

1 AN ACT relating to education.

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

3 ➔Section 1. KRS 156.161 is amended to read as follows:

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

14 statute or administrative regulation:

- 15 (a) Relating to health and safety, including required criminal background checks
16 for staff and volunteers specified in KRS 160.380 and 161.148;
- 17 (b) Relating to civil rights;
- 18 (c) Required by federal law;
- 19 (d) Relating to compulsory attendance requirements under KRS 158.030 and
20 158.100, or the recording of data necessary for participation in the fund to
21 support education excellence in Kentucky;
- 22 (e) Establishing certification requirements for teachers in core academic areas,
23 except a waiver may authorize up to twenty-five percent (25%) of the
24 teaching staff of a school may be employed without teacher certification if the
25 individual possesses a baccalaureate or graduate degree in the subject the
26 individual is hired to teach;
- 27 (f) Requiring students' participation in state assessment of student performance as

- 1 required under KRS 158.6453;
- 2 (g) Financial audits, audit procedures, and audit requirements under KRS
- 3 156.265;
- 4 (h) Open records and open meeting requirements under KRS Chapter 61;
- 5 (i) Purchasing requirements and limitations under KRS Chapter 45A and KRS
- 6 156.074 and 156.480; or
- 7 (j) Requiring instructional time that is at least equivalent to the student
- 8 instructional year specified in KRS 158.070.
- 9 (2) A waiver request under subsection (1) of this section shall:
- 10 (a) Identify the specific statutes and administrative regulations for which the local
- 11 board is seeking a waiver;
- 12 (b) Specify the schools or programs within the district to which the waiver shall
- 13 apply;
- 14 (c) Explain how the waiver for the schools or programs of each specific statute or
- 15 administrative regulation will improve operations or student academic
- 16 achievement; and
- 17 (d) Include any evidence the district wishes to submit to support the request.
- 18 (3) Upon the majority vote of a local board approving a waiver request, the
- 19 superintendent of the district shall submit the waiver request to the state board. The
- 20 state board shall consider the waiver of each statute or administrative regulation
- 21 included in the request at ~~a[the next]~~ regularly scheduled meeting **occurring no**
- 22 **later than forty-five (45) calendar days** after submission and shall either approve or
- 23 deny the request. In considering approval for each statute or administrative
- 24 regulation identified in a waiver request, the state board shall grant the request if it
- 25 demonstrates that the waiver is more likely than not:
- 26 (a) To improve that school's or program's operation without hindering student
- 27 academic achievement; or

- 1 (b) To improve student academic achievement at that school or program.
- 2 (4) In submitting a waiver request under subsection (3) of this section, a local board
3 may seek to identify the school or program that is the subject of the request as a
4 school of innovation. In addition to any other waivers granted for the school or
5 program, a school of innovation shall be granted a waiver from all statutes and
6 administrative regulations that would prevent the district from entering into an
7 agreement with an education service provider to assist in the management and
8 operation of the school or program. The state board shall approve the school of
9 innovation request if the request demonstrates that identification as a school of
10 innovation is more likely than not to improve either that school's or program's
11 operation or student academic achievement.
- 12 (5) A local board whose request to waive a statute or administrative regulation under
13 subsection (3) or (4) of this section was denied may amend the original request for
14 reconsideration at the state board's next regularly scheduled meeting. A local board
15 may request assistance from the Kentucky Department of Education in the
16 development of the local board's waiver request or an amendment.
- 17 (6) A local board may seek to amend a previously approved waiver request by
18 submitting the amendment for approval by the state board under the same
19 procedures as the original request.
- 20 (7) A local board that is granted a waiver under subsection (3) or (4) of this section
21 may submit a request to renew the waiver to the state board. A renewal request shall
22 be submitted no earlier than six (6) months prior to that waiver's expiration. The
23 renewal request shall include evidence of the operational improvement of the
24 school or program that is subject to the waiver, the academic achievement of the
25 students enrolled in the schools or program, comparisons of those students with
26 similar students across the state, and any other evidence of the waiver's benefit to
27 student academic achievement. If the state board finds that the waiver has had a

1 positive impact on the school's or program's operation or the academic achievement
2 of students, then the renewal request shall be approved. An approved renewal
3 request shall extend the waiver for an additional three (3) school years. **A waiver**
4 **related to school district facility projects, as identified in subsection (1) of this**
5 **section, shall not expire unless the state board specifically provides for expiration**
6 **when granting the waiver.**

