

1 AN ACT relating to education.

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

3 ➔Section 1. KRS 160.345 is amended to read as follows:

4 (1) ***As used in***~~For the purpose of~~ this section:

5 (a) "Minority" means American Indian; Alaskan native; African-American;
6 Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or
7 South American origin; Pacific islander; or other ethnic group
8 underrepresented in the school;

9 (b) "School" means an elementary or secondary educational institution that is
10 under the administrative control of a principal and is not a program or part of
11 another school. The term "school" does not include district-operated schools
12 that are:

- 13 1. Exclusively vocational-technical, special education, or preschool
14 programs;
15 2. Instructional programs operated in institutions or schools outside of the
16 district; or
17 3. Alternative schools designed to provide services to at-risk populations
18 with unique needs;

19 (c) ***"School-based policy" means any policy, procedure, program, or practice***
20 ***established by the principal of a school after consultation with the school's***
21 ***advisory council;***

22 ***(d)*** "Teacher" means any person for whom certification is required as a basis of
23 employment in the public schools of the state, with the exception of principals
24 and assistant principals; and

25 ***(e)***~~(d)~~ "Parent":

26 ***1.*** Means:

27 ***a.***~~(1.)~~ A parent, stepparent, or foster parent of a student; or

1 ~~b.[2.]~~ A person who has legal custody of a student pursuant to a court
2 order and with whom the student resides; and

3 2. Does not mean:

4 a. An employee of the district or their relative; and

5 b. A local school board member or their spouse.

6 (2) Each local board of education shall adopt a policy for implementing school-based
7 policies~~[decision-making]~~ in the district which shall include but not be limited to a
8 description of how the district's policies, including those developed pursuant to
9 KRS 160.340, have been amended to allow the professional staff members of a
10 school to be involved in the school-based policy making~~[decision-making]~~ process
11 as they work to meet educational goals established in KRS 158.645 and 158.6451.
12 The policy may include a requirement that each principal~~[school council]~~ make an
13 annual report at a public meeting of the board describing the school's progress in
14 meeting the educational goals set forth in KRS 158.6451 and district goals
15 established by the board. The policy shall also address and comply with the
16 following:

- 17 (a) Except as provided in paragraph (b)2. of this subsection, each participating
18 school shall form an advisory~~[a school]~~ council composed of two (2) parents,
19 three (3) teachers, and the principal or administrator. The membership of the
20 council may be increased, but it may only be increased proportionately~~[-A~~
21 ~~parent representative on the council shall not be an employee or a relative of~~
22 ~~an employee of the school in which that parent serves, nor shall the parent~~
23 ~~representative be an employee or a relative of an employee in the district~~
24 ~~administrative offices. A parent representative shall not be a local board~~
25 ~~member or a board member's spouse].~~ None of the members shall have a
26 conflict of interest pursuant to KRS Chapter 45A, except the salary paid to
27 district employees;

- 1 (b) 1. The teacher representatives shall be elected for one (1) year terms by a
2 majority of the teachers. A teacher elected to a school advisory council
3 shall not be involuntarily transferred during the teacher representative's
4 term of office. The parent representatives shall be elected for one (1)
5 year terms. The parent members shall be elected by the parents of
6 students preregistered to attend the school during the term of office in an
7 election conducted by the parent and teacher organization of the school
8 or, if none exists, the largest organization of parents formed for this
9 purpose. Notification of an upcoming election for teacher or parent
10 representatives shall be published at least fourteen (14) days in
11 advance on the school's website and the school's electronic
12 notification and communication program. Council elections may allow
13 voting to occur over multiple days and via electronic means. The
14 principal~~[A school council, once elected,]~~ may adopt a school-based
15 policy setting different terms of office for parent and teacher members
16 subsequently elected. The principal shall be the chair of the
17 advisory~~[school]~~ council.
- 18 2. Advisory~~[school]~~ councils in schools having eight percent (8%) or more
19 minority students enrolled, as determined by the enrollment on the
20 preceding October 1, shall have at least one (1) minority member. If the
21 advisory council formed under paragraph (a) of this subsection does not
22 have a minority member, the principal, in a timely manner, shall be
23 responsible for carrying out the following:
- 24 a. Organizing a special election to elect an additional member. The
25 principal shall call for nominations and shall notify the parents of
26 the students of the date, time, and location of the election in the
27 same manner as in subparagraph 1. of this paragraph to elect a

1 minority parent to the advisory council by ballot; and

2 b. Allowing the teachers in the building to select one (1) minority
3 teacher to serve as a teacher member on the advisory council. If
4 there are no minority teachers who are members of the faculty, an
5 additional teacher member shall be elected by a majority of all
6 teachers. Term limitations shall not apply for a minority teacher
7 member who is the only minority on faculty;

8 (c) 1. The principal~~[school council]~~ shall have the responsibility to set
9 school-based~~[school]~~ policy that shall be consistent with local~~[district]~~
10 board policy. School-based policies~~[and which]~~ shall provide an
11 environment to enhance the students' achievement and help the school
12 meet the goals established by KRS 158.645 and 158.6451 and goals for
13 the district established by the board. The principal shall be the primary
14 administrator and the instructional leader of the school, and with the
15 assistance of the total school staff shall administer the policies
16 established by the principal~~[school council]~~ and the local board.

17 2. If an advisory~~[a school]~~ council establishes committees, the
18 principal~~[it]~~ shall adopt a school-based policy to facilitate the
19 participation of interested persons, including, but not limited to,
20 classified employees and parents. The policy shall include the number of
21 committees, their jurisdiction, composition, and the process for
22 membership selection. Notification of established committees shall, at
23 a minimum, be published on the school's website and the school's
24 notification and communication program;

25 (d) The advisory~~[school]~~ council and each of its committees shall determine the
26 frequency of and agenda for their meetings. Matters relating to formation of
27 advisory~~[school]~~ councils that are not provided for by this section shall be

1 addressed by local board policy;

2 (e) The meetings of the advisory~~[school]~~ council shall be open to the public and
3 all interested persons may attend. However, the exceptions to open meetings
4 provided in KRS 61.810 shall apply;

5 (f) After receiving notification of the funds available for the school from the local
6 board, the advisory~~[school]~~ council shall recommend to the
7 principal~~[determine]~~, within the parameters of the total available funds, the
8 number of persons to be employed in each job classification at the school. The
9 advisory council may advise the principal regarding~~[make]~~ personnel
10 decisions on vacancies occurring after the advisory~~[school]~~ council is formed
11 and~~[but]~~ shall not have the authority to recommend transfers or dismissals;

12 (g) The local superintendent shall determine which curriculum, textbooks,
13 instructional materials, and student support services shall be provided in the
14 school after consulting with the local board of education, the school principal,
15 and the advisory~~[school]~~ council and after a reasonable review and response
16 period for stakeholders in accordance with local board of education policy.
17 Subject to available resources, the local board shall allocate an appropriation
18 to each school that is adequate to meet the school's needs related to
19 instructional materials and school-based student support services, as
20 determined by the school principal after consultation with the
21 advisory~~[school]~~ council. The advisory~~[school]~~ council shall consult with the
22 school media librarian to provide recommendations to the principal on the
23 maintenance of the school library media center, including the purchase of
24 instructional materials, information technology, and equipment;

25 (h) Personnel decisions at the school level shall be as follows:

26 1. From a list of qualified applicants submitted by the local superintendent,
27 the principal at the participating school shall select personnel to fill

1 vacancies, after consultation with the advisory~~[school]~~ council,
2 consistent with paragraph (i)11. of this subsection. The superintendent
3 shall provide additional applicants to the principal upon request when
4 qualified applicants are available. The superintendent may forward to
5 the school principal the names of qualified applicants who have pending
6 certification from the Education Professional Standards Board based on
7 recent completion of preparation requirements, out-of-state preparation,
8 or alternative routes to certification pursuant to KRS 161.028 and
9 161.048. Requests for transfer shall conform to any employer-employee
10 bargained contract which is in effect;

11 2. If the vacancy to be filled is the position of principal:

- 12 a. The superintendent shall fill the vacancy after consultation with
13 the advisory~~[school]~~ council consistent with paragraph (i)11. of
14 this subsection;
- 15 b. Prior to consultation with the advisory~~[school]~~ council, each
16 member shall sign a nondisclosure agreement forbidding the
17 disclosure of information shared and discussions held during
18 consultation;
- 19 c. A person who believes a violation of the nondisclosure agreement
20 referred to in subdivision b. of this subparagraph has occurred may
21 file a written complaint with the Kentucky Board of Education;
22 and
- 23 d. An advisory~~[A school]~~ council member found to have violated the
24 nondisclosure agreement referred to in subdivision b. of this
25 subparagraph may be subject to removal from the advisory~~[school]~~
26 council by the Kentucky Board of Education under subsection
27 ~~(8)~~~~(9)~~(e) of this section;

- 1 3. Notwithstanding subparagraph 2. of this paragraph, if the vacancy to be
2 filled is the position of principal in a county school district in a county
3 with a consolidated local government adopted under KRS Chapter 67C,
4 then:
- 5 a. The outgoing principal shall not serve on the advisory council
6 during the principal selection process. The superintendent or the
7 superintendent's designee shall serve as the chair of the advisory
8 council for the purpose of the hiring process and shall not have
9 voting rights on the advisory council during the nonbinding
10 nomination~~[selection]~~ process;
- 11 b. The advisory council shall have access to the applications of all
12 persons certified for the position. The advisory council~~[principal]~~
13 shall provide to the superintendent a nonbinding nomination for
14 a candidate for the position of principal~~[be elected on a majority~~
15 ~~vote of the membership of the council]~~. The advisory~~[school]~~
16 council shall receive training in recruitment and interviewing
17 techniques prior to carrying out the process of
18 nominating~~[selecting]~~ a principal candidate. The
19 superintendent~~[council]~~ shall select the trainer to deliver the
20 training; and
- 21 c. ~~[Notwithstanding the requirement that a principal be elected by a~~
22 ~~majority vote of the council,]~~The selection of a principal shall be
23 made~~[subject to approval]~~ by the superintendent after receiving a
24 nonbinding nomination from the advisory council. If the
25 superintendent does not approve of the principal
26 nominated~~[selected]~~ by the advisory council, then the
27 superintendent shall~~[may]~~ select a different~~[the]~~ principal;

- 1 4. No principal who has been previously removed from a position in the
2 district for cause may be considered for appointment as principal in that
3 district;
- 4 5. Personnel decisions made at the school level under the authority of
5 subparagraph 1. of this paragraph shall be binding on the superintendent
6 who completes the hiring process;
- 7 6. Applicants subsequently employed shall provide evidence that they are
8 certified prior to assuming the duties of a position in accordance with
9 KRS 161.020; and
- 10 7. Notwithstanding other provisions of this paragraph, if the applicant is
11 the spouse of the superintendent and the applicant meets the service
12 requirements of KRS 160.380(3)(a), the applicant shall only be
13 employed upon the **decision**~~[recommendation]~~ of the principal ~~and the~~
14 approval of a majority vote of the school council;
- 15 (i) The **principal, in consultation with the advisory**~~[school]~~ council shall adopt a
16 **school-based** policy that shall be consistent with local board policy and shall
17 be implemented ~~by the principal~~ in the following additional areas:
 - 18 1. Curriculum responsibilities under KRS 158.6453(19);
 - 19 2. Assignment of all instructional and noninstructional staff time;
 - 20 3. Assignment of students to classes and programs within the school;
 - 21 4. Determination of the schedule of the school day and week, subject to the
22 beginning and ending times of the school day and school calendar year
23 as established by the local board;
 - 24 5. Determination of use of school space during the school day related to
25 improving classroom teaching and learning;
 - 26 6. Planning and resolution of issues regarding instructional practices;
 - 27 7. Selection and implementation of discipline and classroom management

- 1 techniques as a part of a comprehensive school safety plan, including
2 responsibilities of the student, parent, teacher, counselor, and principal;
- 3 8. Selection of extracurricular programs and determination of policies
4 relating to student participation based on academic qualifications and
5 attendance requirements, program evaluation, and supervision;
- 6 9. Adoption of an emergency plan as required in KRS 158.162;
- 7 10. Procedures, consistent with local school board policy, for determining
8 alignment with state standards, technology utilization, and program
9 appraisal; and
- 10 11. Procedures to assist the advisory council with making a nonbinding
11 nomination to the superintendent for~~consultation in~~ the selection of
12 the principal by the superintendent, and the selection of personnel by the
13 principal, including but not limited to meetings, timelines, interviews,
14 review of written applications, and review of references. Procedures
15 shall address situations in which members of the advisory council are
16 not available for consultation; and
- 17 (j) Each principal, in consultation with the advisory~~school~~ council, shall
18 annually review data as shown on state and local student assessments required
19 under KRS 158.6453. The data shall include but not be limited to information
20 on performance levels of all students tested, and information on the
21 performance of students disaggregated by race, gender, disability, and
22 participation in the federal free and reduced price lunch program. After
23 completing the review of data, each principal~~school council~~, with the
24 involvement of the advisory council and other interested parents, faculty, and
25 staff, shall develop and adopt a plan to ensure that each student makes
26 progress toward meeting the goals set forth in KRS 158.645 and
27 158.6451(1)(b) by April 1 of each year and submit the plan to the

1 superintendent and local board of education for review as described in KRS
2 160.340. The Kentucky Department of Education shall provide each
3 principal~~[school council]~~ the data needed to complete the review required by
4 this paragraph no later than October 1 of each year.~~[If a school does not have~~
5 ~~a council, the review shall be completed by the principal with the involvement~~
6 ~~of parents, faculty, and staff.]~~

7 (3) The policies adopted by the local board to implement school-based
8 policies~~[decision making]~~ shall also address the following:

- 9 (a) School budget and administration, including: discretionary funds; activity and
10 other school funds; funds for maintenance, supplies, and equipment; and
11 procedures for authorizing reimbursement for training and other expenses;
- 12 (b) Assessment of individual student progress, including testing and reporting of
13 student progress to students, parents, the school district, the community, and
14 the state;
- 15 (c) School improvement plans, including the form and function of strategic
16 planning and its relationship to district planning, as well as the school safety
17 plan and requests for funding from the Center for School Safety under KRS
18 158.446;
- 19 (d) Professional development plans developed pursuant to KRS 156.095;
- 20 (e) Parent, citizen, and community participation including the relationship of the
21 advisory council with other groups;
- 22 (f) Cooperation and collaboration within the district, with other districts, and with
23 other public and private agencies;
- 24 (g) Requirements for waiver of district policies;
- 25 (h) Requirements for record keeping by the advisory~~[school]~~ council and
26 principal; and
- 27 (i) A process for appealing a decision made by a principal~~[school council]~~.

- 1 (4) In addition to the authority granted to the principal~~[school council]~~ in this section,
2 the local board may grant to the principal~~[school council]~~ any other authority
3 permitted by law. The board shall make available liability insurance coverage for
4 the protection of all members of the advisory~~[school]~~ council from liability arising
5 in the course of pursuing their duties as members of the advisory council.
- 6 (5) All schools shall implement school-based policy~~[decision-making]~~ in accordance
7 with this section and with the policy adopted by the local board pursuant to this
8 section. Upon favorable vote of a majority of the faculty at the school and a
9 majority of at least twenty-five (25) voting parents of students enrolled in the
10 school, a school meeting its goal as determined by the Department of Education
11 pursuant to KRS 158.6455 may apply to the Kentucky Board of Education for
12 exemption from the requirement to implement an advisory council~~[school-based~~
13 ~~decision-making]~~, and the state board shall grant the exemption. The voting by the
14 parents on the matter of exemption from implementing an advisory council~~[school-~~
15 ~~based decision-making]~~ shall be in an election conducted by the parent and teacher
16 organization of the school or, if none exists, the largest organization of parents
17 formed for this purpose. Notification of the election shall be published at least
18 fourteen (14) days in advance on the school's website and the school's
19 notification and communication program. Notwithstanding the provisions of this
20 section, a local school district shall not be required to implement an advisory
21 council~~[school-based decision-making]~~ if the local school district contains only one
22 (1) school.
- 23 (6) The Department of Education shall provide professional development activities to
24 assist schools in implementing an advisory council~~[school-based decision-making]~~.
25 Advisory~~[school]~~ council members elected for the first time shall complete a
26 minimum of six (6) clock hours of training in the process of school-based
27 policy~~[decision]~~ making, no later than thirty (30) days after the beginning of the

1 service year for which they are elected to serve. Advisory~~[school]~~ council members
2 who have served on an advisory~~[a school]~~ council at least one (1) year shall
3 complete a minimum of three (3) clock hours of training in the process of school-
4 based policy~~[decision]~~ making no later than one hundred twenty (120) days after the
5 beginning of the service year for which they are elected to serve. Experienced
6 members may participate in the training for new members to fulfill their training
7 requirement. Advisory~~[school]~~ council training required under this subsection shall
8 be conducted by trainers endorsed by the Department of Education. By November 1
9 of each year, the principal through the local superintendent shall forward to the
10 Department of Education the names and addresses of each advisory council
11 member and verify that the required training has been completed. Advisory~~[school]~~
12 council members elected to fill a vacancy shall complete the applicable training
13 within thirty (30) days of their election.

14 (7) ~~[A school that chooses to have school-based decision making but would like to be~~
15 ~~exempt from the administrative structure set forth by this section may develop a~~
16 ~~model for implementing school-based decision making, including but not limited to~~
17 ~~a description of the membership, organization, duties, and responsibilities of a~~
18 ~~school council. The school shall submit the model through the local board of~~
19 ~~education to the commissioner of education and the Kentucky Board of Education,~~
20 ~~which shall have final authority for approval. The application for approval of the~~
21 ~~model shall show evidence that it has been developed by representatives of the~~
22 ~~parents, students, certified personnel, and the administrators of the school and that~~
23 ~~two thirds (2/3) of the faculty have agreed to the model.~~

24 (8) ~~—~~ The Kentucky Board of Education, upon recommendation of the commissioner of
25 education, shall adopt by administrative regulation a formula by which school
26 district funds shall be allocated to each principal~~[school council]~~. Included in the
27 ~~school council~~ formula shall be an allocation for professional development that is

1 at least sixty-five percent (65%) of the district's per pupil state allocation for
2 professional development for each student in average daily attendance in the school.

3 The principal~~[school council]~~ shall plan professional development in compliance
4 with requirements specified in KRS 156.095, except as provided in KRS 158.649.

5 Principals~~[School councils]~~ of small schools shall be encouraged to work with
6 other principals~~[school councils]~~ to maximize professional development
7 opportunities.

8 ~~(8)~~~~(9)~~ (a) No board member, superintendent of schools, district employee, or
9 member of an advisory~~[a school]~~ council shall intentionally engage in a
10 pattern of practice which is detrimental to the successful implementation of or
11 circumvents the intent of school-based policies~~[decision-making]~~ to allow the
12 professional staff members of a school and parents to be involved in the
13 school-based policy~~[decision-making]~~ process in working toward meeting the
14 educational goals established in KRS 158.645 and 158.6451 or to
15 advise~~[make decisions]~~ in areas of policy assigned to a principal~~[school]~~
16 ~~council]~~ pursuant to~~[paragraph (i) of]~~ subsection (2)~~(i)~~ of this section.

17 (b) An affected party who believes a violation of this subsection has occurred
18 may file a written complaint with the Office of Education Accountability. The
19 office shall investigate the complaint and resolve the conflict, if possible, or
20 forward the matter to the Kentucky Board of Education.

21 (c) The Kentucky Board of Education shall conduct a hearing in accordance with
22 KRS Chapter 13B for complaints referred by the Office of Education
23 Accountability.

24 (d) If the state board determines a violation has occurred, the party shall be
25 subject to reprimand. A second violation of this subsection may be grounds
26 for removing a superintendent or a member of an advisory~~[a school]~~ council
27 from office or grounds for dismissal of an employee for misconduct in office

1 or willful neglect of duty.

2 (e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the
3 state board determines a violation of the nondisclosure agreement required by
4 subsection (2)(h)2.b. of this section by an advisory~~[a school]~~ council member
5 has occurred, the state board shall remove the member from the
6 advisory~~[school]~~ council, and the member shall be permanently prohibited
7 from serving on any advisory~~[school]~~ council in the district.

8 ~~(9)~~~~(10)~~ Notwithstanding subsections (1) to ~~(8)~~~~(9)~~ of this section, a school's right to
9 establish or maintain an advisory~~[a school-based decision-making]~~ council~~[and the~~
10 ~~powers, duties, and authority granted to a school council]~~ may be rescinded~~[or the~~
11 ~~school council's role may be advisory]~~ if the commissioner of education or the
12 Kentucky Board of Education takes action under KRS 160.346.

13 ~~(10)~~~~(11)~~ Each principal~~[school council]~~ of a school containing grades K-5 or any
14 combination thereof~~[, or if there is no school council, the principal,]~~ shall develop
15 and implement a wellness policy that includes moderate to vigorous physical
16 activity each day and encourages healthy choices among students. The policy may
17 permit physical activity to be considered part of the instructional day, not to exceed
18 thirty (30) minutes per day, or one hundred and fifty (150) minutes per week.~~[Each~~
19 ~~school council, or if there is no school council,]~~ The principal~~[,]~~ shall adopt an
20 assessment tool to determine each child's level of physical activity on an annual
21 basis. The~~[council or]~~ principal may utilize an existing assessment program. The
22 Kentucky Department of Education shall make available a list of available
23 resources to carry out the provisions of this subsection. The department shall report
24 to the Legislative Research Commission no later than November 1 of each year on
25 how the schools are providing physical activity under this subsection and on the
26 types of physical activity being provided. The policy developed by the~~[school~~
27 ~~council or]~~ principal shall comply with provisions required by federal law, state

1 law, or local board policy.

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

3 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

23 (c) When a vacancy needs to be filled in less than fifteen (15) days' time to
24 prevent disruption of necessary instructional or support services of the school
25 district, the superintendent may seek a waiver from the chief state school
26 officer outside of the process established in KRS 156.161. If the waiver is
27 approved, the appointment shall not be made until the person recommended

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

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

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

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

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

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

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

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

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

1 and

2 5. Any adult who is permitted access to school grounds on a regularly
3 scheduled and continuing basis pursuant to a written agreement for the
4 purpose of providing services directly to a student or students as part of
5 a school-sponsored program or activity;

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

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

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

14 c. Student teachers who have submitted to and provide a copy of a
15 national and state criminal background check by the Department
16 of Kentucky State Police and the Federal Bureau of Investigation
17 through an accredited teacher education institution in which the
18 student teacher is enrolled and who have a clear CA/N check.

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

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

1 procedures shall be required;

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

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

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

17 2. Submit to drug testing consistent with the requirements of 49 C.F.R. pt.
18 40;

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

21 4. Provide an annual clear CA/N check;

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

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

27 (7) (a) If a certified or classified position remains unfilled after July 31 or if a

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

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

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

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

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

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

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

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

- 19 1. Identify the states in which he or she has maintained residency,
20 including the dates of residency; and
- 21 2. Provide picture identification.

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

1 rate of pay he or she received prior to the transfer. If an employee is charged with
2 an offense outside of the Commonwealth, this provision may also be applied if the
3 charge would have been treated as a felony if committed within the
4 Commonwealth. Transfers shall be made to prevent disruption of the educational
5 process and district operations and in the interest of students and staff and shall not
6 be construed as evidence of misconduct.

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

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

16 ➔Section 3. KRS 7.410 is amended to read as follows:

17 (1) It is the intent of the General Assembly to provide an efficient system of common
18 schools which shall be operated without waste, duplication, mismanagement, and
19 political influence. The system of schools shall have the goal of providing all
20 students with at least the seven (7) capacities referred to in KRS 158.645.

21 (2) (a) An Office of Education Accountability is hereby created and shall be under
22 the direction of the Legislative Research Commission and shall be advised
23 and monitored by the Education Assessment and Accountability Review
24 Subcommittee.

25 (b) The Office of Education Accountability shall be administered by a deputy
26 director appointed by the Legislative Research Commission upon
27 recommendation of the director of the Legislative Research Commission. The

1 deputy director shall have the qualifications set by the Commission. The
2 salary of the deputy director shall be set by the Commission. The Commission
3 shall have exclusive jurisdiction over the employment of personnel necessary
4 to carry out the provisions of this section. The deputy director shall be subject
5 to the direction of and report to the director of the Legislative Research
6 Commission.

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

9 1. Monitor the elementary and secondary public education system,
10 including actions taken and reports issued by the Kentucky Board of
11 Education, the Education Professional Standards Board, the
12 commissioner of education, the Department of Education, and local
13 school districts. Upon and under the direction of the Education
14 Assessment and Accountability Review Subcommittee, the monitoring
15 of the elementary and secondary public education system shall also
16 include periodic reviews of local district and school-based ~~decision~~
17 ~~making~~ policies relating to the recruitment, interviewing, selection,
18 evaluation, termination, or promotion of personnel. The office shall
19 report any district or school when evidence demonstrates a pattern of
20 exclusionary personnel practices relating to race or sex to the Kentucky
21 Department of Education, which shall then independently investigate
22 facts raised in or associated with the report. The results of the
23 investigation conducted by the department shall be forwarded to the
24 Kentucky Board of Education which shall conduct an investigative
25 hearing on the matter.

26 2. Upon and under the direction of the Education Assessment and
27 Accountability Review Subcommittee, review the elementary and

1 secondary public education finance system. The review shall include an
2 analysis of the level of equity achieved by the funding system and
3 whether adequate funds are available to all school districts and an
4 analysis of the weights of various education program components
5 developed by the Department of Education. The review may also
6 include recommendations for the base per pupil funding for the Support
7 Education Excellence in Kentucky Program and a statewide salary
8 schedule, and studies of other finance issues identified by the Education
9 Assessment and Accountability Review Subcommittee.

10 3. Upon and under the direction of the Education Assessment and
11 Accountability Review Subcommittee, verify the accuracy of reports of
12 school, district, and state performance by conducting, requesting, or
13 upon approval of the Legislative Research Commission, contracting for
14 periodic program and fiscal audits. Upon and under the direction of the
15 Education Assessment and Accountability Review Subcommittee, the
16 Office of Education Accountability shall monitor and verify the
17 accuracy of reports of the Department of Education and the Kentucky
18 Board of Education, including but not limited to the annual fiscal
19 conditions of grants, categorical programs, and other educational
20 initiatives set forth by the General Assembly.

21 4. Investigate allegations of wrongdoing of any person or agency,
22 including but not limited to waste, duplication, mismanagement,
23 political influence, and illegal activity at the state, regional, or school
24 district level; make appropriate referrals to other agencies with
25 jurisdiction over those allegations; and make recommendations for
26 legislative action to the Education Assessment and Accountability
27 Review Subcommittee. Upon acceptance by the subcommittee,

1 recommendations for legislative action shall be forwarded to the
2 Legislative Research Commission. The Office of Education
3 Accountability shall submit to the subcommittee, for each of its regular
4 meetings, a report that summarizes investigative activity initiated
5 pursuant to this subparagraph. The subcommittee may consider each
6 report as it determines and in its discretion. Each report, and the
7 consideration thereof by the subcommittee, shall be exempt from the
8 open records and open meetings requirements contained in KRS Chapter
9 61.

- 10 5. Upon and under the direction of the Education Assessment and
11 Accountability Review Subcommittee, conduct studies, analyze, verify,
12 and validate the state assessment program through other external
13 indicators of academic progress including but not limited to American
14 College Test scores, Scholastic Assessment Test scores, National
15 Assessment of Educational Progress scores, Preliminary Scholastic
16 Assessment Test scores, Advanced Placement Program participation,
17 standardized test scores, college remediation rates, retention and
18 attendance rates, dropout rates, and additional available data on the
19 efficiency of the system of schools and whether progress is being made
20 toward attaining the goal of providing students with the seven (7)
21 capacities as required by KRS 158.645.
- 22 6. Make periodic reports to the Education Assessment and Accountability
23 Review Subcommittee as directed by the subcommittee. Upon
24 acceptance by the subcommittee, the reports shall be forwarded to the
25 Legislative Research Commission.
- 26 7. Make periodic reports to the Legislative Research Commission as may
27 be directed by the Commission.

