

1 AN ACT relating to public schools.

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

3 ➔Section 1. KRS 160.346 is amended to read as follows:

4 (1) For purposes of this section:

5 (a) "Approved turnaround vendor list" means a list of at least three (3) vendors
6 pre-approved by the Kentucky Board of Education for the purposes of
7 subsection (8) of this section that have documented success at providing
8 turnaround diagnosis, training, and improved performance of organizations;

9 (b) "Department" means the Kentucky Department of Education;

10 (c) "ESSA" means the Every Student Succeeds Act of 2015, Pub. L. No. 114-95,
11 or its successor;

12 (d) "Level" means elementary, middle, or high school;

13 (e) "Turnaround" means a comprehensive transformation of a school to achieve
14 accelerated, meaningful, and sustainable increases in student achievement
15 through improved school leadership and school district support;

16 (f) "Turnaround plan" means a mandatory school plan that is designed to
17 improve student learning and performance with evidence-based interventions
18 as defined in ESSA and that is developed and implemented by the local
19 school district in partnership with stakeholders, including the principal, other
20 school leaders, teachers, and parents; and

21 (g) "Turnaround team" means the turnaround training and support team described
22 in subsection (8)(a) of this section.

23 (2) (a) Beginning with the 2020-2021 school year, and annually thereafter, the
24 department shall identify a school for targeted support and improvement if the
25 school has one (1) or more of the same subgroups, as defined by ESSA,
26 whose performance in the state accountability system by level is at or below
27 that of all students in any of the lowest-performing five percent (5%) of all

1 schools for three (3) consecutive years.

2 (b) Beginning with the 2021-2022 school year, and every three (3) years
3 thereafter, the department shall identify a school for additional targeted
4 support and improvement if the school has one (1) or more subgroups, as
5 defined by ESSA, whose performance in the state accountability system by
6 level is at or below the summative performance of all students in any of the
7 lowest-performing five percent (5%) of all schools identified under subsection
8 (3)(a) of this section and the school was identified in the immediately
9 preceding year for targeted support and improvement as described in
10 paragraph (a) of this subsection.

11 (3) Beginning with the 2021-2022 school year, and every three (3) years thereafter, a
12 school shall be identified by the department for comprehensive support and
13 improvement if the school is:

14 (a) In the lowest-performing five percent (5%) of all schools in its level based on
15 the school's performance in the state accountability system;

16 (b) A high school with a four (4) year cohort graduation rate that is less than
17 eighty percent (80%); or

18 (c) Identified by the department for additional targeted support and improvement
19 under subsection (2)(b) of this section and fails to exit additional targeted
20 support and improvement status based on criteria established under subsection
21 (11) of this section.

22 (4) (a) When a school is identified for targeted support and improvement under
23 subsection (2)(a) of this section, the local school personnel, working with
24 stakeholders, including the principal, other school leaders, teachers, and
25 parents, shall revise its school improvement plan, which shall be subject to
26 review and approval by the local board of education.

27 (b) Each revised plan shall be informed by all available indicators, including

1 student performance compared to long-term goals, and shall include:

- 2 1. Components of turnaround leadership development and support;
- 3 2. Identification of critical resource inequities;
- 4 3. Evidence-based interventions; and
- 5 4. Additional actions that address the causes of consistently
- 6 underperforming subgroups of students.

7 (c) If adequate performance progress, as defined by the department, is not made,
8 the local school district shall take additional action to assist and support the
9 school in reaching performance goals.

10 (5) When a school is identified for additional targeted support and improvement under
11 subsection (2)(b) of this section, the local school district shall take more rigorous
12 district-determined action to assist and support the school in reaching performance
13 goals.

14 (6) (a) When a school is identified for comprehensive support and improvement, an
15 audit shall be performed by the department to diagnose the causes of the
16 school's low performance.

17 (b) The audit conducted under this subsection shall be the only comprehensive
18 audit required for a school unless the school fails to exit comprehensive
19 support and improvement status as described in subsection (11) of this section
20 or exits comprehensive support and improvement status but subsequently
21 repeats as a school identified for comprehensive support and improvement.

22 (7) (a) The audit conducted by the department under subsection (6) of this section
23 shall include:

- 24 1. A diagnosis of the causes of the school's low performance, with an
25 emphasis on underperforming subgroups of students and corresponding
26 critical resource inequities;
- 27 2. An assessment and recommendation to the superintendent regarding the

- 1 best strategies to address the school's specific needs;
- 2 3. An assessment of the interaction and relationship among the
3 superintendent, central office personnel, and the school principal;
- 4 4. A recommendation of the steps the school may implement to launch and
5 sustain a turnaround process; and
- 6 5. A recommendation to the local board of education of the turnaround
7 principles and strategies necessary for the superintendent to assist the
8 school with turnaround.
- 9 (b) The report of an audit conducted under this subsection shall be provided to the
10 superintendent, local board of education, school principal, commissioner of
11 education, and the Kentucky Board of Education.
- 12 (8) After completion of the audit described in subsection (7) of this section, each school
13 identified for comprehensive support and improvement shall engage in the
14 following turnaround intervention process:
- 15 (a) The local board of education shall select a vendor from the approved
16 turnaround vendor list to provide a turnaround training and support team to
17 the school identified for comprehensive support and improvement. The local
18 board of education shall negotiate the scope and duration of the vendor's
19 services;
- 20 (b) The authority of the school council granted under KRS 160.345 shall be
21 transferred to the superintendent;
- 22 (c) The superintendent shall select a principal for the school if a principal
23 vacancy occurs. The superintendent shall consult with the turnaround team,
24 parents, certified staff, and classified staff before appointing a principal
25 replacement;
- 26 (d) Upon recommendation of the principal, the superintendent may reassign
27 certified staff members to a comparable position in the school district;

- 1 (e) The superintendent shall collaborate with the turnaround team to design
2 ongoing turnaround training and support for the principal and a corresponding
3 monitoring system of effectiveness and student achievement results;
- 4 (f) The principal shall collaborate with the turnaround team to establish an
5 advisory leadership team representing school stakeholders including other
6 school leaders, teachers, and parents;
- 7 (g) 1. In consultation with the department, the local school board shall
8 collaborate with the superintendent, principal, turnaround team, and the
9 advisory leadership team to propose a three (3) year turnaround plan.
- 10 2. The turnaround plan shall include requests to the department for
11 exemptions from submitting documentation that are identified by the
12 principal, advisory leadership team, and turnaround team as inhibitors to
13 investing time in innovative instruction and accelerated student
14 achievement of diverse learners including ongoing staff instructional
15 plans, student interventions, formative assessment results, or staff
16 effectiveness processes.
- 17 3. The turnaround plan shall be reviewed for approval by the
18 superintendent and the local board of education and shall be subject to
19 review, approval, monitoring, and periodic review by the department as
20 described in KRS 158.782;
- 21 (h) The school district may request technical assistance from the department for
22 development and implementation of the turnaround plan, which may include
23 conducting needs assessments, selecting evidence-based interventions, and
24 reviewing and addressing resource inequities;
- 25 (i) The turnaround plan shall be fully implemented by the first full day of the
26 school year following the school year the school was identified for
27 comprehensive support and improvement; and

