings of the State Instructional Materials Council~~Textbook Commission~~  
22 shall be open to the public and shall be held at least once every quarter and notice  
23 of such meeting shall be given in accordance with KRS 424.110 to 424.210.

24 (10) Not later than May 1 each year the commissioner of education~~chief state school~~  
25 ~~officer~~ shall call the State Instructional Materials Council~~Textbook Commission~~  
26 into session. The members of the State Instructional Materials Council~~Textbook~~  
27 ~~Commission~~ shall elect one (1) of its voting members as chair~~chairman~~ and shall

1 adopt administrative regulations for the procedure of the council~~[commission]~~. The  
 2 commissioner of education~~[chief state school officer]~~ shall be the secretary of the  
 3 council~~[commission]~~.

4 ➔Section 6. KRS 156.415 is amended to read as follows:

5 Before instructional materials collections approved~~[textbooks and programs offered]~~ for  
 6 adoption and use in public schools of Kentucky may be lawfully recommended ~~[and~~  
 7 ~~listed]~~ by the State Instructional Materials Council, approval by the Kentucky Board of  
 8 Education~~[Textbook Commission]~~ or purchased by any board of education, the person,  
 9 firm, or corporation offering the materials for adoption and use shall file with the  
 10 commissioner of education~~[chief state school officer]~~:

- 11 (1) Copies of all textbooks, materials, and programs that the person, firm, or  
 12 corporation desires to offer for adoption and use, with a sworn statement of the list  
 13 price and the lowest wholesale price at which each of the titles is sold in any  
 14 adopting unit;
- 15 (2) A statement that all the titles offered for sale, adoption, and use, do comply with the  
 16 standards and specifications for instructional materials~~[textbooks]~~ designated by  
 17 the commissioner of education~~[chief state school officer]~~ as regards paper, binding,  
 18 printing, illustrations, subject matter, technological requirements, and other items  
 19 included in the standards and specifications;
- 20 (3) Copies of any revision or special editions of the instructional materials~~[textbooks]~~  
 21 and programs filed, with a statement describing in detail each point of difference  
 22 from the regular edition filed, and the list price and the lowest wholesale price at  
 23 which the revision or special edition is sold anywhere in the United States;
- 24 (4) A fee of five dollars (\$5) for each instructional materials collection~~[book]~~ filed  
 25 except when a series of instructional materials collections~~[books]~~ is filed, in which  
 26 case the fee shall be five dollars (\$5) for the first collection~~[book]~~ and one dollar  
 27 (\$1) for each additional collection~~[book]~~ in the series. The fee provided by this

1 subsection shall be paid at each and every adoption period;

2 (5) A bond running to the Commonwealth of Kentucky, executed by a surety company  
3 authorized to do business in this state, in a sum not less than two thousand dollars  
4 (\$2,000) nor more than ten thousand dollars (\$10,000), to be determined by the  
5 **commissioner of education**~~[chief state school officer]~~; and

6 (6) An affidavit certifying any **instructional materials collections**~~[textbook]~~ the  
7 publisher or **developer**~~[manufacturer]~~ offers in the state to be free of factual error at  
8 the time~~[the publisher or manufacturer executes]~~ a contract **is executed**.

9 ➔Section 7. KRS 156.433 is amended to read as follows:

10 (1) The Kentucky Board of Education, upon recommendation of the **commissioner of**  
11 **education**~~[chief state school officer]~~, shall promulgate an administrative regulation  
12 identifying instructional materials eligible for purchase~~[with state textbook funds]~~.  
13 The regulation shall identify instructional materials which are subject to review  
14 before being **added to the eligible materials list**~~[recommended]~~ for use, establish a  
15 procedure for the review, and a process for adding an instructional material to the  
16 **eligible materials**~~[recommended]~~ list.~~[The Department of Education may pay~~  
17 ~~instructional materials reviewers an amount not to exceed one thousand dollars~~  
18 ~~(\$1,000) annually per reviewer for their services using funds from the appropriation~~  
19 ~~for state textbooks.]~~

20 (2) The Department of Education shall **compile the eligible materials into**~~[establish]~~ a  
21 list **approved by the Kentucky Board of Education and**~~[of recommended~~  
22 ~~instructional materials]~~ **from which**~~[for the use of]~~ school personnel **shall select**.

23 **(3) School districts shall select from the approved instructional materials list, where**  
24 **available, for implementation in the appropriate course, program, or grade level**  
25 **within each school district**.

26 ➔Section 8. KRS 156.474 is amended to read as follows:

27 (1) The Kentucky Board of Education, upon the recommendation of the **commissioner**

1 of education~~[chief state school officer]~~, shall have the authority to prescribe the  
 2 conditions whereby a school district may make multiple instructional materials  
 3 collections~~[textbook]~~ adoptions for the different school subjects by grades.

4 (2) The Kentucky Board of Education, upon the recommendation of the commissioner  
 5 of education~~[chief state school officer]~~, shall have the authority to prescribe the  
 6 administrative regulations to govern the purchase of the multiple-adopted  
 7 instructional materials collections~~[textbooks]~~ for the school district.~~[The chief~~  
 8 ~~state school officer, subject to the approval of the Kentucky Board of Education,~~  
 9 ~~may purchase the textbooks from the publishers whose books have been adopted by~~  
 10 ~~the school district for grades kindergarten through twelve (12) and distribute them~~  
 11 ~~without cost to the pupils attending the public schools in the school district.]~~

12 ➔Section 9. KRS 156.407 is amended to read as follows:

13 (1) The commissioner of education~~[chief state school officer]~~ shall, not later than  
 14 February 1 of each year in which an adoption is to be made, solicit applications for  
 15 filling twelve (12) positions for ~~[textbook]~~reviewers.

16 (2) Solicitation shall be statewide for all appointments and include specifications which  
 17 ensure candidates have professional expertise in the subject areas to be reviewed if  
 18 appropriate for the appointment.

19 (3) The State Instructional Materials Council~~[Textbook Commission]~~, at its first  
 20 yearly meeting, shall select ~~[textbook]~~reviewers based on a list of qualified  
 21 applicants prepared by the commissioner of education~~[chief state school officer]~~  
 22 and giving consideration to the recommendations as specified in KRS 156.405.

23 (4) The Department of Education's curriculum and instruction specialists shall serve as  
 24 staff to the commission and reviewers. The staff shall:

25 (a) Orient and train the council~~[commission]~~ and reviewers regarding  
 26 departmental policy and review procedures;

27 (b) Make available existing standards and criteria for ~~[textbook]~~evaluation; and

- 1 (c) Provide supplies and sample *instructional materials collections*~~[textbooks]~~  
2 for the review process.
- 3 (5) The ~~[textbook]~~reviewers shall develop subject specific criteria for *instructional*  
4 *materials collections*~~[textbook]~~ review and evaluation in the following~~[textbook]~~  
5 areas:
- 6 (a) Subject content, including its relationship to the academic  
7 *standards*~~[expectations]~~;
- 8 (b) Audience;
- 9 (c) Format;
- 10 (d) Readability *and use*;
- 11 (e) Accuracy; and
- 12 (f) *Associated*~~[Ancillary]~~ materials *and resources*.
- 13 (6) On or before July 15, the State *Instructional Materials Council*~~[Textbook~~  
14 ~~Commission]~~ shall develop general criteria, review and approve subject specific  
15 criteria, and provide the standard criteria and evaluation forms to be used by the  
16 *council*~~[commission]~~ and ~~[textbook]~~reviewers.
- 17 (7) Based upon approval of the standard criteria and evaluation forms, the ~~[textbook~~  
18 ~~]reviewers~~ shall review *instructional materials collections*~~[textbooks and~~  
19 ~~programs]~~. The *council*~~[committee]~~ shall submit evaluation forms for each  
20 *instructional materials collection*~~[textbook or program]~~ reviewed in each of the  
21 five (5) areas, set forth in subsection (5) of this section, with comments related to  
22 strengths and weaknesses in each area.
- 23 (8) The State *Instructional Materials Council*~~[Textbook Commission]~~ shall review the  
24 work of the ~~[textbook]~~reviewers and based on this review and any of its own  
25 reviews of *instructional materials collections*~~[textbooks or programs]~~, establish a  
26 state multiple list of *instructional materials collections for recommendation to the*  
27 *state board*~~[recommended textbooks and programs]~~. The list of

1 collections~~[recommended textbooks and programs]~~ shall be free of factual error.  
 2 Copies of all evaluation forms submitted by the ~~[textbook]~~ reviewers shall be made  
 3 available to council~~[commission]~~ members and maintained on file within the  
 4 Department of Education for the length of the adoption cycle~~[cycle length of the~~  
 5 ~~books]~~. For those materials placed on the state multiple list of approved  
 6 collections~~[recommended textbooks and programs]~~, the Department of Education  
 7 shall publish a consumer guide that includes summary results of the evaluations and  
 8 any factual error identified in the instructional materials~~[textbooks]~~, and shall  
 9 distribute it to all public schools in the state.

