

1 AN ACT relating to public charter schools.

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

3 ➔Section 1. KRS 18A.225 is amended to read as follows:

4 (1) (a) The term "employee" for purposes of this section means:

- 5 1. Any person, including an elected public official, who is regularly  
6 employed by any department, office, board, agency, or branch of state  
7 government; or by a public postsecondary educational institution; or by  
8 any city, urban-county, charter county, county, or consolidated local  
9 government, whose legislative body has opted to participate in the state-  
10 sponsored health insurance program pursuant to KRS 79.080; and who  
11 is either a contributing member to any one (1) of the retirement systems  
12 administered by the state, including but not limited to the Kentucky  
13 Retirement Systems, County Employees Retirement System, Kentucky  
14 Teachers' Retirement System, the Legislators' Retirement Plan, or the  
15 Judicial Retirement Plan; or is receiving a contractual contribution from  
16 the state toward a retirement plan; or, in the case of a public  
17 postsecondary education institution, is an individual participating in an  
18 optional retirement plan authorized by KRS 161.567; or is eligible to  
19 participate in a retirement plan established by an employer who ceases  
20 participating in the Kentucky Employees Retirement System pursuant to  
21 KRS 61.522 whose employees participated in the health insurance plans  
22 administered by the Personnel Cabinet prior to the employer's effective  
23 cessation date in the Kentucky Employees Retirement System;
- 24 2. Any certified or classified employee of a local board of education ~~or a~~  
25 ~~public charter school as defined in KRS 160.1500];~~
- 26 3. Any elected member of a local board of education;
- 27 4. Any person who is a present or future recipient of a retirement

- 1 allowance from the Kentucky Retirement Systems, County Employees  
2 Retirement System, Kentucky Teachers' Retirement System, the  
3 Legislators' Retirement Plan, the Judicial Retirement Plan, or the  
4 Kentucky Community and Technical College System's optional  
5 retirement plan authorized by KRS 161.567, except that a person who is  
6 receiving a retirement allowance and who is age sixty-five (65) or older  
7 shall not be included, with the exception of persons covered under KRS  
8 61.702(2)(b)3. and 78.5536(2)(b)3., unless he or she is actively  
9 employed pursuant to subparagraph 1. of this paragraph; and
- 10 5. Any eligible dependents and beneficiaries of participating employees  
11 and retirees who are entitled to participate in the state-sponsored health  
12 insurance program;
- 13 (b) The term "health benefit plan" for the purposes of this section means a health  
14 benefit plan as defined in KRS 304.17A-005;
- 15 (c) The term "insurer" for the purposes of this section means an insurer as defined  
16 in KRS 304.17A-005; and
- 17 (d) The term "managed care plan" for the purposes of this section means a  
18 managed care plan as defined in KRS 304.17A-500.
- 19 (2) (a) The secretary of the Finance and Administration Cabinet, upon the  
20 recommendation of the secretary of the Personnel Cabinet, shall procure, in  
21 compliance with the provisions of KRS 45A.080, 45A.085, and 45A.090,  
22 from one (1) or more insurers authorized to do business in this state, a group  
23 health benefit plan that may include but not be limited to health maintenance  
24 organization (HMO), preferred provider organization (PPO), point of service  
25 (POS), and exclusive provider organization (EPO) benefit plans  
26 encompassing all or any class or classes of employees. With the exception of  
27 employers governed by the provisions of KRS Chapters 16, 18A, and 151B,

1 all employers of any class of employees or former employees shall enter into  
2 a contract with the Personnel Cabinet prior to including that group in the state  
3 health insurance group. The contracts shall include but not be limited to  
4 designating the entity responsible for filing any federal forms, adoption of  
5 policies required for proper plan administration, acceptance of the contractual  
6 provisions with health insurance carriers or third-party administrators, and  
7 adoption of the payment and reimbursement methods necessary for efficient  
8 administration of the health insurance program. Health insurance coverage  
9 provided to state employees under this section shall, at a minimum, contain  
10 the same benefits as provided under Kentucky Kare Standard as of January 1,  
11 1994, and shall include a mail-order drug option as provided in subsection  
12 (13) of this section. All employees and other persons for whom the health care  
13 coverage is provided or made available shall annually be given an option to  
14 elect health care coverage through a self-funded plan offered by the  
15 Commonwealth or, if a self-funded plan is not available, from a list of  
16 coverage options determined by the competitive bid process under the  
17 provisions of KRS 45A.080, 45A.085, and 45A.090 and made available  
18 during annual open enrollment.

19 (b) The policy or policies shall be approved by the commissioner of insurance  
20 and may contain the provisions the commissioner of insurance approves,  
21 whether or not otherwise permitted by the insurance laws.

22 (c) Any carrier bidding to offer health care coverage to employees shall agree to  
23 provide coverage to all members of the state group, including active  
24 employees and retirees and their eligible covered dependents and  
25 beneficiaries, within the county or counties specified in its bid. Except as  
26 provided in subsection (20) of this section, any carrier bidding to offer health  
27 care coverage to employees shall also agree to rate all employees as a single

1 entity, except for those retirees whose former employers insure their active  
2 employees outside the state-sponsored health insurance program and as  
3 otherwise provided in KRS 61.702(2)(b)3.b. and 78.5536(2)(b)3.b.

4 (d) Any carrier bidding to offer health care coverage to employees shall agree to  
5 provide enrollment, claims, and utilization data to the Commonwealth in a  
6 format specified by the Personnel Cabinet with the understanding that the data  
7 shall be owned by the Commonwealth; to provide data in an electronic form  
8 and within a time frame specified by the Personnel Cabinet; and to be subject  
9 to penalties for noncompliance with data reporting requirements as specified  
10 by the Personnel Cabinet. The Personnel Cabinet shall take strict precautions  
11 to protect the confidentiality of each individual employee; however,  
12 confidentiality assertions shall not relieve a carrier from the requirement of  
13 providing stipulated data to the Commonwealth.

14 (e) The Personnel Cabinet shall develop the necessary techniques and capabilities  
15 for timely analysis of data received from carriers and, to the extent possible,  
16 provide in the request-for-proposal specifics relating to data requirements,  
17 electronic reporting, and penalties for noncompliance. The Commonwealth  
18 shall own the enrollment, claims, and utilization data provided by each carrier  
19 and shall develop methods to protect the confidentiality of the individual. The  
20 Personnel Cabinet shall include in the October annual report submitted  
21 pursuant to the provisions of KRS 18A.226 to the Governor, the General  
22 Assembly, and the Chief Justice of the Supreme Court, an analysis of the  
23 financial stability of the program, which shall include but not be limited to  
24 loss ratios, methods of risk adjustment, measurements of carrier quality of  
25 service, prescription coverage and cost management, and statutorily required  
26 mandates. If state self-insurance was available as a carrier option, the report  
27 also shall provide a detailed financial analysis of the self-insurance fund

- 1 including but not limited to loss ratios, reserves, and reinsurance agreements.
- 2 (f) If any agency participating in the state-sponsored employee health insurance
- 3 program for its active employees terminates participation and there is a state
- 4 appropriation for the employer's contribution for active employees' health
- 5 insurance coverage, then neither the agency nor the employees shall receive
- 6 the state-funded contribution after termination from the state-sponsored
- 7 employee health insurance program.
- 8 (g) Any funds in flexible spending accounts that remain after all reimbursements
- 9 have been processed shall be transferred to the credit of the state-sponsored
- 10 health insurance plan's appropriation account.
- 11 (h) Each entity participating in the state-sponsored health insurance program shall
- 12 provide an amount at least equal to the state contribution rate for the employer
- 13 portion of the health insurance premium. For any participating entity that used
- 14 the state payroll system, the employer contribution amount shall be equal to
- 15 but not greater than the state contribution rate.
- 16 (3) The premiums may be paid by the policyholder:
- 17 (a) Wholly from funds contributed by the employee, by payroll deduction or
- 18 otherwise;
- 19 (b) Wholly from funds contributed by any department, board, agency, public
- 20 postsecondary education institution, or branch of state, city, urban-county,
- 21 charter county, county, or consolidated local government; or
- 22 (c) Partly from each, except that any premium due for health care coverage or
- 23 dental coverage, if any, in excess of the premium amount contributed by any
- 24 department, board, agency, postsecondary education institution, or branch of
- 25 state, city, urban-county, charter county, county, or consolidated local
- 26 government for any other health care coverage shall be paid by the employee.
- 27 (4) If an employee moves his or her place of residence or employment out of the

1 service area of an insurer offering a managed health care plan, under which he or  
2 she has elected coverage, into either the service area of another managed health care  
3 plan or into an area of the Commonwealth not within a managed health care plan  
4 service area, the employee shall be given an option, at the time of the move or  
5 transfer, to change his or her coverage to another health benefit plan.

6 (5) ~~A[No]~~ payment of premium by any department, board, agency, public  
7 postsecondary educational institution, or branch of state, city, urban-county, charter  
8 county, county, or consolidated local government shall ***not*** constitute compensation  
9 to an insured employee for the purposes of any statute fixing or limiting the  
10 compensation of such an employee. Any premium or other expense incurred by any  
11 department, board, agency, public postsecondary educational institution, or branch  
12 of state, city, urban-county, charter county, county, or consolidated local  
13 government shall be considered a proper cost of administration.

14 (6) The policy or policies may contain the provisions with respect to the class or classes  
15 of employees covered, amounts of insurance or coverage for designated classes or  
16 groups of employees, policy options, terms of eligibility, and continuation of  
17 insurance or coverage after retirement.

18 (7) Group rates under this section shall be made available to the disabled child of an  
19 employee regardless of the child's age if the entire premium for the disabled child's  
20 coverage is paid by the state employee. A child shall be considered disabled if he or  
21 she has been determined to be eligible for federal Social Security disability benefits.

22 (8) The health care contract or contracts for employees shall be entered into for a  
23 period of not less than one (1) year.

24 (9) The secretary shall appoint thirty-two (32) persons to an Advisory Committee of  
25 State Health Insurance Subscribers to advise the secretary or the secretary's  
26 designee regarding the state-sponsored health insurance program for employees.  
27 The secretary shall appoint, from a list of names submitted by appointing

1 authorities, members representing school districts from each of the seven (7)  
2 Supreme Court districts, members representing state government from each of the  
3 seven (7) Supreme Court districts, two (2) members representing retirees under age  
4 sixty-five (65), one (1) member representing local health departments, two (2)  
5 members representing the Kentucky Teachers' Retirement System, and three (3)  
6 members at large. The secretary shall also appoint two (2) members from a list of  
7 five (5) names submitted by the Kentucky Education Association, two (2) members  
8 from a list of five (5) names submitted by the largest state employee organization of  
9 nonschool state employees, two (2) members from a list of five (5) names submitted  
10 by the Kentucky Association of Counties, two (2) members from a list of five (5)  
11 names submitted by the Kentucky League of Cities, and two (2) members from a  
12 list of names consisting of five (5) names submitted by each state employee  
13 organization that has two thousand (2,000) or more members on state payroll  
14 deduction. The advisory committee shall be appointed in January of each year and  
15 shall meet quarterly.

16 (10) Notwithstanding any other provision of law to the contrary, the policy or policies  
17 provided to employees pursuant to this section shall not provide coverage for  
18 obtaining or performing an abortion, nor shall any state funds be used for the  
19 purpose of obtaining or performing an abortion on behalf of employees or their  
20 dependents.

21 (11) Interruption of an established treatment regime with maintenance drugs shall be  
22 grounds for an insured to appeal a formulary change through the established appeal  
23 procedures approved by the Department of Insurance, if the physician supervising  
24 the treatment certifies that the change is not in the best interests of the patient.

25 (12) Any employee who is eligible for and elects to participate in the state health  
26 insurance program as a retiree, or the spouse or beneficiary of a retiree, under any  
27 one (1) of the state-sponsored retirement systems shall not be eligible to receive the

1 state health insurance contribution toward health care coverage as a result of any  
2 other employment for which there is a public employer contribution. This does not  
3 preclude a retiree and an active employee spouse from using both contributions to  
4 the extent needed for purchase of one (1) state sponsored health insurance policy  
5 for that plan year.

6 (13) (a) The policies of health insurance coverage procured under subsection (2) of  
7 this section shall include a mail-order drug option for maintenance drugs for  
8 state employees. Maintenance drugs may be dispensed by mail order in  
9 accordance with Kentucky law.

10 (b) A health insurer shall not discriminate against any retail pharmacy located  
11 within the geographic coverage area of the health benefit plan and that meets  
12 the terms and conditions for participation established by the insurer, including  
13 price, dispensing fee, and copay requirements of a mail-order option. The  
14 retail pharmacy shall not be required to dispense by mail.

15 (c) The mail-order option shall not permit the dispensing of a controlled  
16 substance classified in Schedule II.

17 (14) The policy or policies provided to state employees or their dependents pursuant to  
18 this section shall provide coverage for obtaining a hearing aid and acquiring hearing  
19 aid-related services for insured individuals under eighteen (18) years of age, subject  
20 to a cap of one thousand four hundred dollars (\$1,400) every thirty-six (36) months  
21 pursuant to KRS 304.17A-132.

22 (15) Any policy provided to state employees or their dependents pursuant to this section  
23 shall provide coverage for the diagnosis and treatment of autism spectrum disorders  
24 consistent with KRS 304.17A-142.

25 (16) Any policy provided to state employees or their dependents pursuant to this section  
26 shall provide coverage for obtaining amino acid-based elemental formula pursuant  
27 to KRS 304.17A-258.



- 1 (17) If a state employee's residence and place of employment are in the same county,  
2 and if the hospital located within that county does not offer surgical services,  
3 intensive care services, obstetrical services, level II neonatal services, diagnostic  
4 cardiac catheterization services, and magnetic resonance imaging services, the  
5 employee may select a plan available in a contiguous county that does provide  
6 those services, and the state contribution for the plan shall be the amount available  
7 in the county where the plan selected is located.
- 8 (18) If a state employee's residence and place of employment are each located in  
9 counties in which the hospitals do not offer surgical services, intensive care  
10 services, obstetrical services, level II neonatal services, diagnostic cardiac  
11 catheterization services, and magnetic resonance imaging services, the employee  
12 may select a plan available in a county contiguous to the county of residence that  
13 does provide those services, and the state contribution for the plan shall be the  
14 amount available in the county where the plan selected is located.
- 15 (19) The Personnel Cabinet is encouraged to study whether it is fair and reasonable and  
16 in the best interests of the state group to allow any carrier bidding to offer health  
17 care coverage under this section to submit bids that may vary county by county or  
18 by larger geographic areas.
- 19 (20) Notwithstanding any other provision of this section, the bid for proposals for health  
20 insurance coverage for calendar year 2004 shall include a bid scenario that reflects  
21 the statewide rating structure provided in calendar year 2003 and a bid scenario that  
22 allows for a regional rating structure that allows carriers to submit bids that may  
23 vary by region for a given product offering as described in this subsection:
- 24 (a) The regional rating bid scenario shall not include a request for bid on a  
25 statewide option;
- 26 (b) The Personnel Cabinet shall divide the state into geographical regions which  
27 shall be the same as the partnership regions designated by the Department for

- 1 Medicaid Services for purposes of the Kentucky Health Care Partnership  
2 Program established pursuant to 907 KAR 1:705;
- 3 (c) The request for proposal shall require a carrier's bid to include every county  
4 within the region or regions for which the bid is submitted and include but not  
5 be restricted to a preferred provider organization (PPO) option;
- 6 (d) If the Personnel Cabinet accepts a carrier's bid, the cabinet shall award the  
7 carrier all of the counties included in its bid within the region. If the Personnel  
8 Cabinet deems the bids submitted in accordance with this subsection to be in  
9 the best interests of state employees in a region, the cabinet may award the  
10 contract for that region to no more than two (2) carriers; and
- 11 (e) Nothing in this subsection shall prohibit the Personnel Cabinet from including  
12 other requirements or criteria in the request for proposal.
- 13 (21) Any fully insured health benefit plan or self-insured plan issued or renewed on or  
14 after July 12, 2006, to public employees pursuant to this section which provides  
15 coverage for services rendered by a physician or osteopath duly licensed under KRS  
16 Chapter 311 that are within the scope of practice of an optometrist duly licensed  
17 under the provisions of KRS Chapter 320 shall provide the same payment of  
18 coverage to optometrists as allowed for those services rendered by physicians or  
19 osteopaths.
- 20 (22) Any fully insured health benefit plan or self-insured plan issued or renewed to  
21 public employees pursuant to this section shall comply with:
- 22 (a) KRS 304.12-237;
- 23 (b) KRS 304.17A-270 and 304.17A-525;
- 24 (c) KRS 304.17A-600 to 304.17A-633;
- 25 (d) KRS 205.593;
- 26 (e) KRS 304.17A-700 to 304.17A-730;
- 27 (f) KRS 304.14-135;