- 1 8. Prepare an annual report, which shall consist of a summary of the status
2 and results of the current year annual research agenda provided in
3 paragraph (d) of this subsection, a summary of completed investigative
4 activity conducted pursuant to subparagraph 4. of this paragraph, and
5 other items of significance as determined by the Education Assessment
6 and Accountability Review Subcommittee. The annual report shall be
7 submitted to the Education Assessment and Accountability Review
8 Subcommittee. Upon acceptance by the subcommittee, the annual report
9 shall be submitted to the Governor, the Legislative Research
10 Commission, and the Kentucky Board of Education.
- 11 (d) On or before December 1 of each calendar year, the Education Assessment
12 and Accountability Review Subcommittee shall adopt the annual research
13 agenda for the Office of Education Accountability. The annual research
14 agenda may include studies, research, and investigations considered to be
15 significant by the Education Assessment and Accountability Review
16 Subcommittee. Staff of the Office of Education Accountability shall prepare a
17 suggested list of study and research topics related to elementary and
18 secondary public education for consideration by the Education Assessment
19 and Accountability Review Subcommittee in the development of the annual
20 research agenda. An adopted annual research agenda shall be amended to
21 include any studies mandated by the next succeeding General Assembly for
22 completion by the Office of Education Accountability.
- 23 (e) The Office of Education Accountability shall have access to all public records
24 and information on oath as provided in KRS 7.110. The office shall also have
25 access to otherwise confidential records, meetings, and hearings regarding
26 local school district personnel matters. However, the office shall not disclose
27 any information contained in or derived from the records, meetings, and

1 hearings that would enable the discovery of the specific identification of any
2 individual who is the focus or subject of the personnel matter.

3 (f) In compliance with KRS 48.800, 48.950, and 48.955, the Finance and
4 Administration Cabinet and the Governor's Office for Policy and Management
5 shall provide to the Office of Education Accountability access to all
6 information and records, other than preliminary work papers, relating to
7 allotment of funds, whether by usual allotment or by other means, to the
8 Department of Education, local school districts, and to other recipients of
9 funds for educational purposes.

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

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

15 (3) The provisions of KRS 61.878 or any other statute, including Acts of the 1992
16 Regular Session of the General Assembly to the contrary notwithstanding, the
17 testimony of investigators, work products, and records of the Office of Education
18 Accountability relating to duties and responsibilities under subsection (2) of this
19 section shall be privileged and confidential during the course of an ongoing
20 investigation or until authorized, released, or otherwise made public by the Office
21 of Education Accountability and shall not be subject to discovery, disclosure, or
22 production upon the order or subpoena of a court or other agency with subpoena
23 power.

24 ➔Section 4. KRS 156.072 is amended to read as follows:

25 (1) At the request of a local board of education or a school ~~principal~~council, a local
26 school district superintendent shall submit a request to the Kentucky Board of
27 Education for a waiver from a reporting requirement established by a Kentucky

1 Revised Statute that requires the paperwork to be submitted to the Kentucky Board
2 of Education or the Department of Education.

3 (2) Upon a finding of good cause for the waiver, the Kentucky Board of Education may
4 grant the waiver.

5 (3) The Kentucky Board of Education shall not waive statutory paperwork or reporting
6 requirements necessary under federal law or relating to health, safety, or civil
7 rights.

8 ➔Section 5. KRS 156.095 is amended to read as follows:

9 (1) (a) The Kentucky Department of Education shall establish, direct, and maintain a
10 statewide program of professional development to improve instruction in the
11 public schools.

12 (b) By August 1, 2025, the department shall create a four (4) year recurring
13 professional development training schedule that includes all professional
14 development for certified personnel required by subsection (2) of this section
15 and federal law.

16 (c) Each local school district shall implement the professional development
17 training schedule created by the department.

18 (2) All certified school district employees and public charter school employees shall
19 complete at least one (1) hour of each of the following trainings within twelve (12)
20 months of initial hire and at least once every four (4) years thereafter:

21 (a) How to respond to an active shooter situation training prepared by the
22 Department of Criminal Justice Training in collaboration with the department,
23 the Kentucky Law Enforcement Council, and the Center for School Safety;

24 (b) Child abuse and neglect prevention, recognition, and reporting training from
25 the list of trainings approved by the department in accordance with subsection
26 (7) of this section;

27 (c) 1. High-quality, evidence-based suicide prevention training, including risk

1 factors, warning signs, protective factors, response procedures, referral,
2 postvention, and the recognition of signs and symptoms of possible
3 mental illness.

4 2. As used in this paragraph, "postvention" means a series of planned
5 supports and interventions with persons affected by a suicide for the
6 purpose of facilitating the grieving or adjustment process, stabilizing the
7 environment, reducing the risk of negative behaviors, and limiting the
8 risk of further suicides through contagion; and

9 (d) Self-study review of seizure disorder materials.

10 (3) (a) Each local school district superintendent shall appoint a certified school
11 employee to fulfill the role and responsibilities of a professional development
12 coordinator who shall disseminate professional development information to
13 schools and personnel. Upon request by a school principal~~[council]~~ or any
14 employees of the district, the coordinator shall provide technical assistance to
15 the principal~~[council]~~ or the personnel that may include assisting with needs
16 assessments, analyzing school data, planning and evaluation assistance,
17 organizing districtwide programs requested by school principals~~[councils]~~ or
18 groups of teachers, or other coordination activities.

19 (b) The manner of appointment, qualifications, and other duties of the
20 professional development coordinator shall be established by the local board
21 of education.

22 (c) The local district professional development coordinator may participate in the
23 Kentucky Department of Education annual training program for local school
24 district professional development coordinators. The training program may
25 include but not be limited to the demonstration of various approaches to needs
26 assessment and planning; strategies for implementing long-term, school-based
27 professional development; strategies for strengthening teachers' roles in the

1 planning, development, and evaluation of professional development; and
2 demonstrations of model professional development programs. The training
3 shall include information about teacher learning opportunities relating to the
4 core content standards. The department shall regularly collect and distribute
5 this information.

6 (4) The department shall provide or facilitate optional, professional development
7 programs for certified personnel throughout the Commonwealth that are based on
8 the statewide needs of teachers, administrators, and other education personnel.
9 Programs may include classified staff and parents when appropriate. Programs
10 offered or facilitated by the department shall be at locations and times convenient to
11 local school personnel and shall be made accessible through the use of technology
12 when appropriate. They shall include programs that: address the goals for Kentucky
13 schools as stated in KRS 158.6451, including reducing the achievement gaps as
14 determined by an equity analysis of the disaggregated student performance data
15 from the state assessment program developed under KRS 158.6453; engage
16 educators in effective learning processes and foster collegiality and collaboration;
17 and provide support for staff to incorporate newly acquired skills into their work
18 through practicing the skills, gathering information about the results, and reflecting
19 on their efforts. Professional development programs shall be made available to
20 teachers based on their needs which shall include but not be limited to the following
21 areas:

- 22 (a) Strategies to reduce the achievement gaps among various groups of students
23 and to provide continuous progress;
- 24 (b) Curriculum content and methods of instruction for each content area,
25 including differentiated instruction;
- 26 (c) School-based policy~~decision~~ making;
- 27 (d) Assessment literacy;

- 1 (e) Integration of performance-based student assessment into daily classroom
2 instruction;
- 3 (f) Nongraded primary programs;
- 4 (g) Research-based instructional practices;
- 5 (h) Instructional uses of technology;
- 6 (i) Curriculum design to serve the needs of students with diverse learning styles
7 and skills and of students of diverse cultures;
- 8 (j) Instruction in reading, including phonics, phonemic awareness,
9 comprehension, fluency, and vocabulary;
- 10 (k) Educational leadership; and
- 11 (l) Strategies to incorporate character education throughout the curriculum.
- 12 (5) The department shall assist school personnel in assessing the impact of professional
13 development on their instructional practices and student learning.
- 14 (6) (a) Upon the request of a school district or school principal~~council~~, the
15 department shall assist with the development of long-term school and district
16 improvement plans that include multiple strategies for professional
17 development based on the assessment of needs at the school level.
- 18 (b) Professional development strategies may include but are not limited to
19 participation in subject matter academies, teacher networks, training institutes,
20 workshops, seminars, and study groups; collegial planning; action research;
21 mentoring programs; appropriate university courses; and other forms of
22 professional development.
- 23 (c) In planning the use of the four (4) days for professional development under
24 KRS 158.070, school principals~~councils~~ and districts shall give priority to
25 programs that increase teachers' understanding of curriculum content and
26 methods of instruction appropriate for each content area based on individual
27 school plans. The district may use up to one (1) day to provide district-wide

1 training and training that is mandated by state or federal law. Only those
2 employees identified in the mandate or affected by the mandate shall be
3 required to attend the training.

4 (d) State funds allocated for professional development shall be used to support
5 professional development initiatives that are consistent with local school
6 improvement and professional development plans and teachers' individual
7 growth plans. The funds may be used throughout the year for all staff,
8 including classified and certified staff and parents on advisory~~[school]~~
9 councils or committees. A portion of the funds allocated to each
10 advisory~~[school]~~ council under KRS 160.345 may be used to prepare or
11 enhance the teachers' knowledge and teaching practices related to the content
12 and subject matter that are required for their specific classroom assignments.

13 (7) (a) The department shall develop and maintain a list of approved comprehensive
14 evidence-informed trainings on child abuse and neglect prevention,
15 recognition, and reporting that encompass child physical, sexual, and
16 emotional abuse and neglect.

17 (b) The trainings shall be web-based or in-person and cover, at a minimum, the
18 following topics:

- 19 1. Recognizing child physical, sexual, and emotional abuse and neglect;
- 20 2. Reporting suspected child abuse and neglect in Kentucky as required by
21 KRS 620.030 and the appropriate documentation;
- 22 3. Responding to the child; and
- 23 4. Understanding the response of child protective services.

24 (c) The trainings shall include a questionnaire or other basic assessment tool upon
25 completion to document basic knowledge of training components.

26 (d) Each local board of education shall adopt one (1) or more trainings from the
27 list approved by the department to be implemented by schools.

1 (8) The department shall establish an electronic consumer bulletin board that posts
2 information regarding professional development providers and programs as a
3 service to school district central office personnel, advisory~~[school]~~ councils,
4 teachers, and administrators. Participation on the electronic consumer bulletin board
5 shall be voluntary for professional development providers or vendors, but shall
6 include all programs sponsored by the department. Participants shall provide the
7 following information: program title; name of provider or vendor; qualifications of
8 the presenters or instructors; objectives of the program; program length; services
9 provided, including follow-up support; costs for participation and costs of
10 materials; names of previous users of the program, addresses, and telephone
11 numbers; and arrangements required. Posting information on the bulletin board by
12 the department shall not be viewed as an endorsement of the quality of any specific
13 provider or program.

14 (9) The department shall provide voluntary training to address the characteristics and
15 instructional needs of students at risk of school failure and most likely to drop out
16 of school. The training shall be developed to meet the specific needs of all certified
17 and classified personnel depending on their relationship with these students. The
18 training for instructional personnel shall be designed to provide and enhance skills
19 of personnel to:

- 20 (a) Identify at-risk students early in elementary schools as well as at-risk and
21 potential dropouts in the middle and high schools;
- 22 (b) Plan specific instructional strategies to teach at-risk students;
- 23 (c) Improve the academic achievement of students at risk of school failure by
24 providing individualized and extra instructional support to increase
25 expectations for targeted students;
- 26 (d) Involve parents as partners in ways to help their children and to improve their
27 children's academic progress; and

1 (e) Significantly reduce the dropout rate of all students.

2 (10) The department shall establish teacher academies to the extent funding is available
3 in cooperation with postsecondary education institutions for elementary, middle
4 school, and high school faculty in core disciplines, utilizing facilities and faculty
5 from universities and colleges, local school districts, and other appropriate agencies
6 throughout the state. Priority for participation shall be given to those teachers who
7 are teaching core discipline courses for which they do not have a major or minor or
8 the equivalent. Participation of teachers shall be voluntary.

9 (11) The department shall annually provide to the oversight council established in KRS
10 15A.063, the information received from local schools pursuant to KRS 158.449.

11 ➔Section 6. KRS 156.111 is amended to read as follows:

12 (1) The Department of Education shall establish a Superintendents Training Program
13 and Assessment Center. The department shall provide for assessor training and shall
14 ensure that an assessment center includes but is not limited to training and
15 participation in the following components:

- 16 (a) Core concepts of leadership and quality practices;
17 (b) Effective implementation of school-based policies~~[decision-making]~~;
18 (c) Kentucky school law;
19 (d) Kentucky school finance and budgeting;
20 (e) School curriculum and assessment;
21 (f) Instructional leadership;
22 (g) School improvement;
23 (h) Community and board relations;
24 (i) Effective communication; and
25 (j) An executive coaching and mentoring program with an emphasis on
26 demonstrated professional growth.

27 The department may provide assessment centers regionally.

- 1 (2) Notwithstanding any other statute to the contrary, an employing local board of
2 education shall not be responsible for any training costs associated with a
3 superintendent's participation in the training and assessment center process.
- 4 (3) At the conclusion of the training, each participant shall deliver to the employing
5 board of education and the Kentucky Department of Education a comprehensive
6 collection of work products and assessments that demonstrate proficiency in each
7 area of training.
- 8 (4) In addition to any applicable certification and experience requirements, any person
9 hired for the first time as superintendent in Kentucky shall successfully complete
10 the assessment center process within two (2) years of taking office as
11 superintendent.
- 12 (5) The Kentucky Board of Education shall adopt administrative regulations to govern
13 the training content, number of hours, assessments, and work products for
14 successful completion of the training and assessment center process. The board
15 shall also establish the continuing professional development requirements for
16 school superintendents to include, at a minimum, three (3) hours of annual training
17 in school finance and three (3) hours of annual training in ethics.
- 18 (6) The Department of Education may contract with qualified agencies, organizations,
19 or institutions or may approve programs offered by training providers to carry out
20 the provisions of this section.
- 21 ➔Section 7. KRS 156.162 is amended to read as follows:
- 22 (1) Pursuant to KRS 156.160, the Kentucky Board of Education shall promulgate
23 administrative regulations to establish the courses of study for the different grades.
24 The administrative regulation that sets forth the required and elective courses for
25 the schools shall include:
- 26 (a) An elective social studies course on the Hebrew Scriptures, Old Testament of
27 the Bible;

- 1 (b) An elective social studies course on the New Testament of the Bible; or
- 2 (c) An elective social studies course on the Hebrew Scriptures and the New
- 3 Testament of the Bible.
- 4 (2) The purpose of a course under this section is to:
- 5 (a) Teach students knowledge of biblical content, characters, poetry, and
- 6 narratives that are prerequisites to understanding contemporary society and
- 7 culture, including literature, art, music, mores, oratory, and public policy; and
- 8 (b) Familiarize students with, as applicable:
- 9 1. The contents of the Hebrew Scriptures or New Testament;
- 10 2. The history of the Hebrew Scriptures or New Testament;
- 11 3. The literary style and structure of the Hebrew Scriptures or New
- 12 Testament; and
- 13 4. The influence of the Hebrew Scriptures or New Testament on law,
- 14 history, government, literature, art, music, customs, morals, values, and
- 15 culture.
- 16 (3) A student shall not be required to use a specific translation as the sole text of the
- 17 Hebrew Scriptures or New Testament and may use as the basic textbook a different
- 18 translation of the Hebrew Scriptures or New Testament from that chosen by the
- 19 school principal~~council~~.
- 20 (4) The Kentucky Department of Education shall include the course standards in the
- 21 program of studies for Kentucky schools, including the teacher qualifications and
- 22 required professional development.
- 23 (5) A course offered under this section shall follow applicable law and all federal and
- 24 state guidelines in maintaining religious neutrality and accommodating the diverse
- 25 religious views, traditions, and perspectives of students in the school. A course
- 26 under this section shall not endorse, favor, or promote, or disfavor or show hostility
- 27 toward, any particular religion or nonreligious faith or religious perspective. The

1 Kentucky Board of Education, in complying with this section, shall not violate any
2 provision of the United States Constitution or federal law, the Kentucky
3 Constitution or any state law, or any administrative regulations of the United States
4 Department of Education or the Kentucky Department of Education.

5 ➔Section 8. KRS 156.492 is amended to read as follows:

6 (1) The Kentucky Department of Education may enter into an agreement with any
7 building and construction trade organization to develop a training program for
8 school counselors providing services to students in the Commonwealth. The
9 purpose of the training program shall be to promote building and construction
10 trades and training facilities available to students by making school counselors
11 aware of what is available to students participating in the building and construction
12 trade. The training program shall include information relating to:

13 (a) The pay and benefits available to people who work in the building and
14 construction trades; and

15 (b) Job opportunities, pre-apprenticeships, apprenticeships, and pathways within
16 the building and construction trade industry.

17 (2) The participating trade organization shall ensure ample opportunities for school
18 counselors that serve grades seven (7) through twelve (12) to complete the training
19 created under subsection (1) of this section annually and shall bear all costs
20 associated with the training. The participating trade organization may choose to
21 offer professional development opportunities to teachers who serve students in
22 grades seven (7) through twelve (12), if resources are available for this purpose.

23 (3) The department shall include the training program created in this section on the
24 electronic consumer bulletin board created pursuant to KRS 156.095(8) if requested
25 by the training program.

26 (4) A school counselor serving students in grades seven (7) through twelve (12) may
27 complete four (4) hours of training developed under this section which shall count

1 towards the twenty-one (21) hours required annually pursuant to KRS
2 156.101(4)(b){2}.

3 (5) Local boards of education or school principals~~[school-based decision-making~~
4 ~~councils]~~ may incorporate this training as part of the four (4) days of professional
5 development required pursuant to KRS 158.070(3)(a) for teachers who serve
6 students in grades seven (7) through twelve (12) if offered by the participating trade
7 organization.

8 ➔Section 9. KRS 157.360 is amended to read as follows:

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

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

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

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

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

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

- 1 2. Twenty-eight (28) in grade four (4);
- 2 3. Twenty-nine (29) in grades five (5) and six (6);
- 3 4. Thirty-one (31) in grades seven (7) to twelve (12).
- 4 (b) Unless a~~[Except for those schools which have implemented]~~ school-based
- 5 policy requires otherwise~~[decision-making]~~, class size loads for middle and
- 6 secondary school:
- 7 1. Classroom teachers shall not exceed the equivalent of one hundred fifty
- 8 (150) pupil hours per day; and
- 9 2. Virtual program teachers shall not exceed the equivalent of three
- 10 hundred (300) pupil hours per day.
- 11 (c) The commissioner of education, upon approval of the Kentucky Board of
- 12 Education, shall adopt administrative regulations for enforcing this provision.
- 13 These administrative regulations shall include procedures for a superintendent
- 14 to request an exemption from the Kentucky Board of Education when unusual
- 15 circumstances warrant an increased class size for an individual class. A
- 16 request for an exemption shall include specific reasons for the increased class
- 17 size with a plan for reducing the class size prior to the beginning of the next
- 18 school year. A district shall not receive in any one (1) year exemptions for
- 19 more classes than enroll twenty percent (20%) of the pupils in the primary
- 20 grades and grades four (4) through eight (8).
- 21 (d) In all schools the commissioner of education shall enforce the special
- 22 education maximum class sizes set by administrative regulations adopted by
- 23 the Kentucky Board of Education. A superintendent may request an
- 24 exemption pursuant to paragraph (c) of this subsection. A local school
- 25 principal~~[council]~~ may request a waiver relating to maximum class size
- 26 pursuant to KRS 156.161 in the same manner as a local board of education.
- 27 An exemption or waiver shall not be granted if the increased class size will

1 impede any exceptional child from achieving his or her individual education
2 program in the least restrictive environment.

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

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

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

26 (9) Program funding shall be increased when the average daily attendance in any
27 district for the first two (2) months of the current school year is greater than the

1 average daily attendance of the district for the first two (2) months of the previous
2 school year. The program funds allotted the district shall be increased by the
3 percent of increase. The average daily attendance in kindergarten is the
4 kindergarten full-time equivalent pupils in average daily attendance.

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

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

19 (12) (a) Instructional salaries for vocational agriculture classes shall be for twelve (12)
20 months per year. Vocational agriculture teachers shall be responsible for the
21 following program of instruction during the time period beyond the regular
22 school term established by the local board of education: supervision and
23 instruction of students in agriculture experience programs; group and
24 individual instruction of farmers and agribusinessmen; supervision of student
25 members of agricultural organizations who are involved in leadership training
26 or other activity required by state or federal law; or any program of vocational
27 agriculture established by the Department of Education. During extended

1 employment, no vocational agriculture teacher shall receive salary on a day
2 that the teacher is scheduled to attend an institution of higher education class
3 which could be credited toward meeting any certification requirement.

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

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

23 (b) Pursuant to administrative regulations of the Kentucky Board of Education,
24 local school districts shall be reimbursed for home and hospital instruction for
25 pupils unable to attend regular school sessions because of short-term health
26 impairments. A reimbursement formula shall be established by administrative
27 regulations to include such factors as a reasonable per hour, per child

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

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

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

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

23 (17) To calculate the state portion of the program to support education excellence in
24 Kentucky for a school district, the Department of Education shall subtract the local
25 effort required under KRS 157.390(5) from the calculated base funding under the
26 program to support education excellence in Kentucky, as required by this section.
27 The value of the real estate used in this calculation shall be the lesser of the current

1 year assessment or the prior year assessment increased by four percent (4%) plus
2 the value of current year new property. The calculation under this subsection shall
3 be subject to available funds.

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

8 ➔Section 10. KRS 158.031 is amended to read as follows:

9 (1) As used in this section, "primary school program" means that part of the elementary
10 school program in which children are enrolled from the time they begin school until
11 they are ready to enter the fourth grade. Notwithstanding any statute to the contrary,
12 successful completion of the primary school program shall be a prerequisite for a
13 child's entrance into fourth grade.

14 (2) The Kentucky Board of Education shall establish, by administrative regulation,
15 methods of verifying successful completion of the primary school program in
16 carrying out the goals of education as described in KRS 158.6451.

17 (3) The primary program shall include the following critical attributes:
18 developmentally appropriate educational practices; multiage and multiability
19 classrooms; continuous progress; authentic assessment; qualitative reporting
20 methods; professional teamwork; and positive parent involvement.

21 (4) ~~[Each school council or, if none exists,]~~ The school shall determine the organization
22 of its ungraded primary program including the extent to which multiage groups are
23 necessary to implement the critical attributes based on the critical attributes and
24 meeting individual student needs.

25 (5) The implementation of the primary program may take into consideration the
26 necessary arrangements required for students attending part-time and will allow for
27 grouping of students attending their first year of school when determined to be

1 developmentally appropriate.

2 (6) A school district may advance a student through the primary program when it is
3 determined that it is in the best educational interest of the student. A student who is
4 at least five (5) years of age, but less than six (6) years of age, and is advanced in
5 the primary program may be classified as other than a kindergarten student for
6 purposes of funding under KRS 157.310 to 157.440 if the student is determined to
7 have acquired the academic and social skills taught in kindergarten as determined
8 by local board policy in accordance with the process established by Kentucky
9 Board of Education administrative regulation.

10 (7) Data shall be collected by each school district on the number of students, in each
11 school having a primary program, who take five (5) years to complete the primary
12 program. The data shall be reported in the annual performance report described in
13 KRS 158.6453.

14 ➔Section 11. KRS 158.060 is amended to read as follows:

15 (1) Each teacher shall be provided access to a copy of his or her employment contract
16 upon request.

17 (2) Twenty (20) school days, or days in which teachers are actually employed in the
18 schoolroom, shall constitute a school month in the common schools.

19 (3) Each full-time teacher shall be provided with a duty-free lunch period each day
20 during the regularly scheduled student lunch period. The duty-free lunch period
21 shall be not less than the length of the lunch period specified in the school calendar
22 approved by the chief state school officer. A full-time teacher may be assigned to
23 lunch room duty during the regularly scheduled student lunch period only for an
24 amount of time equal to the noninstructional time in excess of fifty-five (55)
25 minutes included in the teacher's daily schedule. The calculation of noninstructional
26 time shall not include the teacher's duty-free lunch period, the time teachers are
27 required to be at school prior to the start of the student's instructional day, or the

1 time teachers are required to remain at school after the students are dismissed.

2 (4) Except for children with disabilities and children attending the primary school
3 program who may attend a program of less than six (6) hours per day under policy
4 adopted by the local school district board of education and approved by the
5 commissioner of education and children attending a school district where the local
6 board has approved a schedule that provides at least the equivalent of six (6) hours
7 of daily instruction during the school year, a minimum of six (6) hours of actual
8 school work shall constitute a school day. Kindergarten programs may be operated
9 for less than six (6) hours without state board approval. The Kentucky Board of
10 Education, upon recommendation of the chief state school officer, shall develop and
11 approve regulations governing make up by school districts of whole days missed
12 due to emergencies, or partial days missed as a result of shortening regularly
13 scheduled school days due to emergencies.

14 (5) Teachers shall be provided additional time for nonteaching activities. The
15 nonteaching time shall be used to provide teachers opportunities for professional
16 development activities as provided in KRS 156.095, instructional planning, school-
17 based policy~~decision~~ making as provided in KRS 160.345, curriculum
18 development, and outreach activities involving their students' families and the
19 community.

20 (6) Character education programs and activities shall be considered valuable and
21 legitimate components of the actual school work constituting a school day under
22 subsection (4) of this section.

23 ➔Section 12. KRS 158.070 is amended to read as follows:

24 (1) As used in this section:

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

26 (b) "Minimum school term" or "school term" means not less than one hundred
27 eighty-five (185) days composed of the student attendance days, teacher

1 professional days, and holidays;

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

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

7 1. One (1) school district principal;

8 2. One (1) school district office administrator other than the
9 superintendent;

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

11 4. Two (2) parents of students attending a school in the district;

12 5. One (1) school district elementary school teacher;

13 6. One (1) school district middle or high school teacher;

14 7. Two (2) school district classified employees; and

15 8. Two (2) community members from the local chamber of commerce,
16 business community, or tourism commission;

17 (e) "Student attendance day" means any day that students are scheduled to be at
18 school to receive instruction, and encompasses the designated start and
19 dismissal time;

20 (f) "Student instructional year" means at least one thousand sixty-two (1,062)
21 hours of instructional time for students delivered on not less than one hundred
22 seventy (170) student attendance days;

23 (g) "Teacher professional day" means any day teachers are required to report to
24 work as determined by a local board of education, with or without the
25 presence of students; and

26 (h) "Variable student instructional year" means at least one thousand sixty-two
27 (1,062) hours of instructional time delivered on the number of student

1 attendance days adopted by a local board of education which shall be
2 considered proportionally equivalent to one hundred seventy (170) student
3 attendance days and calendar days for the purposes of a student instructional
4 year, employment contracts that are based on the school term, service credit
5 under KRS 161.500, and funding under KRS 157.350.

6 (2) (a) The local board of education, upon recommendation of the local school
7 district superintendent, shall annually appoint a school district calendar
8 committee to review, develop, and recommend school calendar options.

9 (b) The school district calendar committee, after seeking feedback from school
10 district employees, parents, and community members, shall recommend
11 school calendar options to the local school district superintendent for
12 presentation to the local board of education. The committee's
13 recommendations shall comply with state laws and regulations and consider
14 the economic impact of the school calendar on the community and the state.

