AN ACT relating to the Kentucky Educator Placement Service System.

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

➔Section 1. KRS 161.028 is amended to read as follows:

(1) The Education Professional Standards Board is recognized to be a public body corporate and politic and an agency and instrumentality of the Commonwealth, in the performance of essential governmental functions. The Education Professional Standards Board has the authority and responsibility to:

(a) Establish standards and requirements for obtaining and maintaining a teaching certificate;

(b) Set standards for, approve, and evaluate college, university, and school district programs for the preparation of teachers and other professional school personnel. College or university programs may be approved by the board for a college or university with regional institutional level accreditation or national institutional level accreditation that is recognized by the United States Department of Education and is eligible to receive federal funding under 20 U.S.C. secs. 1061 to 1063. Program standards shall reflect national standards and shall address, at a minimum, the following:

1. The alignment of programs with the state's core content for assessment as defined in KRS 158.6457;
2. Research-based classroom practices, including effective classroom management techniques;
3. Emphasis on subject matter competency of teacher education students;
4. Methodologies to meet diverse educational needs of all students;
5. The consistency and quality of classroom and field experiences, including early practicums and student teaching experiences;
6. The amount of college-wide or university-wide involvement and support during the preparation as well as the induction of new teachers;

7. The diversity of faculty;
8. The effectiveness of partnerships with local school districts; and
9. The performance of graduates on various measures as determined by the board;

(c) Conduct an annual review of diversity in teacher preparation programs;

(d) Provide assistance to universities and colleges in addressing diversity, which may include researching successful strategies and disseminating the information, encouraging the development of nontraditional avenues of recruitment and providing incentives, waiving administrative regulations when needed, and other assistance as deemed necessary;

(e) Discontinue approval of programs that do not meet standards or whose graduates do not perform according to criteria set by the board;

(f) Issue, renew, revoke, suspend, or refuse to issue or renew; impose probationary or supervisory conditions upon; issue a written reprimand or admonishment; or any combination of actions regarding any certificate;

(g) Develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by an employee certified by the Education Professional Standards Board. The guidelines shall include investigation, inquiry, and hearing procedures which ensure the process does not revictimize the alleged victim or cause harm if an employee is falsely accused;

(h) Receive, along with investigators hired by the Education Professional Standards Board, training on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedures in sex offense cases, and effective intervention with victims and offenders;

(i) Recommend to the Kentucky Board of Education the essential data elements

relating to teacher preparation and certification, teacher supply and demand, teacher attrition, teacher diversity, and employment trends to be included in a state comprehensive data and information system and periodically report data to the appropriate Interim Joint Committee on Education;

(j) Submit reports to the Governor and the Legislative Research Commission and inform the public on the status of teaching in Kentucky;

(k) Devise a credentialing system that provides alternative routes to gaining certification and greater flexibility in staffing local schools while maintaining standards for teacher competence;

(l) Develop a professional code of ethics;

(m) Charge reasonable fees for the issuance, reissuance, and renewal of certificates that are established by administrative regulation. The proceeds shall be used to meet a portion of the costs of the issuance, reissuance, and renewal of certificates, ~~[and]~~the costs associated with disciplinary action against a certificate holder under KRS 161.120***, and the costs associated with the development and maintenance of the Kentucky Educator Placement Service System required under Section 2 of this Act***;

(n) Waive a requirement that may be established in an administrative regulation promulgated by the board. A request for a waiver shall be submitted to the board, in writing, by an applicant for certification, a postsecondary institution, or a superintendent of a local school district, with appropriate justification for the waiver. The board may approve the request if the person or institution seeking the waiver has demonstrated extraordinary circumstances justifying the waiver. Any waiver granted under this subsection shall be subject to revocation if the person or institution falsifies information or subsequently fails to meet the intent of the waiver;

(o) Promote the development of one (1) or more innovative, nontraditional or

alternative administrator or teacher preparation programs through public or private colleges or universities, private contractors, the Department of Education, or the Kentucky Commonwealth Virtual University and waive administrative regulations if needed in order to implement the program;

(p) Grant approval, if appropriate, of a university's request for an alternative program that enrolls an administrator candidate in a postbaccalaureate administrator preparation program concurrently with employment as an assistant principal, principal, assistant superintendent, or superintendent in a local school district. An administrator candidate in the alternative program shall be granted a temporary provisional certificate and shall be a candidate in the Kentucky Principal Internship Program, notwithstanding provisions of KRS 161.030, or the Superintendent's Assessment process, notwithstanding provisions of KRS 156.111, as appropriate. The temporary certificate shall be valid for a maximum of two (2) years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance with all requirements established by the board. A professional certificate shall be issued upon the candidate's successful completion of the program, internship requirements, and assessments as required by the board;

(q) Employ consultants as needed;

(r) Enter into contracts. Disbursements to professional educators who receive less than one thousand dollars ($1,000) in compensation per fiscal year from the board for serving on an assessment validation panel or as a test scorer or proctor shall not be subject to KRS 45A.690 to 45A.725;

(s) Sponsor studies, conduct research, conduct conferences, and publish information as appropriate; and

(t) Issue orders as necessary in any administrative action before the board.

(2) (a) The board shall be composed of seventeen (17) members. The secretary of the

Education and Labor Cabinet and the president of the Council on Postsecondary Education, or their designees, shall serve as ex officio voting members. The Governor shall make the following fifteen (15) appointments:

1. Nine (9) members who shall be teachers representative of elementary, middle or junior high, secondary, special education, and secondary vocational classrooms;
2. Two (2) members who shall be school administrators, one (1) of whom shall be a school principal;
3. One (1) member representative of local boards of education; and
4. Three (3) members representative of postsecondary institutions, two (2) of whom shall be deans of colleges of education at public universities and one (1) of whom shall be the chief academic officer or head of an educator preparation program of an independent not-for-profit college or university.

(b) The members appointed by the Governor shall be confirmed by the Senate under KRS 11.160. If the General Assembly is not in session at the time of the appointment, persons appointed shall serve prior to confirmation, but the Governor shall seek the consent of the Senate at the next regular session or at an intervening extraordinary session if the matter is included in the call of the General Assembly.

(c) Each appointed member shall serve a three (3) year term. A vacancy on the board shall be filled in the same manner as the original appointment within sixty (60) days after it occurs. A member shall continue to serve until his or her successor is named. Any member who, through change of employment status or residence, or for other reasons, no longer meets the criteria for the position to which he or she was appointed shall no longer be eligible to serve in that position.

(d) Members of the board shall serve without compensation but shall be permitted to attend board meetings and perform other board business without loss of income or other benefits.

(e) A state agency or any political subdivision of the state, including a school district, required to hire a substitute for a member of the board who is absent from the member's place of employment while performing board business shall be reimbursed by the board for the actual amount of any costs incurred.

(f) A chairman shall be elected by and from the membership. A member shall be eligible to serve no more than three (3) one (1) year terms in succession as chairman. Regular meetings shall be held at least semiannually on call of the chairman.

(g) The commissioner of education shall serve as executive secretary to the board and may designate staff to facilitate his or her duties.

(h) To carry out the functions relating to its duties and responsibilities, the board is empowered to receive donations and grants of funds; to appoint consultants as needed; and to sponsor studies, conduct conferences, and publish information.

➔Section 2. KRS 160.152 is amended to read as follows:

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

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

(a) Is accessible through the department's website;

(b) Includes a mechanism for local school districts and public charter schools to electronically ***post***~~[submit]~~ job openings ~~[for posting]~~on the system as

provided in subsection (4) of this section;

(c) Allows the public to review job postings;

(d) Allows potential applicants to ***create one (1) or more universal applications and*** electronically submit applications and relevant application materials ***to multiple local school districts or public charter schools***; and

(e) Permits school districts and public charter schools to access, review, and download applications and application materials.

(3) Each job posting for a vacancy at a school district or public charter school shall include the school district's or public charter school's policy against discrimination in employment.

(4) School districts and public charter schools shall electronically ***post***~~[submit]~~ all job ***openings***~~[postings]~~ to the system. All postings must include an opening and closing date for each position posted.

(5) The Kentucky Department of Education shall operate and maintain the system to ensure that job postings are current, including tracking each unique position posted, monitoring for repeated position postings, and removing outdated postings, and to collect accurate data about employment in public schools.

(6) Nothing in this section shall:

(a) Prohibit a school district or public charter school from advertising job openings and recruiting employees independently from the system;

(b) Prohibit a school district or public charter school from using another method of advertising job openings or another applicant tracking system in addition to the system;

(c) Require all job applications for posted vacancies to be submitted digitally or only be submitted through the system; or

(d) Provide the Kentucky Department of Education with any regulatory authority in the hiring process or hiring decisions of any school district or public charter

school.

(7) The Kentucky Department of Education shall prepare a report detailing data from the system and its implication for the status of employment in public schools, including but not limited to the number and type of unique and duplicated job postings, how often postings are viewed by the public, and positions that are remaining vacant by type, certification requirement, and location. The report shall be submitted to the ***Legislative Research Commission for referral to the*** Interim Joint Committee on Education ***annually*** by October 1~~[, 2023, and annually thereafter]~~.

➔Section 3. KRS 161.030 is amended to read as follows:

(1) Notwithstanding the age of the pupil, the certification of all teachers and other school personnel, in public schools only, is vested in the Education Professional Standards Board. When so certified, teachers and other school personnel shall not be required to have licensure, certification, or other forms of approval from any other state agency for the performance of their respective assignments within the system of public schools, except as provided for by law. All certificates authorized under KRS 161.010 to 161.126 shall be issued in accordance with the administrative regulations of the Education Professional Standards Board. After July 15, 1994, all certificate applications and other data collection instruments of the board shall include a request for voluntary information about the applicant's ethnic background. This information shall be available to help local school districts locate minority candidates. A person who holds a certificate prior to this requirement may request that ethnic information be added to his or her file. Nothing in this section shall preclude the right of an individual in a nonpublic school from seeking voluntary certification by the Education Professional Standards Board.

(2) Certificates shall be issued upon written application and in accordance with statutes and regulations in effect at the time of application to persons who have completed,

at colleges, universities, or local school district programs approved by the Education Professional Standards Board for the preparation of teachers and other school personnel, the curricula prescribed by the administrative regulations of the Education Professional Standards Board.

(3) (a) Certification of all new teachers and teachers seeking additional certification shall require the successful completion of appropriate assessments prior to certification. The assessments shall be selected by the Education Professional Standards Board and shall measure knowledge in the specific teaching field of the applicant, including content of the field and teaching of that content. The Education Professional Standards Board shall determine the minimum acceptable level of achievement on each assessment. The assessments shall measure those concepts, ideas, and facts which are being taught in teacher education programs in Kentucky. Upon successful completion of the assessments and the approved teacher preparation program, a professional certificate valid for five (5) years shall be issued.