- 1 (g) KRS 304.17A-580 and 304.17A-641;  
2 (h) KRS 304.99-123;  
3 (i) KRS 304.17A-138;  
4 (j) KRS 304.17A-148;  
5 (k) KRS 304.17A-163 and 304.17A-1631;  
6 (l) KRS 304.17A-265;  
7 (m) KRS 304.17A-261;  
8 (n) KRS 304.17A-262;  
9 (o) KRS 304.17A-145;  
10 (p) KRS 304.17A-129;  
11 (q) KRS 304.17A-133;  
12 (r) KRS 304.17A-264; and  
13 (s) Administrative regulations promulgated pursuant to statutes listed in this  
14 subsection.  
15 (23) (a) Any fully insured health benefit plan or self-insured plan issued or renewed to  
16 public employees pursuant to this section shall provide a special enrollment  
17 period to pregnant women who are eligible for coverage in accordance with  
18 the requirements set forth in KRS 304.17-182.  
19 (b) The Department of Employee Insurance shall, at or before the time a public  
20 employee is initially offered the opportunity to enroll in the plan or coverage,  
21 provide the employee a notice of the special enrollment rights under this  
22 subsection.  
23 ➔Section 2. KRS 78.510 is amended to read as follows:  
24 As used in KRS 78.510 to 78.852, unless the context otherwise requires:  
25 (1) "System" means the County Employees Retirement System created by KRS 78.510  
26 to 78.852;  
27 (2) "Board" means the board of trustees of the system as provided in KRS 78.782;

- 1 (3) "County" means any county, or nonprofit organization created and governed by a  
2 county, counties, or elected county officers, sheriff and his or her employees,  
3 county clerk and his or her employees, circuit clerk and his or her deputies, former  
4 circuit clerks or former circuit clerk deputies, or political subdivision or  
5 instrumentality, including school boards, cities, charter county governments, urban-  
6 county governments, consolidated local governments, or unified local governments  
7 participating in the system by order appropriate to its governmental structure, as  
8 provided in KRS 78.530, and if the board is willing to accept the agency,  
9 organization, or corporation, the board being hereby granted the authority to  
10 determine the eligibility of the agency to participate;
- 11 (4) "School board" means~~[-~~  
12 ~~(a) -~~ any board of education participating in the system by order appropriate to its  
13 governmental structure, as provided in KRS 78.530, and if the board is willing  
14 to accept the agency or corporation, the board being hereby granted the  
15 authority to determine the eligibility of the agency to participate;~~[- or~~  
16 ~~(b) - A public charter school as defined in KRS 160.1590 if the public charter~~  
17 ~~school satisfies the criteria set by the Internal Revenue Service to participate~~  
18 ~~in a governmental retirement plan;]~~
- 19 (5) "Examiner" means the medical examiners as provided in KRS 61.665;
- 20 (6) "Employee" means every regular full-time appointed or elective officer or  
21 employee of a participating county and the coroner of a participating county,  
22 whether or not he or she qualifies as a regular full-time officer. The term shall not  
23 include persons engaged as independent contractors, seasonal, emergency,  
24 temporary, and part-time workers. In case of any doubt, the board shall determine if  
25 a person is an employee within the meaning of KRS 78.510 to 78.852;
- 26 (7) "Employer" means a county, as defined in subsection (3) of this section, the elected  
27 officials of a county, or any authority of the county having the power to appoint or

1 elect an employee to office or employment in the county;

2 (8) "Member" means any employee who is included in the membership of the system  
3 or any former employee whose membership has not ceased under KRS 78.535;

4 (9) "Service" means the total of current service and prior service as defined in this  
5 section;

6 (10) "Current service" means the number of years and months of employment as an  
7 employee, on and after July 1, 1958, for which creditable compensation is paid and  
8 employee contributions deducted, except as otherwise provided;

9 (11) "Prior service" means the number of years and completed months, expressed as a  
10 fraction of a year, of employment as an employee, prior to July 1, 1958, for which  
11 creditable compensation was paid. An employee shall be credited with one (1)  
12 month of prior service only in those months he or she received compensation for at  
13 least one hundred (100) hours of work. Twelve (12) months of current service in the  
14 system shall be required to validate prior service;

15 (12) "Accumulated contributions" means the sum of all amounts deducted from the  
16 compensation of a member and credited to his or her individual account in the  
17 members' account, including employee contributions picked up after August 1,  
18 1982, pursuant to KRS 78.610(4), together with interest credited, on the amounts,  
19 and any other amounts the member shall have contributed thereto, including interest  
20 credited thereon. "Accumulated contributions" shall not include employee  
21 contributions that are deposited into accounts established pursuant to 26 U.S.C. sec.  
22 401(h) within the fund established in KRS 78.520, as prescribed by KRS  
23 78.5536(3)(b);

24 (13) "Creditable compensation":

25 (a) Except as limited by paragraph (c) of this subsection, means all salary, wages,  
26 and fees, including payments for compensatory time, paid to the employee as  
27 a result of services performed for the employer or for time during which the

1 member is on paid leave, which are includable on the member's federal form  
2 W-2 wage and tax statement under the heading "wages, tips, other  
3 compensation", including employee contributions picked up after August 1,  
4 1982, pursuant to KRS 78.610(4). The creditable compensation of fee officers  
5 who receive salary, fees, maintenance, or other perquisites as a result of their  
6 official duties is the gross amount received decreased by the cost of salary  
7 paid deputies and clerks and the cost of office supplies and other official  
8 expenses;

9 (b) Includes:

- 10 1. Lump-sum bonuses, severance pay, or employer-provided payments for  
11 purchase of service credit, which shall be averaged over the employee's  
12 service with the system in which it is recorded if it is equal to or greater  
13 than one thousand dollars (\$1,000);
- 14 2. Cases where compensation includes maintenance and other perquisites,  
15 but the board shall fix the value of that part of the compensation not paid  
16 in money;
- 17 3. Lump-sum payments for creditable compensation paid as a result of an  
18 order of a court of competent jurisdiction, the Personnel Board, or the  
19 Kentucky Commission on Human Rights, or for any creditable  
20 compensation paid in anticipation of settlement of an action before a  
21 court of competent jurisdiction, the Personnel Board, or the Kentucky  
22 Commission on Human Rights, including notices of violations of state  
23 or federal wage and hour statutes or violations of state or federal  
24 discrimination statutes, which shall be credited to the fiscal year during  
25 which the wages were earned or should have been paid by the employer.  
26 This subparagraph shall also include lump-sum payments for reinstated  
27 wages pursuant to KRS 61.569, which shall be credited to the period

1 during which the wages were earned or should have been paid by the  
2 employer;

3 4. Amounts which are not includable in the member's gross income by  
4 virtue of the member having taken a voluntary salary reduction provided  
5 for under applicable provisions of the Internal Revenue Code; and

6 5. Elective amounts for qualified transportation fringes paid or made  
7 available on or after January 1, 2001, for calendar years on or after  
8 January 1, 2001, that are not includable in the gross income of the  
9 employee by reason of 26 U.S.C. sec. 132(f)(4); and

10 (c) Excludes:

11 1. Living allowances, expense reimbursements, lump-sum payments for  
12 accrued vacation leave, sick leave except as provided in KRS 78.616(5),  
13 and other items determined by the board;

14 2. For employees who begin participating on or after September 1, 2008,  
15 lump-sum payments for compensatory time;

16 3. Training incentive payments for city officers paid as set out in KRS  
17 64.5277 to 64.5279;

18 4. For employees who begin participating on or after August 1, 2016,  
19 nominal fees paid for services as a volunteer; and

20 5. Any salary or wages paid to an employee for services as a Kentucky  
21 State Police school resource officer as defined by KRS 158.441;

22 (14) "Final compensation" means:

23 (a) For a member who begins participating before September 1, 2008, who is  
24 employed in a nonhazardous position, the creditable compensation of the  
25 member during the five (5) fiscal years he or she was paid at the highest  
26 average monthly rate divided by the number of months of service credit  
27 during that five (5) year period multiplied by twelve (12). The five (5) years

1           may be fractional and need not be consecutive. If the number of months of  
2           service credit during the five (5) year period is less than forty-eight (48), one  
3           (1) or more additional fiscal years shall be used;

4           (b) For a member who is employed in a nonhazardous position, whose effective  
5           retirement date is between August 1, 2001, and January 1, 2009, and whose  
6           total service credit is at least twenty-seven (27) years and whose age and years  
7           of service total at least seventy-five (75), final compensation means the  
8           creditable compensation of the member during the three (3) fiscal years the  
9           member was paid at the highest average monthly rate divided by the number  
10          of months of service credit during that three (3) year period multiplied by  
11          twelve (12). The three (3) years may be fractional and need not be  
12          consecutive. If the number of months of service credit during the three (3)  
13          year period is less than twenty-four (24), one (1) or more additional fiscal  
14          years shall be used;

15          (c) For a member who begins participating before September 1, 2008, who is  
16          employed in a hazardous position, as provided in KRS 78.5520, the creditable  
17          compensation of the member during the three (3) fiscal years he or she was  
18          paid at the highest average monthly rate divided by the number of months of  
19          service credit during that three (3) year period multiplied by twelve (12). The  
20          three (3) years may be fractional and need not be consecutive. If the number  
21          of months of service credit during the three (3) year period is less than twenty-  
22          four (24), one (1) or more additional fiscal years, which may contain less than  
23          twelve (12) months of service credit, shall be used;

24          (d) For a member who begins participating on or after September 1, 2008, but  
25          prior to January 1, 2014, who is employed in a nonhazardous position, the  
26          creditable compensation of the member during the five (5) complete fiscal  
27          years immediately preceding retirement divided by five (5). Each fiscal year



1           used to determine final compensation must contain twelve (12) months of  
2           service credit. If the member does not have five (5) complete fiscal years that  
3           each contain twelve (12) months of service credit, then one (1) or more  
4           additional fiscal years, which may contain less than twelve (12) months of  
5           service credit, shall be added until the number of months in the final  
6           compensation calculation is at least sixty (60) months; or

7       (e) For a member who begins participating on or after September 1, 2008, but  
8       prior to January 1, 2014, who is employed in a hazardous position as provided  
9       in KRS 78.5520, the creditable compensation of the member during the three  
10       (3) complete fiscal years he or she was paid at the highest average monthly  
11       rate divided by three (3). Each fiscal year used to determine final  
12       compensation must contain twelve (12) months of service credit. If the  
13       member does not have three (3) complete fiscal years that each contain twelve  
14       (12) months of service credit, then one (1) or more additional fiscal years,  
15       which may contain less than twelve (12) months of service credit, shall be  
16       added until the number of months in the final compensation calculation is at  
17       least thirty-six (36) months;

18   (15) "Final rate of pay" means the actual rate upon which earnings of an employee were  
19       calculated during the twelve (12) month period immediately preceding the  
20       member's effective retirement date, and shall include employee contributions  
21       picked up after August 1, 1982, pursuant to KRS 78.610(4). The rate shall be  
22       certified to the system by the employer and the following equivalents shall be used  
23       to convert the rate to an annual rate: two thousand eighty (2,080) hours for eight (8)  
24       hour workdays, one thousand nine hundred fifty (1,950) hours for seven and one-  
25       half (7.5) hour workdays, two hundred sixty (260) days, fifty-two (52) weeks,  
26       twelve (12) months, one (1) year;

27   (16) "Retirement allowance" means the retirement payments to which a member is

1 entitled;

2 (17) "Actuarial equivalent" means a benefit of equal value when computed upon the  
3 basis of the actuarial tables adopted by the board. In cases of disability retirement,  
4 the options authorized by KRS 61.635 shall be computed by adding ten (10) years  
5 to the age of the member, unless the member has chosen the Social Security  
6 adjustment option as provided for in KRS 61.635(8), in which case the member's  
7 actual age shall be used. For members who begin participating in the system prior  
8 to January 1, 2014, no disability retirement option shall be less than the same option  
9 computed under early retirement;

10 (18) "Normal retirement date", unless otherwise provided in KRS 78.510 to 78.852,  
11 means:

12 (a) For a member with service in a nonhazardous position, the sixty-fifth birthday  
13 of a member;

14 (b) For a member with service in a hazardous position who begins participating  
15 before September 1, 2008, the first day of the month following a member's  
16 fifty-fifth birthday; or

17 (c) For a member with service in a hazardous position who begins participating  
18 on or after September 1, 2008, the first day of the month following a  
19 member's sixtieth birthday;

20 (19) "Fiscal year" of the system means the twelve (12) months from July 1 through the  
21 following June 30, which shall also be the plan year. The "fiscal year" shall be the  
22 limitation year used to determine contribution and benefits limits as set out in 26  
23 U.S.C. sec. 415;

24 (20) "Agency reporting official" means the person designated by the participating  
25 employer who shall be responsible for forwarding all employer and employee  
26 contributions and a record of the contributions to the system and for performing  
27 other administrative duties pursuant to KRS 78.510 to 78.852;

- 1 (21) "Regular full-time positions," as used in subsection (6) of this section, shall mean  
2 all positions that average one hundred (100) or more hours per month, determined  
3 by using the number of hours actually worked in a calendar or fiscal year, or eighty  
4 (80) or more hours per month in the case of noncertified employees of school  
5 boards, determined by using the number of hours actually worked in a calendar or  
6 school year, unless otherwise specified, except:
- 7 (a) Seasonal positions, which although temporary in duration, are positions which  
8 coincide in duration with a particular season or seasons of the year and that  
9 may recur regularly from year to year, in which case the period of time shall  
10 not exceed nine (9) months, except for employees of school boards, in which  
11 case the period of time shall not exceed six (6) months;
- 12 (b) Emergency positions which are positions utilized by the employer during:
- 13 1. An emergency as determined by the employer for a period not  
14 exceeding thirty (30) working days and are nonrenewable; or
- 15 2. A state of emergency declared by the President of the United States or  
16 the Governor of the Commonwealth of Kentucky that are created or  
17 filled specifically for addressing the employer's needs during and as a  
18 result of the declared emergency;
- 19 (c) Temporary positions that are positions of employment with a participating  
20 agency for a period of time not to exceed twelve (12) months and not  
21 renewable;
- 22 (d) Probationary positions which are positions of employment with a participating  
23 employer that do not exceed twelve (12) months and that are used uniformly  
24 by the participating agency on new employees who would otherwise be  
25 eligible for participation in the system. Probationary positions shall not be  
26 renewable by the participating employer for the same employee, unless the  
27 employee has not been employed with the participating employer for a period

1 of at least twelve (12) months; or

2 (e) Part-time positions that are positions that may be permanent in duration, but  
3 that require less than a calendar or fiscal year average of one hundred (100)  
4 hours of work per month, determined by using the number of months actually  
5 worked within a calendar or fiscal year, in the performance of duty, except in  
6 case of noncertified employees of school boards, the school term average shall  
7 be eighty (80) hours of work per month, determined by using the number of  
8 months actually worked in a calendar or school year, in the performance of  
9 duty;

10 (22) "Alternate participation plan" means a method of participation in the system as  
11 provided for by KRS 78.530(3);

12 (23) "Retired member" means any former member receiving a retirement allowance or  
13 any former member who has on file at the retirement office the necessary  
14 documents for retirement benefits and is no longer contributing to the system;

15 (24) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly,  
16 monthly, or yearly rate of pay converted to an annual rate as defined in final rate of  
17 pay. The rate shall be certified by the employer;

18 (25) "Beneficiary" means the person, persons, estate, trust, or trustee designated by the  
19 member in accordance with KRS 61.542 or 61.705 to receive any available benefits  
20 in the event of the member's death. As used in KRS 78.5536, beneficiary shall not  
21 mean an estate, trust, or trustee;

22 (26) "Recipient" means the retired member, the person or persons designated as  
23 beneficiary by the member and drawing a retirement allowance as a result of the  
24 member's death, or a dependent child drawing a retirement allowance. An alternate  
25 payee of a qualified domestic relations order shall not be considered a recipient,  
26 except for purposes of KRS 61.623;

27 (27) "Person" means a natural person;

