AN ACT relating to alternative high school diplomas.

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

➔Section 1. KRS 156.160 is amended to read as follows:

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

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

1. If a school offers American sign language, the course shall be accepted as meeting the foreign language requirements in common schools notwithstanding other provisions of law;

2. If a school offers the Reserve Officers Training Corps program, the course shall be accepted as meeting the physical education requirement for high school graduation notwithstanding other provisions of law;

3. Every public middle and high school's curriculum shall include instruction on the Holocaust and other cases of genocide, as defined by the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, that a court of competent jurisdiction, whether a court in the United States or the International Court of Justice, has determined to have been committed by applying rigorous standards of due process; and

4. Beginning in the 2025-2026 school year, cursive writing shall be included as a course of study in all elementary schools and shall be designed to ensure proficiency in cursive writing by the end of grade five (5);

(b) Courses of study or educational experiences available to students in all middle and high schools to fulfill the prerequisites for courses in advanced science and mathematics as defined in KRS 158.845;

(c) The acquisition and use of educational equipment for the schools as recommended by the Council for Education Technology;

(d) The minimum requirements for high school graduation in light of the expected outcomes for students and schools set forth in KRS 158.6451. The minimum requirements shall not include achieving any postsecondary readiness indicator as described in KRS 158.6455 or any minimum score on a statewide assessment administered under KRS 158.6453. Student scores from any assessment administered under KRS 158.6453 that are determined by the department's technical advisory committee to be valid and reliable at the individual level shall be included on the student transcript. The department's technical advisory committee shall submit its determination to the commissioner of education and the Legislative Research Commission;

(e) ***1. Beginning with the 2027-2028 school year,*** the requirements for an ***alternate***~~[alternative]~~ high school diploma for students with disabilities***:***

a. Whose individualized education program indicates that, in accordance with 20 U.S.C. sec. 1414(d)(1)(A):

i.~~[1.]~~ The student cannot participate in the regular statewide assessment; and

ii.~~[2.]~~An appropriate alternate assessment has been selected for the student based upon a modified curriculum and an

individualized course of study;

b. That is obtained within the time period for which students are ensured the availability of a free appropriate public education consistent with KRS 158.100 and the federal Individuals with Disabilities Education Act, 20 U.S.C. sec. 1400 et seq.;

c. That, upon the completion of the requirements for an alternate high school diploma, maintains a student's right to continue to receive a free appropriate public education until the student earns a regular high school diploma or reaches the maximum age of eligibility for attendance, whichever occurs first; and

d. That complies with the criteria for a state-defined alternate high school diploma to meet requirements for inclusion in the adjusted cohort graduation rate under the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95; and

2. The requirements for a modified high school diploma for students with disabilities whose individualized education program indicates that, in accordance with 20 U.S.C. sec. 1414(d)(1)(A):

a. The student cannot participate in the regular statewide assessment;

b. An appropriate alternate assessment has been selected for the student based upon modified curriculum and an individualized course of study; and

c. Does not meet requirements for inclusion in the adjusted cohort graduation rate under the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95;

(f) Taking and keeping a school census, and the forms, blanks, and software to be used in taking and keeping the census and in compiling the required reports.

The board shall create a statewide student identification numbering system based on students' Social Security numbers. The system shall provide a student identification number similar to, but distinct from, the Social Security number, for each student who does not have a Social Security number or whose parents or guardians choose not to disclose the Social Security number for the student;

(g) Sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings, and classrooms. With respect to physical standards of sanitary and protective construction for school buildings, the Kentucky Board of Education shall adopt the Uniform State Building Code;

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

(i) A vision examination by an optometrist or ophthalmologist that shall be required by the Kentucky Board of Education. The administrative regulations shall require evidence that a vision examination that meets the criteria prescribed by the Kentucky Board of Education has been performed. This

evidence shall be submitted to the school no later than January 1 of the first year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a public school, public preschool, or Head Start program;

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

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

(k) The transportation of children to and from school;

(l) The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;

(m) The preparation of budgets and salary schedules for the several school districts under the management and control of the Kentucky Board of Education;

(n) A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts;