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

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

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

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:

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

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 a temporary~~[an]~~ exemption from the Kentucky Department~~[Board]~~
24 of Education when unusual circumstances warrant an increased class size for
25 an individual class. A request for a temporary~~[an]~~ exemption shall include
26 specific reasons for the increased class size with a plan for reducing the class
27 size prior to the beginning of the next school year. The Kentucky Board of

1 Education shall review all temporary exemptions within forty-five (45)
2 business days and revoke the temporary exemption or approve an exemption
3 for the remainder of the school year. A district shall not receive~~[in]~~ any
4 temporary or state board approved~~[one (1) year]~~ exemptions for more classes
5 than enroll twenty percent (20%) of the pupils in the primary grades and
6 grades four (4) through eight (8).

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

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

24 (7) If a local school district, through its admission and release committee, determines
25 that an appropriate program in the least restrictive environment for a particular child
26 with a disability includes either part-time or full-time enrollment with a private
27 school or agency within the state or a public or private agency in another state, the

1 school district shall count as average daily attendance in a public school the time
2 that the child is in attendance at the school or agency, contingent upon approval by
3 the commissioner of education.

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

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

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

26 (11) If the percentage of attendance of any school district shall have been reduced more
27 than two percent (2%) during the previous school year, the program funding

1 allotted the district for the current school year shall be increased by the difference in
2 the percentage of attendance for the two (2) years immediately prior to the current
3 school year less two percent (2%).

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

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

1 executed.

2 (13) (a) In allotting program funds for home and hospital instruction, statewide
3 guaranteed base funding, excluding the capital outlay, shall be allotted for
4 each child in average daily attendance in the prior school year who has been
5 properly identified according to Kentucky Board of Education administrative
6 regulations. Attendance shall be calculated pursuant to KRS 157.270 and shall
7 be reported monthly on forms provided by the Department of Education; and
8 (b) Pursuant to administrative regulations of the Kentucky Board of Education,
9 local school districts shall be reimbursed for home and hospital instruction for
10 pupils unable to attend regular school sessions because of short-term health
11 impairments. A reimbursement formula shall be established by administrative
12 regulations to include such factors as a reasonable per hour, per child
13 allotment for teacher instructional time, with a maximum number of funded
14 hours per week, a reasonable allotment for teaching supplies and equipment,
15 and a reasonable allotment for travel expenses to and from instructional
16 assignments, but the formula shall not include an allotment for capital outlay.
17 Attendance shall be calculated pursuant to KRS 157.270 and shall be reported
18 annually on forms provided by the Department of Education.

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

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

27 (16) During a fiscal year, a school district may request that the Department of Education

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

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

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

20 ➔Section 3. KRS 156.029 is amended to read as follows:

21 (1) There is hereby established a Kentucky Board of Education, which shall consist of
22 eleven (11) voting members appointed by the Governor and confirmed by the
23 Senate of the General Assembly, with the president of the Council on
24 Postsecondary Education and the secretary of the Education and Labor Cabinet
25 serving as ex officio nonvoting members, and an active public elementary or
26 secondary school teacher and a public high school student appointed by the board
27 as described in subsection ~~(4)~~~~(3)~~ of this section serving as nonvoting members.

1 Seven (7) voting members shall represent each of the Supreme Court districts as
2 established by KRS 21A.010, and four (4) voting members shall represent the state
3 at large. Each of the voting members shall serve for a four (4) year term, except the
4 initial appointments shall be as follows: the seven (7) members representing
5 Supreme Court districts shall serve a term which shall expire on April 14, 1994; and
6 the four (4) at-large members shall serve a term which shall expire on April 14,
7 1992. Subsequent appointments shall be submitted to the Senate for confirmation in
8 accordance with KRS 11.160.