- 1 (28) "School term or year" means the twelve (12) months from July 1 through the  
2 following June 30;
- 3 (29) "Retirement office" means the Kentucky Public Pensions Authority office building  
4 in Frankfort, unless otherwise designated by the Kentucky Public Pensions  
5 Authority;
- 6 (30) "Vested" for purposes of determining eligibility for purchasing service credit under  
7 KRS 61.552 means the employee has at least forty-eight (48) months of service if  
8 age sixty-five (65) or older or at least sixty (60) months of service if under the age  
9 of sixty-five (65). For purposes of this subsection, "service" means service in the  
10 systems administered by the Kentucky Retirement Systems and County Employees  
11 Retirement System;
- 12 (31) "Participating" means an employee is currently earning service credit in the system  
13 as provided in KRS 78.615;
- 14 (32) "Month" means a calendar month;
- 15 (33) "Membership date" means the date upon which the member began participating in  
16 the system as provided in KRS 78.615;
- 17 (34) "Participant" means a member, as defined by subsection (8) of this section, or a  
18 retired member, as defined by subsection (23) of this section;
- 19 (35) "Qualified domestic relations order" means any judgment, decree, or order,  
20 including approval of a property settlement agreement, that:
- 21 (a) Is issued by a court or administrative agency; and
- 22 (b) Relates to the provision of child support, alimony payments, or marital  
23 property rights to an alternate payee;
- 24 (36) "Alternate payee" means a spouse, former spouse, child, or other dependent of a  
25 participant, who is designated to be paid retirement benefits in a qualified domestic  
26 relations order;
- 27 (37) "Accumulated employer credit" means the employer pay credit deposited to the

1 member's account and interest credited on such amounts as provided by KRS  
2 78.5512 and 78.5516;

3 (38) "Accumulated account balance" means:

4 (a) For members who began participating in the system prior to January 1, 2014,  
5 the member's accumulated contributions; or

6 (b) For members who began participating in the system on or after January 1,  
7 2014, in the hybrid cash balance plan as provided by KRS 78.5512 and  
8 78.5516, the combined sum of the member's accumulated contributions and  
9 the member's accumulated employer credit;

10 (39) "Volunteer" means an individual who:

11 (a) Freely and without pressure or coercion performs hours of service for an  
12 employer participating in one (1) of the systems administered by Kentucky  
13 Retirement Systems or the County Employees Retirement System without  
14 receipt of compensation for services rendered, except for reimbursement of  
15 actual expenses, payment of a nominal fee to offset the costs of performing  
16 the voluntary services, or both; and

17 (b) If a retired member, does not become an employee, leased employee, or  
18 independent contractor of the employer for which he or she is performing  
19 volunteer services for a period of at least twelve (12) months following the  
20 retired member's most recent retirement date;

21 (40) "Nominal fee" means compensation earned for services as a volunteer that does not  
22 exceed five hundred dollars (\$500) per month with each participating employer.  
23 Compensation earned for services as a volunteer from more than one (1)  
24 participating employer during a month shall not be aggregated to determine whether  
25 the compensation exceeds the five hundred dollars (\$500) per month maximum  
26 provided by this subsection;

27 (41) "Nonhazardous position" means a position that does not meet the requirements of

- 1 KRS 78.5520 or has not been approved by the board as a hazardous position;
- 2 (42) "Hazardous position" means a position that meets the requirements of KRS 78.5520  
3 and has been approved by the board as hazardous;
- 4 (43) "Level-percentage-of-payroll amortization method" means a method of determining  
5 the annual amortization payment on the unfunded actuarial accrued liability as  
6 expressed as a percentage of payroll over a set period of years. Under this method,  
7 the percentage of payroll shall be projected to remain constant for all years  
8 remaining in the set period and the unfunded actuarially accrued liability shall be  
9 projected to be fully amortized at the conclusion of the set period;
- 10 (44) "Increment" means twelve (12) months of service credit which are purchased. The  
11 twelve (12) months need not be consecutive. The final increment may be less than  
12 twelve (12) months;
- 13 (45) "Last day of paid employment" means the last date employer and employee  
14 contributions are required to be reported in accordance with KRS 16.543, 61.543, or  
15 78.615 to the retirement office in order for the employee to receive current service  
16 credit for the month. Last day of paid employment does not mean a date the  
17 employee receives payment for accrued leave, whether by lump sum or otherwise,  
18 if that date occurs twenty-four (24) or more months after previous contributions;
- 19 (46) "Objective medical evidence" means reports of examinations or treatments; medical  
20 signs which are anatomical, physiological, or psychological abnormalities that can  
21 be observed; psychiatric signs which are medically demonstrable phenomena  
22 indicating specific abnormalities of behavior, affect, thought, memory, orientation,  
23 or contact with reality; or laboratory findings which are anatomical, physiological,  
24 or psychological phenomena that can be shown by medically acceptable laboratory  
25 diagnostic techniques, including but not limited to chemical tests,  
26 electrocardiograms, electroencephalograms, X-rays, and psychological tests;
- 27 (47) "Hazardous disability" as used in KRS 78.510 to 78.852 means a disability which

1 results in an employee's total incapacity to continue as an employee in a hazardous  
2 position, but the employee is not necessarily deemed to be totally and permanently  
3 disabled to engage in other occupations for remuneration or profit;

4 (48) "Act in line of duty" means, for employees in hazardous positions under KRS  
5 78.5520:

6 (a) A single act occurring which was required in the performance of the principal  
7 duties of the hazardous position as defined by the job description; or

8 (b) A single act of violence committed against the employee that is found to be  
9 related to his or her job duties, whether or not it occurs at his or her job site;

10 (49) "Dependent child" means a child in the womb and a natural or legally adopted child  
11 of the member who has neither attained age eighteen (18) nor married or who is an  
12 unmarried full-time student who has not attained age twenty-two (22). Solely in the  
13 case of a member who dies as a direct result of an act in line of duty as defined in  
14 this section, dies as a result of a duty-related injury as defined in KRS 61.621,  
15 becomes totally and permanently disabled as a direct result of an act in the line of  
16 duty as defined in this section, or becomes disabled as a result of a duty-related  
17 injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS  
18 61.621(5)(a), "dependent child" also means a naturally or legally adopted disabled  
19 child of the member, regardless of the child's age, if the child has been determined  
20 to be eligible for federal Social Security disability benefits or is being claimed as a  
21 qualifying child for tax purposes due to the child's total and permanent disability;

22 (50) "Normal retirement age" means the age at which the member meets the  
23 requirements for his or her normal retirement date as provided by subsection (18) of  
24 this section;

25 (51) "Disability retirement date" means the first day of the month following the last day  
26 of paid employment;

27 (52) "Monthly average pay" means:



- 1 (a) In the case of a member who dies as a direct result of an act in line of duty as  
2 defined in KRS 16.505 or who dies as a result of a duty-related injury as  
3 defined in KRS 61.621, the higher of the member's monthly final rate of pay  
4 or the average monthly creditable compensation earned by the deceased  
5 member during his or her last twelve (12) months of employment; or
- 6 (b) In the case where a member becomes totally and permanently disabled as a  
7 direct result of an act in line of duty as defined in KRS 16.505 or becomes  
8 disabled as a result of a duty-related injury as defined in KRS 61.621 and is  
9 eligible for the benefits provided by KRS 61.621(5)(a), the higher of the  
10 member's monthly final rate of pay or the average monthly creditable  
11 compensation earned by the disabled member during his or her last twelve  
12 (12) months of employment prior to the date the act in line of duty or duty-  
13 related injury occurred;
- 14 (53) "Authority" means the Kentucky Public Pensions Authority as provided by KRS  
15 61.505;
- 16 (54) "Executive director" means the executive director of the Kentucky Public Pensions  
17 Authority; and
- 18 (55) "Gainful employment" means work in any capacity that is or may be performed  
19 with regularity and is or may be usually done for pay, whether pay is received or  
20 not received, including seasonal, volunteer, part-time, and on-call work.
- 21 ➔Section 3. KRS 156.095 is amended to read as follows:
- 22 (1) (a) The Kentucky Department of Education shall establish, direct, and maintain a  
23 statewide program of professional development to improve instruction in the  
24 public schools.
- 25 (b) ~~[By August 1, 2025, ]~~The department shall create a four (4) year recurring  
26 professional development training schedule that includes all professional  
27 development for certified personnel required by subsection (2) of this section

1 and federal law.

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

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

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

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

13 (c) 1. High-quality, evidence-based suicide prevention training, including risk  
14 factors, warning signs, protective factors, response procedures, referral,  
15 postvention, and the recognition of signs and symptoms of possible  
16 mental illness.

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

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

23 (3) (a) Each local school district superintendent shall appoint a certified school  
24 employee to fulfill the role and responsibilities of a professional development  
25 coordinator who shall disseminate professional development information to  
26 schools and personnel. Upon request by a school council or any employees of  
27 the district, the coordinator shall provide technical assistance to the council or

1 the personnel that may include assisting with needs assessments, analyzing  
2 school data, planning and evaluation assistance, organizing districtwide  
3 programs requested by school councils or groups of teachers, or other  
4 coordination activities.

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

8 (c) The local district professional development coordinator may participate in the  
9 Kentucky Department of Education annual training program for local school  
10 district professional development coordinators. The training program may  
11 include but not be limited to the demonstration of various approaches to needs  
12 assessment and planning; strategies for implementing long-term, school-based  
13 professional development; strategies for strengthening teachers' roles in the  
14 planning, development, and evaluation of professional development; and  
15 demonstrations of model professional development programs. The training  
16 shall include information about teacher learning opportunities relating to the  
17 core content standards. The department shall regularly collect and distribute  
18 this information.

19 (4) The department shall provide or facilitate optional, professional development  
20 programs for certified personnel throughout the Commonwealth that are based on  
21 the statewide needs of teachers, administrators, and other education personnel.  
22 Programs may include classified staff and parents when appropriate. Programs  
23 offered or facilitated by the department shall be at locations and times convenient to  
24 local school personnel and shall be made accessible through the use of technology  
25 when appropriate. They shall include programs that: address the goals for Kentucky  
26 schools as stated in KRS 158.6451, including reducing the achievement gaps as  
27 determined by an equity analysis of the disaggregated student performance data

- 1 from the state assessment program developed under KRS 158.6453; engage  
2 educators in effective learning processes and foster collegiality and collaboration;  
3 and provide support for staff to incorporate newly acquired skills into their work  
4 through practicing the skills, gathering information about the results, and reflecting  
5 on their efforts. Professional development programs shall be made available to  
6 teachers based on their needs which shall include but not be limited to the following  
7 areas:
- 8 (a) Strategies to reduce the achievement gaps among various groups of students  
9 and to provide continuous progress;
  - 10 (b) Curriculum content and methods of instruction for each content area,  
11 including differentiated instruction;
  - 12 (c) School-based decision making;
  - 13 (d) Assessment literacy;
  - 14 (e) Integration of performance-based student assessment into daily classroom  
15 instruction;
  - 16 (f) Nongraded primary programs;
  - 17 (g) Research-based instructional practices;
  - 18 (h) Instructional uses of technology;
  - 19 (i) Curriculum design to serve the needs of students with diverse learning styles  
20 and skills and of students of diverse cultures;
  - 21 (j) Instruction in reading, including phonics, phonemic awareness,  
22 comprehension, fluency, and vocabulary;
  - 23 (k) Educational leadership; and
  - 24 (l) Strategies to incorporate character education throughout the curriculum.
- 25 (5) The department shall assist school personnel in assessing the impact of professional  
26 development on their instructional practices and student learning.
- 27 (6) (a) Upon the request of a school district or school council, the department shall

1 assist with the development of long-term school and district improvement  
2 plans that include multiple strategies for professional development based on  
3 the assessment of needs at the school level.

4 (b) Professional development strategies may include but are not limited to  
5 participation in subject matter academies, teacher networks, training institutes,  
6 workshops, seminars, and study groups; collegial planning; action research;  
7 mentoring programs; appropriate university courses; and other forms of  
8 professional development.

9 (c) In planning the use of the four (4) days for professional development under  
10 KRS 158.070, school councils and districts shall give priority to programs that  
11 increase teachers' understanding of curriculum content and methods of  
12 instruction appropriate for each content area based on individual school plans.  
13 The district may use up to one (1) day to provide district-wide training and  
14 training that is mandated by state or federal law. Only those employees  
15 identified in the mandate or affected by the mandate shall be required to  
16 attend the training.

17 (d) State funds allocated for professional development shall be used to support  
18 professional development initiatives that are consistent with local school  
19 improvement and professional development plans and teachers' individual  
20 growth plans. The funds may be used throughout the year for all staff,  
21 including classified and certified staff and parents on school councils or  
22 committees. A portion of the funds allocated to each school council under  
23 KRS 160.345 may be used to prepare or enhance the teachers' knowledge and  
24 teaching practices related to the content and subject matter that are required  
25 for their specific classroom assignments.

26 (7) (a) The department shall develop and maintain a list of approved comprehensive  
27 evidence-informed trainings on child abuse and neglect prevention,

1 recognition, and reporting that encompass child physical, sexual, and  
2 emotional abuse and neglect.

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

- 5 1. Recognizing child physical, sexual, and emotional abuse and neglect;
- 6 2. Reporting suspected child abuse and neglect in Kentucky as required by  
7 KRS 620.030 and the appropriate documentation;
- 8 3. Responding to the child; and
- 9 4. Understanding the response of child protective services.

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

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

14 (8) The department shall establish an electronic consumer bulletin board that posts  
15 information regarding professional development providers and programs as a  
16 service to school district central office personnel, school councils, teachers, and  
17 administrators. Participation on the electronic consumer bulletin board shall be  
18 voluntary for professional development providers or vendors, but shall include all  
19 programs sponsored by the department. Participants shall provide the following  
20 information: program title; name of provider or vendor; qualifications of the  
21 presenters or instructors; objectives of the program; program length; services  
22 provided, including follow-up support; costs for participation and costs of  
23 materials; names of previous users of the program, addresses, and telephone  
24 numbers; and arrangements required. Posting information on the bulletin board by  
25 the department shall not be viewed as an endorsement of the quality of any specific  
26 provider or program.

27 (9) The department shall provide voluntary training to address the characteristics and

1 instructional needs of students at risk of school failure and most likely to drop out  
2 of school. The training shall be developed to meet the specific needs of all certified  
3 and classified personnel depending on their relationship with these students. The  
4 training for instructional personnel shall be designed to provide and enhance skills  
5 of personnel to:

- 6 (a) Identify at-risk students early in elementary schools as well as at-risk and  
7 potential dropouts in the middle and high schools;
- 8 (b) Plan specific instructional strategies to teach at-risk students;
- 9 (c) Improve the academic achievement of students at risk of school failure by  
10 providing individualized and extra instructional support to increase  
11 expectations for targeted students;
- 12 (d) Involve parents as partners in ways to help their children and to improve their  
13 children's academic progress; and
- 14 (e) Significantly reduce the dropout rate of all students.

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

22 (11) The department shall annually provide to the oversight council established in KRS  
23 15A.063, the information received from local schools pursuant to KRS 158.449.