15 (c) Prior to adopting a school calendar, the local board of education shall hear for
16 discussion the school district calendar committee's recommendations and the
17 recommendation of the superintendent at a meeting of the local board of
18 education.

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

25 (e) For local board of education meetings described in paragraphs (c) and (d) of
26 this subsection, if the meeting is a regular meeting, notice shall be given to
27 media outlets that have requests on file to be notified of special meetings

1 stating the date of the regular meeting and that one (1) of the items to be
2 considered in the regular meeting will be the school calendar. The notice shall
3 be sent at least twenty-four (24) hours before the regular meeting. This
4 requirement shall not be deemed to make any requirements or limitations
5 relating to special meetings applicable to the regular meeting.

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

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

24 (b) 1. A local board may approve a school's flexible professional development
25 plan that permits teachers or other certified personnel within a school to
26 participate in professional development activities outside the days
27 scheduled in the school calendar or the regularly scheduled hours in the

1 school work day and receive credit towards the four (4) day professional
2 development requirement within the minimum one hundred eighty-five
3 (185) days that a teacher shall be employed.

4 2. A flexible schedule option shall be reflected in the school's professional
5 development component within the school improvement plan and
6 approved by the local board. Credit for approved professional
7 development activities may be accumulated in periods of time other than
8 full day segments.

9 3. No teacher or administrator shall be permitted to count participation in a
10 professional development activity under the flexible schedule option
11 unless the activity is related to the teacher's classroom assignment and
12 content area, or the administrator's job requirements, or is required by
13 the school improvement plan, or is tied to the teacher's or the
14 administrator's individual growth plan. The supervisor shall give prior
15 approval and shall monitor compliance with the requirements of this
16 paragraph. In the case of teachers, a professional development
17 committee or the school principal~~[council]~~ by school-based~~[council]~~
18 policy, as defined in Section 1 of this Act, may be responsible for
19 reviewing requests for approval.

20 (c) The local board of each school district may use up to a maximum of four (4)
21 days of the minimum school term for holidays; provided, however, any
22 holiday which occurs on Saturday may be observed on the preceding Friday.

23 (d) Each local board may use two (2) days for planning activities without the
24 presence of students.

25 (e) Each local board may close schools for the number of days deemed necessary
26 for:

27 1. National or state emergency or mourning when proclaimed by the

1 President of the United States or the Governor of the Commonwealth of
2 Kentucky;

3 2. Local emergency which would endanger the health or safety of children;
4 and

5 3. Mourning when so designated by the local board of education and
6 approved by the Kentucky Board of Education upon recommendation of
7 the commissioner of education.

8 (4) (a) The Kentucky Board of Education, upon recommendation of the
9 commissioner of education, shall adopt administrative regulations governing
10 the use of student attendance days as a result of a local emergency, as
11 described in subsection (3)(e)2. of this section, and regulations setting forth
12 the guidelines and procedures to be observed for the approval of waivers from
13 the requirements of a student instructional year in subsection (1)(f) of this
14 section for districts that wish to adopt innovative instructional calendars, or
15 for circumstances that would create extreme hardship.

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

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

- 1 2. These two (2) days for statewide professional meetings may be
2 scheduled to begin with the first Thursday after Easter, or upon request
3 of the statewide professional education association having the largest
4 paid membership, the commissioner of education may designate
5 alternate dates.
- 6 3. If schools are scheduled to operate during days designated for the
7 statewide professional meeting, the school district shall permit
8 employees who are delegates to attend as compensated professional
9 leave time and shall employ substitute teachers in their absence.
- 10 4. The commissioner of education shall designate one (1) additional day
11 during the school year when schools may be closed to permit
12 professional school employees to participate in regional or district
13 professional meetings.
- 14 5. These three (3) days so designated for attendance at professional
15 meetings may be counted as a part of the minimum school term.
- 16 (b) If any school in a district is used as a voting place pursuant to KRS 117.065,
17 the school district may be closed on the days of the election, and those days
18 may be used for professional development activities, professional meetings, or
19 parent-teacher conferences.
- 20 (c) All schools shall be closed on the third Monday of January in observance of
21 the birthday of Martin Luther King, Jr. Districts may:
 - 22 1. Designate the day as one (1) of the four (4) holidays permitted under
23 subsection (3)(c) of this section; or
 - 24 2. Not include the day in the minimum school term specified in subsection
25 (1) of this section.
- 26 (6) (a) The Kentucky Board of Education, or the organization or agency designated
27 by the board to manage interscholastic athletics, shall be encouraged to

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

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

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

14 (7) Schools shall provide continuing education for those students who are determined
15 to need additional time to achieve the outcomes defined in KRS 158.6451, and
16 schools shall not be limited to the minimum school term in providing this
17 education. Continuing education time may include extended days, extended weeks,
18 or extended years. A local board of education may adopt a policy requiring its
19 students to participate in continuing education. The local policy shall set out the
20 conditions under which attendance will be required and any exceptions which are
21 provided. The Kentucky Board of Education shall promulgate administrative
22 regulations establishing criteria for the allotment of grants to local school districts
23 and shall include criteria by which the commissioner of education may approve a
24 district's request for a waiver under KRS 156.161 to use an alternative service
25 delivery option, including providing services during the student attendance day on a
26 limited basis. These grants shall be allotted to school districts to provide
27 instructional programs for pupils who are identified as needing additional time to

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

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

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

24 (a) The application, plan review, approval, and amendment process;

25 (b) Reporting requirements for districts approved for the program, which may
26 include but are not limited to examples of student work, lesson plans, teacher
27 work logs, and student and teacher participation on nontraditional instruction

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

1 for planning activities without the presence of students; and
2 2. The provisions of the district's school calendar to make up student
3 attendance days missed due to any emergency, as approved by the
4 Kentucky Department of Education when required, including but not
5 limited to a provision for additional instructional time per day, are met.

6 (b) Additional time worked by a classified school employee shall be considered
7 as equivalent time to be applied toward the employee's contract and
8 calculation of service credit for classified employees under KRS 78.615 if:

9 1. The employee works for a school district with a school calendar
10 approved by the Kentucky Department of Education that contains a
11 provision that additional instructional time per day shall be used to make
12 up full days missed due to an emergency;

13 2. The employee's contract requires a minimum six (6) hour work day; and

14 3. The employee's job responsibilities and work day are extended when the
15 instructional time is extended for the purposes of making up time.

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

22 ➔Section 13. KRS 158.102 is amended to read as follows:

23 (1) The board of education for each local school district shall establish and maintain a
24 library media center in every elementary and secondary school to promote
25 information literacy and technology in the curriculum, and to facilitate teaching,
26 student achievement, and lifelong learning.

27 (2) (a) Schools shall employ a school media librarian to organize, equip, and manage

1 the operations of the school media library. The school media librarian shall
2 hold the appropriate certificate of legal qualifications in accordance with KRS
3 161.020 and 161.030. A certified school media librarian may be employed to
4 serve two (2) or more schools in a school district with the consent of the
5 school principals~~councils~~.

6 (b) If a vacancy occurs, the school principal~~council~~ may fill the vacancy on a
7 temporary basis by employing:

8 1. A person who is pursuing certification as a school media librarian in
9 accordance with administrative regulations promulgated by the
10 Education Professional Standards Board; or

11 2. A temporary employee for a period not to exceed sixty (60) days.

12 ➔Section 14. KRS 158.1411 is amended to read as follows:

13 (1) For students entering grade nine (9) on or before June 30, 2025, successful
14 completion of one (1) or more courses or programs that meet the financial literacy
15 standards shall be a Kentucky public high school graduation requirement.

16 (2) For students entering grade nine (9) on or after July 1, 2025, successful completion
17 of a one (1) credit course in financial literacy shall be a Kentucky public high
18 school graduation requirement.

19 (3) The graduation requirement in subsections (1) and (2) shall also apply to a student
20 pursuing an early graduation program as established in KRS 158.142.

21 (4) The financial literacy course required in subsection (2) of this section shall align to
22 the student's individual learning plan and include but not be limited to instruction in
23 the following areas:

24 (a) Budgeting;

25 (b) Saving and investing;

26 (c) Credit and debt;

27 (d) Insurance and risk management, including but not limited to personal

1 insurance policies;

2 (e) Taxes; and

3 (f) The necessity of critical review and understanding of documents prior to
4 signing agreement or approval and the ability to provide a signature in
5 cursive.

6 (5) The financial literacy course required in subsection (2) of this section shall be
7 accepted as an elective course requirement for high school graduation
8 notwithstanding any other provisions of law.

9 (6) In accordance with KRS 156.160, the Kentucky Board of Education shall
10 promulgate administrative regulations establishing academic standards for financial
11 literacy.

12 (7) The local superintendent, after consultation with the local board of education,
13 ~~advisory~~~~[school-based decision-making]~~ council, and principal of each high school,
14 shall determine curricula for course offerings that are aligned with the financial
15 literacy academic standards promulgated by the Kentucky Board of Education.

16 (8) The Department of Education shall develop financial literacy guidelines for local
17 schools and districts.

18 (9) Local schools and districts may consult with the Kentucky Financial Empowerment
19 Commission established in KRS 41.450 when developing and implementing the
20 financial literacy standards.

21 (10) The Department of Education shall identify through the system for uniform
22 academic course codes, which courses meet the requirements for the financial
23 literacy course required in subsection (2) of this section.

24 ➔Section 15. KRS 158.1415 is amended to read as follows:

25 (1) If a **local** school ~~board~~~~[council or, if none exists, the principal]~~ adopts a curriculum
26 for human sexuality or sexually transmitted diseases, instruction shall include but
27 not be limited to the following content:

- 1 (a) Abstinence from sexual activity is the desirable goal for all school-age
2 children;
- 3 (b) Abstinence from sexual activity is the only certain way to avoid unintended
4 pregnancy, sexually transmitted diseases, and other associated health
5 problems;
- 6 (c) The best way to avoid sexually transmitted diseases and other associated
7 health problems is to establish a permanent mutually faithful monogamous
8 relationship;
- 9 (d) A policy to respect parental rights by ensuring that:
- 10 1. Except as provided in subsection (4)(b) of this section, children in grade
11 five (5) and below do not receive any instruction through curriculum or
12 programs on human sexuality or sexually transmitted diseases; or
- 13 2. Any child, regardless of grade level, enrolled in the district does not
14 receive any instruction or presentation that has a goal or purpose of
15 students studying or exploring gender identity, gender expression, or
16 sexual orientation; and
- 17 (e) A policy to notify a parent in advance and obtain the parent's written consent
18 before the parent's child in grade six (6) or above receives any instruction
19 through curriculum or programs on human sexuality or sexually transmitted
20 diseases authorized in this section.
- 21 (2) Any course, curriculum, or program offered by a public school on the subject of
22 human sexuality provided by school personnel or by third parties authorized by the
23 school shall:
- 24 (a) Provide an alternative course, curriculum, or program without any penalty to
25 the student's grade or standing for students whose parents have not provided
26 written consent as required in subsection (1)(e) of this section;
- 27 (b) Be subject to an inspection by parents of participating students that allows

1 parents to review the following materials:

- 2 1. Curriculum;
- 3 2. Instructional materials;
- 4 3. Lesson plans;
- 5 4. Assessments or tests;
- 6 5. Surveys or questionnaires;
- 7 6. Assignments; and
- 8 7. Instructional activities;

9 (c) Be developmentally appropriate; and

10 (d) Be limited to a curriculum that has been subject to the reasonable review and
11 response by stakeholders in conformity with this subsection and KRS
12 160.345(2).

13 (3) A public school offering any course, curriculum, or program on the subject of
14 human sexuality shall provide notification to the parents of a student at least two (2)
15 weeks prior to the student's planned participation in the course, curriculum, or
16 program. The notification shall:

- 17 (a) Inform the parents of the provisions of subsection (2) of this section;
- 18 (b) Provide the date the course, curriculum, or program is scheduled to begin;
- 19 (c) Detail the process for a parent to review the materials outlined in subsection
20 (2) of this section;
- 21 (d) Explain the process for a parent to provide written consent for the student's
22 participation in the course, curriculum, or program; and
- 23 (e) Provide the contact information for the teacher or instructor of the course,
24 curriculum, or program and a school administrator designated with oversight.

25 (4) ~~Nothing in~~ This section shall **not** prohibit school personnel from:

- 26 (a) Discussing human sexuality, including the sexuality of any historic person,
27 group, or public figure, where the discussion provides necessary context in

1 relation to a topic of instruction from a curriculum approved pursuant to KRS
2 160.345;

3 (b) Providing age-appropriate instruction on child sexual abuse through
4 curriculum or programs in accordance with the standards set forth by the
5 National Children's Alliance and approved by the Children's Advocacy
6 Centers of Kentucky, regardless of grade level; or

7 (c) Responding to a question from a student during class regarding human
8 sexuality as it relates to a topic of instruction from a curriculum approved
9 pursuant to KRS 160.345.

10 ➔Section 16. KRS 158.148 is amended to read as follows:

11 (1) As used in this section:

12 (a) 1. "Bullying" means any unwanted verbal, physical, or social behavior
13 among students that involves a real or perceived power imbalance and is
14 repeated or has the potential to be repeated:

15 a. That occurs on school premises, on school-sponsored
16 transportation, or at a school-sponsored event; or

17 b. That disrupts the education process; and

18 2. This definition shall not be interpreted to prohibit civil exchange of
19 opinions or debate or cultural practices protected under the state or
20 federal Constitution where the opinion expressed does not otherwise
21 materially or substantially disrupt the education process; and

22 (b) "Parent or guardian" means a parent, legal guardian, or other person
23 exercising custodial control or supervision of a student.

24 (2) In cooperation with the Kentucky Education Association, the Kentucky School
25 Boards Association, the Kentucky Association of School Administrators, the
26 Kentucky Association of Professional Educators, the Kentucky Association of
27 School Superintendents, the Parent-Teachers Association, the Kentucky Chamber

1 of Commerce, the Farm Bureau, members of the Interim Joint Committee on
2 Education, and other interested groups, and in collaboration with the Center for
3 School Safety, the Department of Education shall develop or update as needed and
4 distribute to all districts by August 31 of each even-numbered year:

5 (a) Statewide student discipline guidelines to ensure safe schools, including the
6 definition of serious incident for the reporting purposes as identified in KRS
7 158.444;

8 (b) Statewide transportation services policy guidelines to ensure the safety of
9 students, operators of vehicles, and other passengers using district-provided
10 transportation;

11 (c) Recommendations designed to improve the learning environment and school
12 climate, parental and community involvement in the schools, and student
13 achievement; and

14 (d) Model policies to implement the provisions of this section and KRS 158.110,
15 158.156, 158.444, 525.070, and 525.080.

16 (3) The department shall obtain statewide data on major discipline problems and
17 reasons why students drop out of school. In addition, the department, in
18 collaboration with the Center for School Safety, shall identify successful strategies
19 currently being used in programs in Kentucky and in other states and shall
20 incorporate those strategies into the statewide student discipline guidelines,
21 transportation services policy guidelines, and the recommendations under
22 subsection (2) of this section.

23 (4) Copies of the statewide student discipline guidelines and the transportation services
24 policy guidelines shall be distributed to all school districts. The statewide student
25 discipline guidelines shall contain broad principles and legal requirements to guide
26 local districts in the development of their own code of acceptable behavior and
27 discipline; the selection of discipline and classroom management techniques by

1 school principals~~councils~~ under KRS 158.155 and 160.345; the development of
2 the district transportation services policy; and the development of the district-wide
3 safety plan.

4 (5) (a) Each local board of education shall adopt a code of acceptable behavior and
5 discipline based on the statewide student discipline guidelines that shall apply
6 to the students in each school operated by the board. The code shall be
7 updated no less frequently than every two (2) years.

8 (b) The superintendent, or designee, shall be responsible for overall
9 implementation and supervision, and each school principal shall be
10 responsible for administration and implementation ~~of~~ ~~within each school.~~
11 ~~Each school council shall select and implement~~ the appropriate discipline and
12 classroom management techniques necessary to carry out the code. The board
13 shall establish a process for a two-way communication system for teachers
14 and other employees to notify a principal, supervisor, or other administrator of
15 an emergency.

16 (c) The code shall prohibit bullying.

17 (d) The code shall contain the standard of behavior expected from each student,
18 the consequences of failure to obey the standards, and the importance of the
19 standards to the maintenance of a safe learning environment where orderly
20 learning is possible and encouraged.

21 (e) The code shall contain:

- 22 1. Procedures for identifying, documenting, and reporting incidents of
23 bullying, incidents of violations of the code, and incidents for which
24 reporting is required under KRS 158.156;
- 25 2. Procedures for investigating and responding to a complaint or a report of
26 bullying or a violation of the code, or of an incident for which reporting
27 is required under KRS 158.156, including reporting incidents to the

- 1 parents or guardians of the students involved;
- 2 3. A strategy or method of protecting a complainant or person reporting:
- 3 a. An incident of bullying;
- 4 b. A violation of the code; or
- 5 c. An incident for which reporting is required under KRS 158.156;
- 6 from retaliation;
- 7 4. A process for informing students, parents or guardians, and school
- 8 employees of the requirements of the code and the provisions of this
- 9 section and KRS 158.156, 158.444, 525.070, and 525.080, including
- 10 training for school employees; and
- 11 5. Information regarding the consequences of bullying and violating the
- 12 code and violations reportable under KRS 158.155, 158.156, or 158.444.
- 13 (f) The principal of each school shall apply the code of acceptable behavior and
- 14 discipline uniformly and fairly to each student at the school without partiality
- 15 or discrimination.
- 16 (g) A copy of the code of acceptable behavior and discipline adopted by the board
- 17 of education shall be posted at each school. Guidance counselors shall be
- 18 provided copies for discussion with students. The code shall be referenced in
- 19 all school handbooks. All school employees and parents or guardians shall be
- 20 provided copies of the code.
- 21 (6) (a) Each local board of education shall adopt a transportation services policy to
- 22 apply to students while on transportation provided for or by the district, and to
- 23 their parents or guardians. The policy shall be updated no less frequently than
- 24 every two (2) years, with the first update being completed by the first
- 25 instructional day of the 2024-2025 school year.
- 26 (b) The superintendent or designee shall be responsible for overall
- 27 implementation and supervision. The board shall select and implement the

1 appropriate discipline and transportation management techniques necessary to
2 carry out the policy. The board shall establish a process for a two-way
3 communication system for bus drivers and other employees, volunteers, or
4 contractors to notify a supervisor, superintendent, or other administrator of an
5 emergency.

6 (c) The policy shall contain the standard of behavior expected from each student
7 while being transported by or for the district and the consequences of failure
8 to obey the standards. The policy shall include:

- 9 1. Procedures for identifying, documenting, and reporting incidents of
10 bullying, incidents of violations of the policy, and incidents for which
11 reporting is required under KRS 158.156;
- 12 2. Procedures for investigating and responding to a complaint or a report of
13 bullying or a violation of the policy, or of an incident for which
14 reporting is required under KRS 158.156, including reporting incidents
15 to the parents or guardians of the students involved;
- 16 3. A strategy or method of protecting a complainant or person reporting a
17 violation of the policy from retaliation;
- 18 4. When a student is alleged by an operator of transportation to have
19 committed a violation of the policy that places the student or others at
20 risk of physical harm or otherwise makes it unsafe for the driver to
21 continue transporting students, and as permitted by state and federal law,
22 a process that allows the operator of the vehicle to:
 - 23 a. Refuse further transportation of the student at the time of the
24 incident, upon notification of the emergency pursuant to paragraph
25 (b) of this subsection, and transfer the student to:
 - 26 i. An appropriate district official who has reported to the
27 location of the vehicle;

- ii. An appropriate district official located at a location designated in the transportation services policy or by an appropriate district official, including but not limited to a bus compound or transfer station;
 - iii. Law enforcement; or
 - iv. The student's parent or guardian; and
 - b. Upon filing and submitting a written report to the superintendent or designee, refuse future transportation of the student until an interim or final determination of disciplinary action by the superintendent or designee pursuant to local board policy;
5. For alleged violations of the policy not covered by subparagraph 4. of this paragraph and submitted by the operator of the vehicle, a requirement that the superintendent or designee issue an interim or final determination of disciplinary action pursuant to local board policy within one (1) week of the report being submitted;
6. A process allowing for the operator of a vehicle to:
 - a. File a written or electronic complaint or report of the misconduct, including a recommendation regarding revocation of the student's transportation privileges; and
 - b. Be heard during any disciplinary proceedings against a student relating, at least in part, to misconduct that occurred during the operator's transportation of the student;
7. A requirement that any recommendation by the operator of a vehicle shall be considered by the superintendent or designee as a factor in the interim or final determination of disciplinary action on the complaint or report;
8. A requirement that the operator of a vehicle, to the extent permitted by

- 1 law, receive written notice from the superintendent or designee of the
2 investigation, disciplinary action imposed, and reasoning in response to
3 the reported misconduct; and
- 4 9. A disciplinary structure that provides for:
- 5 a. Interventions or disciplinary consequences that reflect the severity
6 of the violation; and
- 7 b. Increased intervention and consequences upon subsequent
8 violations of the policy.
- 9 (d) The policy shall contain the standard of behavior expected from parents or
10 guardians of students being transported by or for the district while interacting
11 with district transportation staff and the consequences of failure to follow the
12 standards. The policy shall include:
- 13 1. Procedures for investigating and responding to a complaint or report
14 made by an operator of transportation alleging parent or legal guardian
15 misconduct;
- 16 2. A requirement that the operator of a vehicle be provided an opportunity
17 to be heard and to make a recommendation regarding future
18 transportation of the student during any disciplinary proceedings
19 relating, at least in part, to alleged misconduct by the student's parent or
20 guardian and the impact upon a student's transportation privileges; and
- 21 3. An intervention or consequences structure that provides for the
22 placement of conditions upon or revocation of a student's transportation
23 privileges based upon parent or guardian misconduct that provides for:
- 24 a. Interventions or consequences that reflect the severity of the parent
25 or guardian's misconduct; and
- 26 b. Increased intervention and consequences upon subsequent
27 violations of the policy.

- 1 (e) The policy shall include references to relevant criminal violations based on
2 potential misconduct covered by the policy, including but not limited to the
3 following statements:
- 4 1. "KRS 511.020 makes it a Class B felony for a person, with the intent to
5 commit a crime, knowingly entering or remaining unlawfully upon a
6 school bus, and when in effecting entry or while upon the school bus or
7 in the immediate flight therefrom, the person or another participant in
8 the crime causes physical injury to another person or uses or threatens
9 the use of a dangerous instrument against another person.";
 - 10 2. "KRS 508.078 makes it a Class C felony for a person to intentionally
11 threaten to commit any act likely to result in death or serious physical
12 injury to any employee of an elementary or secondary school, which
13 includes a school bus driver.";
 - 14 3. "KRS 508.025 makes it a Class D felony for a person to recklessly, with
15 a deadly weapon or dangerous instrument, or intentionally cause or
16 attempt to cause physical injury to a school bus driver or other school
17 employee acting in the course and scope of their employment.";
 - 18 4. "KRS 519.020 makes it a Class A misdemeanor for a person to obstruct
19 governmental operations, which includes intentionally obstructing,
20 impairing, or hindering the performance of a governmental function by
21 using or threatening to use violence, force or physical interference."; and
 - 22 5. "KRS 525.070 makes it a Class B misdemeanor for a person, with intent
23 to intimidate, harass, annoy, or alarm another person, to strike, shove,
24 kick, or otherwise subject another to physical contact."
- 25 (f) The policy shall include a process for an operator of a vehicle, upon the
26 reinstatement of a student's transportation privileges after an interim or final
27 determination of disciplinary action, to elect to receive an alternate route

1 assignment in lieu of transporting the student.

2 (g) The superintendent or designee of each district shall apply the transportation
3 services policy uniformly and fairly to each student without partiality or
4 discrimination.

5 (h) The superintendent or designee shall require every student in the district and
6 at least one (1) parent or guardian of each student to acknowledge in writing
7 the receipt, comprehension, and agreement of adherence to the transportation
8 safety policy within seven (7) days of the student's first day of attendance
9 during each school year. Failure to submit written acknowledgement by a
10 student or their parent or guardian may be grounds for revocation of a
11 student's transportation privileges until the acknowledgment is properly
12 received.

13 (7) Any action under this section related to students with disabilities shall be in
14 compliance with applicable federal law.

15 ➔Section 17. KRS 158.150 is amended to read as follows:

16 (1) All students admitted to the common schools shall comply with the lawful
17 regulations for the government of the schools:

18 (a) Willful disobedience or defiance of the authority of the teachers or
19 administrators, use of profanity or vulgarity, assault or battery or abuse of
20 other students, the threat of force or violence, the use or possession of alcohol
21 or drugs, stealing or destruction or defacing of school property or personal
22 property of students, the carrying or use of weapons or dangerous instruments,
23 or other incorrigible bad conduct on school property, as well as off school
24 property at school-sponsored activities, constitutes cause for suspension or
25 expulsion from school; and

26 (b) Assault or battery or abuse of school personnel; stealing or willfully or
27 wantonly defacing, destroying, or damaging the personal property of school

1 personnel on school property, off school property, or at school-sponsored
2 activities constitutes cause for suspension or expulsion from school.

3 (2) (a) Each local board of education shall adopt a policy requiring the expulsion
4 from school for a period of at least twelve (12) months for a student who:

- 5 1. Is determined by the board through clear and convincing evidence to
6 have made threats that pose a danger to the well-being of students,
7 faculty, or staff of the district; or
- 8 2. Is determined by the board to have brought a weapon to a school under
9 its jurisdiction. In determining whether a student has brought a weapon
10 to school, a local board of education shall use the definition of "unlawful
11 possession of a weapon on school property" stated in KRS 527.070.

12 (b) The board shall also adopt a policy requiring disciplinary actions, up to and
13 including expulsion from school, for a student who is determined by the board
14 to have:

- 15 1. Possessed prescription drugs or controlled substances for the purpose of
16 sale or distribution at a school under the board's jurisdiction;
- 17 2. Physically assaulted or battered or abused educational personnel or other
18 students at a school or school function under the board's jurisdiction; or
- 19 3. Physically assaulted, battered, or abused educational personnel or other
20 students off school property and the incident is likely to substantially
21 disrupt the educational process.

22 (3) (a) The board may modify the expulsion requirement and length for students on a
23 case-by-case basis, except the length of expulsion shall be at least twelve (12)
24 months for a violation set forth in subsection (2)(a) of this section.

25 (b) ~~Nothing in~~ This section shall ***not*** prohibit a board from expelling a student
26 for longer than twelve (12) months.

27 (c) A board that has expelled a student from the student's regular school setting

1 shall provide or ensure that educational services are provided to the student in
2 an appropriate alternative program or setting, unless the board has made a
3 determination, on the record, supported by clear and convincing evidence, that
4 the expelled student posed a threat to the safety of other students or school
5 staff and could not be placed into a state-funded agency program. Behavior
6 which constitutes a threat shall include but not be limited to the physical
7 assault, battery, or abuse of others; the threat of physical force; being under
8 the influence of drugs or alcohol; the use, possession, sale, or transfer of drugs
9 or alcohol; the carrying, possessing, or transfer of weapons or dangerous
10 instruments; and any other behavior which may endanger the safety of others.
11 Other intervention services as indicated for each student may be provided by
12 the board or by agreement with the appropriate state or community agency. A
13 state agency that provides the service shall be responsible for the cost.