- 1 (j) The superintendent shall periodically report to the local school board, and at
2 least annually to the commissioner of education, on the implementation and
3 results of the turnaround plan.
- 4 (9) The department shall annually disburse funds to a school district, for a maximum of
5 three (3) years, to assist with funding the turnaround vendor costs incurred by the
6 district under subsection (8) of this section. The Kentucky Board of Education shall
7 promulgate administrative regulations on how the disbursement amounts shall be
8 determined, which shall be based on the department's past practice for determining
9 allocations for school improvement.
- 10 (10) Beginning in 2023, the department shall submit an annual report no later than
11 November 30 to the Interim Joint Committee on Education relating to the
12 turnaround vendor selected by each school under subsection (8) of this section. The
13 report shall include but not be limited to each school's accountability system
14 performance since utilizing the services of the turnaround vendor, the cost of using
15 the vendor, and any other information helpful in evaluating the performance of the
16 turnaround vendor.
- 17 (11) The Kentucky Board of Education shall establish annual statewide exit criteria for
18 schools identified for targeted support and improvement, additional targeted support
19 and improvement, and comprehensive support and improvement.
- 20 (12) If a school enters comprehensive support and improvement status and does not
21 make any annual improvement, as determined by the department, for two (2)
22 consecutive years, or if the school does not exit the status after three (3) years, the
23 school shall **continue comprehensive support and improvement status and be**
24 **identified as a state intervention school and subject to the provisions of Section 2**
25 **of this Act**~~enter a school intervention process chosen by the commissioner of~~
26 ~~education that provides more rigorous support and action by the department to~~
27 ~~improve the school's performance].~~

- 1 (13) For school districts that include a significant number of schools, as determined by
2 the department, identified for targeted support and improvement:
- 3 (a) The department shall periodically review a local board's resource allocations
4 to support school improvement and provide technical assistance to the local
5 school board; and
- 6 (b) The department may provide a recommended list of turnaround or school
7 intervention providers that have demonstrated success implementing
8 evidence-based strategies.
- 9 (14) If, in the course of a school audit, the audit team identifies information suggesting
10 that a violation of KRS 160.345(9)(a) may have occurred, the commissioner of
11 education shall forward the evidence to the Office of Education Accountability for
12 investigation.
- 13 (15) A school's right to establish a council granted under KRS 160.345 may be restored
14 by the local board of education two (2) years after the school exits comprehensive
15 support and improvement status.

16 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
17 READ AS FOLLOWS:

- 18 **(1) For the purposes of this section, "state intervention school" means a school that**
19 **has entered comprehensive support and improvement status and has not made**
20 **any annual improvement, as determined by the department, for two (2)**
21 **consecutive years or has not exited the status after three (3) years.**
- 22 **(2) Beginning with the 2027-2028 school year and each school year thereafter, the**
23 **Kentucky Department of Education shall identify any school that has been**
24 **previously identified for comprehensive support and improvement that has**
25 **become a state intervention school and provide notification to the superintendent**
26 **and local board of education that the school shall become a state intervention**
27 **school until the school is released under subsection (7) of this section.**

1 (3) Within thirty (30) days of the identification of a state intervention school:

2 (a) The Kentucky Board of Education shall ratify the designation;

3 (b) All administrative, operational, financial, personnel, and instructional
4 aspects of the management of the state intervention school formerly
5 exercised by the local board and the superintendent shall be exercised by
6 the commissioner of education or designee; and

7 (c) The commissioner of education shall:

8 1. Make administrative appointments as necessary to exercise full and
9 complete control of all aspects of the management of the state
10 intervention school. The commissioner, through the appointments,
11 may make any and all decisions previously made by the local board
12 and the local superintendent related to the operation of the state
13 intervention school. The commissioner shall retain clear supervisory
14 and monitoring powers over the operation and management of the
15 state intervention school; and

16 2. Develop an intervention plan for the school that includes:

17 a. A timeline for conducting a performance assessment of school
18 administration and personnel;

19 b. A timeline for the department to determine which school district
20 employees shall be retained at the state intervention school,
21 notwithstanding any collective bargaining agreement. The
22 superintendent of the district shall either reassign or terminate
23 the employment of any district employee that is not selected for
24 retention by the department according to KRS 161.011 and
25 161.800;

26 c. An initial annual financial plan for the state intervention school
27 that determines what federal, state, and district funds shall be

1 used for operation during the first fiscal year;

2 d. The staff and services that shall be provided at the state
3 intervention school by the department and which staff and
4 services shall be provided by the district. Any staff or services
5 provided by the district shall be subject to the management of the
6 department;

7 e. The curriculum that will be implemented at the state intervention
8 school;

9 f. Any contract for the provision of educational services that the
10 department will enter into on behalf of the district for the state
11 intervention school; and

12 g. Any statutes or administrative regulations for which the
13 commissioner of education may request waivers on behalf of the
14 district under Section 3 of this Act, including any request to be
15 identified as a school of innovation under subsection (4) of
16 Section 3 of this Act.

17 (4) The commissioner of education shall submit the intervention plan to the
18 Kentucky Board of Education for ratification along with any waiver requests.
19 The intervention plan shall be updated at least annually with subsequent
20 approval of the state board.

21 (5) Upon the approval of the intervention plan, the commissioner shall:

22 (a) Provide notification of the intervention plan's approval to the
23 superintendent and local board of education of the state intervention
24 school; and

25 (b) Appoint an employee of the department to manage the implementation of
26 the department's intervention plan and serve as the commissioner's
27 designee under subsection (3)(b) of this section.

1 (6) The department shall begin implementation of the intervention plan and take
 2 control and management of the state intervention school by the end of the school
 3 year in which it was identified as a state intervention school.

4 (7) The Kentucky Board of Education may transfer the state intervention school back
 5 to the management of the district and terminate the designation if:

6 (a) At least three (3) years have passed since the school was identified as a state
 7 intervention school; and

8 (b) The state intervention school has exited comprehensive support and
 9 improvement status.

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

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

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

22 (b) Relating to civil rights;

23 (c) Required by federal law;

24 (d) Relating to compulsory attendance requirements under KRS 158.030 and
 25 158.100 or the recording of data necessary for participation in the fund to
 26 support education excellence in Kentucky;

27 (e) Establishing certification requirements for teachers in core academic areas,

- 1 except a waiver may authorize up to twenty-five percent (25%) of the
2 teaching staff of school may be employed without teacher certification if the
3 individual possesses a baccalaureate or graduate degree in the subject the
4 individual is hired to teach;
- 5 (f) Requiring students' participation in state assessment of student
6 performance, as required under KRS 158.6453;
- 7 (g) Financial audits, audit procedures, and audit requirements under KRS
8 156.265;
- 9 (h) Open records and open meeting requirements under KRS Chapter 61;
- 10 (i) Purchasing requirements and limitations under KRS Chapter 45A and KRS
11 156.074 and 156.480; or
- 12 (j) Requiring instructional time that is at least equivalent to the student
13 instructional year specified in KRS 158.070.
- 14 (2) A waiver request under subsection (1) of this section shall:
- 15 (a) Identify the specific statutes and administrative regulations for which the
16 local board is seeking a waiver;
- 17 (b) Specify the schools or programs within the district to which the waiver shall
18 apply;
- 19 (c) Explain how the waiver for the schools or programs of each specific statute
20 or administrative regulation will improve operations or student academic
21 achievement; and
- 22 (d) Include any evidence the district wishes to submit to support the request.
- 23 (3) Upon the majority vote of a local board approving a waiver request, the
24 superintendent of the district shall submit the waiver request to the state board.
25 The state board shall consider the waiver of each statute or administrative
26 regulation included in the request at the next regularly scheduled meeting after
27 submission and shall either approve or deny the request. In considering approval

1 for each statute or administrative regulation identified in a waiver request, the
2 state board shall grant the request if it demonstrates that the waiver is more likely
3 than not:

4 (a) To improve that school's or program's operation without hindering student
5 academic achievement; or

6 (b) To improve student academic achievement at that school or program.

7 (4) In submitting a waiver request under subsection (3) of this section, a local board
8 may seek to identify the school or program that is the subject of the request as a
9 school of innovation. In addition to any other waivers granted for the school or
10 program, a school of innovation shall be granted a waiver from all statutes and
11 administrative regulations that would prevent the district from entering into an
12 agreement with an education service provider to assist in the management and
13 operation of the school or program. The state board shall approve the school of
14 innovation request if the request demonstrates that identification as a school of
15 innovation is more likely than not to improve either that school's or program's
16 operation or student academic achievement.

