

1 AN ACT relating to education.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) The Kentucky Board of Education, upon the request of the local board of*
6 *education of a school district, may grant a waiver from the requirements of an*
7 *administrative regulation promulgated by the state board or from a statute over*
8 *which the state board has authority to enforce. A waiver granted by the state*
9 *board shall expire on June 30 of the third full school year after the request was*
10 *first approved, regardless of subsequent amendment, unless the state board*
11 *renews the waiver prior to expiration. The state board shall not waive any statute*
12 *or administrative regulation:*

13 *(a) Relating to health and safety, including required criminal background*
14 *checks for staff and volunteers specified in KRS 160.380 and 161.148;*

15 *(b) Relating to civil rights;*

16 *(c) Required by federal law;*

17 *(d) Relating to compulsory attendance requirements under KRS 158.030 and*
18 *158.100 or the recording of data necessary for participation in the fund to*
19 *support education excellence in Kentucky;*

20 *(e) Establishing certification requirements for teachers in core academic areas,*
21 *except a waiver may authorize up to twenty-five percent (25%) of the*
22 *teaching staff of a school may be employed without teacher certification if*
23 *the individual possesses a baccalaureate or graduate degree in the subject*
24 *the individual is hired to teach;*

25 *(f) Requiring students' participation in state assessment of student*
26 *performance, as required under KRS 158.6453;*

27 *(g) Financial audits, audit procedures, and audit requirements under KRS*

- 1 156.265;
- 2 (h) Open records and open meeting requirements under KRS Chapter 61;
- 3 (i) Purchasing requirements and limitations under KRS Chapter 45A and KRS
- 4 156.074 and 156.480; or
- 5 (j) Requiring instructional time that is at least equivalent to the student
- 6 instructional year specified in KRS 158.070.
- 7 (2) A waiver request under subsection (1) of this section shall:
- 8 (a) Identify the specific statutes and administrative regulations for which the
- 9 local board is seeking a waiver;
- 10 (b) Specify the schools or programs within the district to which the waiver shall
- 11 apply;
- 12 (c) Explain how the waiver for the schools or programs of each specific statute
- 13 or administrative regulation will improve operations or student academic
- 14 achievement; and
- 15 (d) Include any evidence the district wishes to submit to support the request.
- 16 (3) Upon the majority vote of a local board approving a waiver request, the
- 17 superintendent of the district shall submit the waiver request to the state board.
- 18 The state board shall consider the waiver of each statute or administrative
- 19 regulation included in the request at the next regularly scheduled meeting after
- 20 submission and shall either approve or deny the request. In considering approval
- 21 for each statute or administrative regulation identified in a waiver request, the
- 22 state board shall grant the request if it demonstrates that the waiver is more likely
- 23 than not:
- 24 (a) To improve that school's or program's operation without hindering student
- 25 academic achievement; or
- 26 (b) To improve student academic achievement at that school or program.
- 27 (4) In submitting a waiver request under subsection (3) of this section, a local board

1 may seek to identify the school or program that is the subject of the request as a
2 school of innovation. In addition to any other waivers granted for the school or
3 program, a school of innovation shall be granted a waiver from all statutes and
4 administrative regulations that would prevent the district from entering into an
5 agreement with an education service provider to assist in the management and
6 operation of the school or program. The state board shall approve the school of
7 innovation request if the request demonstrates that identification as a school of
8 innovation is more likely than not to improve either that school's or program's
9 operation or student academic achievement.

10 (5) A local board whose request to waive a statute or administrative regulation under
11 subsection (3) or (4) of this section was denied may amend the original request
12 for reconsideration at the state board's next regularly scheduled meeting. A local
13 board may request assistance from the Kentucky Department of Education in the
14 development of the local board's waiver request or an amendment.

15 (6) A local board may seek to amend a previously approved waiver request by
16 submitting the amendment for approval by the state board under the same
17 procedures as the original request.

18 (7) A local board that is granted a waiver under subsection (3) or (4) of this section
19 may submit a request to renew the waiver to the state board. A renewal request
20 shall be submitted no earlier than six (6) months prior to that waiver's expiration.
21 The renewal request shall include evidence of the operational improvement of the
22 school or program that is subject to the waiver, the academic achievement of the
23 students enrolled in the schools or program, comparisons of those students with
24 similar students across the state, and any other evidence of the waiver's benefit to
25 student academic achievement. If the state board finds that the waiver has had a
26 positive impact on the school's or program's operation or the academic
27 achievement of students, then the renewal request shall be approved. An

1 approved renewal request shall extend the waiver for an additional three (3)
2 school years.

3 (8) Any school that is subject to a waiver shall admit any and all children eligible to
4 attend the school subject to the local board's policies.

5 (9) If the state board at any time finds by a two-thirds (2/3) majority vote that a
6 specific waiver previously granted has hindered school or program operations,
7 endangered students, impeded student academic achievement, or supported
8 financial malfeasance or criminal activity, then the waiver shall be rescinded.
9 The existence of a waiver shall not negate the legal duties or professional
10 responsibilities of a district employee.

11 (10) The state board shall promulgate administrative regulations in accordance with
12 KRS Chapter 13A to adopt a standardized waiver request form and establish any
13 procedures for processing waiver requests in compliance with this section.

14 ➔Section 2. KRS 156.160 is amended to read as follows:

15 (1) With the advice of the Local Superintendents Advisory Council, the Kentucky
16 Board of Education shall promulgate administrative regulations establishing
17 standards which school districts shall meet in student, program, service, and
18 operational performance. These regulations shall comply with the expected
19 outcomes for students and schools set forth in KRS 158.6451. Administrative
20 regulations shall be promulgated for the following:

21 (a) Courses of study for the different grades and kinds of common schools
22 identifying the common curriculum content directly tied to the goals,
23 outcomes, and assessment strategies developed under KRS 158.645,
24 158.6451, and 158.6453 and distributed to local school districts and schools.
25 The administrative regulations shall provide that:

26 1. If a school offers American sign language, the course shall be accepted
27 as meeting the foreign language requirements in common schools

- 1 notwithstanding other provisions of law;
- 2 2. If a school offers the Reserve Officers Training Corps program, the
- 3 course shall be accepted as meeting the physical education requirement
- 4 for high school graduation notwithstanding other provisions of law;
- 5 3. Every public middle and high school's curriculum shall include
- 6 instruction on the Holocaust and other cases of genocide, as defined by
- 7 the United Nations Convention on the Prevention and Punishment of the
- 8 Crime of Genocide, that a court of competent jurisdiction, whether a
- 9 court in the United States or the International Court of Justice, has
- 10 determined to have been committed by applying rigorous standards of
- 11 due process; and
- 12 4. Beginning in the 2025-2026 school year, cursive writing shall be
- 13 included as a course of study in all elementary schools and shall be
- 14 designed to ensure proficiency in cursive writing by the end of grade
- 15 five (5);
- 16 (b) Courses of study or educational experiences available to students in all middle
- 17 and high schools to fulfill the prerequisites for courses in advanced science
- 18 and mathematics as defined in KRS 158.845;
- 19 (c) The acquisition and use of educational equipment for the schools as
- 20 recommended by the Council for Education Technology;
- 21 (d) The minimum requirements for high school graduation in light of the
- 22 expected outcomes for students and schools set forth in KRS 158.6451. The
- 23 minimum requirements shall not include achieving any postsecondary
- 24 readiness indicator as described in KRS 158.6455 or any minimum score on a
- 25 statewide assessment administered under KRS 158.6453. Student scores from
- 26 any assessment administered under KRS 158.6453 that are determined by the
- 27 department's technical advisory committee to be valid and reliable at the

- 1 individual level shall be included on the student transcript. The department's
2 technical advisory committee shall submit its determination to the
3 commissioner of education and the Legislative Research Commission;
- 4 (e) The requirements for an alternative high school diploma for students with
5 disabilities whose individualized education program indicates that, in
6 accordance with 20 U.S.C. sec. 1414(d)(1)(A):
- 7 1. The student cannot participate in the regular statewide assessment; and
 - 8 2. An appropriate alternate assessment has been selected for the student
9 based upon a modified curriculum and an individualized course of
10 study;
- 11 (f) Taking and keeping a school census, and the forms, blanks, and software to be
12 used in taking and keeping the census and in compiling the required reports.
13 The board shall create a statewide student identification numbering system
14 based on students' Social Security numbers. The system shall provide a
15 student identification number similar to, but distinct from, the Social Security
16 number, for each student who does not have a Social Security number or
17 whose parents or guardians choose not to disclose the Social Security number
18 for the student;
- 19 (g) Sanitary and protective construction of public school buildings, toilets,
20 physical equipment of school grounds, school buildings, and classrooms. With
21 respect to physical standards of sanitary and protective construction for school
22 buildings, the Kentucky Board of Education shall adopt the Uniform State
23 Building Code;
- 24 (h) Medical inspection, physical and health education and recreation, and other
25 regulations necessary or advisable for the protection of the physical welfare
26 and safety of the public school children. The administrative regulations shall
27 set requirements for student health standards to be met by all students in

1 grades four (4), eight (8), and twelve (12) pursuant to the outcomes described
2 in KRS 158.6451. The administrative regulations shall permit a student who
3 received a physical examination no more than six (6) months prior to his or
4 her initial admission to Head Start to substitute that physical examination for
5 the physical examination required by the Kentucky Board of Education of all
6 students upon initial admission to the public schools, if the physical
7 examination given in the Head Start program meets all the requirements of the
8 physical examinations prescribed by the Kentucky Board of Education;

9 (i) A vision examination by an optometrist or ophthalmologist that shall be
10 required by the Kentucky Board of Education. The administrative regulations
11 shall require evidence that a vision examination that meets the criteria
12 prescribed by the Kentucky Board of Education has been performed. This
13 evidence shall be submitted to the school no later than January 1 of the first
14 year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a
15 public school, public preschool, or Head Start program;

16 (j) 1. Beginning with the 2010-2011 school year, a dental screening or
17 examination by a dentist, dental hygienist, physician, registered nurse,
18 advanced practice registered nurse, or physician assistant that shall be
19 required by the Kentucky Board of Education. The administrative
20 regulations shall require evidence that a dental screening or examination
21 that meets the criteria prescribed by the Kentucky Board of Education
22 has been performed. This evidence shall be submitted to the school no
23 later than January 1 of the first year that a five (5) or six (6) year-old
24 child is enrolled in a public school.

25 2. A child shall be referred to a licensed dentist if a dental screening or
26 examination performed by anyone other than a licensed dentist identifies
27 the possibility of dental disease;

- 1 (k) The transportation of children to and from school;
- 2 (l) The fixing of holidays on which schools may be closed and special days to be
3 observed, and the pay of teachers during absence because of sickness or
4 quarantine or when the schools are closed because of quarantine;
- 5 (m) The preparation of budgets and salary schedules for the several school
6 districts under the management and control of the Kentucky Board of
7 Education;
- 8 (n) A uniform series of forms and blanks, educational and financial, including
9 forms of contracts, for use in the several school districts;
- 10 (o) The disposal of real and personal property owned by local boards of
11 education; and
- 12 (p) The development and implementation of procedures, for all students who are
13 homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do
14 the following:
- 15 1. Awarding and accepting of credit, including partial credit, for all
16 coursework satisfactorily completed by a student while enrolled at
17 another school;
 - 18 2. Allowing a student who was previously enrolled in a course required for
19 graduation the opportunity, to the extent practicable, to complete the
20 course, at no cost to the student, before the beginning of the next school
21 year;
 - 22 3. Awarding a diploma, at the student's request, by a district from which
23 the student transferred, if the student transfers schools at any time after
24 the completion of the student's second year of high school and the
25 student is ineligible to graduate from the district to which the student
26 transfers, but meets the graduation requirements of the district from
27 which the student transferred; and

1 4. Exempting the student from all coursework and other requirements
2 imposed by the local board of education that are in addition to the
3 minimum requirements for high school graduation established by the
4 Kentucky Board of Education pursuant to paragraph (d) of this
5 subsection in the district to which the student transfers, if the student
6 transfers schools at any time after the completion of the student's second
7 year of high school and the student is ineligible to graduate both from
8 the district to which the student transfers and the district from which the
9 student transferred.

10 (2) ~~{(a) At the request of a local board of education or a school council, a local school~~
11 ~~district superintendent shall request that the Kentucky Board of Education~~
12 ~~waive any administrative regulation promulgated by that board. Beginning in~~
13 ~~the 1996-97 school year, a request for waiver of any administrative regulation~~
14 ~~shall be submitted to the Kentucky Board of Education in writing with~~
15 ~~appropriate justification for the waiver. The Kentucky Board of Education~~
16 ~~may approve the request when the school district or school has demonstrated~~
17 ~~circumstances that may include but are not limited to the following:~~

18 1. ~~An alternative approach will achieve the same result required by the~~
19 ~~administrative regulation;~~

20 2. ~~Implementation of the administrative regulation will cause a hardship on~~
21 ~~the school district or school or jeopardize the continuation or~~
22 ~~development of programs; or~~

23 3. ~~There is a finding of good cause for the waiver.~~

24 (b) ~~The following shall not be subject to waiver:~~

25 1. ~~Administrative regulations relating to health and safety;~~

26 2. ~~Administrative regulations relating to civil rights;~~

27 3. ~~Administrative regulations required by federal law; and~~

1 4. ~~Administrative regulations promulgated in accordance with KRS~~
 2 ~~158.6451, 158.6453, 158.6455, and this section, relating to measurement~~
 3 ~~of performance outcomes and determination of successful districts or~~
 4 ~~schools, except upon issues relating to the grade configuration of~~
 5 ~~schools.~~

6 ~~(e) Any waiver granted under this subsection shall be subject to revocation upon~~
 7 ~~a determination by the Kentucky Board of Education that the school district or~~
 8 ~~school holding the waiver has subsequently failed to meet the intent of the~~
 9 ~~waiver.~~

10 ~~(3)~~ Any private, parochial, or church school may voluntarily comply with curriculum,
 11 certification, and textbook standards established by the Kentucky Board of
 12 Education and be certified upon application to the board by such schools.