10 ➔Section 10. KRS 156.410 is amended to read as follows:

- 11 (1) The commissioner of education~~[chief state school officer]~~ shall prepare minimum  
 12 ~~[manufacturing]~~ standards, delineate content specifications, in accordance with the  
 13 state academic standards and curriculum requirements of the program of studies  
 14 for Kentucky schools: grades K-12, and formulate other criteria for use in the  
 15 evaluation of instructional materials~~[textbooks and programs]~~ in Kentucky.  
 16 Criteria shall require that all materials be suitable for use with a diverse population  
 17 and be free of social, ethnic, racial, religious, age, gender, and geographic bias.
- 18 (2) It shall be the duty of the commissioner of education~~[chief state school officer]~~ to  
 19 prepare all necessary forms for use in the evaluation of instructional  
 20 materials~~[textbooks and programs]~~, such as advertising for ~~[textbook]~~ bids; forms  
 21 for bids, bonds, and contracts; and other forms.
- 22 (3) The Kentucky Board of Education, upon the recommendation of the commissioner  
 23 of education~~[chief state school officer]~~, shall have authority to promulgate  
 24 administrative regulations~~[prescribe]~~:
- 25 (a) ~~[Administrative regulations]~~ Pertaining to all instructional  
 26 materials~~[textbook]~~ samples for use on the state and local levels; and
- 27 (b) ~~[Shall have authority to promulgate administrative regulations]~~ Relating to the

1 agents and representatives of *instructional materials collections publishers*  
 2 *or developers*~~[textbooks and programs]~~, as to the methods and procedures for  
 3 use in adoptions on the state and local levels.

4 (4) The *commissioner of education*~~[chief state school officer]~~, on or before May 1  
 5 prior to any adoption year, shall properly advertise the subjects for which  
 6 *instructional materials*~~[textbook]~~ adoptions will be made and notify the different  
 7 publishers *and developers*~~[of the textbooks]~~. The publishers *and developers*, on or  
 8 before July 15, of any adoption year, shall file with the *commissioner of*  
 9 *education*~~[chief state school officer]~~ *instructional materials collections*~~[textbook]~~  
 10 samples, filing fees, ~~[textbook]~~ bids and bonds, and other specified information  
 11 relative to the *instructional materials collections*~~[books]~~ that they desire to offer  
 12 for adoption.

13 (5) The *commissioner of education*~~[chief state school officer]~~ shall:  
 14 (a) Review the bid information submitted by the publishers *and developers*;  
 15 (b) Verify that the bid complies with the specifications; and  
 16 (c) Prepare a list of *instructional materials collections*~~[textbooks and programs]~~,  
 17 for consideration by the State *Instructional Materials Council*~~[Textbook~~  
 18 ~~Commission]~~ indicating those in compliance with the standards and  
 19 specifications and those not in compliance, detailing areas of noncompliance.

20 ➔Section 11. KRS 156.420 is amended to read as follows:

21 The bond required by the person, firm, or corporation offering *instructional*  
 22 *materials*~~[the books]~~ for adoption shall be so conditioned that:

23 (1) The person, firm, or corporation will furnish any of the *instructional*  
 24 *materials*~~[books]~~ listed in the statement filed for the period of adoption from the  
 25 date of the bond to any school district in Kentucky, or to any dealer appointed by  
 26 the district, at the lowest wholesale price contained in the statement, f.o.b. the  
 27 publisher's nearest shipping point;

- 1 (2) The person, firm, or corporation shall not bid and enter into a contract for an  
2 adoption period with the Commonwealth of Kentucky for **instructional**  
3 **materials**~~[books]~~ at a higher wholesale price than is being bid for the same adoption  
4 period elsewhere in the United States.
- 5 (3) The person, firm, or corporation will automatically reduce such prices in Kentucky  
6 whenever reductions are made anywhere in the United States, so that no  
7 **instructional material**~~[book]~~ shall at any time be sold in Kentucky at a higher  
8 wholesale price than is received for that **instructional material**~~[book]~~ elsewhere in  
9 the United States;
- 10 (4) If the person, firm, or corporation prepared an abridged or special edition of any  
11 book that has been listed and sells it elsewhere at a lower wholesale price than the  
12 wholesale price set out in the filed statement, the person will file a copy of the  
13 special edition with the price of the special edition in a supplemental statement with  
14 the **commissioner of education**~~[chief state school officer]~~;
- 15 (5) All **instructional materials**~~[books]~~ sold in Kentucky will be identical with the  
16 **specimens**~~[specimen books]~~ filed with the **commissioner of education**~~[chief state~~  
17 ~~school officer]~~ as regards size, paper, binding, print, illustrations, subject matter,  
18 **technological specifications**, and other particulars which may affect the value of  
19 the **instructional materials**~~[books]~~;
- 20 (6) The person, firm, or corporation shall not enter into any agreement, understanding,  
21 or combination to control the price of **instructional materials**~~[textbooks]~~ or to  
22 restrict competition in their sale in Kentucky.

23 ➔Section 12. KRS 156.425 is amended to read as follows:

24 The form of the sworn statement and bond required shall be prescribed by the  
25 **commissioner of education**~~[chief state school officer]~~. The bond shall be in force for the  
26 adoption period. The person, firm, or corporation may at any time while the bond is in  
27 force file a supplemental statement covering additional **instructional materials**~~[books]~~ or



1 special editions of instructional materials~~[books]~~ previously filed. The supplemental  
 2 statement shall expire at the date of expiration of the original statement and bond. Prior to  
 3 the expiration of any statement and bond the person may file a new statement and bond  
 4 for a further period of adoption, and if he or she fails to file a new statement and bond his  
 5 right to offer instructional materials~~[textbooks]~~ for adoption and use in the public  
 6 schools of Kentucky shall expire on the date of expiration of the former bond.

7 →Section 13. KRS 156.435 is amended to read as follows:

8 (1) (a) The State Instructional Materials Council~~[Textbook Commission]~~ shall, not  
 9 later than September 20 of any year in which an adoption is to be made,  
 10 select~~[,]~~ and recommend to the Kentucky Board of Education for adoption,  
 11 ~~[and publish]~~ a list of instructional materials collections~~[books or programs]~~  
 12 in each subject and grade, taking into account the needs of the various types  
 13 of students.

14 (b) Within fourteen (14) days of the state board approving a list of instructional  
 15 materials collections in a subject or grade, the State Instructional Materials  
 16 Council and the Kentucky Department of Education shall publish the  
 17 approved list available for adoption by local school districts.

18 (2) The State Instructional Materials Council and the state board~~[Textbook~~  
 19 ~~Commission]~~ shall have the authority to reject any instructional material~~[book]~~  
 20 which:

21 (a) Contains subversive material or information that is offered for listing or  
 22 adoption. If the council~~[commission]~~ finds on the multiple list any  
 23 instructional material~~[book]~~ which contains subversive material or  
 24 information, provided the publisher or developer~~[of the book]~~ has been given  
 25 written notice by the secretary of the council~~[commission]~~ not less than thirty  
 26 (30) days prior to the meeting, the council~~[textbook commission]~~ shall have  
 27 authority to remove the material~~[book]~~ from the state multiple list;

- 1 (b) Is in noncompliance with standards and specifications set forth in KRS  
2 156.410; or
- 3 (c) Is not of high quality in terms of the content provided, the audience addressed,  
4 the format used, **technological specifications**, the readability **and usability** of  
5 material or the ancillary materials provided the teacher and students.
- 6 (3) The State **Instructional Materials Council**~~[Textbook Commission]~~ shall have the  
7 authority to solicit additions for the state list when the list does not contain ~~{books~~  
8 ~~or}~~ materials for subjects added to the state courses of study.
- 9 (4) The **commissioner of education**~~[chief state school officer]~~ shall make and execute  
10 contracts for the **approved instructional materials collections**~~[recommended~~  
11 ~~textbooks and programs]~~ with the publishers **or developers** on or before May 1  
12 following the establishment of the state multiple list of **materials approved for**  
13 **selection by districts as**~~[recommended titles]~~ selected by the **council and approved**  
14 **by the state board**~~[commission]~~. Except as described in KRS 156.400, all contracts  
15 shall run for six (6) years.
- 16 (5) The **commissioner of education**~~[chief state school officer]~~ shall prepare a multiple  
17 list of **approved instructional materials collections**~~[recommended textbooks or~~  
18 ~~programs]~~ and publish the list along with a consumer guide and distribute the  
19 documents to the superintendents of each county and independent school district in  
20 Kentucky on or before November 15 **following**~~[of]~~ each **amendment to the**  
21 **approved list of instructional materials collections**~~[adoption year]~~.
- 22 **(6) Except as otherwise provided or where an approved list has not been adopted,**  
23 **school districts shall only be permitted to utilize instructional materials**  
24 **collections from the approved list.**

25 ➔Section 14. KRS 156.437 is amended to read as follows:

26 The Kentucky Board of Education, upon the recommendation of the **commissioner of**  
27 **education**~~[chief state school officer]~~, shall have the authority to prescribe administrative

1 regulations for the approved~~[recommended]~~ listing by the State Instructional Materials  
2 Council~~[Textbook Commission]~~, adoption by local adoption units, and the purchase of  
3 subject programs for the pupils in the public schools.