- 14 (d) 1. In lieu of expelling a student, or upon the expiration of a student's
15 expulsion, a superintendent may place a student into an alternative
16 program or setting if the superintendent determines placement of the
17 student in his or her regular school setting is likely to substantially
18 disrupt the education process or constitutes a threat to the safety of other
19 students or school staff. The action shall not be taken until the parent,
20 guardian, or other person having legal custody or control of the student
21 has had an opportunity to have a hearing before the board or an appeals
22 committee as described in subparagraph 2. of this paragraph.
- 23 2. The board may adopt a policy to establish an appeals committee and
24 delegate the authority to hear appeals made under this paragraph to that
25 committee.
- 26 3. The alternative program or setting may be provided virtually.
- 27 4. Notwithstanding any other statute or administrative regulation to the

1 contrary, students placed in an alternative program or setting under this
2 paragraph shall be counted in attendance and membership for state
3 funding purposes in the same manner as other students participating in
4 alternative programs of the district.

5 5. Students placed in an alternative program or setting under this paragraph
6 shall be subject to compulsory attendance requirements under KRS
7 Chapter 159 and applicable local board policy.

8 6. Following the initial alternative placement of a student under this
9 paragraph, the board shall review the alternative program or setting
10 placement at least once per year and determine if the placement should
11 be continued in accordance with subparagraph 1. of this paragraph.

12 (4) As used in ~~For purposes of~~ this subsection, "charges" means substantiated
13 behavior that falls within the grounds for suspension or expulsion enumerated in
14 subsection (1) of this section, including behavior committed by a student while
15 enrolled in a private or public school, or in a school within another state. A school
16 board may adopt a policy providing that, if a student is suspended or expelled for
17 any reason or faces charges that may lead to suspension or expulsion but withdraws
18 prior to a hearing from any public or private school in this or any other state, the
19 receiving district may review the details of the charges, suspension, or expulsion
20 and determine if the student will be admitted, and if so, what conditions may be
21 imposed upon the admission, which may include placement of the student into an
22 alternative program or setting as described in subsection (3)(d) of this section.

23 (5) (a) School administrators, teachers, or other school personnel may immediately
24 remove or cause to be removed threatening or violent students from a
25 classroom setting or from the district transportation system pending any
26 further disciplinary action that may occur. Each board of education shall adopt
27 a policy to assure the implementation of this section and to assure the safety

1 of the students and staff.

2 (b) Except as described in subsection (10) of this section:

3 1. A principal may establish procedures for a student's removal from and
4 reentry to the classroom when the student's behavior disrupts the
5 classroom environment and education process or the student challenges
6 the authority of a supervising adult. In addition to removal, the student
7 shall be subject to further discipline for the behavior consistent with the
8 school's code of conduct.

9 2. A student who is removed from the same classroom three (3) times
10 within a thirty (30) day period shall be considered chronically disruptive
11 and may be suspended from school in accordance with this section, and
12 no other basis for suspension shall be deemed necessary.

13 3. At any time during the school year, for a student who has been removed
14 from the classroom under this paragraph, a principal may require a
15 review of the classroom issues with the teacher and the parent, guardian,
16 or other person having legal custody or control of the student and
17 determine a course of action for the teacher and student regarding the
18 student's continued placement in the classroom.

19 4. At any time during the school year, a principal may permanently remove
20 a student from a classroom for the remainder of the school year if the
21 principal determines the student's continued placement in the classroom
22 will chronically disrupt the education process for other students.

23 5. When a student is removed from a classroom under this paragraph
24 temporarily or permanently, the principal shall determine the placement
25 of the student in lieu of that classroom, which may include but is not
26 limited to:

27 a. Another classroom in that school; or

1 b. An alternative program or setting, which may be provided
2 virtually, as approved by the superintendent.

3 6. Any permanent action by a principal under this paragraph shall be
4 subject to an appeal process in accordance with a policy adopted by the
5 board.

6 7. Policies compliant with this paragraph shall be included in the code of
7 behavior and discipline adopted by the board of education under KRS
8 158.148 and the *school-based* policies adopted by the school
9 *principal*~~[council]~~ under KRS 160.345.

10 (6) A student shall not be suspended from the common schools until after at least the
11 following due process procedures have been provided:

12 (a) The student has been given oral or written notice of the charge or charges
13 against him or her which constitute cause for suspension;

14 (b) The student has been given an explanation of the evidence of the charge or
15 charges if the student denies them; and

16 (c) The student has been given an opportunity to present his or her own version of
17 the facts relating to the charge or charges.

18 These due process procedures shall precede any suspension from the common
19 schools unless immediate suspension is essential to protect persons or property or to
20 avoid disruption of the ongoing academic process. In such cases, the due process
21 procedures outlined above shall follow the suspension as soon as practicable, but no
22 later than three (3) school days after the suspension.

23 (7) (a) The superintendent, principal, assistant principal, or head teacher of any
24 school may suspend a student but shall report the action in writing
25 immediately to the superintendent and to the parent, guardian, or other person
26 having legal custody or control of the student.

27 (b) 1. The board of education of any school district may expel or extend the

- 1 expulsion of any student for misconduct as described in subsection (1)
2 of this section, but the action shall not be taken until the parent,
3 guardian, or other person having legal custody or control of the student
4 has had an opportunity to have a hearing before the board. The decision
5 of the board shall be final.
- 6 2. Within thirty (30) days prior to the end of a student's expulsion, the
7 board shall review the details of the expulsion and current factors and
8 circumstances, including if ending the expulsion will substantially
9 disrupt the education process or constitute a threat to the safety of
10 students or school staff, to determine if the expulsion shall be extended
11 for a period not to exceed twelve (12) months.
- 12 3. The expulsion review process shall be used prior to the end of each
13 expulsion period until the board ends the expulsion or the student is no
14 longer subject to compulsory attendance under KRS 159.010.
- 15 4. Each board of education shall adopt a policy for implementation of the
16 process described in this paragraph.
- 17 (8) (a) Suspension of exceptional children, as defined in KRS 157.200, shall be
18 considered a change of educational placement if:
- 19 1. The child is removed for more than ten (10) consecutive days during a
20 school year; or
- 21 2. The child is subjected to a series of removals that constitute a pattern
22 because the removals accumulate to more than ten (10) school days
23 during a school year and because of other factors, such as the length of
24 each removal, the total amount of time the child is removed, and the
25 proximity of removals to one another.
- 26 (b) The admissions and release committee shall meet to review the placement and
27 make a recommendation for continued placement or a change in placement

1 and determine whether regular suspension or expulsion procedures apply.
2 Additional evaluations shall be completed, if necessary.

3 (c) If the admissions and release committee determines that an exceptional child's
4 behavior is related to his or her disability, the child shall not be suspended any
5 further or expelled unless the current placement could result in injury to the
6 child, other children, or the educational personnel, in which case an
7 appropriate alternative placement shall be provided that will provide for the
8 child's educational needs and will provide a safe learning and teaching
9 environment for all. If the admissions and release committee determines that
10 the behavior is not related to the disability, the local educational agency may
11 pursue its regular suspension or expulsion procedure for the child, if the
12 behavior so warrants. However, educational services shall not be terminated
13 during a period of expulsion and during a suspension after a student is
14 suspended for more than a total of ten (10) days during a school year. A
15 district may seek temporary injunctive relief through the courts if the parent
16 and the other members of the admissions and release committee cannot agree
17 upon a placement and the current placement will likely result in injury to the
18 student or others.

19 (9) Suspension of primary school students shall be considered only in exceptional cases
20 where there are safety issues for the child or others.

21 (10) Any action under this section related to students with disabilities shall be in
22 compliance with applicable federal law.

23 (11) ~~Nothing in~~ This section shall ***not*** be interpreted or construed to preclude the
24 requirements contained in KRS 158.305 or 158.4416.

25 ➔Section 18. KRS 158.153 is amended to read as follows:

26 (1) Unless the action is taken pursuant to KRS 158.150, no school, school
27 administrator, teacher, or other school employee shall expel or punish a child based

1 on information contained in a record of an adjudication of delinquency or
2 conviction of an offense received by the school pursuant to KRS 610.345 or from
3 any other source. ~~[Nothing in]~~ This subsection shall **not** be construed to prohibit a
4 local school board or school official from instituting disciplinary proceedings
5 against any student for violating the discipline policy of the school or school district
6 or taking actions necessary to protect staff and students. Actions to protect staff and
7 students may be taken only after the principal makes a determination that the
8 conduct of the student reflected in the records of the school or obtained by the
9 school from the court indicates a substantial likelihood of an immediate and
10 continuing threat that the student will cause harm to students or staff, and that the
11 restrictions to be ordered represent the least restrictive alternative available and
12 appropriate to remedy the threat, and that the determination and supporting material
13 be documented in the child's record. The action of the principal, in addition to or in
14 lieu of any other procedure available, may be appealed by the child or the child's
15 parent or guardian to the superintendent of the school system or to the Circuit Court
16 in the county in which the school is located, and the appealing party may be
17 represented by counsel.

18 (2) Except as provided in KRS 610.345, no school, school administrator, teacher, or
19 other school employee who has custody of records received or maintained by the
20 school pursuant to KRS 610.345 or who has received information contained in or
21 relating to a record received by the school pursuant to KRS 610.345 shall disclose
22 the fact of the record's existence, or any information contained in the record or
23 received from the record to any other person, including but not limited to other
24 teachers, school employees, pupils, or parents other than the pupil, or parents of the
25 pupil who is the subject of the record.

26 (3) The child and his **or her** parent or guardian shall have a civil cause of action against
27 the school board and against any school administrator violating subsection (1) or (2)

1 of this section or divulging information in violation of KRS 610.345 or 610.340.
2 This civil cause of action shall be in addition to any other criminal or administrative
3 remedy provided by law.

4 (4) ~~Nothing in~~ This section shall **not** be construed to prohibit a local board of
5 education from establishing districtwide standards of behavior for students who
6 participate in extracurricular and cocurricular activities, including athletics. A
7 school principal may deny or terminate a student's eligibility to participate in
8 extracurricular or cocurricular activities if the student has violated the local district
9 behavior standards or the **principal's**~~council's~~ criteria for participation, as
10 described in KRS 160.345(2)(i)8. A student's right to participate in extracurricular
11 or cocurricular activities, including athletics, may be suspended, pending
12 investigation of an allegation that the standards of behavior have been violated.

13 ➔Section 19. KRS 158.162 is amended to read as follows:

14 (1) As used in this section:

15 (a) "Emergency management response plan" or "emergency plan" means a
16 written document to prevent, mitigate, prepare for, respond to, and recover
17 from emergencies; and

18 (b) "First responders" means local fire, police, and emergency medical personnel.

19 (2) (a) Each local board of education shall require the ~~school council or, if none~~
20 ~~exists, the~~ principal in each school building in **his or her**~~its~~ jurisdiction to
21 adopt an emergency plan. The emergency plan shall include:

22 1. Procedures to be followed in case of medical emergency, fire, severe
23 weather, earthquake, or a building lockdown as defined in KRS
24 158.164;

25 2. A written cardiac emergency response plan; and

26 3. A copy of the data created through the School Mapping Data Program
27 pursuant to KRS 158.4433 or, if the school mapping data is unavailable,

- 1 a diagram of the facility that clearly identifies the location of each
2 automated external defibrillator.
- 3 (b) The emergency plan shall be provided to appropriate first responders and all
4 school staff.
- 5 (c) The emergency plan shall be reviewed following the end of each school year
6 by the school nurse, advisory~~[school]~~ council, the principal, and first
7 responders and revised as needed.
- 8 (d) The principal shall discuss the emergency plan with all school staff prior to
9 the first instructional day of each school year and document the time and date
10 of any discussion.
- 11 (e) The cardiac emergency response plan shall be rehearsed by simulation prior to
12 the beginning of each athletic season by all:
- 13 1. Licensed athletic trainers, school nurses, and athletic directors; and
14 2. Interscholastic coaches and volunteer coaches of each athletic team
15 active during that athletic season.
- 16 (f) The emergency plan shall be excluded from the application of KRS 61.870 to
17 61.884.
- 18 (3) Each local board of education shall require the~~[school council or, if none exists,~~
19 ~~the]~~ principal in each school building to:
- 20 (a) Establish primary and secondary evacuation routes for all rooms located
21 within the school and shall post the routes in each room by any doorway used
22 for evacuation;
- 23 (b) Identify the best available severe weather safe zones, in consultation with
24 local and state safety officials and informed by guiding principles set forth by
25 the National Weather Service and the Federal Emergency Management
26 Agency, and post the location of safe zones in each room of the school;
- 27 (c) Develop practices for students to follow during an earthquake;

1 (d) Develop and adhere to practices to control the access to each school building.

2 Practices shall include but not be limited to:

- 3 1. Controlling outside access to exterior doors during the school day;
- 4 2. Controlling the main entrance of the school with electronically locking
- 5 doors, a camera, and an intercom system;
- 6 3. Controlling access to individual classrooms;
- 7 4. Requiring classroom doors to be equipped with hardware that allows the
- 8 door to be locked from the outside but opened from the inside;
- 9 5. Requiring classroom doors to remain closed and locked during
- 10 instructional time, except:
 - 11 a. In instances in which only one (1) student and one (1) adult are in
 - 12 the classroom; or
 - 13 b. When approved in writing by the state school security marshal;
- 14 6. Requiring classroom doors with windows to be equipped with material
- 15 to quickly cover the window during a building lockdown;
- 16 7. Allowing for the use of secondary locking mechanisms on classroom
- 17 doors, notwithstanding any provisions of the Kentucky Building Code
- 18 promulgated pursuant to KRS Chapter 198B to the contrary;
- 19 8. Requiring all visitors to report to the front office of the building, provide
- 20 valid identification, and state the purpose of the visit; and
- 21 9. Providing a visitor's badge to be visibly displayed on a visitor's outer
- 22 garment;

23 (e) Maintain a portable automated external defibrillator in a public, readily
24 accessible, well-marked location in every school building and, as funds
25 become available, at school-sanctioned athletic practices and competitions
26 and:

- 27 1. Adopt procedures for the use of the portable automated external

- 1 defibrillator during an emergency;
- 2 2. Adopt policies for compliance with KRS 311.665 to 311.669 on
- 3 training, maintenance, notification, and communication with the local
- 4 emergency medical services system;
- 5 3. Ensure that a minimum of three (3) employees in the school and all
- 6 interscholastic athletic coaches be trained on the use of a portable
- 7 automated external defibrillator in accordance with KRS 311.667;
- 8 4. Ensure that all interscholastic athletic coaches maintain a
- 9 cardiopulmonary resuscitation certification recognized by a national
- 10 accrediting body on heart health; and
- 11 5. No later than November 1 of each school year, submit an annual report
- 12 to the Kentucky Department of Education on:
 - 13 a. The number and location of each portable automated external
 - 14 defibrillator in every school building;
 - 15 b. The name, school, and training date of each school district
 - 16 employee and interscholastic athletic coach in the district trained
 - 17 in the use of a portable automated external defibrillator; and
 - 18 c. The progress made towards having a portable automated external
 - 19 defibrillator at all school-sanctioned athletic practices and
 - 20 competitions; and
- 21 (f) Require development of an event-specific emergency action plan for each
- 22 school-sanctioned nonathletic event held off-campus to be used during a
- 23 medical emergency, which may include the provision of a portable automated
- 24 external defibrillator. The plan shall:
 - 25 1. Include a delineation of the roles of staff and emergency personnel,
 - 26 methods of communication, any assigned emergency equipment
 - 27 including a portable automated external defibrillator, a cardiac

1 emergency response plan, and access to and plan for emergency
2 transport; and

3 2. Be in writing and distributed to any member of school personnel
4 attending the school-sanctioned event in an official capacity.

5 (4) All schools shall be in compliance with the provisions of subsection (3)(d) of this
6 section.

7 (5) (a) Each local board of education shall require the principal in each public school
8 building in its jurisdiction to conduct, at a minimum, emergency response
9 drills to include:

10 1. One (1) severe weather drill, one (1) earthquake drill, and one (1)
11 lockdown drill within the first thirty (30) instructional days of each
12 school year and again during the month of January; and

13 2. The emergency response plan rehearsal by simulation required by
14 subsection (2) of this section and the venue-specific emergency action
15 plan rehearsal by simulation required by KRS 160.445(5) prior to the
16 beginning of each athletic season.

17 (b) Required fire drills shall be conducted according to administrative regulations
18 promulgated by the Department of Housing, Buildings and Construction.
19 Whenever possible, first responders shall be invited to observe emergency
20 response drills.

21 (6) No later than November 1 of each school year, a local district superintendent shall
22 send verification to the Kentucky Department of Education that all schools within
23 the district are in compliance with the requirements of this section.

24 (7) A district with a school not in compliance with the requirements of subsection
25 (3)(d) of this section by July 1, 2022, shall not be eligible for approval by the
26 Kentucky Department of Education for new building construction or expansion in
27 the 2022-2023 school year and any subsequent year without verification of

1 compliance, except for facility improvements that specifically address the school
2 safety and security requirements of this section, when deemed necessary for the
3 protection of student or staff health and safety, or to comply with other legal
4 requirements or orders.

5 ➔Section 20. KRS 158.164 is amended to read as follows:

6 (1) As used in this section, "building lockdown" means to restrict the mobility of
7 building occupants to maintain their safety and care.

8 (2) Each local board of education shall require the~~[school council or, if none exists,~~
9 ~~the]~~ principal in each public school building in his or her~~[its]~~ jurisdiction to
10 establish procedures to perform a building lockdown, including protective measures
11 to be taken during and immediately following the lockdown. Local law enforcement
12 agencies shall be invited to assist in establishing lockdown procedures.

13 (3) Students, certified staff, and classified staff shall be informed annually of building
14 lockdown procedures.

15 (4) A building lockdown practice shall be held at least twice during each school year,
16 with at least one (1) practice being held within the first thirty (30) instructional days
17 of the school year and one (1) practice being held during the month of January.

18 ➔Section 21. KRS 158.186 is amended to read as follows:

19 Before September 15 of each year, the commissioner of education shall:

20 (1) Email~~[E-mail]~~ electronic copies or send paper copies of KRS 158.183 and 158.195
21 directly to each local school board, school principal, advisory~~[school-based~~
22 ~~decision-making]~~ council, and certified employee in Kentucky; and

23 (2) Certify compliance with this section to the Interim Joint Committee on Education
24 by submitting to the committee:

25 (a) A copy of all materials, other than the statutes, sent as part of the notice; and

26 (b) The dates materials were sent.

27 ➔Section 22. KRS 158.197 is amended to read as follows:

- 1 (1) A *school principal*~~[school-based decision-making council]~~ under administrative
2 regulations of the Kentucky Board of Education may offer students in grade nine
3 (9) or above:
- 4 (a) An elective social studies course on the Hebrew Scriptures, Old Testament of
5 the Bible;
- 6 (b) An elective social studies course on the New Testament of the Bible; or
- 7 (c) An elective social studies course on the Hebrew Scriptures and the New
8 Testament of the Bible.
- 9 (2) The purpose of a course under this section is to:
- 10 (a) Teach students knowledge of biblical content, characters, poetry, and
11 narratives that are prerequisites to understanding contemporary society and
12 culture, including literature, art, music, mores, oratory, and public policy; and
- 13 (b) Familiarize students with, as applicable:
- 14 1. The contents of the Hebrew Scriptures or New Testament;
- 15 2. The history of the Hebrew Scriptures or New Testament;
- 16 3. The literary style and structure of the Hebrew Scriptures or New
17 Testament; and
- 18 4. The influence of the Hebrew Scriptures or New Testament on law,
19 history, government, literature, art, music, customs, morals, values, and
20 culture.
- 21 (3) A student shall not be required to use a specific translation as the sole text of the
22 Hebrew Scriptures or New Testament and may use as the basic textbook a different
23 translation of the Hebrew Scriptures or New Testament from that chosen by the
24 *advisory*~~[school]~~ council.
- 25 (4) A course offered under this section shall follow applicable law and all federal and
26 state guidelines in maintaining religious neutrality and accommodating the diverse
27 religious views, traditions, and perspectives of students in the school. A course

1 under this section shall not endorse, favor, or promote, or disfavor or show hostility
2 toward, any particular religion or nonreligious faith or religious perspective. A
3 school principal~~[school-based decision-making council]~~, in complying with this
4 section, shall not violate any provision of the United States Constitution or federal
5 law, the Kentucky Constitution or any state law, or any administrative regulations
6 of the United States Department of Education or the Kentucky Department of
7 Education.

8 (5) ~~[Any school council organized pursuant to KRS 160.345 or, if none exists,]~~The
9 principal~~]~~, may authorize the display of historic artifacts, monuments, symbols,
10 and texts, including but not limited to religious materials, in conjunction with a
11 course of study that includes an elective course in history, civilization, ethics,
12 comparative religion, literature, or other subject area that uses such artifacts,
13 monuments, symbols, and texts as instructional material if the display is:

- 14 (a) Appropriate to the overall educational purpose of the course; and
- 15 (b) Consistent with the requirements of KRS 42.705.

16 ➔Section 23. KRS 158.301 is amended to read as follows:

17 (1) The General Assembly finds that:

- 18 (a) The chief cause of skin cancer is exposure to ultraviolet rays from natural
19 sunlight and artificial sources;
- 20 (b) According to the American Cancer Society, skin cancer is one (1) of the most
21 common types of cancer in the United States, with one (1) in five (5)
22 Americans developing skin cancer in his or her lifetime and one (1) American
23 dying from skin cancer every hour;
- 24 (c) The lifetime risk of getting skin cancer is linked to sun exposure and sunburn
25 during childhood and adolescence;
- 26 (d) World and national health organizations have published guidelines or
27 instructional materials regarding sun safety and skin cancer prevention for

1 schools; and

2 (e) Schools have the potential to positively influence pupil behavior regarding
3 skin cancer prevention.

4 (2) The General Assembly hereby encourages each public school to provide age-
5 appropriate education to all students on the risks associated with exposure to
6 ultraviolet rays from natural sunlight and artificial sources.

7 (a) The education should be included within the existing health curriculum as
8 required by KRS 156.160(1)(a) and in accordance with the curriculum policy
9 adopted by the ~~school-based decision-making council or, if none exists, by~~
10 ~~the~~ school principal.

11 (b) The education should be consistent with guidelines published by world or
12 national health organizations and should include, but not be limited to:

- 13 1. The facts and statistics about skin cancer;
14 2. The cause and impact of skin cancer; and
15 3. Strategies and behaviors to reduce individual risks for skin cancer.

16 (c) The Kentucky Department of Education shall provide instructional resources,
17 including information from national standards and health organizations.

18 ➔Section 24. KRS 158.4414 is amended to read as follows:

19 (1) Local boards of education, school district superintendents, administrators of state-
20 controlled facilities, and local and state law enforcement agencies shall cooperate to
21 assign one (1) or more certified school resource officers to serve each campus
22 where one (1) or more school buildings are used to deliver instruction to students on
23 a continuous basis.

24 (2) Local boards of education shall ensure, for each campus in the district, that at least
25 one (1) certified school resource officer is assigned to and working on-site full-time
26 in the school building or buildings on the campus. If sufficient funds and qualified
27 personnel are not available for this purpose for every campus, the local board of

1 education shall fulfill the requirements of this subsection on a per campus basis, as
2 approved in writing by the state school security marshal, until a certified school
3 resource officer is assigned to and working on-site full-time on each campus in the
4 district.

5 (3) Beginning with the 2026-2027 school year, a local board of education that is unable
6 to meet the requirement of subsection (2) of this section may, after consultation
7 with and approval by the state school security marshal, employ one (1) or more
8 guardians pursuant to KRS 158.4431 to provide safety and security measures for
9 schools within the district. The use of guardians under this subsection shall not be
10 used to replace the certified school resource officer required under subsection (2) of
11 this section, but only to provide safety and security resources until a certified school
12 resource officer is available.

13 (4) Beginning with the 2026-2027 school year, a local board of education that has met
14 the requirement of subsection (2) of this section may employ one (1) or more
15 guardians pursuant to KRS 158.4431 to provide additional school safety and
16 security measures within the district.

17 (5) Local boards of education utilizing a school resource officer employed by a law
18 enforcement agency or the Department of Kentucky State Police shall enter into a
19 memorandum of understanding with the law enforcement agency or the Department
20 of Kentucky State Police that specifically states the purpose of the school resource
21 officer program and clearly defines the roles and expectations of each party
22 involved in the program. The memorandum shall provide that the school resource
23 officer shall not be responsible for school discipline matters that are the
24 responsibility of school administrators or school employees.

25 (6) Local boards of education utilizing a school resource officer employed directly by
26 the local board of education shall adopt policies and procedures that specifically
27 state the purpose of the school resource officer program and clearly define the roles

- 1 and expectations of school resource officers and other school employees.
- 2 (7) In accordance with KRS 61.926, 527.020, and 527.070, as applicable, each school
3 resource officer shall be armed with a firearm, notwithstanding any provision of
4 local board policy, school-based~~local school council~~ policy, or memorandum of
5 agreement.
- 6 (8) The Kentucky Law Enforcement Council, in collaboration with the Center for
7 School Safety, shall promulgate administrative regulations in accordance with KRS
8 Chapter 13A to establish, update, and maintain three (3) levels of training for
9 certification of school resource officers as follows: School Resource Officer
10 Training I (SRO I), School Resource Officer Training II (SRO II), and School
11 Resource Officer Training III (SRO III). Each level shall consist of forty (40) hours
12 of training, with SRO I to be completed within one (1) year of the date of the
13 officer's employment and SRO II and SRO III within the subsequent two (2) years.
- 14 (9) Course curriculum for school resource officers shall include but not be limited to:
- 15 (a) Foundations of school-based law enforcement;
16 (b) Threat assessment and response;
17 (c) Youth drug use and abuse;
18 (d) Social media and cyber security;
19 (e) School resource officers as teachers and mentors;
20 (f) Youth mental health awareness;
21 (g) Diversity and bias awareness training;
22 (h) Trauma-informed action;
23 (i) Understanding students with special needs; and
24 (j) De-escalation strategies.
- 25 (10) All school resource officers with active school resource officer certification status
26 shall successfully complete forty (40) hours of annual in-service training that has
27 been certified or recognized by the Kentucky Law Enforcement Council for school

1 resource officers.

2 (11) In the event of extenuating circumstances beyond the control of an officer that
3 prevent the officer from completing the in-service training within one (1) year, the
4 commissioner of the Department of Criminal Justice Training or a designee may
5 grant the officer an extension of time, not to exceed one hundred eighty (180) days,
6 in which to complete the training.

7 (12) Any school resource officer who fails to successfully complete training
8 requirements within the specified time periods, including any approved time
9 extensions, shall lose his or her school resource officer certification and shall no
10 longer serve in the capacity of a school resource officer in a school.

11 (13) When a school resource officer is deficient in required training, the commissioner
12 of the Department of Criminal Justice Training or his or her designee shall notify
13 the council, which shall notify the officer and the officer's employing agency.

14 (14) A school resource officer who has lost school resource officer certification due
15 solely to the officer's failure to meet the training requirements of this section may
16 regain certification status as a school resource officer and may resume service in the
17 capacity of a school resource officer in a school setting upon successful completion
18 of the training deficiency.

19 (15) No later than November 1 of each year, the local school district superintendent shall
20 report to the Center for School Safety the number and placement of school resource
21 officers in the district. The report shall include the source of funding and method of
22 employment for each position.

23 (16) ~~Nothing in~~ This section shall ***not*** be interpreted or construed to require a local
24 government or any of its agencies or offices to fund the school resource officer
25 positions required of local boards of education under this section. For purposes of
26 this subsection, "local government" has the same meaning as in KRS 65.8840.

27 (17) ~~Nothing in~~ This section shall ***not*** prevent a private or parochial school from

1 entering into a memorandum of understanding with a local law enforcement agency
2 or the Department of Kentucky State Police to provide school resource officers
3 employed by the local law enforcement agency or the Department of Kentucky
4 State Police.