(b) If an applicant for teacher certification has completed the approved teacher preparation program and has taken but failed to successfully complete the appropriate assessments selected by the Education Professional Standards Board, a conditional certificate may be issued for a period not to exceed one (1) year. The employing school district, in collaboration with the teacher education institution, shall provide technical assistance and mentoring support to the conditionally certified teacher. The teacher shall retake the assessments during the validity period of the conditional certificate. The conditional certificate shall not be reissued. Upon successful completion of the required assessments, a professional certificate valid for five (5) years shall be issued. The Education Professional Standards Board shall promulgate administrative regulations to establish the standards and procedures for issuance of a

conditional certificate.

(c) If an out-of-state teacher with less than two (2) years' experience comes to Kentucky after the deadline for taking the assessments, a temporary certificate may be issued for a period up to six (6) months. The teacher shall take the assessments during the period of the temporary certificate. If the teacher fails the assessments, the temporary certificate shall be valid only for the current semester. If the teacher passes the assessments, a professional certificate valid for five (5) years shall be issued.

(4) A reasonable fee to be paid by the teacher and directly related to the actual cost of the administration of the assessments shall be established by the Education Professional Standards Board. Provisions shall be made for persons having less than minimum levels of performance on any assessment to repeat that assessment, and candidates shall be informed of their strengths and weaknesses in the specific performance areas. The Education Professional Standards Board shall provide for confidentiality of the individual assessment scores. Scores shall be available only to the candidate and to the education officials who are responsible for determining whether established certification standards have been met. Scores shall be used only in the assessment for certification of new teachers and of out-of-state teachers with less than two (2) years of teaching experience who are seeking initial certification in Kentucky.

(5) If an applicant establishes eligibility for a five (5) year professional certificate under the provisions of subsection (3)(a) of this section, the applicant shall also be eligible for the issuance of a certificate for substitute teaching as provided by the administrative regulations of the Education Professional Standards Board.

(6) (a) The Education Professional Standards Board shall issue a ten (10) year emeritus certificate to an applicant who has:

1. Retired or will retire not more than one (1) year prior to the expiration

date of the certificate;

2. Met the requirements to receive an emeritus certificate as set forth in administrative regulation promulgated by the Education Professional Standards Board; and

3. Completed the required application unless the provisions of KRS 161.120 apply.

(b) The Education Professional Standards Board shall issue a one (1) time five (5) year exception certificate to an individual:

1. Whose certificate has expired;

2. Whose rank upon expiration was Rank I or Rank II;

3. Who has met the requirements to receive an exception certificate as set forth in administrative regulation promulgated by the Education Professional Standards Board;

4. Who completed three (3) years of classroom instruction prior to the certificate's expiration; and

5. Who has completed the required application unless the provisions of KRS 161.120 apply.

(c) The Education Professional Standards Board shall issue a five (5) year certificate to an individual:

1. Whose certificate has expired;

2. Who has met the requirements for a certificate or statement of eligibility in an administrative regulation promulgated by the Education Professional Standards Board; and

3. Who submits proof of successful completion of six (6) credit hours of graduate coursework.

(d) The Education Professional Standards Board shall issue a one (1) time five (5) year certificate to an individual:

1. Whose certificate has expired;

2. Who has met the requirements for a certificate or statement of eligibility in an administrative regulation promulgated by the Education Professional Standards Board; and

3. Who submits a waiver issued by a school district superintendent exempting the applicant from the requirement to submit proof of successful completion of six (6) credit hours of graduate coursework under paragraph (c)3. of this subsection.

(7) The Education Professional Standards Board shall approve the curricula of any college or university, or of any department thereof, for the training of teachers, and any nontraditional or alternative teacher preparation program offered in a public or private postsecondary education institution, private contractor, or state agency, and shall also approve the curricula of any local district alternative certification program, when the curricula comply with the administrative regulations of the Education Professional Standards Board for the issuance of certificates and when the institution has met the terms and conditions provided in KRS 161.010 to 161.120. Any student who has completed any of these curricula, as approved by the Education Professional Standards Board, and who has completed the prescribed requirements for the issuance of certificates shall be granted a certificate corresponding to the curricula completed.

(8) The issuance of any certificate, except emergency certificates issued pursuant to KRS 161.100, by the Education Professional Standards Board shall not be dependent upon an offer of employment. The certification process, except for emergency certificates, is independent of any job prospects and certification shall be awarded on the basis of completing a teacher preparation program or an alternative certification pathway and passing required assessments.

➔Section 4. KRS 157.220 is amended to read as follows:

(1) The Department of Education is hereby designated as the agency for cooperation with the state and federal government agencies, the nonpublic school programs and local schools of Kentucky in carrying out the provisions of KRS 157.200 to ***157.290***~~[157.280]~~.

(2) The Kentucky Board of Education shall ***promulgate***~~[make]~~ necessary ***administrative***~~[rules and]~~ regulations in ***accordance***~~[keeping]~~ with~~[the provisions of]~~ KRS 157.200 to ***157.290***~~[157.280 for their proper administration]~~, including but not limited to establishment of classes, eligibility and admission of pupils,~~[the]~~ curriculum, class size ***and caseload*** limitations ***in accordance with subsection (3) of this section***, housing, special equipment, and instructional supplies.

(3) In providing special education services for the exceptional children and youth specified in subsection (3)(a) to (m) of Section 5 of this Act:

(a) The maximum class size for special classes for students with the following conditions shall be limited to:

1. Eight (8) students with autism;

2. Ten (10) students with a developmental delay;

3. Eight (8) students with an emotional-behavioral disability;

4. Ten (10) students with a functional mental disability;

5. Six (6) students with a hearing impairment;

6. Fifteen (15) students with a mild mental disability;

7. Ten (10) students with multiple disabilities;

8. Sixteen (16) students with an orthopedic impairment;

9. Sixteen (16) students with an other health impairment;

10. Ten (10) students in kindergarten to grade five (5) and fifteen (15) students in grades six (6) to twelve (12) with a specific learning disability; and

11. Ten (10) students with a visual disability;

(b) The maximum caseloads for teachers of special classes shall be as follows:

1. Fifteen (15) students with autism;

2. Fifteen (15) students with a developmental delay;

3. Fifteen (15) students with an emotional-behavioral disability;

4. Ten (10) students with a functional mental disability;

5. Eight (8) students with a hearing impairment;

6. Fifteen (15) students in kindergarten to grade five (5) and twenty (20) students in grades six (6) to twelve (12) with a mild mental disability;

7. Ten (10) students with multiple disabilities;

8. Twenty (20) students with an orthopedic impairment;

9. Twenty (20) students with an other health impairment;

10. Fifteen (15) students in kindergarten to grade five (5) and twenty (20) students in grades six (6) to twelve (12) with a specific learning disability; and

11. Ten (10) students with a visual disability;

(c) For speech-language pathologists the caseload limitations in KRS 334A.190 shall apply;

(d) Special classes containing more than one (1) disability category shall use the category of the majority of students in the class to determine the maximum class size established in paragraph (a) of this subsection;

(e) Two (2) students above the maximum class size established in paragraph (a) of this subsection may be added to a class if a paraprofessional is present;

(f) If a teacher of exceptional children and youth provides services through the collaborative model, the maximum caseload shall not exceed twenty (20) students in grades six (6) to twelve (12) and fifteen (15) students in kindergarten to grade five (5);

(g) If a teacher of exceptional children provides services through a

combination of collaboration and special classes, the maximum caseload shall not exceed those established in paragraph (b) of this subsection;

(h) Teachers of special classes who are assigned student records of more than one (1) disability category shall use the category of the majority of students on the caseload to determine the maximum caseload established in paragraph (b) of this subsection; and

(i) State preschool caseload and class size maximums shall be maintained pursuant to Section 7 of this Act.

(4) ~~[(2)]~~ The Department of Education is authorized to receive contributions and donations that may be made to carry out~~[the provisions and requirements of]~~ KRS 157.200 to ***157.290*** ~~[157.280]~~.

(5) ~~[(3)]~~ Local supervision of special educational facilities for exceptional children ***and youth*** shall be approved by the Department of Education according to ***administrative*** ~~[rules and]~~ regulations ***promulgated*** ~~[approved]~~ by the Kentucky Board of Education.

➔Section 5. KRS 157.200 is amended to read as follows:

As used in KRS 157.200 to 157.290:

(1) ***"Admissions and release committee" or "ARC" means a group of individuals that is responsible for developing, reviewing, or revising an individualized education program for an exceptional child or youth;***

(2) "Caseload" means the number of exceptional children and youth assigned to a teacher of exceptional children and youth for the purpose of overseeing the management of individualized specially designed instruction and related services as required by the individualized education program;

(3) "Exceptional children and youth" means persons under twenty-one (21) years of age who differ in one (1) or more respects from same-age peers in physical, mental, learning, emotional, or social characteristics and abilities to such a degree that they

need special educational programs or services for them to benefit from the regular or usual facilities or educational programs of the public schools in the districts in which they reside. The Department of Education, through administrative regulations promulgated by the Kentucky Board of Education, shall interpret the statutory definitions of exceptionality. An exceptionality is any trait so defined in this section or by administrative regulations promulgated by the Kentucky Board of Education. Requirements of average daily attendance for exceptional classes shall be regulated by statute, or in the absence of direction by administrative regulations promulgated by the Kentucky Board of Education. Categories of exceptionalities included within, but not limited by, this definition are as follows:

(a) "Orthopedic impairment" means a severe physical impairment of bone or muscle which adversely affects educational performance to the extent that specially designed instruction is required for the pupil to benefit from education. The term includes physical impairments caused by congenital anomaly, disease, and from other causes;

(b) "Other health ***impairment***~~[impaired]~~" means limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, due to a chronic or acute health problem which adversely affects educational performance to the extent that specially designed instruction is required for the pupil to benefit from education. Chronic health problems may include, but are not be limited to, a heart condition, tuberculosis, sickle cell anemia, hemophilia, epilepsy, rheumatic fever, nephritis, asthma, lead poisoning, leukemia, diabetes, attention deficit disorder, attention deficit hyperactive disorder, or acquired immune deficiency syndrome;

(c) "Speech or language impairment" means a communication disorder such as stuttering, impaired articulation, impaired language, impaired voice, delayed acquisition of language, or absence of language that adversely affects

educational performance to the extent that specially designed instruction is required for the pupil to benefit from education;

(d) "Hearing impairment" means a physiological hearing loss:

1. Ranging from mild to profound, which is either permanent or fluctuating, and of such a degree that the pupil is impaired in the processing of linguistic information via the auditory channel either with or without amplification; or

2. That adversely affects educational performance so that specially designed instruction is required for the child or youth to benefit from education.