13 ~~(3)~~~~(4)~~ Any public school that violates the provisions of KRS 158.854 shall be
 14 subject to a penalty to be assessed by the commissioner of education as follows:

- 15 (a) The first violation shall result in a fine of no less than one (1) week's revenue
- 16 from the sale of the competitive food;
- 17 (b) Subsequent violations shall result in a fine of no less than one (1) month's
- 18 revenue from the sale of the competitive food;
- 19 (c) "Habitual violations," which means five (5) or more violations within a six (6)
- 20 month period, shall result in a six (6) month ban on competitive food sales for
- 21 the violating school; and
- 22 (d) Revenue collected as a result of the fines in this subsection shall be
- 23 transferred to the food service fund of the local school district.

24 ➔ Section 3. KRS 156.445 is amended to read as follows:

- 25 (1) No textbook or program shall be used in any public school in Kentucky as a basal
- 26 title unless it has been recommended and listed on the state multiple list by the State
- 27 Textbook Commission or unless a school and district has met the notification

1 requirements under subsection (2) of this section. Any changes of textbooks made
 2 by the State Textbook Commission shall not become effective until grades and
 3 classes of the respective county and independent school districts have completed
 4 work for which the adopted book then in use was originally intended. Nothing in
 5 this section shall apply to the supplementary books that are needed from time to
 6 time.

7 (2) A school council, or if none exists, the principal, may notify, through the
 8 superintendent, the State Textbook Commission that it plans to adopt a basal
 9 textbook or program that is not on the recommended list by submitting evidence
 10 that the title it has chosen meets the selection criteria of the State Textbook
 11 Commission in KRS 156.405(3)(b) and the subject specific criteria of the textbook
 12 reviewers pursuant to KRS 156.407(5) and complies with the required publisher
 13 specifications.

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

18 ➔Section 4. KRS 157.360 is amended to read as follows:

19 (1) (a) In determining the cost of the program to support education excellence in
 20 Kentucky, the statewide guaranteed base funding level, as defined in KRS
 21 157.320, shall be computed by dividing the amount appropriated for this
 22 purpose by the prior year's statewide average daily attendance.

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

26 (2) Each district shall receive an amount equal to the base funding level for each pupil
 27 in average daily attendance in the district in the previous year, except a district shall

1 receive an amount equal to one-half (1/2) of the state portion of the average
2 statewide per pupil guaranteed base funding level for each student who graduated
3 early under the provisions of KRS 158.142. Each district's base funding level shall
4 be adjusted by the following factors:

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

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

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

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

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

1 graduation scholarship trust fund.

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

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

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

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

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

27 (d) In all schools the commissioner of education shall enforce the special

1 education maximum class sizes set by administrative regulations adopted by
2 the Kentucky Board of Education. A superintendent may request an
3 exemption pursuant to paragraph (c) of this subsection. A local school council
4 may request a waiver relating to maximum class size pursuant to Section 1 of
5 this Act in the same manner as a local board of education ~~[KRS 156.160(2)]~~.

6 An exemption or waiver shall not be granted if the increased class size will
7 impede any exceptional child from achieving his or her individual education
8 program in the least restrictive environment.

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

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

24 (8) Pupils attending a center for child learning and study established under an
25 agreement pursuant to KRS 65.210 to 65.300 shall, for the purpose of calculating
26 average daily attendance, be considered as in attendance in the school district in
27 which the child legally resides and which is party to the agreement. For purposes of

1 subsection (1) of this section, teachers who are actually employees of the joint or
2 cooperative action shall be considered as employees of each school district which is
3 a party to the agreement.

4 (9) Program funding shall be increased when the average daily attendance in any
5 district for the first two (2) months of the current school year is greater than the
6 average daily attendance of the district for the first two (2) months of the previous
7 school year. The program funds allotted the district shall be increased by the
8 percent of increase. The average daily attendance in kindergarten is the
9 kindergarten full-time equivalent pupils in average daily attendance.

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

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

24 (12) (a) Instructional salaries for vocational agriculture classes shall be for twelve (12)
25 months per year. Vocational agriculture teachers shall be responsible for the
26 following program of instruction during the time period beyond the regular
27 school term established by the local board of education: supervision and

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

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

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

- 1 (b) Pursuant to administrative regulations of the Kentucky Board of Education,
2 local school districts shall be reimbursed for home and hospital instruction for
3 pupils unable to attend regular school sessions because of short-term health
4 impairments. A reimbursement formula shall be established by administrative
5 regulations to include such factors as a reasonable per hour, per child
6 allotment for teacher instructional time, with a maximum number of funded
7 hours per week, a reasonable allotment for teaching supplies and equipment,
8 and a reasonable allotment for travel expenses to and from instructional
9 assignments, but the formula shall not include an allotment for capital outlay.
10 Attendance shall be calculated pursuant to KRS 157.270 and shall be reported
11 annually on forms provided by the Department of Education.
- 12 (14) Except for those schools which have implemented school-based decision making
13 and the school council has voted to waive this subsection, kindergarten aides shall
14 be provided for each twenty-four (24) full-time equivalent kindergarten students
15 enrolled.
- 16 (15) Effective July 1, 2001, there shall be no deduction applied against the base funding
17 level for any pupil in average daily attendance who spends a portion of his or her
18 school day in a program at a state-operated career and technical education or
19 vocational facility.
- 20 (16) During a fiscal year, a school district may request that the Department of Education
21 recalculate its funds allocated under this section if the current year average daily
22 attendance for the twenty (20) day school month as defined in KRS 158.060(1) that
23 contains the most days within the calendar month of January exceeds the prior year
24 adjusted average daily attendance plus growth by at least one percent (1%). Any
25 adjustments in the allotments approved under this subsection shall be proportional
26 to the remaining days in the school year and subject to available funds under the
27 program to support education excellence in Kentucky.

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

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

13 ➔Section 5. KRS 158.070 is amended to read as follows:

14 (1) As used in this section:

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

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

19 (c) "School calendar" means the document adopted by a local board of education
20 that establishes the minimum school term, student instructional year or
21 variable student instructional year, and days that school will not be in session;

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

24 1. One (1) school district principal;

25 2. One (1) school district office administrator other than the
26 superintendent;

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

- 1 4. Two (2) parents of students attending a school in the district;
- 2 5. One (1) school district elementary school teacher;
- 3 6. One (1) school district middle or high school teacher;
- 4 7. Two (2) school district classified employees; and
- 5 8. Two (2) community members from the local chamber of commerce,
- 6 business community, or tourism commission;
- 7 (e) "Student attendance day" means any day that students are scheduled to be at
- 8 school to receive instruction, and encompasses the designated start and
- 9 dismissal time;
- 10 (f) "Student instructional year" means at least one thousand sixty-two (1,062)
- 11 hours of instructional time for students delivered on not less than one hundred
- 12 seventy (170) student attendance days;
- 13 (g) "Teacher professional day" means any day teachers are required to report to
- 14 work as determined by a local board of education, with or without the
- 15 presence of students; and
- 16 (h) "Variable student instructional year" means at least one thousand sixty-two
- 17 (1,062) hours of instructional time delivered on the number of student
- 18 attendance days adopted by a local board of education which shall be
- 19 considered proportionally equivalent to one hundred seventy (170) student
- 20 attendance days and calendar days for the purposes of a student instructional
- 21 year, employment contracts that are based on the school term, service credit
- 22 under KRS 161.500, and funding under KRS 157.350.
- 23 (2) (a) The local board of education, upon recommendation of the local school
- 24 district superintendent, shall annually appoint a school district calendar
- 25 committee to review, develop, and recommend school calendar options.
- 26 (b) The school district calendar committee, after seeking feedback from school
- 27 district employees, parents, and community members, shall recommend

1 school calendar options to the local school district superintendent for
2 presentation to the local board of education. The committee's
3 recommendations shall comply with state laws and regulations and consider
4 the economic impact of the school calendar on the community and the state.

5 (c) Prior to adopting a school calendar, the local board of education shall hear for
6 discussion the school district calendar committee's recommendations and the
7 recommendation of the superintendent at a meeting of the local board of
8 education.

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

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

23 (f) A local school board of education that adopts a school calendar with the first
24 student attendance day in the school term starting no earlier than the Monday
25 closest to August 26 may use a variable student instructional year. Districts
26 may set the length of individual student attendance days in a variable student
27 instructional schedule, but no student attendance day shall contain more than

1 seven (7) hours of instructional time unless the district submitted and received
2 approval from the commissioner of education for an innovative alternative
3 calendar.

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

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

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

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

- 1 3. No teacher or administrator shall be permitted to count participation in a
2 professional development activity under the flexible schedule option
3 unless the activity is related to the teacher's classroom assignment and
4 content area, or the administrator's job requirements, or is required by
5 the school improvement plan, or is tied to the teacher's or the
6 administrator's individual growth plan. The supervisor shall give prior
7 approval and shall monitor compliance with the requirements of this
8 paragraph. In the case of teachers, a professional development
9 committee or the school council by council policy may be responsible
10 for reviewing requests for approval.
- 11 (d) The local board of each school district may use up to a maximum of four (4)
12 days of the minimum school term for holidays; provided, however, any
13 holiday which occurs on Saturday may be observed on the preceding Friday.
- 14 (e) Each local board may use two (2) days for planning activities without the
15 presence of students.
- 16 (f) Each local board may close schools for the number of days deemed necessary
17 for:
- 18 1. National or state emergency or mourning when proclaimed by the
19 President of the United States or the Governor of the Commonwealth of
20 Kentucky;
- 21 2. Local emergency which would endanger the health or safety of children;
22 and
- 23 3. Mourning when so designated by the local board of education and
24 approved by the Kentucky Board of Education upon recommendation of
25 the commissioner of education.
- 26 (4) (a) The Kentucky Board of Education, upon recommendation of the
27 commissioner of education, shall adopt administrative regulations governing

1 the use of student attendance days as a result of a local emergency, as
2 described in subsection (3)(f)2. of this section, and regulations setting forth
3 the guidelines and procedures to be observed for the approval of waivers from
4 the requirements of a student instructional year in subsection (1)(f) of this
5 section for districts that wish to adopt innovative instructional calendars, or
6 for circumstances that would create extreme hardship.

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

16 (5) (a) 1. In setting the school calendar, school may be closed for two (2)
17 consecutive days for the purpose of permitting professional school
18 employees to attend statewide professional meetings.

19 2. These two (2) days for statewide professional meetings may be
20 scheduled to begin with the first Thursday after Easter, or upon request
21 of the statewide professional education association having the largest
22 paid membership, the commissioner of education may designate
23 alternate dates.

24 3. If schools are scheduled to operate during days designated for the
25 statewide professional meeting, the school district shall permit
26 employees who are delegates to attend as compensated professional
27 leave time and shall employ substitute teachers in their absence.

- 1 4. The commissioner of education shall designate one (1) additional day
2 during the school year when schools may be closed to permit
3 professional school employees to participate in regional or district
4 professional meetings.
- 5 5. These three (3) days so designated for attendance at professional
6 meetings may be counted as a part of the minimum school term.
- 7 (b) 1. If any school in a district is used as a polling place, the school district
8 shall be closed on the day of the election, and those days may be used
9 for professional development activities, professional meetings, or
10 parent-teacher conferences.
- 11 2. A district may be open on the day of an election if no school in the
12 district is used as a polling place.
- 13 (c) All schools shall be closed on the third Monday of January in observance of
14 the birthday of Martin Luther King, Jr. Districts may:
- 15 1. Designate the day as one (1) of the four (4) holidays permitted under
16 subsection (3)(d) of this section; or
- 17 2. Not include the day in the minimum school term specified in subsection
18 (1) of this section.
- 19 (6) (a) The Kentucky Board of Education, or the organization or agency designated
20 by the board to manage interscholastic athletics, shall be encouraged to
21 schedule athletic competitions outside the regularly scheduled student
22 attendance day.
- 23 (b) Any member of a school-sponsored interscholastic athletic team who
24 competes in a regional tournament or state tournament sanctioned by the
25 Kentucky Board of Education, or the organization or agency designated by the
26 board to manage interscholastic athletics, and occurring on a regularly
27 scheduled student attendance day may be counted present at school on the

1 date or dates of the competition, as determined by local board policy, for a
2 maximum of two (2) days per student per year. The student shall be expected
3 to complete any assignments missed on the date or dates of the competition.