4 ➔Section 15. KRS 156.438 is amended to read as follows:

5 (1) The Kentucky Board of Education shall promulgate administrative regulations to  
6 establish procedures for reviewing and resolving claims of factual errors found in  
7 instructional materials~~[textbooks]~~ after adoption by the state board upon the  
8 recommendation of the State Instructional Materials Council~~[Textbook~~  
9 ~~Commission]~~.

10 (2) The administrative regulations shall include:

11 (a) A process for an individual who believes that a factual error or errors have  
12 been found to file notice of his or her findings;

13 (b) A methodology for validating the accuracy of a claim of factual error;

14 (c) The development of conditions to include in publishers' or developers'  
15 contracts specifying protocols for correcting errors which take into account  
16 the following:

17 1. The extensiveness of the errors found;

18 2. The remaining time left until the next instructional materials~~[textbook]~~  
19 adoption cycle at the time the claim is determined to be valid;

20 3. Conditions that would necessitate replacement of printed instructional  
21 material~~[a book]~~ in its entirety or correction of a digital instructional  
22 material; and

23 4. Conditions that could be addressed through the insertion of corrections  
24 in a printed instructional material~~[textbooks]~~ without replacement;

25 (d) Notice to school districts of errors, if found, and the resolution determined to  
26 be available; and

27 (e) Notice to the claimant relative to the validation review and the resolution

1 determined to be available if the claim of error was validated.

2 ➔Section 16. KRS 156.439 is amended to read as follows:

- 3 (1) The Kentucky Board of Education shall promulgate by administrative regulations  
4 the method for calculating and distributing a district's ~~{textbook and }~~instructional  
5 materials allocation. The district's allocation shall be used by schools to purchase:
- 6 (a) *Instructional materials*~~{Textbooks}~~ and programs from the state  
7 *approved*~~{recommended}~~ list;
- 8 (b) *Instructional materials*~~{Textbooks}~~ and programs not on the state's  
9 *approved*~~{recommended}~~ list, if notification is submitted to the Department of  
10 Education that the material meets the selection criteria of the State  
11 *Instructional Materials Council*~~{Textbook Commission}~~ in KRS  
12 156.405(3)(b), the subject specific criteria of the ~~{textbook }~~reviewers  
13 pursuant to KRS 156.407(5), and compliance with the required publisher  
14 specifications;
- 15 (c) Instructional materials, with an approved plan pursuant to subsection (2) of  
16 this section; or
- 17 (d) Any combination of the above.
- 18 (2) The district shall identify all purchases made with the ~~{textbook and }~~instructional  
19 materials allocation and shall keep on file a plan developed by each school, in  
20 accordance with administrative regulations promulgated by the Kentucky Board of  
21 Education, for providing the necessary ~~{textbooks and }~~instructional materials for  
22 all grades, and subject areas, including the replacement of books and materials  
23 during the six (6) year adoption period. A school may carry forward to the next  
24 school year any part of its ~~{textbook and }~~instructional materials allocation which  
25 has been distributed to the district. If a local board does not approve a school  
26 council's plan, the council may appeal to the commissioner and an administrative  
27 hearing shall be conducted in accordance with KRS Chapter 13B.

1           ➔Section 17. KRS 156.440 is amended to read as follows:

2 Publishers **and developers**, upon the request of the superintendents of the county and  
 3 independent school districts, shall furnish to the local boards of education the requested  
 4 sample copies of their materials that were selected and placed on the state multiple list of  
 5 **instructional materials**~~[recommended textbooks]~~ by the State **Instructional Materials**  
 6 **Council**~~[Textbook Commission]~~.

7           ➔Section 18. KRS 156.445 is amended to read as follows:

8 (1) ~~A~~~~[No]~~ **instructional materials collection**~~[textbook or program]~~ shall **not** be used in  
 9 any public school in Kentucky as a basal **instructional material**~~[title]~~ unless it has  
 10 been ~~[recommended and]~~ listed on the state multiple list by the State **Instructional**  
 11 **Materials Council after approval by the board**~~[Textbook Commission]~~ or unless a  
 12 school and district has met the notification requirements under subsection (2) of this  
 13 section. Any changes of **instructional materials**~~[textbooks]~~ made by the State  
 14 **Instructional Materials Council**~~[Textbook Commission]~~ shall not become effective  
 15 until grades and classes of the respective county and independent school districts  
 16 have completed work for which the adopted **instructional materials**~~[book]~~ then in  
 17 use was originally intended. Nothing in this section shall apply to the  
 18 supplementary **instructional materials**~~[books]~~ that are needed from time to time.

19 (2) A **superintendent**~~[school council, or if none exists, the principal,]~~ may notify~~[-~~  
 20 ~~through the superintendent,]~~ the State **Instructional Materials Council**~~[Textbook~~  
 21 ~~Commission]~~ that **the district**~~[it]~~ plans to adopt a basal **instructional materials**  
 22 **collection**~~[textbook or program]~~ that is not on the **approved**~~[recommended]~~ list by  
 23 submitting evidence that the **instructional materials collection**~~[title]~~ it has chosen  
 24 meets the selection criteria of the State **Instructional Materials Council**~~[Textbook~~  
 25 ~~Commission]~~ in KRS 156.405(3)(b) and the subject specific criteria of the  
 26 ~~[textbook]~~ reviewers pursuant to KRS 156.407(5) and complies with the required  
 27 ~~[publisher]~~ specifications.

1 (3) In approving instructional~~[text]~~ materials for private and parochial schools for the  
2 purpose of KRS 156.160(3) the ~~[text]~~ materials shall be approved if they are  
3 comprehensive and appropriate to the grade level in question notwithstanding the  
4 fact that they may contain elements of religious philosophy.

5 →Section 19. KRS 156.460 is amended to read as follows:

6 ~~A~~~~[No]~~ superintendent, teacher, or other official or employee of any institution supported  
7 wholly or in part by public funds shall not act, directly or indirectly, as agent for any  
8 person whose instructional materials~~[school textbooks]~~ are filed with the commissioner  
9 of education~~[chief state school officer]~~.

10 →Section 20. KRS 156.465 is amended to read as follows:

11 No person shall secure or attempt to secure the adoption of any instructional  
12 materials~~[school textbook]~~ in any school district in this state, by rewarding or promising  
13 to reward, directly or indirectly, any person in any public school district in the state.  
14 ~~A~~~~[No]~~ person shall not offer or give any emolument to any person in any school district  
15 in this state for any vote or promise to vote, or the use of his influence, for any  
16 instructional materials~~[school textbook]~~ to be used in this state.

17 →Section 21. KRS 156.470 is amended to read as follows:

18 A copy of all instructional materials~~[recommended titles]~~ listed by the Kentucky Board  
19 of Education~~[State Textbook Commission]~~ shall remain in an office specified by the  
20 commissioner of education~~[chief state school officer]~~ as an official sample for the period  
21 of the adoption.

22 →Section 22. KRS 156.476 is amended to read as follows:

23 (1) The Kentucky Board of Education, upon the recommendation of the commissioner  
24 of education~~[chief state school officer]~~, shall select suitable instructional materials  
25 collections~~[textbooks and programs]~~ in an appropriate format, which include braille  
26 textbooks, and other materials available in clear type of eighteen (18) to twenty-  
27 four (24) points in the different subject areas for children with impaired vision who

1 are attending the public schools of the Commonwealth of Kentucky in grades  
 2 kindergarten through twelve (12). These books and materials shall not be subject to  
 3 the official bids, filing fees, sampling, and the stipulated list prices, lowest  
 4 wholesale prices, and the standards and specifications required for the books and  
 5 materials approved and listed by the State **Instructional Materials**  
 6 **Council**~~[Textbook Commission]~~ for regular use by the pupils attending the public  
 7 schools of the State of Kentucky. The Kentucky Board of Education, upon the  
 8 recommendation of the **commissioner of education**~~[chief state school officer]~~, may  
 9 promulgate an administrative regulation determining the pupils eligible for the  
 10 books and materials, the number of books and types of materials to be purchased,  
 11 and the general administration of the program. The **commissioner of**  
 12 **education**~~[chief state school officer]~~, subject to the approval of the Kentucky Board  
 13 of Education, may purchase these books and materials and distribute them without  
 14 cost to the pupils with impaired vision attending the public schools of the state. All  
 15 **instructional materials**~~[books and programs]~~ purchased under this section for the  
 16 pupils with impaired vision are the property of the state.

17 (2) The Department of Education shall require any publisher **or developer** of **an**  
 18 **instructional materials collection**~~[a textbook or program]~~ adopted for use in the  
 19 public schools of the Commonwealth to furnish the American Printing House for  
 20 the Blind with ~~[computer diskettes or tapes of ]~~those ~~[print ]~~materials ~~[either in the~~  
 21 ~~American Standard Code for Information Interchange, (ASCII), or ]~~in any ~~[other]~~  
 22 format, either electronic or print, which can be readily translated into braille or  
 23 large print.

