

1 AN ACT relating to full-day kindergarten.

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

3 ➔Section 1. KRS 157.320 is amended to read as follows:

4 As used in KRS 157.310 to 157.440, unless the context otherwise requires:

5 (1) "Administrative regulations of the Kentucky Board of Education" means those
6 regulations which the Kentucky Board of Education may adopt upon the
7 recommendation and with the advice of the commissioner of education. The
8 commissioner of education shall recommend administrative regulations necessary
9 for carrying out the purposes of KRS 157.310 to 157.440;

10 (2) "Average daily attendance" means the aggregate days attended by pupils in a public
11 school, adjusted for weather-related low attendance days if applicable, divided by
12 the actual number of days the school is in session, after the five (5) days with the
13 lowest attendance have been deducted.

14 (a) Aggregate days shall include, in addition to the aggregate number of days
15 attended by a pupil who was suspended during a school year, the number of
16 days the pupil was suspended, not to exceed ten (10) days in total for the
17 school year; and

18 (b) Aggregate days shall include, in addition to the aggregate number of days
19 attended by a pupil who was expelled for behavioral problems, the number of
20 days the pupil was expelled up to a total of one hundred seventy-five (175)
21 days. This total may extend into the next school year and shall be counted in
22 the average daily attendance for the next year;

23 (3) "Base funding level" means a guaranteed amount of revenue per pupil to be
24 provided for each school district, to be used for regular operating and capital
25 expenditures;

26 (4) "Board" means the board of education of any county or independent school district;

27 (5) "District" means any school district as defined by law;

1 (6) "Elementary school" means a school consisting of the primary school program, as
2 defined in Section 4 of this Act. through grade eight (8) [as defined in KRS
3 158.030], or any appropriate combination of grades within this range, as determined
4 by the plan of organization for schools authorized by the district board;

5 (7) "Experience" means employment as a teacher, other than as a substitute or nursery
6 school teacher, for a minimum of one hundred forty (140) days during a school year
7 in a public or nonpublic elementary or secondary school or college or university
8 that is approved by the public accrediting authority in the state in which the
9 teaching duties were performed. A teacher who is employed by a board for at least
10 one hundred forty (140) days of a school year and who performs teaching duties for
11 the equivalent of at least seventy (70) full school days during that school year,
12 regardless of the schedule on which those duties were performed, shall be credited
13 with one (1) year of experience. A teacher who is employed by a board for at least
14 one hundred forty (140) days during each of two (2) school years and who performs
15 teaching duties for the equivalent of at least seventy (70) full school days during
16 those years shall be credited with one (1) year of experience. No more than one (1)
17 year of experience shall be credited for the performance of teaching duties during a
18 single school year;

19 (8) ["Kindergarten full time equivalent pupil in average daily attendance" means each
20 kindergarten pupil counted no more than one half (1/2) day in the aggregate days
21 attended by kindergarten pupils in a public school divided by the actual number of
22 days school is in session after the five (5) days with the lowest attendance have
23 been deducted. Kindergarten is the entry level of the primary program and shall be
24 provided no less than the equivalent of one half (1/2) day, five (5) days a week for a
25 full school year for each kindergarten pupil;

26 (9)—"Middle school" means a school consisting of grades five (5) through eight (8) or
27 any appropriate combination of grades as determined by the plan of organization for

1 schools authorized by the district board;

2 (9)~~(10)~~ "National board certification salary supplement" means an annual supplement
3 added for the life of the certificate to the base salary of a teacher who attains
4 national board certification;

5 (10)~~(11)~~ "Percentage of attendance" means the aggregate days attended by pupils in a
6 public school for the school year divided by the aggregate days' membership of
7 pupils in a public school for the school year;

8 (11)~~(12)~~ "Public school fund" means the fund created by KRS 157.330 for use in
9 financing education in public elementary and secondary schools;

10 (12)~~(13)~~ "Secondary school" means a school consisting of grades seven (7) through
11 twelve (12), or any appropriate combination of grades within this range as
12 determined by the plan of organization for schools authorized by the district board.
13 When grades seven (7) through nine (9) or ten (10) are organized separately as a
14 junior high school, or grades ten (10) through twelve (12) are organized separately
15 as a senior high school and are conducted in separate school plant facilities, each
16 shall be considered a separate secondary school for the purposes of KRS 157.310 to
17 157.440;

18 (13)~~(14)~~ "Single salary schedule" means a schedule adopted by a local board from
19 which all teachers are paid for one hundred eighty-five (185) days and is based on
20 training, experience, and such other factors as the Kentucky Board of Education
21 may approve and which does not discriminate between salaries paid elementary and
22 secondary teachers. If the budget bill contains a minimum statewide salary
23 schedule, no teacher shall be paid less than the amount specified in the biennial
24 budget salary schedule for the individual teacher's educational qualifications and
25 experience;