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

7 (7) Schools shall provide continuing education for those students who are determined
8 to need additional time to achieve the outcomes defined in KRS 158.6451, and
9 schools shall not be limited to the minimum school term in providing this
10 education. Continuing education time may include extended days, extended weeks,
11 or extended years. A local board of education may adopt a policy requiring its
12 students to participate in continuing education. The local policy shall set out the
13 conditions under which attendance will be required and any exceptions which are
14 provided. The Kentucky Board of Education shall promulgate administrative
15 regulations establishing criteria for the allotment of grants to local school districts
16 and shall include criteria by which the commissioner of education may approve a
17 district's request for a waiver under Section 1 of this Act to use an alternative
18 service delivery option, including providing services during the student attendance
19 day on a limited basis. These grants shall be allotted to school districts to provide
20 instructional programs for pupils who are identified as needing additional time to
21 achieve the outcomes defined in KRS 158.6451. A school district that has a school
22 operating a model early reading program under KRS 158.792 may use a portion of
23 its grant money as part of the matching funds to provide individualized or small
24 group reading instruction to qualified students outside of the regular classroom
25 during the student attendance day.

26 (8) Notwithstanding any other statute, each school term shall include no less than the
27 equivalent of the student instructional year in subsection (1)(f) of this section, or a

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

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

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

1 evidence of learning continuation during nontraditional instruction days; and

2 (e) Other components deemed necessary to implement this section.

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

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

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

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

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

26 (b) Additional time worked by a classified school employee shall be considered
27 as equivalent time to be applied toward the employee's contract and

1 calculation of service credit for classified employees under KRS 78.615 if:

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

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

15 ➔Section 6. KRS 158.080 is amended to read as follows:

16 Private and parochial schools certified in accordance with KRS 156.160(3) shall:

- 17 (1) Be taught in the English language and shall offer instruction in the several branches
- 18 of study required to be taught in the public schools of the state~~, consistent with~~
- 19 ~~KRS 156.445(3)~~; and
- 20 (2) Operate on a school calendar with a minimum school term and student instructional
- 21 year, as defined in KRS 158.070.

22 ➔Section 7. KRS 158.854 is amended to read as follows:

- 23 (1) The Kentucky Board of Education shall promulgate an administrative regulation in
- 24 accordance with KRS Chapter 13A to specify the minimum nutritional standards
- 25 for all foods and beverages that are sold outside the National School Breakfast and
- 26 National School Lunch programs, whether in vending machines, school stores,
- 27 canteens, or a la carte cafeteria sales. Minimum nutritional standards shall be based

1 on the most recent edition of the United States Department of Agriculture's Dietary
2 Guidelines for Americans. The administrative regulation shall address serving size,
3 sugar, and fat content of the foods and beverages. School districts may impose more
4 stringent standards than the standards implemented under the administrative
5 regulation. A school shall follow the minimum standards specified in the
6 administrative regulation unless a waiver has been requested *under Section 1 of*
7 *this Act* by the school district for the school from the Kentucky Board of Education.
8 *Notwithstanding the duration of a waiver granted under Section 1 of this Act*, any
9 waiver approved by the Board of Education *relating to this section* shall be
10 reviewed on an annual basis.

11 (2) As used in this section:

12 (a) "Competitive food" means any food or beverage item sold in competition with
13 the National School Breakfast and National School Lunch programs. The term
14 does not include any food or beverage sold a la carte in the cafeteria;

15 (b) "School day" means the period of time between the arrival of the first student
16 at the school building and the end of the last instructional period; and

17 (c) "School-day-approved beverage" means water, one hundred percent (100%)
18 fruit juice, lowfat milk, and any beverage that contains no more than ten (10)
19 grams of sugar per serving.

20 (3) No school may sell competitive foods or beverages from the time of the arrival of
21 the first student at the school building until thirty (30) minutes after the last lunch
22 period.

23 (4) Only school-day-approved beverages shall be sold in elementary schools during the
24 school day in vending machines, school stores, canteens, or fundraisers that sell
25 beverages by students, teachers, or groups.

26 (5) Nothing in this section or KRS 158.850 shall be construed to limit the sale of any
27 foods or beverages by fundraisers off school property.

1 ➔Section 8. KRS 160.151 is amended to read as follows:

- 2 (1) (a) 1. A private, parochial, or church school that has voluntarily been certified
3 by the Kentucky Board of Education in accordance with KRS
4 156.160~~(2)~~~~(3)~~ may require a national and state criminal background
5 check and require a clear CA/N check, as defined in KRS 160.380, on
6 all new certified hires in the school and student teachers assigned to the
7 school and may require a new national and state criminal background
8 check and require a clear CA/N check on each certified teacher once
9 every five (5) years of employment.
- 10 2. Certified individuals who were employed in another certified position in
11 a Kentucky school within six (6) months of the date of the hire and who
12 had previously submitted to a national and state criminal background
13 check and were required to have a clear CA/N check for previous
14 employment may be excluded from the initial national or state criminal
15 background checks.
- 16 (b) The national criminal history background check shall be conducted by the
17 Federal Bureau of Investigation. The state criminal history background check
18 shall be conducted by the Department of Kentucky State Police or the
19 Administrative Office of the Courts.
- 20 (c) All fingerprints requested under this section shall be on an applicant
21 fingerprint card provided by the Department of Kentucky State Police. The
22 fingerprint cards shall be forwarded to the Federal Bureau of Investigation by
23 the Department of Kentucky State Police after a state criminal background
24 check has been conducted. Any fee charged by the Department of Kentucky
25 State Police, the Administrative Office of the Courts, or the Federal Bureau of
26 Investigation shall be an amount no greater than the actual cost of processing
27 the request and conducting the search.

- 1 (2) (a) If a school requires a criminal background check or requires a clear CA/N
2 check for a new hire, the school shall conspicuously include the following
3 disclosure statement on each application or renewal form provided by the
4 employer to an applicant for a certified position: "STATE LAW
5 AUTHORIZES THIS SCHOOL TO REQUIRE A CRIMINAL HISTORY
6 BACKGROUND CHECK AND A LETTER FROM THE CABINET FOR
7 HEALTH AND FAMILY SERVICES STATING THE APPLICANT IS
8 CLEAR TO HIRE BASED ON NO FINDINGS OF SUBSTANTIATED
9 CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND
10 CHECK OF CHILD ABUSE AND NEGLECT RECORDS AS A
11 CONDITION OF EMPLOYMENT FOR THIS TYPE OF POSITION."
- 12 (b) The school or school board may require an adult who is permitted access to
13 school grounds on a regularly scheduled and continuing basis pursuant to a
14 written agreement for the purpose of providing services directly to a student
15 or students as part of a school-sponsored program or activity, a volunteer, or a
16 visitor to submit to a national criminal history check by the Federal Bureau of
17 Investigation and state criminal history background check by the Department
18 of Kentucky State Police or Administrative Office of the Courts and require a
19 clear CA/N check.
- 20 (c) Any request for records from the Department of Kentucky State Police under
21 this section shall be on an applicant fingerprint card provided by the
22 Department of Kentucky State Police if required. The results of the state
23 criminal background check and the results of the national criminal history
24 background check, if requested, shall be sent to the hiring superintendent. If a
25 background check of child abuse and neglect records is requested, the person
26 seeking employment shall provide to the hiring superintendent a clear CA/N
27 check.

- 1 (d) Any fee charged by the Department of Kentucky State Police shall be an
2 amount no greater than the actual cost of processing the request and
3 conducting the search.
- 4 (3) (a) A nonpublic school voluntarily implementing the provisions of this chapter
5 may choose not to employ any person who is a violent offender as defined by
6 KRS 17.165(2), has been convicted of a sex crime which is classified as a
7 felony as defined by KRS 17.165(1), or has committed a violent crime as
8 defined in KRS 17.165(3) or persons with a substantiated finding of child
9 abuse or neglect in records maintained by the Cabinet for Health and Family
10 Services. A nonpublic school may employ, at its discretion, persons convicted
11 of sex crimes classified as a misdemeanor.
- 12 (b) If a school term has begun and a certified position remains unfilled or if a
13 vacancy occurs during a school term, a nonpublic school implementing this
14 chapter may employ an individual who will have supervisory or disciplinary
15 authority over minors on probationary status pending receipt of a criminal
16 history background check or the receipt of a clear CA/N check, provided by
17 the individual.
- 18 (c) Employment at a nonpublic school implementing this chapter may be
19 contingent on the receipt of a criminal history background check documenting
20 a record as a violent offender, of a sex crime, or of a violent crime as defined
21 in KRS 17.165 or the receipt of a clear CA/N check, provided by the
22 individual.
- 23 (d) Nonpublic schools implementing this chapter may terminate probationary
24 employment under this section upon receipt of a criminal history background
25 check documenting a record as a violent offender, of a sex crime, or of a
26 violent crime as defined in KRS 17.165 or the receipt of a clear CA/N check.
- 27 (4) The form for requesting a clear CA/N check shall be made available on the Cabinet

1 for Health and Family Services Web site.

2 ➔Section 9. KRS 160.380 is amended to read as follows:

3 (1) As used in this section:

4 (a) "Administrative finding of child abuse or neglect" means a substantiated
5 finding of child abuse or neglect issued by the Cabinet for Health and Family
6 Services that is:

7 1. Not appealed through an administrative hearing conducted in
8 accordance with KRS Chapter 13B;

9 2. Upheld at an administrative hearing conducted in accordance with KRS
10 Chapter 13B and not appealed to a Circuit Court; or

11 3. Upheld by a Circuit Court in an appeal of the results of an
12 administrative hearing conducted in accordance with KRS Chapter 13B;

13 (b) "Alternative education program" means a program that exists to meet the
14 needs of students that cannot be addressed in a traditional classroom setting
15 but through the assignment of students to alternative classrooms, centers, or
16 campuses that are designed to remediate academic performance, improve
17 behavior, or provide an enhanced learning experience. Alternative education
18 programs do not include career or technical centers or departments;

19 (c) "Clear CA/N check" means a letter from the Cabinet for Health and Family
20 Services indicating that there are no administrative findings of child abuse or
21 neglect relating to a specific individual;

22 (d) "Relative" means father, mother, brother, sister, husband, wife, son and
23 daughter; and

24 (e) "Vacancy" means any certified position opening created by the resignation,
25 dismissal, nonrenewal of contract, transfer, or death of a certified staff
26 member of a local school district, or a new position created in a local school
27 district for which certification is required. However, if an employer-employee

1 bargained contract contains procedures for filling certified position openings
2 created by the resignation, dismissal, nonrenewal of contract, transfer, or
3 death of a certified staff member, or creation of a new position for which
4 certification is required, a vacancy shall not exist, unless certified positions
5 remain open after compliance with those procedures.

6 (2) Except as provided in KRS 160.346, the school district personnel actions identified
7 in this section shall be carried out as follows:

8 (a) All appointments, promotions, and transfers of principals, supervisors,
9 teachers, and other public school employees shall be made only by the
10 superintendent of schools, who shall notify the board of the action taken. All
11 employees of the local district shall have the qualifications prescribed by law
12 and by the administrative regulations of the Kentucky Board of Education and
13 of the employing board. Supervisors, principals, teachers, and other
14 employees may be appointed by the superintendent for any school year at any
15 time after February 1 preceding the beginning of the school year. No
16 superintendent of schools shall appoint or transfer himself or herself to
17 another position within the school district;

18 (b) When a vacancy occurs in a local school district, the superintendent shall
19 submit the job posting to the statewide job posting system described in KRS
20 160.152 fifteen (15) days before the position shall be filled. The local school
21 district shall post position openings in the local board office for public
22 viewing;

23 (c) When a vacancy needs to be filled in less than fifteen (15) days' time to
24 prevent disruption of necessary instructional or support services of the school
25 district, the superintendent may seek a waiver from the chief state school
26 officer *outside of the process established in Section 1 of this Act*. If the
27 waiver is approved, the appointment shall not be made until the person

1 recommended for the position has been approved by the chief state school
2 officer. The chief state school officer shall respond to a district's request for
3 waiver or for approval of an appointment within two (2) working days; and

4 (d) When a vacancy occurs in a local district, the superintendent shall conduct a
5 search to locate minority teachers to be considered for the position. The
6 superintendent shall, pursuant to administrative regulations of the Kentucky
7 Board of Education, report annually the district's recruitment process and the
8 activities used to increase the percentage of minority teachers in the district.