24 ➔Section 23. KRS 158.6452 is amended to read as follows:

25 (1) A School Curriculum, Assessment, and Accountability Council is hereby created to  
 26 study, review, and make recommendations concerning Kentucky's system of setting  
 27 academic standards, assessing learning, identifying academic competencies and

1 deficiencies of individual students, holding schools accountable for learning, and  
2 assisting schools to improve their performance. The council shall advise the  
3 Kentucky Board of Education and the Legislative Research Commission on issues  
4 related to the development and communication of the academic expectations and  
5 core content for assessment, the development and implementation of the statewide  
6 assessment and accountability program, recognition of high performing schools,  
7 imposition of sanctions, and assistance for schools to improve their performance  
8 under KRS 158.6453, 158.6455, 158.782, and 158.805.

9 (2) The School Curriculum, Assessment, and Accountability Council shall be  
10 composed of seventeen (17) voting members, sixteen (16) of which are appointed  
11 by the Governor and one being the commissioner of education. ~~On making~~  
12 ~~appointments to the council, the Governor shall assure broad geographical~~  
13 ~~representation and representation of elementary, middle, and secondary school~~  
14 ~~levels; assure equal representation of the two (2) sexes, inasmuch as possible; and~~  
15 ~~assure that appointments reflect the minority racial composition of the~~  
16 ~~Commonwealth.~~ The members shall serve terms of two (2) years with no member  
17 serving more than two (2) consecutive terms, except that seven (7) of the initial  
18 appointments shall be for four (4) year terms. The sixteen (16) appointed members  
19 shall be appointed as follows:

- 20 (a) ~~Two (2) parents from recommendations submitted by organizations~~  
21 ~~representing school councils and parents;~~
- 22 (b) ~~Two (2) teachers from recommendations submitted by organizations~~  
23 ~~representing teachers;~~
- 24 (c) ~~Two (2) superintendents from recommendations submitted by organizations~~  
25 ~~representing superintendents;~~
- 26 (d) ~~Two (2) principals from organizations representing school administrators;~~
- 27 (e) ~~Two (2) local school board members from recommendations submitted by~~



- 1           ~~organizations representing school boards;~~
- 2           ~~(f) Two (2) school district assessment coordinators from recommendations~~
- 3           ~~submitted by organizations representing district assessment coordinators;~~
- 4           ~~[(g) Two (2) employers in the state from recommendations submitted by~~
- 5           ~~organizations representing business and industry;]~~
- 6           ~~(b) [(h)]~~ **Six (6)** ~~Two (2)~~ university professors with expertise in assessment and
- 7           ~~measurement; [and]~~
- 8           **(c) Four (4) individuals who have recognized expertise in the setting of state**
- 9           **academic standards; and**
- 10          **(d) Four (4) individuals who have recognized expertise in the development of**
- 11          **instructional materials and curriculum aligned to state academic**
- 12          **standards** ~~[(i) One (1) at large member].~~
- 13          (3) The **commissioner of education shall serve as the chair of the** School Curriculum,
- 14          Assessment, and Accountability Council ~~shall elect a chair annually from its~~
- 15          ~~membership~~.
- 16          (4) **Except for the commissioner of education,** the members shall be remunerated for
- 17          actual and necessary expenses incurred while attending meetings of the council or
- 18          while serving as representative of the council.
- 19          (5) The School Curriculum, Assessment, and Accountability Council shall meet at least
- 20          four (4) times each year at times and places as it determines by resolution.
- 21          (6) The School Curriculum, Assessment, and Accountability Council shall be attached
- 22          to the Department of Education for administrative purposes. It shall be provided
- 23          appropriate staff and resources to conduct its work.
- 24          **(7) By June 30 and December 31 each year, the commissioner of education shall file**
- 25          **a report with the Legislative Research Commission for referral to the appropriate**
- 26          **Interim Joint Committee on Education. The report shall set out the current**
- 27          **membership of the council, any vacancies that have occurred since the last report**

1 *filing, how long the vacancy existed or has existed, any reasoning for the failure*  
 2 *to fill the vacancy, the number and date of meetings held since the last report, the*  
 3 *time of day each meeting was held and the length of the meeting, and the*  
 4 *attendance or absence of each member of the council at each meeting.*

5 ➔Section 24. KRS 158.6453 is amended to read as follows:

6 (1) As used in this section:

7 (a) "Accelerated learning" means an organized way of helping students meet  
 8 individual academic goals by providing direct instruction to eliminate student  
 9 performance deficiencies or enable students to move more quickly through  
 10 course requirements and pursue higher level skill development;

11 (b) "Constructed-response items" or "performance-based items" means individual  
 12 test items that require the student to create an answer rather than select a  
 13 response and may include fill-in-the-blank, short-answer, extended-answer,  
 14 open-response, and writing-on-demand formats;

15 (c) "Criterion-referenced test" means a test that is aligned with defined academic  
 16 content standards and measures an individual student's level of performance  
 17 against the standards;

18 (d) ~~["End of course examination" means the same as defined in KRS 158.860;~~

19 ~~(e)]~~"Formative assessment" means a process used by teachers and students  
 20 during instruction to adjust ongoing teaching and learning to improve  
 21 students' achievement of intended instructional outcomes. Formative  
 22 assessments may include the use of commercial assessments, classroom  
 23 observations, teacher-designed classroom tests and assessments, and other  
 24 processes and assignments to gain information about individual student  
 25 learning;

26 ~~(e)]~~(f) "Interim assessments" means assessments that are given periodically  
 27 throughout the year to provide diagnostic information and to show individual

1 student performance against content standards;

2 ~~(f)~~~~(g)~~ "Summative assessment" means an assessment given at the end of the  
3 school year, semester, or other period of time to evaluate students'  
4 performance against content standards within a unit of instruction or a course;  
5 and

6 ~~(g)~~~~(h)~~ "Writing" means a purposeful act of thinking and expression that uses  
7 language to explore ideas and communicate meaning to others. Writing is a  
8 complex, multifaceted act of communication and is distinct from basic  
9 handwriting or penmanship.

10 (2) (a) ~~Beginning in fiscal year 2017-2018, and~~ Every six (6) years ~~thereafter~~, the  
11 Kentucky Department of Education, through the School Curriculum,  
12 Assessment, and Accountability Council, shall implement a process for  
13 reviewing Kentucky's academic standards and the alignment of corresponding  
14 assessments for possible revision or replacement to ensure alignment with  
15 transition readiness standards necessary for global competitiveness, state  
16 career and technical education standards, and KRS 158.196.

17 1. The council shall also advise the department in creating the guide for  
18 educators, including aligned curriculum and instructional plans, as  
19 required under Section 3 of this Act. As necessary or appropriate  
20 based on changes to subject matter or state law, the department,  
21 through the School Curriculum, Assessment, and Accountability  
22 Council, may elect to review the academic standards and the  
23 alignment of corresponding assessments and curriculum more  
24 frequently than every six (6) years.

25 2. Notwithstanding the six (6) year review timeline in this paragraph, the  
26 School Curriculum, Assessment, and Accountability Council shall  
27 coordinate with the School Instructional Materials Council and the

1                   *Kentucky Board of Education to ensure grade-appropriate and*  
2                   *updated academic standards are available for consideration to permit*  
3                   *compliance with the timelines established in subsection (6)(b) of*  
4                   *Section 2 of this Act.*

- 5           (b) The revisions to the content standards shall:
- 6                   1. Focus on critical knowledge, skills, and capacities needed for success in  
7                             the global economy;
  - 8                   2. Result in fewer but more in-depth standards to facilitate mastery  
9                             learning;
  - 10                  3. Communicate expectations more clearly and concisely to teachers,  
11                             parents, students, and citizens;
  - 12                  4. Be based on evidence-based research;
  - 13                  5. Consider international benchmarks; and
  - 14                  6. Ensure that the standards are aligned from elementary to high school to  
15                             postsecondary education so that students can be successful at each  
16                             education level.
- 17           (c) 1. The department shall establish four (4) standards and assessments  
18                             review committees, with each committee composed of a minimum of six  
19                             (6) Kentucky public school teachers and a minimum of two (2)  
20                             representatives from Kentucky institutions of higher education,  
21                             including at least one (1) representative from a public institution of  
22                             higher education. Each committee member shall teach in the subject  
23                             area that his or her committee is assigned to review and have no prior or  
24                             current affiliation with a curriculum or assessment resources vendor.
- 25                   2. One (1) of the four (4) committees shall be assigned to focus on the  
26                             review of language arts and writing academic standards and  
27                             assessments, one (1) on the review of mathematics academic standards