5 ➔Section 25. KRS 158.445 is amended to read as follows:

6 (1) Each local school shall conduct an assessment of school safety and student
7 discipline including a review of the following:

- 8 (a) Reports of school incidents relating to disruptive behaviors;
- 9 (b) The school's behavior and discipline codes for clarity and appropriate notice
10 to students and parents;
- 11 (c) The school's hierarchy of responses to discipline problems and actual
12 disciplinary outcomes;
- 13 (d) Training needs for instructional staff in classroom management, student
14 learning styles, and other specialized training to enhance teachers' capacity to
15 engage students and minimize disruptive behavior;
- 16 (e) The array of school services to students at risk of academic failure, dropping
17 out, or truancy;
- 18 (f) The engagement of parents at the earliest stages of problem behavior;
- 19 (g) Training needs for students in the development of core values and qualities of
20 good character, anger reduction, conflict resolution, peer mediation, and other
21 necessary skills;
- 22 (h) Training needs of parents;
- 23 (i) Existing school-based~~[school council]~~ policies relating to student discipline
24 and student information;
- 25 (j) The school's physical environment;
- 26 (k) The school's student supervision plan;
- 27 (l) Existing components of the school improvement plan or consolidated plan

1 that focus on school safety and at-risk students, and the effectiveness of the
2 components; and

3 (m) Other data deemed relevant by the advisory~~[school]~~ council or school
4 administration.

5 A school that does not complete an assessment process shall not be eligible for
6 funds under the state school safety grant program.

7 (2) Each local school district shall complete a district-level assessment of district-level
8 data, resources, policies and procedures, and district-wide needs as identified from
9 the individual school assessment process. The district shall engage local community
10 agencies including law enforcement and the courts in the assessment process.

11 (3) As a result of the district assessment and analysis of data, resources, and needs,
12 each board of education shall adopt a plan for immediate and long-term strategies to
13 address school safety and discipline. The development of the plan shall involve at
14 least one (1) representative from each school in the district as well as
15 representatives from the community as a whole, including representatives from the
16 local juvenile delinquency prevention council if a council exists in that community.
17 The process of planning shall be determined locally depending to a large extent on
18 the size and characteristics of the district.

19 (4) The district plan under subsection (3) of this section shall be the basis for any
20 request for funds under the state school safety grant program. The district plan shall
21 include the local code of acceptable behavior and discipline and the transportation
22 services policy as required under KRS 158.148 and a description of instructional
23 placement options for threatening or violent students.

24 ➔Section 26. KRS 158.6453 (Effective July 1, 2026) is amended to read as
25 follows:

26 (1) As used in this section:

27 (a) "Accelerated learning" means an organized way of helping students meet

- 1 individual academic goals by providing direct instruction to eliminate student
2 performance deficiencies or enable students to move more quickly through
3 course requirements and pursue higher level skill development;
- 4 (b) "Advanced coursework" means educational programs or opportunities
5 designed to challenge students with more rigorous content beyond the
6 standard curriculum, including but not limited to advanced placement,
7 International Baccalaureate, and honors courses;
- 8 (c) "Constructed-response items" or "performance-based items" means individual
9 test items that require the student to create an answer rather than select a
10 response and may include fill-in-the-blank, short-answer, extended-answer,
11 open-response, and writing-on-demand formats;
- 12 (d) "Criterion-referenced test" means a test that is aligned with defined academic
13 content standards and measures an individual student's level of performance
14 against the standards;
- 15 (e) "Formative assessment" means a process used by teachers and students during
16 instruction to adjust ongoing teaching and learning to improve students'
17 achievement of intended instructional outcomes. Formative assessments may
18 include the use of commercial assessments, classroom observations, teacher-
19 designed classroom tests and assessments, and other processes and
20 assignments to gain information about individual student learning;
- 21 (f) "Interim assessments" means assessments that are given periodically
22 throughout the year to provide diagnostic information and to show individual
23 student performance against content standards;
- 24 (g) "Summative assessment" means an assessment given at the end of the school
25 year, semester, or other period of time to evaluate students' performance
26 against content standards within a unit of instruction or a course; and
- 27 (h) "Writing" means a purposeful act of thinking and expression that uses

1 language to explore ideas and communicate meaning to others. Writing is a
2 complex, multifaceted act of communication and is distinct from basic
3 handwriting or penmanship.

4 (2) (a) Every six (6) years, the Kentucky Department of Education shall implement a
5 process for reviewing Kentucky's academic standards and the alignment of
6 corresponding assessments for possible revision or replacement to ensure
7 alignment with transition readiness standards necessary for global
8 competitiveness, state career and technical education standards, and KRS
9 158.196.

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

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

22 (c) 1. The department shall establish four (4) standards and assessments
23 review committees, with each committee composed of a minimum of six
24 (6) Kentucky public school teachers and a minimum of two (2)
25 representatives from Kentucky institutions of higher education,
26 including at least one (1) representative from a public institution of
27 higher education. Each committee member shall teach in the subject

1 area that his or her committee is assigned to review and have no prior or
2 current affiliation with a curriculum or assessment resources vendor.

3 2. One (1) of the four (4) committees shall be assigned to focus on the
4 review of language arts and writing academic standards and
5 assessments, one (1) on the review of mathematics academic standards
6 and assessments, one (1) on the review of science academic standards
7 and assessments, and one (1) on the review of social studies academic
8 standards and assessments.

9 (d) 1. The department shall establish twelve (12) advisory panels to advise and
10 assist each of the four (4) standards and assessments review committees.

11 2. Three (3) advisory panels shall be assigned to each standards and
12 assessments review committee. One (1) panel shall review the standards
13 and assessments for kindergarten through grade five (5), one (1) shall
14 review the standards and assessments for grades six (6) through eight
15 (8), and one (1) shall review the standards and assessments for grades
16 nine (9) through twelve (12).

17 3. Each advisory panel shall be composed of at least one (1) representative
18 from a Kentucky institution of higher education and a minimum of six
19 (6) Kentucky public school teachers who teach in the grade level and
20 subject reviewed by the advisory panel to which they are assigned and
21 have no prior or current affiliation with a curriculum or assessment
22 resources vendor.

23 (e) The commissioner of education and the president of the Council on
24 Postsecondary Education shall also provide consultants for the standards and
25 assessments review committees and the advisory panels who are business and
26 industry professionals actively engaged in career fields that depend on the
27 various content areas.

- (f) 1. The standards and assessments process review committee is hereby established and shall be composed of the commissioner of education or designee as a nonvoting member and nine (9) voting representatives of public schools, of whom at least two (2) shall be parents of public school students, appointed by the Governor and confirmed by the Senate in accordance with KRS 11.160 as follows:
 - a. One (1) language arts teacher;
 - b. One (1) math teacher;
 - c. One (1) science teacher;
 - d. One (1) social studies teacher;
 - e. Two (2) school principals;
 - f. Two (2) school superintendents; and
 - g. One (1) school board member.
2. On making appointments to the committee, the Governor shall ensure broad geographical urban and rural representation and representation of elementary, middle, and high school levels; ensure equal representation of the two (2) sexes, inasmuch as possible; and ensure that appointments reflect the minority racial composition of the Commonwealth.
3. The review of the committee shall be limited to the procedural aspects of the review process undertaken prior to its consideration.
4. Notwithstanding KRS 12.028, the committee shall not be subject to reorganization by the Governor.
- (g) 1. The review process implemented under this subsection shall be an open, transparent process that allows all Kentuckians an opportunity to participate. The department shall ensure the public's assistance in reviewing and suggesting changes to the standards and alignment adjustments to corresponding state assessments by establishing a

- 1 website dedicated to collecting comments by the public and educators.
2 An independent third party, which has no prior or current affiliation with
3 a curriculum or assessment resources vendor, shall be selected by the
4 department to collect and transmit the comments to the department for
5 dissemination to the appropriate advisory panel for review and
6 consideration.
- 7 2. Each advisory panel shall review the standards and assessments for its
8 assigned subject matter and grade level and the suggestions made by the
9 public and educators. After completing its review, each advisory panel
10 shall make recommendations for changes to the standards and alignment
11 adjustments for assessments to the appropriate standards and
12 assessments review committee.
- 13 3. Each standards and assessments review committee shall review the
14 findings and make recommendations to revise or replace existing
15 standards and to adjust alignment of assessments.
- 16 4. The recommendations shall be published on the website established in
17 this subsection for the purpose of gathering additional feedback from the
18 public. The commissioner shall subsequently present the
19 recommendations and the public feedback to the appropriate Interim
20 Joint Committee on Education.
- 21 5. The commissioner shall subsequently provide a report to the standards
22 and assessments process review committee summarizing the process
23 conducted under this subsection and the resulting recommendations. The
24 report shall include but not be limited to the timeline of the review
25 process, public feedback, and responses from the appropriate Interim
26 Joint Committee on Education.
- 27 6. After receiving the commissioner's report, the standards and assessments

1 process review committee shall either concur that stakeholders have had
2 adequate opportunity to provide input on standards and the
3 corresponding alignment of state assessments or find the input process
4 deficient. If the process is found deficient, the recommendations may be
5 returned to the appropriate standards and assessments review committee
6 for review as described in subparagraph 3. of this paragraph. If the
7 process is found sufficient, the recommendations shall be forwarded
8 without amendment to the Kentucky Board of Education.

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

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

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

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

27 (j) The Department of Education shall provide or facilitate statewide training

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

1 accordance with revised academic standards and corresponding assessment
2 alignment adjustments approved by the board under subsection (2) of this
3 section.

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

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

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

17 (b) The annual student summative tests shall:

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

1 goals set forth in KRS 158.645 and 158.6451, except the statewide
2 assessment program shall not include measurement of a student's ability
3 to become a self-sufficient individual or to become a responsible
4 member of a family, work group, or community.

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

6 (a) Elementary and middle grades requirements are:

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

22 (b) High school requirements are:

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

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

- 1 (7) A student enrolled in a district-operated or district-contracted alternative program
2 shall participate in the appropriate assessments required by this section.
- 3 (8) A local school district may select and use commercial interim or formative
4 assessments or develop and use its own formative assessments to provide data on
5 how well its students are growing toward mastery of Kentucky academic standards,
6 so long as the district's local school board develops a policy minimizing the
7 reduction in instructional time related to the administration of the interim
8 assessments. ~~[Nothing in]~~ This section ***shall not preclude*** ~~[precludes]~~ teachers from
9 using ongoing teacher-developed formative processes.
- 10 (9) Each school that enrolls primary students shall use diagnostic assessments and
11 prompts that measure readiness in reading and mathematics for its primary students
12 as determined by the school to be developmentally appropriate. The schools may
13 use commercial products, use products and procedures developed by the district, or
14 develop their own diagnostic procedures. The results shall be used to inform the
15 teachers and parents or guardians of each student's skill level.
- 16 (10) The state board shall ensure that a technically sound longitudinal comparison of the
17 assessment results for the same students shall be made available.
- 18 (11) The following provisions shall apply to the college admissions examination
19 described in subsection (5)(b)5. of this section:
- 20 (a) The cost of the college admissions examination administered to students in
21 high school shall be paid for by the Kentucky Department of Education. The
22 costs of additional college admissions examinations shall be the responsibility
23 of the student;
- 24 (b) If funds are available, the Kentucky Department of Education shall provide a
25 college admissions examination preparation program to all public high school
26 juniors. The department may contract for necessary services; and
- 27 (c) Accommodations provided to a student with a disability taking the college

1 admissions assessment under this subsection shall consist of:

- 2 1. Accommodations provided in a manner allowed by the college
3 admissions assessment provider when results in test scores are
4 reportable to a postsecondary institution for admissions and placement
5 purposes, except as provided in subparagraph 2. of this paragraph; or
- 6 2. Accommodations provided in a manner allowed by a student's
7 individualized education program as defined in KRS 158.281 for a
8 student whose disability precludes valid assessment of his or her
9 academic abilities using the accommodations provided under
10 subparagraph 1. of this paragraph when the student's scores are not
11 reportable to a postsecondary institution for admissions and placement
12 purposes.

13 (12) Kentucky teachers shall have a significant role in providing feedback about the
14 design of the assessments, except for the college admissions exam described in
15 subsection (5)(b)5. of this section. The assessments shall be designed to:

- 16 (a) Measure grade appropriate core academic content, basic skills, and higher-
17 order thinking skills and their application;
- 18 (b) Provide valid and reliable scores for schools. If scores are reported for
19 students individually, they shall be valid and reliable;
- 20 (c) Minimize the time spent by teachers and students on assessment; and
- 21 (d) Assess Kentucky academic standards only.

22 (13) The results from assessment under subsections (3) and (5) of this section shall be
23 reported to the school districts and schools no later than seventy-five (75) days
24 following the last day the assessment can be administered. Assessment reports
25 provided to the school districts and schools shall include an electronic copy of an
26 operational subset of test items from each assessment administered to their students
27 and the results for each of those test items by student and by school.

- 1 (14) The Department of Education shall gather information to establish the validity of
2 the assessment and accountability program. It shall develop a biennial plan for
3 validation studies that shall include but not be limited to the consistency of student
4 results across multiple measures, the congruence of school scores with documented
5 improvements in instructional practice and the school learning environment, and the
6 potential for all scores to yield fair, consistent, and accurate student performance
7 level and school accountability decisions. Validation activities shall take place in a
8 timely manner and shall include a review of the accuracy of scores assigned to
9 students and schools, as well as of the testing materials. The plan shall be submitted
10 to the Commission by July 1 of the first year of each biennium. A summary of the
11 findings shall be submitted to the Legislative Research Commission by September
12 1 of the second year of the biennium.
- 13 (15) The Department of Education and the state board shall offer optional assistance to
14 local school districts and schools in developing and using continuous assessment
15 strategies needed to ensure student progress. The continuous assessment shall
16 provide diagnostic information to improve instruction to meet the needs of
17 individual students.
- 18 (16) The Administration Code for Kentucky's Assessment Program shall include
19 prohibitions of inappropriate test preparation activities by school district employees
20 charged with test administration and oversight, including but not limited to the issue
21 of teachers being required to do test practice in lieu of regular classroom instruction
22 and test practice outside the normal work day. The code shall include disciplinary
23 sanctions that may be taken toward a school or individuals.
- 24 (17) The Kentucky Board of Education, after the Department of Education has received
25 advice from the Office of Education Accountability; the School Curriculum,
26 Assessment, and Accountability Council; and the department's technical advisory
27 committee, shall promulgate an administrative regulation under KRS Chapter 13A

1 to establish the components of a reporting structure for assessments administered
2 under this section. The reporting structure shall include the following components:

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

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

26 (b) An individual student report to parents for each student in grades three (3)
27 through eight (8) summarizing the student's skills in reading, science, social

1 studies, and mathematics. The school's staff shall develop a plan for
2 accelerated learning for any student with identified deficiencies or strengths;
3 and

4 (c) A student's score on the college admissions assessment administered under
5 subsection (5)(b)5. of this section.

6 (18) (a) Every six (6) years, the Kentucky Department of Education shall implement a
7 comprehensive process for reviewing and revising the academic standards in
8 visual and performing arts and practical living skills and career studies for all
9 levels and in foreign language for middle and high schools. The department
10 shall develop review committees for the standards for each of the content
11 areas that include representation from certified specialist public school
12 teachers and postsecondary teachers in those subject areas.

13 (b) The academic standards in practical living skills for elementary, middle, and
14 high school levels shall include a focus on drug abuse prevention, with an
15 emphasis on the prescription drug epidemic and the connection between
16 prescription opioid abuse and addiction to other drugs, such as heroin and
17 synthetic drugs.

18 (c) The department shall provide to all schools guidelines for programs that
19 incorporate the adopted academic standards in visual and performing arts and
20 practical living and career studies. The department shall provide to middle and
21 high schools guidelines for including a foreign language program. The
22 guidelines shall address program length and time, courses offered, staffing,
23 resources, and facilities.

24 (d) The Kentucky Department of Education, in consultation with certified public
25 school teachers of visual and performing arts, may develop program standards
26 for the visual and performing arts.

27 (19) The Kentucky Department of Education shall provide to all school districts

1 guidelines for including an effective writing program within the curriculum.

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

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

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

21 (21) (a) No later than December 1, 2025, each local board of education shall adopt a
22 district plan establishing clear policies on the promotion of advanced
23 coursework or accelerated learning in language arts, mathematics, social
24 studies, and science by grade level for students in grades four (4) to twelve
25 (12).

26 (b) The district plan required by paragraph (a) of this subsection shall:

27 1. Be published on a publicly accessible location on the district website;

- 1 2. Describe the strategies and approach to advanced coursework or
- 2 accelerated learning options by grade level for language arts,
- 3 mathematics, social studies, and science; and
- 4 3. Require that the service delivery options for students identified as gifted
- 5 and talented in language arts, mathematics, social studies, and science
- 6 include the following for each grade level and subject area:
- 7 a. i. Accelerated learning; or
- 8 ii. Advanced coursework; and
- 9 b. At least one (1) of the following service delivery options:
- 10 i. Collaborative teaching and consultation services;
- 11 ii. Special counseling services;
- 12 iii. Differentiated study experiences for individuals and cluster
- 13 groups in the regular classroom;
- 14 iv. Distance learning;
- 15 v. Enrichment services that are not extracurricular during the
- 16 school day;
- 17 vi. Independent study;
- 18 vii. Mentorships;
- 19 viii. Resource services delivered in a pull-out classroom or other
- 20 appropriate instructional setting;
- 21 ix. Seminars;
- 22 x. Travel study options; or
- 23 xi. Special schools or self-contained classrooms for students in
- 24 grades four (4) through twelve (12) only.
- 25 (c) The district plan required by paragraph (a) of this subsection may:
- 26 1. Automatically enroll a student who scores distinguished in any subject
- 27 area on the most recent statewide assessment for which scores are

- 1 available in available advanced coursework for that subject area and any
2 corresponding subject area designated by the local board of education;
- 3 2. Include eligibility criteria for qualification for available advanced
4 coursework for all other students;
- 5 3. Require written consent from a parent or guardian of a student to
6 withdraw or exclude a student that is eligible for advanced coursework
7 according to the district plan from that advanced coursework. If a
8 student requests to withdraw from advanced coursework to pursue
9 another educational opportunity, a principal may withdraw the student
10 without written consent from a parent or guardian only after a good-faith
11 attempt to contact the parent or guardian is unsuccessful; and
- 12 4. Permit a principal to withdraw a student from advanced coursework
13 without written consent from his or her parent or guardian if the
14 student's participation in advanced coursework would have an adverse
15 educational impact on a student, including interference with his or her
16 career pathway, access to career and technical education coursework, or
17 another educational opportunity.
- 18 (22) (a) The Kentucky Board of Education may promulgate administrative regulations
19 in accordance with KRS Chapter 13A to administer the provisions of
20 subsection (21) of this section.
- 21 (b) By December 1, 2025, the Kentucky Department of Education, in
22 collaboration with local school districts, shall establish school district
23 recommendations for the consistent use of preliminary assessment data and
24 other criteria to identify students prepared for advanced coursework.
- 25 ➔Section 27. KRS 158.649 is amended to read as follows:
- 26 (1) As used in this section, "achievement gap" means the difference between
27 performance goals and actual performance on each of the tested areas by grade

1 level of the state assessment program for each of the various subgroups of students
2 as described in the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its
3 successor, including male and female students, students with and without
4 disabilities, students with and without English proficiency, minority and
5 nonminority students, and students who are eligible for free and reduced lunch and
6 those who are not eligible for free and reduced lunch.

7 (2) By October 1 of each year, the Department of Education shall provide each school ~~council, or the~~
8 ~~council, or the~~ principal ~~if a school council does not exist,~~ data on his or her~~its~~
9 students' performance as shown by the state assessment program described in KRS
10 158.6453. The data shall include but not be limited to information on performance
11 levels of all students tested, and information on the performance of students
12 disaggregated by race, gender, disability, English proficiency, and participation in
13 the federal free and reduced price lunch program, and any other subgroups as
14 described in the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its
15 successor. The information from the department shall include an equity analysis
16 that shall identify the substantive differences among the various groups of students
17 identified in subsection (1) of this section. Beginning with the 2012-2013 school
18 year, the reporting requirement in this subsection shall be no later than seventy-five
19 (75) days following the first day the assessment can be administered.

20 (3) Each local board of education upon the recommendation of the local district
21 superintendent shall adopt a policy for reviewing the academic performance on the
22 state assessments required under KRS 158.6453 for various groups of students,
23 including major racial groups, gender, disability, free and reduced price school
24 lunch eligibility, and limited English proficiency. The local board policy shall be
25 consistent with Kentucky Board of Education administrative regulations. Upon
26 agreement of ~~the school-based decision-making council, or~~ the principal ~~if there~~
27 ~~is not a council,~~ and the superintendent, the local board shall establish an annual

1 target for each school for reducing identified gaps in achievement as set out in
2 subsection (4) of this section.

3 (4) By February 1 of each year, ~~[the school-based decision-making council, or]~~ the
4 principal ~~[if there is not a council,]~~ with the involvement of **the advisory council**
5 **and any other interested** parents, faculty, and staff shall set the school's targets for
6 eliminating any achievement gap and submit them to the superintendent for
7 consideration. The superintendent and ~~[the school-based decision-making council,~~
8 ~~or]~~ the principal ~~[if there is not a council,]~~ shall agree on the targets before they are
9 submitted to the local board of education for adoption.

10 (5) By January 1 of each year, ~~[the school council, or]~~ the principal ~~[if a school council~~
11 ~~does not exist,]~~ with the involvement of **the advisory council and any other**
12 **interested** parents, faculty, and staff, shall review the data and revise the school
13 improvement plan to include the targets, strategies, activities, and a time schedule
14 calculated to eliminate the achievement gap among various groups of students to
15 the extent it may exist. The plan shall include but not be limited to activities
16 designed to address the following areas:

- 17 (a) Curriculum alignment within the school and with schools that send or receive
18 the school's students;
- 19 (b) Evaluation and assessment strategies to continuously monitor and modify
20 instruction to meet student needs and support proficient student work;
- 21 (c) Professional development to address the goals of the plan;
- 22 (d) Parental communication and involvement;
- 23 (e) Attendance improvement and dropout prevention; and
- 24 (f) Technical assistance that will be accessed.

25 (6) The principal shall convene a public meeting at the school to present and discuss
26 the plan prior to submitting it to the superintendent and the local board of education
27 for review, in the public meeting required under KRS 160.340.

- 1 (7) Based on the disaggregated assessment results, the local board shall determine if
2 each school achieved its targets for each group of students. Only data for a group of
3 students including ten (10) or more students shall be considered.
- 4 (8) Notwithstanding KRS 160.345~~(7)~~~~(8)~~ and 158.070(7), if a local board determines
5 that a school has not met its target to reduce the identified gap in student
6 achievement for a group of students, the local board shall require~~the council, or~~
7 the principal~~if no council exists,~~ to submit **his or her**~~its~~ revisions to the school
8 improvement plan describing the use of professional development funds and funds
9 allocated for continuing education to reduce the school's achievement gap for
10 review and approval by the superintendent. The plan shall address how the school
11 will meet the academic needs of the students in the various groups identified in
12 subsection (1) of this section.
- 13 (9) The superintendent shall report to the local school board and the commissioner of
14 education if a school fails to meet its targets in any academic content area to reduce
15 the gap in student achievement for any student group for two (2) consecutive years.
16 The school's improvement plan shall be subject to review and approval by the
17 Kentucky Department of Education and the school shall submit an annual status
18 report. The Department of Education may provide assistance as defined in KRS
19 160.346 to schools as it deems necessary to assist the school in meeting its goals.
- 20 (10) ~~The school-based decision-making council, or~~ The principal~~if there is not a~~
21 ~~council,~~ shall **not**~~no longer~~ be required to seek approval of the plan under
22 subsections (8) and (9) of this section when **his or her school**~~it~~ meets its target for
23 reducing the gap in student achievement for the various groups of students
24 identified in subsection (1) of this section.
- 25 ➔Section 28. KRS 158.792 is amended to read as follows:
- 26 (1) As used in this section and KRS 164.0207, unless the context requires otherwise:
- 27 (a) "Comprehensive reading program" means any print, nonprint, or electronic

1 medium of reading instruction designed to assist students. For students in
2 kindergarten through grade three (3), program instructional resources shall
3 include instruction in five (5) key areas: phonemic awareness, phonics,
4 fluency, vocabulary, and comprehension;

5 (b) "Reading diagnostic assessment" means an assessment that measures a
6 student's skills against established performance levels in essential components
7 of reading and identifies students that require intervention in at least one (1)
8 of those components to accelerate the student's progress toward proficient
9 performance in reading;

10 (c) "Reading intervention program" means short-term intensive instruction in the
11 essential skills necessary to read proficiently that is provided to a student by a
12 highly trained teacher. This instruction may be conducted one-on-one or in
13 small groups; shall be evidence-based, reliable, and replicable; and shall be
14 based on the ongoing assessment of individual student needs; and

15 (d) "Reliable, replicable evidence" means objective, valid, scientific studies that:
16 1. Include rigorously defined samples of subjects that are sufficiently large
17 and representative to support the general conclusions drawn;
18 2. Rely on measurements that meet established standards of reliability and
19 validity;
20 3. Test competing theories, where multiple theories exist;
21 4. Are subjected to peer review before their results are published; and
22 5. Discover effective strategies for improving reading skills.

23 (2) The reading diagnostic and intervention fund is created to help teachers and library
24 media specialists improve the reading skills of struggling readers in kindergarten
25 through grade three (3) and to assist schools in employing reading interventionists
26 who specialize in providing those services. The Department of Education, upon the
27 recommendation of the Reading Diagnostic and Intervention Grant Steering

1 Committee, shall provide renewable, two (2) year grants to schools to support
2 teachers and reading interventionists in the implementation of reliable, replicable
3 evidence-based reading intervention programs that use a balance of diagnostic tools
4 and instructional strategies that emphasize phonemic awareness, phonics, fluency,
5 vocabulary, comprehension, and connections between writing and reading
6 acquisition and motivation to read to address the diverse learning needs of those
7 students reading at low levels. Any moneys in the fund at the close of the fiscal year
8 shall not lapse but shall be carried forward to be used for the purposes specified in
9 this section.

10 (3) (a) The Kentucky Board of Education shall promulgate administrative
11 regulations, based on recommendations from the Department of Education
12 that shall include but not be limited to a school selection process with a focus
13 on those with the most need, professional learning supports in literacy, and
14 early reading instruction to:

- 15 1. Identify eligible grant applicants, taking into consideration how the
16 grant program described in this section will relate to other grant
17 programs;
- 18 2. Specify the criteria for acceptable reading and literacy diagnostic
19 assessments and intervention programs;
- 20 3. Specify the criteria for acceptable ongoing assessment of each child to
21 determine his or her reading progress;
- 22 4. Establish the minimum evaluation process for an annual review of each
23 grant recipient's program and progress;
- 24 5. Identify the annual data that must be provided from grant recipients;
- 25 6. Define the application review and approval process;
- 26 7. Establish matching requirements deemed necessary;
- 27 8. Define the professional development and continuing education

1 requirements for teachers, library media specialists, administrators, and
2 staff of grant recipients;

3 9. Establish the conditions for renewal of a two (2) year grant; and

4 10. Specify other conditions necessary to implement the purposes of this
5 section.

6 (b) The board shall require that a grant applicant provide assurances that the
7 following principles will be met if the applicant's request for funding is
8 approved:

9 1. An evidence-based comprehensive schoolwide reading program will be
10 available;

11 2. Intervention services will supplement, not replace, regular classroom
12 instruction;

13 3. Intervention services will be provided to struggling kindergarten through
14 grade three (3) readers within the school based upon ongoing assessment
15 of their needs; and

16 4. A system for informing parents of struggling readers of the available
17 family literacy services within the district will be established.