24 ➔Section 4. KRS 157.063 is amended to read as follows:

25 (1) The General Assembly hereby finds and declares that:

- 26 (a) During the first five (5) years of life, children experience rapid learning and  
27 development that have effects that endure their lifetimes;

- 1 (b) A key milestone in children's development is their transition into and  
2 readiness for kindergarten;
- 3 (c) High quality early childhood literacy programs can significantly improve a  
4 child's readiness for kindergarten and future academic success;
- 5 (d) Children in Kentucky would benefit from access to varied and effective early  
6 literacy services; and
- 7 (e) Developing new and innovative services for the children of the  
8 Commonwealth can expand access to early literacy services and improve  
9 kindergarten readiness.
- 10 (2) As used in this section:
- 11 (a) "Child-care center" has the same meaning as in KRS 199.894;
- 12 (b) "Contractor" means the educational technology provider selected pursuant to  
13 subsection (4) of this section;
- 14 (c) "Department" means the Kentucky Department of Education; and
- 15 (d) "Eligible child" means a child who is four (4) or five (5) years old and is not  
16 currently enrolled in kindergarten in a public school district, but is eligible to  
17 enroll during the following school year.
- 18 (3) The Adaptive Kindergarten Readiness Pilot Project is hereby established to provide  
19 preschool children with access to educational technology programs that use family  
20 engagement to improve kindergarten readiness. The pilot project shall:
- 21 (a) During the 2024-2025 and 2025-2026 school years, provide a cohort of  
22 eligible children during each school year with access to an educational  
23 technology program that:
- 24 1. Utilizes family engagement to deliver age-appropriate instruction in  
25 reading that may be implemented in homes or in child-care centers;
- 26 2. Offers optional instruction in mathematics and science;
- 27 3. Aligns with relevant state standards for preschool under KRS 157.3175;



- 1           4.   Assists with the objectives of the Head Start Act, 42 U.S.C. sec. 9801 et  
2               seq.;
- 3           5.   Assists children with disabilities in preparing for kindergarten; and
- 4           6.   Meets the benchmarks for evidence-based programs established by the  
5               United States Department of Education;
- 6       (b)   Operate under the oversight of the Kentucky Department of Education;
- 7       (c)   Solicit families to encourage their eligible child's participation in the pilot  
8               project through public information campaigns, outreach programs, and  
9               referrals from other educational entities that are partially focused on  
10              communities and areas of the state encountering persistent poverty;
- 11       (d)   Reserve forty percent (40%) of a cohort's membership for eligible students  
12               with a household income of no more than two hundred percent (200%) of the  
13               federal poverty level. However, if a seat reserved under this paragraph  
14               remains vacant for more than two (2) months, the seat in that cohort may be  
15               given to any eligible child. The pilot project shall enroll eligible children as  
16               students in both the reserved and unreserved membership in the order the  
17               completed applications were submitted. The maximum enrollment for each  
18               cohort shall be established by the department and provider based on the funds  
19               available;
- 20       (e)   Use:  
21               1.   A multisensory reading tutoring program; and  
22               2.   A validated adaptive reading test that does not require the presence of  
23                      trained adults to administer and that has been demonstrated as an  
24                      accurate indicator of a child's reading readiness; and
- 25       (f)   As needed and at no cost for the student's family, for the duration of the  
26               student's participation in the pilot project, provide a student with a household  
27               income of no more than four hundred percent (400%) of the federal poverty

1 level with:

- 2 1. A computer or tablet; and
- 3 2. Access to internet service.

4 (4) The Kentucky Department of Education shall select a provider to implement the  
5 pilot project under the department's oversight. In evaluating provider applicants, the  
6 department shall require an applicant to have:

- 7 (a) At least three (3) years of experience in implementing similar services;
- 8 (b) Conducted a randomized controlled trial or other external evaluation that  
9 support the efficacy of the educational technology program the provider  
10 implements; and
- 11 (c) Capabilities to:
  - 12 1. Partner with preschool, head start, and child-care centers to serve  
13 participating students;
  - 14 2. Communicate with parents and other education professionals involved  
15 in the pilot project;
  - 16 3. Update the instructional software as needed;
  - 17 4. Validate user access;
  - 18 5. Collect user data;
  - 19 6. Store research data;
  - 20 7. Produce reports for parents, schools, the department, and the Legislative  
21 Research Commission; and
  - 22 8. Comply with state and federal education and digital privacy laws.

23 (5) The selected provider shall:

- 24 (a) Develop a recruitment plan to solicit families to participate in the pilot  
25 project;
- 26 (b) Implement the pilot project in compliance with subsection (3) of this section;
- 27 (c) Provide administrative and technical support to students, families, and any

- 1 other involved education professionals for the installation and operation of the  
2 instructional software;
- 3 (d) Seek the advice and expertise of local stakeholders, such as public and private  
4 early childhood education professionals, the department, local school board  
5 members, kindergarten teachers, and parents, on the implementation of the  
6 pilot project in areas such as:
- 7 1. Soliciting families to participate in the pilot project;  
8 2. Providing training to families and education professionals; and  
9 3. Motivating families to regularly use the instructional software; and
- 10 (e) At the conclusion of each school year, report any data required by the  
11 department to conduct an evaluation of the pilot project's effectiveness.
- 12 (6) By December 1, 2025, the department shall submit a report to the Legislative  
13 Research Commission for referral to the appropriate Interim Joint Committee on  
14 Education, that contains the following:
- 15 (a) The extent to which the pilot project is accomplishing the objectives identified  
16 in this section;
- 17 (b) The number of families:
- 18 1. Participating in the project;  
19 2. Who have received technology devices or internet service in the project;  
20 and  
21 3. Who have household incomes of no more than two hundred percent  
22 (200%) of the federal poverty level or who reside in areas of persistent  
23 poverty;
- 24 (c) The number of private and public educational entities the provider has  
25 partnered with during the pilot project;
- 26 (d) The frequency of use of the instructional software;
- 27 (e) Obstacles encountered with software usage, hardware, internet access, or

1 providing technical assistance; and

2 (f) Student performance on any kindergarten entry or exit assessments conducted  
3 by school districts~~[or public charter schools]~~ that compare students have  
4 participated in the project and students who have not.

5 (7) The Kentucky Department of Education shall implement this section to the extent  
6 that federal funds are available.

7 ➔Section 5. KRS 158.038 is amended to read as follows:

8 (1) ~~[Beginning August 1, 2020,]~~Any student identification badge issued to a student in  
9 grades six (6) through twelve (12) by a public school shall contain the contact  
10 information for:

11 (a) A national domestic violence hotline;

12 (b) A national sexual assault hotline; and

13 (c) A national suicide prevention hotline.

14 (2) ~~[The requirements of subsection (1) of this section shall apply to public charter  
15 schools as a health and safety requirement under KRS 160.1592(1).]~~

16 ~~(3) By July 20, 2020,]~~The Cabinet for Health and Family Services shall publish  
17 recommendations for at least one (1) national hotline accessible twenty-four (24)  
18 hours a day, seven (7) days a week, and three hundred sixty-five (365) days a year  
19 that specializes in each of the hotline categories required by subsection (1) of this  
20 section.

21 ➔Section 6. KRS 158.039 is amended to read as follows:

22 (1) The Cabinet for Health and Family Services shall post on its website high-quality,  
23 evidence-based suicide prevention awareness information, which shall include  
24 information on recognizing the warning signs of a suicide crisis. The website shall  
25 include information related to suicide prevention training opportunities offered by  
26 the cabinet or an agency recognized by the cabinet as a training provider.

27 (2) Every public school~~[and public charter school]~~ shall provide two (2) high quality,

1 evidence-based suicide prevention awareness lessons each school year, the first by  
2 September 15 and the second by January 15, either in person, by live streaming, or  
3 via a video recording to all students in grades six (6) through twelve (12). Every  
4 public school shall provide an opportunity for any student absent on the day the  
5 high quality, evidence-based suicide prevention awareness lesson was initially  
6 presented to receive the lesson at a later time. The information may be obtained  
7 from the Cabinet for Health and Family Services or from a commercially developed  
8 suicide prevention training program.

9 ➔Section 7. KRS 158.041 is amended to read as follows:

10 Every public school shall prominently display the statewide child abuse hotline number  
11 administered by the Cabinet for Health and Family Services, the National Human  
12 Trafficking Hotline number administered by the United States Department of Health and  
13 Human Services, and the Safe Haven Baby Boxes Crisis Line number administered by  
14 the Safe Haven Baby Boxes national organization or any equivalent successor entity.  
15 ~~The requirements of this section shall also apply to public charter schools as a health and~~  
16 ~~safety requirement under KRS 160.1592(1).~~

17 ➔Section 8. KRS 158.157 is amended to read as follows:

18 ~~{(1)}~~ The superintendent of each local school district shall require the principal of each  
19 school within the district to provide written notice of the provisions of KRS 531.125 to  
20 students in grades four (4) and above in an age-appropriate manner and to parents or  
21 guardians of all students within ten (10) days of the first instructional day of each school  
22 year.

23 ~~{(2)} The requirements of subsection (1) of this section shall apply to public charter~~  
24 ~~schools as a health and safety requirement under KRS 160.1592(1).~~

25 ➔Section 9. KRS 158.158 is amended to read as follows:

26 (1) ~~{By August 1, 2025, }~~Local boards shall require each public school with  
27 instructional spaces for students in grades six (6) through twelve (12) to display, in

1 a prominent location in each school building, a legible printed sign in English and  
2 Spanish at least eight and one-half (8.5) inches by eleven (11) inches in size that  
3 shall contain:

- 4 (a) An age-appropriate description of sexual extortion consistent with the  
5 definition in KRS 531.125.
- 6 (b) Contact information for state or local law enforcement for reporting or  
7 seeking assistance relating to sexual extortion;
- 8 (c) Contact information for federal law enforcement for reporting or seeking  
9 assistance relating to sexual extortion;
- 10 (d) Contact information for a national suicide prevention hotline; and
- 11 (e) The Uniform Resource Locator (URL), a Quick Response (QR) code, or  
12 similar resource to identify the website address for informational and support  
13 resources regarding sexual extortion provided by the National Center for  
14 Missing and Exploited Children or any federally funded successor entity.

15 (2) ~~[(The requirements of subsection (1) of this section shall apply to public charter~~  
16 ~~schools as a health and safety requirement under KRS 160.1592(1)).~~

17 ~~(3) By July 15, 2025,~~ The department shall publish recommendations for information  
18 to be included consistent with subsection (1) of this section.

19 ➔Section 10. KRS 158.189 is amended to read as follows:

20 (1) As used in this section:

- 21 (a) "Biological sex" means the physical condition of being male or female, which  
22 is determined by a person's chromosomes, and is identified at birth by a  
23 person's anatomy; and
- 24 (b) "School" means a school under the control of a local board of education~~[or a~~  
25 ~~charter school board of directors]~~.

26 (2) The General Assembly finds that:

- 27 (a) School personnel have a duty to protect the dignity, health, welfare, and

- 1 privacy rights of students in their care;
- 2 (b) Children and young adults have natural and normal concerns about privacy
- 3 while in various states of undress, and most wish for members of the opposite
- 4 biological sex not to be present in those circumstances;
- 5 (c) Allowing students to use restrooms, locker rooms, or shower rooms that are
- 6 reserved for students of a different biological sex:
- 7 1. Will create a significant potential for disruption of school activities and
- 8 unsafe conditions; and
- 9 2. Will create potential embarrassment, shame, and psychological injury to
- 10 students;
- 11 (d) Parents have a reasonable expectation that schools will not allow minor
- 12 children to be viewed in various states of undress by members of the opposite
- 13 biological sex, nor allow minor children to view members of the opposite sex
- 14 in various states of undress; and
- 15 (e) Schools have a duty to respect and protect the privacy rights of students,
- 16 including the right not to be compelled to undress or be unclothed in the
- 17 presence of members of the opposite biological sex.
- 18 (3) Each local board of education~~[or charter school board of directors]~~ shall, after
- 19 allowing public comment on the issue at an open meeting, adopt policies necessary
- 20 to protect the privacy rights outlined in subsection (2) of this section and enforce
- 21 this subsection. Those policies shall, at a minimum, not allow students to use
- 22 restrooms, locker rooms, or shower rooms that are reserved for students of a
- 23 different biological sex.
- 24 (4) (a) A student who asserts to school officials that his or her gender is different
- 25 from his or her biological sex and whose parent or legal guardian provides
- 26 written consent to school officials shall be provided with the best available
- 27 accommodation, but that accommodation shall not include the use of school

1 restrooms, locker rooms, or shower rooms designated for use by students of  
2 the opposite biological sex while students of the opposite biological sex are  
3 present or could be present.

4 (b) Acceptable accommodations may include but are not limited to access to  
5 single-stall restrooms or controlled use of faculty bathrooms, locker rooms, or  
6 shower rooms.

7 ➔Section 11. KRS 158.196 is amended to read as follows:

8 (1) A public school~~[-or public charter school]~~ shall provide instruction and instructional  
9 materials that are aligned with the social studies academic standards adopted in  
10 accordance with KRS 158.6453 and consistent with the following concepts:

11 (a) All individuals are created equal;

12 (b) Americans are entitled to equal protection under the law;

13 (c) An individual deserves to be treated on the basis of the individual's character;

14 (d) An individual, by virtue of the individual's race or sex, does not bear  
15 responsibility for actions committed by other members of the same race or  
16 sex;

17 (e) The understanding that the institution of slavery and post-Civil War laws  
18 enforcing racial segregation and discrimination were contrary to the  
19 fundamental American promise of life, liberty, and the pursuit of happiness,  
20 as expressed in the Declaration of Independence, but that defining racial  
21 disparities solely on the legacy of this institution is destructive to the  
22 unification of our nation;

23 (f) The future of America's success is dependent upon cooperation among all its  
24 citizens;

25 (g) Personal agency and the understanding that, regardless of one's circumstances,  
26 an American has the ability to succeed when he or she is given sufficient  
27 opportunity and is committed to seizing that opportunity through hard work,



1           pursuit of education, and good citizenship; and

2           (h) The significant value of the American principles of equality, freedom,  
3           inalienable rights, respect for individual rights, liberty, and the consent of the  
4           governed.

5       (2) Nothing in subsection (1) of this section shall be construed to restrict a public  
6       school ~~or public charter school~~ from providing instruction or using instructional  
7       materials that include:

8           (a) The history of an ethnic group, as described in textbooks and instructional  
9           materials adopted by a school district;

10          (b) The discussion of controversial aspects of history; or

11          (c) The instruction and instructional materials on the historical oppression of a  
12          particular group of people.

13       (3) (a) Notwithstanding the every six (6) year schedule set forth in KRS  
14       158.6453(2)(a), ~~no later than July 1, 2023,~~ the Kentucky Department of  
15       Education shall incorporate fundamental American documents and speeches  
16       into the grade-level appropriate middle and high school social studies  
17       academic standards and align corresponding assessments, including but not  
18       limited to:

19           1. The Mayflower Compact;

20           2. The Declaration of Independence;

21           3. The Constitution of the United States;

22           4. The Federalist No. 1 (Alexander Hamilton);

23           5. The Federalist Nos. 10 and 51 (James Madison);

24           6. The June 8, 1789, speech on amendments to the Constitution of the  
25           United States by James Madison;

26           7. The first ten (10) amendments to the Constitution of the United States,  
27           also known as the Bill of Rights;

- 1           8.    The 1796 Farewell Address by George Washington;
- 2           9.    The United States Supreme Court opinion in Marbury v. Madison, 5
- 3                U.S. 137 (1803);
- 4           10.   The Monroe Doctrine by James Monroe;
- 5           11.   What to the Slave is the Fourth of July? speech by Frederick Douglass;
- 6           12.   The United States Supreme Court opinion in Dred Scott v. Sandford, 60
- 7                U.S. 393 (1857);
- 8           13.   Final Emancipation Proclamation by Abraham Lincoln;
- 9           14.   The Gettysburg Address by Abraham Lincoln;
- 10          15.   Declaration of Rights of the Women of the United States by Susan B.
- 11               Anthony, Matilda Joslyn Gage, and Elizabeth Cady Stanton;
- 12          16.   The September 18, 1895, Atlanta Exposition Address by Booker T.
- 13               Washington;
- 14          17.   Of Booker T. Washington and Others by W.E.B. Du Bois;
- 15          18.   The United States Supreme Court opinion in Plessy v. Ferguson, 163
- 16               U.S. 537 (1896);
- 17          19.   The August 31, 1910, New Nationalism speech by Theodore Roosevelt;
- 18          20.   The January 11, 1944, State of the Union Address by Franklin D.
- 19               Roosevelt;
- 20          21.   The United States Supreme Court opinions in Brown v. Board of
- 21               Education of Topeka, 347 U.S. 483 (1954) and Brown v. Board of
- 22               Education of Topeka, 349 U.S. 294 (1955);
- 23          22.   Letter from Birmingham Jail by Martin Luther King, Jr.;
- 24          23.   The August 28, 1963, I Have a Dream speech by Martin Luther King,
- 25               Jr.; and
- 26          24.   A Time for Choosing by Ronald Reagan.
- 27          (b)   This revision shall not delay or otherwise impact the existing schedule as set

1           forth in KRS 158.6453(2).