- 1 and assessments, one (1) on the review of science academic standards  
2 and assessments, and one (1) on the review of social studies academic  
3 standards and assessments.
- 4 (d) 1. The department shall establish twelve (12) advisory panels to advise and  
5 assist each of the four (4) standards and assessments review committees.
- 6 2. Three (3) advisory panels shall be assigned to each standards and  
7 assessments review committee. One (1) panel shall review the standards  
8 and assessments for kindergarten through grade five (5), one (1) shall  
9 review the standards and assessments for grades six (6) through eight  
10 (8), and one (1) shall review the standards and assessments for grades  
11 nine (9) through twelve (12).
- 12 3. Each advisory panel shall be composed of at least one (1) representative  
13 from a Kentucky institution of higher education and a minimum of six  
14 (6) Kentucky public school teachers who teach in the grade level and  
15 subject reviewed by the advisory panel to which they are assigned and  
16 have no prior or current affiliation with a curriculum or assessment  
17 resources vendor.
- 18 (e) The commissioner of education and the president of the Council on  
19 Postsecondary Education shall also provide consultants for the standards and  
20 assessments review committees and the advisory panels who are business and  
21 industry professionals actively engaged in career fields that depend on the  
22 various content areas.
- 23 (f) 1. The standards and assessments process review committee is hereby  
24 established and shall be composed of the commissioner of education or  
25 designee as a nonvoting member and nine (9) voting representatives of  
26 public schools, of whom at least two (2) shall be parents of public  
27 school students, appointed by the Governor and confirmed by the Senate

1 in accordance with KRS 11.160 as follows:

- 2 a. One (1) language arts teacher;
- 3 b. One (1) math teacher;
- 4 c. One (1) science teacher;
- 5 d. One (1) social studies teacher;
- 6 e. Two (2) school principals;
- 7 f. Two (2) school superintendents; and
- 8 g. One (1) school board member.

9 2. On making appointments to the committee, the Governor shall ensure  
10 broad geographical urban and rural representation and representation of  
11 elementary, middle, and high school levels; ensure equal representation  
12 of the two (2) sexes, inasmuch as possible; and ensure that appointments  
13 reflect the minority racial composition of the Commonwealth.

14 3. The review of the committee shall be limited to the procedural aspects  
15 of the review process undertaken prior to its consideration.

16 4. Notwithstanding KRS 12.028, the committee shall not be subject to  
17 reorganization by the Governor.

18 (g) 1. The review process implemented under this subsection shall be an open,  
19 transparent process that allows all Kentuckians an opportunity to  
20 participate. The department shall ensure the public's assistance in  
21 reviewing and suggesting changes to the standards and alignment  
22 adjustments to corresponding state assessments by establishing a  
23 website dedicated to collecting comments by the public and educators.  
24 An independent third party, which has no prior or current affiliation with  
25 a curriculum or assessment resources vendor, shall be selected by the  
26 department to collect and transmit the comments to the department for  
27 dissemination to the appropriate advisory panel for review and

- 1 consideration.
- 2 2. Each advisory panel shall review the standards and assessments for its  
3 assigned subject matter and grade level and the suggestions made by the  
4 public and educators. After completing its review, each advisory panel  
5 shall make recommendations for changes to the standards and alignment  
6 adjustments for assessments to the appropriate standards and  
7 assessments review committee.
- 8 3. Each standards and assessments review committee shall review the  
9 findings and make recommendations to revise or replace existing  
10 standards and to adjust alignment of assessments.
- 11 4. The recommendations shall be published on the website established in  
12 this subsection for the purpose of gathering additional feedback from the  
13 public. The commissioner shall subsequently present the  
14 recommendations and the public feedback to the Interim Joint  
15 Committee on Education.
- 16 5. The commissioner shall subsequently provide a report to the standards  
17 and assessments process review committee summarizing the process  
18 conducted under this subsection and the resulting recommendations. The  
19 report shall include but not be limited to the timeline of the review  
20 process, public feedback, and responses from the Interim Joint  
21 Committee on Education.
- 22 6. After receiving the commissioner's report, the standards and assessments  
23 process review committee shall either concur that stakeholders have had  
24 adequate opportunity to provide input on standards and the  
25 corresponding alignment of state assessments or find the input process  
26 deficient. If the process is found deficient, the recommendations may be  
27 returned to the appropriate standards and assessments review committee

1 for review as described in subparagraph 3. of this paragraph. If the  
2 process is found sufficient, the recommendations shall be forwarded  
3 without amendment to the Kentucky Board of Education.

4 (h) The Kentucky Board of Education shall promulgate administrative regulations  
5 in accordance with KRS Chapter 13A as may be needed for the administration  
6 of the review process, including staggering the timing and sequence of the  
7 review process by subject area and remuneration of the review committees  
8 and advisory panels described in paragraphs (c) and (d) of this subsection.

9 (i) 1. The Kentucky Board of Education, after receiving recommendations  
10 from the School Curriculum, Assessment, and Accountability Council,  
11 shall consider for approval the revisions to academic standards for a  
12 content area and the alignment of the corresponding state assessment  
13 once recommendations are received from the standards and assessments  
14 process review committee. Existing state academic standards shall  
15 remain in place until the board approves new standards.

16 2. Any revision to, or replacement of, the academic standards and  
17 assessments as a result of the review process conducted under this  
18 subsection shall be implemented in Kentucky public schools no later  
19 than the second academic year following the review process. Existing  
20 academic standards shall be used until new standards are implemented.

21 3. The Department of Education shall disseminate the academic content  
22 standards to the schools and teacher preparation programs.

23 (j) The Department of Education shall provide or facilitate statewide training  
24 sessions for existing teachers and administrators on how to:

25 1. Integrate the revised content standards into classroom instruction;  
26 2. Better integrate performance assessment of students within their  
27 instructional practices; and



1           3. Help all students use higher-order thinking and communication skills.

2           (k) The Education Professional Standards Board in cooperation with the  
3           Kentucky Board of Education and the Council on Postsecondary Education  
4           shall coordinate information and training sessions for faculty and staff in all of  
5           the teacher preparation programs, **and for all school districts**, in the use of the  
6           revised academic content standards. The Education Professional Standards  
7           Board shall ensure that each teacher preparation program includes use of the  
8           academic standards in the pre-service education programs and that all teacher  
9           interns will have experience planning classroom instruction based on the  
10          revised standards.

11          (l) The Council on Postsecondary Education in cooperation with the Kentucky  
12          Department of Education and the postsecondary education institutions in the  
13          state shall coordinate information sessions regarding the academic content  
14          standards for faculty who teach in the various content areas.

15          **(m) The Education Professional Standards Board shall, as a condition of**  
16          **program approval, require teacher preparation programs to align**  
17          **curriculum with the expectations set forth in the state's academic content**  
18          **standards.**

19          (3) (a) The Kentucky Board of Education shall be responsible for creating and  
20          implementing a balanced statewide assessment program that measures the  
21          students', schools', and districts' achievement of the goals set forth in KRS  
22          158.645 and 158.6451, to ensure compliance with the federal Every Student  
23          Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure  
24          school accountability.

25          (b) The board shall revise the annual statewide assessment program as needed in  
26          accordance with revised academic standards and corresponding assessment  
27          alignment adjustments approved by the board under subsection (2) of this

1 section.

2 (c) The statewide assessments shall not include any academic standards not  
3 approved by the board under subsection (2) of this section.

4 (d) The board shall seek the advice of the Office of Education Accountability; the  
5 School Curriculum, Assessment, and Accountability Council; the Education  
6 Assessment and Accountability Review Subcommittee, and the department's  
7 technical advisory committee in the development of the assessment program.  
8 The statewide assessment program shall not include measurement of a  
9 student's ability to become a self-sufficient individual or to become a  
10 responsible member of a family, work group, or community.

11 (4) (a) The academic components of the statewide assessment program shall be  
12 composed of annual student summative tests, which may include a  
13 combination of multiple competency-based assessment and performance  
14 measures approved by the Kentucky Board of Education.

15 (b) The annual student summative tests shall:

- 16 1. Measure individual student achievement in language, reading, English,  
17 mathematics, science, and social studies at designated grades;
- 18 2. Provide teachers and parents a valid and reliable comprehensive analysis  
19 of skills mastered by individual students;
- 20 3. Provide diagnostic information that identifies strengths and academic  
21 deficiencies of individual students in the content areas;
- 22 4. Provide information to teachers that can enable them to improve  
23 instruction for current and future students;
- 24 5. Provide longitudinal profiles for students; and
- 25 6. Ensure school and district accountability for student achievement of the  
26 goals set forth in KRS 158.645 and 158.6451, except the statewide  
27 assessment program shall not include measurement of a student's ability

1 to become a self-sufficient individual or to become a responsible  
2 member of a family, work group, or community.