18 (c) The board shall not restrict how a grant applicant utilizes grant funds as it
19 relates to the applicant's use of funds for professional development, resources,
20 tools, employment of reading interventionists, and other expenses authorized
21 by this section. The grant applicant shall have discretion in allocating grant
22 funds for purposes authorized by this section; however, the board may
23 consider the effectiveness of those uses in reviewing the application.

24 (4) In order to qualify for funding, ~~[the school council, or if none exists,]~~ the principal
25 or the superintendent of schools, shall allocate matching funds required by grant
26 recipients under subsection (3) of this section. Funding for professional
27 development allocated to the school principal ~~[council]~~ under KRS 160.345 and for

1 continuing education under KRS 158.070 may be used as part of the school's match.

2 (5) The Department of Education shall make available to schools:

3 (a) Information concerning successful, evidence-based comprehensive reading
4 programs, diagnostic tools for pre- and post-assessment, and intervention
5 programs, from the statewide reading research center established under KRS
6 164.0207;

7 (b) Strategies for successfully implementing early reading programs, including
8 professional development support and the identification of funding sources;
9 and

10 (c) A list of professional development providers offering teacher training related
11 to reading that emphasizes the essential components for successful reading:
12 phonemic awareness, phonics, fluency, vocabulary, comprehension, and
13 connections between writing and reading acquisition and motivation to read.

14 (6) The Department of Education shall submit a report to the appropriate Interim Joint
15 Committee on Education no later than November 1 of each year outlining the use of
16 grant funds. The annual report for an odd-numbered year shall include an estimate
17 of the cost to expand the reading diagnostic and intervention fund.

18 (7) The Department of Education shall report program data to an external evaluator for
19 analysis of the program's success in meeting the goal of increasing early literacy
20 student outcomes.

21 ➔Section 29. KRS 158.7992 is amended to read as follows:

22 (1) The Department of Education shall establish a program that promotes the
23 integration of the arts and foreign languages in the elementary school program. A
24 school shall submit an application through the district superintendent, with the
25 agreement of the school~~[- council or of the]~~ principal~~[- if a council does not exist]~~.
26 The department shall award a grant to at least one (1) school per region based on
27 the quality of the application in meeting the criteria established in subsection (2) of

1 this section. Special consideration shall be given, but not limited to, a school that
2 does not have an existing comprehensive arts and foreign language program.

3 (2) School programs under subsection (1) of this section shall include, but not be
4 limited to, the following components:

5 (a) Instruction in each of the four (4) disciplines of dance, drama, music, and the
6 visual arts that includes the core content skills and knowledge taught in a
7 sequential manner and includes all students in the elementary school;

8 (b) Intense instruction in at least one (1) foreign language that includes skills and
9 knowledge related to communicative language and culture and includes all
10 students in the elementary school;

11 (c) Integration of arts and foreign language instruction across the curriculum;

12 (d) Coordination of the programs by teachers with appropriate arts and foreign
13 language certification;

14 (e) Professional development for teachers and administrators designed to
15 facilitate the effective teaching of arts and foreign languages;

16 (f) An effective monitoring and evaluation system that includes student
17 performance assessment;

18 (g) Partnerships with parents, local cultural agencies, individual artists, and native
19 speakers of the foreign language who work in collaboration with classroom
20 teachers;

21 (h) Support from the local school board, the school principal, the
22 advisory~~[school]~~ council, and teachers; and

23 (i) Student attendance at one (1) or more live performance or visual art exhibition
24 each school year.

25 (3) The Department of Education shall report annually by July 1 of each year on the
26 implementation of the program to the Governor and the Legislative Research
27 Commission.

1 ➔Section 30. KRS 158.860 is amended to read as follows:

2 (1) As used in this section:

3 (a) "Core course" means any course offered in the middle grades or high school
4 grades that is a specific high school graduation requirement or a course that
5 may be used to fulfill a minimum graduation requirement in the content areas
6 of language arts, mathematics, science, and social studies as specified in
7 administrative regulation promulgated by the Kentucky Board of Education
8 under the provisions of KRS 156.160; and

9 (b) "End-of-course examination" or "end-of-course exam" means a test that
10 measures a student's knowledge and skills upon completion of a core content
11 course.

12 (2) The Kentucky Department of Education shall coordinate the development of end-
13 of-course exams.

14 (a) The development process shall initially include end-of-course exams for
15 Algebra I, Algebra II, and Geometry.

16 (b) Content teachers in the core courses, postsecondary faculty including subject
17 matter specialists as well as teacher educators, curriculum specialists, and
18 other appropriate practitioners shall be involved in the development and
19 review of items for the exams. Content teachers shall comprise the majority of
20 the developers and reviewers of the test items.

21 (c) The department shall ensure that each end-of-course exam:

- 22 1. Aligns with the standards, content, goals, and academic expectations
23 relevant to the course;
- 24 2. Requires student demonstration of knowledge, comprehension,
25 application, and higher order cognitive skills;
- 26 3. Provides reliable and valid test items;
- 27 4. Is available to schools in an on-line format if resources are available;

1 and

2 5. Provides individual student scores; test item analyses; aggregate
3 comparisons of student data at the school, district, and state levels; and
4 disaggregated data by student subpopulations at the school district and
5 state levels.

6 (d) The department shall make available a parallel form for each exam.

7 (e) The initial end-of-course exam developed as required in paragraph (a) of this
8 subsection shall be available and piloted in selected school districts no later
9 than the end of the 2007-2008 school year.

10 (3) The department may contract for services as deemed necessary to fulfill its duties
11 under this section.

12 (4) The Kentucky Department of Education shall conduct a study of the end-of-course
13 examinations and the processes used during the pilot of the exams.

14 (a) Following the initial use of the end-of-course exams in Algebra 1, Algebra II,
15 and Geometry, the department, with assistance from the developers identified
16 in subsection (2)(b) of this section, shall determine whether the exams meet
17 the requirements in subsection (2)(c) of this section. The determination shall
18 be based on an analysis of individual test items, analyses of student results on
19 the exams, pilot teachers' input, and review of other data gathered during the
20 pilot year.

21 (b) The department shall consult with the Education Assessment and
22 Accountability Review Subcommittee, the National Technical Advisory Panel
23 on Assessment and Accountability, and the School Curriculum, Assessment,
24 and Accountability Council regarding the implications for statewide
25 implementation and shall advise the Kentucky Board of Education of its
26 findings and recommendations.

27 (c) Following the consultations and discussions required in paragraphs (a) and (b)

1 of this subsection, the commissioner of education shall report the findings of
2 the pilot project and policy options to the appropriate Interim Joint
3 Committee on Education.

4 (5) End-of-course exams in the pilot period shall not be used as a criterion for formally
5 evaluating or compensating teachers. Student results may be discussed during the
6 formative evaluation stage in compliance with KRS 156.557.

7 (6) The department shall develop the test procedures, including testing
8 accommodations for students with special needs, retest provisions, reporting
9 requirements, and other procedures as necessary to implement the provisions of this
10 section.

11 (7) A teacher shall use a student's score on any end-of-course exam that is administered
12 in calculating the student's final grade in accordance with policies of the local board
13 of education and the school principal~~[school-based decision-making council]~~.

14 (8) The commissioner of education or a designee shall provide a written status report
15 regarding implementation of this section to the Interim Joint Committee on
16 Education and the Education Assessment and Accountability Review Subcommittee
17 by December 1, 2007, and July 1, 2008.

18 (9) The Kentucky Department of Education and local school districts shall use end-of-
19 course exams to promote increased student accountability. The department and
20 local school districts shall also use test results to determine the need for technical
21 assistance, professional development, and other resources to improve instruction.

22 ➔Section 31. KRS 158.844 is amended to read as follows:

23 (1) The mathematics achievement fund is hereby created to provide developmentally
24 appropriate diagnostic assessment and intervention services to students, primary
25 through grade 12, to help them reach proficiency in mathematics on the state
26 assessments under KRS 158.6453 and in compliance with the "No Child Left
27 Behind Act of 2001," 20 U.S.C. secs. 6301 et seq., as required under KRS 158.840.

- 1 (2) The grant funds may be used to support the implementation of diagnostic and
2 intervention services in mathematics. The use of funds may include: pay for
3 extended time for teachers, released time for teachers to serve as coaches and
4 mentors or to carry out other responsibilities needed in the implementation of
5 intervention services, payment of substitute teachers needed for the support of
6 mathematics teachers, purchase of materials needed for modification of instruction,
7 and other costs associated with diagnostic and intervention services or to cover
8 other costs deemed appropriate by the Kentucky Board of Education.
- 9 (3) The fund shall:
- 10 (a) Provide funding for the Center for Mathematics created in KRS 164.525 and
11 the costs of training selected teachers in the diagnostic assessment and
12 intervention skills that are needed to assist struggling students in the primary
13 program and other grade levels;
- 14 (b) Provide renewable, two (2) year local grants to school districts and for
15 purposes described in subsection (2) of this section; and
- 16 (c) Provide operational funding for the Committee for Mathematics Achievement
17 created in KRS 158.842.
- 18 (4) Any funds appropriated to the mathematics achievement fund that are specifically
19 designated by the General Assembly to support the Center for Mathematics shall be
20 appropriated to the Council on Postsecondary Education and distributed to the
21 university administering the center, as determined by the council under KRS
22 164.525.
- 23 (5) Any moneys in the fund at the close of a fiscal year shall not lapse but shall be
24 carried forward to be used for the purposes specified in this section.
- 25 (6) Any interest earnings of the fund shall become a part of the fund and shall not
26 lapse.
- 27 (7) (a) Any funds appropriated to the mathematics achievement fund and specifically

1 designated by the General Assembly as funding for grants to local school
2 districts or to support the Committee for Mathematics Achievement shall be
3 administered by the Kentucky Department of Education.

4 (b) The Kentucky Board of Education shall promulgate administrative regulations
5 relating to the grants for local school districts based on recommendations
6 from the Committee for Mathematics Achievement, the secretary of the
7 Education and Labor Cabinet, the commissioner of education, and the Center
8 for Mathematics established in KRS 164.525. The administrative regulations
9 shall:

- 10 1. Identify eligibility criteria for grant applicants;
- 11 2. Specify the criteria for acceptable diagnostic assessments and
12 intervention programs and coaching and mentoring programs;
- 13 3. Establish the minimum annual evaluation process for each grant
14 recipient;
- 15 4. Identify the annual data that must be provided from each grant recipient;
- 16 5. Define the application and approval process;
- 17 6. Establish matching fund requirements if deemed necessary by the board;
- 18 7. Define the obligations for professional development and continuing
19 education for teachers, administrators, and staff of each grant recipient;
- 20 8. Establish the conditions for renewal of a two (2) year grant; and
- 21 9. Specify other conditions necessary to implement the purposes of this
22 section.

23 (c) As part of the application process, the board shall require that a grant
24 applicant provide assurances that the following principles will be met if the
25 applicant's request for funding is approved:

- 26 1. Mathematics instruction will be standards-based and utilize research-
27 based practices;

- 1 2. Intervention and support services will supplement, not replace, regular
- 2 classroom instruction; and
- 3 3. Intervention services will be provided to primary program students and
- 4 other students who are at risk of mathematics failure within the school
- 5 based upon ongoing assessments of their needs.
- 6 (d) If matching funds are required,~~[the school council or, if none exists,]~~ the
- 7 principal or the superintendent of schools~~[,]~~ shall allocate matching funds.
- 8 Funding for professional development allocated~~[to the school council]~~ under
- 9 KRS 160.345 and for continuing education under KRS 158.070 may be used
- 10 to provide a portion or all of a school's required match.
- 11 (e) The Department of Education shall make available to schools:
- 12 1. Information from the Center for Mathematics regarding diagnostic
- 13 assessment and intervention programs and coaching and mentoring
- 14 programs of proven-practice in meeting the needs of primary students
- 15 and other students who are at risk of failure;
- 16 2. Technical assistance to potential applicants and grant recipients;
- 17 3. A list of professional development providers offering teacher training in
- 18 diagnostic assessment and intervention strategies and coaching and
- 19 mentoring; and
- 20 4. Information from the Center for Mathematics on how to communicate to
- 21 parents effective ways of interacting with their children to improve their
- 22 mathematics concepts, skills, and understanding.
- 23 (f) The Department of Education shall submit a report to the appropriate Interim
- 24 Joint Committee on Education no later than September 1 of each year
- 25 outlining the use of grant funds. By November 1, 2007, the Department of
- 26 Education with input from the Committee for Mathematics Achievement and
- 27 the Center for Mathematics shall conduct a statewide needs assessment of the

1 resources needed in each school to help each child achieve proficiency in
2 mathematics by the year 2014 and report to the Interim Joint Committee on
3 Education an estimate of the cost and a specific timeline for meeting the goal
4 established by the Commonwealth.

5 ➔Section 32. KRS 160.294 is amended to read as follows:

- 6 (1) Each local board of education shall adopt a plan and procedures for recycling white
7 paper and cardboard in all board-owned and operated facilities.
- 8 (2) A local board of education shall be exempt from the requirement to establish a
9 recycling program as described in this section if:
- 10 (a) There is no recycling facility within the county or within a reasonable distance
11 in an adjoining geographic area; or
- 12 (b) The district cannot locate a recycling vendor to service the school district,
13 without incurring a negative fiscal impact.
- 14 (3) The board may delegate to each school ~~or school council~~ the responsibility for
15 designing its own procedures; however, the superintendent or the superintendent's
16 designee shall periodically review the operating procedures to assure that recycling
17 is being carried out.

18 ➔Section 33. KRS 160.340 is amended to read as follows:

- 19 (1) Each board of education shall, on the forms prepared by the chief state school
20 officer and approved by the Kentucky Board of Education, prepare and submit to
21 the Kentucky Board of Education reports on all phases of its school service. Each
22 board may prepare and publish for the information of the public a report on the
23 progress of its schools.
- 24 (2) Each board of education shall file in the board's office its policies relating to the
25 following matters:
- 26 (a) Transportation of pupils;
- 27 (b) Discipline and conduct of pupils;

- 1 (c) Limitations or restrictions on use of school facilities;
- 2 (d) Conduct of meetings of the board of education, including policies on the
3 calling of executive sessions;
- 4 (e) Personnel policies that apply to certified employees, including fringe benefits,
5 salary schedules, nonclassroom duties, in-service training, teacher-student
6 ratio, hiring, assignment, transfer, dismissal, suspension, reinstatement,
7 promotion, and demotion;
- 8 (f) Evaluation of certified employees;
- 9 (g) Selection of textbooks and instructional materials;
- 10 (h) Expenditure and accounting for school funds, including all special funds; and
- 11 (i) ~~[Policies dealing with]~~School-based policies~~[decision making]~~.
- 12 (3) (a) The local board of education may adopt a policy requiring that each~~[school~~
13 ~~council, or if none exists, the]~~ principal, make an annual report at a public
14 meeting of the board describing the school's progress in meeting the
15 educational goals set forth in KRS 158.6451 and district goals established by
16 the board.
- 17 (b) Biennially, the local board shall review in a public meeting the portion of each
18 school's consolidated plan that sets forth the activities and schedule to reduce
19 the achievement gaps for the various groups of students as required in KRS
20 158.649. If a district has more than twenty (20) schools, the district may
21 review the achievement gap data of each school in a comprehensive district
22 report at a regularly scheduled meeting of the board. The report shall include
23 the schools' and district's plans to reduce any identified gaps in student
24 achievement.
- 25 (4) It is intended that these policies shall cover matters within the authority and
26 discretion of the district board of education and not matters otherwise required by
27 law or regulation. Such policies shall be filed in the board's office by August 15,

1 1974, shall be kept up to date by filing annual amendments thereto each August 15
2 and shall be public records.

3 ➔Section 34. KRS 160.346 is amended to read as follows:

4 (1) As used in~~[For purposes of]~~ this section:

5 (a) "Department" means the Kentucky Department of Education;

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

8 (c) "Level" means elementary, middle, or high school;

9 (d) "Turnaround" means a comprehensive transformation of a school to achieve
10 accelerated, meaningful, and sustainable increases in student achievement
11 through improved school leadership and school district support;

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

17 (f) "Turnaround team" means the turnaround training and support team described
18 in subsection (8)(a) of this section.

19 (2) (a) The department shall annually identify a school for targeted support and
20 improvement if the school has one (1) or more of the same subgroups, as
21 defined by ESSA, whose performance in the state accountability system by
22 level is at or below that of all students in any of the lowest-performing five
23 percent (5%) of all schools for three (3) consecutive years.

24 (b) Beginning with the 2021-2022 school year, and every three (3) years
25 thereafter, the department shall identify a school for additional targeted
26 support and improvement if the school has one (1) or more subgroups, as
27 defined by ESSA, whose performance in the state accountability system by

1 level is at or below the summative performance of all students in any of the
2 lowest-performing five percent (5%) of all schools identified under subsection
3 (3)(a) of this section and the school was identified in the immediately
4 preceding year for targeted support and improvement as described in
5 paragraph (a) of this subsection.

6 (3) The department shall annually identify a school for comprehensive support and
7 improvement if the school is:

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

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

12 (c) Identified by the department for additional targeted support and improvement
13 under subsection (2)(b) of this section and fails to exit additional targeted
14 support and improvement status based on criteria established under subsection
15 (11) of this section.

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

21 (b) Each revised plan shall be informed by all available indicators, including
22 student performance compared to long-term goals, and shall include:

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

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

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

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

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

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

- 18 1. A diagnosis of the causes of the school's low performance, with an
19 emphasis on underperforming subgroups of students and corresponding
20 critical resource inequities;
- 21 2. An assessment and recommendation to the superintendent regarding the
22 best strategies to address the school's specific needs;
- 23 3. An assessment of the interaction and relationship among the
24 superintendent, central office personnel, and the school principal;
- 25 4. A recommendation of the steps the school may implement to launch and
26 sustain a turnaround process;
- 27 5. A recommendation to the local board of education of the turnaround

1 principles and strategies necessary for the superintendent to assist the
2 school with turnaround; and

3 6. An assessment and recommendation to the superintendent regarding the
4 principal's capacity to lead the turnaround effort in the school.

5 (b) The report of an audit conducted under this subsection shall be provided to the
6 superintendent, local board of education, school principal, commissioner of
7 education, and the Kentucky Board of Education.

8 (8) After completion of the audit described in subsection (7) of this section, each school
9 identified for comprehensive support and improvement shall engage in the
10 following turnaround intervention process:

11 (a) The superintendent and principal shall collaborate with the department to
12 create a turnaround training and support team for the school identified for
13 comprehensive support and improvement. The local board of education shall
14 approve the turnaround team;

15 (b) The authority of the school ~~principal council~~ granted under KRS 160.345
16 shall be transferred to the superintendent;

17 (c) The superintendent shall *maintain the authority to* select a principal for the
18 school if a principal vacancy occurs. The superintendent shall consult with the
19 turnaround team, parents, certified staff, and classified staff before appointing
20 a principal replacement;

21 (d) Upon recommendation of the principal, the superintendent may reassign
22 certified staff members to a comparable position in the school district;

23 (e) The superintendent shall collaborate with the turnaround team to design
24 ongoing turnaround training and support for the principal and a corresponding
25 monitoring system of effectiveness and student achievement results;

26 (f) The principal shall collaborate with the turnaround team to establish an
27 advisory leadership team representing school stakeholders including other

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

1 Required professional learning shall be related to evidence-based practices in
2 instruction, instructional materials implementation, and assessment for reading and
3 mathematics and aligned to Kentucky academic standards required by KRS
4 158.6453.

5 (10) Each superintendent or public charter school board of directors shall adopt
6 evidence-based curriculum and select high-quality instructional resources for
7 schools identified for comprehensive support and improvement. High-quality
8 instructional materials selected by the superintendent shall be determined by the
9 department to be reliable, valid, and aligned to Kentucky academic standards
10 required by KRS 158.6453 for reading and mathematics.

11 (11) The Kentucky Board of Education shall establish annual statewide exit criteria for
12 schools identified for targeted support and improvement, additional targeted support
13 and improvement, and comprehensive support and improvement.

14 (12) If a school enters comprehensive support and improvement status and does not
15 make any annual improvement, as determined by the department, for two (2)
16 consecutive years, or if the school does not exit the status after three (3) years, the
17 school shall enter a school intervention process chosen by the commissioner of
18 education that provides more rigorous support and action by the department to
19 improve the school's performance.

20 (13) For school districts that include a significant number of schools, as determined by
21 the department, identified for targeted support and improvement:

22 (a) The department shall periodically review a local board's resource allocations
23 to support school improvement and provide technical assistance to the local
24 school board; and

25 (b) The department may provide a recommended list of turnaround or school
26 intervention providers that have demonstrated success implementing
27 evidence-based strategies.

1 (14) If, in the course of a school audit, the audit team identifies information suggesting
2 that a violation of KRS 160.345~~(8)(9)~~(a) may have occurred, the commissioner of
3 education shall forward the evidence to the Office of Education Accountability for
4 investigation.

5 (15) A principal's authority and a school's right to establish an advisory~~a~~ council
6 granted under KRS 160.345 may be restored by the local board of education two (2)
7 years after the school exits comprehensive support and improvement status.

8 ➔Section 35. KRS 160.347 is amended to read as follows:

9 A member of a school advisory council may be removed from the advisory council for
10 cause, after an opportunity for hearing before the local board, by a vote of four-fifths
11 (4/5) of the membership of a board of education after the recommendation of the chief
12 state school officer pursuant to KRS 156.132. Written notices setting out the charges for
13 removal shall be spread on the minutes of the board and given to the member of the
14 advisory~~school~~ council.

15 ➔Section 36. KRS 160.348 is amended to read as follows:

16 (1) (a) The Kentucky Department of Education shall make available to schools
17 information concerning the prerequisite content necessary for success in
18 advanced coursework, including secondary courses, Advanced Placement or
19 AP courses, and International Baccalaureate or IB courses. The department
20 shall provide sample syllabi, instructional resources, and instructional
21 supports for teachers that will assist in preparing students for more rigorous
22 coursework.

23 (b) Each~~school-based decision-making council, or~~ principal~~if none exists,~~
24 shall offer a core curriculum of AP, IB, dual enrollment, dual credit courses,
25 or other advanced coursework using either or both on-site instruction or
26 online alternatives. In addition, each principal~~school-based decision-making~~
27 ~~council~~ shall comply with any additional requirements for AP, IB, dual

1 enrollment, dual credit, and advanced coursework courses that may be
2 established cooperatively by the Kentucky Department of Education, the
3 Education Professional Standards Board, and the Council on Postsecondary
4 Education in accordance with the definitions in KRS 158.007.

5 (c) When practicable, the~~[school-based decision-making council, or]~~ principal~~[if~~
6 ~~none exists,]~~ shall offer advanced coursework, as defined in KRS 158.6453, in
7 mathematics, reading, science, and English language arts for students in
8 grades four (4) through twelve (12).

9 (2) Every~~[school-based decision-making council, or]~~ principal~~[if none exists,]~~ shall
10 establish a policy that is consistent with any district plan adopted by a local board
11 of education in accordance with KRS 158.6453(21) on the recruitment and
12 assignment of students to advanced coursework options in accordance with
13 paragraph (b) of this subsection that recognizes that all students have the right to
14 participate in a rigorous and academically challenging curriculum. The policy shall
15 require that the school notifies all students, parents, and guardians of the:

16 (a) Long-term benefits of student participation in advanced coursework; and

17 (b) Advanced coursework opportunities available at the school.

18 (3) Students shall be admitted to advanced coursework in accordance with the district
19 plan adopted in accordance with KRS 158.6453(21).

20 (4) Students that successfully complete high school advanced coursework shall receive
21 credit toward graduation in accordance with KRS 158.622(3).

22 (5) Students enrolled in AP or IB courses in the public schools shall have the cost of
23 the examinations paid by the Kentucky Department of Education.

24 ➔Section 37. KRS 160.395 is amended to read as follows:

25 (1) Superintendents of public school districts shall distribute the written information
26 provided by the Office of the Attorney General and the Department for Libraries
27 and Archives under KRS 15.257 and 171.223 to each elected school board member.

1 *school principal*, and each *advisory*~~[school]~~ council member, as designated in KRS
2 160.345(2), within their respective districts. Distribution shall be accomplished
3 within sixty (60) days of receiving the written information from the Office of the
4 Attorney General and the Department for Libraries and Archives. Distribution to
5 newly elected or appointed members shall be accomplished within sixty (60) days
6 of their election or appointment. The distribution may be by electronic means.

7 (2) Superintendents shall require signatory proof that each school board member,
8 *school principal*, and *advisory*~~[school]~~ council member has received the written
9 information as required under subsection (1) of this section, shall maintain
10 documentation of receipt on file, and shall certify to the Office of the Attorney
11 General that the written information has been distributed as required.

12 ➔Section 38. KRS 160.700 is amended to read as follows:

13 As used in this chapter, unless the context otherwise requires:

14 (1) "Directory information" means the student's name, address, telephone listing, date
15 and place of birth, participation in school recognized sports and activities, height
16 and weight of members of athletic teams, dates of attendance, awards received,
17 major field of study, and the most recent previous educational agency or institution
18 attended by the student, contained in education records in the custody of the public
19 schools;

20 (2) "Educational institution" means any public school providing an elementary and
21 secondary education, including vocational;

22 (3) "Education record" means data and information directly relating to a student that is
23 collected or maintained by educational institutions or by a person acting for an
24 institution including academic records and portfolios; achievement tests; aptitude
25 scores; teacher and counselor evaluations; health and personal data; behavioral and
26 psychological evaluations; and directory data recorded in any medium including
27 handwriting, magnetic tapes, film, video, microfiche, computer-generated and

1 stored data, or data otherwise maintained and used by the educational institution or
2 a person acting for an institution. "Education record" shall not include:

3 (a) Records of instructional, supervisory, and assisting administrative personnel
4 which are in the sole possession of the maker and are not accessible or
5 revealed to any other person except a substitute for any of those persons;

6 (b) Records maintained by a law enforcement unit of the educational institution
7 that were created by that law enforcement unit for the purpose of law
8 enforcement;

9 (c) In the case of persons who are employed by an educational agency or
10 institution but who are not in attendance at that agency or institution, records
11 made and maintained in the normal course of business which relate
12 exclusively to that person in the person's capacity as an employee and are not
13 available for use for any other purpose; or

14 (d) Records on a student who is eighteen (18) years of age or older, which are
15 made, used, or maintained by a physician, psychiatrist, psychologist, or other
16 recognized professional or paraprofessional for treatment of the student, and
17 are not available to anyone other than persons providing this treatment, except
18 a physician or other appropriate professional of the student's choice; ~~and~~

19 (4) "Eligible student" means a student, or a former student, who has reached the age of
20 eighteen (18) or is pursuing an education beyond high school and therefore the
21 permission or consent required of, and the rights accorded to the parents of the
22 student shall thereafter be required of, and accorded to the student; and

23 (5) "School official" means personnel employed in instructive and administrative
24 positions with a school board or educational institution. Parents and other
25 noneducational persons who are elected or appointed to advisory ~~school-based~~
26 ~~decision-making~~ councils or committees thereof, or other voluntary boards or
27 committees shall not be considered school officials.