26 (14)~~(15)~~ "Support Education Excellence in Kentucky" means the level of educational
27 services and facilities which is to be provided in each district from the public school

1 fund;

2 (15){(16)} "Teacher" means any regular or special teacher, principal, supervisor,
3 superintendent, assistant superintendent, librarian, director of pupil personnel, or
4 other member of the teaching or professional staff engaged in the service of the
5 public elementary and secondary school for whom certification is required as a
6 condition of employment;

7 (16){(17)} "Virtual program" means a program offered by a public school district in
8 which all courses in the program are virtual, do not include regular in-person
9 instruction, and are designed as an alternative to traditional in-person school
10 programs; and

11 (17){(18)} "Weather-related low attendance day" means a school day on which the
12 district's attendance falls below the average daily attendance for the prior year due
13 to inclement weather. The district shall submit a request to substitute the prior
14 year's average daily attendance for its attendance on up to ten (10) designated days,
15 along with documentation that the low attendance was due to inclement weather,
16 for approval by the commissioner of education in accordance with Kentucky Board
17 of Education administrative regulations.

18 ➔Section 2. KRS 157.360 is amended to read as follows:

19 (1) (a) In determining the cost of the program to support education excellence in
20 Kentucky, the statewide guaranteed base funding level, as defined in KRS
21 157.320, shall be computed by dividing the amount appropriated for this
22 purpose by the prior year's statewide average daily attendance.

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

26 (2) Each district shall receive an amount equal to the base funding level for each pupil
27 in average daily attendance in the district in the previous year, except a district shall

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

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

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

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

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

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

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

1 graduation scholarship trust fund.

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

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

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

14 (b) Except for those schools which have implemented school-based decision
15 making, class size loads for middle and secondary school:

20 (c) The commissioner of education, upon approval of the Kentucky Board of
21 Education, shall adopt administrative regulations for enforcing this provision.
22 These administrative regulations shall include procedures for a superintendent
23 to request an exemption from the Kentucky Board of Education when unusual
24 circumstances warrant an increased class size for an individual class. A
25 request for an exemption shall include specific reasons for the increased class
26 size with a plan for reducing the class size prior to the beginning of the next
27 school year. A district shall not receive in any one (1) year exemptions for

1 more classes than enroll twenty percent (20%) of the pupils in the primary
2 grades and grades four (4) through eight (8).

3 (d) In all schools the commissioner of education shall enforce the special
4 education maximum class sizes set by administrative regulations adopted by
5 the Kentucky Board of Education. A superintendent may request an
6 exemption pursuant to paragraph (c) of this subsection. A local school council
7 may request a waiver relating to maximum class size pursuant to KRS
8 156.161 in the same manner as a local board of education. An exemption or
9 waiver shall not be granted if the increased class size will impede any
10 exceptional child from achieving his or her individual education program in
11 the least restrictive environment.

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

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

27 (8) Pupils attending a center for child learning and study established under an

1 agreement pursuant to KRS 65.210 to 65.300 shall, for the purpose of calculating
2 average daily attendance, be considered as in attendance in the school district in
3 which the child legally resides and which is party to the agreement. For purposes of
4 subsection (1) of this section, teachers who are actually employees of the joint or
5 cooperative action shall be considered as employees of each school district which is
6 a party to the agreement.

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

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

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

27 (12) (a) Instructional salaries for vocational agriculture classes shall be for twelve (12)

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

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

25 (13) (a) In allotting program funds for home and hospital instruction, statewide
26 guaranteed base funding, excluding the capital outlay, shall be allotted for
27 each child in average daily attendance in the prior school year who has been

properly identified according to Kentucky Board of Education administrative regulations. Attendance shall be calculated pursuant to KRS 158.033~~KRS 157.270~~ and shall be reported monthly on forms provided by the Department of Education.~~; and~~

(b) Pursuant to administrative regulations of the Kentucky Board of Education, local school districts shall be reimbursed for home and hospital instruction for pupils unable to attend regular school sessions because of short-term health impairments. A reimbursement formula shall be established by administrative regulations to include such factors as a reasonable per hour, per child allotment for teacher instructional time, with a maximum number of funded hours per week, a reasonable allotment for teaching supplies and equipment, and a reasonable allotment for travel expenses to and from instructional assignments, but the formula shall not include an allotment for capital outlay. Attendance shall be calculated pursuant to KRS 158.033~~KRS 157.270~~ and shall be reported annually on forms provided by the Department of Education.

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

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

(16) During a fiscal year, a school district may request that the Department of Education recalculate its funds allocated under this section if the current year average daily attendance for the twenty (20) day school month as defined in KRS 158.060(2) that contains the most days within the calendar month of January exceeds the prior year

1 adjusted average daily attendance plus growth by at least one percent (1%). Any
2 adjustments in the allotments approved under this subsection shall be proportional
3 to the remaining days in the school year and subject to available funds under the
4 program to support education excellence in Kentucky.