The term shall include both deaf and hard of hearing children;

(e) "Mental disability" means a deficit or delay in intellectual and adaptive behavior functioning, which adversely affects educational performance to the extent that specially designed instruction is required for the pupil to benefit from education, and which is typically manifested during the developmental period;

(f) "Specific learning disability" means a disorder in one (1) or more of the psychological processes primarily involved in understanding or using spoken or written language, which selectively and significantly interferes with the acquisition, integration, or application of listening, speaking, reading, writing, reasoning, or mathematical abilities. "Specific learning disability" may include conditions such as dyslexia, dyscalculia, dysgraphia, developmental aphasia, or perceptual motor disabilities. The disorder is lifelong, intrinsic to the individual, and adversely affects educational performance to the extent that specially designed instruction is required in order for the pupil to benefit from education. Determination of the existence of a specific learning disability shall include documentation that a child does not make sufficient

progress in meeting age or grade-level content standards when provided with appropriate instruction and learning experiences delivered by qualified personnel, including the child's response to scientific, research-based interventions and additional information derived from an individual evaluation. The term does not include a learning problem which is primarily the result of:

1. A hearing impairment;
2. Visual, physical, mental, or emotional-behavioral disabilities;
3. Environmental, cultural, or economic differences; or
4. Limited English proficiency;

(g) "Emotional-behavioral disability" means a condition characterized by behavioral excess or deficit which significantly interferes with a pupil's interpersonal relationships or learning process to the extent that it adversely affects educational performance so that specially designed instruction is required in order for the pupil to benefit from education;

(h) "Multiple disability" means a combination of two (2) or more disabilities resulting in significant learning, developmental, or behavioral and emotional problems, which adversely affects educational performance and, therefore, requires specially designed instruction in order for the pupil to benefit from education. A pupil is not considered to have a multiple disability if the adverse effect on educational performance is solely the result of deaf-blindness or the result of speech or language disability and one (1) other disabling condition;

(i) "Deaf-blind" means auditory and visual impairments, the combination of which creates such severe communication and other developmental and learning needs that the pupil cannot be appropriately educated in special education programs designed solely for pupils with hearing impairments,

visual impairments, or severe disabilities, unless supplementary assistance is provided to address educational needs resulting from the two (2) disabilities;

(j) "Visually disabled" means a visual impairment, which, even with correction, adversely affects educational performance to the extent that specially designed instruction is required for the pupil to benefit from education. The term includes both partially seeing and blind pupils;

(k) "Developmental delay" means a significant discrepancy between a child's current level of performance in basic skills such as cognition, language or communication, self-help, social-emotional, or fine or gross motor, and the expected level of performance for that age. The term shall be used only with children ages three (3) through eight (8);

(l) "Traumatic brain injury" means an acquired impairment to the neurological system resulting from an insult to the brain which adversely affects educational performance and causes temporary or permanent and partial or complete loss of:

1. Cognitive functioning;
2. Physical ability; or
3. Communication or social-behavioral interaction.

The term does not include a brain injury that is congenital or degenerative, or a brain injury induced by birth trauma;

(m) "Autism" means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three (3), that adversely affects educational performance. Characteristics of autism include:

1. Engagement in repetitive activity and stereotyped movement;
2. Resistance to environmental change or change in daily routine; and
3. Unusual responses to sensory experience.

The term does not include children with characteristics of an emotional-behavioral disability; and

(n) "Gifted and talented student" means a pupil identified as possessing demonstrated or potential ability to perform at an exceptionally high level in general intellectual aptitude, specific academic aptitude, creative or divergent thinking, psychosocial or leadership skills, or in the visual or performing arts**;**~~[.~~

~~(2) "Special education" means specially designed instruction to meet the unique needs of an exceptional child or youth.~~

~~(3) "Special educational facilities" means physical facilities designed or adapted to meet the needs of exceptional children and youth, and approved according to regulations promulgated by the Kentucky Board of Education.]~~

(4) "Related services" means transportation and the developmental, corrective, and other supportive services required to assist an exceptional child or youth to benefit from special education, and may include, but are not limited to, speech-language pathology and audiology services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; early identification and assessment of disabilities; counseling services, including rehabilitation counseling; orientation and mobility services; medical services for diagnostic or evaluation purposes; school health services; social work services in schools; and parent counseling and training**;**~~[.]~~

(5) "Special classes" means specially equipped and staffed classes in which an exceptional child or youth, individually or in small groups, spends part of his or her day receiving specially designed instruction or related services as determined by the ARC;

(6) "Special education" means specially designed instruction to meet the unique needs of an exceptional child or youth;

(7) "Special educational facilities" means physical facilities designed or adapted to meet the needs of exceptional children and youth, and approved according to administrative regulations promulgated by the Kentucky Board of Education; and

(8) ~~[(5)]~~ "Transition services" means a coordinated set of activities for a pupil designed within an outcome-oriented process, that promotes movement from school to postschool activities. The term includes:

(a) Postsecondary education;

(b) Vocational training; and

(c) Integrated employment, including supported employment, continuing and adult education, adult services, independent living, or community participation.

The coordinated set of activities shall be based on the individual pupil's needs, taking into account the pupil's preferences and interests, and shall include instruction, community experience, the development of employment, and other postschool adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

➔Section 6. KRS 157.230 is amended to read as follows:

School boards of any school district subject to~~[the provisions of]~~ KRS 157.200 to ***157.290*** ~~[157.280]~~, shall establish and maintain special educational programs for exceptional children ***and youth*** who are residents of their school district, or contract for programs as may be authorized by KRS 157.280.

➔Section 7. KRS 157.3175 is amended to read as follows:

(1) Each local school district shall ensure that a developmentally appropriate half-day preschool education program is provided for each child who is at risk of educational failure and who is four (4) years of age~~[:~~

~~(a) By October 1, for any year prior to 2017; or~~

~~(b)]~~ by August 1~~[, for 2017 or any year thereafter]~~.

All other four (4) year old children shall be served to the extent placements are available. The Kentucky Board of Education, upon the recommendation of the chief state school officer, shall adopt administrative regulations establishing the guidelines for the program. Administrative regulations shall establish eligibility criteria, program guidelines, and standards for personnel.

(2) "Developmentally appropriate preschool program" means a program which focuses on the physical, intellectual, social, and emotional development of young children. The preschool program shall help children with their interpersonal and socialization skills.

(3) Funds appropriated by the General Assembly for the preschool education programs shall be granted to local school districts according to a grant allotment system approved by the Kentucky Board of Education. Children who are at risk shall be identified based on the Federal School Lunch Program eligibility criteria for free lunch. Appropriations shall be separate from all other funds appropriated to the Department of Education and shall be administered in accordance with applicable federal and state statutes and administrative regulations. Eligible local school districts shall receive funds based on the average number of preschool children being served on December 1 and March 1 of the prior academic year who are appropriately identified as:

(a) Three (3) and four (4) years of age with disabilities; and

(b) Four (4) years of age identified as at risk of educational failure.

Local school districts may develop cooperative arrangements with other school districts or organizations in accordance with KRS 157.280.

(4) A child shall be eligible for a free and appropriate preschool education and related services if:

(a) 1. The child has been identified as a child with a disability in accordance with the Individuals with Disabilities Education Act, 20 U.S.C.

sec.~~[secs.]~~ 1400 et seq.; or

2. The child has been identified in accordance with the definitions and procedures for exceptional children and youth in accordance with KRS 157.200***(3)***~~[(1)]~~(a) to (m); and

(b) The child is three (3) or four (4) years of age~~[:~~

~~1. By October 1, for any year before 2017; or~~

~~2.]~~ by August 1~~[, for 2017 or any year thereafter]~~.

(5) The chief state school officer shall receive and review proposals from local school districts for grants to operate or oversee the operation of developmentally appropriate preschool education programs. Districts may submit proposals for implementing new services, enhancing existing preschool education services, or contracting for services. In designing a local early childhood education program, each district shall work with existing preschool programs to avoid duplication of programs and services, to avoid supplanting federal funds, and to maximize Head Start funds in order to serve as many four (4) year old children as possible.

(6) Each program proposal shall include, at a minimum:

(a) A description of the process conducted by the district to ensure that the parents or guardians of all eligible participants have been made aware of the program and of their right to participate;

(b) A description of the planned educational programming and related services;

(c) The estimated number of children participating in the program;

(d) Strategies for involving children with disabilities;

(e) Estimated ratio of staff to children with the maximum being one (1) adult for each ten (10) children;

(f) The estimated percentage of children participating in the program who are at risk of educational failure;

(g) Information on the training and qualifications of program staff and

documentation that the staff meet required standards;

(h) A budget and per-child expenditure estimate;

(i) A plan to facilitate active parental involvement in the preschool program, including provisions for complementary parent education when appropriate;

(j) Facilities and equipment which are appropriate for young children;

(k) The days of the week and hours of a day during which the program shall operate;

(l) A plan for coordinating the program with existing medical and social services, including a child development and health screening component;

(m) Assurances that participants shall receive breakfast or lunch;

(n) Program sites which meet state and local licensure requirements;

(o) A plan for coordinating program philosophy and activities with the local district's primary school program;

(p) An evaluation component; and

(q) Certification from the local Head Start director that the Head Start program is fully utilized pursuant to subsection (4) of this section.

(7) If the superintendent and local Head Start director are unable to reach an agreement on whether a Head Start program is fully utilized, the superintendent or local Head Start director shall notify the chief state school officer. The local Head Start director shall provide the chief state school officer all information relevant to the utilization of the Head Start program. Within thirty (30) days of notification from the superintendent or local Head Start director, the chief state school officer shall make a determination of whether a Head Start program is fully utilized and may execute the certification required by subsection (6)(q) of this section on behalf of the local Head Start director.

(8) Programs shall reflect an equitable geographic distribution representative of all areas of the Commonwealth.

➔Section 8. KRS 159.990 is amended to read as follows:

(1) Any parent, guardian, or custodian who intentionally fails to comply with the requirements of KRS 159.010 to 159.170, except as provided in subsection (5) of this section, shall be fined one hundred dollars ($100) for the first offense, and two hundred fifty dollars ($250) for the second offense. Each subsequent offense shall be classified as a Class B misdemeanor. A new offense shall not be constituted until any previous offense has been finally adjudicated. The court trying the case may suspend enforcement of the fine if the child is immediately placed in attendance at a school, and may finally remit the fine if the attendance continues regularly for the full school term. School attendance may be proved by an attested certificate of the principal or teacher in charge of the school.