3 (5) The state student assessments shall include the following components:

4 (a) Elementary and middle grades requirements are:

5 1. A criterion-referenced test each in mathematics and reading in grades  
6 three (3) through eight (8) that is valid and reliable for an individual  
7 student and that measures the depth and breadth of Kentucky's academic  
8 content standards;

9 2. A criterion-referenced test each in science and social studies that is valid  
10 and reliable for an individual student as necessary to measure the depth  
11 and breadth of Kentucky's academic content standards to be  
12 administered one (1) time within the elementary and middle grades,  
13 respectively;

14 3. An on-demand assessment of student writing to be administered one (1)  
15 time within the elementary grades and one (1) time within the middle  
16 grades; and

17 4. An editing and mechanics test relating to writing, using multiple choice  
18 and constructed response items, to be administered one (1) time within  
19 the elementary and the middle grades, respectively;

20 (b) High school requirements are:

21 1. A criterion-referenced test in mathematics, reading, and science that is  
22 valid and reliable for an individual student and that measures the depth  
23 and breadth of Kentucky's academic content standards to be  
24 administered one (1) time within the high school grades;

25 2. A criterion-referenced test in social studies that is valid and reliable for  
26 an individual student as necessary to measure the depth and breadth of  
27 Kentucky's academic content standards to be administered one (1) time

- 1                   within the high school grades;
- 2           3.   An on-demand assessment of student writing to be administered one (1)
- 3                   time within the high school grades;
- 4           4.   An editing and mechanics test relating to writing, using multiple choice
- 5                   and constructed response items, to be administered one (1) time within
- 6                   the high school grades; and
- 7           5.   A college admissions examination to assess English, reading,
- 8                   mathematics, and science in the spring of grade eleven (11);
- 9           (c)   The Kentucky Board of Education shall add any other component necessary
- 10                   to comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95,
- 11                   or its successor, as determined by the United States Department of Education;
- 12           (d)   The criterion-referenced components required in this subsection shall be
- 13                   composed of constructed response items and multiple choice items; ***and***
- 14           (e)   ~~{The Kentucky Board of Education may incorporate end of course~~
- 15                   ~~examinations into the assessment program to be used in lieu of requirements~~
- 16                   ~~for criterion-referenced tests required under paragraph (b) of this subsection;~~
- 17                   ~~and~~
- 18           ~~(f) —~~ The results of the assessment program developed under this subsection shall
- 19                   be used by schools and districts to determine appropriate instructional
- 20                   modifications for all students in order for students to make continuous
- 21                   progress, including that needed by advanced learners.
- 22           (6)   Each school district shall administer the statewide student assessment during the
- 23                   last fourteen (14) days of school in the district's instructional calendar. The
- 24                   Kentucky Board of Education may change the testing window to allow for
- 25                   innovative assessment systems or other online test administration and shall
- 26                   promulgate administrative regulations that minimize the number of days of testing
- 27                   and outline the procedures to be used during the testing process to ensure test

1 security, including procedures for testing makeup days, and to comply with federal  
2 assessment requirements.

3 (7) A student enrolled in a district-operated or district-contracted alternative program  
4 shall participate in the appropriate assessments required by this section.

5 (8) A local school district may select and use commercial interim or formative  
6 assessments or develop and use its own formative assessments to provide data on  
7 how well its students are growing toward mastery of Kentucky academic standards,  
8 so long as the district's local school board develops a policy minimizing the  
9 reduction in instructional time related to the administration of the interim  
10 assessments. Nothing in this section precludes teachers from using ongoing teacher-  
11 developed formative processes.

12 (9) Each school that enrolls primary students shall use diagnostic assessments and  
13 prompts that measure readiness in reading and mathematics for its primary students  
14 as determined by the school to be developmentally appropriate. The schools may  
15 use commercial products, use products and procedures developed by the district, or  
16 develop their own diagnostic procedures. The results shall be used to inform the  
17 teachers and parents or guardians of each student's skill level.

18 (10) The state board shall ensure that a technically sound longitudinal comparison of the  
19 assessment results for the same students shall be made available.

20 (11) The following provisions shall apply to the college admissions examination  
21 described in subsection (5)(b)5. of this section:

22 (a) The cost of the college admissions examination administered to students in  
23 high school shall be paid for by the Kentucky Department of Education. The  
24 costs of additional college admissions examinations shall be the responsibility  
25 of the student;

26 (b) If funds are available, the Kentucky Department of Education shall provide a  
27 college admissions examination preparation program to all public high school

- 1 juniors. The department may contract for necessary services; and
- 2 (c) Accommodations provided to a student with a disability taking the college
- 3 admissions assessment under this subsection shall consist of:
- 4 1. Accommodations provided in a manner allowed by the college
- 5 admissions assessment provider when results in test scores are
- 6 reportable to a postsecondary institution for admissions and placement
- 7 purposes, except as provided in subparagraph 2. of this paragraph; or
- 8 2. Accommodations provided in a manner allowed by a student's
- 9 individualized education program as defined in KRS 158.281 for a
- 10 student whose disability precludes valid assessment of his or her
- 11 academic abilities using the accommodations provided under
- 12 subparagraph 1. of this paragraph when the student's scores are not
- 13 reportable to a postsecondary institution for admissions and placement
- 14 purposes.
- 15 (12) Kentucky teachers shall have a significant role in providing feedback about the
- 16 design of the assessments, except for the college admissions exam described in
- 17 subsection (5)(b)5. of this section. The assessments shall be designed to:
- 18 (a) Measure grade appropriate core academic content, basic skills, and higher-
- 19 order thinking skills and their application;
- 20 (b) Provide valid and reliable scores for schools. If scores are reported for
- 21 students individually, they shall be valid and reliable;
- 22 (c) Minimize the time spent by teachers and students on assessment; and
- 23 (d) Assess Kentucky academic standards only.
- 24 (13) The results from assessment under subsections (3) and (5) of this section shall be
- 25 reported to the school districts and schools no later than seventy-five (75) days
- 26 following the last day the assessment can be administered. Assessment reports
- 27 provided to the school districts and schools shall include an electronic copy of an

1 operational subset of test items from each assessment administered to their students  
2 and the results for each of those test items by student and by school.

3 (14) The Department of Education shall gather information to establish the validity of  
4 the assessment and accountability program. It shall develop a biennial plan for  
5 validation studies that shall include but not be limited to the consistency of student  
6 results across multiple measures, the congruence of school scores with documented  
7 improvements in instructional practice and the school learning environment, and the  
8 potential for all scores to yield fair, consistent, and accurate student performance  
9 level and school accountability decisions. Validation activities shall take place in a  
10 timely manner and shall include a review of the accuracy of scores assigned to  
11 students and schools, as well as of the testing materials. The plan shall be submitted  
12 to the Commission by July 1 of the first year of each biennium. A summary of the  
13 findings shall be submitted to the Legislative Research Commission by September  
14 1 of the second year of the biennium.

15 (15) The Department of Education and the state board shall offer optional assistance to  
16 local school districts and schools in developing and using continuous assessment  
17 strategies needed to ensure student progress. The continuous assessment shall  
18 provide diagnostic information to improve instruction to meet the needs of  
19 individual students.

20 (16) The Administration Code for Kentucky's Assessment Program shall include  
21 prohibitions of inappropriate test preparation activities by school district employees  
22 charged with test administration and oversight, including but not limited to the issue  
23 of teachers being required to do test practice in lieu of regular classroom instruction  
24 and test practice outside the normal work day. The code shall include disciplinary  
25 sanctions that may be taken toward a school or individuals.

26 (17) The Kentucky Board of Education, after the Department of Education has received  
27 advice from the Office of Education Accountability; the School Curriculum,

1 Assessment, and Accountability Council; and the department's technical advisory  
2 committee, shall promulgate an administrative regulation under KRS Chapter 13A  
3 to establish the components of a reporting structure for assessments administered  
4 under this section. The reporting structure shall include the following components:

5 (a) A school report card that clearly communicates with parents and the public  
6 about school performance. The school report card shall be sent to the parents  
7 of the students of the districts, and information on electronic access to a  
8 summary of the results for the district shall be published in the newspaper  
9 with the largest circulation in the county. It shall include but not be limited to  
10 the following components reported by race, gender, and disability when  
11 appropriate:

- 12 1. Student academic achievement, including the results from each of the  
13 assessments administered under this section;
- 14 2. For Advanced Placement, Cambridge Advanced International, and  
15 International Baccalaureate, the courses offered, the number of students  
16 enrolled, completing, and taking the examination for each course, and  
17 the percentage of examinees receiving a score of three (3) or better on  
18 AP examinations, a score of "e" or better on Cambridge Advanced  
19 International examinations, or a score of four (4) or better on IB  
20 examinations. The data shall be disaggregated by gender, race, students  
21 with disabilities, and economic status;
- 22 3. Nonacademic achievement, including the school's attendance, retention,  
23 graduation rates, and student transition to postsecondary;
- 24 4. School learning environment, including measures of parental  
25 involvement; and
- 26 5. Any other school performance data required by the Every Student  
27 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;



- 1 (b) An individual student report to parents for each student in grades three (3)  
2 through eight (8) summarizing the student's skills in reading, science, social  
3 studies, and mathematics. The school's staff shall develop a plan for  
4 accelerated learning for any student with identified deficiencies or strengths;  
5 and
- 6 (c) A student's score on the college admissions assessment administered under  
7 subsection (5)(b)5. of this section.
- 8 (18) (a) ~~Beginning in fiscal year 2017-2018, and~~ Every six (6) years ~~thereafter~~, the  
9 Kentucky Department of Education, **after receiving recommendations from**  
10 **the School Curriculum, Assessment, and Accountability Council**, shall  
11 implement a comprehensive process for reviewing and revising the academic  
12 standards in visual and performing arts and practical living skills and career  
13 studies for all levels and in foreign language for middle and high schools. The  
14 department shall develop review committees for the standards for each of the  
15 content areas that include representation from certified specialist public  
16 school teachers and postsecondary teachers in those subject areas.
- 17 (b) The academic standards in practical living skills for elementary, middle, and  
18 high school levels shall include a focus on drug abuse prevention, with an  
19 emphasis on the prescription drug epidemic and the connection between  
20 prescription opioid abuse and addiction to other drugs, such as heroin and  
21 synthetic drugs.
- 22 (c) The department shall provide to all schools guidelines for programs that  
23 incorporate the adopted academic standards in visual and performing arts and  
24 practical living and career studies. The department shall provide to middle and  
25 high schools guidelines for including a foreign language program. The  
26 guidelines shall address program length and time, courses offered, staffing,  
27 resources, and facilities.