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

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

25 (7) A local board that is granted a waiver under subsection (3) or (4) of this section
26 may submit a request to renew the waiver to the state board. A renewal request
27 shall be submitted no earlier than six (6) months prior to that waiver's expiration.

1 *The renewal request shall include evidence of the operational improvement of the*
2 *school or program that is subject to the waiver, the academic achievement of the*
3 *students enrolled in the schools or program, comparisons of those students with*
4 *similar students across the state, and any other evidence of the waiver's benefit to*
5 *student academic achievement. If the state board finds that the waiver has had a*
6 *positive impact on the school's or program's operation or the academic*
7 *achievement of students, then the renewal request shall be approved. An*
8 *approved renewal request shall extend the waiver for an additional three (3)*
9 *school years.*

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

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

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

21 ➔Section 4. KRS 156.160 is amended to read as follows:

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

- 1 (a) Courses of study for the different grades and kinds of common schools
2 identifying the common curriculum content directly tied to the goals,
3 outcomes, and assessment strategies developed under KRS 158.645,
4 158.6451, and 158.6453 and distributed to local school districts and schools.
5 The administrative regulations shall provide that:
- 6 1. If a school offers American sign language, the course shall be accepted
7 as meeting the foreign language requirements in common schools
8 notwithstanding other provisions of law;
 - 9 2. If a school offers the Reserve Officers Training Corps program, the
10 course shall be accepted as meeting the physical education requirement
11 for high school graduation notwithstanding other provisions of law;
 - 12 3. Every public middle and high school's curriculum shall include
13 instruction on the Holocaust and other cases of genocide, as defined by
14 the United Nations Convention on the Prevention and Punishment of the
15 Crime of Genocide, that a court of competent jurisdiction, whether a
16 court in the United States or the International Court of Justice, has
17 determined to have been committed by applying rigorous standards of
18 due process; and
 - 19 4. Beginning in the 2025-2026 school year, cursive writing shall be
20 included as a course of study in all elementary schools and shall be
21 designed to ensure proficiency in cursive writing by the end of grade
22 five (5);
- 23 (b) Courses of study or educational experiences available to students in all middle
24 and high schools to fulfill the prerequisites for courses in advanced science
25 and mathematics as defined in KRS 158.845;
- 26 (c) The acquisition and use of educational equipment for the schools as
27 recommended by the Council for Education Technology;

- 1 (d) The minimum requirements for high school graduation in light of the
2 expected outcomes for students and schools set forth in KRS 158.6451. The
3 minimum requirements shall not include achieving any postsecondary
4 readiness indicator as described in KRS 158.6455 or any minimum score on a
5 statewide assessment administered under KRS 158.6453. Student scores from
6 any assessment administered under KRS 158.6453 that are determined by the
7 department's technical advisory committee to be valid and reliable at the
8 individual level shall be included on the student transcript. The department's
9 technical advisory committee shall submit its determination to the
10 commissioner of education and the Legislative Research Commission;
- 11 (e) The requirements for an alternative high school diploma for students with
12 disabilities whose individualized education program indicates that, in
13 accordance with 20 U.S.C. sec. 1414(d)(1)(A):
- 14 1. The student cannot participate in the regular statewide assessment; and
 - 15 2. An appropriate alternate assessment has been selected for the student
16 based upon a modified curriculum and an individualized course of
17 study;
- 18 (f) Taking and keeping a school census, and the forms, blanks, and software to be
19 used in taking and keeping the census and in compiling the required reports.
20 The board shall create a statewide student identification numbering system
21 based on students' Social Security numbers. The system shall provide a
22 student identification number similar to, but distinct from, the Social Security
23 number, for each student who does not have a Social Security number or
24 whose parents or guardians choose not to disclose the Social Security number
25 for the student;
- 26 (g) Sanitary and protective construction of public school buildings, toilets,
27 physical equipment of school grounds, school buildings, and classrooms. With

1 respect to physical standards of sanitary and protective construction for school
2 buildings, the Kentucky Board of Education shall adopt the Uniform State
3 Building Code;

4 (h) Medical inspection, physical and health education and recreation, and other
5 regulations necessary or advisable for the protection of the physical welfare
6 and safety of the public school children. The administrative regulations shall
7 set requirements for student health standards to be met by all students in
8 grades four (4), eight (8), and twelve (12) pursuant to the outcomes described
9 in KRS 158.6451. The administrative regulations shall permit a student who
10 received a physical examination no more than six (6) months prior to his or
11 her initial admission to Head Start to substitute that physical examination for
12 the physical examination required by the Kentucky Board of Education of all
13 students upon initial admission to the public schools, if the physical
14 examination given in the Head Start program meets all the requirements of the
15 physical examinations prescribed by the Kentucky Board of Education;

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

23 (j) 1. Beginning with the 2010-2011 school year, a dental screening or
24 examination by a dentist, dental hygienist, physician, registered nurse,
25 advanced practice registered nurse, or physician assistant that shall be
26 required by the Kentucky Board of Education. The administrative
27 regulations shall require evidence that a dental screening or examination

- 1 that meets the criteria prescribed by the Kentucky Board of Education
2 has been performed. This evidence shall be submitted to the school no
3 later than January 1 of the first year that a five (5) or six (6) year-old
4 child is enrolled in a public school.
- 5 2. A child shall be referred to a licensed dentist if a dental screening or
6 examination performed by anyone other than a licensed dentist identifies
7 the possibility of dental disease;
- 8 (k) The transportation of children to and from school;
- 9 (l) The fixing of holidays on which schools may be closed and special days to be
10 observed, and the pay of teachers during absence because of sickness or
11 quarantine or when the schools are closed because of quarantine;
- 12 (m) The preparation of budgets and salary schedules for the several school
13 districts under the management and control of the Kentucky Board of
14 Education;
- 15 (n) A uniform series of forms and blanks, educational and financial, including
16 forms of contracts, for use in the several school districts;
- 17 (o) The disposal of real and personal property owned by local boards of
18 education; and
- 19 (p) The development and implementation of procedures, for all students who are
20 homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do
21 the following:
- 22 1. Awarding and accepting of credit, including partial credit, for all
23 coursework satisfactorily completed by a student while enrolled at
24 another school;
- 25 2. Allowing a student who was previously enrolled in a course required for
26 graduation the opportunity, to the extent practicable, to complete the
27 course, at no cost to the student, before the beginning of the next school

1 year;

2 3. Awarding a diploma, at the student's request, by a district from which
3 the student transferred, if the student transfers schools at any time after
4 the completion of the student's second year of high school and the
5 student is ineligible to graduate from the district to which the student
6 transfers, but meets the graduation requirements of the district from
7 which the student transferred; and

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

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

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

27 2. ~~Implementation of the administrative regulation will cause a hardship on~~

1 ~~the school district or school or jeopardize the continuation or~~
2 ~~development of programs; or~~

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

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

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

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

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

8 ~~4. Administrative regulations promulgated in accordance with KRS~~
9 ~~158.6451, 158.6453, 158.6455, and this section, relating to measurement~~
10 ~~of performance outcomes and determination of successful districts or~~
11 ~~schools, except upon issues relating to the grade configuration of~~
12 ~~schools.~~

13 ~~(c) Any waiver granted under this subsection shall be subject to revocation upon~~
14 ~~a determination by the Kentucky Board of Education that the school district or~~
15 ~~school holding the waiver has subsequently failed to meet the intent of the~~
16 ~~waiver.~~

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

20 ~~(3)~~~~(4)~~ Any public school that violates the provisions of KRS 158.854 shall be
21 subject to a penalty to be assessed by the commissioner of education as follows:

22 (a) The first violation shall result in a fine of no less than one (1) week's revenue
23 from the sale of the competitive food;

24 (b) Subsequent violations shall result in a fine of no less than one (1) month's
25 revenue from the sale of the competitive food;

26 (c) "Habitual violations," which means five (5) or more violations within a six (6)
27 month period, shall result in a six (6) month ban on competitive food sales for

1 the violating school; and

2 (d) Revenue collected as a result of the fines in this subsection shall be
3 transferred to the food service fund of the local school district.