1 ➔Section 39. KRS 161.134 is amended to read as follows:

- 2 (1) (a) A teacher pursuing national board certification shall receive from the fund
3 established under KRS 161.133 a stipend of two hundred dollars (\$200) per
4 day for two (2) days beyond the school contract year to prepare for the
5 certification assessments.
- 6 (b) A local board of education shall provide five (5) days' released time during
7 the school year for a teacher pursuing national board certification. The local
8 board of education shall request reimbursement from the fund established
9 under KRS 161.133 for substitute teacher pay based on the local board of
10 education salary schedule for substitute teachers and for stipends paid to a
11 teacher described in subsection (3) of this section. A local board of education
12 may, at its own expense, provide additional released time for teachers
13 pursuing national board certification.
- 14 (c) If a teacher does not successfully complete all assessments required for
15 national board certification during a school year, the provisions in this
16 subsection may be applied to a second school year.
- 17 (d) When funds are not available to fully fund the requirements of paragraphs (a),
18 (b), and (c) of this subsection for all national board applicants, the board may
19 prorate the specified reimbursements in paragraphs (a) and (b) and may limit
20 the conditions under which provisions of paragraph (c) shall be applied to
21 second year participants. The board shall establish the procedures for carrying
22 out the provisions of this subsection in an administrative regulation.
- 23 (2) (a) As of July 14, 2000, a teacher who attains national board certification shall be
24 reimbursed seventy-five percent (75%) of the certification fee for the initial
25 ten (10) year certificate, except the Education Professional Standards Board
26 may decrease the percentage of reimbursement if a teacher receives payment
27 other than a repayable loan for the same purpose from another source and the

1 cumulative amount would exceed one hundred percent (100%) of the cost of
2 the certification fee.

3 (b) Fees for retaking one (1) or more entries of the national board assessment for
4 the initial national board certificate and fees for renewal of the certificate shall
5 be at the teacher's expense.

6 (c) ~~[Nothing in]~~This subsection shall ***not*** prohibit the board from reimbursing a
7 percentage of the initial certification fee to a teacher who has received a
8 repayable loan from a local board of education or other agency to offset initial
9 costs.

10 (3) A national board certified teacher may receive a stipend in addition to his or her
11 annual compensation for serving as a mentor to teachers within his or her school or
12 school district. The Education Professional Standards Board shall promulgate
13 administrative regulations under which a local board of education, in
14 ***coordination***~~[cooperation]~~ with the ***school principal***~~[school-based decision-making~~
15 ~~council]~~, may establish a mentoring program within a school to utilize national
16 board certified teachers. The administrative regulations shall specify the conditions
17 for the mentoring program as well as the amount of the stipend that will be
18 provided to a teacher serving as a mentor.

19 ➔Section 40. KRS 164.757 is amended to read as follows:

20 (1) ***As used in***~~[For purposes of]~~ this section, unless the context requires otherwise:

21 (a) "Critical shortage area" means an area in which there are insufficient numbers
22 of fully certified staff in a particular subject, school, or geographic location;

23 (b) "Emergency certified teacher" means an individual who has not completed
24 certification requirements but has been awarded a temporary certificate for a
25 certification area in which no fully qualified teacher was available;

26 (c) "Qualified teacher" means a teacher who holds the appropriate certification
27 for a position unless the superintendent of the employing local school district

1 has documented evidence that the teacher is unsuitable for appointment;

2 (d) "Qualified teaching service" means teaching for at least seventy (70) days
3 each semester or the equivalent in the certification area for which an
4 individual received a forgivable loan in the Kentucky school district that
5 recommended the individual for a loan or in another Kentucky private or
6 public school district in the certification area for which an individual received
7 a forgivable loan if no position was available in the recommending school
8 district at the time when the individual completed his or her certification;

9 (e) "Semester" means a period which usually makes up one-half (1/2) of a school
10 year or one-half (1/2) of a postsecondary institution's academic year; and

11 (f) "Summer term" means an academic period consisting of one (1) or more
12 sessions of instruction between a spring and a fall semester at a postsecondary
13 education institution.

14 (2) To increase the number of qualified teachers in local school districts and to reduce
15 the number of emergency certified teachers, there is hereby created the district
16 teacher certification loan fund in the State Treasury. The loans shall be used to
17 provide forgivable loans to emergency certified personnel, fully certified teachers
18 who are willing to seek additional certification in hard-to-fill or critical shortage
19 areas, and paraprofessionals in local school districts to become fully certified
20 teachers and to continue service within the local district.

21 (3) The fund shall be administered by the Kentucky Higher Education Assistance
22 Authority. The authority shall promulgate administrative regulations to specify the
23 terms and conditions of the award, cancellation, and repayment of loans, including
24 but not limited to the maximum amount that may be loaned per term and the
25 maximum aggregate amount per applicant, the selection process, eligibility for
26 renewal, the specific administrative procedures for utilizing the funds, and the rate
27 of repayment.

- 1 (4) To qualify for a forgivable loan, an applicant shall meet the following requirements:
- 2 (a) Be employed by a specific local district as a certified teacher, an emergency
- 3 full-time or part-time teacher, an emergency substitute teacher, or a
- 4 paraprofessional at the time he or she makes application for the loan;
- 5 (b) Be recommended by the superintendent as an individual that he or she would
- 6 recommend to be employed in a teaching position for which the applicant is
- 7 pursuing certification if the applicant fulfills all credentialing requirements;
- 8 (c) Be endorsed by the principal~~[school-based decision-making council]~~ of the
- 9 school in which he or she serves to receive a loan for the purposes of
- 10 obtaining teacher certification in a specific certification area; except that the
- 11 endorsement shall not be construed as a commitment of securing a position in
- 12 the particular school in the future;
- 13 (d) Be admitted and enrolled as an undergraduate or graduate student in a
- 14 Kentucky private or public postsecondary institution that offers a teacher
- 15 certification program in the area for which he or she is seeking certification;
- 16 and
- 17 (e) Be enrolled in a minimum of six (6) credit hours and not more than nine (9)
- 18 credit hours during each semester of an academic term while employed
- 19 concurrently in the school district and in not less than six (6) credit hours
- 20 during the summer term. If a school district recommends an applicant for a
- 21 loan under provisions of this section and grants a leave of absence to the
- 22 employee to pursue certification, the employee shall be enrolled as a full-time
- 23 undergraduate or graduate student as defined by the institution in which he or
- 24 she is enrolled.
- 25 (5) A participant in a local district alternative certification program as defined in KRS
- 26 161.048(2) may be eligible for a loan under provisions of this section to offset costs
- 27 associated with the program. The authority shall establish by administrative

1 regulation the specific requirements, notwithstanding requirements in subsection (4)
2 of this section.

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

8 (7) Recipients shall render one (1) semester of qualified teaching service for each
9 semester or summer term for which a loan was received. Upon completion of each
10 semester of qualified teacher service, the authority shall cancel the appropriate
11 portion of the promissory notes.

12 (8) If the recipient of a loan fails to complete the certification at a participating
13 institution or fails to render qualified teaching service in any semester following
14 certification, unless the failure is temporarily waived for cause by the authority, the
15 recipient shall immediately become liable to the authority for repayment of the sum
16 of all outstanding promissory notes and accrued interest. Persons liable for
17 repayment of loans under this subsection shall be liable for interest accruing from
18 the dates on which the loans were disbursed.

19 (9) Failure to meet repayment obligations imposed by this section shall be cause for the
20 revocation of a person's certification, subject to the procedures set forth in KRS
21 161.120.

22 (10) All moneys repaid to the authority under this section shall be added to the fund in
23 this section. Any fund balance at the close of a fiscal year shall not lapse but shall
24 be carried forward to the next fiscal year and continuously appropriated for the
25 purposes specified in this section.

26 (11) The authority may execute appropriate contracts and promissory notes for
27 administering this section.

1 (12) If available funds are insufficient for all requested loans for eligible applicants
2 during any fiscal year, the authority shall give priority consideration to eligible
3 applicants who previously received loans. If funds are insufficient to make all
4 requested renewal loans to eligible applicants, the authority shall reduce all loans to
5 the extent necessary to provide loans to all qualified renewal applicants. If, after
6 awarding all eligible renewal applicants, funds are not depleted, priority shall be
7 given to loans for those applicants who are seeking certification in critical shortage
8 areas.

9 ➔Section 41. KRS 605.110 is amended to read as follows:

10 (1) (a) Any child committed to or in the custody of the cabinet or the Department of
11 Juvenile Justice who is not placed in a location where smoking cessation
12 services are provided may participate in smoking cessation services offered by
13 local health departments or their contracted agents at no cost.

14 (b) Unless provided otherwise, when any child committed to or in the custody of
15 the Department of Juvenile Justice or the cabinet requires medical or surgical
16 care or treatment, the Department of Juvenile Justice or the cabinet may
17 provide the same or arrange for the furnishing thereof by other public or
18 private agencies, and may give consent to the medical or surgical treatment.
19 For this purpose, the services and facilities of local health officers and
20 departments shall be made available, at a cost not to exceed the Medicaid
21 reimbursement rate, to the Department of Juvenile Justice or the cabinet, and
22 as far as practicable, any publicly owned hospital shall provide hospitalization
23 without charge for any such child who is a resident of the political subdivision
24 by which the hospital is owned or operated. This section does not authorize
25 nor shall permission be granted for abortion or sterilization.

26 (2) Any child placed in a foster home by an agency duly authorized in KRS Chapter
27 620 to place a child in a foster home shall receive a complete medical, visual, and

1 dental examination by a professional authorized by the Kentucky Revised Statutes
2 to conduct such examinations. Arrangements for a child placed in a foster home to
3 receive such examinations shall be made within two (2) weeks of his or her
4 placement in a foster home and not less than every twelve (12) months thereafter.

5 (3) Children maintained in any of the facilities and programs operated or contracted by
6 the Department of Juvenile Justice or the cabinet shall, so far as possible, receive a
7 common school education.

8 (a) The Kentucky Educational Collaborative for State Agency Children shall be
9 established to serve children in facilities and programs operated or contracted
10 by the Department of Juvenile Justice or the Cabinet for Health and Family
11 Services, residential, day treatment, clinical, and group home programs. All
12 policies and procedures necessary to educate state agency children shall be
13 approved by the Kentucky Board of Education. All duties, responsibilities,
14 rights, and privileges specifically imposed on or granted to the local education
15 administration units shall be imposed on or granted to the Department of
16 Juvenile Justice or the Cabinet for Health and Family Services and contracted
17 agencies with regard to educating agency children. Classrooms for the
18 Kentucky Educational Collaborative for State Agency Children shall be
19 within or near the facilities and programs operated or contracted by the
20 Department of Juvenile Justice or the cabinet. The Kentucky Department of
21 Education, the Department of Juvenile Justice, and the Cabinet for Health and
22 Family Services, Department for Community Based Services, shall develop a
23 biennial plan regarding the educational needs and provisions of educational
24 programs, with emphasis on the coordination of all treatment services and
25 funds available to provide for the education of state agency children. The
26 biennial plan shall include strategies to assure that teacher preparation
27 programs include content related to working with state agency children and

1 that adequate professional development opportunities for better meeting the
2 needs of these students are available for teachers and schools.

3 (b) Teachers and other staff shall be hired on contract through a local school
4 district or if a local school district is not willing to participate, teachers may
5 be hired by the Kentucky Educational Collaborative for State Agency
6 Children or a contract may be entered into with a private provider of
7 educational services. All certified educational staff hired by the Kentucky
8 Educational Collaborative for State Agency Children shall be members of the
9 Kentucky Teachers' Retirement System.

10 (c) Beginning July 1, 1993, the Kentucky Education Collaborative for State
11 Agency Children shall be financed through:

- 12 1. The amount generated by state agency children under the Support
13 Education Excellence in Kentucky program as provided in KRS 157.360
14 for the guaranteed base and adjustments for the number of at-risk
15 students, exceptional students, and transportation costs;
- 16 2. A per-pupil distribution of professional development funds with the
17 collaborative serving as a consortium for state agency children;
- 18 3. A per-pupil distribution of technology funds in accordance with the state
19 education technology plan pursuant to KRS 156.670 and the formula for
20 the distribution of funds to local school districts;
- 21 4. A per-pupil distribution of textbook funds pursuant to KRS 157.100 and
22 157.190;
- 23 5. The funding for school services for state agency children authorized by
24 KRS 158.135; and
- 25 6. Other grants and entitlements, including federal funds, identified in the
26 implementation plan developed pursuant to paragraph (f) of this
27 subsection for the education of Kentucky's children.

1 (d) The commissioner of Juvenile Justice and the secretary of the Cabinet for
2 Health and Family Services shall promulgate administrative regulations,
3 pursuant to KRS Chapter 13A, with the assistance of the Kentucky
4 Department of Education and upon recommendation of the Kentucky Board
5 of Education regarding the governance, curriculum, and other topics
6 necessary to educate state agency children. The regulations shall:

7 1. Provide for the development and implementation of interagency
8 agreements that:

9 a. Define the financial responsibility of each state and local agency
10 for providing services to state agency children;

11 b. Establish procedures for resolving interagency disputes among
12 agencies that are parties to the agreements; and

13 2. Provide procedures for the implementation of the Kentucky statutes
14 regarding school-based policies as defined in Section 1 of this
15 Act~~decision-making~~, student outcomes, accountability, assessment,
16 rewards and sanctions, technology, staff development, salaries, and the
17 development of coordinated individual treatment, education, and
18 transition plans to ensure compliance with present education and
19 treatment laws and regulations specific to the needs of children in the
20 programs of the Cabinet for Health and Family Services.

21 (e) When the placement of a state agency child is changed so that the state agency
22 child must transfer from one school or educational facility to a different
23 school or educational facility, the school or educational facility that the state
24 agency child is leaving shall, within two (2) days of the state agency child
25 leaving, prepare an educational passport for the child, which shall be
26 delivered to the cabinet or the Department of Juvenile Justice. The cabinet or
27 the Department of Juvenile Justice shall, within two (2) days of enrolling a

1 state agency child in a new school or educational facility, present the
2 educational passport to the receiving school or educational facility.

3 (f) The commissioner of Juvenile Justice and the secretary of the Cabinet for
4 Health and Family Services and the commissioner of the state Department of
5 Education shall initiate development of a plan for implementation of the
6 Kentucky Educational Collaborative for State Agency Children.

7 ➔Section 42. KRS 160.1596 is amended to read as follows:

8 (1) (a) For purposes of this section, a member of the board of directors of a public
9 charter school shall be considered an officer under KRS 61.040 and shall,
10 within sixty (60) days of final approval of an application, take an oath of
11 office as required under KRS 62.010.

12 (b) Within seventy-five (75) days of the final approval of an application, the
13 board of directors and the authorizer shall enter into a binding charter contract
14 that establishes the academic and operational performance expectations and
15 measures by which the public charter school will be evaluated.

16 (c) The executed charter contract shall become the final authorization for the
17 public charter school. The charter contract shall include:

- 18 1. The term of the contract;
- 19 2. The agreements relating to each item required under KRS 160.1592(3)
20 and 160.1593(3), as modified or supplemented during the approval
21 process;
- 22 3. The rights and duties of each party;
- 23 4. The administrative relationship between the authorizer and the public
24 charter school;
- 25 5. The allocation of state, local, and federal funds, and the schedule to
26 disburse funds to the public charter school by the authorizer;
- 27 6. The process the authorizer will use to provide ongoing oversight,

- 1 including a process to conduct annual site visits;
- 2 7. The specific commitments of the public charter school authorizer
- 3 relating to its obligations to oversee, monitor the progress of, and
- 4 supervise the public charter school;
- 5 8. The process and criteria the authorizer will use to annually monitor and
- 6 evaluate the overall academic, operating, and fiscal conditions of the
- 7 public charter school, including the process the authorizer will use to
- 8 oversee the correction of any deficiencies found in the annual review;
- 9 9. The process for revision or amendment to the terms of the charter
- 10 contract agreed to by the authorizer and the board of directors of the
- 11 public charter school;
- 12 10. The process agreed to by the authorizer and the board of directors of the
- 13 public charter school that identifies how disputes between the authorizer
- 14 and the board will be handled; and
- 15 11. Any other terms and conditions agreed to by the authorizer and the
- 16 board of directors, including pre-opening conditions. Reasonable
- 17 conditions shall not include enrollment caps or operational requirements
- 18 that place undue constraints on a public charter school or are
- 19 contradictory to the provisions of KRS 160.1590 to 160.1599 and
- 20 161.141. Such conditions, even when incorporated in a charter contract,
- 21 shall be considered unilaterally imposed conditions.
- 22 (d) 1. The performance provisions within a charter contract shall be based on a
- 23 performance framework that sets forth the academic and operational
- 24 performance indicators, measures, and metrics to be used by the
- 25 authorizer to evaluate each public charter school. The performance
- 26 framework shall include at a minimum indicators, measures, and metrics
- 27 for:

- 1 a. Student academic proficiency;
- 2 b. Student academic growth;
- 3 c. Achievement gaps in both student proficiency and student growth
- 4 for student subgroups, including race, sex, socioeconomic status,
- 5 and areas of exceptionality;
- 6 d. Student attendance;
- 7 e. Student suspensions;
- 8 f. Student withdrawals;
- 9 g. Student exits;
- 10 h. Recurrent enrollment from year to year;
- 11 i. College or career readiness at the end of grade twelve (12);
- 12 j. Financial performance and sustainability; and
- 13 k. Board of directors' performance and stewardship, including
- 14 compliance with all applicable statutes, administrative regulations,
- 15 and terms of the charter contract.
- 16 2. The performance framework shall allow the inclusion of additional
- 17 rigorous, valid, and reliable indicators proposed by a public charter
- 18 school to augment external evaluations of its performance. The proposed
- 19 indicators shall be consistent with the purposes of KRS 160.1590 to
- 20 160.1599 and 161.141 and shall be negotiated with the authorizer.
- 21 3. The performance framework shall require the disaggregation of student
- 22 performance data by subgroups, including race, sex, socioeconomic
- 23 status, and areas of exceptionality.
- 24 4. The authorizer shall be responsible for collecting, analyzing, and
- 25 reporting to the state board all state-required assessment and
- 26 achievement data for each public charter school it oversees.
- 27 (e) Annual student achievement performance targets shall be set, in accordance

1 with the state accountability system, by each public charter school in
2 conjunction with its authorizer, and those measures shall be designed to help
3 each school meet applicable federal, state, and authorizer goals.

4 (f) The charter contract shall be signed by the chair of the governing board of the
5 authorizer and the chair of the board of directors of the public charter school.

6 An approved charter application shall serve as a charter contract for the public
7 charter school.

8 (g) No public charter school may commence operations without a charter contract
9 executed according to this section and approved in an open meeting of the
10 governing board of the authorizer.

11 (2) Within five (5) days after entering into a charter contract, a copy of the executed
12 contract shall be submitted by the authorizer to the commissioner of education.

13 (3) For the purposes of local and state funding, a public charter school shall serve as a
14 school of the district of location.

15 (4) For the purposes of federal funding, a public charter school shall serve as a local
16 education agency.

17 (5) All students enrolled in a public charter school shall be included in the average
18 daily attendance calculation under KRS 157.360 and the aggregate and average
19 daily attendance of transported pupils calculation under KRS 157.370 of the district
20 of location in the same manner as any other public schools in the district and shall
21 be reported by the public charter schools to the school district and state Department
22 of Education for purposes of calculating the state and local share of funding for
23 each public charter school.

24 (6) Notwithstanding the formula for allocating district funds under KRS
25 160.345~~(7)~~~~(8)~~ and any other statute governing a district's funding of schools,
26 unless an authorizing district agrees to provide a larger sum of funding in the
27 charter contract, after local capital outlay funds that are restricted in use pursuant to

1 KRS 157.420(4) and funds under KRS 157.440(1)(b) and 157.621 necessary to
2 meet debt service obligations on bonds or other financing mechanisms for new
3 construction and renovation projects for school facilities are excluded, and before
4 any other funds are budgeted for district use, a district shall transfer to each of the
5 public charter schools located within the district:

6 (a) The amount that is proportional to the public charter school's enrollment or
7 average daily attendance in comparison with the overall district qualifying
8 numbers for:

- 9 1. Funds that are related to students' attendance and enrollment and
10 allocated to the district of location pursuant to KRS 157.360;
- 11 2. Any add-on or funding factors provided for in the state budget;
- 12 3. Any add-on or funding factors provided for by the Kentucky
13 Department of Education; and
- 14 4. Funds pursuant to KRS 157.360(2)(a) and (b) and (13)(a).

15 For each funding source identified in this paragraph, the transfer amount shall
16 be based on the public charter school's qualifying student enrollment or
17 average daily attendance, depending on the method used in the funding
18 source's calculation;

19 (b) On a proportionate per pupil basis:

- 20 1. Education funds allocated to the school district pursuant to KRS
21 157.440(1)(a) and (2)(a), or pursuant to any applicable federal statute;
22 and
- 23 2. All taxes and payments in lieu of taxes transferred to the district of
24 location or levied and collected by the district of location; and

25 (c) On a proportionate per pupil transported basis, transportation funds calculated
26 pursuant to KRS 157.360(2)(c) and 157.370 and distributed to the district of
27 location, unless the school district provides transportation to students

1 attending the public charter school under written terms agreed upon by the
2 district and the public charter school in either the charter contract or, if the
3 district is not the public charter school's authorizer, a separate agreement.

4 (7) (a) If transportation funds are transferred under this section to a public charter
5 school, then the public charter school receiving those funds shall provide
6 transportation services to the enrolled students residing within the district of
7 location.

8 (b) If funds designated for providing additional services to specific students are
9 transferred under this section, then the public charter school receiving those
10 funds shall provide those services in the same manner as the district of
11 location.

12 (c) If transportation services are not provided by the public charter school and no
13 written agreement to provide transportation services with the district of
14 location exists, then no transportation funds shall be transferred and the
15 district of location shall not be responsible for providing transportation to the
16 public charter school's students.

17 (8) Notwithstanding the identification of funds to be transferred in this section, a
18 collaborative among local school boards authorizing a public charter school may
19 negotiate among the local boards and a charter applicant to identify the amount of
20 funds to be transferred to the public charter school. The agreement shall be detailed
21 in the charter contract.

22 (9) (a) For the calculation of amounts under subsections (6) and (7) of this section
23 during the first school year of operation of a public charter school in a school
24 district, beginning with the start of instruction:

25 1. The public charter school's average daily attendance shall be calculated
26 based on a projection of the public charter school's enrollment and the
27 district's overall average daily attendance;

- 1 2. The public charter school's aggregate daily attendance of students
2 transported shall be calculated based on a projection of the public
3 charter school's enrollment and transportation plan and the district's
4 overall aggregate daily attendance of students transported; and
- 5 3. The amounts attributable to each individual student's attendance at the
6 public charter school shall be calculated based on a projection of the
7 public charter school's enrollment and demographics and the district's
8 overall enrollment and demographics.
- 9 (b) The calculations shall be adjusted in January of the first school year of
10 operation to reflect the first semester's actual data. Subsequent years of
11 operation shall be calculated using actual data from the prior school year.
- 12 (10) (a) Funds identified for transfer under this section shall be transferred by a district
13 of location to each of the public charter schools located within the district.
14 However, up to three percent (3%) of the funds identified under this section
15 for transfer to a public charter school may be retained by an authorizer as an
16 authorizer fee.
- 17 (b) If the authorizer of a public charter school does not include the local board of
18 education of the district of location, then the district of location shall transfer
19 the authorizer fee to the public charter school's authorizer.
- 20 (c) If the Kentucky Board of Education requires the authorization of a public
21 charter school on appeal from an authorizer, the board shall receive twenty-
22 five percent (25%) of the authorizing fee for the duration of joint oversight
23 required by KRS 160.1595.
- 24 (11) Funds identified for transfer by a district of location to a public charter school under
25 this section shall be transferred throughout the school year according to a schedule
26 determined by the state board. The scheduled dates shall be within thirty (30) days
27 of the dates of state disbursement of funds to school districts. Failure to transfer

1 required funds shall, for every five (5) days late, result in a fine to the violator of
2 not less than five percent (5%) of the total funds per funding period to be
3 transferred. Fines imposed shall be transferred to the public charter school affected
4 by the delay.

5 (12) A public charter school shall be eligible for federal and state competitive grants and
6 shall not be excluded from an opportunity to apply or participate so long as the
7 public charter school meets the criteria established for the respective grants. Each
8 public charter school that receives grant aid shall comply with all requirements to
9 receive such aid.

10 (13) A public charter school shall receive a proportionate per pupil share of any state
11 moneys not otherwise identified in this section that is received by the school district
12 of location. The public charter school shall also receive, according to federal law,
13 moneys generated under federal categorical aid programs for students that are
14 eligible for the aid and attending the public charter school. Each public charter
15 school that receives such aid shall comply with all requirements to receive such aid.

16 (14) The commissioner of education shall apply for all federal funding that supports
17 charter school initiatives for which a state must be the applicant and shall cooperate
18 with any public charter school in its efforts to seek federal funding.

19 (15) If a public charter school closes for any reason, the assets of the school shall be
20 distributed first to satisfy outstanding payroll obligations for employees of the
21 school, then to the creditors of the school, then to the district of location or
22 authorizing districts if authorized by a collaborative of local boards of education. If
23 the assets are insufficient to satisfy outstanding obligations, the authorizer shall
24 petition to Circuit Court of the county in which the public charter school is located
25 to prioritize the distribution of assets.

26 (16) The state board shall promulgate administrative regulations to:

27 (a) Establish the process to be used to evaluate the performance of a charter

1 school authorizer, based upon the requirements of KRS 160.1590 to 160.1599
2 and 161.141, and the actions to be taken in response to failures in
3 performance; and

4 (b) Govern the calculation and distribution of funds due to public charter schools
5 from school districts, the schedule of distribution of funds, and the imposition
6 of fines for late distribution of funds.

7 (17) By August 31, 2023, and annually thereafter, each public charter school authorizer
8 shall submit to the commissioner of education, the secretary of the Education and
9 Labor Cabinet, and the Interim Joint Committee on Education a report to include:

10 (a) The names of each public charter school operating under contract with the
11 authorizer during the previous academic year that:

12 1. Closed during or after the academic year; or

13 2. Had the contract nonrenewed or revoked;

14 (b) The names of each public charter school operating under contract with the
15 authorizer during the previous academic year that have not yet begun to
16 operate;

17 (c) The number of applications received, the number reviewed, and the number
18 approved;

19 (d) A summary of the academic and financial performance of each public charter
20 school operated under contract with the authorizer during the previous
21 academic year; and

22 (e) The authorizing duties and functions performed by the authorizer during the
23 previous academic year.

24 ➔Section 43. KRS 156.132 is amended to read as follows:

25 As used in this section, except subsection (1), "public school officer" means a person who
26 previously served as a superintendent of schools during which time charges were brought
27 against him or her under this section.