2           ➔Section 12. KRS 158.305 is amended to read as follows:

3       (1) As used in this section:

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

10          (b) "Dyscalculia" means the inability to understand the meaning of numbers, the  
11          basic operations of addition and subtraction, the complex operations of  
12          multiplication and division, or to apply math principles to solve practical or  
13          abstract problems;

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

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

18          (e) "Enrichment program" means accelerated intervention within the school day  
19          or outside of the school day or school calendar led by individuals most  
20          qualified to provide the intervention that includes evidence-based reading  
21          instructional programming related to reading instruction in the areas of  
22          phonemic awareness, phonics, fluency, vocabulary, and comprehension, and  
23          other instructional strategies aligned to reading and writing standards required  
24          by KRS 158.6453 and outlined in administrative regulation promulgated by  
25          the Kentucky Board of Education;

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

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

- 1 (h) "Reading diagnostic assessment" has the same meaning as in KRS 158.792;
- 2 (i) "Reading improvement plan" means an accelerated intervention plan for a
- 3 student in kindergarten through grade four (4) that is developed to increase a
- 4 student's rate of progress toward proficient performance in reading that is
- 5 identified as necessary based on the student's results on an approved reading
- 6 diagnostic assessment. This plan should be developed in collaboration and
- 7 accordance with any existing program services plan, individualized education
- 8 program, or Section 504 Plan unless the program services plan, individualized
- 9 education program, or Section 504 Plan already addresses improving reading;
- 10 (j) "Reading improvement team" means a team that develops and oversees the
- 11 progress of a reading improvement plan and includes:
- 12 1. The parent or guardian of the student that is the subject of the reading
- 13 improvement plan;
- 14 2. No less than one (1) regular education teacher of the student to provide
- 15 information about the general curriculum for same-aged peers;
- 16 3. A representative of the local education agency who is knowledgeable
- 17 about the reading curriculum and the availability of the evidence-based
- 18 literacy resources of the local education agency; and
- 19 4. Any specialized certified school employees for students receiving
- 20 language instruction educational programming or special education
- 21 services; and
- 22 (k) "Universal screener" means a process of providing a brief assessment to all
- 23 students within a grade level to assess the students' performance on the
- 24 essential components of reading.
- 25 (2) Notwithstanding any other statute or administrative regulation to the contrary, the
- 26 Kentucky Board of Education shall promulgate administrative regulations to further
- 27 define a multitiered system of supports for district-wide use of a system for students

1 in kindergarten through grade three (3), that includes a tiered continuum of  
2 interventions with varying levels of intensity and duration and which connects  
3 general, compensatory, and special education programs to provide interventions  
4 implemented with fidelity to evidence-based research and matched to individual  
5 student strengths and needs. At a minimum, evidence of implementation shall be  
6 submitted by the district to the department by October 1 of each year and shall  
7 include but not be limited to the activities required under KRS 158.649.

8 (3) The department shall provide technical assistance and training, if requested by a  
9 local district, to assist in the implementation of the district-wide, multitiered system  
10 of supports as a means to identify and assist any student experiencing difficulty in  
11 reading, writing, mathematics, or behavior and to determine appropriate  
12 instructional modifications needed by advanced learners to make continuous  
13 progress.

14 (4) The technical assistance and training shall be designed to improve:

- 15 (a) The use of specific screening processes and programs to identify student  
16 strengths and needs;
- 17 (b) The use of screening data for designing instructional interventions;
- 18 (c) The use of multisensory instructional strategies and other interventions  
19 validated for effectiveness by evidence-based research;
- 20 (d) Progress monitoring of student performance; and
- 21 (e) Accelerated, intensive, direct instruction that addresses students' individual  
22 differences, including advanced learners, and enables students that are  
23 experiencing difficulty to catch up with typically performing peers.

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

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

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

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

12          (c)   All teachers of students in kindergarten through grade three (3)~~[, including~~  
13                   ~~public charter school teachers,]~~ shall be trained on any reading diagnostic  
14                   assessment and universal screener selected by the superintendent~~[or public~~  
15                   ~~charter school board]~~ prior to administration of the assessment. The training  
16                   shall address:

- 17                  1.    How to properly administer the reading diagnostic assessment;
- 18                  2.    How to interpret the results of the reading diagnostic assessment to  
19                        identify students needing interventions;
- 20                  3.    How to use the assessment results to design instruction and  
21                        interventions;
- 22                  4.    The use of the assessment to monitor the progress of student  
23                        performance; and
- 24                  5.    The use of accelerated, intensive, and direct instruction that addresses  
25                        students' individual differences and enables students to achieve  
26                        proficiency in reading, including but not limited to daily, one-on-one  
27                        instruction.

- 1 (6) A universal screener determined by the department to be reliable and valid shall be:
- 2 (a) Given in the first forty-five (45) days of the school year for all kindergarten
- 3 students at a public school~~[-or public charter school];~~
- 4 (b) Given in the first thirty (30) days of the school year for grades one (1) through
- 5 three (3) at a public school~~[-or public charter school];~~ and
- 6 (c) Given within the final fourteen (14) instructional days of the school year to all
- 7 students in kindergarten and first grade at a public school~~[-or public charter~~
- 8 ~~school].~~
- 9 (7) A reading improvement plan shall be developed and implemented by a reading
- 10 improvement team for any student in kindergarten through grade three (3) identified
- 11 as needing accelerated interventions to progress toward proficient performance in
- 12 reading. The reading improvement plan shall require:
- 13 (a) Intensive intervention that includes effective instructional strategies and
- 14 appropriate instructional materials necessary to help the student make
- 15 accelerated progress toward proficient performance in reading and become
- 16 ready for the next grade, including but not limited to daily, one-on-one
- 17 instruction with students the most in need provided by certified teachers
- 18 specifically trained to provide one-on-one instruction;
- 19 (b) A school to provide a written quarterly progress report containing the
- 20 information required by paragraph (a) of this subsection to a parent or
- 21 guardian of any student subject to a reading improvement plan. The written
- 22 quarterly progress report for the reading improvement plan may be included
- 23 in the school's existing quarterly progress report; and
- 24 (c) Individual placement decisions for children who are eligible for special
- 25 education and related services to be determined by the appropriate admissions
- 26 and release committee in accordance with administrative regulations
- 27 promulgated by the Kentucky Board of Education.

- 1 (8) If a student's rate of progress toward proficient performance in reading needs  
2 accelerated interventions as demonstrated by the results of an approved reading  
3 diagnostic assessment, the local school district shall provide:
- 4 (a) Enrichment programs through grade three (3) using evidence-based reading  
5 instruction and other strategies;
- 6 (b) Intensive instructional services, progress monitoring measures, and supports  
7 to students through grade three (3); and
- 8 (c) Parents and legal guardians of students identified for accelerated interventions  
9 in reading in kindergarten through grade three (3) with a "Read at Home"  
10 plan, including information on how to participate in regular parent-guided  
11 home reading.
- 12 (9) (a) Beginning in the 2025-2026 school year:
- 13 1. A kindergarten student who had a reading improvement plan for the  
14 school year may remain in kindergarten for an additional school year if a  
15 school determines that the student:
- 16 a. Did not meet grade level benchmarks in reading while in  
17 kindergarten as determined by the universal screener given in  
18 accordance with subsection (6) of this section;
- 19 b. Did not master the Kentucky reading academic standards for  
20 kindergarten students based on assessments given in accordance  
21 with KRS 158.6453(8); or
- 22 c. Is not properly prepared to be successful in the first grade; and
- 23 2. A first-grade student who had a reading improvement plan for the  
24 school year shall remain in first grade for an additional school year if a  
25 school determines that the student:
- 26 a. Did not meet grade level benchmarks in reading while in first  
27 grade as determined by the universal screener given in accordance



1 with subsection (6) of this section;

2 b. Did not master the Kentucky reading academic standards for first  
3 grade students based on assessments given in accordance with  
4 KRS 158.6453(8); or

5 c. Is not properly prepared to be successful in the second grade.

6 (b) Notwithstanding paragraph (a) of this subsection, placement decisions for  
7 students eligible for special education and related services shall be determined  
8 by the admissions and release committee in accordance with administrative  
9 regulations promulgated by the Kentucky Board of Education.

10 (c) Notwithstanding paragraph (a) of this subsection, a student who remained in  
11 kindergarten under this subsection shall not subsequently be required to  
12 remain in first grade, and a student shall not be required to remain in first  
13 grade for more than one (1) additional year.

14 (d) The school shall reevaluate and make necessary changes to the reading  
15 improvement plan of any student remaining in kindergarten or first grade and  
16 shall continue to provide all programs and services required under subsection  
17 (8) of this section during the additional year of kindergarten or first grade.

18 (e) A student provided an additional year of kindergarten or first grade under this  
19 subsection may advance through the primary school program when it is  
20 determined by the school to be in the best educational interest of the student  
21 pursuant to KRS 158.031.

22 (10) If a student does not score in the proficient performance level or higher in reading,  
23 as defined in KRS 158.791(2), on the state annually required grade three (3)  
24 assessment, the local school district shall provide:

25 (a) 1. Enrichment programs in grade four (4) using evidence-based reading  
26 instruction and other strategies; or

27 2. Intensive instructional services, progress monitoring measures, and

1 supports to students in grade four (4); and

2 (b) Written notification of the interventions and supports described in paragraph  
3 (a) of this subsection to the parent or legal guardian of the student, including a  
4 description of proposed interventions and supports to be provided.

5 (11) ~~[By September 1, 2023, ]~~If funds are appropriated, the department shall establish  
6 required teacher academies or coaching models for teachers of students in  
7 prekindergarten through grade three (3). The teacher academies or coaching models  
8 shall be related to evidence-based practices in instruction, instructional materials,  
9 and assessment in reading.

10 (12) The department shall develop and maintain a web-based resource providing  
11 teachers access to:

12 (a) Information on the use of specific screening processes and programs to  
13 identify student strengths and needs, including those for advanced learners;

14 (b) Current, evidence-based research and age-appropriate instructional tools that  
15 may be used for substantial, steady improvement in:

16 1. Reading when a student is experiencing difficulty with phonemic  
17 awareness, phonics, vocabulary, fluency, general reading  
18 comprehension, or reading in specific content areas, or is exhibiting  
19 characteristics of dyslexia, aphasia, or other reading difficulties;

20 2. Writing when a student is experiencing difficulty with consistently  
21 producing letters or numbers with accuracy or is exhibiting  
22 characteristics of dysgraphia;

23 3. Mathematics when a student is experiencing difficulty with basic math  
24 facts, calculations, or application through problem solving, or is  
25 exhibiting characteristics of dyscalculia or other mathematical  
26 difficulties; or

27 4. Behavior when a student is exhibiting behaviors that interfere with his

1 or her learning or the learning of other students; and

2 (c) Current, evidence-based research and age-appropriate instructional tools that  
3 may be used for continuous progress of advanced learners.

4 (13) The department shall encourage districts to utilize both state and federal funds as  
5 appropriate to implement a district-wide multitiered system of supports.

6 (14) The department is encouraged to coordinate technical assistance and training on  
7 current best practice interventions with state postsecondary education institutions.

8 (15) The department shall collaborate with the statewide reading research center  
9 established under KRS 164.0207, the Kentucky Center for Mathematics, the  
10 Kentucky Center for Instructional Discipline, the Education Professional Standards  
11 Board, the Council on Postsecondary Education, postsecondary teacher education  
12 programs, and other agencies and organizations as deemed appropriate to ensure  
13 that teachers are prepared to utilize evidence-based interventions in reading,  
14 writing, mathematics, and behavior.

15 (16) In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to  
16 determine appropriate instructional strategies for curriculum implementation shall  
17 not be considered to be an evaluation for eligibility for special education and related  
18 services and nothing in this section shall limit a school district from completing an  
19 initial evaluation of a student suspected of having a disability.

20 ➔Section 13. KRS 158.4416 is amended to read as follows:

21 (1) For purposes of this section:

22 (a) "Direct services" means in-person or virtual services provided directly to a  
23 student by a school counselor, including but not limited to individual  
24 counseling, group counseling, and individual student planning, scheduling,  
25 and registration;

26 (b) "Indirect services" means services provided on behalf of a student as a result  
27 of interactions with others, including but not limited to consultation and

- 1 collaboration with parents, teachers, and other educators;
- 2 (c) "School counselor" means an individual who holds a valid school counselor  
3 certificate issued in accordance with the administrative regulations of the 3
- 4 (d) "School psychologist" means an individual who holds a valid school  
5 psychology certificate issued in accordance with the administrative  
6 regulations of the Education Professional Standards Board;
- 7 (e) "School social worker" means an individual who holds a valid school social  
8 work certificate issued in accordance with the administrative regulations of  
9 the Education Professional Standards Board;
- 10 (f) "School-based mental health services provider" means a certified school  
11 counselor, school psychologist, school social worker, or other qualified  
12 mental health professional as defined in KRS 202A.011;
- 13 (g) "Trauma" means physical, emotional, or life-threatening harm; and
- 14 (h) "Trauma-informed approach" means incorporating principles of trauma  
15 awareness and trauma-informed practices in a school in order to foster a safe,  
16 stable, and understanding learning environment for all students and staff and  
17 ensuring that all students are known well by at least one (1) adult in the school  
18 setting.
- 19 (2) The General Assembly recognizes that all schools must provide a place for students  
20 to feel safe and supported to learn throughout the school day, and that any trauma a  
21 student may have experienced can have a significant impact on the ability of a  
22 student to learn. The General Assembly directs all public schools to adopt a trauma-  
23 informed approach to education in order to better recognize, understand, and  
24 address the learning needs of students impacted by trauma and to foster a learning  
25 environment where all students, including those who have been traumatized, can be  
26 safe, successful, and known well by at least one (1) adult in the school setting. ~~The~~  
27 ~~requirements of this subsection shall apply to public charter schools as a health and~~

1 ~~safety requirement under KRS 160.1592(1).~~

2 (3) (a) As funds and qualified personnel become available:

3 1. Each school district~~[-and each public charter school]~~ shall employ at  
4 least one (1) school counselor in each school with the goal of the school  
5 counselor spending at least sixty percent (60%) or more of his or her  
6 time providing direct services to students and no more than forty percent  
7 (40%) of his or her time providing indirect services to students; and

8 2. It shall be the goal that each school district~~[-and each public charter~~  
9 ~~school]~~ shall provide at least one (1) school counselor or school-based  
10 mental health services provider who is employed by the school district  
11 for every two hundred fifty (250) students, including but not limited to  
12 the school counselor required in subparagraph 1. of this paragraph.

13 (b) A school counselor or school-based mental health services provider at each  
14 school shall be the facilitator of a trauma-informed team to identify and assist  
15 students whose learning, behavior, and relationships have been impacted by  
16 trauma. The trauma-informed team may consist of school administrators,  
17 school counselors, school psychologists, school social workers, school-based  
18 mental health services providers, community-based mental health services  
19 providers hired by the district, family resource and youth services  
20 coordinators, school nurses, school resource officers, and any other school or  
21 district personnel.

22 (c) The trauma-informed team shall:

23 1. Provide assistance to school personnel to enable them to support  
24 students whose learning, behavior, and relationships have been impacted  
25 by trauma;

26 2. Identify ways to recognize and respond to mental health issues in all  
27 students; and

- 1           3.    Identify ways to build resiliency and wellness in all students.
- 2           (d)  Each school counselor or school-based mental health services provider
- 3               providing services pursuant to this section, and the trauma-informed team
- 4               members described in paragraph (b) of this subsection, shall provide training,
- 5               guidance, and assistance to other administrators, teachers, and staff on:
- 6               1.    Recognizing symptoms of trauma in students;
- 7               2.    Utilizing interventions and strategies to support the learning needs of
- 8               those students; and
- 9               3.    Implementing the plan for a trauma-informed approach as described in
- 10              subsection (5) of this section.
- 11          (e)  1.    School districts may employ or contract for the services of school-based
- 12               mental health services providers to assist with the development and
- 13               implementation of a trauma-informed approach and the development of
- 14               a trauma-informed team pursuant to this subsection and to enhance or
- 15               expand student mental health support services as funds and qualified
- 16               personnel become available.
- 17              2.    School-based mental health services providers may provide services
- 18               through a collaboration between two (2) or more school districts or
- 19               between school districts and educational cooperatives or any other
- 20               public or private entities, including but not limited to local or regional
- 21               mental health day treatment programs.
- 22          (f)  No later than November 1 of each year, the local school district
- 23               superintendent shall report to the department the number of school-based
- 24               mental health service providers, the position held, placement in the district,
- 25               certification or licensure held, the source of funding for each position, a
- 26               summary of the job duties and work undertaken by each school-based mental
- 27               health service provider, and the approximate percent of time devoted to each

1 duty over the course of the year.

2 (g) The department shall annually compile and maintain a list of school-based  
3 mental health service providers by district which shall include the information  
4 required in paragraph (f) of this subsection.

5 (h) No later than June 1 of each year, the department shall provide the  
6 appropriate Interim Joint Committee on Education with the information  
7 reported by local school district superintendents and compiled in accordance  
8 with paragraph (g) of this subsection.

9 (4) The department shall make available a toolkit that includes guidance, strategies,  
10 behavioral interventions, practices, and techniques to assist school districts ~~and~~  
11 ~~public charter schools~~ in developing a trauma-informed approach in schools.