4 ➔Section 5. KRS 156.445 is amended to read as follows:

5 (1) No textbook or program shall be used in any public school in Kentucky as a basal
6 title unless it has been recommended and listed on the state multiple list by the State
7 Textbook Commission or unless a school and district has met the notification
8 requirements under subsection (2) of this section. Any changes of textbooks made
9 by the State Textbook Commission shall not become effective until grades and
10 classes of the respective county and independent school districts have completed
11 work for which the adopted book then in use was originally intended. Nothing in
12 this section shall apply to the supplementary books that are needed from time to
13 time.

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

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

25 ➔Section 6. KRS 157.360 is amended to read as follows:

26 (1) (a) In determining the cost of the program to support education excellence in
27 Kentucky, the statewide guaranteed base funding level, as defined in KRS

1 157.320, shall be computed by dividing the amount appropriated for this
2 purpose by the prior year's statewide average daily attendance.

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

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

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

17 1. Alternative programs for students who are at risk of dropping out of
18 school before achieving a diploma; and

19 2. A hazardous duty pay supplement as determined by the local board of
20 education to the teachers who work in alternative programs with
21 students who are violent or assaultive;

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

25 (c) Transportation costs. The per-pupil cost of transportation shall be calculated
26 as provided by KRS 157.370. Districts which contract to furnish
27 transportation to students attending nonpublic schools may adopt any payment

1 formula which ensures that no public school funds are used for the
2 transportation of nonpublic students.

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

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

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

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

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

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

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

7 (d) In all schools the commissioner of education shall enforce the special
8 education maximum class sizes set by administrative regulations adopted by
9 the Kentucky Board of Education. A superintendent may request an
10 exemption pursuant to paragraph (c) of this subsection. A local school council
11 may request a waiver relating to maximum class size pursuant to Section 3 of
12 this Act in the same manner as a local board of education ~~[KRS 156.160(2)]~~.

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

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

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

1 school district shall count as average daily attendance in a public school the time
2 that the child is in attendance at the school or agency, contingent upon approval by
3 the commissioner of education.

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

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

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

26 (11) If the percentage of attendance of any school district shall have been reduced more
27 than two percent (2%) during the previous school year, the program funding

1 allotted the district for the current school year shall be increased by the difference in
2 the percentage of attendance for the two (2) years immediately prior to the current
3 school year less two percent (2%).

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

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

1 executed.

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

8 (b) Pursuant to administrative regulations of the Kentucky Board of Education,
9 local school districts shall be reimbursed for home and hospital instruction for
10 pupils unable to attend regular school sessions because of short-term health
11 impairments. A reimbursement formula shall be established by administrative
12 regulations to include such factors as a reasonable per hour, per child
13 allotment for teacher instructional time, with a maximum number of funded
14 hours per week, a reasonable allotment for teaching supplies and equipment,
15 and a reasonable allotment for travel expenses to and from instructional
16 assignments, but the formula shall not include an allotment for capital outlay.
17 Attendance shall be calculated pursuant to KRS 157.270 and shall be reported
18 annually on forms provided by the Department of Education.

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

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

27 (16) During a fiscal year, a school district may request that the Department of Education

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

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

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

20 ➔Section 7. KRS 158.070 is amended to read as follows:

21 (1) As used in this section:

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

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

26 (c) "School calendar" means the document adopted by a local board of education
27 that establishes the minimum school term, student instructional year or

- 1 variable student instructional year, and days that school will not be in session;
- 2 (d) "School district calendar committee" means a committee that includes at least
- 3 the following:
- 4 1. One (1) school district principal;
 - 5 2. One (1) school district office administrator other than the
 - 6 superintendent;
 - 7 3. One (1) member of the local board of education;
 - 8 4. Two (2) parents of students attending a school in the district;
 - 9 5. One (1) school district elementary school teacher;
 - 10 6. One (1) school district middle or high school teacher;
 - 11 7. Two (2) school district classified employees; and
 - 12 8. Two (2) community members from the local chamber of commerce,
 - 13 business community, or tourism commission;
- 14 (e) "Student attendance day" means any day that students are scheduled to be at
- 15 school to receive instruction, and encompasses the designated start and
- 16 dismissal time;
- 17 (f) "Student instructional year" means at least one thousand sixty-two (1,062)
- 18 hours of instructional time for students delivered on not less than one hundred
- 19 seventy (170) student attendance days;
- 20 (g) "Teacher professional day" means any day teachers are required to report to
- 21 work as determined by a local board of education, with or without the
- 22 presence of students; and
- 23 (h) "Variable student instructional year" means at least one thousand sixty-two
- 24 (1,062) hours of instructional time delivered on the number of student
- 25 attendance days adopted by a local board of education which shall be
- 26 considered proportionally equivalent to one hundred seventy (170) student
- 27 attendance days and calendar days for the purposes of a student instructional

1 year, employment contracts that are based on the school term, service credit
2 under KRS 161.500, and funding under KRS 157.350.

- 3 (2) (a) The local board of education, upon recommendation of the local school
4 district superintendent, shall annually appoint a school district calendar
5 committee to review, develop, and recommend school calendar options.
- 6 (b) The school district calendar committee, after seeking feedback from school
7 district employees, parents, and community members, shall recommend
8 school calendar options to the local school district superintendent for
9 presentation to the local board of education. The committee's
10 recommendations shall comply with state laws and regulations and consider
11 the economic impact of the school calendar on the community and the state.
- 12 (c) Prior to adopting a school calendar, the local board of education shall hear for
13 discussion the school district calendar committee's recommendations and the
14 recommendation of the superintendent at a meeting of the local board of
15 education.
- 16 (d) During a subsequent meeting of the local board of education, the local board
17 shall adopt a school calendar for the upcoming school year that establishes the
18 opening and closing dates of the school term, beginning and ending dates of
19 each school month, student attendance days, and days on which schools shall
20 be dismissed. The local board may schedule days for breaks in the school
21 calendar that shall not be counted as a part of the minimum school term.
- 22 (e) For local board of education meetings described in paragraphs (c) and (d) of
23 this subsection, if the meeting is a regular meeting, notice shall be given to
24 media outlets that have requests on file to be notified of special meetings
25 stating the date of the regular meeting and that one (1) of the items to be
26 considered in the regular meeting will be the school calendar. The notice shall
27 be sent at least twenty-four (24) hours before the regular meeting. This

1 requirement shall not be deemed to make any requirements or limitations
2 relating to special meetings applicable to the regular meeting.