(2) Any principal, teacher, director of pupil personnel, assistant director of pupil personnel, or other school officer who intentionally fails to comply with the provisions of KRS 159.010 to 159.250, or of KRS 160.330 shall be fined not less than twenty-five dollars ($25) nor more than fifty dollars ($50). Upon conviction under this subsection, a director of pupil personnel or assistant director of pupil personnel shall be removed from office and have his certificate revoked, and a principal, teacher, or other school officer may have his certificate revoked.

(3) Any person, other than those persons mentioned in subsections (1) and (2) of this section, who fails to comply with any of the provisions of this chapter relating to compulsory attendance, or who violates any of the provisions of KRS 159.130, shall be fined not less than fifty dollars ($50) nor more than two hundred dollars ($200), or imprisoned in the county jail for not more than sixty (60) days, or both.

(4) Any person who violates any of the provisions of KRS 159.270 shall be liable to a fine of not less than fifty dollars ($50) and shall be liable to the punishment prescribed by law for the crime of false swearing. If he is an officer, he shall be removed from office; and if he is a director of pupil personnel, his certificate shall

be revoked.

(5) Any of the following who intentionally fails to comply with the requirements of KRS 159.150 shall be fined one hundred dollars ($100) for the first offense and two hundred fifty dollars ($250) for each subsequent offense:

(a) A student enrolled in a public school who has attained the age of eighteen (18) years, but who has not yet reached his or her twenty-first birthday, for whom a guardian has not been appointed by a court of competent jurisdiction, whether or not that student is identified as an exceptional child or youth under KRS 157.200***(3)***~~[(1)]~~(a) to (m);

(b) A parent, guardian, or custodian of a student enrolled in a public school who has not reached his or her eighteenth birthday; or

(c) A guardian appointed by a court of competent jurisdiction of a student who is enrolled in a public school, has been identified as an exceptional child or youth under KRS 157.200***(3)***~~[(1)]~~(a) to (m), and has attained the age of eighteen (18) years, but who has not yet reached his or her twenty-first birthday.

Any person described in paragraph (a), (b), or (c) of this subsection shall be informed by personnel of the local school district that a public school student who has not reached his or her twenty-first birthday shall be subject to truancy laws.

(6) All fines imposed and all sums required to be paid as penalties under this section shall, after payment of the costs of prosecution and recovery thereof, be paid into the treasury of the district board of education and become a part of the school fund of the district.

➔Section 9. KRS 156.029 is amended to read as follows:

(1) There is hereby established a Kentucky Board of Education, which shall consist of eleven (11) voting members appointed by the Governor and confirmed by the Senate of the General Assembly, with the president of the Council on

Postsecondary Education and the secretary of the Education and Labor Cabinet serving as ex officio nonvoting members, and an active public elementary or secondary school teacher and a public high school student appointed by the board as described in subsection ***(4)*** ~~[(3)]~~ of this section serving as nonvoting members. Seven (7) voting members shall represent each of the Supreme Court districts as established by KRS 21A.010, and four (4) voting members shall represent the state at large. Each of the voting members shall serve for a four (4) year term, except the initial appointments shall be as follows: the seven (7) members representing Supreme Court districts shall serve a term which shall expire on April 14, 1994; and the four (4) at-large members shall serve a term which shall expire on April 14, 1992. Subsequent appointments shall be submitted to the Senate for confirmation in accordance with KRS 11.160.

(2) Appointments of the voting members shall be made without reference to occupation. No voting member at the time of his or her appointment or during the term of his or her service shall be engaged as a professional educator. Beginning with voting members appointed on or after June 29, 2021, appointments to the group of members representing Supreme Court districts and to the group of at-large members, respectively, shall reflect equal representation of the two (2) sexes, inasmuch as possible; reflect no less than proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration and the political affiliation of each appointee as of December 31 of the year preceding the date of his or her appointment; and reflect the minority racial composition of the Commonwealth based on the total minority racial population using the most recent census or estimate data from the United States Census Bureau. If the determination of proportional minority representation does not result in a whole number of minority members, it shall be rounded up to the next whole number. A particular political affiliation shall not be a prerequisite to appointment

to the board generally; however, if any person is appointed to the board that does not represent either of the two (2) leading political parties of the Commonwealth, the proportional representation by political affiliation requirement shall be determined and satisfied based on the total number of members on the board less any members not affiliated with either of the two (2) leading political parties. Pursuant to KRS 63.080, a member shall not be removed except for cause or, beginning with voting members appointed on or after June 29, 2021, in accordance with KRS 63.080(3). Notwithstanding KRS 12.028, the board shall not be subject to reorganization by the Governor.

(3) Ex officio and other nonvoting members shall not be represented by proxy at any meeting of the board.

(4) The nonvoting teacher and student members shall be selected by the board from the state's ***seven (7) Supreme Court***~~[six (6) congressional]~~ districts on a rotating basis from different districts. The public high school student shall be classified as a ***sophomore***~~[junior]~~ at the time of appointment. The teacher and student members shall serve for a one (1) year term~~[, except the initial appointments shall serve a term which shall expire on April 14, 2022]~~. The board shall promulgate an administrative regulation establishing the process for selecting the nonvoting teacher and student members.

(5) A vacancy in the voting membership of the board shall be filled by the Governor for the unexpired term with the consent of the Senate. In the event that the General Assembly is not in session at the time of the appointment, the consent of the Senate shall be obtained during the time the General Assembly next convenes.

(6) At the first regular meeting of the board in each fiscal year, a chairperson shall be elected from its voting membership.

(7) The members shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

(8) The commissioner of education shall serve as the executive secretary to the board.

(9) The primary function of the board shall be to develop and adopt policies and administrative regulations, with the advice of the Local Superintendents Advisory Council, by which the Department of Education shall be governed in planning, coordinating, administering, supervising, operating, and evaluating the educational programs, services, and activities within the Department of Education which are within the jurisdiction of the board.

➔Section 10. 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 ***Kentucky Department of Education*** ~~[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) The requirements for an alternative 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):

1. The student cannot participate in the regular statewide assessment; and

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

(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 11. KRS 156.670 is amended to read as follows:

(1) The ***Kentucky Department of Education***~~[Council for Education Technology]~~ shall develop the master plan for education technology and submit the plan to the Kentucky Board of Education and the Legislative Research Commission for approval. Implementation of each stage of the master plan shall begin immediately upon approval of the board and the Legislative Research Commission. The plan shall outline the Commonwealth's five (5) year activities related to purchasing, developing, and using technology to:

(a) Improve learning and teaching and the ability to meet individual students'

needs to increase student achievement;

(b) Improve curriculum delivery to help meet the needs for educational equity across the state;

(c) Improve delivery of professional development;

(d) Improve the efficiency and productivity of administrators; and

(e) Encourage development by the private sector and acquisition by districts of technologies and applications appropriate for education.

(2) The five (5) year plan shall cover all aspects of education technology, including but not limited to~~[,]~~ its use in educational instruction and administration, video and computer systems, software and hardware, multiple delivery systems for satellite, microwave, cable, instructional television fixed service, fiber optic, and computer connections products, the preparation of school buildings for technological readiness, and the development of staff necessary to implement the plan.

(3) The five (5) year plan shall include specific recommendations to the Kentucky Board of Education for the adoption of administrative regulations to establish and implement a uniform and integrated system of standards and guidelines for financial accounting and reporting which shall be used by all school districts.

(4) The integrated technology-based communications system shall provide comprehensive, current, accurate, and accessible information relating to management, finance, operations, instruction, and pupil programs which are under the jurisdiction of the Department of Education.

(5) To facilitate communication among teachers, parents, students, and prospective employers of students, and to provide access to many vital technological services, the five (5) year plan shall include the installation of a telephone in each classroom.

(6) In designing and implementing the five (5) year plan, the ***department***~~[council]~~ shall consider seeking the active participation of private organizations whose knowledge and assistance will be useful.

(7) ~~[The council shall update as necessary the plan developed under subsection (2) of this section and report to the Legislative Research Commission at the completion of each implementation phase of the master plan.~~

~~(8)]~~The ***department***~~[council]~~ shall submit its recommendations to the Kentucky Board of Education, which shall accept the recommendations~~[,]~~ or return them to the ***department***~~[council]~~ along with suggestions for changes to make the recommendations consistent with the policies of the Kentucky Board of Education.

➔Section 12. KRS 157.615 is amended to read as follows:

As used in KRS 157.611 to 157.640, unless the context requires otherwise:

(1) "Available local revenue" means the sum of the school building fund account balance; the bonding potential of the capital outlay and building funds; and the capital outlay fund account balance on June 30 of odd-numbered years. These accounts shall be as defined in the manual for Kentucky school financial accounting systems;

(2) "Board of education" means the governing body of a county school district or an independent school district;

(3) "Bonds" or "bonds of the commission" means bonds issued by the commission, or issued by a city, county, or other agency or instrumentality of the Board of Education, in accordance with KRS Chapter 162, payable as to principal and interest from rentals received from a board of education or from the department pursuant to a lease or from contributions from the commission, and constitute municipal bonds exempt from taxation under the Constitution of the Commonwealth;

(4) "Department" means the State Department of Education;

(5) "District technology plan" means the plan developed by the local district and the Department of Education and approved by the Kentucky Board of Education upon the recommendation of the ***Kentucky Department of Education***~~[Council for~~

~~Education Technology]~~;

(6) "Equivalent tax rate" means the rate which results when the income from all taxes levied by the district for school purposes is divided by the total assessed value of property plus the assessment for motor vehicles certified by the Department of Revenue as provided by KRS 160.470;

(7) "Kentucky Education Technology System" means the statewide system set forth in the technology master plan issued by the Kentucky Board of Education with the recommendation of the ***Kentucky Department of Education***~~[Council for Education Technology]~~ and approved by the Legislative Research Commission;

(8) "Lease" or "lease instrument" means a written instrument for the leasing of one (1) or more school projects executed by the commission as lessor and a board of education as lessee, or executed by the commission as lessor and the department as lessee, as the case may be;

(9) "Lease/purchase agreement" means a lease between the school district or the department and a vendor that includes an option to purchase the technology equipment or software at the end of the lease period;

(10) "Percentage discount" means the degree to which the commission will participate in meeting the bond and interest redemption schedule required to amortize bonds issued by the commission on behalf of a local school district;

(11) "Project" means a defined item of need to construct new facilities or to provide major renovation of existing facilities which is identified on the priority schedule of the approved school facilities plan;

(12) "School facilities plan" means the plan developed pursuant to the survey specified by KRS 157.420 and by administrative regulations of the Kentucky Board of Education;

(13) "Technology master plan" means the long-range plan for the implementation of the Kentucky Education Technology System as developed by the ***Kentucky***

Department of Education~~[Council for Education Technology]~~ and approved by the Kentucky Board of Education and the Legislative Research Commission;

(14) "Unmet facilities need" means the total cost of new construction and major renovation needs as shown by the approved school facilities plan less any available local revenue;

(15) "Unmet technology need" means the total cost of technology need as shown by the approved technology plan of the local district; and

(16) "Eligible district" means any local school district having an unmet facilities need, as defined in this section, in excess of one hundred thousand dollars ($100,000) or a district qualifying for education technology funding.