9 (3) Restrictions on employment of relatives shall be as follows:

10 (a) No relative of a superintendent of schools shall be an employee of the school
11 district. However, this shall not apply to a relative who is a classified or
12 certified employee of the school district for at least thirty-six (36) months
13 prior to the superintendent assuming office and who is qualified for the
14 position the employee holds. A superintendent's spouse who has previously
15 been employed in a school system may be an employee of the school district.
16 A superintendent's spouse who is employed under this provision shall not hold
17 a position in which the spouse supervises certified or classified employees. A
18 superintendent's spouse may supervise teacher aides and student teachers.
19 However, the superintendent shall not promote a relative who continues
20 employment under an exception of this subsection;

21 (b) No superintendent shall employ a relative of a school board member of the
22 district;

23 (c) No principal's relative shall be employed in the principal's school; and

24 (d) A relative that is ineligible for employment under paragraph (a), (b), or (c) of
25 this subsection may be employed as a substitute for a certified or classified
26 employee if the relative is not:

27 1. A regular full-time or part-time employee of the district;

- 1 2. Accruing continuing contract status or any other right to continuous
- 2 employment;
- 3 3. Receiving fringe benefits other than those provided other substitutes; or
- 4 4. Receiving preference in employment or assignment over other
- 5 substitutes.
- 6 (4) No superintendent shall assign a certified or classified staff person to an alternative
- 7 education program as part of any disciplinary action taken pursuant to KRS 161.011
- 8 or 161.790 as part of a corrective action plan established pursuant to the local
- 9 district evaluation plan.
- 10 (5) No superintendent shall employ in any position in the district any person who:
- 11 (a) Has been convicted of an offense that would classify a person as a violent
- 12 offender under KRS 439.3401;
- 13 (b) Has been convicted of a sex crime as defined by KRS 17.500 or a
- 14 misdemeanor offense under KRS Chapter 510;
- 15 (c) Is required to register as a sex offender under KRS 17.500 to 17.580; or
- 16 (d) Has an administrative finding of child abuse or neglect in records maintained
- 17 by the Cabinet for Health and Family Services.
- 18 (6) Requirements for background checks shall be as follows:
- 19 (a) A superintendent shall require the following individuals to submit to a
- 20 national and state criminal background check by the Department of Kentucky
- 21 State Police and the Federal Bureau of Investigation and have a clear CA/N
- 22 check, provided by the individual:
- 23 1. Each new certified or classified hire;
- 24 2. A nonfaculty coach or nonfaculty assistant as defined under KRS
- 25 161.185;
- 26 3. A student teacher;
- 27 4. A school-based decision making council parent member; and

- 1 5. Any adult who is permitted access to school grounds on a regularly
2 scheduled and continuing basis pursuant to a written agreement for the
3 purpose of providing services directly to a student or students as part of
4 a school-sponsored program or activity;
- 5 (b) 1. The requirements of paragraph (a) of this subsection shall not apply to:
- 6 a. Classified and certified individuals employed by the school district
7 prior to June 27, 2019;
- 8 b. Certified individuals who were employed in another certified
9 position in a Kentucky school district within six (6) months of the
10 date of hire and who had previously submitted to a national and
11 state criminal background check and who have a clear CA/N check
12 for the previous employment; or
- 13 c. Student teachers who have submitted to and provide a copy of a
14 national and state criminal background check by the Department
15 of Kentucky State Police and the Federal Bureau of Investigation
16 through an accredited teacher education institution in which the
17 student teacher is enrolled and who have a clear CA/N check.
- 18 2. The Education Professional Standards Board may promulgate
19 administrative regulations to impose additional qualifications to meet
20 the requirements of Pub. L. No. 92-544;
- 21 (c) A parent member may serve prior to the receipt of the criminal history
22 background check and CA/N letter required by paragraph (a) of this
23 subsection but shall be removed from the council on receipt by the school
24 district of a report documenting a record of abuse or neglect, or a sex crime or
25 criminal offense against a victim who is a minor as defined in KRS 17.500, or
26 as a violent offender as defined in KRS 17.165, and no further procedures
27 shall be required;

- 1 (d) A superintendent may require a volunteer or a visitor to submit to a national
2 and state criminal history background check by the Department of Kentucky
3 State Police and the Federal Bureau of Investigation and have a clear CA/N
4 check, provided by the individual; and
- 5 (e) The superintendent of a school district operating under an alternative
6 transportation plan approved by the Kentucky Department of Education in
7 accordance with KRS 156.153(3) shall require the driver of any non-school
8 bus passenger vehicle authorized to transport students to and from school
9 pursuant to the alternative transportation plan who does not have a valid
10 commercial driver's license issued in accordance with KRS Chapter 281A
11 with an "S" endorsement to:
- 12 1. Submit to a national and state criminal background check by the
13 Department of Kentucky State Police and the Federal Bureau of
14 Investigation at least once every three (3) years and a criminal records
15 check conducted in accordance with KRS 27A.090 in all other years;
 - 16 2. Submit to drug testing consistent with the requirements of 49 C.F.R. pt.
17 40;
 - 18 3. Provide a biannual driving history record check performed by the
19 Transportation Cabinet;
 - 20 4. Provide an annual clear CA/N check;
 - 21 5. Immediately notify the superintendent of any conviction for a violation
22 under KRS Chapter 189 for which penalty points are assessed; and
 - 23 6. Immediately notify the superintendent of any citation or arrest for a
24 violation of any provision of KRS Chapter 189A. The superintendent
25 shall inform the Kentucky Department of Education of the notification.
- 26 (7) (a) If a certified or classified position remains unfilled after July 31 or if a
27 vacancy occurs during a school term, a superintendent may employ an

1 individual, who will have supervisory or disciplinary authority over minors,
2 on probationary status pending receipt of the criminal history background
3 check and a clear CA/N check, provided by the individual. Application for the
4 criminal record and a request for a clear CA/N check of a probationary
5 employee shall be made no later than the date probationary employment
6 begins.

7 (b) Employment shall be contingent on the receipt of the criminal history
8 background check documenting that the probationary employee has no record
9 of a sex crime nor as a violent offender as defined in KRS 17.165 and receipt
10 of a letter, provided by the individual, from the Cabinet for Health and Family
11 Services stating the employee is clear to hire based on no administrative
12 findings of child abuse or neglect found through a background check of child
13 abuse and neglect records maintained by the Cabinet for Health and Family
14 Services.

15 (c) Notwithstanding KRS 161.720 to 161.800 or any other statute to the contrary,
16 probationary employment under this section shall terminate on receipt by the
17 school district of a criminal history background check documenting a record
18 of a sex crime or as a violent offender as defined in KRS 17.165 and no
19 further procedures shall be required.

20 (8) The provisions of KRS 161.790 shall apply to terminate employment of a certified
21 employee on the basis of a criminal record other than a record of a sex crime or as a
22 violent offender as defined in KRS 17.165, or on the basis of a CA/N check
23 showing an administrative finding of child abuse or neglect.

24 (9) (a) All fingerprints requested under this section shall be on an applicant
25 fingerprint card provided by the Department of Kentucky State Police. The
26 fingerprint cards shall be forwarded to the Federal Bureau of Investigation
27 from the Department of Kentucky State Police after a state criminal

1 background check is conducted. The results of the state and federal criminal
2 background check shall be sent to the hiring superintendent. Any fee charged
3 by the Department of Kentucky State Police, the Federal Bureau of
4 Investigation, and the Cabinet for Health and Family Services shall be an
5 amount no greater than the actual cost of processing the request and
6 conducting the search.

7 (b) Each application form, provided by the employer to an applicant for a
8 certified or classified position, shall conspicuously state the following: "FOR
9 THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL
10 AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A
11 LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET
12 FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT
13 HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR
14 NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD
15 ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET
16 FOR HEALTH AND FAMILY SERVICES."

17 (c) Each application form for a district position shall require the applicant to:
18 1. Identify the states in which he or she has maintained residency,
19 including the dates of residency; and
20 2. Provide picture identification.

21 (10) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary,
22 when an employee of the school district is charged with any offense which is
23 classified as a felony, the superintendent may transfer the employee to a second
24 position until such time as the employee is found not guilty, the charges are
25 dismissed, the employee is terminated, or the superintendent determines that further
26 personnel action is not required. The employee shall continue to be paid at the same
27 rate of pay he or she received prior to the transfer. If an employee is charged with

1 an offense outside of the Commonwealth, this provision may also be applied if the
2 charge would have been treated as a felony if committed within the
3 Commonwealth. Transfers shall be made to prevent disruption of the educational
4 process and district operations and in the interest of students and staff and shall not
5 be construed as evidence of misconduct.

6 (11) Notwithstanding any law to the contrary, each certified and classified employee of
7 the school district shall notify the superintendent if he or she has been found by the
8 Cabinet for Health and Family Services to have abused or neglected a child, and if
9 he or she has waived the right to appeal a substantiated finding of child abuse or
10 neglect or if the substantiated incident was upheld upon appeal. Any failure to
11 report this finding shall result in the certified or classified employee being subject
12 to dismissal or termination.

13 (12) The form for requesting a CA/N check shall be made available on the Cabinet for
14 Health and Family Services website.

15 ➔Section 10. KRS 164.769 is amended to read as follows:

16 (1) It is the intent of the General Assembly to establish a teacher scholarship program
17 to assist highly qualified individuals to become certified Kentucky teachers and
18 render teaching service in Kentucky schools.

19 (2) For purposes of this section, the terms listed below shall have the following
20 meanings:

21 (a) "Critical shortage area" means an understaffing of teachers in particular
22 subject matters at the secondary level, in grade levels, or in geographic
23 locations at the elementary and secondary level, as determined by the
24 commissioner of education in consultation with the authority. The
25 commissioner and the authority may use any source considered reliable,
26 including but not limited to local education agencies, to identify the critical
27 shortage areas;

- 1 (b) "Dual credit" has the same meaning as in KRS 158.007;
- 2 (c) "Eligible program of study" means an undergraduate or graduate program of
3 study which is preparatory to teacher certification;
- 4 (d) "Expected family contribution" means the amount that a student and his
5 family are expected to contribute toward the cost of the student's education
6 determined by applying methodology set forth in 20 U.S.C. sec. 1087 kk to
7 1087 vv;
- 8 (e) "Participating institution" means an institution of higher education located in
9 Kentucky which offers an eligible program of study and has in force an
10 agreement with the authority providing for administration of this program;
- 11 (f) "Qualified teaching service" means teaching the major portion of each school
12 day for at least seventy (70) days each semester in a public school of the
13 Commonwealth or a private school certified pursuant to KRS 156.160~~(2)~~~~(3)~~,
14 except that an individual having a disability defined by Title II of the
15 Americans with Disabilities Act (42 U.S.C. secs. 12131 et seq.) or serious and
16 extended illness, whose disability or illness, certified by a licensed physician,
17 prevents that individual from teaching a major portion of each school day,
18 shall be deemed to perform qualified teaching service by teaching the
19 maximum time permitted by the attending physician;
- 20 (g) "Semester" means a period of about eighteen (18) weeks, which usually
21 makes up one-half (1/2) of a school year or one-half (1/2) of a participating
22 institution's academic year; and
- 23 (h) "Summer term" means an academic period consisting of one (1) or more
24 sessions of instruction between a spring and a fall semester.
- 25 (3) The authority may, to the extent of appropriations and other funds available to it
26 pursuant to subsection (9) of this section, award teacher scholarships to persons
27 eligible under subsection (4) of this section, who initially demonstrate financial

1 need in accordance with standards and criteria established by the authority or
2 received teacher scholarships pursuant to this section prior to July 1, 1996. Each
3 teacher scholarship shall be evidenced by a promissory note that requires repayment
4 or cancellation pursuant to subsection (6) of this section.

5 (4) Kentucky residents who are United States citizens and enrolled or accepted for
6 enrollment in an eligible program of study at a participating institution shall be
7 eligible to apply for and be awarded teacher scholarships. Teacher scholarships
8 shall first be awarded to highly qualified eligible students who meet standards and
9 requirements established by the Education Professional Standards Board pursuant
10 to KRS 161.028 for admission to a teacher education program at a participating
11 institution in pursuit of initial teacher certification. If funds are not depleted after
12 awarding teacher scholarships to students who meet the preceding criteria, then
13 awards shall be made to any otherwise eligible students.

14 (5) The authority shall establish, by administrative regulation, the maximum amount of
15 scholarship to be awarded for each semester and summer term under this section.
16 The amount of each scholarship to be awarded shall not exceed the applicant's total
17 cost of education minus other financial assistance received or expected to be
18 received by the applicant during the academic period.

19 (6) (a) The authority shall disburse teacher scholarships to eligible students who
20 agree to render qualified teaching service as certified teachers, and are
21 unconditionally admitted and enrolled in an eligible program of study.

22 (b) A teacher scholarship shall not be awarded or a promissory note cancellation
23 shall not be granted to any person who is in default on any obligation to the
24 authority under any program administered by the authority pursuant to KRS
25 164.740 to 164.785 until financial obligations to the authority are satisfied,
26 except that ineligibility for this reason may be waived by the authority for
27 cause.