(o) The disposal of real and personal property owned by local boards of education; and

(p) The development and implementation of procedures, for all students who are

homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do the following:

1. Awarding and accepting of credit, including partial credit, for all coursework satisfactorily completed by a student while enrolled at another school;
2. Allowing a student who was previously enrolled in a course required for graduation the opportunity, to the extent practicable, to complete the course, at no cost to the student, before the beginning of the next school year;
3. Awarding a diploma, at the student's request, by a district from which the student transferred, if the student transfers schools at any time after the completion of the student's second year of high school and the student is ineligible to graduate from the district to which the student transfers, but meets the graduation requirements of the district from which the student transferred; and
4. Exempting the student from all coursework and other requirements imposed by the local board of education that are in addition to the minimum requirements for high school graduation established by the Kentucky Board of Education pursuant to paragraph (d) of this subsection in the district to which the student transfers, if the student transfers schools at any time after the completion of the student's second year of high school and the student is ineligible to graduate both from the district to which the student transfers and the district from which the student transferred.

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

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

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

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

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

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

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

In order to facilitate and enable employment opportunities for students graduating with a Kentucky alternate high school diploma pursuant to subsection (1)(e) of Section 1 of this Act and subsection (2)(b) of Section 3 of this Act, the Department of Workforce Development in the Education and Labor Cabinet shall:

(1) Conduct outreach to employers to encourage employment opportunities for those who have obtained a Kentucky alternate high school diploma;

(2) Create a process for employers to request addition to or removal from the list of employers with employment opportunities for those who have obtained a Kentucky alternate high school diploma; and

(3) Publish on the Department of Workforce Development's website the list of employers, organized by county, created under subsection (2) of this section.

➔Section 3. KRS 158.140 is amended to read as follows:

(1) When a pupil in any public elementary school or any approved private or parochial school completes the prescribed elementary program of studies, he or she is entitled

to a certificate of completion signed by the teacher or teachers under whom the program was completed. The certificate shall entitle the pupil to admission into any public high school. Any promotions or credits earned in attendance in any approved public school are valid in any other public school to which a pupil may go, but the superintendent or principal of a school, as the case may be, may assign the pupil to the class or grade to which the pupil is best suited. In case a pupil transfers from the school of one (1) district to the school of another district, an assignment to a lower grade or course shall not be made until the pupil has demonstrated that he or she is not suited for the work in the grade or course to which he or she has been promoted.

(2) Upon successful completion of all state and local board requirements, the student shall receive:

(a) A diploma indicating graduation from high school; or

(b) An ***alternate*** ~~[alternative]~~ high school diploma if the student has a disability and has completed a modified curriculum and an individualized course of study pursuant to requirements established by the Kentucky Board of Education in accordance with KRS 156.160.

(3) (a) The Gatton Academy of Mathematics and Science in Kentucky, located at Western Kentucky University, and the Craft Academy for Excellence in Science and Mathematics, located at Morehead State University, may award a diploma to any student who completes his or her high school program at the respective academy. If the academy issues a diploma, the board of regents of the host university shall provide to the commissioner of education a letter of assurance that the program of study completed by its students, in combination with previously earned secondary credits, meets the minimum high school graduation requirements established by the Kentucky Board of Education under KRS 156.160(1)(d).

(b) A local school district may award a joint diploma with the Gatton Academy of

Mathematics and Science in Kentucky or the Craft Academy for Excellence in Science and Mathematics to any student who was enrolled in a district high school and completed his or her high school program at the respective academy.

(c) The respective academy and the home school district shall ensure that student transcripts from each institution accurately reflect the dual credit coursework.

(4) A local school board may award a diploma indicating graduation from high school to any student posthumously with the high school class the student was expected to graduate.

(5) (a) A local board of education shall award an authentic high school diploma to an honorably discharged veteran who did not complete high school prior to being inducted into the United States Armed Forces during:

1. World War II, as defined in KRS 40.010;
2. The Korean conflict, as defined in KRS 40.010; or
3. The Vietnam War. As used in this paragraph, "Vietnam War" means the period beginning August 5, 1964, and ending May 7, 1975. However, for a member of the United States Armed Forces serving in Vietnam prior to August 5, 1964, the period shall begin February 28, 1961.