9 (2) Appointments of the voting members shall be made without reference to
10 occupation. No voting member at the time of his or her appointment or during the
11 term of his or her service shall be engaged as a professional educator. Beginning
12 with voting members appointed on or after June 29, 2021, appointments to the
13 group of members representing Supreme Court districts and to the group of at-large
14 members, respectively, shall reflect equal representation of the two (2) sexes,
15 inasmuch as possible; reflect no less than proportional representation of the two (2)
16 leading political parties of the Commonwealth based on the state's voter registration
17 and the political affiliation of each appointee as of December 31 of the year
18 preceding the date of his or her appointment; and reflect the minority racial
19 composition of the Commonwealth based on the total minority racial population
20 using the most recent census or estimate data from the United States Census
21 Bureau. If the determination of proportional minority representation does not result
22 in a whole number of minority members, it shall be rounded up to the next whole
23 number. A particular political affiliation shall not be a prerequisite to appointment
24 to the board generally; however, if any person is appointed to the board that does
25 not represent either of the two (2) leading political parties of the Commonwealth,
26 the proportional representation by political affiliation requirement shall be
27 determined and satisfied based on the total number of members on the board less

- 1 any members not affiliated with either of the two (2) leading political parties.
- 2 Pursuant to KRS 63.080, a member shall not be removed except for cause or,
- 3 beginning with voting members appointed on or after June 29, 2021, in accordance
- 4 with KRS 63.080(3). Notwithstanding KRS 12.028, the board shall not be subject to
- 5 reorganization by the Governor.
- 6 (3) Ex officio and other nonvoting members shall not be represented by proxy at any
- 7 meeting of the board.
- 8 (4) The nonvoting teacher and student members shall be selected by the board from the
- 9 state's seven (7) Supreme Court~~[six (6) congressional]~~ districts on a rotating basis
- 10 from different districts. The public high school student shall be classified as a
- 11 sophomore~~[junior]~~ at the time of appointment. The teacher and student members
- 12 shall serve for a one (1) year term~~[, except the initial appointments shall serve a~~
- 13 ~~term which shall expire on April 14, 2022]~~. The board shall promulgate an
- 14 administrative regulation establishing the process for selecting the nonvoting
- 15 teacher and student members.
- 16 (5) A vacancy in the voting membership of the board shall be filled by the Governor
- 17 for the unexpired term with the consent of the Senate. In the event that the General
- 18 Assembly is not in session at the time of the appointment, the consent of the Senate
- 19 shall be obtained during the time the General Assembly next convenes.
- 20 (6) At the first regular meeting of the board in each fiscal year, a chairperson shall be
- 21 elected from its voting membership.
- 22 (7) The members shall be reimbursed for actual and necessary expenses incurred in the
- 23 performance of their duties.
- 24 (8) The commissioner of education shall serve as the executive secretary to the board.
- 25 (9) The primary function of the board shall be to develop and adopt policies and
- 26 administrative regulations, with the advice of the Local Superintendents Advisory
- 27 Council, by which the Department of Education shall be governed in planning,

1 coordinating, administering, supervising, operating, and evaluating the educational
2 programs, services, and activities within the Department of Education which are
3 within the jurisdiction of the board.

4 ➔Section 4. KRS 161.028 is amended to read as follows:

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

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

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

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

- 1 during the preparation as well as the induction of new teachers;
- 2 7. The diversity of faculty;
- 3 8. The effectiveness of partnerships with local school districts; and
- 4 9. The performance of graduates on various measures as determined by the
- 5 board;
- 6 (c) Conduct an annual review of diversity in teacher preparation programs;
- 7 (d) Provide assistance to universities and colleges in addressing diversity, which
- 8 may include researching successful strategies and disseminating the
- 9 information, encouraging the development of nontraditional avenues of
- 10 recruitment and providing incentives, waiving administrative regulations
- 11 when needed, and other assistance as deemed necessary;
- 12 (e) Discontinue approval of programs that do not meet standards or whose
- 13 graduates do not perform according to criteria set by the board;
- 14 (f) Issue, renew, revoke, suspend, or refuse to issue or renew; impose
- 15 probationary or supervisory conditions upon; issue a written reprimand or
- 16 admonishment; or any combination of actions regarding any certificate;
- 17 (g) Develop specific guidelines to follow upon receipt of an allegation of sexual
- 18 misconduct by an employee certified by the Education Professional Standards
- 19 Board. The guidelines shall include investigation, inquiry, and hearing
- 20 procedures which ensure the process does not revictimize the alleged victim
- 21 or cause harm if an employee is falsely accused;
- 22 (h) Receive, along with investigators hired by the Education Professional
- 23 Standards Board, training on the dynamics of sexual misconduct of
- 24 professionals, including the nature of this abuse of authority, characteristics of
- 25 the offender, the impact on the victim, the possibility and the impact of false
- 26 accusations, investigative procedures in sex offense cases, and effective
- 27 intervention with victims and offenders;

