

1       AN ACT relating to teacher professional development.

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

3           ➔Section 1. KRS 158.070 is amended to read as follows:

4       (1) As used in this section:

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

6           (b) "Minimum school term" or "school term" means not less than one hundred  
7           eighty-five (185) days composed of the student attendance days, teacher  
8           professional days, and holidays;

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

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

14           1. One (1) school district principal;

15           2. One (1) school district office administrator other than the  
16           superintendent;

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

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

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

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

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

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

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

27          (f) "Student instructional year" means at least one thousand sixty-two (1,062)

1                   hours of instructional time for students delivered on not less than one hundred  
2                   seventy (170) student attendance days;

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

6                   (h) "Variable student instructional year" means at least one thousand sixty-two  
7                   (1,062) hours of instructional time delivered on the number of student  
8                   attendance days adopted by a local board of education which shall be  
9                   considered proportionally equivalent to one hundred seventy (170) student  
10                  attendance days and calendar days for the purposes of a student instructional  
11                  year, employment contracts that are based on the school term, service credit  
12                  under KRS 161.500, and funding under KRS 157.350.

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

16                  (b) The school district calendar committee, after seeking feedback from school  
17                  district employees, parents, and community members, shall recommend  
18                  school calendar options to the local school district superintendent for  
19                  presentation to the local board of education. The committee's  
20                  recommendations shall comply with state laws and regulations and consider  
21                  the economic impact of the school calendar on the community and the state.

22                  (c) Prior to adopting a school calendar, the local board of education shall hear for  
23                  discussion the school district calendar committee's recommendations and the  
24                  recommendation of the superintendent at a meeting of the local board of  
25                  education.

26                  (d) During a subsequent meeting of the local board of education, the local board  
27                  shall adopt a school calendar for the upcoming school year that establishes the

1                   opening and closing dates of the school term, beginning and ending dates of  
2                   each school month, student attendance days, and days on which schools shall  
3                   be dismissed. The local board may schedule days for breaks in the school  
4                   calendar that shall not be counted as a part of the minimum school term.

5                   (e) For local board of education meetings described in paragraphs (c) and (d) of  
6                   this subsection, if the meeting is a regular meeting, notice shall be given to  
7                   media outlets that have requests on file to be notified of special meetings  
8                   stating the date of the regular meeting and that one (1) of the items to be  
9                   considered in the regular meeting will be the school calendar. The notice shall  
10                  be sent at least twenty-four (24) hours before the regular meeting. This  
11                  requirement shall not be deemed to make any requirements or limitations  
12                  relating to special meetings applicable to the regular meeting.

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

21                  (3) (a) Each local board of education shall use four (4) days of the minimum school  
22                  term for professional development and collegial planning activities for the  
23                  professional staff without the presence of students pursuant to the  
24                  requirements of KRS 156.095. At the discretion of the superintendent, one (1)  
25                  day of professional development may be used for district-wide activities and  
26                  for training that is mandated by federal or state law. The use of three (3) days  
27                  shall be planned by each school council, except that the district is encouraged

1 to provide technical assistance and leadership to school councils to maximize  
2 existing resources and to encourage shared planning.

3 (b) **A teacher or other certified personnel within a school required to participate**  
4 **in professional development activities outside the days scheduled in the**  
5 **school calendar or the regularly scheduled hours in the school work day**  
6 **shall be compensated at no less than the hourly equivalent of his or her rate**  
7 **of pay.**

8 (c) 1. A local board may approve a school's flexible professional development  
9 plan that permits teachers or other certified personnel within a school to  
10 participate in professional development activities outside the days  
11 scheduled in the school calendar or the regularly scheduled hours in the  
12 school work day and receive credit towards the four (4) day professional  
13 development requirement within the minimum one hundred eighty-five  
14 (185) days that a teacher shall be employed.  
15 2. A flexible schedule option shall be reflected in the school's professional  
16 development component within the school improvement plan and  
17 approved by the local board. Credit for approved professional  
18 development activities may be accumulated in periods of time other than  
19 full day segments.  
20 3. No teacher or administrator shall be permitted to count participation in a  
21 professional development activity under the flexible schedule option  
22 unless the activity is related to the teacher's classroom assignment and  
23 content area, or the administrator's job requirements, or is required by  
24 the school improvement plan, or is tied to the teacher's or the  
25 administrator's individual growth plan. The supervisor shall give prior  
26 approval and shall monitor compliance with the requirements of this  
27 paragraph. In the case of teachers, a professional development