(b) Upon recommendation of the commissioner, the Kentucky Board of Education in consultation with the Kentucky Department of Veterans' Affairs shall promulgate administrative regulations to establish the guidelines for awarding the authentic diplomas referred to in paragraph (a) of this subsection.

(6) Any high school graduation requirements adopted by a local board shall not include achieving a minimum score on a statewide assessment administered under KRS 158.6453.

(7) The Department of Education shall establish the requirements for a vocational

certificate of completion. A student who has returned to school after dropping out shall receive counseling concerning the vocational program. A student who has completed the requirements established for a vocational program shall receive a vocational certificate of completion specifying the areas of competence.

➔Section 4. KRS 164.787 is amended to read as follows:

(1) The General Assembly hereby establishes the Work Ready Kentucky Scholarship Program to ensure that all Kentuckians who have not yet earned a postsecondary degree have affordable access to an industry-recognized certificate, diploma, or associate of applied science degree and, for students with intellectual disabilities enrolled in comprehensive transition and postsecondary programs, affordable access to meaningful credentials to prepare for competitive integrated employment.

(2) For purposes of this section:

(a) "Academic term" means a fall, spring, or summer academic term or other time period specified in an administrative regulation promulgated by the authority;

(b) "Academic year" means July 1 through June 30 of each year;

(c) "Eligible institution" means an institution as defined in KRS 164.001 that:

1. Actively participates in the federal Pell Grant program;

2. Executes a contract with the authority on terms the authority deems necessary or appropriate for the administration of its programs; and

3. Is a:

a. Kentucky Community and Technical College System institution;

b. Kentucky public university; or

c. College, university, or vocational-technical school that is accredited by a recognized regional or national accrediting body and licensed to operate at a site in Kentucky;

(d) "Eligible program of study" means a program approved by the authority that leads to an industry-recognized certificate, diploma, or associate of applied

science degree in one (1) of Kentucky's top five (5) high-demand workforce sectors identified by the Kentucky Workforce Innovation Board and the Education and Labor Cabinet or a program of study in a comprehensive transition and postsecondary program that leads to a credential, certificate, diploma, or degree;

(e) "Fees" means mandatory fees charged by an eligible institution for enrollment in a course, including but not limited to online course fees, lab fees, and administrative fees. "Fees" does not include tools, books, or other instructional materials that may be required for a course; and

(f) "Tuition" means the in-state tuition charged to all students as a condition of enrollment in an eligible institution.

(3) In consultation with the Education and Labor Cabinet and the Council on Postsecondary Education, the Kentucky Higher Education Assistance Authority shall administer the Work Ready Kentucky Scholarship Program and promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed for the administration of the scholarship.

(4) An eligible workforce student shall:

(a) Be a citizen or permanent resident of the United States;

(b) Be a Kentucky resident as determined by the eligible institution in accordance with criteria established by the Council on Postsecondary Education for the purposes of admission and tuition assessment;

(c) 1. Have earned a high school diploma or a High School Equivalency Diploma or be enrolled in a High School Equivalency Diploma program; or

2. For a student enrolled in a comprehensive transition and postsecondary program, have received an ***alternate*** ~~[alternative]~~ high school diploma described in KRS 158.140(2)(b)***, or a modified high school diploma***

under subsection (1)(e) of Section 1 of this Act, or have attended a Kentucky public high school and is a student with an intellectual disability as defined in 34 C.F.R. sec. 668.231;

(d) Not have earned an associate's degree or higher level postsecondary degree;

(e) Complete the Free Application for Federal Student Aid for the academic year in which the scholarship is awarded;

(f) Complete and submit a Work Ready Kentucky Scholarship application to the authority;

(g) Enroll in an eligible program of study at an eligible institution;

(h) Not be enrolled in an ineligible degree program, such as a bachelor or unapproved associate program, at any postsecondary institution;

(i) Following the first academic term scholarship funds are received, achieve and maintain satisfactory academic progress as determined by the eligible institution; and

(j) Not be in default on any program under Title IV of the federal act or any obligation to the authority under any program administered by the authority under KRS 164.740 to 164.7891 or 164.7894, except that ineligibility for this reason may be waived by the authority for cause.