➔Section 13. KRS 157.655 is amended to read as follows:

(1) To participate in the education technology funding program, a local public school district shall have an unmet technology need described in its local district technology plan and approved by the Kentucky Board of Education pursuant to its technology master plan, and shall match equally the amount of funds offered by the School Facilities Construction Commission for this purpose each biennium~~[, except as provided in subsection (2) of this section. Technology approved for the Kentucky Education Technology System and included in the local district technology plan, which was acquired prior to April 3, 1992, and for which the district has an outstanding financial obligation, shall qualify for commission funding. This provision shall not apply to any purchases or contracts made between April 3, 1992, and the first offers of assistance recommended by the Council for Education Technology to the State Board for Elementary and Secondary Education]~~.

(2) ~~[For fiscal year 1992-93, funding shall be allotted to districts without an approved plan upon the recommendation of the Council for Education Technology to the State Board for Elementary and Secondary Education.~~

~~(3)]~~If a local board of education determines that for any reason the district's approved

technology plan is grossly inconsistent with the administrative regulations governing the development of the plan, the local board may certify, by official action, the reason for the inconsistency and may request that the Department of Education reevaluate the technology plan of the district. After review of the data, the chief state school officer may require a reevaluation and the approval of a new technology plan certified prior to an official offer from the School Facilities Construction Commission. If the chief state school officer elects to recommend the new technology plan to the Kentucky Board of Education, the board shall notify the School Facilities Construction Commission of any change required in the offer of assistance for the district.

➔Section 14. KRS 156.802 is amended to read as follows:

(1) The Office of Career and Technical Education is hereby created within the Department of Education. The office shall consist of those administrative bodies and employees provided by or appointed by the commissioner of education pursuant to KRS 156.010.

(2) The commissioner of education may appoint an assistant, pursuant to KRS 156.010, and delegate authority to the assistant regarding the Office of Career and Technical Education.

(3) The Department of Education shall have the responsibility for all administrative functions of the state in relation to the management, control, and operation of**:**

(a) State-operated secondary area vocational education and technology centers. When appropriate, the Department of Education shall provide education training programs through contracts with private business and industries. These programs may be on a shared cost basis or on a total cost recovery basis***; and***

(b) The Carol Martin Gatton Kentucky FFA Leadership Training Center located in Hardinsburg, Kentucky.

(4) The commissioner of education shall have the authority to enter into agreements or contracts with other government or education agencies, including local school districts, in order to carry out services under the office's jurisdiction.

(5) (a) Secondary area vocational education and technology centers shall be operated in compliance with program standards established by the Kentucky Board of Education. Principals, counselors, and teaching staff shall meet the qualifications and certification standards for all secondary vocational personnel as established by the Education Professional Standards Board.

(b) The Kentucky Board of Education shall be the eligible agency solely designated for the purpose of developing and approving state plans required by state or federal laws and regulations as prerequisites to receiving federal funds for vocational-technical or technology education. The Kentucky Board of Education shall involve representatives from all eligible recipient categories in the development of the required plans.

(c) In accordance with 20 U.S.C. sec. 2302(12), the Kentucky Board of Education is hereby designated to be the "eligible agency" that is the sole state agency responsible for the administration of vocational and technical education and the supervision of the administration of vocational and technical education.

(6) (a) Except for the duties that the Kentucky Board of Education must retain pursuant to 20 U.S.C. sec. 2341, the Kentucky Board of Education shall be authorized to delegate all of the other duties and responsibilities of the eligible agency to the Office of Career and Technical Education within the Department of Education, including but not limited to the administration, operation, and supervision of the Perkins program and the authority to receive, hold, and disburse funds awarded under the state plan.

(b) The Kentucky Board of Education shall delegate to the Kentucky Workforce Investment Board the state leadership activities referred to in 20 U.S.C. sec.

2344 to be conducted in accordance with the required and permissible uses of funds specified in the Carl D. Perkins Career and Technical Education Act of 2006 and subsequent amendments thereto. The maximum amount of funds allowed by 20 U.S.C. sec. 2322(a)(2) shall be reserved and made available for state leadership activities.

(7) The commissioner of education shall be permitted to enter into memorandums of agreement with individuals on a year-to-year basis to fill positions in hard-to-find teaching specialties. The agreements and compensation for hard-to-find teaching specialties shall be approved by the commissioner of education and shall not be subject to the provisions of KRS Chapter 45A. All agreements shall be filed with the secretary of the Finance and Administration Cabinet.

(8) The commissioner of education shall, from time to time, prepare or cause to be prepared any bulletins, programs, outlines of courses, placards, and courses of study deemed useful in the promotion of the interests of technical and vocational education.

➔Section 15. KRS 156.161 is amended to read as follows:

(1) The Kentucky Board of Education, upon the request of the local board of education of a school district, may grant a waiver from the requirements of an administrative regulation promulgated by the state board or from a statute over which the state board has authority to enforce. A waiver granted by the state board shall expire on June 30 of the third full school year after the request was first approved, regardless of subsequent amendment, unless the state board renews the waiver prior to expiration. ***However, a waiver related to school district facility projects that may include the construction or renovation of school buildings or the acquisition or disposition of property shall not expire unless the state board specifically provides for expiration when granting the waiver.*** The state board shall not waive any statute or administrative regulation:

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

(b) Relating to civil rights;

(c) Required by federal law;

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

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

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

(g) Financial audits, audit procedures, and audit requirements under KRS 156.265;

(h) Open records and open meeting requirements under KRS Chapter 61;

(i) Purchasing requirements and limitations under KRS Chapter 45A and KRS 156.074 and 156.480; or

(j) Requiring instructional time that is at least equivalent to the student instructional year specified in KRS 158.070.

(2) A waiver request under subsection (1) of this section shall:

(a) Identify the specific statutes and administrative regulations for which the local board is seeking a waiver;

(b) Specify the schools or programs within the district to which the waiver shall apply;

(c) Explain how the waiver for the schools or programs of each specific statute or

administrative regulation will improve operations or student academic achievement; and

(d) Include any evidence the district wishes to submit to support the request.

(3) Upon the majority vote of a local board approving a waiver request, the superintendent of the district shall submit the waiver request to the state board. The state board shall consider the waiver of each statute or administrative regulation included in the request at ***a***~~[the next]~~ regularly scheduled meeting ***occurring no later than thirty (30) calendar days*** after submission and shall either approve or deny the request. In considering approval for each statute or administrative regulation identified in a waiver request, the state board shall grant the request if it demonstrates that the waiver is more likely than not:

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

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

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

(5) A local board whose request to waive a statute or administrative regulation under subsection (3) or (4) of this section was denied may amend the original request for reconsideration at the state board's next regularly scheduled meeting. A local board

may request assistance from the Kentucky Department of Education in the development of the local board's waiver request or an amendment.

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

(7) A local board that is granted a waiver under subsection (3) or (4) of this section may submit a request to renew the waiver to the state board. A renewal request shall be submitted no earlier than six (6) months prior to that waiver's expiration. The renewal request shall include evidence of the operational improvement of the school or program that is subject to the waiver, the academic achievement of the students enrolled in the schools or program, comparisons of those students with similar students across the state, and any other evidence of the waiver's benefit to student academic achievement. If the state board finds that the waiver has had a positive impact on the school's or program's operation or the academic achievement of students, then the renewal request shall be approved. An approved renewal request shall extend the waiver for an additional three (3) school years***. A waiver related to school district facility projects, as identified in subsection (1) of this section, shall not expire unless the state board specifically provides for expiration when granting the waiver***.

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

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

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

➔Section 16. KRS 157.360 is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

(b) Except for those schools which have implemented school-based decision

making, class size loads for middle and secondary school:

1. Classroom teachers shall not exceed the equivalent of one hundred fifty (150) pupil hours per day; and
2. Virtual program teachers shall not exceed the equivalent of three hundred (300) pupil hours per day.

(c) The commissioner of education, upon approval of the Kentucky Board of Education, shall adopt administrative regulations for enforcing this provision. These administrative regulations shall include procedures for a superintendent to request ***a temporary***~~[an]~~ exemption from the Kentucky ***Department***~~[Board]~~ of Education when unusual circumstances warrant an increased class size for an individual class. A request for ***a temporary***~~[an]~~ exemption shall include specific reasons for the increased class size with a plan for reducing the class size prior to the beginning of the next school year. ***The Kentucky Board of Education shall review all temporary exemptions within forty-five (45) business days, and shall revoke the temporary exemption or approve an exemption for the remainder of the school year.*** A district shall not receive~~[in]~~ any ***temporary or state board-approved***~~[one (1) year]~~ exemptions for more classes than enroll twenty percent (20%) of the pupils in the primary grades and grades four (4) through eight (8).

(d) In all schools the commissioner of education shall enforce the special education maximum class sizes set by administrative regulations adopted by the Kentucky Board of Education. A superintendent ***or school-based decision making council*** may request an exemption pursuant to paragraph (c) of this subsection.~~[A local school council may request a waiver relating to maximum class size pursuant to KRS 156.161 in the same manner as a local board of education.]~~ An exemption~~[or waiver]~~ shall not be granted if the increased class size will impede any exceptional child from achieving his or her

individual education program in the least restrictive environment.

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

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

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

(9) Program funding shall be increased when the average daily attendance in any district for the first two (2) months of the current school year is greater than the average daily attendance of the district for the first two (2) months of the previous school year. The program funds allotted the district shall be increased by the

percent of increase. The average daily attendance in kindergarten is the kindergarten full-time equivalent pupils in average daily attendance.

(10) If the average daily attendance for the current school year in any district decreases by ten percent (10%) or more than the average daily attendance for the previous school year, the average daily attendance for purposes of calculating program funding for the next school year shall be increased by an amount equal to two-thirds (2/3) of the decrease in average daily attendance. If the average daily attendance remains the same or decreases in the succeeding school year, the average daily attendance for purposes of calculating program funding for the following school year shall be increased by an amount equal to one-third (1/3) of the decrease for the first year of the decline.

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

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

which could be credited toward meeting any certification requirement.