- 1 (i) Recommend to the Kentucky Board of Education the essential data elements
2 relating to teacher preparation and certification, teacher supply and demand,
3 teacher attrition, teacher diversity, and employment trends to be included in a
4 state comprehensive data and information system and periodically report data
5 to the appropriate Interim Joint Committee on Education;
- 6 (j) Submit reports to the Governor and the Legislative Research Commission and
7 inform the public on the status of teaching in Kentucky;
- 8 (k) Devise a credentialing system that provides alternative routes to gaining
9 certification and greater flexibility in staffing local schools while maintaining
10 standards for teacher competence;
- 11 (l) Develop a professional code of ethics;
- 12 (m) Charge reasonable fees for the issuance, reissuance, and renewal of
13 certificates that are established by administrative regulation. The proceeds
14 shall be used to meet a portion of the costs of the issuance, reissuance, and
15 renewal of certificates, costs for the operation and maintenance of the
16 Kentucky Educator Placement Service System under KRS 160.152, and the
17 costs associated with disciplinary action against a certificate holder under
18 KRS 161.120;
- 19 (n) Waive a requirement that may be established in an administrative regulation
20 promulgated by the board. A request for a waiver shall be submitted to the
21 board, in writing, by an applicant for certification, a postsecondary institution,
22 or a superintendent of a local school district, with appropriate justification for
23 the waiver. The board may approve the request if the person or institution
24 seeking the waiver has demonstrated extraordinary circumstances justifying
25 the waiver. Any waiver granted under this subsection shall be subject to
26 revocation if the person or institution falsifies information or subsequently
27 fails to meet the intent of the waiver;

- 1 (o) Promote the development of one (1) or more innovative, nontraditional or
2 alternative administrator or teacher preparation programs through public or
3 private colleges or universities, private contractors, the Department of
4 Education, or the Kentucky Commonwealth Virtual University and waive
5 administrative regulations if needed in order to implement the program;
- 6 (p) Grant approval, if appropriate, of a university's request for an alternative
7 program that enrolls an administrator candidate in a postbaccalaureate
8 administrator preparation program concurrently with employment as an
9 assistant principal, principal, assistant superintendent, or superintendent in a
10 local school district. An administrator candidate in the alternative program
11 shall be granted a temporary provisional certificate and shall be a candidate in
12 the Kentucky Principal Internship Program, notwithstanding provisions of
13 KRS 161.030, or the Superintendent's Assessment process, notwithstanding
14 provisions of KRS 156.111, as appropriate. The temporary certificate shall be
15 valid for a maximum of two (2) years, and shall be contingent upon the
16 candidate's continued enrollment in the preparation program and compliance
17 with all requirements established by the board. A professional certificate shall
18 be issued upon the candidate's successful completion of the program,
19 internship requirements, and assessments as required by the board;
- 20 (q) Employ consultants as needed;
- 21 (r) Enter into contracts. Disbursements to professional educators who receive less
22 than one thousand dollars (\$1,000) in compensation per fiscal year from the
23 board for serving on an assessment validation panel or as a test scorer or
24 proctor shall not be subject to KRS 45A.690 to 45A.725;
- 25 (s) Sponsor studies, conduct research, conduct conferences, and publish
26 information as appropriate; and
- 27 (t) Issue orders as necessary in any administrative action before the board.