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

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

17 ➔Section 3. KRS 158.030 is amended to read as follows:

18 (1) "Common school" means an elementary or secondary school of the state supported
19 in whole or in part by public taxation. No school shall be deemed a "common
20 school" or receive support from public taxation unless the school is taught by a
21 certified teacher for a minimum school term as defined by KRS 158.070 and every
22 child residing in the district who satisfies the age requirements of this section has
23 had the privilege of attending it. Provided, however, that ~~any child who is six (6)~~
24 ~~years of age, or who may become six (6) years of age by October 1, shall attend~~
25 ~~public school or qualify for an exemption as provided by KRS 159.030. Any child~~
26 ~~who is five (5) years of age, or who may become five (5) years of age by October 1,~~
27 ~~may enter a primary school program, as defined in KRS 158.031, and may advance~~

1 ~~through the primary program without regard to age in accordance with KRS~~
2 ~~158.031(6).~~

3 ~~(2) Beginning with the 2017 2018 school year,~~ any child who is six (6) years of age,
4 or who may become six (6) years of age by August 1, shall attend public school, or
5 qualify for an exemption as provided by KRS 159.030. Any child who is five (5)
6 years of age, or who may become five (5) years of age by August 1, may enter a
7 primary school program, as defined in KRS 158.031, and may advance through the
8 primary program without regard to age in accordance with KRS 158.031(6).

9 ~~(2){(3)}~~ Each local school board shall adopt a policy to permit a parent or guardian to
10 petition the board to allow a student to attend public school who does not meet the
11 age requirements of subsection ~~(1){ or (2)}~~ of this section. The policy shall include
12 an evaluation process that will help determine a student's readiness for school and
13 shall ensure that any tuition amount charged under this policy is the same amount
14 charged to a student who meets the age requirements of subsection ~~(1){ or (2)}~~ of
15 this section. Students enrolled under this policy shall be included in a school's
16 average daily attendance for purposes of funding as provided in KRS 157.310 to
17 157.440.

18 ➔Section 4. KRS 158.031 is amended to read as follows:

- 19 (1) In this section, "primary school program" means that part of the elementary school
20 program in which children are enrolled from the time they begin school until they
21 are ready to enter the fourth grade. Notwithstanding any statute to the contrary,
22 successful completion of the primary school program shall be a prerequisite for a
23 child's entrance into fourth grade.
- 24 (2) The Kentucky Board of Education shall establish, by administrative regulation,
25 methods of verifying successful completion of the primary school program in
26 carrying out the goals of education as described in KRS 158.6451.
- 27 (3) The primary program shall include the following critical attributes:

1 developmentally appropriate educational practices; multiage and multiability
2 classrooms; continuous progress; authentic assessment; qualitative reporting
3 methods; professional teamwork; and positive parent involvement.

4 (4) Each school council or, if none exists, the school shall determine the organization
5 of its ungraded primary program including the extent to which multiage groups are
6 necessary to implement the critical attributes based on the critical attributes and
7 meeting individual student needs.

8 (5) The implementation of the primary program may take into consideration the
9 necessary arrangements required for students attending part-time and will allow for
10 grouping of students attending their first year of school when determined to be
11 developmentally appropriate.

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

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

24 ➔ Section 5. KRS 158.060 is amended to read as follows:

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

27 (2) Twenty (20) school days, or days in which teachers are actually employed in the

1 schoolroom, shall constitute a school month in the common schools.

2 (3) Each full-time teacher shall be provided with a duty-free lunch period each day
3 during the regularly scheduled student lunch period. The duty-free lunch period
4 shall be not less than the length of the lunch period specified in the school calendar
5 approved by the chief state school officer. A full-time teacher may be assigned to
6 lunch room duty during the regularly scheduled student lunch period only for an
7 amount of time equal to the noninstructional time in excess of fifty-five (55)
8 minutes included in the teacher's daily schedule. The calculation of noninstructional
9 time shall not include the teacher's duty-free lunch period, the time teachers are
10 required to be at school prior to the start of the student's instructional day, or the
11 time teachers are required to remain at school after the students are dismissed.

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

24 (5) Teachers shall be provided additional time for nonteaching activities. The
25 nonteaching time shall be used to provide teachers opportunities for professional
26 development activities as provided in KRS 156.095, instructional planning, school-
27 based decision making as provided in KRS 160.345, curriculum development, and

1 outreach activities involving their students' families and the community.

2 (6) Character education programs and activities shall be considered valuable and

3 legitimate components of the actual school work constituting a school day under

4 subsection (4) of this section.

5 ➔Section 6. This Act takes effect July 1, 2027.