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

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

(b) Pursuant to administrative regulations of the Kentucky Board of Education, local school districts shall be reimbursed for home and hospital instruction for pupils unable to attend regular school sessions because of short-term health impairments. A reimbursement formula shall be established by administrative regulations to include such factors as a reasonable per hour, per child allotment for teacher instructional time, with a maximum number of funded hours per week, a reasonable allotment for teaching supplies and equipment,

and a reasonable allotment for travel expenses to and from instructional assignments, but the formula shall not include an allotment for capital outlay. Attendance shall be calculated pursuant to KRS 157.270 and shall be reported annually on forms provided by the Department of Education.

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

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

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

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

be subject to available funds.

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

➔Section 17. KRS 160.180 is amended to read as follows:

(1) As used in this section, "relative" means father, mother, brother, sister, husband, wife, son, and daughter.

(2) A person shall only be eligible for membership on a board of education if the person:

(a) Has attained the age of twenty-four (24) years;

(b) Has been a citizen of Kentucky for at least three (3) years preceding the election and is a voter of the district for which he or she is elected;

(c) Has completed at least the twelfth grade or has been issued a High School Equivalency Diploma, as evidenced by:

1. An affidavit signed under penalty of perjury certifying completion of the twelfth grade or the equivalent that has been filed with the nominating petition required by KRS 118.315; or

2. A transcript evidencing completion of the twelfth grade or the results of a twelfth grade equivalency examination that has been filed with the nominating petition required by KRS 118.315;

(d) Does not hold any elective federal, state, county, or city office;

(e) Is not, at the time of his or her election, directly or indirectly interested in the sale to the board of books, stationery, or any other property, materials, supplies, equipment, or services for which school funds are expended;

(f) Has not been removed from membership on a board of education for cause; and

(g) Does not have a relative employed by the school district, in the case of a person elected after July 13, 1990. This shall not apply to a board member holding office on July 13, 1990, whose relative was not initially hired by the district during the tenure of the board member.

(3) (a) A member of a board of education shall be subject to removal from office pursuant to KRS 415.050 and 415.060 if, after the election the member:

1. Becomes interested in any contract with or claims against the board, of the kind mentioned in subsection (2)(e) of this section;
2. Moves his or her residence from the division for which he or she was chosen;
3. Attempts to influence the employment of any school employee, except the superintendent or school board attorney;
4. Is convicted of a felony;
5. Performs acts of malfeasance in performance of duties prescribed by law;
6. Willfully misuses, converts, or misappropriates public property or funds; or
7. Does anything that would render the member ineligible for reelection.

(b) In accordance with KRS 7.410, the Office of Education Accountability shall have the duty and responsibility to investigate current local board of education members for allegations of conduct prohibited by paragraph (a) of this subsection. After review and investigation, the Office of Education Accountability shall refer appropriate matters to the Attorney General.

(4) A member of a board of education shall be eligible for reelection unless he or she becomes disqualified.

(5) ***(a)*** The annual in-service training requirements for all members of boards of education in office as of December 31, 2014, shall be as follows:

1.~~[(a)]~~ Twelve (12) hours for members with zero to three (3) years of experience;

2.~~[(b)]~~ Eight (8) hours for members with four (4) to seven (7) years of experience; and

3.~~[(c)]~~ Four (4) hours for members with eight (8) or more years of experience.

(b) The in-service training requirements of this subsection shall include a minimum of:

1. One (1) hour of ethics training every year;

2. One (1) hour of open meetings and open records training every four (4) years; and

3. Two (2) hours of finance training every two (2) years.~~[The Kentucky Board of Education shall identify the criteria for fulfilling this requirement.]~~

(6) ~~[(a)]~~For all members of boards of education who begin their initial service on or after January 1, 2015, the in-service training requirements shall be:

(a)~~[1.]~~ Twelve (12) hours for members with zero to eight (8) years of experience each year, which shall include a minimum of:

1.~~[a.]~~ One (1) hour of ethics training each year;~~[and]~~

2.~~[b.]~~ One (1) hour of open meetings and open records training within the first twelve (12) months of initial service and at least once every four (4) years thereafter;~~[and]~~

3. Three (3) hours of finance training within the first two (2) years of initial service, and two (2) hours of finance training at least once every two (2) years thereafter; and

4. One (1) hour of superintendent evaluation within the first two (2) years of service; and

(b)~~[2.]~~ Eight (8) hours for members with more than eight (8) years of experience each year, which shall include a minimum of:

1.~~[a.]~~ One (1) hour of ethics training each year;~~[and]~~

2.~~[b.]~~ One (1) hour of open meetings and open records training at least once every four (4) years***; and***

3. Two (2) hours of finance training at least once every two (2) years.

(7) The Kentucky Board of Education shall identify the criteria for fulfilling the requirements of subsections (5) and (6) of this section.~~[~~

~~(b) Training topics for members under this subsection with less than two (2) years of consecutive service shall include three (3) hours of finance and one (1) hour of superintendent evaluation within the first two (2) years of service. The Kentucky Board of Education shall identify criteria for fulfilling this requirement.]~~

➔Section 18. KRS 160.160 is amended to read as follows:

(1) Each school district shall be under the management and control of a board of education consisting of five (5) members, except in counties containing a city of the first class wherein a merger pursuant to KRS 160.041 shall have been accomplished which shall have seven (7) members elected from the divisions and in the manner prescribed by KRS 160.210(5), to be known as the "Board of Education of ...., Kentucky." Each board of education shall be a body politic and corporate with perpetual succession. It may sue and be sued; make contracts; expend funds necessary for liability insurance premiums and for the defense of any civil action brought against an individual board member in his official or individual capacity, or both, on account of an act made in the scope and course of his performance of legal duties as a board member; purchase, receive, hold, and sell property; issue its bonds to build and construct improvements; and do all things necessary to accomplish the purposes for which it is created. Each board of education shall elect a

chair~~[chairman]~~ and vice ***chair***~~[chairman]~~ from its membership in a manner and for a term prescribed by the board not to exceed two (2) years. ***Upon the election of a chair and vice chair, each board of education shall review, with the superintendent and the school finance officer, the specific procedures and responsibilities of the board and district employees relating to the district budget. The review shall not count toward the annual in-service training requirements established in Section 17 of this Act.***

(2) No board of education shall participate in any financing of school buildings, school improvements, appurtenances thereto, or furnishing and equipment, including education technology equipment without:

(a) First establishing the cost of the project in advance of financing, based on the receipt of advertised, public, and competitive bids for such project, in accordance with KRS Chapter 424; and

(b) Establishing the cost of financing in advance of the sale of any bonds, certificates of participation in any leases, or other evidences of financial commitments issued by or on behalf of such board. Any bonds, leases, participations, or other financial arrangements shall not involve a final commitment of the board until the purchaser or lender involved shall have been determined by public advertising in accordance with KRS Chapter 424.

(3) No board of education shall make a mortgage, lien, or other encumbrance upon any school building owned by the board, or transfer title to any such school building as part of any financing arrangement, without the specific approval of the Department of Education, and without the transaction being entered into pursuant to a detailed plan or procedure specifically authorized by Kentucky statute.

(4) Without the approval of the Department of Education, no board may lease, as lessee, a building or public facility that has been or is to be financed at the request of the board or on its behalf through the issuance of bonds by another public body

or by a nonprofit corporation serving as an agency and instrumentality of the board, or by a leasing corporation. Any lease, participation, or other financial arrangement shall not involve a final commitment of the board unless and until the purchaser or lender involved in same shall have been determined by public advertising in accordance with KRS Chapter 424. No transaction shall be entered into by the board except upon the basis of public advertising and competitive bidding in accordance with KRS Chapter 424.

(5) A school district may issue general obligation bonds in accordance with KRS Chapter 66.

(6) Rental payments due by a board under a lease approved by the Department of Education in accordance with subsection (4) of this section, and debt service payments under a general obligation bond issued in accordance with this section, shall be due and payable not less than ten (10) days prior to the interest due date for the bonds, notes, or other debt obligations issued to finance the building or public facility. If a board fails to make a rental payment when due under a lease or a debt service payment when due for a general obligation bond issue, upon notification to the Department of Education by the paying agent, bond registrar, or trustee for the bonds not less than three (3) days prior to the interest due date, the Department of Education shall withhold or intercept any funds then due the board to the extent of the amount of the required payment on the bonds and remit the amount to the paying agent, bond registrar, or trustee as appropriate. Thereafter, the Department of Education shall resolve the matter with the board and adjust remittances to the board to the extent of the amount paid by the Department of Education on the board's behalf.

(7) Bonds, notes, or leases negotiated to provide education technology shall not be sold for longer than seven (7) years or the useful life of the equipment as established by the state technology master plan, whichever is less.

(8) Notwithstanding any requirements of public advertising, competitive bidding, or approval by the Department of Education, or any administrative regulation promulgated pursuant to KRS 156.160(1)(o), a local board may authorize the transfer or sale of the district's real or personal property to another governmental or quasi-governmental agency in exchange for money or a similar type of property that equals or exceeds the fair market value of the district property as determined by an independent appraisal conducted by:

(a) An individual or organization not affiliated with the district or its officers or employees, using a generally accepted national or professional standard; or

(b) A district's officers or employees using a nationally published valuation of property based on the most recent edition of the publication.

➔Section 19. KRS 156.808 is amended to read as follows:

(1) The Kentucky Board of Education shall promulgate, by administrative regulations, personnel policies and procedures for all full-time and part-time unclassified employees, certified and equivalent staff, including administrative, teaching, and supervisory staff in the Office of Career and Technical Education central office and state-operated vocational facilities. All other staff shall remain under the authority of the Kentucky Personnel Cabinet and KRS Chapter 18A. Employees who transfer to or from the KRS Chapter 18A personnel system shall transfer accrued annual, compensatory, and sick leave.

(2) As provided in KRS 156.800 to 156.860, the Kentucky Board of Education shall promulgate administrative regulations for the administration of a personnel system in the Office of Career and Technical Education which are consistent with the provisions of KRS 156.800 to 156.860 and with federal standards for state government agencies receiving federal grants.

(3) The Kentucky Board of Education shall promulgate administrative regulations for full-time and part-time certified and equivalent staff governing:

(a) Establishment and abolishment of positions, including a prohibition against eliminating funding for or abolishment of a teaching position at a state-operated secondary area vocational education and technology center during a school year in which students are enrolled in the program;

(b) Applications;

(c) Classification and compensation plans;

(d) Incentive programs;

(e) Selection of employees;

(f) Types of appointments;

(g) Attendance, including hours of work, compensatory time, and annual, court, military, sick, ***maternity,*** voting, and special leaves of absence;

(h) Preparation, maintenance, and revision of a position classification plan and an equitable salary schedule for certified and equivalent staff based on qualifications, experience, and responsibilities;

(i) Extent and duration of the state-operated area vocational education and technology centers' school term, use of school days, and extended employment;

(j) Employee evaluations;

(k) Programs to improve the work effectiveness of employees including staff development;

(l) Demotion;

(m) Dismissal;

(n) Lay-offs;

(o) Suspensions and other disciplinary measures;

(p) Probationary periods, limited employment status, and continuing employment status;

(q) Promotion;

(r) Transfer;

(s) Appeals; and

(t) Employee grievances and complaints.