12 (5) Each local board of education ~~and board of a public charter school~~ shall develop a  
13 plan for implementing a trauma-informed approach in its schools. The plan shall  
14 include but not be limited to strategies for:

15 (a) Enhancing trauma awareness throughout the school community;

16 (b) Conducting an assessment of the school climate, including but not limited to  
17 inclusiveness and respect for diversity;

18 (c) Developing trauma-informed discipline policies;

19 (d) Collaborating with the Department of Kentucky State Police, the local sheriff,  
20 and the local chief of police to create procedures for notification of trauma-  
21 exposed students; and

22 (e) Providing services and programs designed to reduce the negative impact of  
23 trauma, support critical learning, and foster a positive and safe school  
24 environment for every student.

25 (6) The trauma-informed approach plan developed in accordance with subsection (5) of  
26 this section shall be reviewed and updated annually and submitted to the  
27 department. The department shall annually provide a summary of the trauma-

1 informed approach strategies being used in districts to the board and the Legislative  
2 Research Commission for referral to the appropriate Interim Joint Committee on  
3 Education.

4 ➔Section 14. KRS 158.4433 is amended to read as follows:

5 (1) As used in this section, "school mapping data" means mapping information  
6 provided in an electronic or a digital format to assist first responders in responding  
7 to emergencies at schools.

8 (2) (a) The General Assembly does hereby establish the School Mapping Data  
9 Program to be administered by the Center for School Safety. The Center for  
10 School Safety shall utilize available funds to develop school mapping data for  
11 each public school~~[-, public charter school,]~~ and any private school that  
12 requests to participate in the program. The program shall be administered by  
13 the Center for School Safety pursuant to this section, which may include  
14 contracting for services pursuant to the relevant provisions of the Kentucky  
15 Model Procurement Code in KRS Chapter 45A. The Center for School Safety  
16 shall be responsible for ensuring that all funds received for and expended  
17 related to the School Mapping Data Program are utilized for the purposes of  
18 school mapping.

19 (b) The Center for School Safety shall provide the data developed by the program  
20 to the state school security marshal, participating schools, participating  
21 districts, and local law enforcement and public safety agencies for use in  
22 response to emergencies and for conducting drills required under KRS  
23 158.162(5). The school mapping data shall be excluded from the application  
24 of KRS 61.870 to 61.884.

25 (c) The Center for School Safety shall apply for any federal grant funds that may  
26 be used to accomplish the purposes of the program. The Center for School  
27 Safety may also solicit private funds to support the program.



- 1 (3) The School Mapping Data Program shall establish a single verified source of  
2 mapping data for each participating school campus in the state that is standardized,  
3 accurate, and accessible to public safety agencies to ensure efficient response to any  
4 emergency on a school campus. The school mapping data provided shall:
- 5 (a) Be compatible with software platforms used by local, county, state, and  
6 federal public safety agencies that provide emergency services to the specific  
7 school for which the data is provided without requiring such agencies to  
8 purchase additional software or requiring a fee to view or access the data;
- 9 (b) Be compatible with security software platforms in use by the participating  
10 school or district for which the data is provided without requiring the school  
11 or district to purchase additional software or requiring a fee to view or access  
12 the data;
- 13 (c) Be in a printable format and, if requested by a law enforcement or public  
14 safety agency or participating school or district in addition to those described  
15 in paragraph (a) of this subsection, be in a digital file format that can be  
16 integrated into interactive mobile platforms in use;
- 17 (d) Be verified by the Center for School Safety for accuracy by a walk-through of  
18 school buildings and grounds;
- 19 (e) Be oriented to true north;
- 20 (f) Include accurate floor plans overlaid on current, verified aerial imagery of  
21 campus;
- 22 (g) Contain site-specific labeling that matches the structure of school buildings  
23 that includes:
- 24 1. Room labels;
- 25 2. Hallway names or identifiers;
- 26 3. External door or stairwell numbers;
- 27 4. Locations of hazards;

- 1           5.    Critical utility locations;
- 2           6.    Key boxes;
- 3           7.    Automated external defibrillators; and
- 4           8.    Trauma kits;
- 5       (h)   Contain site-specific labeling that matches the school grounds that includes:
  - 6           1.    Parking areas;
  - 7           2.    Athletic fields;
  - 8           3.    Surrounding roads; and
  - 9           4.    Neighboring properties;
- 10       (i)   Be overlaid with a gridded coordinate system;
- 11       (j)   Not be modified or updated independently without corresponding updates to
- 12           school mapping data within software platforms used by local, county, state,
- 13           and federal public safety agencies that provide emergency services to the
- 14           specific school; and
- 15       (k)   Provide to public safety agencies and participating schools or districts the
- 16           school mapping data developed pursuant to the program perpetually and at no
- 17           cost to the public safety agencies or participating schools or districts.
- 18   (4)   A participating school district or campus shall not be required to adopt new school
- 19           mapping data if, as of July 1, 2024, the school district or campus previously
- 20           implemented school mapping data with capabilities that meet the requirements of
- 21           subsection (3)(a) to (k) of this section.
- 22       ➔Section 15.   KRS 158.8402 is amended to read as follows:
- 23   (1)   Notwithstanding any other statute or administrative regulation to the contrary, the
- 24           Kentucky Board of Education shall promulgate administrative regulations in
- 25           accordance with KRS Chapter 13A to define and establish a multitiered system of
- 26           supports that shall include evidence-based mathematics instruction, intervention,
- 27           and instructional strategies for district-wide use for students in kindergarten through

1 grade three (3).

2 (2) By November 1, 2027, and each year thereafter, the department shall submit the  
3 implementation status of the multitiered system of supports required pursuant to  
4 subsection (1) of this section for all school districts to the Legislative Research  
5 Commission for referral to the appropriate Interim Joint Committee on Education.

6 (3) The department shall provide technical assistance and training to local districts to  
7 assist in the implementation of the district-wide, multitiered system of supports as a  
8 means to identify and assist any student experiencing difficulty in mathematics.

9 (4) The technical assistance and training shall be designed to improve:

10 (a) The use of specific screening processes and diagnostic assessments to identify  
11 student strengths and needs;

12 (b) The use of universal screening and diagnostic data for implementing  
13 instruction and intervention, as needed;

14 (c) The use of valid and reliable evidence-based instructional strategies and  
15 interventions for mathematics education;

16 (d) Progress monitoring of student performance; and

17 (e) Accelerated, intensive, direct instruction that addresses students' individual  
18 differences, including advanced learners, and enables students that are  
19 experiencing difficulty to catch up with typically performing peers.

20 (5) (a) ~~[By January 1, 2026, ]~~Each superintendent~~[ or public charter school board of~~  
21 ~~directors]~~ shall select:

22 1. At least one (1) universal screener for mathematics that is determined by  
23 the department to be valid and reliable to be administered to all students  
24 in kindergarten through grade three (3); and

25 2. At least one (1) diagnostic assessment for mathematics that is  
26 determined by the department to be reliable and valid to be administered  
27 as part of a multitiered system of supports for students in kindergarten

1 through grade three (3).

2 (b) Each superintendent~~[or public charter school board of directors]~~ shall adopt  
3 an evidence-based curriculum along with high-quality instructional resources  
4 for mathematics that is determined by the department to be reliable, valid, and  
5 aligned to Kentucky academic standards for mathematics required by KRS  
6 158.6453 for kindergarten through grade three (3).

7 (c) All teachers of students in kindergarten through grade three (3)~~[, including~~  
8 ~~public charter school teachers,]~~ shall be trained on any mathematics universal  
9 screener and diagnostic assessment selected by the superintendent~~[or public~~  
10 ~~charter school board]~~ prior to administration of the assessment. The training  
11 shall address:

- 12 1. How to properly administer the mathematics universal screener and  
13 diagnostic assessment;
- 14 2. How to interpret the results of the mathematics universal screener and  
15 diagnostic assessment to identify students needing interventions;
- 16 3. How to use the assessment results to design instruction and  
17 interventions;
- 18 4. The use of the assessment to monitor the progress of student  
19 performance; and
- 20 5. The use of accelerated, intensive, and direct instruction that addresses  
21 students' individual differences and enables students to achieve  
22 proficiency in mathematics, including but not limited to daily, one-on-  
23 one instruction.

24 (6) Beginning with the 2026-2027 school year, a universal screener determined by the  
25 department to be valid and reliable shall be given in the first thirty (30) calendar  
26 days of the school year to each student in kindergarten through grade three (3) at a  
27 public school~~[or public charter school]~~.

- 1 (7) Those students determined to be at risk for not meeting grade-level benchmarks in  
2 mathematics for kindergarten through grade three (3) based on the universal  
3 screener shall be given a mathematics diagnostic assessment determined by the  
4 department to be valid and reliable to identify the individual student deficits in  
5 numeracy and other mathematical content and practices as listed in subsection (1)  
6 of this section in the first forty-five (45) calendar days of the school year.
- 7 (8) A mathematics improvement plan shall be developed and implemented in the first  
8 sixty (60) calendar days of the school year by a mathematics improvement team for  
9 any student in kindergarten through grade three (3) identified as needing  
10 accelerated interventions to progress toward proficient performance in mathematics.  
11 The mathematics improvement plan shall require:
- 12 (a) Intensive intervention that includes effective instructional strategies and high-  
13 quality instructional resources necessary to help the student make accelerated  
14 progress toward proficient performance in mathematics and become ready for  
15 the next grade, including but not limited to daily, one-on-one instruction with  
16 students the most in need provided by certified teachers specifically trained  
17 and most qualified to provide one-on-one instruction in numeracy; and
- 18 (b) Written quarterly progress reports provided by the school to a parent or  
19 guardian of any student subject to a mathematics improvement plan. The  
20 written quarterly progress report for the mathematics improvement plan may  
21 be included in the school's existing quarterly student progress report.
- 22 (9) Beginning in the 2026-2027 school year, if a student's rate of progress toward  
23 proficient performance in mathematics needs accelerated interventions as  
24 demonstrated by the results of an approved universal screener and mathematics  
25 diagnostic assessment, the local school district shall provide:
- 26 (a) Enrichment programs using evidence-based mathematics instruction and other  
27 strategies;

- 1 (b) Intensive instructional services, progress monitoring measures, and supports;  
2 and
- 3 (c) Parents and legal guardians of students identified for accelerated interventions  
4 in mathematics with information on how to encourage mathematics success at  
5 home.
- 6 (10) ~~[By September 1, 2025,]~~ If funds are available, the department shall establish  
7 teacher academies or coaching models for teachers of students in kindergarten  
8 through grade eight (8). The teacher academies or coaching models shall be related  
9 to evidence-based practices in instruction, instructional materials, and assessment in  
10 mathematics.
- 11 (11) The department shall develop and maintain a web-based resource providing  
12 teachers access to:
- 13 (a) Screening and diagnostic tools, universal screeners, screening processes, and  
14 diagnostic assessments;
- 15 (b) Evidence-based curriculum;
- 16 (c) High quality instructional resources; and  
17 (d) General supports and lesson plans.
- 18 (12) The department shall encourage districts to utilize both state and federal funds, as  
19 appropriate, to implement a district-wide multitiered system of supports, including  
20 high-quality mathematics instruction and instructional resources, evidence-based  
21 intervention strategies and materials, aligned curriculum-based professional  
22 learning, and ongoing, job-embedded coaching supports.
- 23 (13) In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to  
24 determine appropriate instructional strategies for curriculum implementation shall  
25 not be considered an evaluation for eligibility for special education and related  
26 services, and nothing in this section shall limit a school district from completing an  
27 initial evaluation of a student suspected of having a disability.

1        ➔Section 16. KRS 158.843 is amended to read as follows:

2        (1) The Kentucky numeracy counts fund is hereby created for the purpose of training  
3        and supporting teachers to improve the mathematics content and practices of  
4        students in kindergarten through grade eight (8), as set forth in subsection (2) of this  
5        section and KRS 158.8402(12). The fund shall consist of all moneys received from  
6        state appropriations, gifts, grants, and federal funds for this purpose. The  
7        department shall administer the fund.

8        (2) The department shall implement teacher professional learning academies related to  
9        evidence-based practices in instruction, instructional materials, and assessment in  
10       mathematics using moneys appropriated to or otherwise received by the Kentucky  
11       numeracy counts fund.

12       (3) The department shall create a mathematics coaching program using moneys  
13       appropriated to or otherwise received by the Kentucky numeracy counts fund. The  
14       program shall:

- 15       (a) Use data coaches to improve mathematics instruction and intervention;  
16       (b) Determine the effectiveness of intensive data-focused professional  
17       development; and  
18       (c) Provide expert support in mathematics instruction and intervention.

19       (4) (a) The department shall provide grants to local school districts~~and public~~  
20       ~~charter schools~~. The grant shall only be used to purchase approved high-  
21       quality research and evidence-based curriculum aligned to kindergarten  
22       through grade three (3) academic standards in mathematics and expenditures  
23       for curriculum-based professional learning to implement new curriculum.

24       (b) To be eligible to receive a grant, a local school district~~or public charter~~  
25       ~~school~~ shall:

- 26           1. Submit an application in accordance with paragraph (c) of this  
27           subsection; and

- 1           2. Agree to adopt a common comprehensive mathematics program that is  
2           determined by the department to be reliable, valid, and aligned to  
3           mathematics standards required by KRS 158.6453 and outlined in an  
4           administrative regulation promulgated by the Kentucky Board of  
5           Education.
- 6           (c) Local school districts shall submit applications that include a district-wide  
7           plan~~[and public charter schools shall submit applications that include a~~  
8           ~~school plan]~~ for implementation of mathematics curriculum that includes:
- 9           1. How the district~~[or public charter school]~~ will implement the new  
10          curriculum by school and by grade level; and
- 11          2. The timeline for the rollout of upgraded curriculum materials for core  
12          instruction in classrooms.
- 13          (d) Available grant funding shall be distributed to eligible applicants based on a  
14          rubric developed by the department. The rubric shall consider the information  
15          provided in accordance with paragraphs (b) and (c) of this subsection and  
16          prioritize applications from local school districts~~[or public charter schools]~~:
- 17          1. In which more than fifty percent (50%) of the enrolled students scored  
18          below the statewide average on the statewide assessments in  
19          mathematics administered for the preceding school year;
- 20          2. With the greatest need for financial assistance; and
- 21          3. That propose comprehensive plans most likely to increase student  
22          achievement in mathematics.
- 23          ~~[(e) The department shall distribute the awarded grant money to a public charter~~  
24          ~~school authorizer, and the authorizer shall distribute one hundred percent~~  
25          ~~(100%) of the grant money to the charter school.]~~
- 26          (5) Notwithstanding the provisions of KRS 45.229, unexpended funds in the Kentucky  
27          numeracy counts fund shall not lapse but shall carry forward to the next fiscal year



1 and shall be used for the purposes established in this section.

2 (6) Any interest earned on moneys in the fund shall become part of the fund and shall  
3 not lapse.

4 ➔Section 17. KRS 160.152 is amended to read as follows:

5 (1) For purposes of this section, "Kentucky Educator Placement Service System" or  
6 "system" means the online statewide job posting system operated by the Kentucky  
7 Department of Education for vacancies at local school districts~~and public charter~~  
8 ~~schools~~.

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

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

12 (b) Includes a mechanism for local school districts~~and public charter schools~~ to  
13 electronically submit job openings for posting on the system as provided in  
14 subsection (4) of this section;

15 (c) Allows the public to review job postings;

16 (d) Allows potential applicants to electronically submit applications and relevant  
17 application materials; and

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

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

23 (4) School districts~~and public charter schools~~ shall electronically submit all job  
24 postings to the system. All postings must include an opening and closing date for  
25 each position posted.

26 (5) The Kentucky Department of Education shall operate and maintain the system to  
27 ensure that job postings are current, including tracking each unique position posted,

1 monitoring for repeated position postings, and removing outdated postings, and to  
2 collect accurate data about employment in public schools.

3 (6) Nothing in this section shall:

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

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

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

11 (d) Provide the Kentucky Department of Education with any regulatory authority  
12 in the hiring process or hiring decisions of any school district~~[or public~~  
13 ~~charter school]~~.

14 (7) The Kentucky Department of Education shall prepare a report detailing data from  
15 the system and its implication for the status of employment in public schools,  
16 including but not limited to the number and type of unique and duplicated job  
17 postings, how often postings are viewed by the public, and positions that are  
18 remaining vacant by type, certification requirement, and location. The report shall  
19 be submitted to the appropriate Interim Joint Committee on Education by October  
20 1~~[, 2023, and]~~ annually~~[thereafter]~~.