- 1 (c) Recipients shall render one (1) semester of qualified teaching service for each
2 semester or summer term of scholarship received, except that recipients who
3 teach in a critical shortage area designated by the authority or teach dual
4 credit coursework in a certified Kentucky high school shall render one (1)
5 semester of qualified teaching service as repayment for two (2) semesters or
6 summer terms of scholarships received. Upon completion of each semester of
7 qualified teacher service, the authority shall cancel the appropriate number of
8 promissory notes.
- 9 (d) If the recipient of a teacher scholarship fails to complete an eligible program
10 of study at a participating institution or fails to render qualified teaching
11 service in any semester following certification or recertification, unless the
12 failure is temporarily waived for cause by the authority, the recipient shall
13 immediately become liable to the authority for repayment of the sum of all
14 outstanding promissory notes and accrued interest. Persons liable for
15 repayment of scholarships under this paragraph shall be liable for interest
16 accruing from the dates on which the teacher scholarships were disbursed.
- 17 (e) Recipients who have outstanding loans or scholarships under KRS 156.611,
18 156.613, 164.768, or 164.770 respectively, and who render qualified teaching
19 service, shall have their notes canceled in accordance with subsection (6)(c) of
20 this section.
- 21 (f) The authority shall establish, by administrative regulation, the terms and
22 conditions for the award, cancellation, and repayment of teacher scholarships
23 including, but not limited to, the selection criteria, eligibility for renewal
24 awards, amount of scholarship payments, deferments, the rate of repayment,
25 and the interest rate thereon.
- 26 (g) Notwithstanding any other statute to the contrary, the maximum interest rate
27 applicable to repayment of a promissory note under this section shall be eight

- 1 percent (8%) per annum, except that if a judgment is rendered to recover
2 payment, the judgment shall bear interest at the rate of five percent (5%)
3 greater than the rate actually charged on the promissory note.
- 4 (7) A repayment obligation imposed by this section shall not be voidable by reason of
5 the age of the recipient at the time of receiving the teacher scholarship.
- 6 (8) Failure to meet repayment obligations imposed by this section shall be cause for the
7 revocation of a person's teaching certificate, subject to the procedures set forth in
8 KRS 161.120.
- 9 (9) All moneys repaid to the authority under this section shall be added to the
10 appropriations made for purposes of this section, and the funds and unobligated
11 appropriations shall not lapse.
- 12 (10) The authority may execute appropriate contracts and promissory notes for
13 administering this section.
- 14 (11) Notwithstanding any other statute to the contrary, if available funds are insufficient
15 for all requested scholarships for eligible applicants during any fiscal year, the
16 authority shall give priority consideration to eligible applicants who previously
17 received teacher scholarships and, until June 30, 2018, to loan forgiveness for
18 teachers who have outstanding loan balance eligibility for Best in Class loans issued
19 prior to June 30, 2008. If funds are insufficient to make all requested renewal
20 scholarships to eligible applicants, the authority shall reduce all scholarship awards
21 to the extent necessary to provide scholarships to all qualified renewal applicants.
22 If, after awarding all eligible renewal applicants, funds are not depleted, initial
23 applications shall be ranked according to regulatory selection criteria, which may
24 include expected family contribution and application date, and awards shall be
25 made to highly qualified applicants until funds are depleted.
- 26 (12) The authority shall submit a report on the number of teacher scholarships provided
27 in each fiscal year, the program of study in which recipients are enrolled, recipient

1 retention rates, total number of applications, and scholarship recruitment strategies
2 to the Interim Joint Committee on Education by December 1 of each year.

3 ➔SECTION 11. A NEW SECTION OF KRS 156.395 TO 156.476 IS CREATED
4 TO READ AS FOLLOWS:

5 *(1) (a) The Kentucky Department of Education shall establish an instructional*
6 *materials depository for the schools of the Commonwealth.*

7 *(b) The department may enter into contracts to designate an entity to serve as*
8 *the department's agent to carry out the responsibilities of the depository*
9 *under KRS 156.395 to 156.476.*

10 *(c) To leverage the purchasing power of the Commonwealth's schools, the*
11 *depository shall negotiate prices on behalf of the department and all school*
12 *districts.*

13 *(2) (a) In accordance with KRS Chapter 45A, school districts and the department*
14 *shall use the depository in purchasing the instructional materials included*
15 *in the state-approved list established by the State Quality Curriculum Task*
16 *Force under KRS 156.395 to 156.476.*

17 *(b) Superintendents of school districts shall use the instructional materials*
18 *depository to report the school district's selection of instructional materials*
19 *to the department, unless the school district purchases approved alternate*
20 *instructional materials under Section 20 of this Act.*

21 *(3) The depository shall make available to school districts and the public the*
22 *necessary information for assessing the instructional materials included in the*
23 *state-approved list. The information shall include but not be limited to:*

24 *(a) Each of the instructional materials included in the state-approved list,*
25 *capable of being organized by grade or grade band and content area;*

26 *(b) Summary results of the instructional materials evaluations conducted by the*
27 *task force and any factual error identified in the instructional materials;*

1 (c) A list of the accompanying manuals, workbooks, and other ancillary items
 2 for instructional materials included in the state-approved list; and

3 (d) A list of the school districts within the state that have adopted each of the
 4 instructional materials, including for each school district:

5 1. The statewide assessment results in the associated content area; and

6 2. Identification of any interim or formative assessment utilized by the
 7 district pursuant to subsection (8) of Section 28 of this Act.

8 ➔Section 12. KRS 156.395 is amended to read as follows:

9 As used in~~For purposes of~~ KRS 156.395~~156.400~~ to 156.476, unless the context
 10 requires otherwise;

11 (1) "Department" means the Kentucky Department of Education;

12 (2) "Grade band" means a collection of two (2) or more consecutive grade levels that
 13 are interconnected for cohesive instructional purposes in a content area;

14 (3) ~~[-]~~"Instructional materials" means tools used to assist in student learning, as
 15 defined in administrative regulations promulgated by the Kentucky Board of
 16 Education in accordance with KRS Chapter 13A;

17 (4) "Instructional materials depository" or "depository" means the instructional
 18 materials depository established under Section 11 of this Act;

19 (5) "Instructional materials reviewer" means a professional or lay citizen
 20 recommended and approved under Section 15 of this Act to provide assistance to
 21 the department and task force in the review of instructional materials;

22 (6) "State-approved list" means the list of high quality instructional materials and
 23 programs developed, approved, and published under KRS 156.395 to 156.476;
 24 and

25 (7) "Task force" means the State Quality Curriculum Task Force established in
 26 Section 14 of this Act.

27 ➔Section 13. KRS 156.400 is amended to read as follows:

1 (1) The chief state school officer shall arrange the elementary, middle, and high school
 2 subjects of reading and writing, mathematics, science, and social studies into
 3 instructional materials review and selection~~included in the state courses of study~~
 4 ~~as prescribed by the Kentucky Board of Education into six (6) adoption] groups~~
 5 aligned with the process and schedule for reviewing Kentucky's academic
 6 standards and assessments established under KRS 158.6453.~~]~~

7 ~~(2) Contracts for each of the six (6) adoption groups shall be for a period of six (6)~~
 8 ~~years and shall be executed on a staggered basis, with one (1) group being up for~~
 9 ~~adoption each year. The six (6) adoption groups shall be arranged by similarity of~~
 10 ~~content to the extent possible, while being arranged as nearly equal in number and~~
 11 ~~purchase cost as possible.] Subjects by grade or by grade band with rapidly~~
 12 ~~changing or highly technical content may be considered more frequently than once~~
 13 ~~during a six (6) year cycle.~~

14 ~~(2)~~~~(3)]~~ The chief state school officer may delay the purchase of instructional
 15 materials~~[books]~~ due to insufficient funds, but any purchases of instructional
 16 materials by a school district or the department~~[books]~~ shall be in accordance with
 17 this chapter.

18 ➔Section 14. KRS 156.405 is amended to read as follows:

19 (1) The ~~[purpose of the]~~State Quality Curriculum Task Force is hereby established
 20 to:~~[Textbook Commission is]~~

21 (a) Promote increased access to high quality instructional materials;

22 (b) Support school districts in the evaluation, selection, and use of high quality
 23 instructional materials;~~[to]~~

24 (c) Provide a state-approved~~[recommended]~~ list of current and high quality
 25 textbooks and instructional materials to ~~[local]~~school districts that
 26 complement the educational program in Kentucky schools;~~[; to]~~

27 (d) Provide a consumer guide to schools to aid with the selection of high quality

- 1 instructional materials; ~~and~~ and ~~to~~
- 2 (e) Provide for public participation in the review~~[evaluation]~~ process.
- 3 (2) (a) The task force~~[State Textbook Commission]~~ shall consist of a minimum
4 ~~of the chief state school officer and~~ ten (10) appointive members who~~[-~~. The
5 ~~ten (10) members]~~ shall be appointed by the ~~[Kentucky Board of Education~~
6 ~~upon the recommendation of the]~~chief state school officer in accordance
7 with subsection (6) of this section for terms of four (4) years, with two (2)
8 appointments each year, except that every fourth year there shall be four (4)
9 appointments. ~~A~~~~No~~ member shall not be eligible to serve more than two (2)
10 full terms consecutively.
- 11 (b) All vacancies that occur on the task force~~[State Textbook Commission]~~ shall
12 be filled in like manner for the remainder of the unexpired terms.
- 13 (c) The department and the task force~~[of Education and the State Textbook~~
14 ~~Commission]~~ shall receive assistance in the instructional materials
15 review~~[textbook evaluation]~~ process from professionals and lay citizens
16 appointed to be instructional materials reviewers under subsection (4) of
17 this section.~~[who will be referred to in this chapter as the "textbook~~
18 ~~reviewers."]~~
- 19 (3) For the subjects of reading and writing, mathematics, science, and social studies,
20 the task force~~[State Textbook Commission]~~ shall:
- 21 (a) Select and direct the activities of the instructional materials~~[textbook]~~
22 reviewers, who shall develop and recommend subject specific selection
23 criteria and evaluation forms to be used in a school district's selection
24 ~~of review]~~ instructional materials~~[textbooks]~~ and programs;
- 25 (b) Develop general selection criteria and evaluation forms with the help of the
26 instructional materials~~[textbook]~~ reviewers and ~~[Kentucky]~~department ~~[of~~
27 ~~Education]~~staff to be used in a school district's selection of instructional

- 1 materials and programs~~[the state level review process];~~
- 2 (c) Approve the selection criteria and evaluation forms developed by~~[evaluative~~
3 ~~criteria and forms used by the commission and]~~ instructional
4 materials~~[textbook]~~ reviewers under paragraph (a) of this subsection;
- 5 (d) Review the instructional materials~~[textbook]~~ reviewers' evaluations, and
6 consider instructional materials~~[textbooks]~~ or programs as it deems
7 necessary, in order to select from them a state-approved~~[recommended]~~ list of
8 high quality instructional materials;
- 9 (e) Provide notice of and the opportunity for public inspection of the
10 instructional materials~~[textbooks]~~ and programs that are included in the
11 state-approved list and offered for adoption and use in the public schools,
12 which may be done through the instructional materials depository;
- 13 (f) ~~[Conduct a public hearing for the purpose of receiving public comment~~
14 ~~concerning textbooks and programs under consideration;~~
- 15 ~~(g)~~ Select, recommend, and publish from the list provided by the instructional
16 materials depository under Section 15 of this Act the~~[a]~~ state-approved list
17 of high quality instructional materials~~[textbooks]~~ and programs; and
- 18 ~~(g)~~~~(h)~~ Publish a consumer guide and distribute it to Kentucky public schools
19 that shall include the general selection criteria, subject-specific selection
20 criteria, and the evaluation forms for a school district's review and selection
21 of instructional materials and programs.
- 22 (4) The instructional materials~~[textbook]~~ reviewers shall be:
- 23 (a) Composed~~[comprised]~~ of a minimum of eight (8)~~[twelve (12)]~~ individuals
24 who served on the advisory panels or review committees as part of the
25 standards review process established in KRS 158.6453 for the area or areas
26 being considered, two (2) of whom are parents who have a child currently
27 enrolled in public schools in Kentucky; and~~[for adoption. The textbook~~

1 ~~reviewers shall be~~

2 **(b)** Approved by the task force~~[State Textbook Commission]~~ based on the
3 recommendation of the chief state school officer.

4 (5) The instructional materials~~[textbook]~~ reviewers shall:

5 (a) Develop and submit to the task force~~[commission]~~ subject specific selection
6 criteria and evaluation forms~~[evaluative criteria]~~ to be used by school
7 districts in reviewing instructional materials~~[textbooks]~~ and programs; and

8 ~~[Review textbooks and programs to determine those of high quality, using~~
9 ~~evaluative criteria and forms approved by the commission;~~

10 ~~(c) Submit to the commission reviews and evaluative forms regarding reviewed~~
11 ~~textbooks and programs;~~

12 ~~(d)]Attend meetings and training sessions as requested by the task~~
13 ~~force[commission] and the department[of Education; and~~

14 ~~(e) Ensure that textbooks are free from factual error].~~

15 (6) (a) The chief state school officer shall appoint the following members of the
16 task force:

17 1. Eight (8) ~~[of the appointive]~~members who~~[of the State Textbook~~
18 ~~Commission shall]~~ have had not less than five (5) years teaching or
19 supervising experience in the public schools of Kentucky and shall have
20 had at the time of their appointment at least four (4) years of college
21 training in a recognized institution of higher education of whom:]-

22 a.]- Two (2)~~[Five (5)]~~ members who are~~[of the commission shall be]~~
23 classroom teachers or instructional coaches actively employed in
24 the public schools of Kentucky as teachers or instructional
25 coaches in subject field or fields for which the task
26 force~~[commission]~~ will select instructional materials; and~~[select~~
27 ~~books.]~~

1 ~~b.~~^{3.} ~~Six (6)~~^{Two (2)} members who are~~shall be~~ principals,
2 instructional supervisors, or superintendents of public schools or
3 public school systems;~~;~~

4 ~~2.~~^{4.} At least one (1) member who is~~shall be~~ a member of the faculty of a
5 public institution of higher education engaged in teacher preparation;
6 and~~;~~

7 ~~3.~~^{5.} At least one (1) member who is a~~two (2) members shall be~~ lay citizen
8 who has~~citizens, one (1) of whom shall have~~ a child enrolled in a
9 public school at the time of appointment.