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

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

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

23 (c) 1. A local board may approve a school's flexible professional development
24 plan that permits teachers or other certified personnel within a school to
25 participate in professional development activities outside the days
26 scheduled in the school calendar or the regularly scheduled hours in the
27 school work day and receive credit towards the four (4) day professional

- 1 development requirement within the minimum one hundred eighty-five
2 (185) days that a teacher shall be employed.
- 3 2. A flexible schedule option shall be reflected in the school's professional
4 development component within the school improvement plan and
5 approved by the local board. Credit for approved professional
6 development activities may be accumulated in periods of time other than
7 full day segments.
- 8 3. No teacher or administrator shall be permitted to count participation in a
9 professional development activity under the flexible schedule option
10 unless the activity is related to the teacher's classroom assignment and
11 content area, or the administrator's job requirements, or is required by
12 the school improvement plan, or is tied to the teacher's or the
13 administrator's individual growth plan. The supervisor shall give prior
14 approval and shall monitor compliance with the requirements of this
15 paragraph. In the case of teachers, a professional development
16 committee or the school council by council policy may be responsible
17 for reviewing requests for approval.
- 18 (d) The local board of each school district may use up to a maximum of four (4)
19 days of the minimum school term for holidays; provided, however, any
20 holiday which occurs on Saturday may be observed on the preceding Friday.
- 21 (e) Each local board may use two (2) days for planning activities without the
22 presence of students.
- 23 (f) Each local board may close schools for the number of days deemed necessary
24 for:
- 25 1. National or state emergency or mourning when proclaimed by the
26 President of the United States or the Governor of the Commonwealth of
27 Kentucky;

- 1 2. Local emergency which would endanger the health or safety of children;
2 and
3 3. Mourning when so designated by the local board of education and
4 approved by the Kentucky Board of Education upon recommendation of
5 the commissioner of education.
- 6 (4) (a) The Kentucky Board of Education, upon recommendation of the
7 commissioner of education, shall adopt administrative regulations governing
8 the use of student attendance days as a result of a local emergency, as
9 described in subsection (3)(f)2. of this section, and regulations setting forth
10 the guidelines and procedures to be observed for the approval of waivers from
11 the requirements of a student instructional year in subsection (1)(f) of this
12 section for districts that wish to adopt innovative instructional calendars, or
13 for circumstances that would create extreme hardship.
- 14 (b) If a local board of education amends its school calendar after its adoption due
15 to an emergency, it may lengthen or shorten any remaining student attendance
16 days by thirty (30) minutes or more, as it deems necessary, provided the
17 amended calendar complies with the requirements of a student instructional
18 year in subsection (1)(f) of this section or a variable student instructional year
19 in subsection (1)(h) of this section. No student attendance day shall contain
20 more than seven (7) hours of instructional time unless the district submitted
21 and received approval from the commissioner of education for an innovative
22 alternative calendar.
- 23 (5) (a) 1. In setting the school calendar, school may be closed for two (2)
24 consecutive days for the purpose of permitting professional school
25 employees to attend statewide professional meetings.
- 26 2. These two (2) days for statewide professional meetings may be
27 scheduled to begin with the first Thursday after Easter, or upon request

- 1 of the statewide professional education association having the largest
2 paid membership, the commissioner of education may designate
3 alternate dates.
- 4 3. If schools are scheduled to operate during days designated for the
5 statewide professional meeting, the school district shall permit
6 employees who are delegates to attend as compensated professional
7 leave time and shall employ substitute teachers in their absence.
- 8 4. The commissioner of education shall designate one (1) additional day
9 during the school year when schools may be closed to permit
10 professional school employees to participate in regional or district
11 professional meetings.
- 12 5. These three (3) days so designated for attendance at professional
13 meetings may be counted as a part of the minimum school term.
- 14 (b) 1. If any school in a district is used as a polling place, the school district
15 shall be closed on the day of the election, and those days may be used
16 for professional development activities, professional meetings, or
17 parent-teacher conferences.
- 18 2. A district may be open on the day of an election if no school in the
19 district is used as a polling place.
- 20 (c) All schools shall be closed on the third Monday of January in observance of
21 the birthday of Martin Luther King, Jr. Districts may:
- 22 1. Designate the day as one (1) of the four (4) holidays permitted under
23 subsection (3)(d) of this section; or
- 24 2. Not include the day in the minimum school term specified in subsection
25 (1) of this section.
- 26 (6) (a) The Kentucky Board of Education, or the organization or agency designated
27 by the board to manage interscholastic athletics, shall be encouraged to

1 schedule athletic competitions outside the regularly scheduled student
2 attendance day.

3 (b) Any member of a school-sponsored interscholastic athletic team who
4 competes in a regional tournament or state tournament sanctioned by the
5 Kentucky Board of Education, or the organization or agency designated by the
6 board to manage interscholastic athletics, and occurring on a regularly
7 scheduled student attendance day may be counted present at school on the
8 date or dates of the competition, as determined by local board policy, for a
9 maximum of two (2) days per student per year. The student shall be expected
10 to complete any assignments missed on the date or dates of the competition.

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

14 (7) Schools shall provide continuing education for those students who are determined
15 to need additional time to achieve the outcomes defined in KRS 158.6451, and
16 schools shall not be limited to the minimum school term in providing this
17 education. Continuing education time may include extended days, extended weeks,
18 or extended years. A local board of education may adopt a policy requiring its
19 students to participate in continuing education. The local policy shall set out the
20 conditions under which attendance will be required and any exceptions which are
21 provided. The Kentucky Board of Education shall promulgate administrative
22 regulations establishing criteria for the allotment of grants to local school districts
23 and shall include criteria by which the commissioner of education may approve a
24 district's request for a waiver under Section 3 of this Act to use an alternative
25 service delivery option, including providing services during the student attendance
26 day on a limited basis. These grants shall be allotted to school districts to provide
27 instructional programs for pupils who are identified as needing additional time to

1 achieve the outcomes defined in KRS 158.6451. A school district that has a school
2 operating a model early reading program under KRS 158.792 may use a portion of
3 its grant money as part of the matching funds to provide individualized or small
4 group reading instruction to qualified students outside of the regular classroom
5 during the student attendance day.

6 (8) Notwithstanding any other statute, each school term shall include no less than the
7 equivalent of the student instructional year in subsection (1)(f) of this section, or a
8 variable student instructional year in subsection (1)(h) of this section, except that
9 the commissioner of education may grant up to the equivalent of ten (10) student
10 attendance days for school districts that have a nontraditional instruction plan
11 approved by the commissioner of education on days when the school district is
12 closed for health or safety reasons. The district's plan shall indicate how the
13 nontraditional instruction process shall be a continuation of learning that is
14 occurring on regular student attendance days. Instructional delivery methods,
15 including the use of technology, shall be clearly delineated in the plan. Average
16 daily attendance for purposes of Support Education Excellence in Kentucky
17 program funding during the student attendance days granted shall be calculated in
18 compliance with administrative regulations promulgated by the Kentucky Board of
19 Education.

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

- 24 (a) The application, plan review, approval, and amendment process;
- 25 (b) Reporting requirements for districts approved for the program, which may
26 include but are not limited to examples of student work, lesson plans, teacher
27 work logs, and student and teacher participation on nontraditional instruction

- 1 days. Documentation to support the use of nontraditional instruction days
2 shall include clear evidence of learning continuation;
- 3 (c) Timelines for initial approval as a nontraditional instruction district, length of
4 approval, the renewal process, and ongoing evaluative procedures required of
5 the district;
- 6 (d) Reporting and oversight responsibilities of the district and the Kentucky
7 Department of Education, including the documentation required to show clear
8 evidence of learning continuation during nontraditional instruction days; and
- 9 (e) Other components deemed necessary to implement this section.
- 10 (10) Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection
11 (2) of this section, a school district shall arrange bus schedules so that all buses
12 arrive in sufficient time to provide breakfast prior to the beginning of the student
13 attendance day. The superintendent of a school district that participates in the
14 Federal School Breakfast Program may also authorize up to fifteen (15) minutes of
15 the student attendance day to provide the opportunity for children to eat breakfast
16 during instructional time.
- 17 (11) Notwithstanding any other statute to the contrary, the following provisions shall
18 apply to a school district that misses student attendance days due to emergencies,
19 including weather-related emergencies:
- 20 (a) A certified school employee shall be considered to have fulfilled the
21 minimum one hundred eighty-five (185) day contract with a school district
22 under KRS 157.350 and shall be given credit for the purpose of calculating
23 service credit for retirement under KRS 161.500 for certified school personnel
24 if:
- 25 1. State and local requirements under this section are met regarding the
26 equivalent of the number and length of student attendance days, teacher
27 professional days, professional development days, holidays, and days

- 1 for planning activities without the presence of students; and
- 2 2. The provisions of the district's school calendar to make up student
- 3 attendance days missed due to any emergency, as approved by the
- 4 Kentucky Department of Education when required, including but not
- 5 limited to a provision for additional instructional time per day, are met.
- 6 (b) Additional time worked by a classified school employee shall be considered
- 7 as equivalent time to be applied toward the employee's contract and
- 8 calculation of service credit for classified employees under KRS 78.615 if:
- 9 1. The employee works for a school district with a school calendar
- 10 approved by the Kentucky Department of Education that contains a
- 11 provision that additional instructional time per day shall be used to make
- 12 up full days missed due to an emergency;
- 13 2. The employee's contract requires a minimum six (6) hour work day; and
- 14 3. The employee's job responsibilities and work day are extended when the
- 15 instructional time is extended for the purposes of making up time.
- 16 (c) Classified employees who are regularly scheduled to work less than six (6)
- 17 hours per day and who do not have additional work responsibilities as a result
- 18 of lengthened student attendance days shall be excluded from the provisions
- 19 of this subsection. These employees may be assigned additional work
- 20 responsibilities to make up service credit under KRS 78.615 that would be
- 21 lost due to lengthened student attendance days.