21 ➔Section 18. KRS 160.153 is amended to read as follows:

22 (1) As used in this section:

23 (a) "Military-connected student" means a child enrolled in a Kentucky public  
24 school who is a dependent of a current or former member of the Armed  
25 Forces of the United States, the Kentucky National Guard, or any reserve  
26 component thereof; and

27 (b) "Purple star school" means any public or~~[,]~~ private~~[, or public charter]~~ school

1 serving any grades of kindergarten through twelfth grade that has committed  
2 to supporting the educational and social-emotional needs of military-  
3 connected students, as identified by the Kentucky Commission on Military  
4 Affairs.

5 (2) The Kentucky Commission on Military Affairs shall establish the Purple Star  
6 School Program and establish an application, review, and designation process for  
7 eligible schools.

8 (3) To qualify as a purple star school, the school shall:

9 (a) Designate a staff member as a military liaison to serve as the point of contact  
10 between the school and military-connected students and their families, whose  
11 duties shall include:

- 12 1. Identifying military-connected students enrolled in the school;
- 13 2. Determining appropriate services available to military-connected  
14 students;
- 15 3. Coordinating programs relevant to military-connected students;
- 16 4. Assisting military-connected students in transitioning into or out of the  
17 school;
- 18 5. Facilitating optional professional development for staff members on  
19 issues related to military-connected students;
- 20 6. Completing a Kentucky Commission on Military Affairs purple star  
21 school questionnaire to provide feedback for program improvements;  
22 and
- 23 7. Completing Kentucky purple star school self-paced online training  
24 events, including military youth in Kentucky;

25 (b) Maintain a web page on the school's website that includes a prominent display  
26 of the Kentucky purple star logo provided by the Kentucky Commission on  
27 Military Affairs, resources for military-connected students and their families,

1 and information regarding:

- 2 1. Relocation, enrollment, registration, and transferring records in the  
3 school;  
4 2. Academic planning, course sequences, and advanced classes available;  
5 3. Counseling and other support services available for military-connected  
6 students enrolled in the school; and  
7 4. Contact information for the military liaison designated in this  
8 subsection;

9 (c) Host at least one (1) military recognition event annually that connects the  
10 school with the military community; and

11 (d) Submit an application for designation as a purple star school with the  
12 Kentucky Commission on Military Affairs.

13 ➔Section 19. KRS 160.346 is amended to read as follows:

14 (1) For purposes of this section:

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

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

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

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

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

27 (f) "Turnaround team" means the turnaround training and support team described

1 in subsection (8)(a) of this section.

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

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

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

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

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

22 (c) Identified by the department for additional targeted support and improvement  
23 under subsection (2)(b) of this section and fails to exit additional targeted  
24 support and improvement status based on criteria established under subsection  
25 (11) of this section.

26 (4) (a) When a school is identified for targeted support and improvement under  
27 subsection (2)(a) of this section, the local school personnel, working with

1 stakeholders, including the principal, other school leaders, teachers, and  
2 parents, shall revise its school improvement plan, which shall be subject to  
3 review and approval by the local board of education.

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

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

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

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

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

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

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

- 1           1.    A diagnosis of the causes of the school's low performance, with an  
2                   emphasis on underperforming subgroups of students and corresponding  
3                   critical resource inequities;
- 4           2.    An assessment and recommendation to the superintendent regarding the  
5                   best strategies to address the school's specific needs;
- 6           3.    An assessment of the interaction and relationship among the  
7                   superintendent, central office personnel, and the school principal;
- 8           4.    A recommendation of the steps the school may implement to launch and  
9                   sustain a turnaround process;
- 10          5.    A recommendation to the local board of education of the turnaround  
11                principles and strategies necessary for the superintendent to assist the  
12                school with turnaround; and
- 13          6.    An assessment and recommendation to the superintendent regarding the  
14                principal's capacity to lead the turnaround effort in the school.
- 15          (b)   The report of an audit conducted under this subsection shall be provided to the  
16                superintendent, local board of education, school principal, commissioner of  
17                education, and the Kentucky Board of Education.
- 18    (8)   After completion of the audit described in subsection (7) of this section, each school  
19            identified for comprehensive support and improvement shall engage in the  
20            following turnaround intervention process:
- 21          (a)   The superintendent and principal shall collaborate with the department to  
22                create a turnaround training and support team for the school identified for  
23                comprehensive support and improvement. The local board of education shall  
24                approve the turnaround team;
- 25          (b)   The authority of the school council granted under KRS 160.345 shall be  
26                transferred to the superintendent;
- 27          (c)   The superintendent shall select a principal for the school if a principal

- 1 vacancy occurs. The superintendent shall consult with the turnaround team,  
2 parents, certified staff, and classified staff before appointing a principal  
3 replacement;
- 4 (d) Upon recommendation of the principal, the superintendent may reassign  
5 certified staff members to a comparable position in the school district;
- 6 (e) The superintendent shall collaborate with the turnaround team to design  
7 ongoing turnaround training and support for the principal and a corresponding  
8 monitoring system of effectiveness and student achievement results;
- 9 (f) The principal shall collaborate with the turnaround team to establish an  
10 advisory leadership team representing school stakeholders including other  
11 school leaders, teachers, and parents;
- 12 (g) 1. In consultation with the department, the local school board shall  
13 collaborate with the superintendent, principal, turnaround team, and the  
14 advisory leadership team to propose a three (3) year turnaround plan.
- 15 2. The turnaround plan shall include requests to the department for  
16 exemptions from submitting documentation that are identified by the  
17 principal, advisory leadership team, and turnaround team as inhibitors to  
18 investing time in innovative instruction and accelerated student  
19 achievement of diverse learners including ongoing staff instructional  
20 plans, student interventions, formative assessment results, or staff  
21 effectiveness processes.
- 22 3. The turnaround plan shall be reviewed for approval by the  
23 superintendent and the local board of education and shall be subject to  
24 review, approval, monitoring, and periodic review by the department as  
25 described in KRS 158.782;
- 26 (h) The school district may request technical assistance from the department for  
27 development and implementation of the turnaround plan, which may include



- 1 conducting needs assessments, selecting evidence-based interventions, and  
2 reviewing and addressing resource inequities;
- 3 (i) The turnaround plan shall be fully implemented by the first full day of the  
4 school year following the school year the school was identified for  
5 comprehensive support and improvement; and
- 6 (j) The superintendent shall periodically report to the local school board, and at  
7 least annually to the commissioner of education, on the implementation and  
8 results of the turnaround plan.
- 9 (9) The department shall establish required professional learning for teachers of  
10 students in schools identified for comprehensive support and improvement.  
11 Required professional learning shall be related to evidence-based practices in  
12 instruction, instructional materials implementation, and assessment for reading and  
13 mathematics and aligned to Kentucky academic standards required by KRS  
14 158.6453.
- 15 (10) Each superintendent~~[or public charter school board of directors]~~ shall adopt  
16 evidence-based curriculum and select high-quality instructional resources for  
17 schools identified for comprehensive support and improvement. High-quality  
18 instructional materials selected by the superintendent shall be determined by the  
19 department to be reliable, valid, and aligned to Kentucky academic standards  
20 required by KRS 158.6453 for reading and mathematics.
- 21 (11) The Kentucky Board of Education shall establish annual statewide exit criteria for  
22 schools identified for targeted support and improvement, additional targeted support  
23 and improvement, and comprehensive support and improvement.
- 24 (12) If a school enters comprehensive support and improvement status and does not  
25 make any annual improvement, as determined by the department, for two (2)  
26 consecutive years, or if the school does not exit the status after three (3) years, the  
27 school shall enter a school intervention process chosen by the commissioner of

1 education that provides more rigorous support and action by the department to  
2 improve the school's performance.

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

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

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

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

15 (15) A school's right to establish a council granted under KRS 160.345 may be restored  
16 by the local board of education two (2) years after the school exits comprehensive  
17 support and improvement status.

18 ➔Section 20. KRS 161.164 is amended to read as follows:

19 (1) No employee of the local school district shall take part in the management or  
20 activities of any political campaign for school board.

21 (2) No candidate for school board shall solicit or accept any political assessment,  
22 subscription, contribution, or service of any employee of the school district.

23 (3) No person shall use or promise to use, directly or indirectly, any official authority  
24 or influence, whether possessed or anticipated, to secure or attempt to secure for  
25 any person an appointment or advantage in appointment to a position as teacher or  
26 employee of any district board of education, or an increase in pay or other  
27 advantage in employment in any such position, for the purpose of influencing the

1 vote or political action of any person.

2 (4) No teacher or employee of any district board of education shall be appointed or  
3 promoted to, or demoted or dismissed from, any position or in any way favored or  
4 discriminated against with respect to employment because of his or her political or  
5 religious opinions or affiliations or ethnic origin or race or color or sex or age or  
6 disabling condition.

7 (5) Any instruction or instructional materials on current, controversial topics related to  
8 public policy or social affairs provided to public school~~[or public charter school]~~  
9 students, regardless of whether the individual that provides the instruction is  
10 employed by the local school district~~[or public charter school]~~, shall be:

11 (a) Within the range of knowledge, understanding, age, and maturity of the  
12 students receiving the instruction; and

13 (b) Relevant, objective, nondiscriminatory, and respectful to the differing  
14 perspectives of students.

15 (6) An employee of a public school district~~[or public charter school]~~ shall not violate a  
16 student's First Amendment rights by requiring or incentivizing a student to advocate  
17 in a civic space on behalf of a perspective with which the student or the parent or  
18 guardian of a minor student does not agree.

19 (7) An employee of a local school district~~[or public charter school]~~ shall not be  
20 required to engage in training, orientation, or therapy that coerces the employee to  
21 stereotype any group.

22 (8) The local superintendent shall inform all school employees of the provisions of this  
23 section.

24 ➔Section 21. KRS 161.220 is amended to read as follows:

25 As used in KRS 161.220 to 161.716 and 161.990:

26 (1) "Retirement system" means the arrangement provided for in KRS 161.220 to  
27 161.716 and 161.990 for payment of allowances to members;

- 1 (2) "Retirement allowance" means the amount annually payable during the course of  
2 his or her natural life to a member who has been retired by reason of service;
- 3 (3) "Disability allowance" means the amount annually payable to a member retired by  
4 reason of disability;
- 5 (4) "Member" means the commissioner of education, deputy commissioners, associate  
6 commissioners, and all division directors in the State Department of Education,  
7 employees participating in the system pursuant to KRS 196.167(3)(b)1., and any  
8 full-time teacher or professional occupying a position requiring certification or  
9 graduation from a four (4) year college or university, as a condition of employment,  
10 and who is employed by public boards, institutions, or agencies as follows:
- 11 (a) Local boards of education~~[and public charter schools if the public charter~~  
12 ~~school satisfies the criteria set by the Internal Revenue Service to participate~~  
13 ~~in a governmental retirement plan]~~;
- 14 (b) Eastern Kentucky University, Kentucky State University, Morehead State  
15 University, Murray State University, Western Kentucky University, and any  
16 community colleges established under the control of these universities;
- 17 (c) State-operated secondary area vocational education or area technology  
18 centers, Kentucky School for the Blind, and Kentucky School for the Deaf;
- 19 (d) Other public education agencies as created by the General Assembly and  
20 those members of the administrative staff of the Teachers' Retirement System  
21 of the State of Kentucky whom the board of trustees may designate by  
22 administrative regulation;
- 23 (e) Regional cooperative organizations formed by local boards of education or  
24 other public educational institutions listed in this subsection, for the purpose  
25 of providing educational services to the participating organizations;
- 26 (f) All full-time members of the staffs of the Kentucky Association of School  
27 Administrators, Kentucky Education Association, Kentucky Vocational

1 Association, Kentucky High School Athletic Association, Kentucky  
2 Academic Association, and the Kentucky School Boards Association who  
3 were members of the Kentucky Teachers' Retirement System or were  
4 qualified for a position covered by the system at the time of employment by  
5 the association in the event that the board of directors of the respective  
6 association petitions to be included. The board of trustees of the Kentucky  
7 Teachers' Retirement System may designate by resolution whether part-time  
8 employees of the petitioning association are to be included. The state shall  
9 make no contributions on account of these employees, either full-time or part-  
10 time. The association shall make the employer's contributions, including any  
11 contribution that is specified under KRS 161.550. The provisions of this  
12 paragraph shall be applicable to persons in the employ of the associations on  
13 or subsequent to July 1, 1972;

14 (g) Employees of the Council on Postsecondary Education who were employees  
15 of the Department for Adult Education and Literacy and who were members  
16 of the Kentucky Teachers' Retirement System at the time the department was  
17 transferred to the council pursuant to Executive Order 2003-600;

18 (h) The Office of Career and Technical Education;

19 (i) The Office of Vocational Rehabilitation;

20 (j) The Kentucky Educational Collaborative for State Agency Children;

21 (k) The Governor's Scholars Program;

22 (l) Any person who is retired for service from the retirement system and is  
23 reemployed by an employer identified in this subsection in a position that the  
24 board of trustees deems to be a member, except that any person who becomes  
25 a member on or after January 1, 2022, and subsequently draws a monthly  
26 lifetime retirement allowance, shall upon reemployment after retirement not  
27 earn a second retirement account;

1 (m) Employees of the former Cabinet for Workforce Development who are  
2 transferred to the Kentucky Community and Technical College System and  
3 who occupy positions covered by the Kentucky Teachers' Retirement System  
4 shall remain in the Teachers' Retirement System. New employees occupying  
5 these positions, as well as newly created positions qualifying for Teachers'  
6 Retirement System coverage that would have previously been included in the  
7 former Cabinet for Workforce Development, shall be members of the  
8 Teachers' Retirement System;

9 (n) Effective January 1, 1998, employees of state community colleges who are  
10 transferred to the Kentucky Community and Technical College System shall  
11 continue to participate in federal old age, survivors, disability, and hospital  
12 insurance, and a retirement plan other than the Kentucky Teachers' Retirement  
13 System offered by Kentucky Community and Technical College System. New  
14 employees occupying positions in the Kentucky Community and Technical  
15 College System as referenced in KRS 164.5807(5) that would not have  
16 previously been included in the former Cabinet for Workforce Development,  
17 shall participate in federal old age, survivors, disability, and hospital  
18 insurance and have a choice at the time of employment of participating in a  
19 retirement plan provided by the Kentucky Community and Technical College  
20 System, including participation in the Kentucky Teachers' Retirement System,  
21 on the same basis as faculty of the state universities as provided in KRS  
22 161.540 and 161.620;

23 (o) Employees of the Office of General Counsel, the Office of Budget and  
24 Administrative Services, and the Office of Quality and Human Resources  
25 within the Office of the Secretary of the former Cabinet for Workforce  
26 Development and the commissioners of the former Department for Adult  
27 Education and Literacy and the former Department for Technical Education

- 1           who were contributing to the Kentucky Teachers' Retirement System as of  
2           July 15, 2000;
- 3           (p) Employees of the Kentucky Department of Education only who are graduates  
4           of a four (4) year college or university, notwithstanding a substitution clause  
5           within a job classification, and who are serving in a professional job  
6           classification as defined by the department;
- 7           (q) The Governor's School for Entrepreneurs Program;
- 8           (r) Employees of the Office of Adult Education within the Department of  
9           Workforce Development in the Education and Labor Cabinet who were  
10          employees of the Council on Postsecondary Education, Kentucky Adult  
11          Education Program and who were members of the Kentucky Teachers'  
12          Retirement System at the time the Program was transferred to the cabinet  
13          pursuant to Executive Orders 2019-0026 and 2019-0027;
- 14          (s) Employees of the Education Professional Standards Board who were  
15          members of the Kentucky Teachers' Retirement System at the time the  
16          employees were transferred to the Kentucky Department of Education  
17          pursuant to Executive Order 2020-590; and
- 18          (t) WeLeadCS, the virtual computer science career academy established in KRS  
19          158.809;
- 20       (5) "Present teacher" means any teacher who was a teacher on or before July 1, 1940,  
21       and became a member of the retirement system created by 1938 (1st Extra. Sess.)  
22       Ky. Acts ch. 1, on the date of the inauguration of the system or within one (1) year  
23       after that date, and any teacher who was a member of a local teacher retirement  
24       system in the public elementary or secondary schools of the state on or before July  
25       1, 1940, and continued to be a member of the system until he or she, with the  
26       membership of the local retirement system, became a member of the state Teachers'  
27       Retirement System or who becomes a member under the provisions of KRS

1       161.470(4);

2       (6) "New teacher" means any member not a present teacher;

3       (7) "Prior service" means the number of years during which the member was a teacher  
4       in Kentucky prior to July 1, 1941, except that not more than thirty (30) years' prior  
5       service shall be allowed or credited to any teacher;

6       (8) "Subsequent service" means the number of years during which the teacher is a  
7       member of the Teachers' Retirement System after July 1, 1941;

8       (9) "Final average salary" means the average of the five (5) highest annual salaries  
9       which the member has received for service in a covered position and on which the  
10      member has made contributions, or on which the public board, institution, or  
11      agency has picked-up member contributions pursuant to KRS 161.540(2), or the  
12      average of the five (5) years of highest salaries as defined in KRS 61.680(2)(a),  
13      which shall include picked-up member contributions. Additionally, the board of  
14      trustees may approve a final average salary based upon the average of the three (3)  
15      highest salaries for individuals who become members prior to January 1, 2022, who  
16      are at least fifty-five (55) years of age and have a minimum of twenty-seven (27)  
17      years of Kentucky service credit. However, if any of the five (5) or three (3) highest  
18      annual salaries used to calculate the final average salary was paid within the three  
19      (3) years immediately prior to the date of the member's retirement for individuals  
20      who become members prior to January 1, 2022, or within the five (5) years  
21      immediately prior to the date of the member's retirement for individuals who  
22      become members on or after January 1, 2022, the amount of salary to be included  
23      for each of those three (3) years or five (5) years, as applicable, for the purpose of  
24      calculating the final average salary shall be limited to the lesser of:

25      (a) The member's actual salary; or

26      (b) The member's annual salary that was used for retirement purposes during each  
27      of the prior three (3) years or five (5) years, as applicable, plus a percentage



1           increase equal to the percentage increase received by all other members  
2           employed by the public board, institution, or agency, or for members of  
3           school districts, the highest percentage increase received by members on any  
4           one (1) rank and step of the salary schedule of the school district. The increase  
5           shall be computed on the salary that was used for retirement purposes. The  
6           board of trustees may promulgate an administrative regulation in accordance  
7           with KRS Chapter 13A to establish a methodology for measuring the  
8           limitation so that the combined increases in salary for each of the last three (3)  
9           full years of salary prior to retirement shall not exceed the total permissible  
10          percentage increase received by other members of the employer for the same  
11          three (3) year period.