- 1 (2) (a) The board shall be composed of seventeen (17) members. The secretary of the
2 Education and Labor Cabinet and the president of the Council on
3 Postsecondary Education, or their designees, shall serve as ex officio voting
4 members. The Governor shall make the following fifteen (15) appointments:
- 5 1. Nine (9) members who shall be teachers representative of elementary,
6 middle or junior high, secondary, special education, and secondary
7 vocational classrooms;
 - 8 2. Two (2) members who shall be school administrators, one (1) of whom
9 shall be a school principal;
 - 10 3. One (1) member representative of local boards of education; and
 - 11 4. Three (3) members representative of postsecondary institutions, two (2)
12 of whom shall be deans of colleges of education at public universities
13 and one (1) of whom shall be the chief academic officer or head of an
14 educator preparation program of an independent not-for-profit college or
15 university.
- 16 (b) The members appointed by the Governor shall be confirmed by the Senate
17 under KRS 11.160. If the General Assembly is not in session at the time of the
18 appointment, persons appointed shall serve prior to confirmation, but the
19 Governor shall seek the consent of the Senate at the next regular session or at
20 an intervening extraordinary session if the matter is included in the call of the
21 General Assembly.
- 22 (c) Each appointed member shall serve a three (3) year term. A vacancy on the
23 board shall be filled in the same manner as the original appointment within
24 sixty (60) days after it occurs. A member shall continue to serve until his or
25 her successor is named. Any member who, through change of employment
26 status or residence, or for other reasons, no longer meets the criteria for the
27 position to which he or she was appointed shall no longer be eligible to serve

1 in that position.

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

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

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

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

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

19 ➔Section 5. KRS 156.160 is amended to read as follows:

20 (1) With the advice of the Local Superintendents Advisory Council, the Kentucky
21 Board of Education shall promulgate administrative regulations establishing
22 standards which school districts shall meet in student, program, service, and
23 operational performance. These regulations shall comply with the expected
24 outcomes for students and schools set forth in KRS 158.6451. Administrative
25 regulations shall be promulgated for the following:

26 (a) Courses of study for the different grades and kinds of common schools
27 identifying the common curriculum content directly tied to the goals,

1 outcomes, and assessment strategies developed under KRS 158.645,
2 158.6451, and 158.6453 and distributed to local school districts and schools.

3 The administrative regulations shall provide that:

- 4 1. If a school offers American sign language, the course shall be accepted
5 as meeting the foreign language requirements in common schools
6 notwithstanding other provisions of law;
- 7 2. If a school offers the Reserve Officers Training Corps program, the
8 course shall be accepted as meeting the physical education requirement
9 for high school graduation notwithstanding other provisions of law;
- 10 3. Every public middle and high school's curriculum shall include
11 instruction on the Holocaust and other cases of genocide, as defined by
12 the United Nations Convention on the Prevention and Punishment of the
13 Crime of Genocide, that a court of competent jurisdiction, whether a
14 court in the United States or the International Court of Justice, has
15 determined to have been committed by applying rigorous standards of
16 due process; and
- 17 4. Beginning in the 2025-2026 school year, cursive writing shall be
18 included as a course of study in all elementary schools and shall be
19 designed to ensure proficiency in cursive writing by the end of grade
20 five (5);

21 (b) Courses of study or educational experiences available to students in all middle
22 and high schools to fulfill the prerequisites for courses in advanced science
23 and mathematics as defined in KRS 158.845;

24 (c) The acquisition and use of educational equipment for the schools as
25 recommended by the Kentucky Department of Education~~[Council for~~
26 ~~Education Technology]~~;

27 (d) The minimum requirements for high school graduation in light of the

1 expected outcomes for students and schools set forth in KRS 158.6451. The
2 minimum requirements shall not include achieving any postsecondary
3 readiness indicator as described in KRS 158.6455 or any minimum score on a
4 statewide assessment administered under KRS 158.6453. Student scores from
5 any assessment administered under KRS 158.6453 that are determined by the
6 department's technical advisory committee to be valid and reliable at the
7 individual level shall be included on the student transcript. The department's
8 technical advisory committee shall submit its determination to the
9 commissioner of education and the Legislative Research Commission;

10 (e) The requirements for an alternative high school diploma for students with
11 disabilities whose individualized education program indicates that, in
12 accordance with 20 U.S.C. sec. 1414(d)(1)(A):

- 13 1. The student cannot participate in the regular statewide assessment; and
- 14 2. An appropriate alternate assessment has been selected for the student
15 based upon a modified curriculum and an individualized course of
16 study;

17 (f) Taking and keeping a school census, and the forms, blanks, and software to be
18 used in taking and keeping the census and in compiling the required reports.
19 The board shall create a statewide student identification numbering system
20 based on students' Social Security numbers. The system shall provide a
21 student identification number similar to, but distinct from, the Social Security
22 number, for each student who does not have a Social Security number or
23 whose parents or guardians choose not to disclose the Social Security number
24 for the student;