1 committee or the school council by council policy may be responsible  
2 for reviewing requests for approval.

8        **(f)(e)**    Each local board may close schools for the number of days deemed  
9                    necessary for:

1. National or state emergency or mourning when proclaimed by the President of the United States or the Governor of the Commonwealth of Kentucky;
2. Local emergency which would endanger the health or safety of children; and
3. Mourning when so designated by the local board of education and approved by the Kentucky Board of Education upon recommendation of the commissioner of education.

18 (4) (a) The Kentucky Board of Education, upon recommendation of the  
19 commissioner of education, shall adopt administrative regulations governing  
20 the use of student attendance days as a result of a local emergency, as  
21 described in subsection (3)(f)2.~~[(3)(e)2.]~~ of this section, and regulations  
22 setting forth the guidelines and procedures to be observed for the approval of  
23 waivers from the requirements of a student instructional year in subsection  
24 (1)(f) of this section for districts that wish to adopt innovative instructional  
25 calendars, or for circumstances that would create extreme hardship.

26 (b) If a local board of education amends its school calendar after its adoption due  
27 to an emergency, it may lengthen or shorten any remaining student attendance

1           days by thirty (30) minutes or more, as it deems necessary, provided the  
2           amended calendar complies with the requirements of a student instructional  
3           year in subsection (1)(f) of this section or a variable student instructional year  
4           in subsection (1)(h) of this section. No student attendance day shall contain  
5           more than seven (7) hours of instructional time unless the district submitted  
6           and received approval from the commissioner of education for an innovative  
7           alternative calendar.

8       (5) (a) 1. In setting the school calendar, school may be closed for two (2)  
9           consecutive days for the purpose of permitting professional school  
10           employees to attend statewide professional meetings.  
11           2. These two (2) days for statewide professional meetings may be  
12           scheduled to begin with the first Thursday after Easter, or upon request  
13           of the statewide professional education association having the largest  
14           paid membership, the commissioner of education may designate  
15           alternate dates.  
16           3. If schools are scheduled to operate during days designated for the  
17           statewide professional meeting, the school district shall permit  
18           employees who are delegates to attend as compensated professional  
19           leave time and shall employ substitute teachers in their absence.  
20           4. The commissioner of education shall designate one (1) additional day  
21           during the school year when schools may be closed to permit  
22           professional school employees to participate in regional or district  
23           professional meetings.  
24           5. These three (3) days so designated for attendance at professional  
25           meetings may be counted as a part of the minimum school term.  
26       (b) If any school in a district is used as a voting place pursuant to KRS 117.065,  
27           the school district may be closed on the days of the election, and those days

1                   may be used for professional development activities, professional meetings, or  
2                   parent-teacher conferences.

3                   (c) All schools shall be closed on the third Monday of January in observance of  
4                   the birthday of Martin Luther King, Jr. Districts may:

5                   1. Designate the day as one (1) of the four (4) holidays permitted under  
6                   subsection (3)(d)~~(3)(e)~~ of this section; or

7                   2. Not include the day in the minimum school term specified in subsection  
8                   (1) of this section.

9                   (6) (a) The Kentucky Board of Education, or the organization or agency designated  
10                   by the board to manage interscholastic athletics, shall be encouraged to  
11                   schedule athletic competitions outside the regularly scheduled student  
12                   attendance day.