10 (b) In appointing~~recommending~~ the members of the task force,~~State Textbook~~
11 ~~Commission~~ the chief state school officer shall give due regard to
12 representation from rural and urban areas and from ~~the~~ elementary, middle,
13 and high school levels~~when the educational levels are included in the subject~~
14 field or fields for which adoptions are to be made.

15 (7) ~~Textbook reviewers shall have the following qualifications: Six (6) of the textbook~~
16 ~~reviewers shall be instructional supervisors and classroom teachers in various and~~
17 ~~appropriate grade levels primary through grade twelve (12), with experience and~~
18 ~~training in the subject areas to be reviewed. One (1) reviewer shall have expertise~~
19 ~~and training in learning theory as applied to the classroom situation. One (1)~~
20 ~~reviewer shall be a current or former university faculty member with expertise in~~
21 ~~the content area of the textbooks to be reviewed. One (1) reviewer shall have~~
22 ~~experience and training in readability and formatting of textbooks. Three (3)~~
23 ~~reviewers shall be parents, two (2) of whom shall have a child currently enrolled in~~
24 ~~public schools in Kentucky.~~

25 ~~(8)~~ Members of the task force and the instructional materials reviewers shall serve
26 without compensation but shall be reimbursed for necessary travel and expenses
27 while attending meetings at the same per diem rate promulgated in administrative

1 regulation for state employees under KRS Chapter 45. The department shall
 2 provide funds to school districts to cover the cost of substitute teachers for those
 3 teacher members of the task force at the rate established for substitute teachers at
 4 each school district~~[Members of the State Textbook Commission shall receive fifty~~
 5 ~~(\$50) dollars per day and reimbursement for their actual expenses while attending~~
 6 ~~commission meetings. Textbook reviewers shall receive remuneration based on the~~
 7 ~~amount of textbooks and programs to be reviewed and criteria to be developed as~~
 8 ~~determined by the chief state school officer. Textbook reviewers shall be paid one~~
 9 ~~hundred dollars (\$100) per day, not to exceed one thousand dollars (\$1,000)~~
 10 ~~annually. Textbook reviewers shall also receive reimbursement for actual expenses~~
 11 ~~while attending reviewer or commission meetings].~~

12 ~~(8)~~~~(9)~~ The meetings of the task force~~[State Textbook Commission]~~ shall be open to
 13 the public,~~[and shall be held at least once every quarter]~~ and notice of
 14 meetings~~[such meeting]~~ shall be given in accordance with KRS 61.805 to
 15 61.850~~[424.110 to 424.210].~~

16 ~~(9)~~~~(10)~~ Not later than May 1 each year, if funding is available, the chief state school
 17 officer shall call the task force~~[State Textbook Commission]~~ into session. The
 18 members of the task force~~[State Textbook Commission]~~ shall elect one (1) of its
 19 voting members as chair~~[chairman and shall adopt administrative regulations for~~
 20 ~~the procedure of the commission. The chief state school officer shall be the~~
 21 ~~secretary of the commission].~~

22 (10) At the direction of the chief state school officer, the task force may select,
 23 recommend, and publish instructional materials in subjects beyond reading and
 24 writing, mathematics, science, and social studies to be added to the state-approved
 25 list. The review and selection process shall be in accordance with KRS 156.395 to
 26 156.476.

27 ➔ Section 15. KRS 156.407 is amended to read as follows:

- 1 (1) The chief state school officer shall, not later than one (1) academic year following
 2 the academic standards and assessment review process established in KRS
 3 158.6453 for reading and writing, mathematics, science, and social studies,
 4 recommend at least eight (8) nominees for instructional materials reviewers who
 5 previously served on advisory panels or review committees under KRS 158.6453
 6 for the content area or areas being reviewed [February 1 of each year in which an
 7 adoption is to be made, solicit applications for filling twelve (12) positions for
 8 textbook reviewers].
- 9 (2) [~~Solicitation shall be statewide for all appointments and include specifications~~
 10 ~~which ensure candidates have professional expertise in the subject areas to be~~
 11 ~~reviewed if appropriate for the appointment.~~]
- 12 (3) [~~The State Quality Curriculum Task Force [Textbook Commission, at its first~~
 13 ~~yearly meeting,] shall review and approve instructional materials [select textbook]
 14 reviewers based on [a list of qualified applicants prepared by] the chief state school
 15 officer's [officer and giving consideration to the] recommendations as specified in
 16 KRS 156.405.~~]
- 17 (3) [(4)] The department's [Department of Education's] curriculum and instruction
 18 specialists shall serve as staff to the task force [commission] and reviewers and [~~and~~].
 19 The staff] shall:
- 20 (a) Orient and train the task force [commission] and reviewers regarding
 21 departmental policy and review procedures; and
- 22 (b) Make available existing academic standards, the model curriculum
 23 framework established in KRS 158.6451, and selection criteria and
 24 evaluation forms for the review of instructional materials [for textbook
 25 evaluation; and
- 26 (c) [~~Provide supplies and sample textbooks for the review process.~~]
- 27 (4) [(5)] The instructional materials [textbook] reviewers shall develop subject

1 specific criteria for *instructional materials selection*~~[textbook review]~~ and
 2 evaluation, *including but not limited to*~~[in]~~ the following~~[textbook]~~ areas:

- 3 (a) Subject content, including its *alignment*~~[relationship]~~ to the academic
 4 *standards and* expectations *established in KRS 158.6453*;
 5 (b) Audience;
 6 (c) Format, *including print, nonprint, and electronic modes of instruction*;
 7 (d) Readability *and accessibility for all learners*;
 8 (e) Accuracy *and evidence of a research basis with external validity and*
 9 *reliability*~~;~~~~and]~~
 10 (f) *Cultural relevance and freedom from bias*;
 11 *Projected cost of the materials; and*
 12 *Ancillary materials.*

13 ~~(5)~~~~(6)~~ ~~[On or before July 15,]~~The *task force*~~[State Textbook Commission]~~ shall
 14 develop general criteria, review and approve subject specific criteria, and provide
 15 the standard criteria and evaluation forms to be used by *local schools and school*
 16 *districts in the evaluation, selection, and use of high quality instructional*
 17 *materials and programs*~~[the commission and textbook reviewers].~~

18 ~~(7)~~ ~~Based upon approval of the standard criteria and evaluation forms, the textbook~~
 19 ~~reviewers shall review textbooks and programs. The committee shall submit~~
 20 ~~evaluation forms for each textbook or program reviewed in each of the five (5)~~
 21 ~~areas, set forth in subsection (5) of this section, with comments related to strengths~~
 22 ~~and weaknesses in each area].~~

23 *(6) (a)* ~~(8)~~ ~~]~~The *task force*~~[State Textbook Commission]~~ shall review the work of
 24 the *instructional materials*~~[textbook]~~ reviewers and, based on this review and
 25 any of its own reviews of textbooks or programs, establish *the state-approved*
 26 *list of*~~[a state multiple list of recommended]~~ *instructional*
 27 *materials*~~[textbooks]~~ and programs.

1 **(b)** The state-approved list of ~~recommended~~ instructional materials~~textbooks~~
2 and programs shall be free of factual error.

3 **(c)** Copies of all selection criteria and evaluation forms submitted by the
4 instructional materials~~textbook~~ reviewers shall be:

5 **1.** Made available to task force~~commission~~ members and maintained on
6 file within the department~~of Education~~ for the duration of the review
7 cycle; and

8 **2.** Provided in a consumer guide to schools and districts to aid in the
9 selection of high quality instructional materials~~length of the books.~~
10 ~~For those materials placed on the state multiple list of recommended~~
11 ~~textbooks and programs, the Department of Education shall publish a~~
12 ~~consumer guide that includes summary results of the evaluations and~~
13 ~~any factual error identified in the textbooks, and shall distribute it to all~~
14 ~~public schools in the state].~~

15 ➔Section 16. KRS 156.410 is amended to read as follows:

16 (1) The chief state school officer shall prepare minimum manufacturing standards,
17 delineate content specifications~~]~~ in accordance with the academic standards
18 established in KRS 158.6453~~the curriculum requirements of the program of~~
19 ~~studies] for Kentucky schools in~~ grades kindergarten through twelve (12)~~[K-12]~~,
20 and formulate other criteria for use in the evaluation of instructional materials to
21 guide the instructional resources depository established in Section 11 of this Act,
22 which~~textbooks and programs in Kentucky. Criteria]~~ shall require that all materials
23 be suitable for use with a diverse population and be free of social, ethnic, racial,
24 religious, age, gender, and geographic bias.

25 (2) ~~It shall be the duty of the chief state school officer to prepare all necessary forms~~
26 ~~for use in the evaluation of textbooks and programs, such as advertising for~~
27 ~~textbook bids; forms for bids, bonds, and contracts; and other forms.~~

1 (3) ~~—~~ The Kentucky Board of Education, upon the recommendation of the chief state
2 school officer, shall have authority to *promulgate administrative regulations in*
3 *accordance with KRS Chapter 13A* ~~[prescribe]:~~

4 (a) ~~[Administrative regulations]~~ Pertaining to *the evaluation, selection, and use*
5 *of high quality instructional materials and programs* ~~[all textbook samples~~
6 ~~for use]~~ on the state and local levels; and

7 (b) ~~[Shall have authority to promulgate administrative regulations]~~ Relating to the
8 agents and representatives of *instructional materials* ~~[textbooks]~~ and
9 programs *and* ~~[, as to]~~ the methods and procedures for use in adoptions on the
10 state and local levels.

11 ~~(3)~~ ~~(4)~~ The *instructional materials depository* ~~[chief state school officer, on or before~~
12 ~~May 1 prior to any adoption year,]~~ shall properly advertise the subjects for which
13 *instructional materials* ~~[textbook]~~ adoptions will be made and notify the different
14 publishers *and developers* of *instructional materials* ~~[the textbooks]~~. The publishers
15 *or developers* ~~[, on or before July 15, of any adoption year,]~~ shall file with the
16 *depository* ~~[chief state school officer textbook]~~ samples *of instructional materials,*
17 filing fees, ~~[textbook]~~ bids and bonds, and other specified information relative to
18 the *instructional materials* ~~[books]~~ that they desire to offer for adoption.

19 ~~(4)~~ ~~(5)~~ The *instructional materials depository* ~~[chief state school officer]~~ shall:

- 20 (a) Review the bid information submitted by the publishers *and developers*;
- 21 (b) Verify that the bid complies with the specifications; and
- 22 (c) Prepare a list of *instructional materials* ~~[textbooks]~~ and programs, for
23 consideration by the *task force,* ~~[State Textbook Commission]~~ indicating those
24 in compliance with the standards and specifications and those not in
25 compliance, detailing areas of noncompliance.

26 ➔ Section 17. KRS 156.415 is amended to read as follows:
27 Before *instructional materials* ~~[textbooks]~~ and programs offered for adoption and use in

1 public schools of Kentucky may be placed on the state-approved list~~[lawfully~~
2 ~~recommended and listed by the State Textbook Commission or purchased by any board~~
3 ~~of education]~~, the person, firm, or corporation offering the materials for adoption and use
4 shall file with the instructional materials depository~~[chief state school officer]:~~

5 (1) Copies of all instructional materials~~[textbooks]~~ and programs that the person, firm,
6 or corporation desires to offer for adoption and use, with a sworn statement of the
7 list price and the lowest wholesale price at which each of the titles is sold in any
8 adopting unit;

9 (2) A statement that all the titles offered for sale, adoption, and use, do comply with the
10 standards and specifications for instructional materials~~[textbooks]~~ designated by
11 the chief state school officer as regards paper, binding, printing, illustrations,
12 subject matter, and other items included in the standards and specifications;

13 (3) Copies of any revision or special editions of the instructional materials~~[textbooks]~~
14 and programs filed, with a statement describing in detail each point of difference
15 from the regular edition filed, and the list price and the lowest wholesale price at
16 which the revision or special edition is sold anywhere in the United States; and

17 (4) ~~[A fee of five dollars (\$5) for each book filed except when a series of books is filed,~~
18 ~~in which case the fee shall be five dollars (\$5) for the first book and one dollar (\$1)~~
19 ~~for each additional book in the series. The fee provided by this subsection shall be~~
20 ~~paid at each and every adoption period;~~

21 (5) ~~A bond running to the Commonwealth of Kentucky, executed by a surety company~~
22 ~~authorized to do business in this state, in a sum not less than two thousand dollars~~
23 ~~(\$2,000) nor more than ten thousand dollars (\$10,000), to be determined by the~~
24 ~~chief state school officer; and~~

25 (6) ~~[An affidavit certifying any instructional materials that~~[textbook]~~ the publisher or~~
26 ~~developer~~[manufacturer]~~ offers in the state is~~[to be]~~ free of factual error at the time~~
27 ~~the publisher or developer is placed on the state-approved list~~[manufacturer]~~~~

1 ~~executes a contract~~].