25 (g) Sanitary and protective construction of public school buildings, toilets,
26 physical equipment of school grounds, school buildings, and classrooms. With
27 respect to physical standards of sanitary and protective construction for school

1 buildings, the Kentucky Board of Education shall adopt the Uniform State
2 Building Code;

3 (h) Medical inspection, physical and health education and recreation, and other
4 regulations necessary or advisable for the protection of the physical welfare
5 and safety of the public school children. The administrative regulations shall
6 set requirements for student health standards to be met by all students in
7 grades four (4), eight (8), and twelve (12) pursuant to the outcomes described
8 in KRS 158.6451. The administrative regulations shall permit a student who
9 received a physical examination no more than six (6) months prior to his or
10 her initial admission to Head Start to substitute that physical examination for
11 the physical examination required by the Kentucky Board of Education of all
12 students upon initial admission to the public schools, if the physical
13 examination given in the Head Start program meets all the requirements of the
14 physical examinations prescribed by the Kentucky Board of Education;

15 (i) A vision examination by an optometrist or ophthalmologist that shall be
16 required by the Kentucky Board of Education. The administrative regulations
17 shall require evidence that a vision examination that meets the criteria
18 prescribed by the Kentucky Board of Education has been performed. This
19 evidence shall be submitted to the school no later than January 1 of the first
20 year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a
21 public school, public preschool, or Head Start program;

22 (j) 1. Beginning with the 2010-2011 school year, a dental screening or
23 examination by a dentist, dental hygienist, physician, registered nurse,
24 advanced practice registered nurse, or physician assistant that shall be
25 required by the Kentucky Board of Education. The administrative
26 regulations shall require evidence that a dental screening or examination
27 that meets the criteria prescribed by the Kentucky Board of Education

1 has been performed. This evidence shall be submitted to the school no
2 later than January 1 of the first year that a five (5) or six (6) year-old
3 child is enrolled in a public school.

4 2. A child shall be referred to a licensed dentist if a dental screening or
5 examination performed by anyone other than a licensed dentist identifies
6 the possibility of dental disease;

7 (k) The transportation of children to and from school;

8 (l) The fixing of holidays on which schools may be closed and special days to be
9 observed, and the pay of teachers during absence because of sickness or
10 quarantine or when the schools are closed because of quarantine;

11 (m) The preparation of budgets and salary schedules for the several school
12 districts under the management and control of the Kentucky Board of
13 Education;

14 (n) A uniform series of forms and blanks, educational and financial, including
15 forms of contracts, for use in the several school districts;

16 (o) The disposal of real and personal property owned by local boards of
17 education; and

18 (p) The development and implementation of procedures, for all students who are
19 homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do
20 the following:

21 1. Awarding and accepting of credit, including partial credit, for all
22 coursework satisfactorily completed by a student while enrolled at
23 another school;

24 2. Allowing a student who was previously enrolled in a course required for
25 graduation the opportunity, to the extent practicable, to complete the
26 course, at no cost to the student, before the beginning of the next school
27 year;

- 1 3. Awarding a diploma, at the student's request, by a district from which
2 the student transferred, if the student transfers schools at any time after
3 the completion of the student's second year of high school and the
4 student is ineligible to graduate from the district to which the student
5 transfers, but meets the graduation requirements of the district from
6 which the student transferred; and
- 7 4. Exempting the student from all coursework and other requirements
8 imposed by the local board of education that are in addition to the
9 minimum requirements for high school graduation established by the
10 Kentucky Board of Education pursuant to paragraph (d) of this
11 subsection in the district to which the student transfers, if the student
12 transfers schools at any time after the completion of the student's second
13 year of high school and the student is ineligible to graduate both from
14 the district to which the student transfers and the district from which the
15 student transferred.
- 16 (2) Any private, parochial, or church school may voluntarily comply with curriculum,
17 certification, and textbook standards established by the Kentucky Board of
18 Education and be certified upon application to the board by such schools.
- 19 (3) Any public school that violates the provisions of KRS 158.854 shall be subject to a
20 penalty to be assessed by the commissioner of education as follows:
- 21 (a) The first violation shall result in a fine of no less than one (1) week's revenue
22 from the sale of the competitive food;
- 23 (b) Subsequent violations shall result in a fine of no less than one (1) month's
24 revenue from the sale of the competitive food;
- 25 (c) "Habitual violations," which means five (5) or more violations within a six (6)
26 month period, shall result in a six (6) month ban on competitive food sales for
27 the violating school; and

1 (d) Revenue collected as a result of the fines in this subsection shall be
2 transferred to the food service fund of the local school district.