22 ➔Section 8. KRS 158.080 is amended to read as follows:

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

- 24 (1) Be taught in the English language and shall offer instruction in the several branches
- 25 of study required to be taught in the public schools of the state, consistent with KRS
- 26 156.445~~(2)~~~~(3)~~; and
- 27 (2) Operate on a school calendar with a minimum school term and student instructional

1 year, as defined in KRS 158.070.

2 ➔Section 9. KRS 158.854 is amended to read as follows:

3 (1) The Kentucky Board of Education shall promulgate an administrative regulation in
4 accordance with KRS Chapter 13A to specify the minimum nutritional standards
5 for all foods and beverages that are sold outside the National School Breakfast and
6 National School Lunch programs, whether in vending machines, school stores,
7 canteens, or a la carte cafeteria sales. Minimum nutritional standards shall be based
8 on the most recent edition of the United States Department of Agriculture's Dietary
9 Guidelines for Americans. The administrative regulation shall address serving size,
10 sugar, and fat content of the foods and beverages. School districts may impose more
11 stringent standards than the standards implemented under the administrative
12 regulation. A school shall follow the minimum standards specified in the
13 administrative regulation unless a waiver has been requested under Section 3 of
14 this Act by the school district for the school from the Kentucky Board of Education.
15 Notwithstanding the duration of a waiver granted under Section 3 of this Act, any
16 waiver approved by the Board of Education relating to this section shall be
17 reviewed on an annual basis.

18 (2) As used in this section:

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

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

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

27 (3) No school may sell competitive foods or beverages from the time of the arrival of

1 the first student at the school building until thirty (30) minutes after the last lunch
2 period.

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

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

8 ➔Section 10. KRS 160.151 is amended to read as follows:

9 (1) (a) 1. A private, parochial, or church school that has voluntarily been certified
10 by the Kentucky Board of Education in accordance with KRS
11 156.160~~(2)~~~~(3)~~ may require a national and state criminal background
12 check and require a clear CA/N check, as defined in KRS 160.380, on
13 all new certified hires in the school and student teachers assigned to the
14 school and may require a new national and state criminal background
15 check and require a clear CA/N check on each certified teacher once
16 every five (5) years of employment.

17 2. Certified individuals who were employed in another certified position in
18 a Kentucky school within six (6) months of the date of the hire and who
19 had previously submitted to a national and state criminal background
20 check and were required to have a clear CA/N check for previous
21 employment may be excluded from the initial national or state criminal
22 background checks.

23 (b) The national criminal history background check shall be conducted by the
24 Federal Bureau of Investigation. The state criminal history background check
25 shall be conducted by the Department of Kentucky State Police or the
26 Administrative Office of the Courts.

27 (c) All fingerprints requested under this section shall be on an applicant

1 fingerprint card provided by the Department of Kentucky State Police. The
2 fingerprint cards shall be forwarded to the Federal Bureau of Investigation by
3 the Department of Kentucky State Police after a state criminal background
4 check has been conducted. Any fee charged by the Department of Kentucky
5 State Police, the Administrative Office of the Courts, or the Federal Bureau of
6 Investigation shall be an amount no greater than the actual cost of processing
7 the request and conducting the search.

8 (2) (a) If a school requires a criminal background check or requires a clear CA/N
9 check for a new hire, the school shall conspicuously include the following
10 disclosure statement on each application or renewal form provided by the
11 employer to an applicant for a certified position: "STATE LAW
12 AUTHORIZES THIS SCHOOL TO REQUIRE A CRIMINAL HISTORY
13 BACKGROUND CHECK AND A LETTER FROM THE CABINET FOR
14 HEALTH AND FAMILY SERVICES STATING THE APPLICANT IS
15 CLEAR TO HIRE BASED ON NO FINDINGS OF SUBSTANTIATED
16 CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND
17 CHECK OF CHILD ABUSE AND NEGLECT RECORDS AS A
18 CONDITION OF EMPLOYMENT FOR THIS TYPE OF POSITION."

19 (b) The school or school board may require an adult who is permitted access to
20 school grounds on a regularly scheduled and continuing basis pursuant to a
21 written agreement for the purpose of providing services directly to a student
22 or students as part of a school-sponsored program or activity, a volunteer, or a
23 visitor to submit to a national criminal history check by the Federal Bureau of
24 Investigation and state criminal history background check by the Department
25 of Kentucky State Police or Administrative Office of the Courts and require a
26 clear CA/N check.

27 (c) Any request for records from the Department of Kentucky State Police under

1 this section shall be on an applicant fingerprint card provided by the
2 Department of Kentucky State Police if required. The results of the state
3 criminal background check and the results of the national criminal history
4 background check, if requested, shall be sent to the hiring superintendent. If a
5 background check of child abuse and neglect records is requested, the person
6 seeking employment shall provide to the hiring superintendent a clear CA/N
7 check.

8 (d) Any fee charged by the Department of Kentucky State Police shall be an
9 amount no greater than the actual cost of processing the request and
10 conducting the search.

11 (3) (a) A nonpublic school voluntarily implementing the provisions of this chapter
12 may choose not to employ any person who is a violent offender as defined by
13 KRS 17.165(2), has been convicted of a sex crime which is classified as a
14 felony as defined by KRS 17.165(1), or has committed a violent crime as
15 defined in KRS 17.165(3) or persons with a substantiated finding of child
16 abuse or neglect in records maintained by the Cabinet for Health and Family
17 Services. A nonpublic school may employ, at its discretion, persons convicted
18 of sex crimes classified as a misdemeanor.

19 (b) If a school term has begun and a certified position remains unfilled or if a
20 vacancy occurs during a school term, a nonpublic school implementing this
21 chapter may employ an individual who will have supervisory or disciplinary
22 authority over minors on probationary status pending receipt of a criminal
23 history background check or the receipt of a clear CA/N check, provided by
24 the individual.

25 (c) Employment at a nonpublic school implementing this chapter may be
26 contingent on the receipt of a criminal history background check documenting
27 a record as a violent offender, of a sex crime, or of a violent crime as defined

1 in KRS 17.165 or the receipt of a clear CA/N check, provided by the
2 individual.

3 (d) Nonpublic schools implementing this chapter may terminate probationary
4 employment under this section upon receipt of a criminal history background
5 check documenting a record as a violent offender, of a sex crime, or of a
6 violent crime as defined in KRS 17.165 or the receipt of a clear CA/N check.

7 (4) The form for requesting a clear CA/N check shall be made available on the Cabinet
8 for Health and Family Services Web site.