2 ➔Section 18. KRS 156.433 is amended to read as follows:

- 3 (1) The Kentucky Board of Education, upon recommendation of the chief state school
4 officer, shall promulgate an administrative regulation identifying instructional
5 materials eligible for purchase with state instructional materials~~[textbook]~~ funds.
6 The regulation shall identify instructional materials which are subject to review
7 before being recommended for use, establish a procedure for the review, and a
8 process for adding an instructional material to the state-approved~~[recommended]~~
9 list.~~[The Department of Education may pay instructional materials reviewers an~~
10 ~~amount not to exceed one thousand dollars (\$1,000) annually per reviewer for their~~
11 ~~services using funds from the appropriation for state textbooks.]~~
- 12 (2) The department ~~[of Education]~~ shall report~~[establish]~~ the~~[a]~~ state-approved list of
13 ~~[recommended]~~ instructional materials for the use of school personnel as selected
14 by the task force.
- 15 (3) The chief state school officer, subject to the approval of the Kentucky Board of
16 Education, may purchase instructional materials from the publishers or
17 developers whose instructional materials have been adopted by a school district
18 for grades kindergarten through twelve (12) and distribute them without cost to
19 the pupils attending the public schools in the school district.
- 20 (4) Allocations and purchases using state instructional materials funds shall be
21 conducted in accordance with KRS 156.395 to 156.476.

22 ➔Section 19. KRS 156.435 is amended to read as follows:

- 23 (1) The State Quality Curriculum Task Force~~[Textbook Commission]~~ shall~~[, not later~~
24 ~~than September 20 of any year in which an adoption is to be made,]~~ select,
25 recommend, and publish the~~[a]~~ state-approved list of instructional
26 materials~~[books]~~ or programs for reading and writing, mathematics, science, and
27 social studies in each ~~[subject and]~~grade or grade band, taking into account the

1 needs of the various types of students.

2 (2) The task force~~[State Textbook Commission]~~ shall have the authority to reject any
3 book which:

4 (a) Contains subversive material or information that is offered for listing or
5 adoption. If the task force~~[commission]~~ finds on the state-approved~~[multiple]~~
6 list any book which contains subversive material or information~~[-, provided the~~
7 ~~publisher of the book has been given written notice by the secretary of the~~
8 ~~commission not less than thirty (30) days prior to the meeting]~~, the task
9 force~~[textbook commission]~~ shall have authority to remove the book from the
10 state-approved~~[multiple]~~ list;

11 (b) Is in noncompliance with academic standards established in KRS 158.6453~~[-~~
12 ~~and specifications set forth in KRS 156.410]~~; or

13 (c) Is not of high quality in terms of the content provided, the audience addressed,
14 the format used, the readability and accessibility of material or the ancillary
15 materials provided the teacher and students.

16 (3) The task force~~[State Textbook Commission]~~ shall have the authority to solicit
17 additions for the state-approved list to be included in the instructional materials
18 depository established in Section 11 of this Act~~[when the list does not contain~~
19 ~~books or materials for subjects added to the state courses of study]~~.

20 (4) ~~[The chief state school officer shall make and execute contracts for the~~
21 ~~recommended textbooks and programs with the publishers on or before May 1~~
22 ~~following the establishment of the state multiple list of recommended titles selected~~
23 ~~by the commission. Except as described in KRS 156.400, all contracts shall run for~~
24 ~~six (6) years.~~

25 (5) ~~]~~The chief state school officer shall prepare the~~[a]~~ state-approved~~[multiple]~~ list of
26 instructional materials~~[recommended textbooks]~~ or programs for reading and
27 writing, mathematics, science, and social studies and publish the list along with a

1 consumer guide and distribute the selection criteria and evaluation
 2 forms~~[documents]~~ to the superintendents of each ~~[county and independent]~~ school
 3 district in Kentucky on or before November 15 of each adoption year.

4 ➔ Section 20. KRS 156.439 is amended to read as follows:

5 (1) The Kentucky Board of Education shall promulgate ~~[by]~~ administrative regulations
 6 in accordance with KRS Chapter 13A to establish the method for calculating and
 7 distributing a district's ~~[textbook and instructional materials]~~ allocation of state
 8 instructional materials funds. The district's allocation shall be used by schools to
 9 purchase:

10 (a) Instructional materials~~[Textbooks]~~ and programs from the state-approved~~[~~
 11 ~~recommended]~~ list;

12 (b) Instructional materials~~[Textbooks]~~ and programs not on the state-
 13 approved~~[state's recommended]~~ list~~[,]~~ if notification is submitted to the
 14 department ~~[of Education]~~ that the material meets the selection criteria of the
 15 task force~~[State Textbook Commission]~~ in KRS 156.405(3)(a) or (b), the
 16 subject specific criteria of the instructional materials~~[textbook]~~ reviewers
 17 pursuant to KRS 156.407~~(4)~~~~(5)~~, and compliance with the required ~~[publisher~~
 18 ~~]specifications;~~

19 (c) Instructional materials and programs, with an approved plan pursuant to
 20 subsection (2) of this section;~~[or]~~

21 (d) Instructional materials and programs for a subject not included in the state-
 22 approved list if the district demonstrates that the district already maintains
 23 high quality instructional materials in the subjects included on the state-
 24 approved list and has a need in a subject not included on the state-approved
 25 list; or

26 (e) Any combination of the above.

27 (2) The district shall use the instructional materials depository established in Section

1 **11 of this Act to** identify all purchases **it makes**~~[made]~~ with **an**~~[the textbook and~~
 2 ~~]instructional materials allocation and shall keep on file a plan developed by each~~
 3 school, in accordance with administrative regulations promulgated by the Kentucky
 4 Board of Education, for providing the necessary ~~[textbooks and]~~instructional
 5 materials for all grades **for reading and writing, mathematics, science, and social**
 6 **studies**~~[, and subject areas, including the replacement of books and materials during~~
 7 ~~the six (6) year adoption period]. A school may carry forward to the next school~~
 8 year any part of its ~~[textbook and]~~instructional materials allocation which has been
 9 distributed to the district.~~[If a local board does not approve a school council's plan,~~
 10 ~~the council may appeal to the commissioner and an administrative hearing shall be~~
 11 ~~conducted in accordance with KRS Chapter 13B.]~~

12 ➔Section 21. KRS 156.440 is amended to read as follows:

13 Publishers **or developers**, upon the request of the **instructional materials depository**
 14 **established in Section 11 of this Act or** superintendents of ~~[the county and independent~~
 15 ~~]school districts, shall furnish [to the local boards of education]~~the requested sample
 16 copies of their materials that were selected and placed on the state-**approved**~~[multiple]~~
 17 list of recommended **instructional materials**~~[textbooks]~~ by the State **Quality Curriculum**
 18 **Task Force**~~[Textbook Commission]~~.

19 ➔Section 22. KRS 156.445 is amended to read as follows:

20 (1) **Instructional materials**~~[No textbook]~~ or **programs for reading and writing,**
 21 **mathematics, science, and social studies**~~[program]~~ shall **not** be used in any public
 22 school in Kentucky as a **core comprehensive resource**~~[basal title]~~ unless **they**
 23 **have**~~[it has]~~ been recommended and listed on the state-**approved**~~[multiple]~~ list by
 24 the State **Quality Curriculum Task Force**,~~[Textbook Commission]~~ or unless a
 25 school and district has met the notification requirements under subsection (2) of this
 26 section. Any changes of **instructional materials**~~[textbooks]~~ made by the **task**
 27 **force**~~[State Textbook Commission]~~ shall not become effective until grades and

1 classes of ~~[the respective county and independent]~~ school districts have completed
 2 work for which the adopted materials~~[book]~~ then in use was originally intended.
 3 ~~[Nothing in]~~ This section shall not apply to the supplementary materials~~[books]~~
 4 that are needed from time to time.

5 (2) *The superintendent of a school district shall submit a notification to the*
 6 *department if the school district*~~[A school council, or if none exists, the principal,~~
 7 ~~may notify, through the superintendent, the State Textbook Commission that it]~~
 8 plans to adopt instructional materials~~[a basal textbook]~~ or a program as a core
 9 *comprehensive resource for reading and writing, mathematics, science, or social*
 10 *studies* that is not on the state-approved~~[recommended]~~ list by submitting evidence
 11 that the instructional materials or program~~[title]~~ it has chosen meets the selection
 12 criteria of the task force~~[State Textbook Commission]~~ in KRS 156.405(3)(a) or (b)
 13 and the subject specific criteria of the textbook reviewers pursuant to KRS
 14 156.407(4)~~[(5)]~~ and complies with the required ~~[publisher]~~ specifications.

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

19 ➔ Section 23. KRS 156.460 is amended to read as follows:

20 A~~[No]~~ superintendent, teacher, or other official or employee of any institution supported
 21 wholly or in part by public funds shall not act, directly or indirectly, as agent for any
 22 person whose instructional materials~~[school textbooks]~~ are identified on the state-
 23 approved list~~[filed with the chief state school officer]~~.

24 ➔ Section 24. KRS 156.465 is amended to read as follows:

25 No person shall secure or attempt to secure the adoption of any instructional
 26 materials~~[school textbook]~~ in any school district in this state, by rewarding or promising
 27 to reward, directly or indirectly, any person in any public school district in the state. No

1 person shall offer or give any emolument to any person in any school district in this state
 2 for any vote or promise to vote, or the use of his influence, for any **instructional**
 3 **materials**~~[school textbook]~~ to be used in this state.

4 ➔Section 25. KRS 156.476 is amended to read as follows:

- 5 (1) The Kentucky Board of Education, upon the recommendation of the chief state
 6 school officer, shall select suitable **instructional materials**~~[textbooks]~~ and programs
 7 in an appropriate format, which include braille textbooks, and other materials
 8 available in clear type of eighteen (18) to twenty-four (24) points in the different
 9 subject areas for children with impaired vision who are attending the public schools
 10 of the Commonwealth of Kentucky in grades kindergarten through twelve (12).
 11 These **instructional**~~[books and]~~ materials shall not be subject to the official bids,
 12 filing fees, sampling, and the stipulated list prices, lowest wholesale prices, and the
 13 standards and specifications required for the **instructional**~~[books and]~~ materials
 14 approved and listed by the State **Quality Curriculum Task Force under KRS**
 15 **156.395 to 156.476**~~[Textbook Commission]~~ for regular use by the pupils attending
 16 the public schools of the State of Kentucky. The Kentucky Board of Education,
 17 upon the recommendation of the chief state school officer, may promulgate an
 18 administrative regulation determining the pupils eligible for the **instructional**~~[books~~
 19 ~~and]~~ materials, the number ~~[of books]~~ and types of **instructional** materials to be
 20 purchased, and the general administration of the program. The chief state school
 21 officer, subject to the approval of the Kentucky Board of Education, may purchase
 22 these books and materials and distribute them without cost to the pupils with
 23 impaired vision attending the public schools of the state. All **instructional**
 24 **materials**~~[books]~~ and programs purchased under this section for the pupils with
 25 impaired vision are the property of the state.
- 26 (2) The Department of Education shall require any publisher **or developer** of **an**
 27 **instructional material**~~[a textbook]~~ or program adopted for use in the public schools

1 of the Commonwealth to furnish the American Printing House for the Blind with an
 2 electronic version~~[computer diskettes or tapes]~~ of those instructional~~[print]~~
 3 materials either in the American Standard Code for Information Interchange,
 4 (ASCII), or in any other format~~[, either electronic or print,]~~ which can be readily
 5 translated into braille or large print.

6 ➔Section 26. KRS 156.990 is amended to read as follows:

- 7 (1) Any witness who fails, without legal excuse, to attend or to testify, when required
 8 by the chief state school officer under these provisions, shall be fined not more than
 9 twenty-five dollars (\$25) for each offense.
- 10 (2) Any person who violates any of the provisions of KRS 156.395 to 156.476~~[156.400~~
 11 ~~to 156.470]~~ shall be fined not more than five hundred dollars (\$500) or imprisoned
 12 not more than three (3) months, or both.
- 13 (3) A violation of subsection (1) of KRS 156.483 shall cause the Department of
 14 Education to be fined not less than five hundred dollars (\$500) or more than one
 15 thousand dollars (\$1,000).
- 16 (4) Any person who operates a non-school bus passenger vehicle to transport a student
 17 or students within the Commonwealth without holding a current valid license as
 18 required pursuant to KRS 156.153(3)(c) shall be guilty of a Class D felony.

19 ➔Section 27. KRS 171.215 is amended to read as follows:

- 20 (1) The Department for Libraries and Archives shall purchase textbooks from
 21 publishers whose books have been adopted by the State Quality Curriculum Task
 22 Force under KRS 156.395 to 156.476~~[textbook commission]~~ for distribution
 23 without cost to pupils attending grade one (1) through grade twelve (12) of the
 24 state's nonpublic schools which have been accredited by the State Department of
 25 Education.
- 26 (2) The chief school administrator of each eligible school may file a requisition with
 27 the state librarian for the books needed for the next ensuing school term. Textbooks

1 eligible for distribution by grade level or subject shall conform to the schedule in
2 use by the Kentucky Board of Education for distribution to the public schools.

3 (3) The state librarian shall develop rules and regulations governing the purchase,
4 requisition, distribution, assignment to students, care, use and return of textbooks,
5 and a plan for permanently labeling the textbooks as the property of the Department
6 for Libraries and Archives. The rules and regulations shall provide for the
7 allocation of textbooks in a manner reflecting, and not to exceed the expressly
8 limited appropriation to fund the allocation. The rules and regulations shall be
9 developed in consultation with the Department of Education and shall conform,
10 within statutory limits, to the rules and regulations already established by the
11 Kentucky Board of Education.