1 (d) The Kentucky Department of Education, in consultation with *the School*  
2 *Curriculum, Assessment, and Accountability Council and* certified public  
3 school teachers of visual and performing arts, may develop program standards  
4 for the visual and performing arts.

5 (19) The Kentucky Department of Education shall provide to all school districts  
6 guidelines for including an effective writing program within the curriculum.

7 (20) (a) The Kentucky Department of Education, in consultation with the review  
8 committees described in subsection (18) of this section, shall develop a school  
9 profile report to be used by all schools to document how they will address the  
10 adopted academic standards in their implementation of the programs as  
11 described in subsection (18) of this section, which may include student  
12 opportunities and experiences in extracurricular activities. The department  
13 shall include the essential workplace ethics program on the school profile  
14 report.

15 (b) By October 1 of each year, each school principal shall complete the school  
16 profile report, which shall be signed by the members of the school council, or  
17 the principal if no school council exists, and the superintendent. The report  
18 shall be electronically transmitted to the Kentucky Department of Education,  
19 and the original shall be maintained on file at the local board office and made  
20 available to the public upon request. The department shall include a link to  
21 each school's profile report on its website.

22 (c) If a school staff member, student, or a student's parent has concerns regarding  
23 deficiencies in a school's implementation of the programs described in  
24 subsection (18) of this section, he or she may submit a written inquiry to the  
25 school council.

26 ➔Section 25. KRS 7.410 is amended to read as follows:

27 (1) It is the intent of the General Assembly to provide an efficient system of common

1 schools which shall be operated without waste, duplication, mismanagement, and  
2 political influence. The system of schools shall have the goal of creating and  
3 system consistent with the goals stated in Section 1 of this Act and providing all  
4 students with at least the seven (7) capacities referred to in KRS 158.645.

5 (2) (a) An Office of Education Accountability is hereby created and shall be under  
6 the direction of the Legislative Research Commission and shall be advised  
7 and monitored by the Education Assessment and Accountability Review  
8 Subcommittee.

9 (b) The Office of Education Accountability shall be administered by a deputy  
10 director appointed by the Legislative Research Commission upon  
11 recommendation of the director of the Legislative Research Commission. The  
12 deputy director shall have the qualifications set by the Commission. The  
13 salary of the deputy director shall be set by the Commission. The Commission  
14 shall have exclusive jurisdiction over the employment of personnel necessary  
15 to carry out the provisions of this section. The deputy director shall be subject  
16 to the direction of and report to the director of the Legislative Research  
17 Commission.

18 (c) The Office of Education Accountability shall have the following duties and  
19 responsibilities:

- 20 1. Monitor the elementary and secondary public education system,  
21 including actions taken and reports issued by the Kentucky Board of  
22 Education, the Education Professional Standards Board, the  
23 commissioner of education, the Department of Education, and local  
24 school districts. Upon and under the direction of the Education  
25 Assessment and Accountability Review Subcommittee, the monitoring  
26 of the elementary and secondary public education system shall also  
27 include periodic reviews of local district and school-based decision

1 making policies relating to the recruitment, interviewing, selection,  
2 evaluation, termination, or promotion of personnel. The office shall  
3 report any district or school when evidence demonstrates a pattern of  
4 exclusionary personnel practices relating to race or sex to the Kentucky  
5 Department of Education, which shall then independently investigate  
6 facts raised in or associated with the report. The results of the  
7 investigation conducted by the department shall be forwarded to the  
8 Kentucky Board of Education which shall conduct an investigative  
9 hearing on the matter.

10 2. Upon and under the direction of the Education Assessment and  
11 Accountability Review Subcommittee, review the elementary and  
12 secondary public education finance system. The review shall include an  
13 analysis of the level of equity achieved by the funding system and  
14 whether adequate funds are available to all school districts and an  
15 analysis of the weights of various education program components  
16 developed by the Department of Education. The review may also  
17 include recommendations for the base per pupil funding for the Support  
18 Education Excellence in Kentucky Program and a statewide salary  
19 schedule, and studies of other finance issues identified by the Education  
20 Assessment and Accountability Review Subcommittee.

21 3. Upon and under the direction of the Education Assessment and  
22 Accountability Review Subcommittee, verify the accuracy of reports of  
23 school, district, and state performance by conducting, requesting, or  
24 upon approval of the Legislative Research Commission, contracting for  
25 periodic program and fiscal audits. Upon and under the direction of the  
26 Education Assessment and Accountability Review Subcommittee, the  
27 Office of Education Accountability shall monitor and verify the

1 accuracy of reports of the Department of Education and the Kentucky  
2 Board of Education, including but not limited to the annual fiscal  
3 conditions of grants, categorical programs, and other educational  
4 initiatives set forth by the General Assembly.

5 4. Investigate allegations of wrongdoing of any person or agency,  
6 including but not limited to waste, duplication, mismanagement,  
7 political influence, and illegal activity at the state, regional, or school  
8 district level; make appropriate referrals to other agencies with  
9 jurisdiction over those allegations; and make recommendations for  
10 legislative action to the Education Assessment and Accountability  
11 Review Subcommittee. Upon acceptance by the subcommittee,  
12 recommendations for legislative action shall be forwarded to the  
13 Legislative Research Commission. The Office of Education  
14 Accountability shall submit to the subcommittee, for each of its regular  
15 meetings, a report that summarizes investigative activity initiated  
16 pursuant to this subparagraph. The subcommittee may consider each  
17 report as it determines and in its discretion. Each report, and the  
18 consideration thereof by the subcommittee, shall be exempt from the  
19 open records and open meetings requirements contained in KRS Chapter  
20 61.

21 5. Upon and under the direction of the Education Assessment and  
22 Accountability Review Subcommittee, conduct studies, analyze, verify,  
23 and validate the state assessment program through other external  
24 indicators of academic progress including but not limited to American  
25 College Test scores, Scholastic Assessment Test scores, National  
26 Assessment of Educational Progress scores, Preliminary Scholastic  
27 Assessment Test scores, Advanced Placement Program participation,

- 1 standardized test scores, college remediation rates, retention and  
2 attendance rates, dropout rates, and additional available data on the  
3 efficiency of the system of schools and whether progress is being made  
4 toward attaining the goal of providing students with the seven (7)  
5 capacities as required by KRS 158.645.
- 6 6. Make periodic reports to the Education Assessment and Accountability  
7 Review Subcommittee as directed by the subcommittee. Upon  
8 acceptance by the subcommittee, the reports shall be forwarded to the  
9 Legislative Research Commission.
- 10 7. Make periodic reports to the Legislative Research Commission as may  
11 be directed by the Commission.
- 12 8. Prepare an annual report, which shall consist of a summary of the status  
13 and results of the current year annual research agenda provided in  
14 paragraph (d) of this subsection, a summary of completed investigative  
15 activity conducted pursuant to subparagraph 4. of this paragraph, and  
16 other items of significance as determined by the Education Assessment  
17 and Accountability Review Subcommittee. The annual report shall be  
18 submitted to the Education Assessment and Accountability Review  
19 Subcommittee. Upon acceptance by the subcommittee, the annual report  
20 shall be submitted to the Governor, the Legislative Research  
21 Commission, and the Kentucky Board of Education.
- 22 (d) On or before December 1 of each calendar year, the Education Assessment  
23 and Accountability Review Subcommittee shall adopt the annual research  
24 agenda for the Office of Education Accountability. The annual research  
25 agenda may include studies, research, and investigations considered to be  
26 significant by the Education Assessment and Accountability Review  
27 Subcommittee. Staff of the Office of Education Accountability shall prepare a

1 suggested list of study and research topics related to elementary and  
2 secondary public education for consideration by the Education Assessment  
3 and Accountability Review Subcommittee in the development of the annual  
4 research agenda. An adopted annual research agenda shall be amended to  
5 include any studies mandated by the next succeeding General Assembly for  
6 completion by the Office of Education Accountability.