9 ➔Section 11. KRS 160.380 is amended to read as follows:

10 (1) As used in this section:

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

- 14 1. Not appealed through an administrative hearing conducted in
15 accordance with KRS Chapter 13B;
- 16 2. Upheld at an administrative hearing conducted in accordance with KRS
17 Chapter 13B and not appealed to a Circuit Court; or
- 18 3. Upheld by a Circuit Court in an appeal of the results of an
19 administrative hearing conducted in accordance with KRS Chapter 13B;

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

26 (c) "Clear CA/N check" means a letter from the Cabinet for Health and Family
27 Services indicating that there are no administrative findings of child abuse or

1 neglect relating to a specific individual;

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

4 (e) "Vacancy" means any certified position opening created by the resignation,
5 dismissal, nonrenewal of contract, transfer, or death of a certified staff
6 member of a local school district, or a new position created in a local school
7 district for which certification is required. However, if an employer-employee
8 bargained contract contains procedures for filling certified position openings
9 created by the resignation, dismissal, nonrenewal of contract, transfer, or
10 death of a certified staff member, or creation of a new position for which
11 certification is required, a vacancy shall not exist, unless certified positions
12 remain open after compliance with those procedures.

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

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

25 (b) When a vacancy occurs in a local school district, the superintendent shall
26 submit the job posting to the statewide job posting system described in KRS
27 160.152 fifteen (15) days before the position shall be filled. The local school

1 district shall post position openings in the local board office for public
2 viewing;

3 (c) When a vacancy needs to be filled in less than fifteen (15) days' time to
4 prevent disruption of necessary instructional or support services of the school
5 district, the superintendent may seek a waiver from the chief state school
6 officer outside of the process established in Section 3 of this Act. If the
7 waiver is approved, the appointment shall not be made until the person
8 recommended for the position has been approved by the chief state school
9 officer. The chief state school officer shall respond to a district's request for
10 waiver or for approval of an appointment within two (2) working days; and

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

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

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

- 1 (b) No superintendent shall employ a relative of a school board member of the
2 district;
- 3 (c) No principal's relative shall be employed in the principal's school; and
- 4 (d) A relative that is ineligible for employment under paragraph (a), (b), or (c) of
5 this subsection may be employed as a substitute for a certified or classified
6 employee if the relative is not:
- 7 1. A regular full-time or part-time employee of the district;
- 8 2. Accruing continuing contract status or any other right to continuous
9 employment;
- 10 3. Receiving fringe benefits other than those provided other substitutes; or
- 11 4. Receiving preference in employment or assignment over other
12 substitutes.
- 13 (4) No superintendent shall assign a certified or classified staff person to an alternative
14 education program as part of any disciplinary action taken pursuant to KRS 161.011
15 or 161.790 as part of a corrective action plan established pursuant to the local
16 district evaluation plan.
- 17 (5) No superintendent shall employ in any position in the district any person who:
- 18 (a) Has been convicted of an offense that would classify a person as a violent
19 offender under KRS 439.3401;
- 20 (b) Has been convicted of a sex crime as defined by KRS 17.500 or a
21 misdemeanor offense under KRS Chapter 510;
- 22 (c) Is required to register as a sex offender under KRS 17.500 to 17.580; or
- 23 (d) Has an administrative finding of child abuse or neglect in records maintained
24 by the Cabinet for Health and Family Services.
- 25 (6) Requirements for background checks shall be as follows:
- 26 (a) A superintendent shall require the following individuals to submit to a
27 national and state criminal background check by the Department of Kentucky

1 State Police and the Federal Bureau of Investigation and have a clear CA/N
2 check, provided by the individual:

- 3 1. Each new certified or classified hire;
- 4 2. A nonfaculty coach or nonfaculty assistant as defined under KRS
5 161.185;
- 6 3. A student teacher;
- 7 4. A school-based decision making council parent member; and
- 8 5. Any adult who is permitted access to school grounds on a regularly
9 scheduled and continuing basis pursuant to a written agreement for the
10 purpose of providing services directly to a student or students as part of
11 a school-sponsored program or activity;

- 12 (b) 1. The requirements of paragraph (a) of this subsection shall not apply to:
- 13 a. Classified and certified individuals employed by the school district
14 prior to June 27, 2019;
 - 15 b. Certified individuals who were employed in another certified
16 position in a Kentucky school district within six (6) months of the
17 date of hire and who had previously submitted to a national and
18 state criminal background check and who have a clear CA/N check
19 for the previous employment; or
 - 20 c. Student teachers who have submitted to and provide a copy of a
21 national and state criminal background check by the Department
22 of Kentucky State Police and the Federal Bureau of Investigation
23 through an accredited teacher education institution in which the
24 student teacher is enrolled and who have a clear CA/N check.
- 25 2. The Education Professional Standards Board may promulgate
26 administrative regulations to impose additional qualifications to meet
27 the requirements of Pub. L. No. 92-544;

- 1 (c) A parent member may serve prior to the receipt of the criminal history
2 background check and CA/N letter required by paragraph (a) of this
3 subsection but shall be removed from the council on receipt by the school
4 district of a report documenting a record of abuse or neglect, or a sex crime or
5 criminal offense against a victim who is a minor as defined in KRS 17.500, or
6 as a violent offender as defined in KRS 17.165, and no further procedures
7 shall be required;
- 8 (d) A superintendent may require a volunteer or a visitor to submit to a national
9 and state criminal history background check by the Department of Kentucky
10 State Police and the Federal Bureau of Investigation and have a clear CA/N
11 check, provided by the individual; and
- 12 (e) The superintendent of a school district operating under an alternative
13 transportation plan approved by the Kentucky Department of Education in
14 accordance with KRS 156.153(3) shall require the driver of any non-school
15 bus passenger vehicle authorized to transport students to and from school
16 pursuant to the alternative transportation plan who does not have a valid
17 commercial driver's license issued in accordance with KRS Chapter 281A
18 with an "S" endorsement to:
- 19 1. Submit to a national and state criminal background check by the
20 Department of Kentucky State Police and the Federal Bureau of
21 Investigation at least once every three (3) years and a criminal records
22 check conducted in accordance with KRS 27A.090 in all other years;
 - 23 2. Submit to drug testing consistent with the requirements of 49 C.F.R. pt.
24 40;
 - 25 3. Provide a biannual driving history record check performed by the
26 Transportation Cabinet;
 - 27 4. Provide an annual clear CA/N check;

- 1 5. Immediately notify the superintendent of any conviction for a violation
2 under KRS Chapter 189 for which penalty points are assessed; and
- 3 6. Immediately notify the superintendent of any citation or arrest for a
4 violation of any provision of KRS Chapter 189A. The superintendent
5 shall inform the Kentucky Department of Education of the notification.
- 6 (7) (a) If a certified or classified position remains unfilled after July 31 or if a
7 vacancy occurs during a school term, a superintendent may employ an
8 individual, who will have supervisory or disciplinary authority over minors,
9 on probationary status pending receipt of the criminal history background
10 check and a clear CA/N check, provided by the individual. Application for the
11 criminal record and a request for a clear CA/N check of a probationary
12 employee shall be made no later than the date probationary employment
13 begins.
- 14 (b) Employment shall be contingent on the receipt of the criminal history
15 background check documenting that the probationary employee has no record
16 of a sex crime nor as a violent offender as defined in KRS 17.165 and receipt
17 of a letter, provided by the individual, from the Cabinet for Health and Family
18 Services stating the employee is clear to hire based on no administrative
19 findings of child abuse or neglect found through a background check of child
20 abuse and neglect records maintained by the Cabinet for Health and Family
21 Services.
- 22 (c) Notwithstanding KRS 161.720 to 161.800 or any other statute to the contrary,
23 probationary employment under this section shall terminate on receipt by the
24 school district of a criminal history background check documenting a record
25 of a sex crime or as a violent offender as defined in KRS 17.165 and no
26 further procedures shall be required.
- 27 (8) The provisions of KRS 161.790 shall apply to terminate employment of a certified

1 employee on the basis of a criminal record other than a record of a sex crime or as a
2 violent offender as defined in KRS 17.165, or on the basis of a CA/N check
3 showing an administrative finding of child abuse or neglect.