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

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

24                   (7) Schools shall provide continuing education for those students who are determined  
25                   to need additional time to achieve the outcomes defined in KRS 158.6451, and  
26                   schools shall not be limited to the minimum school term in providing this  
27                   education. Continuing education time may include extended days, extended weeks,

1 or extended years. A local board of education may adopt a policy requiring its  
2 students to participate in continuing education. The local policy shall set out the  
3 conditions under which attendance will be required and any exceptions which are  
4 provided. The Kentucky Board of Education shall promulgate administrative  
5 regulations establishing criteria for the allotment of grants to local school districts  
6 and shall include criteria by which the commissioner of education may approve a  
7 district's request for a waiver under KRS 156.161 to use an alternative service  
8 delivery option, including providing services during the student attendance day on a  
9 limited basis. These grants shall be allotted to school districts to provide  
10 instructional programs for pupils who are identified as needing additional time to  
11 achieve the outcomes defined in KRS 158.6451. A school district that has a school  
12 operating a model early reading program under KRS 158.792 may use a portion of  
13 its grant money as part of the matching funds to provide individualized or small  
14 group reading instruction to qualified students outside of the regular classroom  
15 during the student attendance day.

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

1       compliance with administrative regulations promulgated by the Kentucky Board of  
2       Education.

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

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

8           (b) Reporting requirements for districts approved for the program, which may  
9        include but are not limited to examples of student work, lesson plans, teacher  
10       work logs, and student and teacher participation on nontraditional instruction  
11       days. Documentation to support the use of nontraditional instruction days  
12       shall include clear evidence of learning continuation;

13           (c) Timelines for initial approval as a nontraditional instruction district, length of  
14        approval, the renewal process, and ongoing evaluative procedures required of  
15       the district;

16           (d) Reporting and oversight responsibilities of the district and the Kentucky  
17        Department of Education, including the documentation required to show clear  
18       evidence of learning continuation during nontraditional instruction days; and

19           (e) Other components deemed necessary to implement this section.

20       (10) Notwithstanding the provisions of KRS 158.060(4) and the provisions of subsection  
21       (2) of this section, a school district shall arrange bus schedules so that all buses  
22       arrive in sufficient time to provide breakfast prior to the beginning of the student  
23       attendance day. The superintendent of a school district that participates in the  
24       Federal School Breakfast Program may also authorize up to fifteen (15) minutes of  
25       the student attendance day to provide the opportunity for children to eat breakfast  
26       during instructional time.

27       (11) Notwithstanding any other statute to the contrary, the following provisions shall

1 apply to a school district that misses student attendance days due to emergencies,  
2 including weather-related emergencies:

3 (a) A certified school employee shall be considered to have fulfilled the  
4 minimum one hundred eighty-five (185) day contract with a school district  
5 under KRS 157.350 and shall be given credit for the purpose of calculating  
6 service credit for retirement under KRS 161.500 for certified school personnel  
7 if:

8 1. State and local requirements under this section are met regarding the  
9 equivalent of the number and length of student attendance days, teacher  
10 professional days, professional development days, holidays, and days  
11 for planning activities without the presence of students; and  
12 2. The provisions of the district's school calendar to make up student  
13 attendance days missed due to any emergency, as approved by the  
14 Kentucky Department of Education when required, including but not  
15 limited to a provision for additional instructional time per day, are met.

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

19 1. The employee works for a school district with a school calendar  
20 approved by the Kentucky Department of Education that contains a  
21 provision that additional instructional time per day shall be used to make  
22 up full days missed due to an emergency;  
23 2. The employee's contract requires a minimum six (6) hour work day; and  
24 3. The employee's job responsibilities and work day are extended when the  
25 instructional time is extended for the purposes of making up time.

26 (c) Classified employees who are regularly scheduled to work less than six (6)  
27 hours per day and who do not have additional work responsibilities as a result

1           of lengthened student attendance days shall be excluded from the provisions  
2           of this subsection. These employees may be assigned additional work  
3           responsibilities to make up service credit under KRS 78.615 that would be  
4           lost due to lengthened student attendance days.