(5) (a) The authority shall award a Work Ready Kentucky Scholarship each academic term to any person who meets the requirements of this section to the extent funds are available for that purpose.

(b) The scholarship amount awarded to an eligible workforce student for an academic term shall be the amount remaining after subtracting the student's federal and state grants and scholarships from the maximum scholarship amount. The maximum scholarship amount shall be the per credit hour in-state tuition rate at the Kentucky Community and Technical College System multiplied by the number of credit hours in which the student is enrolled and

the fees charged to the student. The authority shall promulgate an administrative regulation in accordance with KRS Chapter 13A to specify the maximum amount to be awarded for fees.

(6) (a) Except as provided in paragraph (b) of this subsection, an eligible workforce student's eligibility for the scholarship shall terminate upon the earlier of:

1. Receiving the scholarship for a total of sixty (60) credit hours; or
2. Obtaining an associate's degree.

(b) For an eligible workforce student enrolled in a comprehensive transition and postsecondary program, eligibility for the scholarship shall terminate upon the earlier of completing the program or receiving the scholarship for up to nine (9) academic terms within three (3) academic years.

(7) The authority shall annually provide a report on the Work Ready Kentucky Scholarship Program, prepared in collaboration with the Kentucky Center for Statistics, to the secretary of the Education and Labor Cabinet and the Legislative Research Commission for referral to the Interim Joint Committee on Education that includes, by academic term, academic year, institution, and workforce sector, the number of:

(a) Students served by the scholarship and the total amount disbursed;

(b) Credits, certificates, diplomas, and associate of applied science degrees earned by students receiving the scholarship; and

(c) Students receiving the scholarship who are enrolled in a comprehensive transition and postsecondary program and credentials earned by those students.

(8) The authority shall report Work Ready Kentucky Scholarship program data to the Kentucky Center for Statistics for analysis of the program's success in meeting the goal of increasing skilled workforce participation rates.

(9) (a) The Work Ready Kentucky Scholarship fund is hereby created as a trust fund

in the State Treasury to be administered by the authority for the purpose of providing scholarships as described in this section.

(b) The trust fund shall consist of state general fund appropriations, gifts and grants from public and private sources, and federal funds.

(c) Any unallotted or unencumbered balances in the trust fund shall be invested as provided in KRS 42.500(9). Income earned from the investments shall be credited to the trust fund.

(d) Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year.

➔Section 5. KRS 164.7882 is amended to read as follows:

(1) Notwithstanding any other statute to the contrary, a student shall be eligible for a Kentucky educational excellence scholarship who:

(a) 1. Received an ***alternate***~~[alternative]~~ high school diploma described in KRS 158.140(2)(b) after June 30, 2012;

2. Received a modified high school diploma under subsection (1)(e) of Section 1 of this Act; or

3.~~[2.]~~ Attended a Kentucky public high school after June 30, 2008, and is a student with an intellectual disability as defined in 34 C.F.R. sec. 668.231; and

(b) Enrolls in a comprehensive transition and postsecondary program at a participating institution located in Kentucky.

(2) A student enrolled in credit-bearing or non-credit-bearing courses as part of a comprehensive transition and postsecondary program prior to the 2016-2017 academic year shall receive:

(a) Two hundred fifty dollars ($250) for enrollment in at least six (6) hours in an academic term; and

(b) One hundred twenty-five dollars ($125) for enrollment in less than six (6)

hours in an academic term.

(3) A student enrolled in credit-bearing or non-credit-bearing courses as part of a comprehensive transition and postsecondary program beginning with the 2016-2017 academic year shall receive:

(a) Five hundred dollars ($500) for enrollment in at least six (6) hours in an academic term; and

(b) Two hundred fifty dollars ($250) for enrollment in less than six (6) hours in an academic term.

(4) A student shall be eligible for a scholarship under this section for a maximum of eight (8) academic terms.

(5) The authority shall promulgate administrative regulations establishing the procedures for making awards under this section.