12 (4) All textbooks purchased under the provisions of this section are the property of the
13 state. Each school administrator obtaining books through the Department for
14 Libraries and Archives is custodian of the books in his school. He shall issue the
15 books to the students according to the rules and regulations formulated by the state
16 librarian.

17 (5) Funds appropriated by the General Assembly to the Department for Libraries and
18 Archives for this purpose shall not be expended for any textbooks which present a
19 particular religious philosophy and shall not be considered as or commingled with
20 common school funds and shall be allocated each year to the nonpublic school
21 students as provided by rule and regulation of the Department for Libraries and
22 Archives to the extent allowed by the appropriation provided in Acts 1978, ch. 139,
23 sec. 2.

24 ➔Section 28. KRS 158.6453 is amended to read as follows:

25 (1) As used in this section:

26 (a) "Accelerated learning" means an organized way of helping students meet
27 individual academic goals by providing direct instruction to eliminate student

- 1 performance deficiencies or enable students to move more quickly through
 2 course requirements and pursue higher level skill development;
- 3 (b) "Constructed-response items" or "performance-based items" means individual
 4 test items that require the student to create an answer rather than select a
 5 response and may include fill-in-the-blank, short-answer, extended-answer,
 6 open-response, and writing-on-demand formats;
- 7 (c) "Criterion-referenced test" means a test that is aligned with defined academic
 8 content standards and measures an individual student's level of performance
 9 against the standards;
- 10 ~~(d) ["End of course examination" means the same as defined in KRS 158.860;~~
 11 ~~(e)]~~ "Formative assessment" means a process used by teachers and students
 12 during instruction to adjust ongoing teaching and learning to improve
 13 students' achievement of intended instructional outcomes. Formative
 14 assessments may include the use of commercial assessments, classroom
 15 observations, teacher-designed classroom tests and assessments, and other
 16 processes and assignments to gain information about individual student
 17 learning;
- 18 ~~(e)~~~~(f)~~ "Interim assessments" means assessments that are given periodically
 19 throughout the year to provide diagnostic information and to show individual
 20 student performance against content standards;
- 21 ~~(f)~~~~(g)~~ "Summative assessment" means an assessment given at the end of the
 22 school year, semester, or other period of time to evaluate students'
 23 performance against content standards within a unit of instruction or a course;
 24 and
- 25 ~~(g)~~~~(h)~~ "Writing" means a purposeful act of thinking and expression that uses
 26 language to explore ideas and communicate meaning to others. Writing is a
 27 complex, multifaceted act of communication and is distinct from basic

1 handwriting or penmanship.

2 (2) (a) ~~[Beginning in fiscal year 2017-2018, and]~~Every six (6) years~~[thereafter],~~ the
3 Kentucky Department of Education shall implement a process for reviewing
4 Kentucky's academic standards and the alignment of corresponding
5 assessments for possible revision or replacement to ensure alignment with
6 transition readiness standards necessary for global competitiveness, state
7 career and technical education standards, and KRS 158.196.

8 (b) The revisions to the content standards shall:

- 9 1. Focus on critical knowledge, skills, and capacities needed for success in
10 the global economy;
- 11 2. Result in fewer but more in-depth standards to facilitate mastery
12 learning;
- 13 3. Communicate expectations more clearly and concisely to teachers,
14 parents, students, and citizens;
- 15 4. Be based on evidence-based research;
- 16 5. Consider international benchmarks; and
- 17 6. Ensure that the standards are aligned from elementary to high school to
18 postsecondary education so that students can be successful at each
19 education level.

20 (c) 1. The department shall establish four (4) standards and assessments
21 review committees, with each committee composed of a minimum of six
22 (6) Kentucky public school teachers and a minimum of two (2)
23 representatives from Kentucky institutions of higher education,
24 including at least one (1) representative from a public institution of
25 higher education. Each committee member shall teach in the subject
26 area that his or her committee is assigned to review and have no prior or
27 current affiliation with a curriculum or assessment resources vendor.

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

- 1 designee as a nonvoting member and nine (9) voting representatives of
2 public schools, of whom at least two (2) shall be parents of public
3 school students, appointed by the Governor and confirmed by the Senate
4 in accordance with KRS 11.160 as follows:
- 5 a. One (1) language arts teacher;
 - 6 b. One (1) math teacher;
 - 7 c. One (1) science teacher;
 - 8 d. One (1) social studies teacher;
 - 9 e. Two (2) school principals;
 - 10 f. Two (2) school superintendents; and
 - 11 g. One (1) school board member.
- 12 2. On making appointments to the committee, the Governor shall ensure
13 broad geographical urban and rural representation and representation of
14 elementary, middle, and high school levels; ensure equal representation
15 of the two (2) sexes, inasmuch as possible; and ensure that appointments
16 reflect the minority racial composition of the Commonwealth.
 - 17 3. The review of the committee shall be limited to the procedural aspects
18 of the review process undertaken prior to its consideration.
 - 19 4. Notwithstanding KRS 12.028, the committee shall not be subject to
20 reorganization by the Governor.
- 21 (g) 1. The review process implemented under this subsection shall be an open,
22 transparent process that allows all Kentuckians an opportunity to
23 participate. The department shall ensure the public's assistance in
24 reviewing and suggesting changes to the standards and alignment
25 adjustments to corresponding state assessments by establishing a
26 website dedicated to collecting comments by the public and educators.
27 An independent third party, which has no prior or current affiliation with

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

1 corresponding alignment of state assessments or find the input process
2 deficient. If the process is found deficient, the recommendations may be
3 returned to the appropriate standards and assessments review committee
4 for review as described in subparagraph 3. of this paragraph. If the
5 process is found sufficient, the recommendations shall be forwarded
6 without amendment to the Kentucky Board of Education.

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

12 (i) 1. The Kentucky Board of Education shall consider for approval the
13 revisions to academic standards for a content area and the alignment of
14 the corresponding state assessment once recommendations are received
15 from the standards and assessments process review committee. Existing
16 state academic standards shall remain in place until the board approves
17 new standards.

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

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

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

27 1. Integrate the revised content standards into classroom instruction;

- 1 2. Better integrate performance assessment of students within their
2 instructional practices; and
- 3 3. Help all students use higher-order thinking and communication skills.
- 4 (k) The Education Professional Standards Board in cooperation with the
5 Kentucky Board of Education and the Council on Postsecondary Education
6 shall coordinate information and training sessions for faculty and staff in all of
7 the teacher preparation programs in the use of the revised academic content
8 standards. The Education Professional Standards Board shall ensure that each
9 teacher preparation program includes use of the academic standards in the
10 pre-service education programs and that all teacher interns will have
11 experience planning classroom instruction based on the revised standards.
- 12 (l) The Council on Postsecondary Education in cooperation with the Kentucky
13 Department of Education and the postsecondary education institutions in the
14 state shall coordinate information sessions regarding the academic content
15 standards for faculty who teach in the various content areas.
- 16 *(m) The Education Professional Standards Board shall, as a condition of*
17 *program approval, require teacher preparation programs to align*
18 *curriculum with the expectations set forth in the state's academic content*
19 *standards.*
- 20 (3) (a) The Kentucky Board of Education shall be responsible for creating and
21 implementing a balanced statewide assessment program that measures the
22 students', schools', and districts' achievement of the goals set forth in KRS
23 158.645 and 158.6451, to ensure compliance with the federal Every Student
24 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure
25 school accountability.
- 26 (b) The board shall revise the annual statewide assessment program as needed in
27 accordance with revised academic standards and corresponding assessment

1 alignment adjustments approved by the board under subsection (2) of this
2 section.

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

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

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

16 (b) The annual student summative tests shall:

- 17 1. Measure individual student achievement in language, reading, English,
18 mathematics, science, and social studies at designated grades;
- 19 2. Provide teachers and parents a valid and reliable comprehensive analysis
20 of skills mastered by individual students;
- 21 3. Provide diagnostic information that identifies strengths and academic
22 deficiencies of individual students in the content areas;
- 23 4. Provide information to teachers that can enable them to improve
24 instruction for current and future students;
- 25 5. Provide longitudinal profiles for students; and
- 26 6. Ensure school and district accountability for student achievement of the
27 goals set forth in KRS 158.645 and 158.6451, except the statewide

1 assessment program shall not include measurement of a student's ability
2 to become a self-sufficient individual or to become a responsible
3 member of a family, work group, or community.

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

5 (a) Elementary and middle grades requirements are:

- 6 1. A criterion-referenced test each in mathematics and reading in grades
7 three (3) through eight (8) that is valid and reliable for an individual
8 student and that measures the depth and breadth of Kentucky's academic
9 content standards;
- 10 2. A criterion-referenced test each in science and social studies that is valid
11 and reliable for an individual student as necessary to measure the depth
12 and breadth of Kentucky's academic content standards to be
13 administered one (1) time within the elementary and middle grades,
14 respectively;
- 15 3. An on-demand assessment of student writing to be administered one (1)
16 time within the elementary grades and one (1) time within the middle
17 grades; and
- 18 4. An editing and mechanics test relating to writing, using multiple choice
19 and constructed response items, to be administered one (1) time within
20 the elementary and the middle grades, respectively;

21 (b) High school requirements are:

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

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

1 and outline the procedures to be used during the testing process to ensure test
2 security, including procedures for testing makeup days, and to comply with federal
3 assessment requirements.

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

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

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

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

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

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

27 (b) If funds are available, the Kentucky Department of Education shall provide a

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

1 provided to the school districts and schools shall include an electronic copy of an
2 operational subset of test items from each assessment administered to their students
3 and the results for each of those test items by student and by school.

4 (14) The Department of Education shall gather information to establish the validity of
5 the assessment and accountability program. It shall develop a biennial plan for
6 validation studies that shall include but not be limited to the consistency of student
7 results across multiple measures, the congruence of school scores with documented
8 improvements in instructional practice and the school learning environment, and the
9 potential for all scores to yield fair, consistent, and accurate student performance
10 level and school accountability decisions. Validation activities shall take place in a
11 timely manner and shall include a review of the accuracy of scores assigned to
12 students and schools, as well as of the testing materials. The plan shall be submitted
13 to the Commission by July 1 of the first year of each biennium. A summary of the
14 findings shall be submitted to the Legislative Research Commission by September
15 1 of the second year of the biennium.

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

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

27 (17) The Kentucky Board of Education, after the Department of Education has received

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

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

- 13 1. Student academic achievement, including the results from each of the
14 assessments administered under this section;
- 15 2. For Advanced Placement, Cambridge Advanced International, and
16 International Baccalaureate, the courses offered, the number of students
17 enrolled, completing, and taking the examination for each course, and
18 the percentage of examinees receiving a score of three (3) or better on
19 AP examinations, a score of "e" or better on Cambridge Advanced
20 International examinations, or a score of four (4) or better on IB
21 examinations. The data shall be disaggregated by gender, race, students
22 with disabilities, and economic status;
- 23 3. Nonacademic achievement, including the school's attendance, retention,
24 graduation rates, and student transition to postsecondary;
- 25 4. School learning environment, including measures of parental
26 involvement; and
- 27 5. Any other school performance data required by the Every Student

- 1 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;
- 2 (b) An individual student report to parents for each student in grades three (3)
3 through eight (8) summarizing the student's skills in reading, science, social
4 studies, and mathematics. The school's staff shall develop a plan for
5 accelerated learning for any student with identified deficiencies or strengths;
6 and
- 7 (c) A student's score on the college admissions assessment administered under
8 subsection (5)(b)5. of this section.
- 9 (18) (a) ~~[Beginning in fiscal year 2017-2018, and]~~Every six (6) years~~[thereafter]~~, the
10 Kentucky Department of Education shall implement a comprehensive process
11 for reviewing and revising the academic standards in visual and performing
12 arts and practical living skills and career studies for all levels and in foreign
13 language for middle and high schools. The department shall develop review
14 committees for the standards for each of the content areas that include
15 representation from certified specialist public school teachers and
16 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 certified public
2 school teachers of visual and performing arts, may develop program standards
3 for the visual and performing arts.

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

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

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

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

25 ➔Section 29. The following KRS sections are repealed:

26 156.420 Bond conditions for person, firm, or corporation offering textbooks.

27 156.425 Form of statement and bond -- Supplemental statement and bond.

- 1 156.430 Violation of bond -- Suit on bond.
- 2 156.437 Administrative regulations for listing, adoption, and purchase of subject
3 programs.
- 4 156.438 Administrative regulations for reviewing and resolving claims of factual errors
5 in adopted textbooks.
- 6 156.470 Copy of recommended titles to remain in specified office for period of
7 adoption.
- 8 156.474 Multiple textbook adoptions.
- 9 156.475 Title.
- 10 ➔Section 30. The following KRS sections are repealed:
- 11 156.108 Districts of innovation -- Definitions -- Approval by Kentucky Board of
12 Education -- Administrative regulations to prescribe conditions and procedures to
13 be used by local boards.
- 14 160.107 Application and implementation requirements for districts of innovation.
- 15 ➔Section 31. Sections 1 to 10 of this Act may be cited as the School Innovation
16 Act.
- 17 ➔Section 32. Sections 11 to 29 of this Act take effect July 1, 2026.