7 (e) The Office of Education Accountability shall have access to all public records  
8 and information on oath as provided in KRS 7.110. The office shall also have  
9 access to otherwise confidential records, meetings, and hearings regarding  
10 local school district personnel matters. However, the office shall not disclose  
11 any information contained in or derived from the records, meetings, and  
12 hearings that would enable the discovery of the specific identification of any  
13 individual who is the focus or subject of the personnel matter.

14 (f) In compliance with KRS 48.800, 48.950, and 48.955, the Finance and  
15 Administration Cabinet and the Governor's Office for Policy and Management  
16 shall provide to the Office of Education Accountability access to all  
17 information and records, other than preliminary work papers, relating to  
18 allotment of funds, whether by usual allotment or by other means, to the  
19 Department of Education, local school districts, and to other recipients of  
20 funds for educational purposes.

21 (g) Any state agency receiving a complaint or information which, if accurate,  
22 may identify a violation of the Kentucky Education Reform Act of 1990, 1990  
23 Ky. Acts ch. 476, shall notify the office of the complaint or information.

24 (h) The Office of Education Accountability may contract for services as approved  
25 by the Legislative Research Commission pursuant to KRS 7.090(8).

26 (3) The provisions of KRS 61.878 or any other statute, including Acts of the 1992  
27 Regular Session of the General Assembly to the contrary notwithstanding, the

1 testimony of investigators, work products, and records of the Office of Education  
2 Accountability relating to duties and responsibilities under subsection (2) of this  
3 section shall be privileged and confidential during the course of an ongoing  
4 investigation or until authorized, released, or otherwise made public by the Office  
5 of Education Accountability and shall not be subject to discovery, disclosure, or  
6 production upon the order or subpoena of a court or other agency with subpoena  
7 power.

8 ➔Section 26. KRS 157.360 is amended to read as follows:

9 (1) (a) In determining the cost of the program to support education excellence in  
10 Kentucky, the statewide guaranteed base funding level, as defined in KRS  
11 157.320, shall be computed by dividing the amount appropriated for this  
12 purpose by the prior year's statewide average daily attendance.

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

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

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

27 1. Alternative programs for students who are at risk of dropping out of



- 1 school before achieving a diploma; and
- 2 2. A hazardous duty pay supplement as determined by the local board of  
3 education to the teachers who work in alternative programs with  
4 students who are violent or assaultive;
- 5 (b) The number and types of exceptional children in the district as defined by  
6 KRS 157.200. Specific weights for each category of exceptionality shall be  
7 used in the calculation of the add-on factor for exceptional children; and
- 8 (c) Transportation costs. The per-pupil cost of transportation shall be calculated  
9 as provided by KRS 157.370. Districts which contract to furnish  
10 transportation to students attending nonpublic schools may adopt any payment  
11 formula which ensures that no public school funds are used for the  
12 transportation of nonpublic students.
- 13 (3) Beginning with the 2015-2016 school year and each year thereafter, the General  
14 Assembly shall annually allocate funds equal to one-half (1/2) of the state portion  
15 of the average statewide per pupil guaranteed base funding level for each student  
16 who graduated early under the provisions of KRS 158.142 the previous school year  
17 to the Kentucky Higher Education Assistance Authority for deposit in the early  
18 graduation scholarship trust fund.
- 19 (4) The program to support education excellence in Kentucky shall be fully  
20 implemented by the 1994-95 school year.
- 21 (5) (a) **The commissioner of education shall enforce maximum class sizes in every**  
22 **academic course requirement for kindergarten through grade one (1).**  
23 **Except as provided in subsection (6) of this section, the maximum number**  
24 **of pupils enrolled in a class shall be as follows:**
- 25 **1. Twenty-four (24) in all academic content area classes; and**  
26 **2. At the discretion of the district in vocal and instrumental music and**  
27 **physical education classes.**

1       **(b)** Except for those schools which have implemented school-based decision  
 2       making, the commissioner of education shall enforce maximum class sizes for  
 3       every academic course requirement in ~~[all]~~ grades **two (2) through twelve (12)**  
 4       except in vocal and instrumental music~~[,]~~ and physical education classes.  
 5       Except as provided in subsection (6) of this section, the maximum number of  
 6       pupils enrolled in a class shall be as follows:

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

12      **(c)**~~[(b)]~~ Except for those schools which have implemented school-based decision  
 13      making, Class size loads for middle and secondary school classroom teachers  
 14      shall not exceed the equivalent of one hundred fifty (150) pupil hours per day.

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

25      **(e)**~~[(d)]~~ In all schools the commissioner of education shall enforce the special  
 26      education maximum class sizes set by administrative regulations adopted by  
 27      the Kentucky Board of Education. A superintendent may request an

1 exemption pursuant to paragraph ~~(d)(e)~~ of this subsection. A local school  
2 council may request a waiver pursuant to KRS 156.160(2). An exemption or  
3 waiver shall not be granted if the increased class size will impede any  
4 exceptional child from achieving his or her individual education program in  
5 the least restrictive environment.

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

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

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

- 1 (9) Program funding shall be increased when the average daily attendance in any  
2 district for the first two (2) months of the current school year is greater than the  
3 average daily attendance of the district for the first two (2) months of the previous  
4 school year. The program funds allotted the district shall be increased by the  
5 percent of increase. The average daily attendance in kindergarten is the  
6 kindergarten full-time equivalent pupils in average daily attendance.
- 7 (10) If the average daily attendance for the current school year in any district decreases  
8 by ten percent (10%) or more than the average daily attendance for the previous  
9 school year, the average daily attendance for purposes of calculating program  
10 funding for the next school year shall be increased by an amount equal to two-thirds  
11 ( $2/3$ ) of the decrease in average daily attendance. If the average daily attendance  
12 remains the same or decreases in the succeeding school year, the average daily  
13 attendance for purposes of calculating program funding for the following school  
14 year shall be increased by an amount equal to one-third ( $1/3$ ) of the decrease for the  
15 first year of the decline.
- 16 (11) If the percentage of attendance of any school district shall have been reduced more  
17 than two percent (2%) during the previous school year, the program funding  
18 allotted the district for the current school year shall be increased by the difference in  
19 the percentage of attendance for the two (2) years immediately prior to the current  
20 school year less two percent (2%).
- 21 (12) (a) Instructional salaries for vocational agriculture classes shall be for twelve (12)  
22 months per year. Vocational agriculture teachers shall be responsible for the  
23 following program of instruction during the time period beyond the regular  
24 school term established by the local board of education: supervision and  
25 instruction of students in agriculture experience programs; group and  
26 individual instruction of farmers and agribusinessmen; supervision of student  
27 members of agricultural organizations who are involved in leadership training

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

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

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

25 (b) Pursuant to administrative regulations of the Kentucky Board of Education,  
26 local school districts shall be reimbursed for home and hospital instruction for  
27 pupils unable to attend regular school sessions because of short-term health

1           impairments. A reimbursement formula shall be established by administrative  
2           regulations to include such factors as a reasonable per hour, per child  
3           allotment for teacher instructional time, with a maximum number of funded  
4           hours per week, a reasonable allotment for teaching supplies and equipment,  
5           and a reasonable allotment for travel expenses to and from instructional  
6           assignments, but the formula shall not include an allotment for capital outlay.  
7           Attendance shall be calculated pursuant to KRS 157.270 and shall be reported  
8           annually on forms provided by the Department of Education.

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

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

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

25   (17) To calculate the state portion of the program to support education excellence in  
26       Kentucky for a school district, the Department of Education shall subtract the local  
27       effort required under KRS 157.390(5) from the calculated base funding under the

1 program to support education excellence in Kentucky, as required by this section.  
2 The value of the real estate used in this calculation shall be the lesser of the current  
3 year assessment or the prior year assessment increased by four percent (4%) plus  
4 the value of current year new property. The calculation under this subsection shall  
5 be subject to available funds.

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

10 ➔Section 27. KRS 157.195 is amended to read as follows:

11 The General Assembly declares that all students of the Commonwealth have a right to an  
12 appropriate and quality education in the public schools and the right to achieve the  
13 capacities and goals under KRS 158.645. The General Assembly challenges all school  
14 personnel to take the necessary action to help each individual student complete  
15 elementary and secondary school with the capacities to transition successfully to adult  
16 life.

17 ➔Section 28. KRS 158.6450 is amended to read as follows:

18 (1) The General Assembly hereby finds that knowledge of procedures for voter  
19 registration and participation in elections is essential for all Kentucky students to  
20 acquire the capacities established in subsections (2)(b) and (d) of Section 1 of this  
21 Act~~[KRS 158.645(2) and (4)]~~. Instruction in election procedures is consistent with  
22 the goals of responsible citizenship established in KRS 158.6451.

23 (2) Every secondary school shall provide students in the twelfth grade information on:

- 24 (a) How to register to vote;  
25 (b) How to vote in an election using a ballot; and  
26 (c) How to vote using an absentee ballot.

27 (3) A school may provide this information through classroom activities, written

1 materials, electronic communication, internet resources, participation in mock  
2 elections, and other methods identified by the principal after consulting with  
3 teachers.