3 ➔Section 6. KRS 156.670 is amended to read as follows:

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

- 11 (a) Improve learning and teaching and the ability to meet individual students'
12 needs to increase student achievement;
- 13 (b) Improve curriculum delivery to help meet the needs for educational equity
14 across the state;
- 15 (c) Improve delivery of professional development;
- 16 (d) Improve the efficiency and productivity of administrators; and
- 17 (e) Encourage development by the private sector and acquisition by districts of
18 technologies and applications appropriate for education.

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

25 (3) The five (5) year plan shall include specific recommendations to the Kentucky
26 Board of Education for the adoption of administrative regulations to establish and
27 implement a uniform and integrated system of standards and guidelines for

1 financial accounting and reporting which shall be used by all school districts.

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

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

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

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

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

19 ➔Section 7. KRS 157.615 is amended to read as follows:

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

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

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

- 1 (3) "Bonds" or "bonds of the commission" means bonds issued by the commission, or
2 issued by a city, county, or other agency or instrumentality of the Board of
3 Education, in accordance with KRS Chapter 162, payable as to principal and
4 interest from rentals received from a board of education or from the department
5 pursuant to a lease or from contributions from the commission, and constitute
6 municipal bonds exempt from taxation under the Constitution of the
7 Commonwealth;
- 8 (4) "Department" means the State Department of Education;
- 9 (5) "District technology plan" means the plan developed by the local district and the
10 Department of Education and approved by the Kentucky Board of Education upon
11 the recommendation of the Kentucky Department of Education~~[Council for~~
12 ~~Education Technology]~~;
- 13 (6) "Equivalent tax rate" means the rate which results when the income from all taxes
14 levied by the district for school purposes is divided by the total assessed value of
15 property plus the assessment for motor vehicles certified by the Department of
16 Revenue as provided by KRS 160.470;
- 17 (7) "Kentucky Education Technology System" means the statewide system set forth in
18 the technology master plan issued by the Kentucky Board of Education with the
19 recommendation of the Kentucky Department of Education~~[Council for Education~~
20 ~~Technology]~~ and approved by the Legislative Research Commission;
- 21 (8) "Lease" or "lease instrument" means a written instrument for the leasing of one (1)
22 or more school projects executed by the commission as lessor and a board of
23 education as lessee, or executed by the commission as lessor and the department as
24 lessee, as the case may be;
- 25 (9) "Lease/purchase agreement" means a lease between the school district or the
26 department and a vendor that includes an option to purchase the technology
27 equipment or software at the end of the lease period;

- 1 (10) "Percentage discount" means the degree to which the commission will participate in
2 meeting the bond and interest redemption schedule required to amortize bonds
3 issued by the commission on behalf of a local school district;
- 4 (11) "Project" means a defined item of need to construct new facilities or to provide
5 major renovation of existing facilities which is identified on the priority schedule of
6 the approved school facilities plan;
- 7 (12) "School facilities plan" means the plan developed pursuant to the survey specified
8 by KRS 157.420 and by administrative regulations of the Kentucky Board of
9 Education;
- 10 (13) "Technology master plan" means the long-range plan for the implementation of the
11 Kentucky Education Technology System as developed by the Kentucky
12 Department of Education~~[Council for Education Technology]~~ and approved by the
13 Kentucky Board of Education and the Legislative Research Commission;
- 14 (14) "Unmet facilities need" means the total cost of new construction and major
15 renovation needs as shown by the approved school facilities plan less any available
16 local revenue;
- 17 (15) "Unmet technology need" means the total cost of technology need as shown by the
18 approved technology plan of the local district; and
- 19 (16) "Eligible district" means any local school district having an unmet facilities need, as
20 defined in this section, in excess of one hundred thousand dollars (\$100,000) or a
21 district qualifying for education technology funding.