- 1 (1) The chief state school officer shall recommend, by written charges to the proper
2 school authorities having immediate jurisdiction, the removal of any superintendent
3 of schools, principal, teacher, member of an advisory~~[a school]~~ council, or other
4 public school officer as to whom he or she has reason to believe is guilty of
5 immorality, misconduct in office, incompetency, willful neglect of duty, or
6 nonfeasance. In the case of a member of an advisory~~[a school]~~ council, the written
7 charges shall be provided to the local board of education.
- 8 (2) The chief state school officer shall recommend by written charges the suspension
9 by the Kentucky Board of Education of any superintendent of schools or other
10 public school officer whom he or she has reason to believe is guilty of immorality,
11 misconduct in office, incompetency, willful neglect of duty, or nonfeasance. If the
12 charges brought under this subsection represent an immediate threat to the public
13 health, safety, or welfare, the Kentucky Board of Education shall summarily
14 suspend the person against whom the charges are made. The action by the Kentucky
15 Board of Education may be taken upon a recommendation of the chief state school
16 officer, or the action may be taken by a majority vote of the Kentucky Board of
17 Education without recommendation from the chief state school officer.
- 18 (3) The Kentucky Board of Education may suspend a district superintendent of schools
19 or other public school officer under subsection (2) of this section or remove him or
20 her pursuant to subsection (5) of this section only if, after thirty (30) days of receipt
21 of the written charges specified in subsection (1) of this section, the proper school
22 authorities having immediate jurisdiction, either the superintendent or the district
23 board of education, have refused to act, have acted in bad faith, arbitrarily, or
24 capriciously, or if a recommendation to the district board would have been futile.
- 25 (4) Any officer suspended by the Kentucky Board of Education under subsection (2) of
26 this section shall be furnished with an emergency order specifying in detail the
27 reasons for suspension and notifying the officer of his or her right to appeal the

- 1 action and have an emergency hearing pursuant to KRS 13B.125.
- 2 (5) As an alternative to first seeking suspension, the chief state school officer may
3 recommend by written charges the removal by the Kentucky Board of Education of
4 any superintendent of schools or other public school officer whom he or she has
5 reason to believe is guilty of immorality, misconduct in office, incompetency,
6 willful neglect of duty, or nonfeasance. The officer against whom the written
7 charges are issued by the chief state school officer shall be furnished with the
8 written charges and notice of procedural rights conferred under KRS Chapter 13B.
9 Within twenty (20) days after receipt of the charges, the officer may notify the
10 Kentucky Board of Education of his or her intention to appear and answer the
11 charges. Upon appeal, an administrative hearing shall be conducted in accordance
12 with KRS Chapter 13B. If the officer fails to notify the board of his or her intention
13 to appear and answer the charges, the Kentucky Board of Education may remove
14 the officer by a majority vote, and the dismissal shall be final.
- 15 (6) The hearing shall be public or private at the discretion of the accused former or
16 current superintendent and shall be public when testimony is taken for board
17 members.
- 18 (7) The Kentucky Board of Education may meet in closed session to consider the
19 evidence and may by a majority vote remove the officer. If the board votes to
20 remove the officer, the board shall prepare final order specifying which charge or
21 charges it found to be the basis for removal. If within ninety (90) days from the date
22 of suspension if applicable, the state board has not removed the officer, or has
23 dismissed the charges, the suspended officer shall be reinstated and shall be paid his
24 or her full salary for the period of suspension.
- 25 (8) The officer shall have a right to appeal on the record to the Circuit Court located in
26 the county of the school district in accordance with KRS Chapter 13B. If the
27 decision of the court is against removal, the officer shall be paid his or her full

1 salary from the date of suspension. The payment shall be made from funds
2 appropriated to the State Department of Education.

3 (9) If a superintendent of schools is removed from office or resigns while charges are
4 pending pursuant to this section after July 15, 1994, any continuing contract
5 pursuant to KRS 161.720 to 161.810 shall be terminated. If the removal is reversed
6 upon appeal, the continuing contract shall be restored and he or she shall be paid
7 his or her full salary for the period of suspension.

8 ➔Section 44. KRS 158.305 is amended to read as follows:

9 (1) As used in this section:

10 (a) "Aphasia" means a condition characterized by either partial or total loss of the
11 ability to communicate verbally or through written words. A person with
12 aphasia may have difficulty speaking, reading, writing, recognizing the names
13 of objects, or understanding what other people have said. The condition may
14 be temporary or permanent and does not include speech problems caused by
15 loss of muscle control;

16 (b) "Dyscalculia" means the inability to understand the meaning of numbers, the
17 basic operations of addition and subtraction, the complex operations of
18 multiplication and division, or to apply math principles to solve practical or
19 abstract problems;

20 (c) "Dysgraphia" means difficulty in automatically remembering and mastering
21 the sequence of muscle motor movements needed to accurately write letters or
22 numbers;

23 (d) "Dyslexia" has the same meaning as in KRS 158.307;

24 (e) "Enrichment program" means accelerated intervention within the school day
25 or outside of the school day or school calendar led by individuals most
26 qualified to provide the intervention that includes evidence-based reading
27 instructional programming related to reading instruction in the areas of

1 phonemic awareness, phonics, fluency, vocabulary, and comprehension, and
2 other instructional strategies aligned to reading and writing standards required
3 by KRS 158.6453 and outlined in administrative regulation promulgated by
4 the Kentucky Board of Education;

5 (f) "Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21);

6 (g) "Phonemic awareness" has the same meaning as in KRS 158.307;

7 (h) "Reading diagnostic assessment" has the same meaning as in KRS 158.792;

8 (i) "Reading improvement plan" means an accelerated intervention plan for a
9 student in kindergarten through grade four (4) that is developed to increase a
10 student's rate of progress toward proficient performance in reading that is
11 identified as necessary based on the student's results on an approved reading
12 diagnostic assessment. This plan should be developed in collaboration and
13 accordance with any existing program services plan, individualized education
14 program, or Section 504 Plan unless the program services plan, individualized
15 education program, or Section 504 Plan already addresses improving reading;

16 (j) "Reading improvement team" means a team that develops and oversees the
17 progress of a reading improvement plan and includes:

- 18 1. The parent or guardian of the student that is the subject of the reading
19 improvement plan;
- 20 2. No less than one (1) regular education teacher of the student to provide
21 information about the general curriculum for same-aged peers;
- 22 3. A representative of the local education agency who is knowledgeable
23 about the reading curriculum and the availability of the evidence-based
24 literacy resources of the local education agency; and
- 25 4. Any specialized certified school employees for students receiving
26 language instruction educational programming or special education
27 services; and

- 1 (k) "Universal screener" means a process of providing a brief assessment to all
2 students within a grade level to assess the students' performance on the
3 essential components of reading.
- 4 (2) Notwithstanding any other statute or administrative regulation to the contrary, the
5 Kentucky Board of Education shall promulgate administrative regulations to further
6 define a multitiered system of supports for district-wide use of a system for students
7 in kindergarten through grade three (3), that includes a tiered continuum of
8 interventions with varying levels of intensity and duration and which connects
9 general, compensatory, and special education programs to provide interventions
10 implemented with fidelity to evidence-based research and matched to individual
11 student strengths and needs. At a minimum, evidence of implementation shall be
12 submitted by the district to the department by October 1 of each year and shall
13 include but not be limited to the activities required under KRS 158.649.
- 14 (3) The department shall provide technical assistance and training, if requested by a
15 local district, to assist in the implementation of the district-wide, multitiered system
16 of supports as a means to identify and assist any student experiencing difficulty in
17 reading, writing, mathematics, or behavior and to determine appropriate
18 instructional modifications needed by advanced learners to make continuous
19 progress.
- 20 (4) The technical assistance and training shall be designed to improve:
- 21 (a) The use of specific screening processes and programs to identify student
22 strengths and needs;
- 23 (b) The use of screening data for designing instructional interventions;
- 24 (c) The use of multisensory instructional strategies and other interventions
25 validated for effectiveness by evidence-based research;
- 26 (d) Progress monitoring of student performance; and
- 27 (e) Accelerated, intensive, direct instruction that addresses students' individual

1 differences, including advanced learners, and enables students that are
2 experiencing difficulty to catch up with typically performing peers.

3 (5) (a) Each superintendent or public charter school board of directors shall select:

4 1. At least one (1) universal screener for reading that is determined by the
5 department to be reliable and valid to be administered to all students in
6 kindergarten through grade three (3); and

7 2. At least one (1) reading diagnostic assessment for reading that is
8 determined by the department to be reliable and valid to be administered
9 as part of a multitiered system of supports for students in kindergarten
10 through grade three (3).

11 (b) Notwithstanding KRS 158.6453(19) and 160.345, each superintendent or
12 public charter school board shall adopt a common comprehensive reading
13 program that is determined by the department to be reliable, valid, and aligned
14 to reading and writing standards required by KRS 158.6453 and outlined in
15 administrative regulation promulgated by the Kentucky Board of Education
16 for kindergarten through grade three (3) for all schools or a subset of schools,
17 with consultation of all affected elementary advisory~~[school]~~ councils.

18 (c) All teachers of students in kindergarten through grade three (3), including
19 public charter school teachers, shall be trained on any reading diagnostic
20 assessment and universal screener selected by the superintendent or public
21 charter school board prior to administration of the assessment. The training
22 shall address:

23 1. How to properly administer the reading diagnostic assessment;
24 2. How to interpret the results of the reading diagnostic assessment to
25 identify students needing interventions;
26 3. How to use the assessment results to design instruction and
27 interventions;

- 1 4. The use of the assessment to monitor the progress of student
2 performance; and
- 3 5. The use of accelerated, intensive, and direct instruction that addresses
4 students' individual differences and enables students to achieve
5 proficiency in reading, including but not limited to daily, one-on-one
6 instruction.
- 7 (6) A universal screener determined by the department to be reliable and valid shall be:
- 8 (a) Given in the first forty-five (45) days of the school year for all kindergarten
9 students at a public school or public charter school;
- 10 (b) Given in the first thirty (30) days of the school year for grades one (1) through
11 three (3) at a public school or public charter school; and
- 12 (c) Given within the final fourteen (14) instructional days of the school year to all
13 students in kindergarten and first grade at a public school or public charter
14 school.
- 15 (7) A reading improvement plan shall be developed and implemented by a reading
16 improvement team for any student in kindergarten through grade three (3) identified
17 as needing accelerated interventions to progress toward proficient performance in
18 reading. The reading improvement plan shall require:
- 19 (a) Intensive intervention that includes effective instructional strategies and
20 appropriate instructional materials necessary to help the student make
21 accelerated progress toward proficient performance in reading and become
22 ready for the next grade, including but not limited to daily, one-on-one
23 instruction with students the most in need provided by certified teachers
24 specifically trained to provide one-on-one instruction;
- 25 (b) A school to provide a written quarterly progress report containing the
26 information required by paragraph (a) of this subsection to a parent or
27 guardian of any student subject to a reading improvement plan. The written

1 quarterly progress report for the reading improvement plan may be included
2 in the school's existing quarterly progress report; and

3 (c) Individual placement decisions for children who are eligible for special
4 education and related services to be determined by the appropriate admissions
5 and release committee in accordance with administrative regulations
6 promulgated by the Kentucky Board of Education.

7 (8) If a student's rate of progress toward proficient performance in reading needs
8 accelerated interventions as demonstrated by the results of an approved reading
9 diagnostic assessment, the local school district shall provide:

10 (a) Enrichment programs through grade three (3) using evidence-based reading
11 instruction and other strategies;

12 (b) Intensive instructional services, progress monitoring measures, and supports
13 to students through grade three (3); and

14 (c) Parents and legal guardians of students identified for accelerated interventions
15 in reading in kindergarten through grade three (3) with a "Read at Home"
16 plan, including information on how to participate in regular parent-guided
17 home reading.

18 (9) (a) Beginning in the 2025-2026 school year:

19 1. A kindergarten student who had a reading improvement plan for the
20 school year may remain in kindergarten for an additional school year if a
21 school determines that the student:

22 a. Did not meet grade level benchmarks in reading while in
23 kindergarten as determined by the universal screener given in
24 accordance with subsection (6) of this section;

25 b. Did not master the Kentucky reading academic standards for
26 kindergarten students based on assessments given in accordance
27 with KRS 158.6453(8); or

- 1 c. Is not properly prepared to be successful in the first grade; and
- 2 2. A first-grade student who had a reading improvement plan for the
- 3 school year shall remain in first grade for an additional school year if a
- 4 school determines that the student:
- 5 a. Did not meet grade level benchmarks in reading while in first
- 6 grade as determined by the universal screener given in accordance
- 7 with subsection (6) of this section;
- 8 b. Did not master the Kentucky reading academic standards for first
- 9 grade students based on assessments given in accordance with
- 10 KRS 158.6453(8); or
- 11 c. Is not properly prepared to be successful in the second grade.
- 12 (b) Notwithstanding paragraph (a) of this subsection, placement decisions for
- 13 students eligible for special education and related services shall be determined
- 14 by the admissions and release committee in accordance with administrative
- 15 regulations promulgated by the Kentucky Board of Education.
- 16 (c) Notwithstanding paragraph (a) of this subsection, a student who remained in
- 17 kindergarten under this subsection shall not subsequently be required to
- 18 remain in first grade, and a student shall not be required to remain in first
- 19 grade for more than one (1) additional year.
- 20 (d) The school shall reevaluate and make necessary changes to the reading
- 21 improvement plan of any student remaining in kindergarten or first grade and
- 22 shall continue to provide all programs and services required under subsection
- 23 (8) of this section during the additional year of kindergarten or first grade.
- 24 (e) A student provided an additional year of kindergarten or first grade under this
- 25 subsection may advance through the primary school program when it is
- 26 determined by the school to be in the best educational interest of the student
- 27 pursuant to KRS 158.031.

- 1 (10) If a student does not score in the proficient performance level or higher in reading,
2 as defined in KRS 158.791(2), on the state annually required grade three (3)
3 assessment, the local school district shall provide:
- 4 (a) 1. Enrichment programs in grade four (4) using evidence-based reading
5 instruction and other strategies; or
6 2. Intensive instructional services, progress monitoring measures, and
7 supports to students in grade four (4); and
8 (b) Written notification of the interventions and supports described in paragraph
9 (a) of this subsection to the parent or legal guardian of the student, including a
10 description of proposed interventions and supports to be provided.
- 11 (11) By September 1, 2023, if funds are appropriated, the department shall establish
12 required teacher academies or coaching models for teachers of students in
13 prekindergarten through grade three (3). The teacher academies or coaching models
14 shall be related to evidence-based practices in instruction, instructional materials,
15 and assessment in reading.
- 16 (12) The department shall develop and maintain a web-based resource providing
17 teachers access to:
- 18 (a) Information on the use of specific screening processes and programs to
19 identify student strengths and needs, including those for advanced learners;
20 (b) Current, evidence-based research and age-appropriate instructional tools that
21 may be used for substantial, steady improvement in:
- 22 1. Reading when a student is experiencing difficulty with phonemic
23 awareness, phonics, vocabulary, fluency, general reading
24 comprehension, or reading in specific content areas, or is exhibiting
25 characteristics of dyslexia, aphasia, or other reading difficulties;
26 2. Writing when a student is experiencing difficulty with consistently
27 producing letters or numbers with accuracy or is exhibiting

- 1 characteristics of dysgraphia;
- 2 3. Mathematics when a student is experiencing difficulty with basic math
- 3 facts, calculations, or application through problem solving, or is
- 4 exhibiting characteristics of dyscalculia or other mathematical
- 5 difficulties; or
- 6 4. Behavior when a student is exhibiting behaviors that interfere with his
- 7 or her learning or the learning of other students; and
- 8 (c) Current, evidence-based research and age-appropriate instructional tools that
- 9 may be used for continuous progress of advanced learners.
- 10 (13) The department shall encourage districts to utilize both state and federal funds as
- 11 appropriate to implement a district-wide multitiered system of supports.
- 12 (14) The department is encouraged to coordinate technical assistance and training on
- 13 current best practice interventions with state postsecondary education institutions.
- 14 (15) The department shall collaborate with the statewide reading research center
- 15 established under KRS 164.0207, the Kentucky Center for Mathematics, the
- 16 Kentucky Center for Instructional Discipline, the Education Professional Standards
- 17 Board, the Council on Postsecondary Education, postsecondary teacher education
- 18 programs, and other agencies and organizations as deemed appropriate to ensure
- 19 that teachers are prepared to utilize evidence-based interventions in reading,
- 20 writing, mathematics, and behavior.
- 21 (16) In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to
- 22 determine appropriate instructional strategies for curriculum implementation shall
- 23 not be considered to be an evaluation for eligibility for special education and related
- 24 services and nothing in this section shall limit a school district from completing an
- 25 initial evaluation of a student suspected of having a disability.
- 26 ➔Section 45. KRS 158.6452 is amended to read as follows:
- 27 (1) A School Curriculum, Assessment, and Accountability Council is hereby created to

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

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

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

- 1 (e) Two (2) local school board members from recommendations submitted by
2 organizations representing school boards;
- 3 (f) Two (2) school district assessment coordinators from recommendations
4 submitted by organizations representing district assessment coordinators;
- 5 (g) Two (2) employers in the state from recommendations submitted by
6 organizations representing business and industry;
- 7 (h) Two (2) university professors with expertise in assessment and measurement;
8 and
- 9 (i) One (1) at-large member.
- 10 (3) The School Curriculum, Assessment, and Accountability Council shall elect a chair
11 annually from its membership.
- 12 (4) The members shall be remunerated for actual and necessary expenses incurred
13 while attending meetings of the council or while serving as representative of the
14 council.
- 15 (5) The School Curriculum, Assessment, and Accountability Council shall meet at least
16 four (4) times each year at times and places as it determines by resolution.
- 17 (6) The School Curriculum, Assessment, and Accountability Council shall be attached
18 to the Department of Education for administrative purposes. It shall be provided
19 appropriate staff and resources to conduct its work.
- 20 ➔Section 46. KRS 158.648 is amended to read as follows:
- 21 (1) The State Advisory Council for Gifted and Talented Education is hereby created
22 and attached to the Kentucky Department of Education. The council's purpose is to
23 make recommendations regarding the provisions of services for gifted and talented
24 students in Kentucky's education system.
- 25 (a) The council shall be composed of nineteen (19) voting members who shall be
26 appointed by the Governor and three (3) nonvoting, ex officio members. The
27 members shall be appointed representing various constituencies as follows:

- 1 1. Four (4) members shall be teachers within local school districts
2 representing elementary, middle, and high school levels with at least one
3 (1) full-time teacher of gifted and talented students and one (1) full-time
4 teacher who teaches in a regular classroom;
- 5 2. Four (4) members shall be parents of students in local school districts,
6 including two (2) parents of students identified as gifted and talented
7 and at least one (1) who serves or has served on an advisory~~[a school]~~
8 council ***established under Section 1 of this Act***;
- 9 3. Three (3) members shall be from postsecondary education institutions,
10 including one (1) from an independent college or university;
- 11 4. One (1) member shall be a superintendent of a local school district;
- 12 5. Two (2) members shall be principals, including one (1) from an
13 elementary or middle school and one (1) from a high school;
- 14 6. Two (2) members shall be coordinators of gifted and talented programs
15 and services in local school districts;
- 16 7. One (1) member shall be a local board of education member;
- 17 8. One (1) member shall represent the visual and performing arts; and
18 9. One (1) member shall be appointed from the private business sector.
- 19 (b) The three (3) nonvoting ex officio members shall be: the state consultant for
20 gifted and talented education in the Kentucky Department of Education, a
21 staff person designated by the executive secretary of the Education
22 Professional Standards Board, and a staff person designated by the president
23 of the Council on Postsecondary Education. Vacancies shall be filled by the
24 Governor as they occur in a manner consistent with the provisions for initial
25 appointment.
- 26 (c) Each board member shall serve a three (3) year term or until a successor is
27 appointed, except that for initial appointments to the board, three (3) of the

1 members shall be appointed to serve a one (1) year term, eight (8) of the
2 members shall be appointed to serve a two (2) year term, and eight (8) of the
3 members shall be appointed to serve a three (3) year term. A member may be
4 reappointed but may not serve more than two (2) consecutive terms.

5 (2) The council shall advise the commissioner of education, the Kentucky Board of
6 Education, and the Education Professional Standards Board concerning the
7 development of administrative regulations and education policy regarding gifted
8 and talented students. The commissioner of education and the executive secretary
9 for the Education Professional Standards Board shall submit proposed
10 administrative regulations and educational policies relating to gifted and talented
11 education and other administrative regulations that impact gifted and talented
12 students for review by the advisory council prior to seeking approval of the
13 appropriate board.

14 (3) As the advisory council considers issues relating to gifted and talented students, it
15 shall seek dialogue with other agencies and organizations, including the Parent
16 Teachers Association, the Governor's Scholars Program, the Governor's School for
17 the Arts, the Governor's School for Entrepreneurs Program, the Kentucky
18 Association of School Councils, the Kentucky Association for Gifted Education, the
19 Kentucky School Boards Association, the Kentucky Association of School
20 Administrators, and the Kentucky Council for Exceptional Children.

21 (4) The advisory council shall annually elect a chair from its membership, establish
22 meeting operational procedures, and meet at least two (2) times annually.

23 (5) The Department of Education shall provide staff and administrative support and
24 shall administer the funds appropriated to support the expenses of the council.

25 (6) The members of the advisory council shall serve without compensation but shall be
26 reimbursed for necessary expenses in the same manner as state employees.

27 ➔Section 47. KRS 158.840 is amended to read as follows:

- 1 (1) The General Assembly hereby finds that reading and mathematics proficiency are
2 gateway skills necessary for all Kentucky students to achieve the academic goals
3 established in KRS 158.6451. It is the General Assembly's intent that:
- 4 (a) All students in kindergarten through grade three (3) having difficulty in
5 reading and mathematics receive early diagnosis and intervention services
6 from highly trained teachers;
- 7 (b) All students in kindergarten through grade three (3) needing to make
8 accelerated progress toward proficiency in mathematics based on data from
9 valid and reliable universal screening and diagnostic assessments receive
10 high-quality, evidence-based mathematics instruction and intervention aligned
11 to the Kentucky academic standards for mathematics;
- 12 (c) All students demonstrate proficiency in reading and mathematics as they
13 progress through the relevant curricula and complete each assessment level
14 required by the Kentucky Board of Education for the state assessment
15 program established under KRS 158.6453 and in compliance with the
16 requirements of the federal Every Student Succeeds Act of 2015, Pub. L. No.
17 114-95, or its successor; and
- 18 (d) Students who are struggling in reading and mathematics or are not at the
19 proficient level on statewide assessments shall be provided evidence-based
20 and developmentally appropriate diagnostic and intervention services, and
21 instructional modifications necessary to learn.
- 22 The General Assembly, the Kentucky Board of Education, the Kentucky
23 Department of Education, the Council on Postsecondary Education, colleges and
24 universities, local boards of education, school administrators, advisory~~[school]~~
25 councils, teachers, parents and families, and other educational entities, such as the
26 Education Professional Standards Board, P-16 councils, the statewide reading
27 research center established under KRS 164.0207, and the Center for Middle School

1 Academic Achievement must collaborate if the intentions specified in this
2 subsection are to be met. Intensive focus on student achievement in reading and
3 mathematics does not negate the responsibility of any entity to help students obtain
4 proficiency in other core curriculum content areas.

5 (2) The General Assembly's role is to set policies that address the achievement levels of
6 all students and provide resources for the professional growth of teachers and
7 administrators, assessing students' academic achievement, including valid and
8 reliable universal screening and diagnostic assessment and instructional
9 interventions, technology innovations, targeted reading and mathematics statewide
10 initiatives, research and the distribution of research findings, services for students
11 beyond the regular school day, and other services needed to help struggling
12 learners.

13 (3) The Kentucky Board of Education shall regularly review and modify, when
14 appropriate, its statewide assessment policies and practices to enable local school
15 districts and schools to carry out the provisions of the statewide assessment and
16 accountability system, required under KRS 158.6453 to improve student
17 achievement in mathematics and reading.

18 (4) The Kentucky Department of Education shall:

19 (a) Provide assistance to schools and teachers, including publicizing professional
20 development opportunities, methods of measuring effective professional
21 development, the availability of high quality instructional materials, and
22 developmentally appropriate, valid, and reliable screening and diagnostic
23 assessments of student competency in mathematics and reading. The
24 department shall provide access to samples of units of study, annotated
25 student work, diagnostic instruments, and research findings, and give
26 guidance on parental engagement;

27 (b) Work with state and national educators and subject-matter experts to identify

1 student reading and mathematical skills in each subject area that align with the
2 state content standards adopted under KRS 158.6453 and identify teaching
3 strategies in each subject area that can be used explicitly to develop the
4 identified reading and mathematical skills under this paragraph;

5 (c) Encourage the development of comprehensive middle and high school
6 adolescent reading and mathematics plans to be incorporated into the curricula
7 of each subject area to improve the reading comprehension and mathematical
8 skills of all students;

9 (d) Conduct an annual review of the state grant programs it manages and make
10 recommendations, when needed, to the Interim Joint Committee on Education
11 for changes to statutory requirements that are necessary to gain a greater
12 return on investment;

13 (e) Provide administrative support and oversight to programs to train classroom
14 coaches and mentors to help teachers with reading and mathematics
15 instruction; and

16 (f) Require no reporting of instructional plans, formative assessment results, staff
17 effectiveness processes, or interventions implemented in the classroom,
18 except for:

- 19 1. Interventions implemented under KRS 158.305(2) and 158.8402;
- 20 2. Funds provided under KRS 158.792 or 158.844; or
- 21 3. Schools that are identified for comprehensive support and improvement
22 and fail to exit comprehensive support and improvement status after
23 three (3) consecutive years of implementing the turnaround intervention
24 process as described in KRS 160.346.

25 (5) The Education Professional Standards Board, in cooperation with the Council on
26 Postsecondary Education, shall exercise its duties and functions under KRS 161.028
27 to ensure that teacher education programs are fulfilling the needs of Kentucky for

- 1 highly skilled teachers. The Education Professional Standards Board shall:
- 2 (a) Coordinate the federal and state grant programs it administers with other
3 statewide initiatives relating to improving student achievement in reading and
4 mathematics to avoid duplication of effort and to make efficient use of
5 resources;
- 6 (b) Submit a report every three (3) years to the Legislative Research Commission
7 for referral to the appropriate Interim Joint Committee on Education and the
8 Interim Joint Committee on Appropriations and Revenue, summarizing the
9 compliance of each teacher preparation program for alignment to early
10 childhood education or elementary regular education standards and to the
11 instructional requirements set forth in KRS 164.306(1) and 164.3061;
- 12 (c) Regularly report program data to an external evaluator for an annual analysis
13 of the ability of teacher preparation programs to properly train and equip
14 teacher preparation program students with the literacy and mathematics
15 content knowledge and skills to educate students in kindergarten through
16 grade three (3); and
- 17 (d) Exercise its duties and responsibilities under KRS 161.030 and 161.048 to
18 ensure highly qualified teachers.
- 19 (6) Colleges and universities shall:
- 20 (a) Utilize institution-wide resources to work with elementary and secondary
21 educators and other entities to align curriculum content to ensure that students
22 who achieve proficiency on standards established at the prekindergarten
23 through secondary levels will require no remediation to successfully enter a
24 postsecondary education program;
- 25 (b) Provide quality undergraduate teacher preparation programs to ensure that
26 those preparing to teach reading or mathematics at all grade levels have the
27 necessary content knowledge, assessment and diagnostic skills, and teaching

- 1 methodologies and that teachers in all subject areas have the requisite skills
2 for helping students at all grade levels develop critical strategies and skills for
3 reading and comprehending subject matter;
- 4 (c) Deliver evidence-based continuing education for teachers in reading and
5 mathematics through institutes, graduate level courses, and other professional
6 development activities that support a statewide agenda for improving student
7 achievement in reading and mathematics;
- 8 (d) Conduct or assist with research on best practices in assessment, intervention
9 strategies, teaching methodologies, costs and effectiveness of instructional
10 models, and other factors as appropriate to reading and mathematics;
- 11 (e) Provide staff to consult and provide technical assistance to teachers, staff, and
12 administrators at elementary, middle, and secondary school sites;
- 13 (f) Assume active roles in the statewide initiatives referenced in KRS 156.553
14 and 158.842; and
- 15 (g) Develop written procedures for measuring the effectiveness of activities
16 outlined in paragraphs (a) to (f) of this subsection.
- 17 (7) School councils at all school levels are encouraged to identify and allocate
18 resources to qualified teachers to become coaches or mentors in mathematics or
19 coaches or mentors in reading with a focus on improving student achievement in
20 their respective schools.
- 21 (8) Local school boards and superintendents shall provide local resources to
22 supplement or match state and federal resources to support teachers, school
23 administrators, and school councils in helping students achieve proficiency in
24 reading and mathematics.
- 25 (9) Local school superintendents shall provide leadership and resources to the
26 principals of all schools to facilitate curriculum alignment, communications, and
27 technical support among schools to ensure that students are academically prepared

1 to move to the next level of schooling.