(4) (a) Administrative regulations promulgated by the Kentucky Board of Education shall comply with the provisions of KRS 156.800 to 156.860 and KRS Chapter 13A and shall have the force and effect of law.

(b) Administrative regulations promulgated by the Kentucky Board of Education shall not expand or restrict rights granted to, or duties imposed upon, employees and administrative bodies by the provisions of KRS 156.800 to 156.860.

(c) No administrative body other than the Kentucky Board of Education shall promulgate administrative regulations governing the subject matters specified in this section.

(d) Policies and procedures for the implementation of administrative regulations shall be developed by the Department of Education.

(5) The commissioner of education shall be the appointing authority with respect to all personnel actions for the Office of Career and Technical Education. The commissioner may authorize a designee to act on behalf of the agency with respect to employee appointments, position establishments, payroll documents, reemployment lists, waiver requests, or other position actions. Any personnel designation shall be in writing. Authority to employ personnel may be delegated to the vocational school management by the commissioner. Any recommendation for employment from the local level shall be based on guidelines promulgated by the commissioner of education and shall be contingent upon confirmation by the commissioner of education.

(6) The Kentucky Board of Education shall promulgate other administrative regulations to govern proceedings which relate to certified and equivalent employees and which

shall provide for:

(a) The procedures to be utilized by the Kentucky Technical Education Personnel Board in the conduct of hearings, consistent with KRS Chapter 13B;

(b) Discharge, as provided by this section;

(c) Imposition, as a disciplinary measure, of a suspension from service without pay for up to thirty (30) working days and, in accordance with the provisions of KRS 156.820, for the manner of notification of the employee of the discipline and right of appeal;

(d) Promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, and conduct;

(e) Supplementary information for the salary schedule for certified and equivalent staff including teachers, counselors, administrators, managers, and educational consultants in state-operated vocational technical facilities, field offices, and central office in the Office of Career and Technical Education that shall provide uniformity, recognition of education, teaching, and supervisory experience and use as a base the average salary paid to beginning classroom teachers by all public schools in the state for personnel with comparable qualifications and experience. Indexes may be incorporated in the compensation plan for administrative responsibilities. The salary schedule shall be computed annually, and shall be submitted to and approved by the Governor;

(f) Reemployment of laid-off employees in accordance with the provisions of KRS 156.800 to 156.860;

(g) Establishment of a plan for resolving employee grievances and complaints. The plan shall not restrict rights granted employees by the provisions of KRS 156.800 to 156.860; and

(h) Any other administrative regulations not inconsistent with this chapter and

KRS Chapter 13A proper and necessary for its enforcement.

(7) The Department of Education shall make investigations, either on petition of a citizen, taxpayer, interested party, or as deemed necessary by the commissioner, concerning the enforcement and effect of KRS 156.808, 156.810, 156.812, 156.814, 156.816, 156.818, 156.820, 156.822, 156.824, 156.826, 156.828, 156.830, 156.832, 156.834, 156.836 , and 156.838, shall require observance of the provisions and the administrative regulations promulgated pursuant to the provisions of KRS 156.800 to 156.860 and KRS Chapter 13A, and shall make investigation as requested by the General Assembly or the Governor and to report thereon.

(8) The Kentucky Board of Education shall promulgate administrative regulations, pursuant to KRS Chapter 13A, for an appeal system for aggrieved certified or equivalent employees.

(9) The Kentucky Technical Education Personnel Board shall hear appeals from applicants for positions or from certified, equivalent, and unclassified employees who have been dismissed, demoted, suspended, or otherwise penalized for cause. Effective August 15, 2000, appeals from assistants and secretaries in the Office of Career and Technical Education attached to policymaking positions shall be governed by KRS 18A.095. The State Personnel Board, established in KRS 18A.045, shall hear appeals that are pending as of August 15, 2000, from assistants and secretaries attached to policymaking positions in the Office of Career and Technical Education.

(10) The Kentucky Technical Education Personnel Board may, any statute to the contrary notwithstanding, delegate the conduct of the hearing and the rendition of a recommended order to the full board, to a panel of the board, or to a hearing officer, relative to any hearing appeal, or decision, judicial or quasi-judicial in nature, which the board is empowered or directed, by KRS 156.800 to 156.860 or any other chapter, to conduct, hear, or make; provided, however, that the full board as

provided by statute, makes the final order, based upon the evidence submitted.

(11) The Kentucky Board of Education shall promulgate administrative regulations, pursuant to KRS Chapter 13A, governing the unclassified service including the preparation and maintenance of a salary schedule and other administrative regulations authorized by KRS 156.800 to 156.860.

(12) The annual percentage salary increment for all certified and equivalent employees subject to the personnel system established under KRS 156.800 to 156.860 shall be at least equal to that funded and provided for other elementary and secondary teachers.

(13) The positions of employees who are transferred, effective July 1, 1998, from the former Cabinet for Workforce Development to the Kentucky Community and Technical College System shall be abolished and the employees' names removed from the roster of state employees. Employees who are transferred, effective July 1, 1998, to the Kentucky Community and Technical College System under KRS Chapter 164 shall have the same benefits and rights as they had under KRS Chapter 18A and have under KRS 164.5805; however, they shall have no guaranteed reemployment rights in KRS 156.800 to 156.860 or KRS Chapter 18A personnel systems. An employee who seeks reemployment in a state position under KRS 156.800 to 156.860 or KRS Chapter 18A shall have years of service in the Kentucky Community and Technical College System counted toward years of experience for calculating benefits and compensation.

➔SECTION 20. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:

(1) After the Department of Revenue submits the certified property assessment data to the chief state school officer as required pursuant to KRS 160.470(4), a local board of education may request to the chief state school officer an adjustment in funding if:

(a) It is determined that the total assessed valuation of real property or personal property as defined in KRS 132.010 for the school district is amended; and

(b) The impact of that amendment is equal to or greater than one percent (1%) of the school district's net general fund to support education excellence in Kentucky allotment as of March 1 of the same fiscal year of the impacted property assessment.

(2) Any adjustments in the funding formula under this section shall be:

(a) No more than an amount equal to the net loss of state funds provided through the program to support education excellence in Kentucky; and

(b) Subject to available funds under the program to support education excellence in Kentucky.

(3) Documentation of the amendment shall be provided by the school district.

➔Section 21. KRS 160.380 is amended to read as follows:

(1) As used in this section:

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

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

(b) "Alternative education program" means a program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve

behavior, or provide an enhanced learning experience. Alternative education programs do not include career or technical centers or departments;

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

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

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

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

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

another position within the school district;

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

(c) When a vacancy needs to be filled in less than fifteen (15) days' time to prevent disruption of necessary instructional or support services of the school district, the superintendent may seek a waiver from the chief state school officer outside of the process established in KRS 156.161. If the waiver is approved, the appointment shall not be made until the person recommended for the position has been approved by the chief state school officer. The chief state school officer shall respond to a district's request for waiver or for approval of an appointment within two (2) working days~~[; and~~

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

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

(a) No relative of a superintendent of schools shall be an employee of the school district. However, this shall not apply to a relative who is a classified or certified employee of the school district for at least thirty-six (36) months prior to the superintendent assuming office and who is qualified for the position the employee holds. A superintendent's spouse who has previously been employed in a school system may be an employee of the school district. A superintendent's spouse who is employed under this provision shall not hold

a position in which the spouse supervises certified or classified employees. A superintendent's spouse may supervise teacher aides and student teachers. However, the superintendent shall not promote a relative who continues employment under an exception of this subsection;

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

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

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

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

2. Accruing continuing contract status or any other right to continuous employment;

3. Receiving fringe benefits other than those provided other substitutes; or

4. Receiving preference in employment or assignment over other substitutes.

(4) No superintendent shall assign a certified or classified staff person to an alternative education program as part of any disciplinary action taken pursuant to KRS 161.011 or 161.790 as part of a corrective action plan established pursuant to the local district evaluation plan.

(5) No superintendent shall employ in any position in the district any person who:

(a) Has been convicted of an offense that would classify a person as a violent offender under KRS 439.3401;

(b) Has been convicted of a sex crime as defined by KRS 17.500 or a misdemeanor offense under KRS Chapter 510;

(c) Is required to register as a sex offender under KRS 17.500 to 17.580; or

(d) Has an administrative finding of child abuse or neglect in records maintained

by the Cabinet for Health and Family Services.

(6) Requirements for background checks shall be as follows:

(a) A superintendent shall require the following individuals to submit to a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation and have a clear CA/N check, provided by the individual:

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

(b) 1. The requirements of paragraph (a) of this subsection shall not apply to:

a. Classified and certified individuals employed by the school district prior to June 27, 2019;

b. Certified individuals who were employed in another certified position in a Kentucky school district within six (6) months of the date of hire and who had previously submitted to a national and state criminal background check and who have a clear CA/N check for the previous employment; or

c. Student teachers who have submitted to and provide a copy of a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation through an accredited teacher education institution in which the

student teacher is enrolled and who have a clear CA/N check.

2. The Education Professional Standards Board may promulgate administrative regulations to impose additional qualifications to meet the requirements of Pub. L. No. 92-544;

(c) A parent member may serve prior to the receipt of the criminal history background check and CA/N letter required by paragraph (a) of this subsection but shall be removed from the council on receipt by the school district of a report documenting a record of abuse or neglect, or a sex crime or criminal offense against a victim who is a minor as defined in KRS 17.500, or as a violent offender as defined in KRS 17.165, and no further procedures shall be required;

(d) A superintendent may require a volunteer or a visitor to submit to a national and state criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation and have a clear CA/N check, provided by the individual; and

(e) The superintendent of a school district operating under an alternative transportation plan approved by the Kentucky Department of Education in accordance with KRS 156.153(3) shall require the driver of any non-school bus passenger vehicle authorized to transport students to and from school pursuant to the alternative transportation plan who does not have a valid commercial driver's license issued in accordance with KRS Chapter 281A with an "S" endorsement to:

1. Submit to a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation at least once every three (3) years and a criminal records check conducted in accordance with KRS 27A.090 in all other years;

2. Submit to drug testing consistent with the requirements of 49 C.F.R. pt.

40;

3. Provide a biannual driving history record check performed by the Transportation Cabinet;

4. Provide an annual clear CA/N check;

5. Immediately notify the superintendent of any conviction for a violation under KRS Chapter 189 for which penalty points are assessed; and

6. Immediately notify the superintendent of any citation or arrest for a violation of any provision of KRS Chapter 189A. The superintendent shall inform the Kentucky Department of Education of the notification.