22 ➔Section 8. KRS 157.655 is amended to read as follows:

- 23 (1) To participate in the education technology funding program, a local public school
24 district shall have an unmet technology need described in its local district
25 technology plan and approved by the Kentucky Board of Education pursuant to its
26 technology master plan, and shall match equally the amount of funds offered by the
27 School Facilities Construction Commission for this purpose each biennium, except

1 as provided in subsection (2) of this section~~[- Technology approved for the~~
2 ~~Kentucky Education Technology System and included in the local district~~
3 ~~technology plan, which was acquired prior to April 3, 1992, and for which the~~
4 ~~district has an outstanding financial obligation, shall qualify for commission~~
5 ~~funding. This provision shall not apply to any purchases or contracts made between~~
6 ~~April 3, 1992, and the first offers of assistance recommended by the Council for~~
7 ~~Education Technology to the State Board for Elementary and Secondary~~
8 ~~Education].~~

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

12 ~~(3)~~ If a local board of education determines that for any reason the district's approved
13 technology plan is grossly inconsistent with the administrative regulations
14 governing the development of the plan, the local board may certify, by official
15 action, the reason for the inconsistency and may request that the Department of
16 Education reevaluate the technology plan of the district. After review of the data,
17 the chief state school officer may require a reevaluation and the approval of a new
18 technology plan certified prior to an official offer from the School Facilities
19 Construction Commission. If the chief state school officer elects to recommend the
20 new technology plan to the Kentucky Board of Education, the board shall notify the
21 School Facilities Construction Commission of any change required in the offer of
22 assistance for the district.

23 ➔Section 9. KRS 156.802 is amended to read as follows:

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

- 1 (2) The commissioner of education may appoint an assistant, pursuant to KRS 156.010,
2 and delegate authority to the assistant regarding the Office of Career and Technical
3 Education.
- 4 (3) The Department of Education shall have the responsibility for all administrative
5 functions of the state in relation to the management, control, and operation of:
- 6 (a) State-operated secondary area vocational education and technology centers.
7 When appropriate, the Department of Education shall provide education
8 training programs through contracts with private business and industries.
9 These programs may be on a shared cost basis or on a total cost recovery
10 basis; and
- 11 (b) The Carol Martin Gatton Kentucky FFA Leadership Training Center
12 located in Hardinsburg, Kentucky.
- 13 (4) The commissioner of education shall have the authority to enter into agreements or
14 contracts with other government or education agencies, including local school
15 districts, in order to carry out services under the office's jurisdiction.
- 16 (5) (a) Secondary area vocational education and technology centers shall be operated
17 in compliance with program standards established by the Kentucky Board of
18 Education. Principals, counselors, and teaching staff shall meet the
19 qualifications and certification standards for all secondary vocational
20 personnel as established by the Education Professional Standards Board.
- 21 (b) The Kentucky Board of Education shall be the eligible agency solely
22 designated for the purpose of developing and approving state plans required
23 by state or federal laws and regulations as prerequisites to receiving federal
24 funds for vocational-technical or technology education. The Kentucky Board
25 of Education shall involve representatives from all eligible recipient
26 categories in the development of the required plans.
- 27 (c) In accordance with 20 U.S.C. sec. 2302(12), the Kentucky Board of Education

1 is hereby designated to be the "eligible agency" that is the sole state agency
2 responsible for the administration of vocational and technical education and
3 the supervision of the administration of vocational and technical education.

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

11 (b) The Kentucky Board of Education shall delegate to the Kentucky Workforce
12 Investment Board the state leadership activities referred to in 20 U.S.C. sec.
13 2344 to be conducted in accordance with the required and permissible uses of
14 funds specified in the Carl D. Perkins Career and Technical Education Act of
15 2006 and subsequent amendments thereto. The maximum amount of funds
16 allowed by 20 U.S.C. sec. 2322(a)(2) shall be reserved and made available for
17 state leadership activities.

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

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

1 ➔Section 10. The following KRS sections are repealed:

2 156.660 Definitions.

3 156.690 Teachers' computer purchase program.

4 ➔Section 11. The nonvoting student and teacher members selected prior to the
5 effective date of this Act shall remain unaffected and serve the remainder of their terms
6 until June 30, 2027. Thereafter, the nonvoting student and teacher members shall be
7 selected in accordance with Section 3 of this Act.