12          For individuals who became members of the retirement system prior to July 1,  
13          2021, this limitation shall not apply if the member receives an increase in salary in a  
14          percentage exceeding that received by the other members, and this increase was  
15          accompanied by a corresponding change in position or in length of employment.  
16          The board of trustees may promulgate an administrative regulation in accordance  
17          with KRS Chapter 13A to provide definitions for a corresponding change in  
18          position or in length of employment. This limitation shall also not apply to the  
19          payment to a member for accrued annual leave if the individual becomes a member  
20          before July 1, 2008, or accrued sick leave which is authorized by statute and which  
21          shall, for individuals subject to KRS 161.155(10) who became nonuniversity  
22          members of the system prior to January 1, 2022, be included as part of a retiring  
23          member's annual compensation for the member's last year of active service;

24          (10) "Annual compensation" means the total salary received by a member as  
25          compensation for all services performed in employment covered by the retirement  
26          system during a fiscal year. Annual compensation shall not include payment for any  
27          benefit or salary adjustments made by the public board, institution, or agency to the

1 member or on behalf of the member which is not available as a benefit or salary  
2 adjustment to other members employed by that public board, institution, or agency.  
3 Annual compensation shall not include the salary supplement received by a member  
4 under KRS 157.197(2)(c), 158.6455, or 158.782 on or after July 1, 1996. Under no  
5 circumstances shall annual compensation include compensation that is earned by a  
6 member while on assignment to an organization or agency that is not a public  
7 board, institution, or agency listed in subsection (4) of this section. In the event that  
8 federal law requires that a member continue membership in the retirement system  
9 even though the member is on assignment to an organization or agency that is not a  
10 public board, institution, or agency listed in subsection (4) of this section, the  
11 member's annual compensation for retirement purposes shall be deemed to be the  
12 annual compensation, as limited by subsection (9) of this section, last earned by the  
13 member while still employed solely by and providing services directly to a public  
14 board, institution, or agency listed in subsection (4) of this section. The board of  
15 trustees shall determine if any benefit or salary adjustment qualifies as annual  
16 compensation. For an individual who becomes a member on or after July 1, 2008,  
17 annual compensation shall not include lump-sum payments upon termination of  
18 employment for accumulated annual or compensatory leave;

19 (11) "Age of member" means the age attained on the first day of the month immediately  
20 following the birthdate of the member. This definition is limited to retirement  
21 eligibility and does not apply to tenure of members;

22 (12) "Employ," and derivatives thereof, means relationships under which an individual  
23 provides services to an employer as an employee, as an independent contractor, as  
24 an employee of a third party, or under any other arrangement as long as the services  
25 provided to the employer are provided in a position that would otherwise be  
26 covered by the Kentucky Teachers' Retirement System and as long as the services  
27 are being provided to a public board, institution, or agency listed in subsection (4)

1 of this section;

2 (13) "Regular interest" means:

3 (a) For an individual who becomes a member prior to July 1, 2008, interest at  
4 three percent (3%) per annum;

5 (b) For an individual who becomes a member on or after July 1, 2008, but prior to  
6 January 1, 2022, interest at two and one-half percent (2.5%) per annum for  
7 purposes of crediting interest to the teacher savings account or any other  
8 contributions made by the employee that are refundable to the employee upon  
9 termination of employment; and

10 (c) For an individual who becomes a member on or after January 1, 2022, the  
11 rolling five (5) year yield on a thirty (30) year United States Treasury bond as  
12 of the end of May prior to the most recently completed fiscal year, except  
13 that:

14 1. Once the member has at least sixty (60) months of service in the system  
15 it shall mean interest at two and one-half percent (2.5%) per annum for  
16 purposes of crediting interest to employee contributions in the  
17 foundational benefit component or any other contributions made by the  
18 employee to the foundational benefit component that are refundable to  
19 the employee upon termination of employment; and

20 2. The board shall have the authority to adjust the regular interest rate for  
21 individuals who become members on or after January 1, 2022, in  
22 accordance with KRS 161.633 and 161.634;

23 (14) "Accumulated contributions" means the contributions of a member to the teachers'  
24 savings fund, including picked-up member contributions as described in KRS  
25 161.540(2), plus accrued regular interest;

26 (15) "Annuitant" means a person who receives a retirement allowance or a disability  
27 allowance;

- 1 (16) "Local retirement system" means any teacher retirement or annuity system created  
2 in any public school district in Kentucky in accordance with the laws of Kentucky;
- 3 (17) "Fiscal year" means the twelve (12) month period from July 1 to June 30. The  
4 retirement plan year is concurrent with this fiscal year. A contract for a member  
5 employed by a local board of education may not exceed two hundred sixty-one  
6 (261) days in the fiscal year;
- 7 (18) "Public schools" means the schools and other institutions mentioned in subsection  
8 (4) of this section;
- 9 (19) "Dependent" as used in KRS 161.520 and 161.525 means a person who was  
10 receiving, at the time of death of the member, at least one-half (1/2) of the support  
11 from the member for maintenance, including board, lodging, medical care, and  
12 related costs;
- 13 (20) "Active contributing member" means a member currently making contributions to  
14 the Teachers' Retirement System, who made contributions in the immediate  
15 preceding fiscal year, for whom picked-up member contributions are currently  
16 being made, or for whom these contributions were made in the immediate  
17 preceding fiscal year;
- 18 (21) "Full-time" means employment in a position that requires services on a continuing  
19 basis equal to at least seven-tenths (7/10) of normal full-time service on a fiscal  
20 year basis;
- 21 (22) "Full actuarial cost," when used to determine the payment or payments that a  
22 member must pay for service credit means the actuarial value of all costs associated  
23 with the enhancement of a member's benefits or eligibility for benefit  
24 enhancements, including health insurance supplement payments made by the  
25 retirement system. The board may promulgate administrative regulations in  
26 accordance with KRS Chapter 13A to provide the methodology for the assessment  
27 of and procedures for the payment and collection of the full actuarial cost of the

- 1 purchased service. The actuary for the retirement system shall determine the full  
2 actuarial value costs and actuarial cost factor tables as provided in KRS 161.400;
- 3 (23) "Last annual compensation" means the annual compensation, as defined by  
4 subsection (10) of this section and as limited by subsection (9) of this section,  
5 earned by the member during the most recent period of contributing service, either  
6 consecutive or nonconsecutive, that is sufficient to provide the member with one (1)  
7 full year of service credit in the Kentucky Teachers' Retirement System, and which  
8 compensation is used in calculating the member's initial retirement allowance,  
9 excluding bonuses, retirement incentives, payments for accumulated sick leave,  
10 annual, personal, and compensatory leave, and any other lump-sum payment. For  
11 an individual who becomes a member on or after July 1, 2008, payments for annual  
12 or compensatory leave shall not be included in determining the member's last  
13 annual compensation;
- 14 (24) "Participant" means a member, as defined by subsection (4) of this section, or an  
15 annuitant, as defined by subsection (15) of this section;
- 16 (25) "Qualified domestic relations order" means any judgment, decree, or order,  
17 including approval of a property settlement agreement, that:
- 18 (a) Is issued by a court or administrative agency; and  
19 (b) Relates to the provision of child support, alimony payments, or marital  
20 property rights to an alternate payee;
- 21 (26) "Alternate payee" means a spouse, former spouse, child, or other dependent of a  
22 participant, who is designated to be paid retirement benefits in a qualified domestic  
23 relations order;
- 24 (27) "University member" means an individual who becomes a member through  
25 employment with an employer specified in subsection (4)(b) and (n) of this section;
- 26 (28) "Nonuniversity member" means an individual who becomes a member through  
27 employment with an employer specified under subsection (4) of this section, except

1 for those members employed by an employer specified in subsection (4)(b) and (n)  
2 of this section;

3 (29) "Accumulated employer contribution" means the employer contribution deposited  
4 to a member's account through the supplemental benefit component and regular  
5 interest credited on such amounts as provided by KRS 161.635 for nonuniversity  
6 members and KRS 161.636 for university members;

7 (30) "Accumulated account balance" means:

8 (a) For members who began participating in the system prior to January 1, 2022,  
9 the member's accumulated contributions; or

10 (b) For members who began participating in the system on or after January 1,  
11 2022, the combined sum of the member's accumulated contributions and the  
12 member's accumulated employer contributions;

13 (31) "Foundational benefit component" means the benefits provided by KRS 161.220 to  
14 161.716 to individuals who become members on or after January 1, 2022, except  
15 for the supplemental benefit component and retiree health benefits set forth in KRS  
16 161.675; and

17 (32) "Supplemental benefit component" means:

18 (a) The benefit established pursuant to KRS 161.635 for individuals who become  
19 nonuniversity members on or after January 1, 2022; or

20 (b) The benefit established pursuant to KRS 161.636 for individuals who become  
21 university members on or after January 1, 2022.

22 ➔Section 22. KRS 218B.045 is amended to read as follows:

23 (1) A registered qualified patient or visiting qualified patient who uses medicinal  
24 cannabis shall be afforded all the same rights under state and local law, including  
25 those guaranteed under KRS Chapter 344, as the individual would have been  
26 afforded if he or she were solely prescribed pharmaceutical medications as they  
27 pertain to drug testing required by any state or local law.

- 1 (2) A cardholder otherwise entitled to custody of, or visitation time or parenting time  
2 with, a minor child shall not be denied that right, and there shall be no presumption  
3 of abuse, neglect, or dependency for conduct permitted under this chapter unless the  
4 person's actions in relation to medicinal cannabis created an unreasonable danger to  
5 the safety of the minor child as established by clear and convincing evidence.
- 6 (3) (a) For the purposes of medical care, including organ transplants, a patient's  
7 authorized use of medicinal cannabis is the equivalent of the authorized use of  
8 any other medication used at the direction of a practitioner.
- 9 (b) A health facility as defined in KRS 216B.015 may develop policies to allow a  
10 patient who is a registered qualified patient or visiting qualified patient to use  
11 medicinal cannabis on the premises of the health facility.
- 12 (4) (a) A school shall not refuse to enroll, or otherwise penalize, a person solely for  
13 his or her status as a cardholder, unless failing to do so would violate federal  
14 law or regulations and cause the school to lose a monetary or licensing-related  
15 benefit under federal law or regulations.
- 16 (b) A school shall not be penalized or denied any benefit under state law for  
17 enrolling a cardholder.
- 18 (c) Each local board of education~~[, each board of directors of a public charter~~  
19 ~~school,]~~ and the governing body of each certified nonpublic school shall~~[, no~~  
20 ~~later than December 1, 2024,]~~ establish policies related to the use of medicinal  
21 cannabis by a pupil who is a registered qualified patient on school property.  
22 Policies enacted pursuant to this paragraph shall either prohibit the use of  
23 medicinal cannabis on school property or permit the use of medicinal  
24 cannabis on school property by a pupil who is a registered qualified patient as  
25 deemed necessary by the pupil's parent or legal guardian. If a local board of  
26 education~~[, the board of directors of a public charter school,]~~ or the governing  
27 body of a certified nonpublic school enacts a policy to permit the use of

1 medicinal cannabis by a pupil who is a registered qualified patient, that policy  
2 shall:

- 3 1. Require medicinal cannabis be administered:
- 4 a. i. By a school nurse or under the supervision of appropriate  
5 school staff; or
- 6 ii. By the parent or legal guardian of the pupil who is a  
7 registered qualified patient; and
- 8 b. Out of view of other students; and
- 9 2. Include a process by which a school nurse or other school staff member  
10 may refuse to administer or supervise the administration of medicinal  
11 cannabis.

12 ➔Section 23. The following KRS sections are repealed:

13 160.1590 Definitions for KRS 160.1590 to 160.1599.

14 160.1591 Legislative findings and declarations -- Public charter school project.

15 160.15911 Kentucky Public Charter School Pilot Project -- Authorizers -- Approval of  
16 charter application -- Collective may act as substitute authorizer -- Annual report --  
17 Performance review -- Contract renewal.

18 160.1592 Public charter schools part of state's public education system -- Exemption  
19 from laws and regulations -- School requirements -- Enrollment option information  
20 for parents -- Board of directors -- Buildings and grounds, liability insurance, and  
21 other undertakings -- Requirement to be nonsectarian and nondiscriminatory --  
22 Authorized grade levels -- Programs and services for students with disabilities --  
23 Participation in athletic, academic, and other programs -- Single-sex public charter  
24 schools permitted -- Amendments to charter contract -- Acceptance of credits  
25 earned and grades received in public charter school -- Leave of absence to teach in  
26 public charter school.

27 160.1593 Application to establish public charter school -- Submission to authorizer and



- 1 state board -- Required application information.
- 2 160.1594 Public charter school authorizer -- Duties -- Application reviews and decisions
- 3 -- Criteria for approval -- Explanation of decision -- Submission to Department of
- 4 Education -- School board member charter authorization training.
- 5 160.1595 Request for technical assistance -- Appeal of approval or denial to state board
- 6 -- Judicial review -- Joint oversight.
- 7 160.1596 Board of directors of public charter schools -- Required elements of charter
- 8 contract with authorizer -- Calculation of daily average attendance -- Proportional
- 9 transfer of funds -- Services -- Negotiation by collaborative -- Calculations for first
- 10 year -- Authorizer fee -- Schedule for funds transfer -- Grants -- Share of state and
- 11 federal funds -- Distribution of closed school's assets -- Administrative regulations -
- 12 - Annual report by authorizer.
- 13 160.1597 Term of approved charter school contract -- Contract between board of
- 14 directors and authorizer's governing body -- Corporate powers -- Prohibition against
- 15 tax levies and use of eminent domain -- Immunity from liability.
- 16 160.1598 Renewal or nonrenewal of charter contract -- School performance report --
- 17 Reasons for nonrenewal or revocation -- Administrative regulations -- Report of
- 18 action taken and reason for decision -- School closure protocol.
- 19 160.1599 Conversion of public noncharter school to public charter school --
- 20 Establishment requirements -- Administrative regulations -- Governance --
- 21 Enrollment requirements -- Employees -- Collective bargaining -- School
- 22 facilities.
- 23 161.141 Participation in retirement systems -- State-sponsored insurance program --
- 24 Appropriations for retirement and insurance -- Sick leave credit -- Requirements
- 25 and prohibitions concerning public charter school employees and local school
- 26 boards -- Employees of education service provider.