(7) (a) If a certified or classified position remains unfilled after July 31 or if a vacancy occurs during a school term, a superintendent may employ an individual, who will have supervisory or disciplinary authority over minors, on probationary status pending receipt of the criminal history background check and a clear CA/N check, provided by the individual. Application for the criminal record and a request for a clear CA/N check of a probationary employee shall be made no later than the date probationary employment begins.

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

(c) Notwithstanding KRS 161.720 to 161.800 or any other statute to the contrary, probationary employment under this section shall terminate on receipt by the

school district of a criminal history background check documenting a record of a sex crime or as a violent offender as defined in KRS 17.165 and no further procedures shall be required.

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

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

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

(c) Each application form for a district position shall require the applicant to:

1. Identify the states in which he or she has maintained residency, including the dates of residency; and

2. Provide picture identification.

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

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

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

➔Section 22. KRS 158.1413 is amended to read as follows:

(1) ~~[Beginning with the 2019-2020 school year,]~~Each school district shall implement

essential workplace ethics programs that promote characteristics that are critical to success in the workplace. Each student in elementary, middle, and high school shall receive essential workplace ethics instruction that shall include but not be limited to:

(a) Adaptability, including an openness to learning and problem solving, an ability to embrace new ways of doing things, and a capability for critical thinking;

(b) Diligence, including seeing a task through to completion;

(c) Initiative, including taking appropriate action when needed without waiting for direct instruction;

(d) Knowledge, including exhibiting an understanding of work-related information, the ability to apply that understanding to a job, and effectively explain the concepts to colleagues in reading, writing, mathematics, science, and technology as required by the job;

(e) Reliability, including showing up on time, wearing appropriate attire, self-control, motivation, and ethical behavior;

(f) Remaining drug-free; and

(g) Working well with others, including effective communication skills, respect for different points of view and diversity of coworkers, the ability to cooperate and collaborate, enthusiasm, and the ability to provide appropriate leadership to or support for colleagues.

(2) (a) A school district shall use the essential workplace ethics characteristics listed in subsection (1) of this section when creating a program or when choosing an existing program.

(b) Each school district's local workforce investment board, in conjunction with local economic development organizations from its state regional sector, and other economic, workforce, or industry organizations the workforce

investment board deems necessary, shall recommend to the school district best practices which may be used by schools to implement an essential workplace ethics program.

(3) ***Every odd-numbered year***~~[By January 1, 2019, and every two (2) years thereafter]~~, each local school board shall collaborate with the local workforce investment board, in conjunction with local economic development organizations from its state regional sector, and other economic, workforce, or industry organizations the workforce investment board deems necessary, to establish essential workplace ethics indicators for middle and high school students that are aligned with the essential workplace ethics characteristics listed in subsection (1) of this section.

(4) Each local school board shall design and adopt a diploma seal, certificate, card, or other identifiable symbol to award students deemed as having minimally demonstrated attainment of the local board's essential workplace ethics indicators~~[.~~

~~(5) By September 1, 2019, and every two (2) years thereafter, the superintendent of each school district shall provide to the commissioner of education and the Kentucky Workforce Innovation Board a report, in a format specified by the commissioner, describing the school district's essential workplace ethics programs and how they are being implemented at each school. A summary report compiled by the commissioner that includes information from all local school district reports shall be provided to the Kentucky Board of Education, the Interim Joint Committee on Education, the Kentucky Workforce Innovation Board and each Kentucky superintendent and principal in order to foster program improvement and the sharing of best practices]~~.

➔Section 23. KRS 158.647 (Effective until January 1, 2027) is amended to read as follows:

(1) A permanent subcommittee of the Legislative Research Commission to be known as the Education Assessment and Accountability Review Subcommittee is hereby

created. The subcommittee shall be composed of eight (8) members appointed as follows: three (3) members of the Senate appointed by the President of the Senate; one (1) member of the minority party in the Senate appointed by the Minority Floor Leader in the Senate; three (3) members of the House of Representatives appointed by the Speaker of the House of Representatives; and one (1) member of the minority party in the House of Representatives appointed by the Minority Floor Leader in the House of Representatives. Members of the subcommittee shall serve for terms of two (2) years, and the members appointed from each chamber shall elect one (1) member from their chamber to serve as co-chair. The co-chairs shall have joint responsibilities for subcommittee meeting agendas and presiding at subcommittee meetings. A majority of the entire membership of the Education Assessment and Accountability Review Subcommittee shall constitute a quorum, and all actions of the subcommittee shall be by vote of a majority of its entire membership. Any vacancy that may occur in the membership of the subcommittee shall be filled by the same appointing authority who made the original appointment.

(2) The subcommittee shall review administrative regulations and advise the Kentucky Board of Education concerning the implementation of the state system of assessment and accountability, established in KRS 158.6453, 158.6455, and 158.782, and for any administrative regulation promulgated under provisions of KRS 158.860.

(3) ***The subcommittee may temporarily authorize the Kentucky Department of Education or Kentucky Board of Education to require a new report that is not expressly required by state statute or federal law while the General Assembly is not in session. The temporary authorization shall expire upon the sine die adjournment of the next regular session of the General Assembly.***

(4) The subcommittee shall advise and monitor the Office of Education Accountability in the performance of its duties according to the provisions of KRS 7.410.

(5) ~~[(4)]~~ On an alternating basis, each co-chair shall have the first option to set the monthly meeting date. A monthly meeting may be canceled by agreement of both co-chairs. The members of the subcommittee shall be compensated for attending meetings as provided in KRS 7.090.

(6) ~~[(5)]~~ Any professional, clerical, or other employees required by the subcommittee shall be provided in accordance with the provisions of KRS 7.090.

➔Section 24. KRS 158.647 (Effective January 1, 2027) is amended to read as follows:

(1) A permanent subcommittee of the Legislative Research Commission to be known as the Education Assessment and Accountability Review Subcommittee is hereby created. The subcommittee shall be composed of eight (8) members appointed as follows: three (3) members of the Senate appointed by the President of the Senate; one (1) member of the minority party in the Senate appointed by the Minority Floor Leader in the Senate; three (3) members of the House of Representatives appointed by the Speaker of the House of Representatives; and one (1) member of the minority party in the House of Representatives appointed by the Minority Floor Leader in the House of Representatives. Members of the subcommittee shall be appointed in January of each odd-numbered year and shall serve for terms of two (2) years. The President of the Senate and Speaker of the House of Representatives shall each appoint one (1) member of the subcommittee from their chamber to serve as co-chair. The co-chairs shall have joint responsibilities for subcommittee meeting agendas and presiding at subcommittee meetings. A majority of the entire membership of the Education Assessment and Accountability Review Subcommittee shall constitute a quorum, and all actions of the subcommittee shall be by vote of a majority of its entire membership. Any vacancy that may occur in the membership of the subcommittee shall be filled within thirty (30) days of the occurrence, in the same manner as the original appointment, and for the balance of

the vacated member's term.

(2) The subcommittee shall review administrative regulations and advise the Kentucky Board of Education concerning the implementation of the state system of assessment and accountability, established in KRS 158.6453, 158.6455, and 158.782, and for any administrative regulation promulgated under provisions of KRS 158.860.

(3) ***The subcommittee may temporarily authorize the Kentucky Department of Education or Kentucky Board of Education to require a new report that is not expressly required by state statute or federal law while the General Assembly is not in session. The temporary authorization shall expire upon the sine die adjournment of the next regular session of the General Assembly.***

(4) The subcommittee shall advise and monitor the Office of Education Accountability in the performance of its duties according to the provisions of KRS 7.410.

(5) ~~[(4)]~~ On an alternating basis, each co-chair shall have the first option to set the monthly meeting date. A monthly meeting may be canceled by agreement of both co-chairs. The members of the subcommittee shall be compensated for attending meetings as provided in KRS 7.090.

(6) ~~[(5)]~~ Any professional, clerical, or other employees required by the subcommittee shall be provided in accordance with the provisions of KRS 7.090.

➔Section 25. The following KRS sections are repealed:

156.660 Definitions.

158.865 Legislative findings -- Development of summer learning program encouraged -- Purposes of program.

156.690 Teachers' computer purchase program.

158.866 Definitions for KRS 158.865 to 158.867.

158.867 Minimum requirements for summer learning camps at schools with certain Title I programs -- Mandatory reports -- Student participation guidelines -- Teacher

compensation -- Summary annual reports.

157.077 Support for summer learning programs -- Segregation and use of funds.

➔Section 26. Notwithstanding 2025 Ky. Acts ch. 145, sec. 13(3), the Kentucky Department of Education and Kentucky Board of Education may require the following reports, regardless of whether the report is expressly required by state statute or federal law:

(1) Any new or existing report required to administer federal programs or required to respond to specific requests or requirements from the United States Department of Education or other federal government entity, including but not limited to:

(a) 21st Century Community Learning Center reports;

(b) Perkins Comprehensive Local Needs Assessment; and

(c) "CDIP" quarterly expenditure reports;

(2) Any existing report required to administer state funding;

(3) Any new or existing report required to administer federal funding;

(4) Any existing report required to monitor compliance with state statute;

(5) Any new or existing report required to monitor compliance with federal law;

(6) Any report temporarily authorized by the Education Assessment and Accountability Review Subcommittee pursuant to Section 23 or 24 of this Act;

(7) Any existing report related to pupil transportation, including but not limited to:

(a) School bus inventory;

(b) Transportation growth factor adjustment form;

(c) Certification of school bus transportation milage;

(d) School bus driver database;

(e) Pupil transportation adjustment end-of-year form; and

(f) School bus accidents;

(8) The superintendent compensation survey;

(9) Professional staff data report;

(10) Classified staff data report;

(11) Growth factor report;

(12) Superintendent's annual attendance report;

(13) QA homeless report;

(14) Alternative education program reports;

(15) New and amended school calendars;

(16) Home/hospital reporting;

(17) Property acquisition and disposal; and

(18) Any existing reporting required to monitor district-wide multitiered systems of support implementation for students in grades kindergarten through grade 12.

➔Section 27. The nonvoting student and teacher members of the Kentucky Board of Education selected prior to the effective date of this Act shall remain unaffected and serve the remainder of their terms until June 30, 2027. Thereafter, the nonvoting student and teacher members shall be selected in accordance with Section 9 of this Act.

➔Section 28. Whereas school districts need relief from unnecessary reporting requirements upon starting the 2026-2027 school year, an emergency is declared to exist, and Sections 21 to 26 of this Act take effect July 1, 2026.