4 (9) (a) All fingerprints requested under this section shall be on an applicant
5 fingerprint card provided by the Department of Kentucky State Police. The
6 fingerprint cards shall be forwarded to the Federal Bureau of Investigation
7 from the Department of Kentucky State Police after a state criminal
8 background check is conducted. The results of the state and federal criminal
9 background check shall be sent to the hiring superintendent. Any fee charged
10 by the Department of Kentucky State Police, the Federal Bureau of
11 Investigation, and the Cabinet for Health and Family Services shall be an
12 amount no greater than the actual cost of processing the request and
13 conducting the search.

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

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

1 (10) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary,
2 when an employee of the school district is charged with any offense which is
3 classified as a felony, the superintendent may transfer the employee to a second
4 position until such time as the employee is found not guilty, the charges are
5 dismissed, the employee is terminated, or the superintendent determines that further
6 personnel action is not required. The employee shall continue to be paid at the same
7 rate of pay he or she received prior to the transfer. If an employee is charged with
8 an offense outside of the Commonwealth, this provision may also be applied if the
9 charge would have been treated as a felony if committed within the
10 Commonwealth. Transfers shall be made to prevent disruption of the educational
11 process and district operations and in the interest of students and staff and shall not
12 be construed as evidence of misconduct.

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

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

22 ➔Section 12. KRS 164.769 is amended to read as follows:

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

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

- 1 (a) "Critical shortage area" means an understaffing of teachers in particular
2 subject matters at the secondary level, in grade levels, or in geographic
3 locations at the elementary and secondary level, as determined by the
4 commissioner of education in consultation with the authority. The
5 commissioner and the authority may use any source considered reliable,
6 including but not limited to local education agencies, to identify the critical
7 shortage areas;
- 8 (b) "Dual credit" has the same meaning as in KRS 158.007;
- 9 (c) "Eligible program of study" means an undergraduate or graduate program of
10 study which is preparatory to teacher certification;
- 11 (d) "Expected family contribution" means the amount that a student and his
12 family are expected to contribute toward the cost of the student's education
13 determined by applying methodology set forth in 20 U.S.C. sec. 1087 kk to
14 1087 vv;
- 15 (e) "Participating institution" means an institution of higher education located in
16 Kentucky which offers an eligible program of study and has in force an
17 agreement with the authority providing for administration of this program;
- 18 (f) "Qualified teaching service" means teaching the major portion of each school
19 day for at least seventy (70) days each semester in a public school of the
20 Commonwealth or a private school certified pursuant to KRS 156.160~~(2)~~~~(3)~~,
21 except that an individual having a disability defined by Title II of the
22 Americans with Disabilities Act (42 U.S.C. secs. 12131 et seq.) or serious and
23 extended illness, whose disability or illness, certified by a licensed physician,
24 prevents that individual from teaching a major portion of each school day,
25 shall be deemed to perform qualified teaching service by teaching the
26 maximum time permitted by the attending physician;
- 27 (g) "Semester" means a period of about eighteen (18) weeks, which usually

1 makes up one-half (1/2) of a school year or one-half (1/2) of a participating
2 institution's academic year; and

3 (h) "Summer term" means an academic period consisting of one (1) or more
4 sessions of instruction between a spring and a fall semester.

5 (3) The authority may, to the extent of appropriations and other funds available to it
6 pursuant to subsection (9) of this section, award teacher scholarships to persons
7 eligible under subsection (4) of this section, who initially demonstrate financial
8 need in accordance with standards and criteria established by the authority or
9 received teacher scholarships pursuant to this section prior to July 1, 1996. Each
10 teacher scholarship shall be evidenced by a promissory note that requires repayment
11 or cancellation pursuant to subsection (6) of this section.

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

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

26 (6) (a) The authority shall disburse teacher scholarships to eligible students who
27 agree to render qualified teaching service as certified teachers, and are

1 unconditionally admitted and enrolled in an eligible program of study.

2 (b) A teacher scholarship shall not be awarded or a promissory note cancellation
3 shall not be granted to any person who is in default on any obligation to the
4 authority under any program administered by the authority pursuant to KRS
5 164.740 to 164.785 until financial obligations to the authority are satisfied,
6 except that ineligibility for this reason may be waived by the authority for
7 cause.

8 (c) Recipients shall render one (1) semester of qualified teaching service for each
9 semester or summer term of scholarship received, except that recipients who
10 teach in a critical shortage area designated by the authority or teach dual
11 credit coursework in a certified Kentucky high school shall render one (1)
12 semester of qualified teaching service as repayment for two (2) semesters or
13 summer terms of scholarships received. Upon completion of each semester of
14 qualified teacher service, the authority shall cancel the appropriate number of
15 promissory notes.

16 (d) If the recipient of a teacher scholarship fails to complete an eligible program
17 of study at a participating institution or fails to render qualified teaching
18 service in any semester following certification or recertification, unless the
19 failure is temporarily waived for cause by the authority, the recipient shall
20 immediately become liable to the authority for repayment of the sum of all
21 outstanding promissory notes and accrued interest. Persons liable for
22 repayment of scholarships under this paragraph shall be liable for interest
23 accruing from the dates on which the teacher scholarships were disbursed.

24 (e) Recipients who have outstanding loans or scholarships under KRS 156.611,
25 156.613, 164.768, or 164.770 respectively, and who render qualified teaching
26 service, shall have their notes canceled in accordance with subsection (6)(c) of
27 this section.

- 1 (f) The authority shall establish, by administrative regulation, the terms and
2 conditions for the award, cancellation, and repayment of teacher scholarships
3 including, but not limited to, the selection criteria, eligibility for renewal
4 awards, amount of scholarship payments, deferments, the rate of repayment,
5 and the interest rate thereon.
- 6 (g) Notwithstanding any other statute to the contrary, the maximum interest rate
7 applicable to repayment of a promissory note under this section shall be eight
8 percent (8%) per annum, except that if a judgment is rendered to recover
9 payment, the judgment shall bear interest at the rate of five percent (5%)
10 greater than the rate actually charged on the promissory note.
- 11 (7) A repayment obligation imposed by this section shall not be voidable by reason of
12 the age of the recipient at the time of receiving the teacher scholarship.
- 13 (8) Failure to meet repayment obligations imposed by this section shall be cause for the
14 revocation of a person's teaching certificate, subject to the procedures set forth in
15 KRS 161.120.
- 16 (9) All moneys repaid to the authority under this section shall be added to the
17 appropriations made for purposes of this section, and the funds and unobligated
18 appropriations shall not lapse.
- 19 (10) The authority may execute appropriate contracts and promissory notes for
20 administering this section.
- 21 (11) Notwithstanding any other statute to the contrary, if available funds are insufficient
22 for all requested scholarships for eligible applicants during any fiscal year, the
23 authority shall give priority consideration to eligible applicants who previously
24 received teacher scholarships and, until June 30, 2018, to loan forgiveness for
25 teachers who have outstanding loan balance eligibility for Best in Class loans issued
26 prior to June 30, 2008. If funds are insufficient to make all requested renewal
27 scholarships to eligible applicants, the authority shall reduce all scholarship awards

1 to the extent necessary to provide scholarships to all qualified renewal applicants.
2 If, after awarding all eligible renewal applicants, funds are not depleted, initial
3 applications shall be ranked according to regulatory selection criteria, which may
4 include expected family contribution and application date, and awards shall be
5 made to highly qualified applicants until funds are depleted.

6 (12) The authority shall submit a report on the number of teacher scholarships provided
7 in each fiscal year, the program of study in which recipients are enrolled, recipient
8 retention rates, total number of applications, and scholarship recruitment strategies
9 to the Interim Joint Committee on Education by December 1 of each year.

10 ➔Section 13. 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 14. This Act may be cited as the School Improvement and Innovation
16 Act.